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PROCEEDINGS AND DEBATES OF THE *105th* CONGRESS, FIRST SESSION

SENATE—*Sunday, November 9, 1997*

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be led by Father Paul Lavin of St. Joseph's on Capitol Hill. We are pleased to have you with us.

PRAYER

The guest Chaplain, Father Paul E. Lavin, pastor, St. Joseph's on Capitol Hill, Washington, DC, offered the following prayer:

In Psalm 86, David sings:

Teach me, Lord, your way that I may walk in your truth, single hearted and revering your name.

I will praise you with all my heart, glorify your name forever, Lord, my God.

Your love for me is great; you have rescued me from the depths of Sheol.—Psalm 86: 11–13.

Let us pray:

We stand before you, O Lord, conscious of our sinfulness but aware of Your love for us.

Come to us, remain with us, and enlighten our hearts.

Give us light and strength to know Your will, to make it our own, and to live it in our lives.

Guide us by Your wisdom, support us by Your power, keep us faithful to all that is true.

You desire justice for all: Enable us to uphold the rights of others; do not allow us to be misled by ignorance or corrupted by fear or favor.

Glory and praise to You for ever and ever. Amen

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, before I talk about today's schedule, I do want to commend a number of Senators who have been doing yeomen's work over the past 2 days. Even though we haven't had a lot of recorded votes, we have been making good progress. I remind the Senate that we did come to an agreement after actually at least 3 years of going back and forth on a bipartisan Amtrak bill, which passed on Friday on a voice vote. That now will be in conference, and I think there is even a chance that we could get an agreement on that conference report before we go out. If we don't, it will be something we should reach early agreement on in conference when we come back after the first of the year.

Also, the Senate did agree to pass a fix with regard to ISTEA, or the highway infrastructure bill, which is now before the House for their consideration.

The Senate yesterday passed by an overwhelming vote of 91 to 4 the very large and important Labor, Health and Human Services, and Education appropriations bill conference report, and just last night we reached an agreement after a lot of good work by a lot of Senators, including Senator CHAFEE, Senator ROCKEFELLER, Senator ROTH, Senator GRASSLEY, Senator CRAIG, who really did the great work in bringing the divergent parties together, Senator DEWINE and others, on the foster care-adoption issue. I think this will be, frankly, one of the things that we will be most proud of when this year is concluded. We did that last night. Once, again, after a lot of hard work and good cooperation, that passed last night on a voice vote.

Today, continued effort will be made to get an agreement in conference for the Food and Drug Administration reform bill. Probably 12 or 14 times we reached agreement and closed the conference, all to find that something was misplaced along the way or the agreement was not what others had thought it would be, and so it is still alive. I talked again to interested Senators this morning, and they will be working on it today. This, again, is something we need to do before we leave. So there is a lot happening in terms of Senators meeting; in the case of FDA reform, the House and Senate Members meeting on the conference report. I am looking forward to that agreement being reached.

Later on today, there is a good possibility that we will consider an omnibus appropriations bill to be offered by the chairman and the ranking member of the Appropriations Committee. We do not now have a fixed time agreement, and there is no certainty whether or not there will be a rollcall vote or when that would be. There is still some discussion going on with regard to that bill. But in any event, once a decision is made on that legislation, if a rollcall vote is required, Senators will be notified 1 hour prior to that first vote.

We are also continuing to work to see if we can get an agreement to move the District of Columbia appropriations bill through the Senate on a voice vote and through the House, so it can go down separately for the President's consideration to sign or veto it or to line-item veto the scholarship portion of it, which I think would be a big mistake. That still could come up either on a voice vote or perhaps a recorded vote would be required on that, as well as the omnibus appropriations bill.

In addition, the Senate could expect to consider other Legislative or Executive Calendar items. The Executive Calendar now is down to just a very few nominations. Several of them are being held at this time because of holds on other nominations. Today is the day when Senators need to consider if, in fact, they want to hold these nominations up for the remainder of the year and over into next year. We have worked very assiduously with interested Senators on both sides of the aisle. The administration tried to clear as many of these as possible, and we will do so again today.

The House of Representatives is, at this point, scheduled to consider the fast-track legislation late this afternoon or early evening. I have spoken to House leaders. There is no certainty at this time as to when that vote will occur. It looks to me like it will certainly be late afternoon or into the night. Therefore, the Senate can do nothing more really on fast track other than await the action in the House. If they should not pass the bill, then it

would be my intent, and I believe it would be agreed to by leaders on both sides of the aisle, not to go further in the Senate with fast track. If it passes, then we have to make an assessment as to how we can bring it to a conclusion in the Senate. That could be tonight, it could be Monday, or it could be something else, which I don't even want to mention at this point.

We also have the three remaining appropriations bills—Commerce, State, Justice; District of Columbia; and foreign operations. All of those still have an item or two that are in contention. We don't know whether we will move on the omnibus appropriations bill or whether the House will decide to go ahead and act on the bills separately and send them to us. But we will be working throughout the day to try to ascertain when we will get those appropriations bills and in what form.

I think then the bottom line is, we do not expect a recorded vote any time soon. Senators will be notified 1 hour in advance should a recorded vote be required this afternoon. All Senators should be aware, and they need to keep their schedules clear, so that we can perhaps still have an opportunity to conclude this year's session today or tonight.

I now ask that there be a period for the transaction of morning business——

Mr. LEAHY. Mr. President, before he does that, will the majority leader yield?

Mr. LOTT. I withhold, and I will be glad to yield, Mr. President, to the Senator from Vermont.

Mr. LEAHY. Mr. President, my friend from Mississippi has raised the issue of the appropriations bills. Senators, as he knows, have been working very, very hard on that—the distinguished chairman of the committee, Mr. STEVENS, the distinguished ranking member, Mr. BYRD, and those of us who are either ranking or chairmen of the appropriate subcommittees that are involved, in this case three key ones.

Mr. President, I note, as we have discussed privately, that there will not be a perfect piece of appropriations legislation, I say to my friend from Mississippi, from anyone's point of view. It is not precisely what he would write if he were to write it solely by himself; it is not precisely what I would write if I wrote it solely by myself, and we could say that with the other 98 men and women in this body.

At some point, when you are down to the last few hours of the session, we have to allow the committee system and the leadership system to work, where senior Members, especially of appropriations, where senior Members in both parties, in both bodies have to come together and reach an agreement, realizing that not every single Member on the left or on the right is going to like it. But you have to trust at some point some question of seniority in putting this together.

I didn't care much for the seniority system when I came here 23 years ago, but having studied it for 23 years, I understand it so much better now. I say to my friend, the majority leader, and I think he would agree with me, that in the last few days of the session, especially with appropriations, you are not going to get a bill that is going to please every single Member 100 percent, but we have to get something done because at some point you have to fish or cut bait.

I just mention that because I know the distinguished majority leader has been working as hard on this as anybody else to get us to this point.

Mr. LOTT. I have used those exact words, I might say, "fish or cut bait."

I will note again, we made tremendous progress in the past week on appropriations bills and other issues. I mentioned Amtrak, the highway bill, FDA, adoption and foster care, and I believe even on appropriations bills basically everything has been worked out but one issue. Obviously, we concluded an acceptable compromise on the Labor-HHS appropriations conference report involving the testing language.

I believe we have an agreement worked out with regard to the census language that would be incorporated in the Commerce, State, Justice appropriations bill.

I believe the two remaining issues for the year boil down to this: Can the House get the votes for fast track, since the Senate has already spoken overwhelmingly with votes of 68 and 67 for cloture motions to limit the debate so we can get to final passage, and the other one is the foreign operations bill, which includes a number of very important issues. Obviously, it involves the funds for our foreign operations; it involves the agreement with regard to how much would be paid for the U.N. arrearages; it involves the State Department authorization and reform and reorganization bill; it involves funds for the International Monetary Fund. But the one issue that is holding it all up, basically, boils down to whether or not the taxpayers' dollars will be used to promote and encourage foreign governments to encourage abortions. The bill that I thought we had agreed to provided a waiver where the President could waive that, but it would affect the funds.

It has gotten down to a very narrow issue. You are right, we are not going to come to an agreement that every Senator will agree to, but I think we are close enough on that issue that we ought to be able to reach agreement and bring the foreign operations appropriations conference report to a conclusion. And if we can get that agreement and fast track, we will have completed the year on a very high note and one that the American people, I think, will be proud of and of which we could be proud.

The taxpayers of the United States have had a pretty good year. We would like to end up with agreements on these important issues. Certainly, it won't be perfect, as the Senator has said, but we have tried compromise after compromise after compromise. So far, none of them have taken hold. But I have faith that on Sunday, we will find a way to do that. Certainly, I do think that senior Members and leaders have to step up to these challenges and get the job done.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business until the hour of 1:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

THANKING THE SENATE STAFF

Mr. LEAHY. Mr. President, I will be very brief because I see other Senators waiting to take the floor. I will note a couple of things. The distinguished majority leader has mentioned that it is Sunday. The guest Chaplain today, Father Paul Lavin of St. Joseph's Church, is my pastor when I am away from my home in Vermont, which is not often on a Sunday.

But this Sunday is extraordinary, that is, being in Washington and not in Vermont.

Father Lavin also prayed for, in the mass this morning which my wife and I attended, the Congress and the Government, and so forth, as we all do.

Sometimes we have to be careful we don't get too much of what we pray for, but I think it would probably be safe to say, as I look around at the staff and everybody else here, that they were probably praying that it would come to a conclusion.

In that respect, I note, Mr. President, as I have in other years, that while I may joke about Senators being nothing but constitutional impediments to the staff, the fact is, the U.S. Senate, the greatest parliamentary body in the world, could not exist without the extraordinarily talented men and women who work on Capitol Hill for Members on both sides of the aisle, for committees, for the Senate itself, and those who take the notes of our proceedings, to those who keep the procedures of the Senate moving.

I say a special compliment to the young men and women who come here and serve as pages, come from all over

the country and serve here as pages. I have been fortunate to have had a series of some of the most exemplary young men and women from Vermont who have served here as pages. They go through a rigorous screening process. Only the best get picked. And they go back to be the best among our citizens in our own State.

The people in this country ofttimes do not realize the extraordinary dedication of the men and women who work here who sometimes put in literally around-the-clock hours and days, who literally give of themselves more than any private industry could ever expect of anyone. And that is what makes the Senate work.

My friend from Mississippi and I were discussing earlier putting together this last-minute legislation. Well, we can make some policy decisions, but it is these people who have to then pull it together. For Foreign operations, Tim Rieser, from my staff, carries out my duties as ranking member on that. There are dozens of others on both sides that have to do this—Robin Cleveland for Senator MCCONNELL, who is the chairman of that subcommittee.

And it is the same with all the subcommittees, trying to pull these pieces together and actually have the paper. We stand up and say "aye" or "nay," but they have to have the papers on the floor in perfect condition for us to vote on them.

Then, whether it is the people in the Cloakroom, the people back at our offices, or anybody else, they also give up their family time to be here for the good of the country.

FOREIGN AID

Mr. LEAHY. Mr. President, I hope we can complete these foreign aid bills. I would also say to my friend from Mississippi, he mentioned whether we should use taxpayers' money for abortion in the foreign aid bill. There is a specific prohibition against any U.S. dollars being used for abortions abroad in the foreign aid bill.

In fact, as Senator Mark Hatfield, former chairman of the Appropriation Committee, and I pointed out on the floor earlier—he was very much a right-to-life, antiabortion Senator, consistent in that—pointed out that the family planning moneys that have gone in the foreign aid bill have dramatically decreased the number of abortions in those areas where they were used.

An example was Russia where abortion was used as a form of birth control, where we gave them family planning money and the number of abortions dropped dramatically.

So I hope that we will continue to do that and realize, while family planning is something available to most people in the United States, in a lot of other countries it is not available because of costs, because of techniques, because of training, for whatever reason. Unfortunately, in those countries ofttimes abortions are a means of family planning. So I hope that those who are against abortion would realize family planning money can help us prevent that.

NOMINATIONS

Mr. LEAHY. Then lastly, Mr. President—I will probably speak on this again this afternoon. If we go out, it means there will not be a chance to confirm a number of judges who are pending, who have been pending for a considerable period of time; one in particular, who has been voted out of our committee twice, once last year and again this year, Margaret Morrow, one of the most qualified people, man or woman, ever to be nominated to be a district court judge.

We also have what I think is the shocking situation of Bill Lann Lee, who has been subjected to some of the most scurrilous charges—charges, unfortunately, repeated even by Members of the Senate. The charges have been refuted, but need to be refuted in a hearing. We have asked for a further hearing on Bill Lann Lee just so those charges can be refuted. We have been told that we cannot have that hearing.

I renew the request. We should have it.

We talk about civil rights in this country. The civil rights of this country are determined by having strong laws and strong people to enforce those laws. I do not believe in the better natures of our souls as Americans that all of us would support the civil rights of all others simply in a vacuum. Many of us would; others do need the requirement of a law to do that.

I would like to think that I am a person who would never break into an unlocked, unguarded warehouse in the middle of the night to steal things. But we have laws and locks to prevent others who may not feel as strongly motivated to obey the commandment: "Thou shalt not steal."

By the same token, we set up laws that say: "You shall not discriminate. You shall protect the civil rights of all Americans." Those laws need to be enforced. We do not have a chief enforcer now. The President has nominated Bill Lann Lee, a most qualified person for that position.

Unfortunately, the debate on this fine nominee took a decidedly partisan turn when the Speaker of the House chose to intervene in this matter and urge the Senate Republican leader to kill this nomination. He waited until after the confirmation hearing to raise and mischaracterize a case about which no member of the Senate Judiciary Committee, Republican or Democrat, had asked a single question. Indeed, apparently unaware of the decision of his party leaders to defeat this nominee, Chairman HATCH predicted on the weekend news programs following the hearing that the nomination would be reported favorably by the Judiciary Committee but might face tough going on the Senate floor.

In his unfortunate letter, Speaker GINGRICH unfairly criticized Mr. Lee and accused him of unethical conduct. Since that letter Speaker GINGRICH's charges have been repeated over and over again. Indeed, Senator HATCH devoted an entire section of his statement last Tuesday opposing Mr. Lee to the Tipton-Whittingham case. Because of the mischaracterizations of this case and the misstatements of Mr. Lee's record and because Republican opponents are now distorting and contorting Mr. Lee's views, testimony and work, I thought it appropriate to request an opportunity for Bill Lee to respond to the false charges and impression being espoused by his opposition. I thought it only fair.

On behalf of and along with the other minority members of the Judiciary Committee, I sent Senator HATCH a letter yesterday formally requesting such a hearing. The chairman refused our request for a hearing. That is unfortunate. He explained on a Sunday talk show morning that all the questions that would be raised at an additional hearing had already been covered and implied that questions about the Tipton-Whittingham case had been asked in the extensive written questions to Mr. Lee that followed the hearing.

In fact, no Senator asked a single question about the Tipton-Whittingham case at the October 22 hearing and, although, Mr. Lee was sent page after page of written questions following the hearing, only Senator HATCH asked about the case. Unfortunately, Senator HATCH's question and its answer have been ignored by those opposing Mr. Lee. Speaker GINGRICH and others are making false charges and the nominee has been given no fair opportunity to set the record straight.

Let me explain what the Tipton-Whittingham case is about. I regret having to discuss this matter at all since it remains a pending matter in the District Court for the Central District of California. The case includes serious allegations of sexual harassment and gender and racial discrimination involving the Los Angeles Police Department arising in part from an association of officers, called "Men Against Women," which was apparently organized by former Los Angeles Police detective Mark Fuhrman.

The allegations of wrongdoing carelessly lodged against Mr. Lee are contradicted by the Republican mayor of Los Angeles, Richard Riordan, as well as the vice-president of the Los Angeles Police Commission, T. Warren Jackson, the assistant city attorney,

Robert Cramer, and the city attorney, James K. Hahn. I ask unanimous consent that their letters be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, I recall when times were different. I recall when charges were raised against Clarence Thomas and the Judiciary Committee held several days of additional hearings after that nomination had already been reported by the Judiciary Committee to the full Senate. There was a tie vote in committee on the Thomas nomination, which would not have even been reported to the Senate had we not also voted virtually unanimously, with six Democrats joining seven Republicans, to report the Thomas nomination to the floor without recommendation. Of course, ultimately the nomination of Judge Thomas to become Justice Thomas was confirmed by the Senate.

Over the last decade and one-half Republicans have pioneered and developed procedures whereby the Judiciary Committee has reported to the Senate for its consideration nominations on which the committee had come to a tie vote and even, in the case of Judge Bork's nomination to the Supreme Court, an overwhelmingly negative vote.

I recall for example the nomination of Daniel Manion which was reported to the Senate after a tie vote and was ultimately approved by the Senate. I recall, as well, the nomination of Clarence Thomas to the Supreme Court which was reported after a tie vote and ultimately approved by the Senate.

Time after time during the Reagan and Bush years the Republicans on the Judiciary Committee urged that the full Senate be permitted to decide these questions. Senator THURMOND argued in favor of reporting an executive branch nomination on which the committee had voted negatively, noting:

As long as I am a member of this Committee, I will give an opportunity, whether it is majority or minority, to send the nominations to the Senate. I think the Senate is entitled to the recommendation [of the Committee], and you made the recommendation by the vote just taken. But I think the Senate is entitled to a vote on this matter, I think the President is entitled for the Senate to vote, and I think the country is entitled for the Senate to vote. I would hope it would be sent to the Senate and let the full Senate act.

I have been one, frankly, who has not always supported such action. It took a while to bring me around. But I joined in voting to report the Thomas nomination after a tie vote.

It remains my hope that we will find a way to show Bill Lee the same fairness that we showed Clarence Thomas and allow his nomination to be debated and voted upon by the U.S. Senate. It would be ironic if, after the Senate proceeded to debate and vote on the Thomas nomination—one that included charges that he engaged in sexual harassment, the Republican leadership prevented the Senate from considering a nominee because he has worked to remedy sexual harassment and gender discrimination.

I feel confident that this nomination, the first Asian-American to head the Civil Rights Division, would be confirmed by the majority of the Senate. I believe that when the facts and record are reviewed fairly and dispassionately he will be confirmed. When the country has had an opportunity to focus on this important nomination and Senators have had a chance to consider how their constituents feel, I am confident that a positive outcome will be assured.

From all that I have seen over the past week, it appears to me that the Republican leadership is intent upon seeking to kill this nomination and determined to kill it in this committee and never give the Senate an opportunity to consider it. I do not think that it is fair or right or right for the country. We need Bill Lee's proven problem-solving abilities in these difficult times.

No one can argue that the President has sent to us a person not qualified by experience to lead the Civil Rights Division. Bill Lee's record of achievement is exemplary. He is a man of integrity and honor and when he said to this committee that quotas are illegal and wrong and that he would enforce the law, no one should have any doubt about his resolve to do what is right. The Senate should be given the opportunity to debate and vote on this outstanding nominee and then give Bill Lee the chance to serve the country and all Americans.

I think the Senate has committed a great wrong to him in blocking his nomination, that is absolutely wrong.

EXHIBIT 1

CITY OF LOS ANGELES,
OFFICE OF THE MAYOR,
Los Angeles, CA, March 20, 1997.

ERSKINE BOWLES,
Chief of Staff, Office of the President,
The White House, Washington, DC.

Re: Bill Lann Lee, Candidate for Assistant Attorney General, Civil Rights Division, United States Department of Justice.

DEAR MR. BOWLES: I am writing to support the appointment of Bill Lann Lee to the United States Department of Justice position of Assistant Attorney General, Civil Rights Division. Throughout his distinguished career as a civil rights lawyer, Mr. Lee has worked to advance the civil rights progress of the nation and of our richly diverse city of Los Angeles.

In my opinion, Bill Lee is an astute lawyer who is superbly qualified to enforce our national civil rights laws. Mr. Lee's candidacy offers the President an excellent opportunity to reaffirm his strong support of women's rights and civil rights laws.

Mr. Lee first became known to me as opposing counsel in an important civil rights case concerning poor bus riders in Los Angeles. As Mayor, I took a leading role in settling that case. The work of my opponents rarely evoke my praise, but the negotiations could not have concluded successfully without Mr. Lee's practical leadership and expertise.

I know that his expertise is the result of working twenty-two years in the "All Star" leagues of civil rights litigators. His track record is nationally renowned and speaks for itself. Beyond the many victories, what makes his work special is that he has represented clients from every background, including poor whites, women and children suffering from lead poisoning. His admirable ability to win the trust of so many communities is evident in the broad coalition of civil rights and women's rights experts who are backing his candidacy for this position.

Mr. Lee has practiced mainstream civil rights law. He does not believe in quotas. He has pursued flexible and reasonable remedies that in each case were approved by a court.

Mr. Lee is an outstanding citizen of Los Angeles. He has my enthusiastic support and strongest recommendation for the position of Assistant Attorney General for Civil Rights.

Sincerely,

RICHARD J. RIORDAN,
Mayor.

LOS ANGELES POLICE COMMISSION,
Los Angeles, CA, November 5, 1997.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: As Vice-President of the Los Angeles Police Commission, and a Governor Wilson appointee to the California Fair Employment & Housing Commission (the state's civil rights enforcement agency), please allow me to clarify the record and give my unqualified support for Bill Lann Lee to be Assistant Attorney General for Civil Rights. The clarification involves a case entitled Tipton-Whittingham, et al. v. City of Los Angeles, wherein allegations of sexual harassment and sex discrimination in the Los Angeles Police Department ("LAPD") have been asserted. This case appears to have become an issue in the nomination of Mr. Lee.

The allegations in Tipton-Whittingham, while disputed in some respects, are serious matters that the LAPD are committed to addressing. Issues of gender bias and harassment have been raised not only by these plaintiffs but also by independent and respected voices such as the Christopher Commission. The parties engaged in arms length negotiations for more than a year before a proposed partial consent decree was submitted for approval to the Los Angeles City Council and then the Court.

The proposed decree was presented to the federal magistrate only after being vetted by the Police Commission, the Mayor's office, the City Council and the City Attorney's office. While members of the Police Commission, including this Commissioner, and the Mayor's office initially objected to specific provisions of the proposed consent decree, those objections were fully heard and addressed before the decree was presented.

As you know, that proposed consent decree has not been approved by the Federal Court. In the meantime, the parties are engaged in mediation before Charles G. Bakely, Jr. in the hopes of reaching a complete settlement of the lawsuit. Hopefully, any settlement will ensure that the LAPD of the future is free of racial and gender bias and sexual harassment, and any consent decree will neither

on its face nor in operation require or induce unlawful preferences. I hasten to add, however, that the proposed partial consent decree previously submitted to the Federal Court had that same objective.

As a final matter, in my role as Assistant General Counsel for Hughes Electronics responsible for labor and employment law matters, I have opposed Mr. Lee in employment litigation. I was then and continue to be impressed by his balance, ethics, intelligence and commitment to reaching practical solutions. In my view, he would be an outstanding addition to the Department of Justice.

Should you have any questions regarding the above, please do not hesitate to call me.

Sincerely,

T. WARREN JACKSON,
Vice-President.

OFFICE OF THE CITY ATTORNEY,
Los Angeles, CA, October 29, 1997.

Hon. TRENT LOTT,
Senate Majority Leader, Washington, DC.

Re: Bill Lann Lee Confirmation.

DEAR MR. MAJORITY LEADER: As an Assistant City Attorney for the City of Los Angeles—and opposing counsel to Bill Lann Lee in recent federal civil rights litigation—I read with concern the October 27 letter to you from the Speaker of the House of Representatives. I believe the Speaker has been misinformed about many of the facts set out in that letter, and therefore the conclusions he reaches about Mr. Lee's fitness for public office, and in particular for the position of Assistant Attorney General for Civil Rights, are unwarranted.

The Speaker's letter begins by asserting that Mr. Lee "attempted to force through a consent decree mandating racial and gender preferences in the Los Angeles Police Department." This assertion is erroneous. In the course of representing the City of Los Angeles, I have for the past seventeen years monitored the City's compliance with consent decrees affecting the hiring, promotion, advancement, and assignment of sworn police officers. I have negotiated on the City's behalf two of those decrees. Of those two, Mr. Lee was opposing counsel on the first, and was associated with opposing counsel on the second. None of these decrees mandates the use of racial or gender preferences. In fact, each of them contains provisions forbidding the use of such preferences.

For the same reasons, the Speaker's statement that the use of racial and gender preferences "would have been a back-door thwarting of the will of the people of California with regard to Proposition 209 (the California Civil Rights Initiative)" is inapposite. Because the decrees with which Mr. Lee was associated do not call for racial or gender preferences, and in fact forbid them, these decrees do not violate the requirements or the intent of Proposition 209.

Of particular concern to me is the Speaker's reference to "the allegation that Mr. Lee apparently employed dubious means to try to circumscribe the will of the judge in the case." Thus allegation is wholly untrue. The case being referred to is presently in litigation in the district court. Mr. Lee was not at any time a named counsel in the case, but was associated with opposing counsel because of his involvement in the negotiation of a related consent decree. Neither Mr. Lee nor any opposing counsel attempted in any fashion to thwart the will of the judge supervising the litigation. The matter had been referred by the court to a magistrate judge appointed by the court to assist in the resolution of the case. Each counsel had advised the district judge at all points about the progress of the matter. Upon reconsideration, the district judge elected to assert direct control over the litigation. Nothing in Mr. Lee's conduct reflected any violation of the court's rules, either in fact or by appearance.

Bill Lann Lee and I have sat on opposite sides of the negotiating table over the course of several years. Although we have disagreed profoundly on many issues, I have throughout the time I have known him respected Bill's candor, his thorough preparation, his sense of ethical behavior, and his ability to bring persons holding diverse views into agreement. He would, in my view, be an outstanding public servant and a worthy addition to the Department of Justice.

Very truly yours,

ROBERT CRAMER,
Assistant City Attorney.

CITY ATTORNEY,
Los Angeles, CA, November 4, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Washington, DC.

DEAR SENATOR FEINSTEIN: As City Attorney of the City of Los Angeles I feel compelled to correct the inaccurate and defamatory allegations in the October 27th letter from Speaker Newt Gingrich about Bill Lann Lee.

The Speaker's letter charges that Mr. Lee "attempted to force through a consent decree mandatory racial and gender preferences in the Los Angeles Police Department." That assertion is wrong. Mr. Lee participated in two lawsuits against the Los Angeles Police Department several years ago that were resolved by consent decrees, but neither decree mandates the use of racial or gender preferences. In fact, each of them contains provisions forbidding the use of preferences.

What is most outrageous about Mr. Gingrich's letter is his reference to "the allegation that Mr. Lee apparently employed dubious means to try to circumscribe the will of the judge in the case." There is simply no truth to this allegation. The facts are these. This case, known as *Tipton-Whittingham*, is presently in litigation in district court. There are serious allegations of discrimination and harassment being made by the plaintiffs in this case who are women police officers in LAPD. Mr. Lee was not at any time a named counsel in the case, but was associated with opposing counsel because of his involvement in the negotiation of a related consent decree. Neither Mr. Lee nor any opposing counsel attempted in any fashion to thwart the will of the judge supervising the litigation. The matter has been referred by the court to a magistrate judge appointed by the court to assist in the resolution of the case. Each counsel had advised the district judge at all points about the progress of the matter. Upon reconsideration, the district judge elected to assert direct control over the litigation. Nothing in Mr. Lee's conduct reflected any violation of the court's rules, either in fact or by appearance.

Bill Lann Lee and I have been on opposite sides of the negotiating table over the years and we have not always agreed. Yet I respect him for his keen intellect, his profound sense of ethics, and his ability to negotiate an outcome that achieves justice and fairness.

The United States Senate should not countenance the kind of character assassination based on erroneous information that has occurred in this confirmation process. I'm glad I can help clear the record in this regard.

Bill Lann Lee is an outstanding lawyer who embodies the highest ethical traditions of that profession and will be vigilant in his defense of the Constitution and the laws of the United States. He should be confirmed as Assistant Attorney General for Civil Rights.

Very truly yours,

JAMES K. HAHN,
City Attorney.

Mr. LEAHY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOHN LUNDY

Mr. COCHRAN. Mr. President, I want to bring to the attention of the Senate the fact that one of our finest and brightest and best-liked members of staff, from the State of Mississippi, is leaving the Senate and going back to Mississippi at the end of this month to join one of the leading law firms in our State. I am talking about John Lundy, who is chief of staff for my distinguished State colleague, Senator LOTT.

John Lundy came to Washington in 1987 to work as a legislative assistant on the House side of the Capitol. He distinguished himself right away with his hard work, his ability to get along with staff members and Members of the House on both sides of the aisle, as well as work effectively with Senate staffers from our State and Members of the Senate.

He had a lot to do with the writing of the 1990 farm bill as a member of the staff of LARRY COMBEST, Congressman from Texas, who is a Member of the Agriculture Committee in the House.

John is originally from Leland, MS. He graduated from Mississippi State University in 1983 with a degree in agricultural economics. After graduation, he went to work as a research assistant at the Mississippi State University Delta Branch Agricultural Experiment Station in Stoneville, MS, near his hometown of Leland. He then worked for a while as a loan officer with a farm credit institution in the Mississippi Delta.

When he joined Senator LOTT's office, he became someone with whom I had an opportunity to work closely over the years. When Senator LOTT was elected majority leader, he made John Lundy his chief of staff. John has been one of my favorites and a good friend to me and to all of the Members of our delegation. We are going to miss him and his lovely wife, Hayley, very much, and their daughter, Eliza. They are moving to Jackson, as I indicated, toward the end of this month.

But I wanted to take this opportunity to let other Senators know

about his decision to go back to Mississippi and to congratulate him on his distinguished service here in the U.S. Senate as a member of our staff and the House of Representatives staff as well, and to wish him all of the best in his new undertaking. I am confident that he will be a tremendous success in his new association with the law firm in Jackson.

We wish him well. We will miss him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LANDMINES

Mr. LEAHY. Mr. President, in one of the newspapers I was reading this morning, there was an editorial speaking about the U.S. position in saying that they will work to lead an effort toward the demining of antipersonnel landmines around the world, an effort that is already well underway in a number of countries, which is supported partly by the United States in the millions of dollars in humanitarian demining efforts.

I agree with the President. I agree with the administration's efforts to seek more money for demining.

We have so many millions of landmines in the ground in 60 to 70 countries that nobody even knows how many landmines are out there. Very often the way we find out where they are is when a child or some other noncombatant steps on a landmine, touches a landmine, and is either crippled, maimed, or killed from the explosion.

We also know, whether these are $3, $4, or $5 antipersonnel landmines stuck in the ground, they can cost a considerable amount of money to take them back out depending on where they are—anywhere from an average of $100 on up to as much as $1,000 per landmine.

I agree that the United States, as the most powerful and wealthiest Nation on the Earth, should do everything possible to try to take landmines out of the ground. But I note the obvious, Mr. President. It is like trying to bail out the ocean, if you continue to put new landmines down.

Next month, in Ottawa, over 100 nations will come together to sign a treaty banning the placement and use of antipersonnel landmines. One of the most notable exceptions to the signers will be the United States of America. I think that is a bad mistake. I think if the United States wishes to have leadership and credibility on this issue they should do both—help in the demining, but do the right thing, and that is help stop further mining.

Until the use of antipersonnel landmines is treated the same way we treat the use of chemical weapons then we will continue to see them and we will continue to see the use of antipersonnel landmines against innocent civilians. They have become more and more—if not exclusively, at least primarily—a weapon against civilians. Worse than that, they are weapons that stay long after the war is over. Peace agreements are signed, tanks pull away, guns are unloaded, armies march away, and 5 years later a child on the way to school is destroyed and nobody even remembers who was fighting, nobody knows who put the weapon there.

I just mention, Mr. President, while I support our continued efforts to demine and while I take pride in writing much of the legislation to get the money for the United States to be involved in humanitarian demining up to this point, I note it falls short of the ultimate goal until we have a real ban on the use of antipersonnel landmines.

I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of Florida.

Mr. GRAHAM. I appreciate the courtesies of my colleague and good friend from Vermont.

COMMERCIAL SPACE ACT OF 1997

Mr. GRAHAM. I rise today to speak in support of legislation which Senator MACK and I filed last night, legislation that will bolster one of the most important components of our Nation's high-technology economic future, the space industry.

For more than 40 years, my home State of Florida has been pleased, proud, and gratified to have been the launching pad for our Nation's exciting adventure in space. Our friend and colleague, Senator JOHN GLENN's historic *Friendship 7* mission was launched from Cape Canaveral. So were Neil Armstrong, Edwin Aldrin, and Michael Collins on their way to the first manned Moon landing.

For the last 16 years, the world has watched intently as dozens of space shuttle missions have started at the Kennedy Space Center.

But as we prepare for the increasingly high-technology, dynamic world of the 21st century, space will be more than just a place of exploration. In the 4 decades since the Soviet Union launched sputnik in October 1957, space has become a site for tremendous scientific innovation. Ball-point pens, velcro, and numerous other consumer products that make our lives easier are a direct result of the space program.

Medical research has also reaped tremendous benefits from our time in space. And satellite technology has led to revolutionary advances in the way we forecast weather, protect the environment, and communicate with each other.

Space may also revolutionize the way we transport goods and services and pursue other economic and business opportunities. In recognition of these advances, Senator CONNIE MACK and I are introducing the Commercial Space Act of 1997.

Cape Canaveral is also home to the Florida Spaceport Authority, which is set to launch its first commercial payload from Launch Complex 46 in January 1998. This will be a milestone event in our State's history, and the bill that I am introducing today aims to modernize the laws that govern the United States' emerging commercial space industry.

It is urgent that we develop a clear Federal policy for this important enterprise. For much of the last 40 years, our Nation's experiment in space has been in the exclusive domain of the National Aeronautics and Space Administration [NASA].

The legislation I am offering today recognizes that space is now a public and private sector place and enterprise. It aims to create a stable business environment for an industry that employs thousands of Americans and generates billions of dollars in economic activity each year.

Our bill pursues this goal in several important ways.

First, it will reduce the bureaucracy and redtape that plagues our regulation of the commercial space industry. Currently, the oversight of space-related businesses is scattered among multiple federal agencies, and burdens businesses with complex, confusing, and often conflicting rules. It is not an environment that encourages progress and innovation.

This bill takes the first step toward clarity by requiring each relevant federal agency to clearly state its requirements for commercial space licensing. That requirement will help space businesses in their efforts to raise capital, develop a consistent business plan, and create new job opportunities within the commercial space industry.

Second, our bill encourages federal agencies to act in a more efficient manner by increasing the private sector's involvement in servicing and launching space hardware, in addition to their current role in building rockets and satellites. This will bolster the expansion of the commercial space industry, while at the same time reducing Government costs and saving tax dollars.

For example, this legislation would call for NASA to look at the role the private sector may play in operating, maintaining, and supplying the international space station. It would also encourage the conversion of old ballistic missiles into launch vehicles, a use that will reduce storage costs and provide for less expensive commercial space launches.

Finally, it is imperative that we update existing Federal law to reflect the

rapid pace of technological change. Mr. President, we cannot hope to prepare for the high-tech 21st century if the Federal Government maintains a 20th century mentality. Our laws should be flexible enough to adapt to a world in which new science and technology is created every minute.

These goals will be difficult to achieve, however, if we do not recognize the role of State and local governments in reducing space costs. This is especially relevant to Florida, I am hopeful that our legislation will spur a robust and energized commercial space industry. Within 8 years, the number of launches in Florida are expected to double. But this potential growth can only be achieved if there exists a productive working relationship among all entities involved in the commercial space industry, including state and local governments.

Mr. President, I would like to take a moment to tell you exactly what this legislation will accomplish:

This bill will require NASA to submit a report that identifies and examines the prospects for commercial development, augmentation, or servicing of the international space station by the private sector. Private sector involvement in the commercial space industry is likely to reduce the costs of operating, maintaining and supplying the space station and will allow State governments to act as potential brokers in reducing space station costs.

We amend the Commercial Space Launch Act and to give the Federal Government the authority to license commercial space reentry activities. This is an essential portion of the bill. Without this legal authorization, commercial reusable launch vehicles will not be allowed to re-enter the atmosphere, a restriction that would stymie the realization of important technological developments and investments by the commercial space industry.

This bill reaffirms our Nation's plans to make the Global Positioning System [GPS] a world standard. GPS is a space-based system that individuals can use to determine their precise position on Earth. Although it began as a military/defense system, the GPS applications have expanded to other sectors. In addition, foreign governments are interested in entering this lucrative global market. Therefore, in an effort to protect our economic interests and our national security, it is imperative that we encourage our President to enter into regional agreements with foreign governments to secure U.S. GPS as the unquestioned global standard.

The legislation further requires the Federal Government to purchase both space hardware and transportation services from the private sector. This will encourage innovation within the commercial space industry, while simultaneously promoting greater cost efficiency and protecting our national security.

This legislation allows the conversion of excess ICBM's into space transportation vehicles. These missiles cannot be used for defense purposes due to the START treaty. The conversion of these missiles could save taxpayer dollars by eliminating storage costs and providing cost effective launches for small scientific and educational payloads.

Mr. President, I was extremely pleased when the House passed its version of this legislation earlier this week. It is my understanding that this legislation will be a priority for the Senate Commerce Committee when Congress returns from recess in 1998.

I look forward to working with Chairman MCCAIN, subcommittee Chairman FRIST, my colleague, Senator MACK, and other members of the committee and the Clinton administration, to enact this important commercial space legislation.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. GREGG. I ask unanimous consent the period for morning business continue until 2:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET SURPLUS AND PAYROLL TAX BURDEN

Mr. GREGG. Mr. President, I rise to address an issue which has far-reaching concerns for our Nation. Many of our colleagues have heard of the improving economy and have participated in the improving economy and recognize as a result of this improving economy it is likely that the Federal Government will incur a budget surplus in the very near future. This comes about because of a lot of hard work by this Congress, especially this Republican Congress, in controlling the rate of growth of the Federal Government. It is something that is unusual, obviously, not having occurred in the last 25 years.

Not only will we have a budget surplus, but it is projected by OMB that the budget surplus will continue well into the first decade of the next century.

So, I think that we need to discuss how we address this issue. This is an unfamiliar situation, as I mentioned, for Washington. We certainly do not have much experience in dealing with surpluses so there is naturally some perplexity as to how best to address it. To my mind the answer is pretty clear: The surplus should result in relief to the American taxpayers.

Needless to say this is the right answer on economic grounds. If the Government takes in more revenue than it needs to finance its operation, the answer is not for the Government to spend that; rather, it only makes economic sense to return the extra revenues to the private economy that bears the burden of supporting the Government. Not only that, but in this particular case, the appropriateness of tax relief could not be more clear. Let none of us forget what has enabled Congress to accomplish this goal of balancing the budget. It has in large part been the dramatic growth of the economy.

If the private sector in this country had not come through with a surge of productivity, then the budget negotiators might not have been able to reach the agreements necessary to accomplish a surplus to reach a balanced budget. It would, therefore, be ungracious of us, at the least, not to return that surplus to the taxpayers who have earned it.

I rise, Mr. President, today to voice a specific hope—that this Congress will consider, when that time comes, when we have reached a surplus, including a cut in the payroll tax as the appropriate way to address the returning of this surplus to the American taxpayer.

There are several reasons for this—all of them, I believe, noble. First of all, the payroll tax is the most regressive component of our tax burden. There are no deductions, no personal exemptions in figuring of the payroll tax. It's assessed directly on the first dollar of workers' wages, and from there it goes upward until it reaches the wage cap.

Moreover, the payroll tax has been the fastest growing component of the Federal tax burden. When one includes the employer's share of this tax, we find that the majority of Americans pay more in payroll taxes than they do in income taxes. The payroll tax has grown dramatically from a level of approximately 1 percent for each employee and employer a little more than a generation ago, to today where it is approximately 15.3 percent. So while Federal revenues have stayed roughly constant as a percentage of the National economy, an ever-larger proportion of the burden of taxes has been carried by the wage earner in the form of payroll taxes.

But an equally important point is that these payroll taxes were never intended to finance the general operations of Government, as it is doing today. Quite the contrary. The payroll taxes are supposed to finance the operations of the Social Security system and the Medicare system.

I know my colleagues do not need to be reminded of the enormous unfunded liability that exists with respect to the long-term obligations of the Social Security and Medicare systems. These enormous payroll tax burdens, I regret to say, are not being used to reduce

that long-term liability. Surplus payroll taxes today are used to buy Government securities, which must be redeemed by the Federal Government in the future to pay back Social Security programs. That money will, of necessity, come from taxation again, to create the general revenues necessary to redeem the bonds.

A review of the figures is startling. Right now, Social Security's total income is $451.3 billion and total outflow is $370.8 billion. This leaves a surplus in the Social Security funneled of $80 billion. Of that total, $43.6 billion is in the form of interest payments by the Federal Government to itself, and the other $36.9 billion represents the annual operating surplus in the Social Security trust fund.

So each year, we run an annual operating surplus in Social Security that is slightly more than 1 percent of the national payroll. That surplus is combined with interest payments to increase the size of the Social Security trust fund. That trust fund is projected by the trustees to grow each year until it reaches a peak value of $2.89 trillion in the year 2019.

I ask my colleagues to think about what that $2.89 trillion means. That $2.89 trillion is not only assets owned by Social Security; more importantly, it is a debt owed by the Federal Government to Social Security. In order to pay the benefits to future beneficiaries, the Federal Government will need to tax the American public, through general tax revenues, to come up with this $2.89 trillion.

Every year that we collect these surplus payroll taxes, we create several significant events. We add to the trust funds, and thus we add to the debt owed by the Federal Government. We take payroll taxes from hard-working Americans today and, instead of really saving them, we convert them into a tax burden on the Americans of tomorrow. This certainly is no way to run a government, a country—or a railroad, for that matter.

In order to fully understand the bizarre situation in which we are placing ourselves, I ask my colleagues to consider the trustees' projections for the period 2012 through 2019. In the year 2012, we will see the first year of operating deficits within the Social Security trust fund. That means that, in that year, annual Social Security revenues will amount to less than promised benefits.

In other words, it will require cash from the general Treasury in that year just to meet the current benefit payments to Social Security recipients.

Yet, in that same year, interest compiled by the Social Security trust fund will be an enormous $140 billion. So we will need to take $9 billion of that interest payment from the general fund and use it to pay beneficiaries immediately. The other $131 billion will be credited to the Social Security trust fund, so that the trust fund will grow, theoretically at least, from $2.2 to $2.4 trillion in that year, even as the program is running annual operating deficits. This obviously doesn't work.

Think about what will be happening at the same time. We will need money from the general Treasury just to pay current beneficiaries, and billions in assets will be added to the Social Security trust fund—but that doesn't exist—and the trust fund, continuing to grow, will earn even more interest in the next year, to be paid from the general Treasury.

So each year—from 2012 through 2019—the Federal Government will make larger and larger contributions to Social Security, in current benefit payments and interest payments. In the year 2018, for example, the Social Security operating deficit will be $147 billion. That means it will have to pay out $147 billion more than it takes in. So, of the $171 billion in interest payments that will be due that year from the Federal Government, $147 billion will be needed right away to pay benefits, and only the remaining $24 billion will continue to build the trust fund.

It's in the year 2019, however, that the roof really starts to fall in. Then, even with all the interest payments from the general Treasury and all the current payroll taxes and benefit taxation, there will still not be enough money to pay the Social Security beneficiaries, and we will have to begin to redeem the principal on Social Security trust fund T-bills in order to pay the benefits.

Every year that we continue to collect surplus payroll taxes, and thus swell the size of the trust fund, is a year that we add to the unfunded liabilities that we are piling on the heads of our children and their children, the American taxpayers to come.

It is largely for this reason that I believe that payroll tax relief is needed. I have introduced a piece of legislation, S. 321, that would give 1 percent of the payroll tax back to the wage earners; in other words, it would be a tax cut, to be saved in an individually owned retirement account. This would give us a Head Start on prefunding some of the massive liability, by moving it off the Government ledger and into genuine savings, because, you see, the basic problem here is that the Social Security system is a pay-as-you-go system. That creates a huge unfunded liability. Until we start to prefund that liability, we are not going to get out from underneath that unfunded liability. The best way to prefund that liability is to take the surplus that we are presently running in the Social Security system, cut taxes, give wage earners back their money, and allow them to save it for their retirement so that they have a savings account, identified to them, in their name, which they can use to benefit them at retirement and, thus, turn a contingent liability into an actual savings vehicle.

If we were to pass this bill today, S. 321, we would not solve all of Social Security's problems, but it would eliminate approximately 78 percent of Social Security's projected insolvency. That is a pretty good chunk. We would, however, vastly reduce the burden on tomorrow's economy. For example, whereas, under present law, Social Security will absorb more than 17 percent of the national payroll tax base by the year 2030, under this legislation, it would absorb closer to 14 percent. That is a major drop—3 percent—in our national economy, which will at that time be multiple trillions. That is part of the gain that comes from prefunding Social Security's liability, instead of simply continuing to collect and spend surplus payroll taxes, leaving tomorrow's obligations for another day.

It is critical, as we debate the issue of the surplus which is coming, that we make a thoughtful decision on how to handle it. I think a thoughtful decision involves some obvious facts. What is our most significant, looming fiscal problem as a nation? It is the burden of our pension plans, which are unfunded. What is the most significant unfunded pension plan in America? It is the Social Security system.

The second logical effort that should be addressed in addressing the surplus is, who gave us the money in the first place? Who has the best right to claim that money? That is clearly the taxpayers of America. We can address both of these issues by following the course that I have outlined here today—cut the Social Security tax, return it to the wage earner, allow the wage earner to start to preinvest, to presave for their retirement, with the taxes which are now going into a fund that is on a cash-flow basis. The taxes are now being used to operate the Government, the general Government, instead of being used and identified as the savings of the Social Security recipients. This is a good policy approach to what is looming as one of the major policy debates that we will confront as a Congress as we move toward the next century.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Illinois is recognized.

Mr. DURBIN. I thank the Chair for recognizing me. I thank my colleague for his statement on the future of Social Security. He is recognized in this Chamber as one who has studiously addressed himself to this and many other challenges.

I hope that next year my colleague will lead a bipartisan effort to take a serious look at the future of Social Security and Medicare, and so many entitlement programs that we worry about,

in terms of long-term solvency. I thank my colleague for his remarks. Though I may not agree with every particular, I certainly do respect the fact that he continues to stick with this issue through thick and thin, as he should. The Senate should address it, and, hopefully, we can do it together in a bipartisan fashion.

Mr. GREGG. Mr. President, I appreciate that kind comment. The Senator from Illinois has certainly made a serious effort in a number of areas in this Chamber. I have enjoyed working with him, for example, on the tobacco issues. And I look forward to working with him on this. I also believe this must be resolved in a bipartisan manner.

JUVENILE CRIME

Mr. DURBIN. Mr. President, I am, as you know, concluding my first year in the U.S. Senate. Within a few days, we may be able to go home, and the sooner the better.

As I reflect on my first year, I think back on one particular issue, which I didn't anticipate being of great importance and now has turned out to be of major importance on my legislative agenda. I was appointed to the Senate Judiciary Committee and, as a result of that appointment, I decided to really focus on the issue of crime, particularly juvenile crime, in the United States.

This past year, I made my visits back to Illinois coincide with an effort to study the problem of juvenile crime. During the course of 1997, I visited jails and prisons, detention centers, have met with judges and law enforcement officials, have been to drug rehab facilities, have been to many, many schools in the State of Illinois, have met with young people and their parents, and I have tried as best I could to come to grips with some of the problems that we have in this Nation as it relates to crime.

I find it very curious to consider the following: The United States has one of the strongest economies in the world. I daresay that you could not travel across the world and find another country so widely admired as the United States. No matter where you go, people talk about us—the way we live, our music, our art, our culture, our economy. We should take great pride in that. We also know for a fact that, if we were to lift all restrictions on immigration and say the borders of the United States are wide open, we would be inundated with people from all over the world who would walk away from their cultures, their families, and their traditions, many of them just hoping they would have a chance to come to America and be part of this great democratic experiment.

Having said that, though, the one thing that is curious to me, despite all of these positive things, is, why is it that the United States of America has the largest percentage of its population imprisoned, incarcerated, of any country in the world except one—Russia? Why is it, over the last 10 years, we have seen such a dramatic increase in incarceration and imprisonment in America? Is there something genetic about living in America that leads more people to commit crime? I question that. I don't think that's true. But what is it about our country that is engendering more imprisonment and more incarceration?

Now, let's be fair and look at both sides of the ledger. We have found that, as incarceration rates have gone up and the State and Federal prisons have grown in size, the crime rate has gone down.

So there is a positive side to this. If people who are committing crimes are being taken off the streets to make those streets safer for our families, our communities, and our neighborhoods, that is a positive development. I do not want to suggest at all that we should step back from that commitment. If someone is guilty of crime, they should do the time. It is not just the slogan; it is a fact. And in America, more and more people are doing time.

But is there an answer to this dilemma, or challenge, which goes beyond the obvious, the enforcement of crime, the imprisonment of criminals? Can we as a nation aspire to a goal where we see a continued reduction in crime and a reduction in incarceration? Because imprisonment is a very expensive undertaking for a society. First, we measure it in dollar terms. In the Federal prison system it is probably $20,000 a year to keep a prisoner there. Roughly the equivalent of what it takes to go to some of the best colleges and universities we spend each year to put men and women in prison and keep them there at the State level. It goes as high as $30,000 in my own State of Illinois. It is an expensive commitment.

Don't forget this important fact. There is not a person in prison today who didn't get there because he or she created a victim. So in order for that process to work its way through, someone was victimized. Someone may have been killed, assaulted, raped, or burglarized—whatever it might be.

So when we talk about reducing prison populations, it is more than saving money. It is also a question of sparing victims, but doing it in a way that still reduces crime.

I have taken a look in my State at some of the things that are being discussed. I have talked to some of the leaders across the Nation. I have come up with some things that I hope this Congress can address on a bipartisan basis. Let's start at the very beginning.

We now know through research, which has been proven time and again, that one of the most critical areas in the life of an individual is the very first few months of life. We used to think that those gurgling, babbling little kids were so cute. We would diaper them, feed them, laugh at them, try to guess who they looked like in the family, and we didn't realize that while we were doing that, this child's brain was developing at a rapid pace. In fact, in the first 18 months of life, some 75 percent of a child's brain has developed.

The reason I raise that is because I think there is a link between the development of our children, how well they develop, and what they turn out to be. My parents believed that. I believe that. My wife and I did, as do our children. I think it is a fact.

When I visited the Cook County Juvenile Detention Center about 6 months ago and saw the hallways filled with teenage kids, mainly boys, walking back and forth, it looked like a high school with 14- to 15-year-olds filing back and forth in uniform. But, of course, these weren't just high-school-age kids; these kids had been convicted of a crime.

I asked the prison psychologist. I said, "Who are these children?" He said, "Senator, these children I could describe in about four or five characteristics." First, they come from broken homes, almost invariably. Second, they have a learning disability. They were falling behind in school. They weren't learning as well, either because of poor nutrition before they were born in their mother's womb, or poor nutrition after they were born, exposure to narcotics, exposure to abuse. These children are basically "unattached." That is a term that is used in psychology about which many people would just shake their heads and say, "How could this be?" But it basically means a child coming into this world does not receive the most fundamental and basic emotional bonding with a parent or a loved one.

How many parents automatically, instinctively grab that baby, pull the baby up to their arms and cradle it while they are feeding the baby, nursing the baby, feeding it with the bottle, with the warmth of the mother, or even the father, and a little communication going on there as part of this bonding attachment? These kids missed that. These kids didn't go through this emotional maturation that leads to a normal functioning adult, and, as a sequence of this, they are missing a piece of that.

He said there is something else about these kids, too. He said these kids "don't know how to resolve conflicts." You "Dis me, I kill you. I've got a gun to do it." In America everybody has a gun to do it, unfortunately.

So when I started looking into these "problem children," as we might call them, and then back to the beginning, I started thinking about what we can do as a society to address it. Clearly, we have to start at the beginning.

Now, with more than half of the mothers in America working and relying more and more on custodial care, whether it is day care or babysitters, shouldn't we be asking a very fundamental question as to what kind of care our kids are receiving when they are in custodial care?

I don't think it is any accident that this au pair case in Massachusetts attracted so much national attention. It is a sad reality that we lose children in America every day to abuse and neglect. Yet, this case, which was so prominent in the headlines, captured America's attention for weeks, I think, because more and more people instinctively are worried about their own children in custodial care. You leave them there 8 or 10 hours a day. What is happening to them? Are they safe? Are they being treated right?

So, when the President calls a national conference on child care, I hope that we will look beyond the fact that it is a political setting to the fact that this is a very real family challenge. It is interesting in this Nation that we decided that public education was so important to the future of this country that we are going to make a public commitment to it. We understood that some wealthy parents could afford to educate their own children, but most parents could not. So we said, if we are going to have well-educated children who become good citizens, we as a nation will commit to them. We will commit at every level—local, State, and Federal level—to make sure we have a system of public education.

We have a new challenge, my friends. What about the years before kindergarten? What about these developmental years? What commitment are we prepared to make as a nation to make certain that those developmental years are right?

Some children are blessed to have a parent who can stay home and raise them. I count myself as one of the fortunate parents. My wife was able to do that. I don't think we could have given our children a better gift than to have her there every day while they were growing up, reading to them, living experiences with them, teaching them. But in some homes that can't happen for economic reasons and other reasons that a parent can't stay home.

So, that parent wants to make sure that his or her child also gets good care. You look at day care in America today, and it is a very mixed bag. There are some extraordinarily good day care centers—some private, some public. But let's be honest. There are some that aren't very good at all. There are some that are mere babysitters—diapers, bottles, and little more.

You look at the training requirement. In Illinois, for example, a day care worker needs 2 years of college—an associates degree. That is good, but it could be a lot better. We could be making sure that the men and women in day care really understand what is going on in that young mind and bring these children along as they should be. But it will cost money. You can't bring people in for that kind of professional training and professional care without paying. Working families say, "That is great, Senator; a great idea. Who is going to pay for it? Who will pay? What is the bottom line?" Honestly, we expect the families to contribute, and they do—many of them making great sacrifices for day care. But clearly there must be more. We as a nation must make a contribution to this, too, to make certain that these children have a fighting chance.

There is another element that I think is important, too. As I traveled around Illinois, I visited a program called Lincoln's Challenge. It is in 15 different States now. The National Guard in Illinois runs this program and invites in 400 students who are high school dropouts in the State of Illinois. They must come voluntarily. They must be between the ages of 14 and 18. They must be drug free and not pregnant. If they then come into the program, they are in for 10 weeks of military style training. They are in uniforms. They shine their shoes every morning, make their beds. It is "yes, sir"; "no, sir" and they go to class. These high school dropouts that other people have given up on are brought into classrooms. In the course of 10 weeks, 71 percent of these kids, high school dropouts, earn the GED degree—in 10 weeks. All of a sudden, they are out of the neighborhood. They are focused. They are in a disciplined environment. And they have people who care around them. It works.

Kids who would have been casualties on the streets of Chicago, or Springfield, now have a chance because of one other factor. One of the important features of this program is one that I have come to believe is essential if we are going to deal with reducing crime and saving our kids. When those young men and women finish this program, they go back to their hometowns, but with one important difference. Each one has an adult mentor. Each one has an adult outside their family that they can call on for advice or encouragement or support, for counsel. "How am I going to get a job? Can I get into the Army? What should I do next if I want to go to the community college?" So there is somebody who cares. Of all of the programs I have seen, the most successful I have run into time and again—whether government programs or private sector—are mentoring programs.

We had a juvenile court judge from the State of Georgia, from the city of Atlanta. I am sure Senator WELLSTONE remembers when she spoke to our conference of Senate Democrats. She told the story of coming out of private law practice and becoming a juvenile court judge and going back to the big law firm in Atlanta and saying, "I want you lawyers, whether you are corporate or criminal lawyers, to volunteer to come to my courtroom and represent these kids." She knew the kids would get better representation. She also knew something else. Relationships would begin. Attorneys meeting young men and women would start to care. Those young men and women, sensing that caring, would finally have a voice that they could listen to, someone they could talk to.

So, I have come to believe that, as we talk about reducing crime and helping kids, it is not just early childhood development, but making certain that kids, particularly those facing problems, have an opportunity for mentoring.

We also need to think about some basics. Why in God's name do schools quit at 3 in the afternoon? This might have made sense 50 years ago when kids went back to Ozzie and Harriet settings, and mother was home with milk and cookies. But, boy, that is the exception, not the rule. Most kids who are turned loose at 3 in the afternoon have two options: television or trouble. We have to start thinking about school days that reflect the reality of America's families.

Most American families come in at probably 5 o'clock or 6 o'clock, if they are lucky, weary from a day of work. That is the time when they can finally give their children a little bit of attention and, hopefully, have some good time with them. But what happens between 3 and 6? What is happening with these kids? In more communities, more and more that I visit, schools are doing things after the regular school hours: some recreation, some arts and crafts, and music, and some, of course, regular school activities, but a safe environment. Shouldn't that be the first rule that we as a nation adopt? Our kids are going to be safe all day long?

One of the last points I want to make is about prisons themselves. I visit a lot of them. In fact, I went down to the Marion Prison in southern Illinois. It is rather infamous—or famous, depending on your point of view—as having been in a lockdown for almost 5 years now. Two prison guards were killed, and, as a result, most of the prisoners who are brought there spend most of their time in their cells. In fact, the only prisoners there have, first, committed a violent crime to get into prison, and, second, broken a law once they were in prison. So these are a pretty tough bunch of characters.

Listen to what they do when they come to the Marion Federal Prison. The first year of their life there is very predictable. The first year of their life, out of a 24-hour day they will spend 23 hours of that day in a cell alone. They get 1 hour to come out of their cell, but

with no socialization. They don't speak to anyone. The guard watches them as they walk around the yard. If they get through that year and they have not broken the rules, then they start bringing them out and giving them a chance to take a little course here on this, or go to a prison industry, or maybe eat in a room with some other prisoners.

They have a dramatic success rate. You can imagine this is pretty tough. It is one of our toughest Federal prisons.

As I talked to the warden and the officers there—and I want to give high praise to them because I think they run a very good operation—and talked to people in other prisons about who these prisoners are and whether they are likely to come back, there is one factor that just comes roaring through at you. That factor is this: If you invest in educating these prisoners while they are in prison, the likelihood that they will return to prison is cut dramatically. There is one in four chances that they will be recidivists, commit another crime and come back, if you educate them.

Unfortunately, we as a nation for whatever reason, budgetary or otherwise, have not made this commitment to education. We somehow think that we are punishing the prisoners by not making education classes available so that they can become literate, so that they can develop a skill. I am not so sure we are punishing the prisoners as much as we are punishing ourselves. These prisoners, most of them, will be back on the street and without an education and without basic skills, I am afraid they are destined to commit crimes. In fact, statistically we know they are, by a rate of 4 to 1, from those prisoners who pick up education and skills. We have not made that commitment in our prison system and we should. It is absolutely essential that we do it.

I went to the juvenile maximum prison in Illinois and met with the principal of the high school there. And I looked at all of the young men who were in the classrooms at this prison, and I said, "How is this working out?" He said, "Well, amazingly well. Most of these young men"—all men at this prison—"missed something in their basic education and became so frustrated that they basically dropped out; they stopped paying attention and fell behind." He said, "We test them to find out what they missed. We go back," he said, "and fill in that gap and they come roaring forward toward a GED." To many of them, it is sad that it took this track for them to reach this fulfillment, but it is a fact and one that we should reflect on, how time spent in prison, if it is done constructively, can start to turn a life around, can make this a safer America and reduce the number of victims that we might see.

People think that in an age where all we talk about is balancing the budget many of us in Washington really don't reflect enough on some of the important social goals we should have in this country. I don't think there is anything more important than our children, and if it means making certain that we have quality day care for childhood development, if it means making certain that we are committed to a school day that reflects the reality of our families, if it means making certain that the kids who need someone to talk to have an opportunity, whether it is through Big Brother, Big Sister, the Boys and Girls Clubs, whatever it happens to be, if it means making certain that our prison system now starts to be more responsive to real human needs, I think those are things we as a Senate and a House should address.

I hope that next year, even in a busy election year, we have the time to do just that.

I want to address two other topics very quickly. I see my friend from Minnesota is here. I just want to address them very quickly because they are important and I hope somewhat timely.

NOMINATION OF BILL LANN LEE

Mr. DURBIN. Mr. President, late this week we will have an executive committee meeting of the Senate Judiciary Committee. We will return to a nomination made by President Clinton, one that I think has become a source of major controversy. The gentleman's name is Bill Lann Lee. Mr. Lee has been named by the President to be head of the Civil Rights Division of the U.S. Department of Justice.

I had never met Bill Lann Lee until about a month ago when he came by my office. He made a very positive impression in the short time we had to speak to one another. Then I read his background and sat through his confirmation hearing, and I want to say that I hope Mr. Lee will get the chance he deserves.

Bill Lann Lee is the son of Chinese immigrants who came to this country to New York virtually penniless. His mother and father started a hand laundry. He and his brother, who is now a Baptist minister, worked in that laundry with their parents. His mother sat, as he said, in a front window of the laundry every day at a sewing machine. His father was back doing washing and ironing, refusing, incidentally, to teach his sons how to iron. That's the major skill in a hand laundry. He didn't want his sons to know how to iron. He didn't want them to work there. He wanted them to think beyond the laundry.

When World War II started, Bill Lann Lee's father, who was 36 years old and could have escaped the draft just by claiming an age deferment but did not do it, volunteered and went in the Army Air Corps and had a very interesting experience because he came back from the war to his family and said, "That was a good thing to do, not just for the Nation but good for me."

For the first time, Bill Lee's father said, he was treated like an American, not like someone from China living in America. But when he came back from the war, as a returning veteran after World War II he found that job discrimination and housing discrimination was still very, very strong against Chinese-Americans. So he returned to his hand laundry but more determined than ever that his sons would have a better chance.

When Bill Lann Lee reached college age, it happened that Yale University decided they wanted to diversify their student body. They gave him a chance and said come to Yale and see if you can prove yourself. Well, he sure did. He graduated from Yale with high honors and then went to Columbia Law School and graduated with high honors.

With that kind of background, Bill Lee could have easily gone with a major law firm in New York, Los Angeles, wherever he happened to want to live, but he didn't. Bill Lee had learned a lesson in life, a lesson from his parents, and he decided that he wanted to fight discrimination. So for 23 years he has worked for the NAACP legal defense fund filing lawsuits when people are discriminated against.

The interesting thing about it is, when you think of these lawsuits, many times they are the most controversial lawsuits you can imagine. You know the headlines in the papers when they start talking about housing questions and school questions and questions involving gender or race or religious persuasion. Those are tough cases. But out of 200 cases that Bill Lee handled, only six ever went to trial. He was able to work out agreements in all the other cases.

In fact, one of his leading opponents, Richard Riordan, who is the Republican mayor of Los Angeles, wrote a letter about Bill Lee and said, "I was on the other side of a lawsuit, and I want to tell you something. We never would have settled it without Bill Lee there. He practices mainstream civil rights law."

I tell you, my friends, he is exactly the kind of person we need serving in the Department of Justice as the representative of the Office of Civil Rights. But I am sorry to report to you that in the last week some extreme political folks have set their sights to try to nail Bill Lee. They are trying to stop his appointment as the head of the Civil Rights Division, and that is an unfortunate development. It is unfortunate because, first, all he is asking is to be judged fairly. That is all he has ever asked in his life. And second, the things they are saying about him really do stretch the truth.

One of the leading conservative columnists in America, George Will, a man whom I really respect not just because he was raised and went to school in Illinois but because I think he is a pretty bright fellow, wrote a column in the middle of October and said we should turn down Bill Lee as "a payback"—his words, "a payback"—because the Senate Democrats, when they controlled the Judiciary Committee, turned down one of the civil rights appointments of a Republican President 10 years ago.

Please, let us not do that to Mr. Lee. Let us not do that to the Senate. Let us give him his chance to stand on his own feet and have an opportunity to serve this country. And so I hope those of you who think that when the Senate goes home and the House adjourns our work is done will realize there are still many men and women waiting for confirmation and one of the most important and highest is Bill Lann Lee. He would be the highest-ranking Asian American ever appointed, and I am glad that the President has named him and I hope that we can find just two, just two Republican Senators on the Judiciary Committee who will join the Democrats in supporting his nomination.

CONSOLIDATION OF FEDERAL FOOD INSPECTION SERVICES

Mr. DURBIN. Mr. President, yesterday I introduced with Senator TORRICELLI a bill, which I hope the Senator from Minnesota will join me in sponsoring, that would consolidate all of the food inspection services of the Federal Government in one independent agency.

Mr. President, 33 million Americans each year have some sort of a foodborne illness, and out of that number some 9,000 will die. You read about the cases, whether it is E. coli or salmonella. We have a good food inspection system but it can be much better. Our food inspection system evolved from Upton Sinclair's novel "The Jungle," when we decided the Federal Government had to step in and make sure the food, meat in particular, that came to our table was safe for our families. But now I am afraid we have gone overboard. We have 12 different Federal agencies involved in food inspection—12—6 in a major way.

I am joining with Congressman VIC FAZIO of California to consolidate these into one independent agency which will be guided by the best science in keeping food safe for Americans. I hope that this, too, will be part of our agenda next year when we return to Washington, DC. It is an important issue, not just for the industries that are affected but for every family that wants to be certain when they buy that meat or poultry, fish or whatever product it might be, fruits and vegetables and beyond, it is safe for their family to consume.

Mr. President, I yield back the remainder of my time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Minnesota.

Mr. WELLSTONE. Might I ask what the parliamentary situation is?

The PRESIDING OFFICER. It is the Chair's understanding we are in morning business. Senators are allowed to speak for up to 10 minutes.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be able to speak for 20 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WELLSTONE. Before I start, I also wanted to find out how long we will be in morning business and whether or not there will be opportunities to introduce amendments to the fast-track bill?

In other words, I understand the amendment will be laid aside, but I want to know whether there are opportunities to introduce the amendments to fast track.

The PRESIDING OFFICER. That is a parliamentary issue that will be handled by the majority leader. We are not prepared to answer that question.

Mr. WELLSTONE. I will just say in the Chamber and I will check with the leader, I do have an amendment on human rights that I would like to offer. We may or may not get to fast track, but this would be an opportunity I think to have the discussion.

WELFARE, HEALTH CARE, AND CAMPAIGN FINANCE REFORM

Mr. WELLSTONE. Mr. President, I wanted to take this time Sunday afternoon as we approach the end of this session to talk about some unfinished business for the Congress and I think for the Nation. I really was moved, and I do not usually use that word, by the eloquence of my colleague, Senator DURBIN, from Illinois. As I came in, I heard Senator DURBIN talk about children and talk about early years and talk about early childhood development and talk about whether or not we as a nation are going to make a commitment to affordable child care.

I want to talk about a really difficult issue for the Senate, for the Congress, and I think for the White House, and when we come back for me this will be one of the first items of business. I want us to have discussion and I would like to see whether or not we would be willing to perhaps take some important action.

I am talking about the bill that was passed which was called welfare reform. Mr. President, some of what was in that bill represented over $50 billion of cuts in the name of deficit reduction in the major food nutrition program in the country, food stamps—20 percent cut for families, most of them working families, most of the recipients children. And the other part was the cuts in benefits to legal immigrants, some of which has been corrected, some of which has not.

What worries me—and I have traveled the country and spent quite a bit of time in low-income communities. I haven't just focused on welfare, but I have been to the delta in Mississippi with Congressman BENNIE THOMPSON; I have been to eastern Kentucky, to Letcher County, Whitesburg, KY; I have been to Chicago in housing projects, and, of course, I have been in Minnesota, both urban and rural, and I have been to L.A., East L.A., and Watts. One of the things that worries me is that I see in many articles and too much of the media coverage and certainly too much of what I hear from both Democrats and Republicans in Washington that welfare reform has been a success as defined by reduction of caseload. Any Democrat, any Republican, or any fool can knock people off the welfare rolls. That has nothing to do with reform. The only way reform can be defined is not by reduction of caseload but by reduction of poverty. Are these families, in the main headed by women and children, better off?

I heard my colleague from Illinois talk about child care, and if my colleague was here I would tell him about some just very emotional experiences that I have had, meeting with some of the women who have now been told they are to work, and they work. But their concern is about what happens to their children. You know, just because they are poor, just because they are welfare mothers, doesn't make them, or doesn't make their children, any less worthy, any less important.

In Los Angeles, for example, in L.A., one city, they have a waiting list of 30,000 families for affordable child care. That is before the welfare bill. The question I ask colleagues is, where are these children? Fine, the mothers are now working. Do we know where the children are? Where are they? Who is taking care of them? Is it developmental child care? Is it just custodial? Or are they even in harm's way? We don't know. But we should know. We passed the legislation.

I met a woman, and this story of this one mother unfortunately is the story of other mothers. She said to me, "I want to work." By the way, almost all the people I meet want to work. That's a big thing to people in our country, to be able to work and make a decent wage and support your family. And also to be able to give your children the care you know they need and deserve. But I am meeting some of these mothers. We told them we would sort of delegate this to the States and they would work.

Here is what they say to me, what this one mother in L.A. said. I then visited actually where she lived, public housing in east L.A. She said to me: "I want to work but I am so frightened because my first grader goes home alone every day. I worry about what happens to her from the time she leaves school to when she gets back to the apartment"—public housing. "There are gangs, there is violence. I tell her to go into the apartment, lock the door, and don't take any phone calls."

I would like to ask Senators, how many of you would like for your first graders, whether they are your children or your grandchildren, to go home alone? Actually, to go home to wherever you live, much less in the neighborhoods and communities that are so dangerous. In the debate that we had on welfare reform, did anybody ever talk about these children? I never heard a word.

We talk a lot about early childhood development, which is very important. We talk a lot about after-school programs for teenagers, which is critically important. But what about these first and second graders? I think there are too many children in our country right now, because of what is happening around the country, who are in danger. And I think it is our responsibility to know what is going on. Speeches do not suffice.

When I was in Letcher County, KY, I spent quite a bit of time with Carroll Smith, who is the county executive, Republican—county Judge, which is like the county executive; just a great, great guy. It was interesting, though. He and others were saying to me, did anyone ever mention the word "rural" when you all passed that bill? Because in the absence of access to capital and our seeing economic development in our community, we don't know where the jobs are going to be.

The Wall Street Journal had—I haven't even had a chance to read the article from cover to cover—a very long, extensive piece about Delta, MS, where lots of people can't find jobs, or have to drive 60, 70 miles. Again, you have two things going on here. No. 1, there are not the jobs where people live in rural America. No. 2, the jobs that quite often these women are getting maybe pay $6 an hour. They are going to be worse off than they were before, because there will not be health care after a while, and they don't know what to do by way of child care.

It seems to me that one of the things that we need to do is at least call on the States to provide us with an evaluation, maybe every 6 months or every year, on how families are doing toward attaining the goal of economic self-sufficiency. Because if we don't do that, 4 years from now all these families are off all assistance. Don't you think, before we have some tragedy, we ought to at least know what is going on? I am going to have an amendment, a piece of legislation which I will bring to the floor of the Senate and we will have that vote.

Mr. President, I go to the communities. It has been very moving. I hope to get a chance to write a long piece about what I have learned from people. But I don't find that the issues that people in low-income communities are talking about are really different than issues that other working families are talking about. The first question is: Where are the jobs that pay a decent wage? This is still one of the most important challenges for most families in our country. It is an important challenge in poor communities: Where are the jobs? And we are going to have to have an urban jobs program if we are serious about reducing poverty and making sure that families have a chance. Also, we are going to have to do a lot better by way of making sure that, if people work 40 hours a week, 52 weeks a year, they are not poor. If people play by the rules of the game and they work hard, they ought not to be poor. That is where child care fits in. That is where health care fits in. And not just for low-income families, but for the vast majority of families in our country.

I heard my colleague from Illinois speak. I was so pleased to hear what he said. But I would like to challenge both Republicans and Democrats, because I think that what is going on here is we have a debate that, in a way, may take us nowhere, or at least certainly not connect very well with a lot of people in our country.

On the one hand my friend Jeff Faux has written a very interesting piece where he argues this. I will take a piece of what Jeff says. On the one hand, for example, we have the majority party, the Republican Party, which argues—at the risk of getting the Chair angry at me—which argues, when it comes to some of these most pressing issues, for example affordable child care, there is nothing the Government can or should do. My argument is that is a great philosophy if you own your own large corporation and you are wealthy, but it doesn't work for most of the people in the country. On the other hand, you have the Democratic Party that says we are all for the children, we are all for education, we are all for job training. But, do you know what? Politically there is not anything we can do either. We just have to cut taxes because politically that is the only way we can make it. In which case neither party has a whole lot to say to the very families we are talking about, at least if you get beyond speeches and conferences.

We have had enough speeches. We have had enough conferences. The question is whether or not we are going to go beyond the speeches and the conferences and dig into our pockets and make the kind of investment that we need to make as a nation. I think the question for all of us is how can we renew our national vow of equal opportunity for every child in America? That is the goodness of our country. That ought to be the central goal of public policy here in the Congress. I make a commitment, as a Senator from Minnesota, to bring that kind of legislation out on the floor, working with others, with the financing, with the investment, so this isn't empty rhetoric. We ought not to separate the budgets we introduce from the words that we speak.

Finally, let me make one other point. My training is as a political scientist—I was a college teacher before I became a U.S. Senator—not as a political economist, although I am interested in political economy. There is something very interesting and very important going on in our country, which is now we have reports about record low levels of unemployment. The GDP looking great. Productivity is up. But real wages of most families are down. The economy of American families is not measured by GDP, it is not measured by all these official statistics. It is measured by real family income. It is measured by whether or not people can purchase the things that make life richer in possibilities. It is measured by opportunities. It is measured by security or insecurity. And it is measured by our expectations for our children and our grandchildren. And by that criterion, a whole lot of families could be doing better and we could be doing better as a nation.

One of the issues that I think is a living-room issue in America, a kitchen-table issue, that we are going to have to have the courage to take on, is health care. We can have patient protection—I am all for that. We can have provider protection—I am all for that. We can try to control some of these large insurance companies that own and control most of the managed care plans—I am all for that. But the fact of the matter is, we have now moved from 40 to 44 million people or thereabouts without any health insurance since we first started talking about this 3 years ago; more than twice that number of underinsured, and the vast majority of people in the country, not just low-income—either people are not old enough for Medicare, and Medicare doesn't cover prescription drug costs, it doesn't cover catastrophic expenses, or people aren't poor enough for medical assistance and they are not lucky enough to be able to work for an employer who provides them with good health care coverage.

We ought to have humane, dignified, affordable health care for every man, woman, and child in our Nation. For me, next session, that will be my priority—with the financing, clear with

people in the country how you pay for it. But I am telling you, large insurance companies don't like it. And there are a whole bunch of other powerful interests that don't like it. But the majority of people in this country know that this system is in big-time crisis. It is time we get back to this issue as a Congress.

I really do think that, as we think about what we have done and what we have not done—I will just talk a little bit about what we haven't done in the few minutes I have left. I think these standard of living issues are the critical issues. I think, unfortunately, Jeff Faux is right, neither party is telling the story that gives people any confidence that much is going to happen that is good for them. And I think we could do better, all of us.

And in addition, the one other issue that we did not get the job done on, and it is critically important, is campaign finance reform. When I go into cafes in Minnesota, this is one thing I don't gloat about. I am not even pleased to say it, but it is true. Because it is aimed at me. It is aimed at all of us. The vast majority of people I talk to in cafes believe both parties now—they just sort of view the Government as being controlled by wealthy financial interests. They just feel locked out. They feel like it is for big players and heavy hitters. And, you know what, all of us have to raise money. That's what we have to do. That's not the point. I did. We all do. That's the system right now.

We should change this. We didn't, not this time. We come back to it next year. But this is a real important issue and it is not that people don't care about it. They care about it deeply and desperately. And I think they want to believe in the political process. They want to believe in Government. But we are going to continue to see a tremendous amount of cynicism and apathy and disengagement and disillusionment unless we get as much of this money out of politics as possible. We know what the criterion is. We have talked about it enough. It is time to really move forward. It can't just be like a piece of legislation where we maybe do one thing but then all the money shifts somewhere else. Then people will just be even more disillusioned. I think this is a core issue.

There are a lot of good things all of us could do here. A lot of good things get trumped by big money in politics.

Mr. President, I will conclude—how much time do I have left?

The PRESIDING OFFICER. The Senator has 1 minute and 41 seconds.

Mr. WELLSTONE. Let me just conclude by thanking all the conferees on the Labor, Health and Human Services appropriations bill, especially for all the women and men in the Parkinson's community who worked so hard to make sure that we have some clear directive to NIH about making sure that there will now be some real investment of resources in research to find the cure to Parkinson's disease. It has been one of the greatest lobbying efforts I have ever seen here. It was citizen lobbyists, people who struggle with this disease, who once upon a time were kind of embarrassed to be public and be out and about. People have been there.

All of you in the Parkinson's community, you have set a really good model for the Nation. Because if we had more people like you coming to Washington, DC, it would be a better Congress.

We need to get a lot more ordinary citizens coming to Washington or meeting with us back in our States. I just hope more and more people will be like that. It was a really fine victory.

Mr. President, I presume then there will not be an opportunity—my colleagues are on the floor as well—we are not going back to fast track, is that correct?

The PRESIDING OFFICER. Correct.

Mr. WELLSTONE. And there is not an opportunity to offer amendments? I ask the majority party as to when I might have an opportunity to offer an amendment to fast track? I will do it later—I see my colleagues on the floor—but will there be an opportunity?

The PRESIDING OFFICER. As was indicated to the Senator, the Chair does not think that has been arranged, and it will depend upon the instructions from the leader.

Mr. WELLSTONE. I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that morning business be extended until 3:30 p.m.

The PRESIDING OFFICER (Mr. KYL). Is there objection? Without objection, it is so ordered.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

UNANIMOUS-CONSENT REQUEST—H.R. 2676

Mr. KERREY. Mr. President, I ask unanimous consent that the Senate proceed immediately to H.R. 2676, the IRS Restructuring Act of 1997 by discharging this legislation from the Senate Finance Committee to which it was referred on Thursday; that the bill be read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. Mr. President, I rise to object to the unanimous-consent request made by my distinguished colleague, Senator BOB KERREY. The process of his seeking a UC agreement and my objecting is into its fourth day now. I do want to say publicly that I appreciate the civil and courteous manner in which the process has unfolded.

It is my opinion that what unites Senator KERREY and me is more significant than what divides us. His successful commission has done essential work in uncovering weaknesses and shortcomings within the IRS. The 3 days of hearings we held in the Finance Committee disclosed others. Both of us are well aware of the changes that must be made within the agency.

Senator KERREY is right when he says the vast majority of our colleagues would vote to pass the legislation which passed the House by a vote of 426 to 4. Indeed, when one looks at the abuses and inefficiency of the IRS, it is hard to resist the argument that any reform is better than no reform at all. Senator KERREY is correct in saying that the legislation he proposes would make important reforms to the IRS, but he is also right in saying that the legislation is not complete. It has weaknesses, and I must emphasize very, very serious weaknesses.

Mr. President, the simple truth is that I am not willing to compromise on real reform. I am not willing to rush into legislation that does not go far enough to address the changes that must take place within the agency, especially when rushing in will adversely impact the potential of passing real reform later. The fact is, this reform falls short of what we need to accomplish.

The New York Times reports that "tax experts across the country say the practical benefits of the [legislation advocated by Senator KERREY] will be minor." According to Stuart E. Seigel, a former chief counsel of the IRS, "Most of the bill's provisions are very limited and will not have a significant impact on most taxpayers."

Senator KERREY suggests that each day the Senate delays in passing what the New York Times calls minor changes, some 150,000 people will be affected as they continue to receive notices from the IRS. Yet, another report in the Times makes it clear that "the provisions in [this 'watered down'] bill are [so] narrowly drawn [that it] would affect relatively few people."

Senator KERREY himself has made it clear that "this [bill] doesn't go far enough." The Wall Street Journal of November 3, 1997. And Newsweek reports that the strong measures aimed at reform have been eviscerated.

The question all of this begs is simple: Why compromise? If Senator KERREY suggests this bill doesn't go far enough, if we have a growing consensus among tax practitioners, taxpayers, and the media that the bill is deficient, and if we have the conviction in Congress and the sentiment at home that something significant must be done, why are we willing to compromise?

The bottom line, Mr. President, is that I am not willing to compromise.

Some would suggest that half a loaf is better than none; that we can come back and stiffen up this legislation later.

Well, we know where that will lead. If we pass this reform legislation, then those who are not anxious to pass further reforms will resist a new bill. The truth is that we will get only one real chance to reform the IRS, and we had better do it right.

There are several significant issues we need to address. We should begin by giving the oversight board called for in this legislation, and if we adopt such a board, the authority to look at audit and collection activities. More than 70 percent of Americans think poor treatment in audits occurs fairly regularly, yet this legislation expressly prohibits the oversight board from having jurisdiction over audits and enforcement.

This is just the beginning, Mr. President. Let's include a provision to ensure that all taxpayers have due process and that the IRS does not abusively use its liens-and-seizure authority. Let's give the taxpayer advocate greater independence. Likewise, the IRS should have the benefit of an independent inspector general. Let's strengthen the legislation to require signatures on all IRS-generated correspondence, and let's curb the use of false identifications by agency employees and ban the use of statistics and goals in determining their performance.

These changes are only a beginning of what needs to be done. Yet, the legislation advocated by my distinguished colleague does not address even these most fundamental needs. If we are unprepared at this time to add these things, then let's be patient. Let's not pass a bill that Senator KERREY has already suggested "doesn't go far enough."

The PRESIDING OFFICER. Objection is heard.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, first of all, let me return the compliment. I have high praise for the chairman. He has done exceptional work on this issue, especially the 3 days of hearings which penetrated the section 6103 veil and issues that are protected under normal circumstances by privacy laws.

Let me also respectfully disagree with his characterization of this as a watered-down bill, citing the Washington Post, the New York Times, et cetera. They are apt to object to many of the things that the distinguished Senator from Delaware wants to do as well.

This piece of legislation has the full endorsement of America's accountants, America's enrolled agents, the National Federation of Independent Business, the National Treasury Employees Union. It is by no means small reform. I intend this afternoon to go through the bill. It was sitting at the desk a couple of days ago. We could have taken this thing up a couple of weeks ago and had a full debate on it. We would have had plenty of opportunity to amend it, to improve it and to change it, but we didn't. I am going to go through this bill and let my colleagues decide on behalf of their taxpayers whether or not they want to change the law.

It looks like we only have a day or two left, but all we have to do is bring it up here to the floor. All we have to do is have no objection raised, and we can pass this piece of legislation. I am going to show some of the new things this law would provide to the American taxpayers as they consider whether or not this piece of legislation is watered-down.

Mr. REID. Will the Senator yield without losing his right to the floor?

Mr. KERREY. I will be pleased to yield.

Mr. REID. Mr. President, I appreciate my friend yielding. I have another matter to attend to in a short period of time. I wanted to come to the floor and spread on the Record of this Senate that the Senator from Nebraska should be commended and applauded for the work that he has done on this issue. He chaired the Entitlement Commission, of which I had the good fortune to serve as a member. It was a tremendous experience. One of the things I will never forget is the testimony that was taken during those hearings about the Internal Revenue Service.

We have heard figures that it costs at least $200 billion a year just for people to fill out their forms. That is only part of it. We had testimony during those hearings that the cost of the Internal Revenue Code itself is up to $400 billion. It is lots of money, we recognize that.

I worked hard to write the taxpayer bill of rights. It is now the law. It was a help, but it didn't go far enough. We need to do better.

What this legislation will do—which has received the almost unanimous support of the House of Representatives, 426 to 4, and the President of the United States supports this legislation—this legislation would give the Internal Revenue Service some meaning. The employees of the Internal Revenue Service support this legislation, former Commissioners of the Internal Revenue Service support this legislation. The Senator from Nebraska has done the right thing by moving beyond the Entitlement Commission, to the Kerrey-Portman Commission which studied specifically the Internal Revenue Service, and now is responsible for the bill having passed the House and now in the Senate where it should pass.

This is good, elementary legislation. It is legislation that will make the American people feel good about an important institution of Government, the Internal Revenue Service, which is now a hiss and a byword. People should not feel that way about the Internal Revenue Service, even though they do. This legislation, which should be passed by unanimous consent, would allow the American public to feel better about the Internal Revenue Service.

So I say to my friend from Nebraska, you are on the right track again with this legislation. This is something that is necessary, it is important, it is important because it creates this oversight board. It is important because it allows recovery of attorneys fees. It allows recovery of damages. There is a toll free number to register complaints. It improves the operation of the Taxpayer Advocate Office. It is good legislation. I do hope the Senator will go through this legislation and explain to the American public why it is so important we pass it and pass it now.

Mr. KERREY. I thank the Senator from Nevada, especially for his earlier work on the taxpayer bill of rights and taxpayer bill of rights II. Prior to the enactment of those laws, the taxpayer had almost no authority at all coming up against the IRS. With the enactment of those two bills, the taxpayer now has a substantial amount of power which was previously denied, and those who predicted there would be a big decline in collections—which, as you know, was the case—those predictions did not turn out to be true.

This really gets right to the heart of it. This is not just an agency collecting money in order for us to be able to pay the bills, whatever it is we declare in law we are going to use taxpayer money to pay for. This really gets to the heart of Government of the people, by the people, and for the people. If people don't trust that they are getting a fair shake with the tax laws, with those 8 out of 10 who voluntarily comply—actually 83 percent of the American taxpayers comply, down from 93 percent 10 years ago. To those 83 out of 100 who voluntarily comply, they need to know, are they going to get the information they need to pay their taxes; are they going to get a fair shake if there is a dispute; are they going to face an agency that has the capacity to be managed in a way that is comparable to what the private-sector financial institutions demonstrate on their behalf?

The answer right now is no in all three cases. More people pay taxes than vote in this country and their dissatisfaction with this agency is broad, it is deep and it is urgent, not just for the sake of being able to say we have done all we can to get this agency running correctly, but it is essential for the sake of people's confidence in their Government that we enact these changes.

I heard, again, the distinguished chairman of the committee, whose willingness to hold hearings on this subject has been terribly important to examine beyond the privacy veil some of the additional problems that go on with the IRS, say this is a watered-down piece of legislation. That is not true, Mr. President. It may be true in the eyes of people who are opposed to the bill. Indeed, of the four opponents of the legislation in the House—426 voted in favor of it, 4 voted against—the people who voted against it thought it went too far.

He cited yesterday, and again today, editorials that were objecting not to the bill because it didn't do enough, but because it went too far. These are people who don't want change at all. That don't want any change in the way the IRS is run. They think it is run just fine.

So for those of us who have heard our citizens say that they call the IRS up and they can't get an answer to what becomes one of the most important questions they have when they are doing financial planning—which is, how much do I owe the Government? —for those citizens who find themselves in receipt of a notice of collection because they have been told that they haven't paid enough and find themselves wondering whether or not they are going to be able to withstand the IRS's assault on them, and for those who watch this agency continue to try to come into the electronic world and fail time after time after time, for all those and many more besides, this piece of legislation solves their problems. It solves their problems, Mr. President.

I suspect that it is not likely that my colleagues on the other side of the aisle are going to come down here and say, "For gosh sakes, let's get this thing passed." I mean, on the House side it has the support of the Speaker, of DICK ARMEY, of BILL ARCHER. In fact, the percentage of Republicans supporting it in the House is 100 percent. The only people who opposed it are those who believe this legislation has gone too far, not that I did not go far enough.

There are five titles, Mr. President, in this piece of legislation. It is again worth noting, for those who say, "Well, can't we just hire a private-sector person, as we just did with Mr. Rossotti to run the IRS? Isn't that enough? Don't we just need to manage it a little better?" you know, this is a nation of laws. The IRS doesn't exist because somebody decided to put it out there. It was created by the U.S. Congress. It operates as a consequence of what the law says, not just the Tax Code but the other laws that enabled that agency to be created in the first place. So it is a creature of law. It is the law that determines whether or not we are going to be able to get satisfaction for our citizens.

So for those who are wondering why we are talking about the law here, we are talking about the law because the IRS was created by the law, and many things that people have come and asked for, the IRS can't do because the law does not allow it. So we have to change the law in order to be able to do the things that people have been coming to us saying needs to be done.

Mr. President, title I is called the "Executive Branch Governance And Senior Management of the Internal Revenue Service." It sounds innocuous enough. Indeed, most of the debate about this piece of legislation, regrettably, has been focused on the first half of title I, and that is the executive branch governance.

There was resistance early to having a public board governing the IRS and have control and authority over the IRS. We finally persuaded the President that this was a good idea. This public board does have real authority to develop a strategic plan to make budget recommendations and make comment on the acceptability of the IRS Commissioner—tremendous authority under the law.

There are some people who would like to go further. As I said, most of the people that have looked at this, if they have any objection at all, they object to it going too far. They object and say that the President should not have agreed to it, that he should not have said yes to us in this regard.

We felt that having a public board—in this case a 9-person public board—with authority over the developing an strategic plan was crucial in order to be able to develop some consensus between the Congress and the executive branch about what the IRS was going to do.

What is the plan? If you don't have a plan, then it is going to be very, very difficult to have any kind of an implementation strategy.

The distinguished chairman says they want to be able to go and look at audit information. I do not believe this board ought to be looking at returns, nor do I think it ought to be getting into the details of audits. Should it be able to look at the standards of audits? Absolutely.

Indeed, in one of the other titles of this legislation we require the IRS to publish the standards of audits. If people say, "Gosh, don't they already?" I say, no. I say to citizens who are concerned about this, we had only one full study on the basis of audits, the way audits are conducted by the IRS, only one study by a woman at the University of Syracuse who got the information through a Freedom of Information Act request.

And every time she publishes her report, which is highly critical of the IRS—saying that the audit is done on one basis in Arizona and a different basis in Nebraska, that their subjective determinations are rampant throughout, that there does not appear to be consistency from one State to another, that it depends on where you live as to whether or not you are going to be audited, all kinds of criticism of this audit—every time she surfaces those criticisms, the IRS attacks her. "Oh, no. You're wrong. You're just some flake up there at Syracuse. Don't trust the information." We have all heard that before.

When you have an agency like the IRS, they are able to say they have the power. Since they have the information, they can just say the citizen is wrong.

This law requires the IRS to publish the standards of their audits. Let us decide. Let the citizens decide. Let the people examine this information to determine whether or not there is an objective basis for the audit and whether or not the public supports it. Don't let the IRS sort of do it on their own because it leaves open the possibility that you get what we have right now, which is a very substantial lack of confidence from one State to the next as to whether or not the citizen, the taxpayer is getting a fair shake. Again, back to what I said before, this is the way the IRS strikes at the heart of citizen confidence in Government of, by, and for the people.

We are not talking about reform in the EPA here or the USDA that touches a much smaller number of people or even the Federal Election Commission that touches only individuals who chose to run for office. This agency touches almost every single household. Every single American has some contact with the IRS on an annual basis.

The second half of this title which is crucial—and this is one that if I ever come down here and offer my unanimous consent request, and the bill gets discharged, and we vote on it, my guess is it is going to go 100 to nothing, or close to it. And one of the reasons I believe that is the section in title I that deals with management of the Internal Revenue Service senior management.

People are surprised when they hear that the Commissioner has no authority to hire, to fire, to bring on their own team. Now, we make certain that veteran preferences are maintained, that the Commissioner has to follow the employment regulations of the Federal Government, especially the civil rights regulations. But significantly, though, this strengthens the Commissioner's ability to be able to manage, to be able not only to use punitive penalties for those who are not doing a good job but put positive incentives in place.

Mr. Rossotti is from the private sector who came and talked to the Senate Finance Committee, when we held his confirmation hearings, and told us all the wonderful things he was going to do to manage the agency. The law does

not give him the authority to do it, does not enable him to do the things he wants to do. We said, you can hire 25 more people. We gave him the authority to hire 25 more people, the only thing is they won't have any authority.

Those of us who have had the opportunity to serve our country in the Armed Services understands one of the first things we were taught is the difference between responsibility and authority; that I can delegate authority, but responsibility always stays with me. One of the worst situations you can have in life is to be given a lot of responsibility but no authority.

And that is what he has. He has the responsibility—everybody comes to him and complains when the agency isn't being run right—but he does not have the authority under the law to manage the agency, either with penalties or with affirmative incentives in place to reward people for doing a good job, to reward people for their high-performance in meeting the objectives and performance standards that he has set out in this law to present to the board and to present to the Congress.

Title II deals with electronic filing. I can see why some people who have been commenting on this bill, as if they have read it, ignore this particular section. It is kind of boring—electronic filing. Electronic filing does not sound like it is a very exciting piece of information.

I tell you, for the American people who pay for this agency, $7.3 billion a year to run it, and for those who are filing tax returns out there, who spend $200 billion a year to complete the forms, electronic filing is a big deal.

Why? It is a big deal, Mr. President, because we discovered —our restructuring commission that held 12 public hearings and thousands of meetings with employees and with former employees, as well as with all the people that help private-sector people, citizens to fill out their tax returns—we discovered that the error rate in the paper world is 25 percent and the error rate in electronic filing is less than 1 percent. And we change that in this law.

We still have a provision in there that requires under law that you have to actually put a signature document with your electronic filing, even though when we went down and visited the service centers and we talked to service center employees about this signature document—this piece of paper that has to still be filed, it is a requirement of the Department of Justice. The truth is, if you sign in black, the copiers are not so good anymore and it will not stand up in a court of law as to whether it is the real signature or a copy. So these stacks of papers they have down there are not worth anything. It is still required under law, but it is a nuisance to the taxpayer. Even with that paper having to be filed, the error rate is less than 1 percent.

Mr. President, when it comes to doing any piece of work, whether it is preparing your own or trying to make the tax collection agency run efficiently, an error is money. It costs the taxpayers twice. It costs them first in an agency that is more inefficient than it ought to be, and it costs them a second time because it adds to the $200 billion. Some fraction of that $200 billion is there because it is inefficient, because it is difficult to get the information, because it takes longer than it otherwise would have.

For those who sort of are trying to, in their own minds, scratch their head and figure out what I am talking about—which is not altogether easy sometimes—most of us in our billfolds, our purses will have a thing called an ATM card, a little piece of plastic that the private sector has developed. They developed it to make it easier to make financial transactions, to do business with your bank or financial institution. Lord knows, it is a lot easier. It is lots more convenient. It enables you to do things that otherwise you would have to actually physically go in while the bank was opened to get done.

Well, you ask yourself, "How come the IRS has not done that?" The answer, Mr. President, again, is the law. There are insufficient incentives and there is no way to achieve consensus.

We started this thing in 1995, 2 years ago, when Senator SHELBY and I stood on the floor managing the Treasury-Postal bill. And we fought against the IRS because they had just been determined by the General Accounting Office to have wasted $4 billion in purchasing computers.

We discovered in our restructuring commission these computers can't even talk to one another. You have a stove pipe organization, and one stove pipe doesn't talk to the other stove pipe, and it doesn't talk to the other stove pipe, and you can't get the information you need. It can take months and months and months to get information you need.

Mr. President, time for the American taxpayer is money. And they pay for it twice. So this section in here, electronic filing. Again, I understand why it has been ignored by people who write editorial pieces, because it is not very glamorous. It is not, you know, a very hot issue. It is not the sort of thing that sort of gets the blood boiling. But it is the sort of thing that will save taxpayers an awful lot of time and an awful lot of money.

Let me get to the third title. Those who say, "Well, how about all those concerns we hear in the Finance Committee that taxpayers were raising?" Title III deals with taxpayer protection and rights. I am willing to go further. Had this bill been brought to the floor a couple weeks ago, we could have, in fact, strengthened the Taxpayer Advocate Office.

I am willing to make it more independent than it currently is even in this law, which gives the Taxpayer Advocate a lot more independence and a lot more power than they currently have. Hardly watered down, hardly insufficient, hardly minor if you are one of the taxpayers who get affected in here. We shift the burden of proof when you go to Tax Court—a big deal.

Today the presumption is that the taxpayer is guilty. If you get a notice, if you are one of the 135,000 people every single day who received, in addition to other sorts of things in the mail, a little thing that says "Internal Revenue Service," there isn't any feeling quite like that to wake you up in the morning. You get that little piece of notice in the mail and your hands shake. And you open it up, and it says, you owe $100, you owe $500, $1,000, whatever the number is.

Under current law, the presumption is you are wrong; they are right. The burden is on you. You have to prove they are wrong, if you want to try to prove it. If you agree with them, fine, you send them a check. But if you say, "My gosh, I did this myself. I had an accountant help me. I had somebody else help me. I didn't make any mistake. I don't owe any additional money," welcome to the club. Now it is for you to prove that you are right, they are wrong.

We did not go as far as some would have liked to say, that you go immediately and shift the burden of proof so that the IRS has to prove you are wrong, because we felt that would punish and penalize the 83 out of 100 people who voluntarily comply who aren't receiving a notice; but we said, if you reach Tax Court, if you are unable to settle this thing and you reach Tax Court, it does shift now to the IRS. They have to prove that you are guilty, as is the case in every other court of law. This is not a minor change. Even though it was only several thousand people a year that end up in Tax Court, Mr. President, I will guarantee you, if you are one of those several thousand people, this is not a small change. This is a big change. And it will likely have a tremendous impact on your capacity to get a fair hearing before a U.S. Tax Court.

In subtitle B of title III there are a number of things dealing with what is called proceedings by taxpayers. It expands the authority to award costs and fees. We earlier had a discussion yesterday of this.

Today, you cannot get your attorney fees if you are found not to owe anything. Under this provision, the answer would be you would get attorney fees. You have the opportunity to be awarded up to $100,000 of civil damages if the IRS can be demonstrated to be negligent. Today, if the IRS is negligent or

the IRS makes a mistake or the IRS is at fault, they don't have to worry about it. There is no penalty in place under the law to the IRS if they make a mistake.

Under this law there would be. It changes their attitude. It puts them in the frame of mind of saying, "My gosh, if I'm going to send a letter out to somebody and say they owe money, I better make sure they owe money, I better be reasonably certain I can make the case in Tax Court and better be reasonably certain, because if I'm demonstrated to be wrong, we could be out of some dough here. And if I'm negligent," which is very often the case, "if I'm negligent, we're going to have to pay a price for it."

We all understand that there needs to be some sort of negative sanction against behavior that could put people at risk. This law does that in a reasonable, responsible way, but certainly not in an insignificant way for those individuals out there—again, 135,000 every single working day—that are going to receive a notice of collection. This is not a small item for them.

There is a title in here called "Elimination of Interest Rates Differential on Overlapping Periods of Interest on Income Tax Overpayments and Underpayments." I will not go into this at length on the floor here this afternoon. Again this is not a small item. We have taxpayers out there saying, "My gosh, I don't understand it. You have given me a bill, I am in dispute, and I have to settle early because if I don't there is a possibility I could end up with a huge penalty." In no court of law do you have that. In no court of law do you have a situation where a citizen says, "I better make up my mind in a hurry here, otherwise I could end up with an enormous penalty. I could be penalized as a consequence of trying to make my case."

Other titles here are "Protections for Taxpayers Subject to Audit or Collection Activities," "Privilege of confidentiality extended to taxpayer's dealing with nonattorneys authorized to practice before Internal Revenue Service," "Expansion of authority to issue taxpayer assistance orders," "Limitation on financial status audit techniques," "Limitation authority to require production of computer source code," "Procedures relating to extensions of statutes of limitation by agreement," or "Offers-in-compromise," "Notice of deficiency to specify deadlines for filing Tax Court petition," "Refund or credit of overpayments before final determination," "Threat of audit prohibited to coerce Tip Reporting Alternative Commitment Agreements."

Mr. President, these are not small items. I would be surprised if there is a single Senate office that has not heard a taxpayer bring one, if not several, of these things to the attention of a Member. These are not small. These are not insignificant. These are changes that could shift and cause taxpayers to say, "Finally, you are doing something that makes sense." The IRS cannot do it today. They are prohibited from doing these things. Again, we are a nation of laws, and once the laws are changed, the IRS will behave in the way the law directs.

There is a subtitle, "Disclosures to Taxpayers." What is the big deal? We had at least one witness before the Senate Finance Committee, a woman, who came and said she was surprised to discover that after her husband had divorced her and hit the road, she ended up being liable for his tax bill. We all heard it and said it was terrible, it shouldn't be the case. She was terrorized by the IRS. They put her and her new husband in jeopardy. She ended up getting divorced, Mr. President, over this because she was better off divorced. It is terrible. Change the law.

Well, bring the bill up and vote on it. You want to wait until next year? You want to put these people at risk? You don't want to solve a problem you know you can solve by changing the law? I don't understand it. I simply don't understand it. I don't understand what benefit is gained by delaying. We have a bill that we can bring up today—today. All it would take is the majority leader persuading the Republicans on that side. Every single Democrat is ready to bring it up. As I say once it is here for a vote, my guess is it is unanimous. Once people start looking at the details of the bill and see what is in this bill itself, I don't think they will object to this. I don't think they will come down here and say, gee, these are small, these are insignificant, these aren't anything that is going to have an impact on people.

Subtitle G is called "Low Income Taxpayer Clinics." I say there are people who are working, people in the work force, people out there trying to figure out how to read the Tax Code. There must be something out there available to them. The answer is there is not. We are not spending a lot of money, but we are saying keep the playing field level, give people the opportunity to get their questions answered in the same way you can get a question answered if your income is high enough that you can hire an accountant to get the job done for you.

Mr. President, these are not small items in this legislation.

The next title in this bill is "Congressional Accountability for the Internal Revenue Service." As I said earlier, as much praise as I got from the chairman after 3 days of hearings, we discovered for the first time in 21 years the subcommittee held a hearing. We had people criticize us. I guess every 21 years is too often. This is a requirement every 6 months for the Joint Tax Committee to meet and hold a hearing with this new public board. Why? Not just for oversight, but so we can get consensus on what the strategic plan is going to be.

Every single private-sector person, every other government agency that talked to us about the technology investments, Mr. President—that is the key question. How do you make an investment in computers, and especially the software and operating system, for this 110,000-person agency that processes over 200 million returns a year? How do you do it when the processing occurs over a 150- or 180-day period? Every person that came to us said, unless you know where you are going, unless you have consensus on a strategic plan and understand the IRS currently has a board of directors that includes every single Member of Congress, 535 people on its board of directors—we heard witness after witness come to us and say the problem very often is not the IRS, but the Congress.

You have to give better oversight, more consistent oversight so they know what they are supposed to do. Congress is giving permission. We are not saying there will be a blank check. Congress still retains the authority to cut, to do whatever it wants, in response to things it sees the IRS doing or not doing. Congress still retains the authority to authorize and appropriate money. We have to have a mechanism to improve the oversight that Congress gives the IRS.

You say it is a small item. It is a big item. Mr. Rossotti will tell you it is a big item. There is one speed bump, and he is heading for Niagara Falls. When he will have 200 million returns filed, he hits one speed bump and he will come before six committees—three in the Senate and three in the House—to answer questions about what he did or didn't do and why he didn't solve the problems that he was supposed to solve.

Mr. President, this piece of legislation has many other things, and I will probably have an opportunity to talk further about this. Members need to understand what is in the bill. You have heard complaints and concerns coming from citizens at home. This piece of legislation will solve an awful lot of those concerns. You will go home and your taxpayers will say to you, "For gosh sakes, what did you gain by delay?" I stand here and predict the statements didn't go far enough. We need to do more. My guess is all we are doing by waiting another 150 or whatever the days are, and we will pass a piece of legislation roughly the same. This is a very strong piece of legislation.

I ask unanimous consent to have printed in the RECORD an IRS reform index that shows the cost of delay and shows the kind of support it has on the House side and the kind of support it has in the private sector.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE IRS REFORM INDEX

As of Sunday, November 9, number of consecutive days on which Senate Republican leadership has blocked Senator Bob Kerrey's attempt to bring up his IRS reform bill: 4.

Number of Senate Democrats who have urged Majority Leader Trent Lott to pass Kerrey bill before adjournment: 42.

Number of collection notices the IRS has mailed since Senate Republican leadership first blocked consideration of Kerrey bill: 396,000.

Number of taxpayers who have tried to call the IRS during that time: 825,000.

Number of collection notices that will be mailed before Senate returns January 26, the next date at which IRS reform could be considered if Republican leaders continue to block consideration of Kerrey bill: 9,504,000.

Number of taxpayer calls before Senate reconvenes: 19,800,000.

Number of those callers who, according to national averages, will be unable to get through: 9,702,000.

Number of those who do get through whose questions will be answered incorrectly: 807,840.

Vote by which House version of Kerrey bill passed: 426–4.

Percentage of House Republicans, including Newt Gingrich, Dick Armey and Bill Archer, supporting that bill: 100.

Amount Majority Leader Trent Lott called the "teeny" price of a phony "poll" Republicans propose to send out with all tax returns to assess taxpayer attitudes toward the same IRS they are objecting to reforming: $30 million.

Number of Nebraskans whose entire annual income tax bills would be required to finance that "teeny" sum: 11,033.

Number of members of Congress who ought to know their constituents are fed up with the IRS without spending between $30 and $80 million on an unscientific survey: 535.

Mr. KERREY. I hope in the time remaining, all it will take is my friends on the Republican side simply not objecting to bringing this bill up, for us to act on it and get it to the President with his signature.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that morning business be extended until 4 o'clock p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Thank you, Mr. President.

FEDERAL MEDDLING IN OREGON

Mr. WYDEN. Mr. President, I rise today to take a few minutes to discuss Federal meddling in the internal affairs of my home State of Oregon.

As many of my colleagues know, the people of my State have been discussing at length the concept of assisted suicide. In fact, the people of Oregon have spoken twice on this issue. It is a very difficult issue, and after months of thoughtful debate and intense media scrutiny, the voters of my State have voted to allow physicians to assist their terminally ill patients in ending their lives.

Mr. President and colleagues, let me say that I have deep personal reservations about the concept of assisted suicide. I have voted twice as a private citizen against assisted suicide, and once on the floor of the U.S. Senate I voted against Federal funding of assisted suicide. But let me also say that the voters of my State in a recent ballot measure have voted no on the question of repealing the matter of assisted suicide they voted for earlier.

My question today is, what part of no does the Federal Government fail to understand? We saw just a few hours after the Oregon vote some of the most powerful Members of the U.S. Congress and the Clinton administration looking to overturn the popular will of the people of Oregon. Within hours of the Oregon vote, a letter emerged from the Drug Enforcement Administration to the Members of Congress who control the budget for the Drug Enforcement Administration. In effect, the Drug Enforcement Administration indicates they want to declare war on physicians in Oregon and those they serve by threatening to revoke the drug dispensing privileges of any physician who abides by the law that Oregon has now passed on two separate occasions. In effect, the Drug Enforcement Administration is interested in thwarting the will of Oregonians.

Now, Mr. President and colleagues, let me repeat again, I have deep personal reservations about assisted suicide. Going back to my days with senior citizens as codirector of the Oregon Gray Panthers, I have been most interested in looking at medical advances in pain management and hospice care, and I don't think there has even been a beginning at those efforts, and certainly those are the first efforts that governmental bodies at every level ought to be trying to support.

But when the people have spoken, and in this case the people of my State have spoken twice, it is time for the Federal Government to back off. It is not as if this town doesn't have enough to do already on this floor. It is obvious that important legislation needs to be passed as it relates to a number of Federal agencies. Certainly, the Drug Enforcement Agency has important work to do. I don't see any evidence that they have stemmed the flow of cocaine and heroin and methamphetamine to our kids. It seems to me the Clinton administration and the Drug Enforcement Administration has plenty to do right now other than to meddle in the internal affairs of the State of Oregon.

Now, I have great respect for the Members of Congress who are interested in this issue. A number of them are personal friends and individuals with whom I have worked on a bipartisan basis on health care legislation such as the Food and Drug Administration and health care legislation to protect our youngsters. I have great respect for the Members of Congress, the leaders of the committees that have jurisdiction over the budget for the Drug Enforcement Agency, and I respect them and have worked with them on many occasions.

However, I say to those Members of Congress and to the Clinton administration that it is an inappropriate exercise of our responsibilities to impose personal or religious views on the voters of Oregon. Those voters have spoken. My personal views notwithstanding, I want the Federal Government to get that fairly simple concept known as "No." The people of Oregon have spoken on this issue, and it seems to me if there were a constitutional question involved, perhaps you could understand why the Congress and the Clinton administration would be interested in this Oregon ballot initiative. But in fact, a Federal court has recently ruled against a constitutional challenge to Oregon's law, and the Supreme Court of the United States upheld that ruling.

Mr. President, the citizens of my home State have now made law with respect to what they consider to be compassionate care on the part of Oregon physicians. It was not a rush to judgment. There were two very extensive debates in my State, and I have already indicated that my view with respect to assisted suicide is that I still have deep reservations about the concept.

But the voters of my State have spoken. It would be wrong for those at the Federal level to meddle with that decision. It would be wrong to override the judgment of Oregon voters. And it is my view, Mr. President, that neither this Congress, nor the Clinton administration, nor the DEA, should trample on the judgment of Oregon voters on an issue that the courts have already decided is a matter that should be decided in my home State of Oregon.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REDUCING THE RISK OF UNAUTHORIZED OR ACCIDENTAL LAUNCH OF BALLISTIC MISSILES

Mr. DASCHLE. Mr. President, as hard as it is for me to believe, it was 8

years ago this month that the Berlin Wall came tumbling down. Who among us can forget the stirring pictures of that moment? The entire world watched as jubilant Germans, separated for 38 years by a man-made scar running the length of their country, breached this once impregnable barrier. In so doing, they not only united Germany, they brought together a continent.

The dismantlement of the wall dramatically symbolized to all that democracy had at last triumphed over totalitarianism. The fall of the wall set in motion a series of incredible events. In June 1991, Boris Yeltsin became the first democratically elected Russian President. Two months later Yeltsin disbanded the Communist Party. By the end of 1991, the Soviet Union itself ceased to exist. And the Warsaw Pact, the once fearsome military alliance established to counter and defeat NATO, was officially dissolved.

After five decades of tension, the loss of thousands of lives, and the expenditure of several trillion dollars, the cold war was over. However, as the euphoria of this historic occasion began to melt away, leaders in the United States, Europe, and Russia began to realize that the national security paradigms they had used for nearly half a century no longer applied. They would be required to think anew—a task that presented both challenges and opportunities.

President George Bush took the first steps toward aligning our national security posture with the emerging post-cold war realities in September 1991.

Acting on the advice of Gen. George Butler, the commander in chief of the U.S. Strategic Command, President Bush ordered the U.S. Air Force to stand-down the portion of our strategic bomber force it had kept ready to fly at a moment's notice for most of the cold war. Shortly thereafter, the nuclear weapons on-board these planes were removed and placed in storage. President Bush would also take off alert status those strategic missiles earmarked for elimination under the START I Treaty.

President Clinton has also contributed to solving our post-cold war security concerns. Under his leadership, the Senate ratified the START II Treaty, which limits the United States and Russia to no more than 3,500 strategic weapons. President Clinton completed negotiations on the Chemical Weapons Convention and secured the Senate's approval this past April. The CWC treaty would eliminate the scourge of chemical weapons from the face of the Earth. And finally, just 1 month ago, President Clinton submitted to the Senate the Comprehensive Test Ban Treaty. If enacted, this treaty would be a useful tool in our efforts to stem proliferation. I hope the Senate will be allowed to act on this treaty when we return.

While we have made some progress in realigning our national security policies to more fully reflect the realities of the post-cold war world, we still have much more to accomplish. Perhaps the most startling and dramatic indicator of how far we have to go is the fact that, as I stand here today—8 years after the fall of the Berlin Wall—the United States and Russia still possess roughly 14,000 strategic nuclear weapons and tens of thousands more tactical nuclear weapons. And even more alarming, both sides keep the vast majority of their strategic weapons on a high level of alert.

In a recent editorial, former Senator Sam Nunn and Dr. Bruce Blair assert that each nuclear superpower maintains roughly 3,000 strategic nuclear warheads ready to launch at a moment's notice. According to Nunn and Blair, while this practice may have been necessary during the cold war, "today [it] constitutes a dangerous anachronism."

Mr. President, I believe we can and must do much more to address the threat posed by nuclear weapons. On September 17, I sent a letter to the Congressional Budget Office asking them to assess the budgetary and security consequences of a series of measures designed to reduce the spread of nuclear weapons and the likelihood they would ever be used.

I expect to receive preliminary results from this inquiry by early next year. In addition, I conducted a meeting earlier this week to explore one particular means of reducing the risk of unauthorized or accidental use of nuclear weapons—removing from alert status some fraction of the strategic ballistic missile force.

As a result of this meeting and a series of discussions with Senator Nunn, Dr. Blair, and General Butler, I am convinced that it is time to seriously consider de-alerting at least a portion of our strategic ballistic missile. I say this for several reasons. First, the likelihood of a surprise, bolt-out-of-the-blue attack of our strategic nuclear forces is unimaginable if not impossible in today's world.

Keeping large numbers of weapons on high alert status fails to recognize this reality.

Second, concerns are growing about the reliability and condition of the Russian early warning and command and control systems. United States security depends on the Russians' ability to accurately assess the status of United States forces and to control their own forces. Public reports indicate their early warning sensors are aging and incomplete, their command and control system is deteriorating, and the morale of the personnel operating these systems is suffering as a result of the lack of pay and difficult working conditions.

It is in our interest to have Russian missiles taken off alert and Russian leaders given more time to interpret and respond to events.

Third, de-alerting a portion of our strategic missile force now could strengthen the hand of those in the Russian Duma who support START II and other United States-Russian security measures. De-alerting some United States strategic missiles could send an important signal at a crucial stage in Russia's consideration of the START II Treaty. In addition, when President Bush took unilateral action to de-alert a portion of our strategic forces, President Gorbachev reciprocated by removing from alert a number of Russian land- and sea-based missiles.

Finally, de-alerting a portion of our strategic missile force would not sacrifice U.S. security. The United States has already indicated a willingness to reduce its total strategic force to as few as 2,000 weapons. Even if we were to de-alert the entire MX force, the United States would retain roughly 2,500 weapons on alert status, and several thousand more could be made ready to launch. Moreover, should circumstances warrant, the United States could reverse any de-alerting measures it may take.

Mr. President, despite the fact that the Soviet Union dissolved and the cold war ended, the risks posed by nuclear weapons persist and evolve.

I plan to do what I can to explore options for reducing these risks. I believe de-alerting a portion of our missile force merits further study in this regard. I look forward to working with my colleagues and the administration in the next session of Congress to fully explore this measure as well as any other that could lessen the dangers of nuclear weapons.

Mr. President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

ORDER OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, I thank the minority leader, and I thank the Presiding Officer.

Mr. President, I ask unanimous consent that I might be able to speak as if in morning business for up to 20 minutes, and I further ask unanimous consent that at the completion of my remarks Senator BOXER be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROCKEFELLER. I thank the Presiding Officer.

FAST-TRACK LEGISLATION

Mr. ROCKEFELLER. Mr. President, there has been a lot of debate on the floor over the last several days about fast-track authority, and a lot of it has run against my grain. I don't think it

has been at a very high level. What I would like to do is respond to a few of the main arguments that have been used against it that I have heard from some of my colleagues about both the nature of fast-track authority and the need for fast-track authority.

Before I begin I would like to say that West Virginia's economy depends and will continue to depend enormously on strong growth in its exports. So any vote which is taken which does not support the proposition of promoting exports from West Virginia is one that I would question. Indeed, the U.S. economy is moving very strongly forward. I don't believe myself that the growth will continue in West Virginia as strongly as it might have if fast track does not pass this Congress, if we do not give that authority to the President. West Virginia had $1.3 billion in exports in 1996. That's about a 35-percent increase in exports since 1992. That is quite remarkable. West Virginia's specific exports to Japan, which is our second-largest export market, went up 128 percent in 3 years. Just think about that, Mr. President—a 128 percent in 3 years; increasing exports increases West Virginia—and that dramatic increase has been with just one country—Japan. And, in fact, that means West Virginia exports to Japan totaled about $116 million in 1996, which is not a lot in some States, but it is a lot in West Virginia. U.S. exports increased by $125 billion last year alone—a lot of this because of trade arrangements.

One thing is undeniably true—denying the President fast-track authority will not create a single new job in West Virginia. Nobody can make that argument with a straight face. It won't save a single job either to deny the President fast-track authority. It will only hamper our ability to sell goods to new markets, which is what this is about, and hurt the growth of a critical sector of our economy, and one that I have personally been working on very hard over the last 10 to 15 years.

I think most of the arguments about the revolutionary provisions of fast track are highly overstated, and highly dramatized. Fast-track authority isn't anything new. And, because it is a procedural mechanism, I don't think there is anything to be feared about it. I recognize that others don't think so. Some have good arguments. Most have rather poor arguments, I think. Fast track is a mechanism simply that helps the United States keep up with the changing world economy and deal with our trading partners in 21st century management.

So, let me take a moment to respond to a few of the persistent arguments which are used against fast track. These are just a few of them.

Is there sufficient congressional consultation accompanying fast-track authority: Very big contentious deal. Right? We are ceding all of our authority to the President of the United States. We will no longer be a Senate. We will just be a tool of the Presidency.

That is ridiculous. Congressional consultation is required in order for the administration to have and to retain fast-track authority and it has been significantly strengthened, I would say powerfully strengthened, from what was required under the legislation granting the last fast-track authority in 1988. New requirements for the administration are imposed under this bill which the House, and some Democrats in particular, don't seem to have the guts to be able to vote for it. It has all been passed through the Senate Finance Committee in order to ensure the administration carefully coordinates and consults with Congress at every stage of the process. Listen to me on this.

The 1988 act required that the President provide written notice to the Finance Committee and the House Ways and Means Committee of bilateral trade agreements at least 60 days before providing notice to the Senate and the House of his intention to enter into an agreement—and, remember, this is the last fast-track authority—and to consult the Senate Finance Committee and the House Ways and Means Committee regarding the negotiations.

The bill that we passed out of the Senate Finance Committee and which the Senate has voted by a vote of 69 to 31 to take up, the President to provide written notice to the Congress as a whole of his intention to begin multilateral and bilateral negotiations at least 90 days in advance.

That notice, Mr. President, must specify the date the President intends to begin such negotiations, the specific objectives of the negotiations, and whether the President intends to negotiate a new agreement, or, on the other hand, to modify an old or existing agreement. Any failure of the President to provide notice can result in the introduction and consideration of a "procedural disapproval resolution" which would deny fast track for the trade agreement, if the resolution were approved.

This bill also requires the President to consult with the Finance Committee and the House Ways and Means Committee, and with other committees, before and after providing the notice of his intention to begin negotiations.

Already we are in advance of where we were in 1988.

The President must consult with all other committees that have any jurisdiction or participation in this matter that request consultations if a committee wants to be consulted. If it wants to be consulted, it can request consultation, and the President must consult with them in writing.

In addition, the Senate Finance Committee's fast-track bill requires the President to consult with the private sector advisory committees established under the 1974 Trade Act, as the President deems it appropriate, before beginning negotiations. This consultation takes place before the trade negotiations have even begun.

Before the President is permitted to enter into a trade agreement, the President must consult with the Senate Finance Committee, the House Ways and Means Committee, as well as other committees of jurisdiction over legislation involving subjects that would be affected by the trade agreement, in addition to the consultation requirements of the 1988 act, which includes discussions about the nature of the agreement and a detailed assessment of how the agreement meets the objectives and purposes of the act.

Now the Senate Finance Committee bill requires the President to consult the Congress on all matters related to the implementation of the agreement.

Free trade agreement negotiations must include an overview of the macroeconomic environment of the countries with which the President intends to negotiate and a discussion of effects on exchange rates—on exchange rates. It is a good idea included in response to concerns raised by certain Members—and it is in the fast-track authority.

These consultations must be continuous as negotiations of the trade bill are continuous. What additional requirements for consultation do the opponents of this want? Another new consultation requirement was added in response to Senate Members' concerns about side agreements that were entered into during previous free trade agreements, like NAFTA and the United States-Canada Free Trade Agreement. The new requirement mandates the President consult with respect to any other agreement he has entered into, or intends to enter into with the countries party to the agreement.

This would include all kinds of agreements: Formal side agreements, exchange of letters, and any preagreed interpretations of the provisions of a trade agreement entered into in conjunction with a trade agreement.

Advisory committee reports are required.

What provision of the extensive consultation requirements am I on? No. 7, No. 8? I have no idea what number I am on of all these new provisions which give strength to the congressional role in forging trade agreements.

Advisory committee reports are required to be submitted not more than 30 days after the President notifies Congress of his intention to enter into a trade agreement.

I know going through this amount of detail sounds arcane. But I just want to in a sense ridicule the arguments that are being used that somehow we are ceding all power to the President. Is it

the U.S. Senate which is important in this, or is it jobs for workers in West Virginia and across the country which are important in this? What comes first here?

Further, the Senate Finance Committee fast-track bill requires the USTR to consult regularly, promptly, and closely with congressional advisors for trade policies and negotiations, and with the Senate Finance and House Ways and Means Committee whole membership, and to keep both the advisors and the committees fully informed every step of the way through the negotiations process.

Ambassador Barshefsky is over there doing negotiating, which is really done in secrecy—most of it.

No. 9. We have to be consulted on the progress of the negotiations of any trade agreement eligible for fast track so the Congress can evaluate the negotiations at each stage virtually at each hour.

I do not know what more Members might require in the form of consultation.

Because negotiations traditionally become most intense at the conclusion of the negotiation process, the Senate Finance Committee further expects that the USTR will enter into a formal agreement in the form of procedures similar to those agreed by the executive branch in 1975 that will ensure that congressional advice and committee advice will be able to be fully taken into account as in the past.

Again, this next provision must be the tenth or eleventh requirement for consultation——

As a condition of fast track authority, the U.S. Trade Representative will commit to a set of procedures that afford Members and cleared staff—not just Members but cleared staff—with necessary documents, classified, or unclassified. They will have access to things such as cables, statements of executive branch position, and formal submission from other countries. The USTR staff will work with the Senate Finance Committee to set up a system of briefings for Members during these negotiations, and appropriate staff to be included in the final rounds of the trade negotiation agreement.

And the President is required to notify Congress before initialing a trade agreement which might even be eligible for fast-track authority. He can't even put his initials on it before he consults with Congress. Once the agreement is initialed by the President, the President then has 60 days to provide the Congress with any and all changes required to U.S. law to implement the agreement.

Well, I have another two pages on that, all of them, Mr. President, simply showing that the Senate has adequate consultation—the question is how much negotiating room the President has with all these consultation requirements. No problem with the Senate.

Now, some people make this argument. Some argue fast-track authority is not needed to move trade agreements. It is absolutely true that there have been hundreds of trade-related agreements and declarations which the U.S. Trade Office has concluded during this administration. From January 1993 to just last month that has been the case.

But, let me give my colleagues some examples of these many trade deals that the opponents of this bill point to to suggest that trade agreements continue to be made and that fast-track authority is not really necessary; in other words, you don't have fast track authority to have trade agreements. Well, a lot of these agreements which have been agreed to and negotiated are very peripheral in nature. One, a bilateral investment treaty with Albania. Great. And then an agreement regarding processed chicken quotas with Canada. A memorandum of understanding on trade in bananas with Costa Rica. Wonderful. A trade and intellectual property rights agreement with Estonia. Historic. An agreement on a temporary waiver of Hungary's WTO export subsidy schedule. Wow. Harmonized chemical tariffs with Japan. All right, that's good. An agreement on trade in textiles and textile products with Lesotho. Wonderful. And it goes on and on and on.

I hope that my colleagues will agree that as important as having bilateral agreements with any given country may be—and some of the examples I listed have, in fact, real economic impact; they have real impact on important industries in my State and other States—not many of these agreements are major trade deals. That is my point. In fact, very few are major trade agreements in the sense they are not opening up new markets.

Here rests my argument. What we are talking about is opening up new markets. What the opponents are talking about is totally removed and off base.

I do not mean to say that negotiating with individual countries and establishing bilateral agreements isn't a very important part of improving the trade environment. These individual product or industry-specific agreements with different countries do help improve U.S. trade. I have no doubt about that at all. But they do not make significant expansions in our export markets that America and West Virginia need desperately in order to improve.

Ensuring that U.S. goods and services can be available on a level playing field to the 96 percent of consumers in this world who are not Americans happens to be very important. Trade agreements make sure that we have access to new markets under reasonable conditions. In our increasingly global world, that means we have to have multilateral agreements like GATT and the Uruguay round, and free trade agreements with areas like Latin America and Asia are needed. Why? Because they are growing enormously, and their middle class is growing and their ability to purchase goods is growing.

An up-or-down vote on a multilateral trade agreement makes sense to me because it is how we expand our markets. As the U.S. Trade Representative, Charlene Barshefsky, told the Finance Committee, in the two fastest growing regions of the world, Latin America and Asia, governments are seeking preferential trade agreements. "They are forming relationships around us, rather than with us, and they are creating new exclusive trade alliances to the detriment of U.S. interests."

Then Ambassador Barshefsky goes on to say, "In Latin America and Asia alone over 20 such agreements have been negotiated since 1992, all of them without us."

Well, I can't imagine that doesn't bother the opponents of fast track. I care about the effect of trade on jobs in my State. And there is plenty of protection for the Senate and the Congress in this fast-track authority. You cannot negotiate a trade deal with 100 Members of the Senate and a foreign country or set of countries. It cannot be done. Fast track makes sense.

Can you imagine people coming in and saying, well, we have to.

What are other countries doing on trade agreements while the U.S. debates fast track? Where is the United States at a disadvantage if we don't pass fast track, as they may not in the House? Again, primarily due mostly to my own party.

I have talked about the fact that major markets are negotiating trade agreements and the United States is not in the picture. Let's just look at the major world markets:

No. 1, Uruguay, Brazil, Argentina, and Paraguay have formed a common market called MERCOSUR. MERCOSUR has a GDP of about a $1 trillion and includes a population of 200 million people. It wants to expand its market to the rest of South America. The sheer numbers of people and dollars in this market makes it the largest economy in Latin America. MERCOSUR has agreements with Chile and Bolivia, and is talking with Colombia and Venezuela, in addition to Caribbean nations. The EU and MERCOSUR plan to complete a reciprocal agreement by 1999. We are on the outside of all that.

No. 2, Latin American nations are meeting with members of the Central American Common Market [CARICOM] to discuss free trade negotiations.

No. 3, Chile, with one of South America's leading economies has already signed agreements with Bolivia, Colombia, Ecuador, Mexico, Granada,

Venezuela, and MERCOSUR countries. That means Chile has a preferential trading relationship with every major trading country in our hemisphere except the United States. How do the opponents of fast track feel about that?

There are seven members of the South Asian Association for Regional Cooperation [SARC]—Bangladesh, Nepal, Sri Lanka, India, Pakistan, and Maldives—they have set 2001 as the date they would like to create a free-trade area. Right now, SARC is only 1 percent of world trade, but it has 20 percent of the world's population which means this is another important market to the United States in the future.

I talked about Latin America earlier and want to underscore why that market is so important to our trading future. Projections are that Latin America will exceed Western Europe and Japan combined as an export market for the United States in the next decade—and that's under current conditions where tariff barriers average three to four times the average United States tariff. Put simply, Latin America is one of the largest emerging markets, of the 30 million people who join the middle class annually, three-fourths of those 309 million people are currently in emerging markets and low- and middle-income markets.

I am almost at an end. The Asian Pacific Rim is our second fastest growing export market. Meanwhile, our industrial competitors continue to make agreements that put U.S. goods at a disadvantage. Canada has a new trade agreement with Chile. The EU is in a position to take better advantage of the transition economies of Central and Eastern Europe. The EU is also working on getting a free-trade agreement with MERCOSUR.

China is zeroing in on Latin America and Japan is working on its ties to Asia and Latin America through closer commercial ties and a greater commercial presence.

Mr. President, I simply make these remarks because I think it will be such high and deep folly if the House declines to vote on—or if voting, votes down—fast-track authority. I think some of the arguments made in this body have made it easier for Members of the House to say, "Look what so-and-so said in the U.S. Senate."

It is a question: Do we want to expand trade? Or do we want to just keep all inside of ourselves? This has been an age-old problem with the United States. We cycle back and forth from one view to another. This is the time to cycle for an expansionist trade point of view.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mrs. BOXER. Mr. President, I had the floor, as I understand it, following the conclusion of Senator ROCKEFELLER's remarks?

The PRESIDING OFFICER. The Senator from California is correct. Under the previous order, the Senator from California is to be recognized.

The Senator from California.

Mr. SPECTER. Mr. President, might I ask unanimous consent—I have been waiting here for some time to speak for up to 5 minutes.

Mrs. BOXER. Following my remarks?

Mr. SPECTER. No, at the present time. I have been here on the floor.

Mrs. BOXER. I have been waiting for at least 2 hours, on and off.

The PRESIDING OFFICER. Objection is heard. The Senator from California.

Mr. SPECTER. May I inquire of the Senator from California how long she will be speaking?

Mrs. BOXER. I would say about 15 minutes, I say to my friend.

Mr. SPECTER. Then I ask unanimous consent that I might be recognized to speak up to 5 minutes at the conclusion of her remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. I say to my friend from Pennsylvania, I may finish sooner than that, and I will endeavor to do so.

LOOKING AHEAD

Mrs. BOXER. Mr. President, I think the Senator from West Virginia, Senator ROCKEFELLER, made a very strong plea for giving the President fast track. I find it interesting that those who support fast track say those who do not, in this case, oppose trade. I think the truth is there are those who support fast track on any given occasion, and there are some who oppose it on every given occasion. I find myself in the middle of the road here, where I have given fast-track authority to Presidents when I felt it was in the best interests of our country, of our working people, and of our environment. That is usually when trade is being negotiated with countries that have decent labor standards, decent prevailing wages, and decent environmental standards.

So on that topic, I think it is simplistic to say that either you are for trade or against it. I think we are all for trade. I think the question is, is it fair to America? Will it result in good-paying jobs or will it put the squeeze on jobs? And should we give up our authority here in the Senate and the House, should we give that up regardless of whether it is a President of my own party or another party? Or should we hold on to that authority so we can, in fact, stand up for American values and American workers and American interests?

As we reach the end of this session of Congress, I would like to comment on a couple of the issues that we have taken up in the Senate and look ahead for some issues I hope we will take up when we return. As one of the two Senators from the largest State in the Union, every single thing that we do here and every single thing we fail to do here has a major impact on my State. It has 33 million people, more seniors than any other State, more young people than any other State, more workers than any other State, more women than any other State, more infants than any other State. So whatever issue we turn to here impacts my people enormously.

I share pride in knowing that I was able to work with a majority of my colleagues to bring a balanced budget, but one with a heart, to the U.S. Senate and to the President's desk for signature. The march toward fiscal responsibility in this country was actually started when President Clinton took the oath of office. I remember that day because we were filled with promise and hope that we could finally tackle some of our problems. And we did.

I might say it was a tough year for Democrats, because we didn't get any bipartisan help in that budget. But that budget in 1993 was the budget that led us to fiscal responsibility. It took us down that fiscally responsible track. I remember, because I am on the Budget Committee, hearing the comments of my Republican friends at that time that this budget was a disaster, that President Clinton's policy would lead to unemployment, recession, depression—everything bad that you could think of. We persevered and we believed in what we were doing, and I am happy to say that this year we finished the job with our Republican friends. Gone are the days of Government shutdowns, because the American people spoke out in that last shutdown and said: You were sent here to do your job. We want fiscal responsibility but we are not going to have our budget balance on the backs of our grandmothers and grandfathers, our children, the most vulnerable people. We are not going to balance the budget while hurting education and the environment. So the budget agreement took all that into consideration. I think we all have a lot to be proud of.

As we moved forward on the fiscal responsibility front, unfortunately I saw us move backward in a number of areas. I want to touch on those.

In 1973, Roe versus Wade was decided. It is the law of the land. Yet this Congress is constantly trying to roll the clock back to the days when women were in deep trouble in this country because abortion was illegal. We know that there is not the will to have a vote to outlaw abortion because the votes are not there, and the American people would be stunned if a woman's right to choose was completely denied. So what the opponents of a woman's right to choose have done is to chip away at that right. And there are many women in this Nation who have their choice imperiled. Who are these women?

Women in the military, women in the Federal work force, poor women in America—all women in America, because fewer and fewer hospitals are teaching doctors how to perform safe, legal abortion.

I don't know why we have to keep turning back the clock to the days when women were in trouble in this country. Why don't we move on? I have a bill that would codify Roe versus Wade. I am looking forward to talking more about that next year. It seems like there is a group that wants to reopen that battle all the time. They want to reopen the battle over Medicare. They want to fight us on issues that already were fought in the 1950's. That's when Dwight David Eisenhower said the National Government ought to have a role in education. In the 1960's, that's when President Johnson said Medicare is important. In the 1970's, that's when President Nixon said we need an Environmental Protection Agency.

I think America does better when we move forward. So I am hoping when we get back here we will complete some unfinished business. First of all, we should fill up all the judgeships that are languishing. Justice delayed is justice denied. We have very fine people waiting to be confirmed by this U.S. Senate. I am very pleased that we did pass a number through, but there are a number left to go. I am very pleased Senator LOTT has worked with Senator DASCHLE and we will have a vote on Margaret Morrow. But we need to do it. We must also confirm the nomination of Bill Lann Lee to be Assistant Attorney General for Civil Rights. We cannot allow this important position to remain unfilled while such a superb nominee is ready, willing, and able to assume the job.

We also need the IRS reform that Senator BOB KERREY spoke about so eloquently. And we need passage of campaign finance reform, the McCain-Feingold bill.

Let's place some national standards on our HMO's and ensure that all Americans enrolled in managed care plans receive quality treatment and are always treated fairly by insurance companies.

We need to pass the transportation bill, not just for 6 months, but for 6 years. Our people need highways built. They need transportation systems that work. We owe it to them.

We must make stopping gun violence a national priority. Junk guns have no place on our streets. And we must ensure that all handguns in America are sold with a safety lock. Taking this step would save hundreds of lives every year.

Let's make a national priority of health research. That is what the people want. They want a cure for Alzheimer's, AIDS, breast cancer, prostate cancer, scleroderma, ovarian cancer—these are the things they so worry about with their families today. Let's make a priority of health research.

He is our leader on doubling the National Institutes of Health. He has teamed up with Senator CONNIE MACK on this. It is time that we do this. The American people need it.

We need some minimum standards for day care. Senator DURBIN was on the floor today eloquently speaking about the needs of those infants and those toddlers and how the brain develops. By age 3, 90 percent of the brain is developed. Yet, we have no national standards for child care in this Nation.

So I think it is time that we looked at certain issues. We say children are our priority. Let's pass the Children's Environmental Protection Act and protect them from pollution. We have seen a 30-percent increase in brain tumors among our young children in the last 10 years.

We need national standards for education. We had a good compromise in the U.S. Senate, and the House would not accept it. What are we afraid of? Why wouldn't we want our parents to have a chance to see whether their children are reading at the proper level, doing math at the proper level? If we really care about our children, let's put some responsibility on the teachers, and this is one way I think we ought to do it.

Superfund reform. We have toxic waste dumps all over this country. We need to clean them up. The law needs to be refined. Too much money goes to attorneys and not enough to clean up the mess. The polluter has to pay. We can't allow the taxpayers to pick up the tab. We need to move forward.

In closing, I want to say this. We are going to be celebrating Veterans Day on November 11. It is a special, special day. It also happens to be my birthday, and I am very proud to share it with the veterans.

Year in and year out, we hear about how many of the homeless in our streets are veterans. Mr. President, how can we, as the United States of America, celebrate Veterans Day knowing that so many of our vets have been turned aside?

I hope we will move on that and on the gulf war syndrome. We cannot turn our back on veterans who served our Nation in wartime and came back sick.

We did it in Vietnam when our veterans were exposed to agent orange. We did it again with gulf war syndrome. We ought to hold our heads up as a nation this Veterans Day.

I really look forward to coming back here and righting some of these wrongs. Senator ROCKEFELLER has a great bill. It says if you are a gulf war veteran and suffer from a disease, you don't have to prove anything except you were in that war theater and you are now disabled in order to qualify for disability benefits. It seems to me if we stand for anything around here, it ought to be standing by our veterans when they are sick and when they are homeless.

So I leave here with a good feeling about a lot of what we did and a little bit of regret about some other things I didn't agree with. But I am excited as I think about coming back here, because I think you heard me describe that there are a number of issues we ought to address that will make life better for all of our people in the context of a balanced budget that has a heart.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair. I have sought recognition to discuss briefly two matters: First, the pending fast-track issue and, second, the pendency of our judicial confirmations.

FAST TRACK

Mr. SPECTER. Mr. President, I will begin on the question of fast track with a statement made by the distinguished Senator from West Virginia saying that it would be disingenuous to believe that trade agreements would not be rewritten in the U.S. Senate. I say to my colleagues that I consider it unlikely that trade agreements would be rewritten in this body, considering how hard it is to get 51 votes against a committee report or against an administration position or that we might have the structure on amendments made so that it would require passage of a bill then subject to veto by the President and then subject to a two-thirds override. But if, in fact, trade agreements would be rewritten on the floor of the U.S. Senate or on the floor of the House of Representatives, then it might be something which is desirable.

I oppose fast track, although I am not opposed to free-trade agreements, because I do favor such agreements and supported NAFTA, the North American Free-Trade Agreement, and GATT, notwithstanding very considerable constituent opposition in my own State. Being elected in Pennsylvania, with 12 million constituents, it is my view that I ought to have standing as a Senator to offer amendments, and because we have had a certain amount of wisdom coming from Members of Congress on issues of trade, which are matters of very, very considerable importance.

I will analogize the activity of the Senate regarding trade agreements to what we do on treaties in general, where a two-thirds vote is required. If amendments could be offered to trade agreements, it could be of some substantial value to the President, and the executive branch in negotiating agreements with foreign powers saying,

"Well, we understand your position, but you have to understand ours, and there are certain political realities in the U.S. Congress."

We have a variety of protocols where you have executive agreements which look very much like treaties which are not subject to ratification by the Senate. A very complicated agreement was entered into with North Korea which involved very substantial issues on nuclear power. That was the subject of a letter from the chairman of the Foreign Relations Committee, the chairman of the Interior Committee and myself, in my capacity last year as chairman of the Intelligence Committee, asking for Senate action. So there are precedents for having the Senate exercise its judgment and I think we have some substantial judgment in the field.

I recall very well in 1984, when the International Trade Commission came down with a decision which was in favor of the American steel industry. At that time the issue arose as to whether President Reagan would overrule the decision of the International Trade Commission. Senator Heinz, my late departed colleague, a great Senator, and I went to talk to then Secretary of Commerce Mack Baldrige who thought that we were right, the American steel industry ought to have that favorable decision from the International Trade Commission. Bill Brock, the trade representative, agreed. We then talked to Secretary of State George Shultz and Secretary of Defense Caspar Weinberger who disagreed.

The President overruled the International Trade Commission and made the decision which was based really on foreign policy and defense policy. The American steel industry paid a very high price which should have been paid out of the general revenues. Western Pennsylvania especially, but eastern Pennsylvania, too, with Bethlehem Steel, suffered very substantially.

Right now, my distinguished colleague, Senator SANTORUM, and I are working very hard on trying to get Cigna fair access to the Japanese markets. Notwithstanding certain commitments by the executive branch and the trade representatives, we have not been able to accomplish that.

So it seems to me that there is a very good reason on principle why matters which come to the Congress on trade issues ought to be subject to amendment. We have some understanding of the trade issues, and we have some understanding of our States' stakes. I think it would be entirely appropriate for us to be able to offer those amendments and not to have to simply vote yes or no, take it all or leave it.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. SPECTER. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MY GRANDDAUGHTER SILVI

Mr. SPECTER. Before commenting briefly on judges, I have a very brief personal note. Yesterday, I spoke about the appropriations bill on Labor, Health and Human Services. My 3-year-old granddaughter, Silvi, was watching the screen on C–SPAN 2, perhaps one of the few watching. She said to her father, my son, Shanin, "Why doesn't he say hi?"

I told her I might speak this afternoon and alerted her, although the time is somewhat delayed. I do not think it is somewhat inappropriate to say hi to my granddaughter, Silvi. I know in the old days, they said you couldn't do that. But without objection, I say hi to her.

JUDGES

Mr. SPECTER. Mr. President, I want to say a word or two about judges.

It is a very difficult matter getting judges confirmed in the Senate. I congratulate my distinguished colleague, Bruce Kauffman, a former Supreme Court Justice in Pennsylvania, for his confirmation yesterday.

I understand the distinguished Pennsylvanian from Wilkes-Barre, A. Richard Caputo, Esquire, is subject to confirmation with no objection.

I urge my colleagues to support the confirmation of Judge Frederica Massiah-Jackson, for the eastern district of Pennsylvania, Federal court. Judge Massiah-Jackson has a very distinguished record on the State Court of Common Pleas in Philadelphia County. Although some questions have arisen, a couple of intemperate remarks, I think, do not disqualify her. If intemperate remarks were disqualifiers, there wouldn't be any Federal judges, there wouldn't be any Senators or anybody in any other positions. Questions have arisen about her sentencing. Out of 4,000 cases, 95 appeals were taken and reversals in only 14 cases. I urge my colleagues to support Judge Frederica Massiah-Jackson so we can fill a vacancy on the Federal court.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ACCOMPANYING S. 830

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now turn to the conference report accompanying the FDA reform bill; that it be considered as having been read; that there be 30 minutes for debate equally divided between the chairman and ranking minority member, with an additional 5 minutes for Senator REED of Rhode Island; and that following the conclusion or yielding back of time, the Senate proceed to vote on the adoption of the conference report, all without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. As I understand this, we now have an hour of debate?

Mr. JEFFORDS. Half hour; 30 minutes.

Mr. HARKIN. And then we will vote.

Mr. JEFFORDS. Right.

Mr. HARKIN. It will be a recorded vote.

Mr. JEFFORDS. No, it will not be. It depends on the body, but it is intended to be a voice vote.

Mr. HARKIN. Thirty minutes of debate, a voice vote and then there will be no pending business after that? What will the pending business be after that voice vote?

The PRESIDING OFFICER. The pending business is the fast-track bill. My understanding of the request of the Senator from Vermont was 30 minutes equally divided, plus an additional 5 minutes for the Senator from Rhode Island.

Mr. HARKIN. Mr. President, since everybody else seems to be getting in line, I wonder if I can amend that to ask unanimous consent that after the disposition of this bill, after the voice vote, which I understand is included in your disposition, after the disposition of this bill, that the Senator from Iowa be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I was wondering if we could ask for 40 minutes. I have a couple of Senators on our side who would like time, who have been very active on this issue. Perhaps we could have a few more minutes so that we could accommodate their requests. Would that be agreeable?

Mr. JEFFORDS. Does that include the Senator from Iowa?

Mr. HARKIN. No.

Mr. KENNEDY. No.

Mr. JEFFORDS. Yes. I have an objection to the request from the Senator from Iowa.

Mr. KENNEDY. Mr. President, could we have 40 minutes then on the bill?

Mr. JEFFORDS. I have no objection to the Senator from Iowa being recognized as in morning business for a period of 10 minutes after the vote.

Mr. HARKIN. I understand that after the vote on this bill, the pending bill is the fast-track bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I ask unanimous consent that after disposition of this bill,

the Senator from Iowa be recognized to speak on the fast-track bill. That is all.

The PRESIDING OFFICER. Is there objection to the request?

Mr. JEFFORDS. It would have to be in morning business.

Mr. HARKIN. I don't understand why it has to be in morning business.

Mr. JEFFORDS. It is my understanding from the majority leader that the 10 minutes the Senator is requesting should occur as in morning business. That is all I can tell you.

Mr. KENNEDY. If the Senator would be recognized for 10 minutes——

Mr. JEFFORDS. I believe the Senator would be recognized for 10 minutes, but it would be in morning business.

Mr. HARKIN. I want to ask unanimous consent that the Senator from Iowa be recognized for up to 20 minutes after the disposition of this bill.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. JEFFORDS. Objection. I object.

Mr. HARKIN. Then I will object to that unanimous-consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now turn to the conference report to accompany the FDA bill, and the conference report be considered as having been read, and that there be 40 minutes of debate equally divided, and that following the conclusion or yielding back of time, the Senate proceed to a vote for adoption of the conference report, all without further action or debate.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Reserving the right to object, I don't know what I did, but a few minutes ago I had 5 minutes. There wasn't 5 minutes——

Mr. JEFFORDS. Then I will amend it to ask unanimous consent to add an additional 5 minutes for the Senator from Rhode Island, Senator REED.

Mr. REED. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. HARKIN. Reserving the right to object, I ask unanimous consent to amend that unanimous consent so the Senator from Iowa would be allowed 20 minutes in morning business after the disposition of it.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the Senator from Iowa?

The PRESIDING OFFICER. Without objection, the entire unanimous-consent request is agreed to.

FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997—CONFERENCE REPORT

Mr. JEFFORDS. Mr. President, I submit a report of the committee of conference on the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 830), have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 9, 1997.)

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, before us is the conference report on S. 830, the Food and Drug Administration Modernization Act. This is really an excellent moment to bring this up and consider what has been accomplished.

This bill represents the first major reform of the Food and Drug Administration in some 30 years. For our committee, it is the second major reform that we have accomplished this session, the first one being special education, which was the first major reform for that program in some 20 years.

I am very pleased to be able to say to my colleagues that the FDA measure embodies the objectives we originally sought to accomplish.

This legislation achieves two important goals.

First, it helps the FDA to get medicine and medical devices to patients and doctors sooner and safer.

And, second, it will extend and improve the Prescription Drug User Fee Act, commonly known as PDUFA.

I am pleased to report that the conference report has the unanimous support of the conferees. It deserves the unanimous support of this body as well.

The conference report is the culmination of 3 years of hard work by dozens of Senators. It offers the most substantial reform of the Food, Drug and Cosmetic Act in decades and will have a positive impact on the lives of millions of Americans for decades to come.

Think how the world of medicine has changed over the past two or three decades. The law that governs much of that world, and nearly $1 of every $3 spent by consumers, must change and adapt as well.

The measure makes scores of changes in the law that ensures the safety of the food we eat, of the drugs we use to fight disease, and the medical devices we use to improve the health of Americans. It will help patients gain access to new therapies sooner without weakening either safety requirements or the authority of the FDA. It gives the agency needed tools and resources to manage an increasing workload more efficiently. In addition, it contributes to our maintaining America's technological leadership in producing pharmaceuticals and medical devices.

Achieving these reforms is a win-win-win situation for consumers, for the FDA, and for manufacturers. It is a win for patients and consumers, who will gain access to previously unavailable information and obtain better therapy sooner. It is a win for the FDA, which will receive new, sorely needed resources and streamlining and modernization of bureaucratic processes that have not changed in decades. And it is a win for the manufacturers, who will have a certainty that the review and approval processes applied to their innovative products will be applied in a collaborative and consistent manner.

About 10 months ago, Mr. President, we embarked anew on an effort that some characterized as foolish—an effort to modernize the regulatory processes of the FDA. Many thought it could not be done. Some urged we merely extend PDUFA or we tackle only a few issues related to drug regulation and leave the comprehensive modernization to another day.

I am glad we did not choose either of these paths. Instead, we chose to forge a bill with broad, bipartisan support, one that took a broad view of the changes needed at the FDA.

In that regard, I particularly want to acknowledge the Democratic members of the Labor Committee, and especially Senators DODD, MIKULSKI, WELLSTONE, and MURRAY. They have made countless contributions to this legislation, large and small. Their tireless support has been critical in our success.

This measure is the result of the process to consult with individuals of all points of view and to benefit from the expertise needed to draft legislation on this complex issue. Patients, physicians, consumer groups, the FDA, and the manufacturers of medical devices and pharmaceuticals all contributed to this effort through their participation in hearings and in discussions with the staffs.

This effort was parallel to that of our colleagues in the House of Representatives, which, under the outstanding leadership of Chairman BLILEY, also produced a strong bipartisan bill with overwhelming support. The collaboration and consensus building has continued right up to the present, and the quality of this conference report we are considering today reflects that process.

Mr. President, we would not be here today if it were not for the effort of my predecessor as the chair of the Labor and Human Resources Committee, Senator Kassebaum. Her efforts to advance reform in the last Congress paved the way for our work here today. We owe her an enormous debt.

This year, there have been many Members in both Chambers who have contributed to this effort. Foremost among them has been Senator COATS. The list of provisions of this bill that bear his imprint is far too long to recite. But, as an example, the third-party review provision has been developed under his leadership, and he has played an important role in advancing FDA modernization throughout this process.

Senator GREGG is to be commended for his proposals to streamline the FDA process for consideration of health claims based on Federal research and his amendments to establish uniformity for the over-the-counter, OTC, drugs and cosmetics. Senator MCCONNELL also suggested improvements in the regulation of food.

I am especially grateful to Dr. FRIST. He and Senator MACK led the way to compromise on the issue of the dissemination of medical information to health professionals, an important advance forward.

Senator DEWINE, joined by Senator DODD, offered an important amendment to establish incentives for the conduct of research into pediatric uses for existing and new drugs, a needed change. The bill was improved by Senator HUTCHINSON's amendment to establish a rational framework for pharmacy compounding, which respects the State regulation of pharmacy while allowing an appropriate role for the FDA. And Senator HARKIN has made many contributions to this legislation.

Finally, the ranking minority member, Senator KENNEDY, has played an important role in bringing this conference report to the floor in a manner that draws support from all quarters.

In the House, Chairman BLILEY and Congressmen DINGELL, BURR, BURTON, GREENWOOD and WHITFIELD have contributed immense energy and leadership in reaching this agreement.

Mr. President, it has been a remarkable year, crowned by a remarkable, bipartisan achievement. And I thank my colleagues for their support.

Mr. President, I yield the floor and reserve my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we have waited a very considerable time for this moment this afternoon in the U.S. Senate as well as action in the House of Representatives and, hopefully, the President's signature in the next few days on a matter of very significant importance to the issues of quality health for the American people.

It has been a very considerable process that we have followed over a number of years to get to this point.

I congratulate the chairman of our committee, Senator JEFFORDS, for his leadership all along this long and difficult passage, because I think without his perseverance, without his knowledge and awareness and his strong commitment on this issue, we would not have this important legislation available for the Senate and for the American people.

Mr. President, one could wonder why it has taken so much time. But we have a natural tension between bringing new innovation and creativity and breakthroughs in the areas of pharmaceutical drugs and medical devices to the market and, on the other hand, protecting the public by approving only safe and efficacious products. We have well-intentioned, brilliant medical researchers in our country who are absolutely convinced that their particular product can provide life-saving opportunities for our fellow citizens, members of our families, who are suffering extraordinary illness. And we have brilliant researchers at FDA that examine scientific information and clinical studies and believe that a very significant potential danger is out there for those who might use a particular pharmaceutical or medical device. Achieving a balance between these two concerns is a difficult task.

The one who has really balanced these conflicting views has been our chairman, Senator JEFFORDS, working diligently with other members of the committee, Democrats as well as Republicans, over a long period of time.

I am convinced that as a result of this legislation the health of the American people will be enhanced through faster availability to pharmaceutical drugs and medical devices while maintaining important protections for the American people. I join in supporting this landmark FDA conference report.

This is a very important piece of legislation. I think in many respects this will be one of the most important pieces of legislation of this year, and possibly of this Congress.

Mr. President, I want to commend Chairman BLILEY, JOHN DINGELL, as well as Chairman BILIRAKIS, SHERROD BROWN and other members of the House committee for their bipartisan work. We had a good conference where Members were knowledgeable and very committed in terms of finding common ground. I believe as a result of this conference we have an even stronger bill than was passed earlier.

In addition, I commend the Patients' Coalition and Public Citizen, who worked to assure that the needs of patients were fully and fairly considered in the legislation. I appreciate the assistance of the Massachusetts biotechnology and medical device industries, who provided me with valuable insight into these complex issues and their concerns.

I also commend Secretary Shalala, the dedicated men and women at the FDA, and the Clinton administration for their skillful and impressive role in developing so many aspects of these needed reforms.

The most important part of the bill is the extension of the Prescription Drug User Fee Act [PDUFA] which was originally enacted in 1992. PDUFA is one of the most important FDA reform measures ever enacted. It provides funds for FDA to hire hundreds of new reviewers who, in turn, are able to expedite the review and approval of pharmaceutical products. A critical element of PDUFA's success was the establishment of measurable performance targets, which was negotiated between the industry and the FDA.

Under the PDUFA provisions in this bill, in addition to moving products through the regulatory process more quickly, the FDA and industry will also establish a cooperative working relationship and shorten drug and device development times, which now represent the most significant delay in bringing new products to market.

In addition, the bill includes a number of other constructive provisions to enhance cooperation between industry and the FDA to improve regulatory procedures.

I am particularly gratified that the bill includes broader use of fast-track drug approval. The streamlined accessibility procedure now available primarily to cancer or AIDS will be available for drug treatments for patients with all life-threatening diseases.

The bill provides for expanded access to drugs still under investigation for patients who have no other alternatives. The compromise combines protections for patients with expanded access to new investigational therapies, without exposing patients to unreasonable risks.

The bill includes a new program to provide access for patients to information about clinical trials for serious or life-threatening diseases.

It provides incentives for research on pediatric applications of approved drugs and for development of new antibiotics to deal with emerging, drug-resistant strains of disease.

It requires companies to give patients advance notification of discontinuance of important products. And in that connection, I am disappointed that we were not able to address the issue of assuring that asthma patients and others will not be put at

risk by any abrupt discontinuance of inhalers containing CFCs. I have been informed by FDA that no notice of proposed rulemaking will be issued before this summer, which will give Congress plenty of time to return to this question, if necessary.

Mr. President, the current legislation is an improvement over the bill approved by the Labor Committee earlier this year—that bill included a number of provisions that as originally proposed could have jeopardized public health.

The original bill provided a pilot program for third-party review under which private third parties, certified by the Food and Drug Administration but selected and paid by the manufacturer, would have reviewed the safety and effectiveness of medical devices to determine whether or not they could be sold.

The original proposal would have included many of the most complex and risky devices, such as digital mammography machines, and a host of other devices to detect and treat cancer and other dread diseases.

Under the final bill, these devices may not be included in the pilot program.

The original bill required the Food and Drug Administration to approve devices for marketing even if the Food and Drug Administration knew defects in the manufacturing process would make the devices unsafe or ineffective. The final legislation eliminates this requirement.

The original bill would have prevented the Food and Drug Administration from looking behind the label proposed by a device manufacturer seeking approval of a product, even if the product was false or misleading. The final legislation assures that the Food and Drug Administration will be able to require full and complete information for physicians and consumers on any potential use of the device, not just the one claimed on the label submitted with the application for approval.

And the final legislation preserves the State authority to regulate cosmetics, an area of significant potential hazard to consumers.

The legislation includes an important compromise on information on off-label use of drugs. This compromise will allow companies to circulate reputable journal articles about off-label use of drugs but will ultimately enhance the public health and safety because the FDA will be given the opportunity to review, comment on, and approve articles which the companies will circulate. The compromise also requires companies to undertake studies on the safety of their drugs for the specific off-label use and submit applications to the FDA for approval of their drugs for these uses within 3 years. Currently, too many off-label uses of drugs have never been reviewed for safety and effectiveness.

The bill assures the Food and Drug Administration will continue to conduct appropriate environmental impact statements, rather than be exempted from the standards that apply to every other governmental agency.

The compromise included in the bill assures the Nutrition Labeling Act is not undercut or weakened, and any health claims by food manufacturers have to be substantiated.

The legislation maintains existing standards for approval of supplemental use of drugs while streamlining the process by which they can be approved.

In summary, the current legislation is a vast improvement over the bill approved by our committee earlier this year. As a result of extensive discussion since then, including the 3 weeks of debate in the full Senate and our subsequent negotiations with the House, I believe every one of these problem issues has been resolved satisfactorily.

The bill we enact will get safe and effective products to market while assuring the Food and Drug Administration will have the tools it needs for public health. It is a landmark achievement. I urge all of my colleagues to support it.

Mr. JEFFORDS. Mr. President, I yield 4 minutes to the Senator from Tennessee.

Mr. KERRY. Mr. President, my understanding is when this business is completed that Senator HARKIN has unanimous consent for 20 minutes, and I ask unanimous consent, following Senator HARKIN, I be permitted to speak in morning business for 20 minutes.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. COATS. Reserving the right to object, I don't intend to object, but I know there is an effort underway to try and bring the omnibus appropriations bill forward and I know a lot of Members are waiting around so they can take that vote. In fact, I was discussing that.

This isn't my call, but I ask the Senator if he could withhold until we can get some understanding of when that vote might be. It might be that it won't come before the Senator's 20 minutes, but if we add time here, 20 minutes there, and an additional 20 minutes, it could delay past the time when they now have commitments. I want to make sure we check that out.

Mr. KERRY. If I could allow my order to stand, I would be sensitive to the need for a vote, and if need be, I will respond.

Mr. COATS. I accept that, and withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, 3 years of hard work, which was begun by Senator Nancy Kassebaum, have resulted in the passage of the conference report to the Food and Drug Administration Modernization Act of 1997 in the Senate today. This legislation represents the first major, comprehensive reform effort since the initial amendments outlining regulation for drugs in 1962 and for medical devices in 1976. This major reform will help improve the FDA by strengthening its efficiency, accountability, and its ability to safeguard the public health.

There are several provisions contained in this bill that constitute significant reform and improvements to increase the efficiency of product review. For example, this legislation gives FDA authority to increase its access to scientific and technical expertise outside the Agency by allowing interagency collaboration with Federal agencies such as the NIH and CDC, and with the National Academy of Sciences. Also, the bill gives FDA the explicit authority to contract with outside reviewers and expand its current third party medical device review pilot program.

To help alleviate the confusion and frustration that many applicants feel when working with the FDA, the bill will require the FDA to codify evidence requirements for new drug and medical device application submissions and encourages improved communication between the agency and industry. And after 60 years, the FDA will be made more accountable by giving it a mission statement and requiring the FDA to develop a plan of action to meet its requirements under law. The bill will also reauthorize for 5 years the Prescription Drug User Fee Act, known as PDUFA, which has been tremendously successful in improving and speeding the review of much needed pharmaceutical products.

Most importantly, the bill Congress sends to the President will help patients. Individuals with a serious life-threatening disease or condition will have access to a new clinical trial database providing information on investigational therapies. Patients will benefit from the expansion of the fast-track drug approval process for new drugs intended for the treatment of serious or life-threatening conditions built on the existing program for AIDS and cancer drugs. And, patients that have no other alternative but to try an unapproved investigational product will have access to investigational therapies and medical devices.

The bill also includes a provision that will allow reprints of scientifically, peer-reviewed medical journal articles and medical textbooks about off-label uses of FDA-approved drugs and devices to be shared with physicians and other health care practitioners. This provision will help get

life-saving information to doctors, so they can be better informed when making decisions about how to treat their patients.

As a physician, I have used off-label uses to treat my patients in the past and understand its tremendous importance to the patient. Over 90 percent of treatments for cancer patients are off-label and the American Medical Association has estimated that between 40 percent and 60 percent of all prescriptions are for off-label uses of prescription drugs. I would like to acknowledge the tremendous work on this provision during the last few years by my friend, Senator CONNIE MACK and Mark Smith of his staff.

There are a number of people who worked hard to insure passage of this reform effort. I would like to thank Senator JEFFORDS, the chairman of the Labor and Human Resources Committee, for leading the bipartisan effort on FDA Reform in the Senate. I also acknowledge the leadership of Senator COATS, who has done significant work on provisions affecting medical devices in the bill. I also thank Senators GREGG, DEWINE, DODD, MILKULSKI, KENNEDY and HARKIN and their staffs for their hard work in conference. I would like to thank our House colleagues and their staffs who worked with us in conference and I especially recognize the able leadership of the chairman of the House Commerce Committee Representative TOM BLILEY and the ranking member JOHN DINGELL. I would also like to acknowledge and thank Secretary Donna Shalala and the FDA for working with us to help modernize and improve the FDA.

In particular, I would like to thank Jay Hawkins, Mark Powden, and Sean Donahue of Senator JEFFORDS' staff, Vince Ventimiglia of Senator COATS' staff, and Kimberly Spaulding of Senator GREGG's staff who were critical to the development of the bill. I thank them for their dedication and tireless effort on this important bill.

I especially want to thank the tireless work and outstanding leadership of Sue Ramthun, my staff director for health affairs, who has been so instrumental in passage of this bill.

I believe we have made a step in the right direction that will improve patient care and that this bill begins the debate on the long-term investment necessary to move the agency forward in areas such as regulatory research, professional development, and collaborative efforts between Government and academia, and I hope to continue working with my colleagues in a bipartisan manner to further improve the FDA in the following years.

Mr. KENNEDY. I yield 2 minutes to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I am so happy this day has finally come, in which the U.S. Senate, and I believe the House, will pass a conference report to modernize the Food and Drug Administration and to bring it into a 21st century framework.

I want to thank Senator JEFFORDS for the patient leadership he has provided in moving this bill, and a special thanks for the collegiality of his staff in working with mine. I also would like to acknowledge the special role that Senator COATS has played. I have enjoyed working with him these last 3 years. We will miss him here as he undertakes next year a new life in encouraging faith-based community groups to become more involved. I think in this bipartisan collegial exchange we have come up with an outstanding bill that is going to save lives, save jobs in the United States of America, give us a product to export around the world that is translingual, transcultural, but certainly helps our people and at the same time puts patients first.

I want to particularly thank my own staff, Lynne Lawrence, for the active work she has done, and Roberta Haeberle and Kerry O'Toole in the excellent backup they have provided.

Why do I like this bill? First of all, we reauthorize the Prescription Drug User Fee Act. What this will mean is we will be able to have 600 reviewers who will be able to work at the Food and Drug Administration making sure that we cut the review time, streamline the process, be able to move drugs, biologics and devices for clinical practice in a more expedited fashion, and at the same time be able to protect safety and efficacy. We do protect safety and efficacy while we move along at a quicker step with more people.

A reauthorization of PDUFA gives us the right people and now we have the right legislative framework to do it. One of the important aspects of this legislation is the streamlining process, and yet at the same time maintaining safety and efficacy upon the approval process so more and more clinical things will be able to go into clinical practice.

I am delighted that this day has finally arrived. It is a great day for patients and physicians. They will get new medical products in a more timely and efficient manner. It is a great day for American business. They won't have to go through unnecessary regulatory hoops to get these new products on the market.

This legislation, carefully crafted between the House and Senate, represents a solid, bipartisan effort. We could not have reached this point without the incredible dedication and persistence of the chairman of the Labor Committee, Mr. JEFFORDS. I thank him for his heartfelt devotion to this bill, and for never giving up. I also thank his staff, Jay Hawkins, Sean Donohue, and Mark Powden for all their hard work.

Let me also acknowledge the tremendous contributions of our ranking member, Mr. KENNEDY. There is no doubt this is a better bill because of his efforts. I also want to acknowledge the hard work of our counterparts in the House, the chairman of the Commerce Committee, Mr. BLILEY and the ranking member, Mr. DINGELL. Many thanks also go to the fine staff of the Commerce Committee for their excellent work.

Mr. President, I have worked on FDA reform for a number of years. When I was a Member of the House of Representatives, we embarked, on a bipartisan basis, to ensure consumer protection and to prevent dumping drugs that did not meet our standards on Third World countries.

Coming to the Senate, I joined with my colleague from Massachusetts, Mr. KENNEDY, and the Senator from Utah, Mr. HATCH, in fashioning the Prescription Drug User Fee Act [PDUFA]. PDUFA has enabled FDA to hire more people to examine products that were being presented for evaluation and get them to patients more quickly.

The leadership of KENNEDY-HATCH on PDUFA has not only stood the test of time, it has shown that we can expedite the drug approval process while maintaining safety and efficacy. I am so pleased that this successful legislation will be reauthorized for 5 years.

But while PDUFA has made a huge difference, it became clear PDUFA was not enough. More staff operating in an outdated regulatory framework, without a clear legislative framework, was deficient.

That is when we began to consult with experts in public health, particularly those involved in drugs and biologics. While we were considering all this, the world of science was changing. We experienced a revolution in biology. We went from a smokestack economy to a cyberspace economy. We went from basic discoveries in science from the field of chemistry and physics to a whole new explosion in biology, in genetics and biologic materials.

It became clear we needed an FDA with a new legislative framework and a new culture. This is when we began to put together what we called the sensible center on FDA reform. We worked with Republicans and Democrats alike, because we certainly never want to play politics with the lives of the American people.

Senator Kassebaum chaired the committee during this initiative. We took important steps forward. I say to Senator JEFFORDS, you assumed that mantle, and you brought us to the point today where we will achieve final passage of FDA reform. I thank you for that.

What will this legislation do? Why is it so important? It streamlines and updates the regulatory process for new products. It reauthorizes the highly

successful Prescription Drug User Fee Act. And it creates an FDA that rewards significant science while protecting public health.

It will mean that new lifesaving drugs and devices will get into clinical practice more quickly. It will enable us to produce products that we can sell around the world, and through this, save lives and generate jobs.

FDA is known the world over as the gold standard for product approval. We want to maintain that high standard. At the same time, we want to make sure that FDA can enter the 21st century.

This legislation gets us there. It sets up a new legislative and regulatory framework that reflects the latest scientific advancements. The framework continues FDA's strong mission to protect public health and safety. At the same time, it sets a new goal for FDA, enhancing public health by not impeding innovation or product availability through unnecessary redtape that only delays approval.

There has been an urgency about reauthorizing PDUFA. Its authority expires at the end of September. PDUFA has enabled FDA to hire 600 new reviewers and cut review times from 29 to 17 months over the last 5 years. Acting now means that people who have been working on behalf of the American people can continue to do their jobs. We won't risk losing talented employees and slowing down the drug approval process.

Delay would have hurt dedicated employees, but more importantly, it would have hurt patients. Patients benefit most from this legislation. Safe and effective new medicines will be getting to patients quicker.

We're not only extending PDUFA; we're improving it. Currently, PDUFA only addresses the review phase of the approval process. Our legislation expands PDUFA to streamline the early drug development phase as well.

Instead of a carload of paper—stacks and stacks of material—being deposited at the FDA's front door, companies will be able to make electronic submissions. This not only reduces paperwork, but actually provides a more agile way for scientific reviewers to get through the data.

Updating the approval process for biotech is another critical component of this bill. Biotech is one of the fastest growing industries in our country. There are 143 biotech companies like that in my own State of Maryland. They are working on AIDS, Alzheimer's, breast and ovarian cancer, and other life-threatening infections such as whooping cough.

The job of FDA is to make sure that safe and effective products get to patients. Our job as Members of Congress is to fund scientific research and to provide FDA the regulatory and legislative frameworks to evaluate new products and make them available to doctors and patients.

This is why I fought so hard for this. This is exactly why I fought for this. My dear father died of Alzheimer's, and it did not matter that I was a U.S. Senator. I watched my father die one brain cell at a time, and it did not matter what my job was.

My father was a modest man. He did not want a fancy tombstone or a lot of other things, but I vowed I would do all I can for research in this and to help other people along these lines.

Every one of us has faced some type of tragedy in our lives where we looked to the American medical and pharmaceutical, biological, and device community to help us.

When my mother had one of her last terrible heart attacks that was leading rapidly to a stroke—there was a new drug that is so sophisticated that it must be administered very quickly. You need informed consent because even though it is approved, it is so dramatic that it thins the blood almost to the hemophilia level. I gave that approval because my mother was not conscious enough to do it.

Guess what? That new drug approved by FDA, developed in San Francisco, got my mother through her medical crisis with the hands-on care of the Sisters of Mercy in Baltimore at Mercy Hospital. Mother did not have a stroke because we could avoid the clotting that would have precipitated it.

Thanks to the grace of God and the ingenuity of American medicine, we had my mother with us 100 more days in a way that she could function at home, have conversations with us and her grandchildren.

Do you think I am not for FDA? You think I am not for safety? You think I am not for efficacy? You bet I am. And this is what this is all about. It is not a battle of wills. It is not a battle over this line item or that line item. It is really a battle to make sure that the American people have from their physicians and clinical practitioners the best devices and products to be able to save lives. That's why I'm so pleased that we were able to achieve a bipartisan bill.

So, Mr. President, I thank you for the time. If I seem a little emotional about it, you bet I am. I love FDA. I am really proud they are in my State. I thank God for the ingenuity of the American medical community. And that is why I am so pleased we will be voting on the conference report today.

All of us are happy that this bill will finally pass.

Mr. JEFFORDS. Mr. President, I yield Senator COATS 4 minutes. He is a man whose tenaciousness and ability have made this a better bill.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 4 minutes.

Mr. COATS. Mr. President, as the Senator from Vermont has said, this is the first reform in 30 years at FDA. Obviously, a lot has changed in the industry. New drugs and new devices, new methods of bringing life-saving and health-improving benefits to the American people, and the people of the world. I think it is remarkable, particularly given the fact that it has been nearly 2½, 3 years now that we have been specifically working on this legislation in the committee, through a number of hearings, through a considerable, lengthy, and complex committee consideration, extensive floor debate. There were very difficult procedural hurdles to overcome and a difficult conference. We now arrive at this point with a bill that, very shortly, will be passed. This has only been done with a bipartisan effort.

I want to return the compliment to the Senator from Maryland. I thank her for that. I am not sure that everyone is going to miss me around this place, given my role in this bill, in trying to bring it forward. But I thank her for her kind words. Senators DODD, MIKULSKI, HARKIN, and WELLSTONE joined Republicans in the committee to produce a bipartisan piece of legislation, and they supported us on the floor. I thank Senator JEFFORDS and his leadership, and Senator GREGG, Senator FRIST, Senator DEWINE, and others on the Republican side, who contributed to the effort in moving the bill forward.

I would be remiss not to acknowledge the extraordinary work of so many staff people that helped to move this forward.

I thank my chief of staff, Sharon Soderstrom, and particularly Vince Ventimiglia, someone whose tireless efforts and thorough knowledge of the issues at hand, and at whose persistence we continued through all of the obstacles placed in the way of this legislation, and it was all accomplished in a manner of courtesy and respect, which is, unfortunately, all too rare around this place. He is an exceptional person. I don't believe we would be here without his efforts—even though he is not here right now; he is probably digging through the bill to make sure all the t's are crossed and the i's are dotted. He was exceptional in this whole effort.

This bill provides help to the Food and Drug Administration, who did not have the capacity nor, I believe, in the past, the managerial leadership that allowed FDA to keep pace with the marvelous breakthroughs we have had in the pharmaceutical and medical device area, which brings life-saving benefits and health-improving benefits to people. Six-hundred additional people, paid for by the industry in a tax against them to reauthorize PDUFA, will help speed up the drug approval process.

Now, for the first time, we give assistance to FDA on medical devices because we have a procedure where outside parties can, with FDA certification, approval and oversight, review medical device applications. This is going to provide for the medical device section what PDUFA provided for the drug section. This was a very critical part of the legislation, and I am pleased that it was retained in our efforts.

We are here and it is a victory for the American people. It took a lot of effort by a lot of people. It is a testament to the persistence of many, some of whom are speaking here on the floor today. I am proud to play a role in this effort because I believe we are addressing some fundamental concerns, going to the very health and safety and very lives of the American people and people throughout the world. Mr. President, it is with that, I yield whatever remaining time I have.

Mr. KENNEDY. Mr. President, I will yield 5 minutes to the Senator from Rhode Island, but first I yield myself 15 seconds.

I want to give the assurance to my friend and colleague from Indiana, as one that didn't always see eye to eye with the good Senator on some of these issues, I pay tribute to him for the strength of his commitment and the power of his logic and argument, and the passion which he has demonstrated out here.

I have enjoyed his friendship and have always valued the opportunity to exchange ideas with him.

Mr. COATS. I thank the Senator. We have had some interesting exchanges of ideas.

Mr. REED. Mr. President, I believe I have 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. REED. Mr. President, I rise today in support of the conference report on S. 830, the Food and Drug Administration Modernization and Accountability Act of 1997. This is an important bill with serious implications for the protection of the health of the American people. Although I did not support this bill when it was first considered on the floor of the Senate, I am pleased that significant changes have been made and that this final version of the legislation is worthy of support.

This FDA reform bill is the result of ongoing negotiations both prior to and subsequent to the Labor Committee's markup of the bill. Through this process, a number of provisions that seriously threatened public health and safety were dropped or otherwise resolved. I am particularly pleased that improvements made include important protections to the third party review process. Significant changes and additions also include provisions regarding health claims for food products, health care economic claims, a notice of discontinuance when a sole manufacturer stops producing a drug, and a range of other items.

The original Senate-passed bill contained a provision regarding the FDA device approval process that posed a serious threat to public health. In effect, the Senate-passed bill would have limited the FDS's current authority to ask device manufacturers for safety data. It would have prohibited the FDA from considering how a new device could be used if the manufacturer has not included that use in the proposed labeling. As a general matter, the FDA does not consider uses that the manufacturer has not included in its proposed labeling. However, there are instances when the label does not tell the whole story. It is these instances—when the label is false or misleading—that my and Senator KENNEDY's amendment addressed.

I was not alone in my concern about this issue. Indeed, this provision was also identified as worthy of a veto threat by the administration. The Secretary of the Department of Health and Human Services said on numerous occasions that if this provision were not changed, that she and other top Presidential advisers would recommend that President Clinton veto this bill.

By accepting the House language on this device labeling issue, the conferees have struck a reasonable compromise that will give the FDA the authority it needs to ensure that medical devices are safe and effective. In this case, the legislative process has worked, and worked well. I commend the conference committee for the sensible compromise they reached on this important issue.

The FDA is responsible for assuring that the Nation's food supply is pure and healthy and to provide a guarantee that drugs and devices are safe and effective. The FDA has an immense impact on the lives of all Americans. Indeed, the FDA's mandate requires it to regulate over one-third of our Nation's products. Few Government agencies provide this kind of important protection for the American people. On a daily basis, the FDA faces the delicate balance between ensuring that patients have swift access to new drugs and devices while guaranteeing that those new products are safe and effective.

The bill we are considering today contains many positive elements. It reauthorizes the important Prescription Drug User Fee Act, one of the most effective regulatory reforms ever enacted. The legislation also includes a number of provisions that will improve and streamline the regulation of prescription drugs, biologic products, and medical devices. I believe that these important reforms to the operation of the Food and Drug Administration will increase its efficiency and speed the delivery of important new medical treatments to patients.

One of the most important elements of this legislation is the aforementioned reauthorization of the Prescription Drug User Fee Act, often referred to as PDUFA. PDUFA established an important partnership between the agency and the industry, and has successfully streamlined the drug approval process.

I am pleased that this bill will provide expedited access to investigational therapies. This provision builds on current FDA programs related to AIDS and cancer drugs. Another important element will allow the designation of some drugs as "fast-track" medications, thus facilitating development and expediting approval of new treatments of serious or life-threatening conditions. The bill will also require the Secretary of the Department of Health and Human Services to establish a data base on the status of clinical trials relating to the treatment, detection, and prevention of serious or life-threatening diseases and conditions. Patients have long needed access to such information, and I am pleased that this bill provides a mechanism to grant it.

I am also pleased that this bill contains my amendment requiring that within 18 months of the date of enactment, the FDA must issue regulations for sunburn prevention and treatment products. In August 1978, the FDA published an advance notice of proposed rulemaking to establish a monograph for over-the-counter sunscreen drug products. To date—almost 20 years later—while progress has been made, this rule has not been made final.

Sunburn prevention and treatment products can go far to help prevent sun exposure related to skin cancer. The facts on skin cancer are compelling: one person an hour dies of malignant melanoma; half of all new cancers are skin cancers; one million Americans will develop skin cancer this year, making it nearly as common as all other types of cancer combined.

The Food and Drug Administration has a key role in our response to this skin cancer epidemic through the regulation of safe and effective sunburn prevention products that are vital to avoiding skin damage from the sun's rays.

Mr. President, I am pleased that this compromise is a bill that I can support. I look forward to working with my colleagues to oversee the implementation of this important legislation and to ensure that its provisions streamline FDA processes while also protecting the public health of the American people.

I compliment Chairman JEFFORDS, Senator KENNEDY, and many other colleagues in both the Senate and the House of Representatives who have worked hard on this bill together to eliminate many other troublesome provisions in the bill as originally introduced.

Mr. President, again, I support the conference report on S. 830, the FDA

reform bill. The challenge throughout this process has been to balance a more efficient, streamlined, and productive FDA with their obligation to protect the public health. It has been a difficult task, but we made remarkable progress over the last several months. At the committee level, there was a serious discussion and debate. I could not support that version because at that time there were still outstanding issues which I thought could jeopardize the public health and safety.

When we reached the floor, there was another serious and productive debate about this legislation. Once again, I felt there were issues that had to be further addressed before I could support the measure. Today, happily, through the work of the conferees and colleagues on the floor today, we have reached a point where we have legislation that both provides for a streamlined, productive, and efficient FDA, and continues to give FDA the authority to protect the public health.

With specific regard to the debate on the floor, there was one major issue that I felt was very important, and that was to allow the FDA to have the authority to carefully review medical devices that may be used by the public. The legislation at that time circumscribed significantly the ability of the FDA to look beyond the label, look beyond the listed use by the manufacturer, to contemplate possible other uses that may take place when the product is in the stream of commerce. Fortunately, through the work of the conferees, this situation has been resolved.

Indeed, on the floor I offered an amendment with Senator KENNEDY. It did not pass, but I think that effort helped spur a concentrated effort during the conference to develop a legislative formula to give the FDA the power to regulate these devices appropriately.

We have many, many things to be thankful for in this bill. One issue I would like to address, also, which does not rise up, in some respects, to the major reforms, PDUFA or these issues, but it is critically important; that is, the issue of protecting the public with respect to sunscreen products and sunburn products. I am pleased to note that the FDA has been directed to promulgate regulations within 18 months with respect to these products which are sold to the public to protect them from the Sun. This might seem like an innocent product, but, in fact, we are seeing a remarkable growth in incidence of skin cancer throughout the United States. One person an hour dies of malignant melanoma, skin cancer. Half of all the new cancers developing are skin cancer. One million Americans will develop skin cancer this year alone. So we have to begin to focus our attention on those products which are advertised to protect the American public.

Once again, I think this is totally consistent with the role of the FDA. I am pleased that this provision has been included in the legislation.

Let me conclude by saying, again, I believe we have struck the vital balance between an efficient, productive FDA and their obligation, historically and statutorily, to protect the public health. We have done that through the work of Senators JEFFORDS, KENNEDY, and many others. I personally thank them and applaud them for their efforts today.

I would be remiss if I didn't also thank my staff member, Bonnie Hogue, for her help through this entire process. I yield the balance of my time.

Mr. JEFFORDS. Mr. President, I will now yield to the Senator from Utah, who has been a tremendous help over the years on FDA. In fact, I am going to give him all the rest of my time—all 3 minutes.

Mr. HATCH. Mr. President, I wanted to take this brief opportunity to commend Chairman JEFFORDS for a job well done—for producing a bill which will dramatically improve the way the Food and Drug Administration does business as we move into the 21st century.

That has been one of my top priorities during my service in the Senate. I am proud that we are having the opportunity today to vote on this historic legislation which will have so many benefits for my State of Utah.

Utah is the home to over 100 medical device manufacturers, and several pharmaceutical manufacturers as well. We also are the Nation's leading producer of dietary supplements.

The Utah Life Sciences Industries Association, the leading trade association for Utah device and drug manufacturers, has worked closely with the Congress in formulating this legislation, which will have many positive effects for Utah.

On behalf of our Utah drug and device manufacturers, let me thank you Chairman JEFFORDS, and our colleague in the House, Chairman TOM BLILEY, for producing a bill which has encouraged the FDA to work in a more collaborative manner and to get the job done, to get it done professionally and expeditiously, without all the bureaucratic hassles we have experienced in the past.

And on behalf of the dietary supplement manufacturers, and most importantly the 100 million or so consumers—most of whom seem to have called our offices in the last few weeks—let me thank you for making sure that the bill does not undo the Dietary Supplement Health and Education Act in any way and that dietary supplements will remain what they are, food products, not drugs.

Finally, I wish to thank all of the staff who worked literally through the night to make today's passage of the conference report for S. 830 possible. You can be proud of your work.

RETIREMENT OF KATHLEEN "KAY" HOLCOMBE

Mr. HATCH. Mr. President, I could not let this opportunity pass without recognizing the extraordinary contribution that Kay Holcombe has made during almost 25 years of Government service.

Kay, who currently serves as the top health staffer on my good friend Representative JOHN DINGELL's Commerce Committee staff, has worked in a variety of positions in Government, including 6 years on Capitol Hill. Unfortunately for us, she plans to retire at the end of this session—while a fantastic opportunity for her, a regrettable loss for the Congress and the Nation.

I grew to know and appreciate Kay in 1984, when I was chairman of the Labor Committee and Kay joined our staff as an American Political Science Association congressional fellow. What Kay brought to that job was considerable. She is bright, witty, an expert on any issue she studies, and, above all, a true professional who puts good policy above politics.

What I recall most vividly about Kay's period on the Labor Committee was her incredible ability to juggle lots of balls without dropping any of them. I could always count on her to get the job done, and, in fact, to do her job and the job of three others.

I believe that Kay stands out among Government employees for the common sense she brings to any position and for an ability to bring consensus to the most difficult of issues.

We are witnessing that ability today with passage of the conference report on the FDA reform bill, a bill which—quite simply—would not have been possible without Kay Holcombe.

Her work on the Dietary Supplement Health and Education Act also stands out in my mind, where Kay's knowledge and skills as a tactician helped us overcome many an impasse. And, I might add, she was, and I suspect is, the only staffer in the Capitol who understands many of the words we wrote into that act, the most memorable of which was "lyophilize".

Her background as a bench scientist at NIH, with subsequent experience in almost every one of the Public Health Service agencies, is a record of accomplishment and experience that cannot be matched on Capitol Hill.

I, for one, will miss Kay's expertise sorely. And while I am thrilled for her as she enters this challenging new period in her life, and I am saddened at our loss here in the Congress.

To Kay, her husband Frank, her daughter and son-in-law Anne and Tony, and her mother Ginny, I wish the best as the family enters a new period of life after Capitol Hill. I hope it will be happy indeed.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes 33 seconds.

Mr. KENNEDY. I yield 4 minutes 33 seconds to the Senator from Connecticut.

Mr. DODD. Mr. President, I want to begin by thanking my colleagues who have spent innumerable hours creating a bill that will bring lifesaving drugs and medical devices to the American people more quickly and efficiently, without compromising safety or effectiveness.

First, Senator JEFFORDS is to be commended for his leadership. His staff, most notably Jay Hawkins and Sean Donahue, also deserve our appreciation for their hard work and dedication to seeing this legislation enacted.

Although the process was at times a difficult one, I'm pleased to say that a spirit of bipartisanship and compromise ultimately prevailed, as evidenced by the overwhelming Senate vote of 98 to 2 in September on this bill.

I'd also like to thank my fellow Senate conferees—Senators KENNEDY, COATS, HARKIN, GREGG, MIKULSKI, FRIST, and DEWINE for their successful efforts to negotiate a workable compromise with our colleagues in the House.

We should take pride in the legislation that has been created—the first substantial update of FDA's rules for regulating drugs and devices since the 1970's.

We should take pride in the fact that this bill will speed critical products to patients without compromising the high safety standards that Americans have come to rely on.

Mr. President, I'd like to speak for a moment about some of the positive reforms contained in this bill.

At the heart of the bill is the 5-year reauthorization of PDUFA, the Prescription Drug User Fee Act—a piece of legislation remarkable for the fact that there is unanimous agreement that it really works.

In the 5 years since this initiative was created, the fees collected under PDUFA have cut drug approval times in half. With its renewal as part of this bill, we can expect drug approval times to drop an additional 10 to 16 months.

In addition, by improving the certainty of product review process, this bill encourages U.S. companies to continue to develop and manufacture in the United States. This bill asks the FDA and industry to begin collaborating early in the approval process to prevent misunderstandings about agency expectations that ultimately could delay a needed product from reaching consumers.

This bill also establishes or expands upon several mechanisms to provide patients and other consumers with greater access to information and to lifesaving products.

For example, this bill will give individuals with lifethreatening illnesses greater access to information about ongoing clinical trials of drugs—information that may offer the only hope for those patients who have not benefited from treatments already on the market.

Based on a bill originally championed by Senators SNOWE and FEINSTEIN, I offered an amendment in committee, which I was pleased to see adopted, to expand an existing AIDS database to include clinical trials for all serious or lifethreatening diseases.

Individuals struggling with chronic and debilitating diseases should not be burdened with the daunting task of searching, without assistance, to locate studies of promising treatments. This database will provide one-stop-shopping to help those patients quickly and easily access vital information.

Mr. President, I am particularly pleased that this bill incorporates the Better Pharmaceuticals for Children Act, legislation originally introduced by our former colleague from Kansas, Senator Kassebaum, and now cosponsored by myself and Senator DEWINE.

This provision addresses the problem of the lack of information about how drugs work on children, a problem that President Clinton recognized recently as a national crisis.

According to the American Academy of Pediatrics, only one-fifth of all drugs on the market have been tested for their safety and effectiveness in children. This legislation provides a fair and reasonable market incentive for drug companies to make the extra effort needed to test their products for use by children.

I was pleased to join Senator JEFFORDS as the first Democratic cosponsor of this bill. I would thank him again for the hard work and long hours that he and his staff have contributed.

I look forward to joining my colleagues in voting in favor of this legislation.

Let me join here, Mr. President, the chorus of praise for those who have been involved in putting this bill together. It has been a long journey and not always an easy one, but I think the final product is a good one. I commend the chairman of the committee, Senator JEFFORDS, and his staff, Jay Hawkins, Sean Donohue, Jeanne Ireland of my staff, for their hard work and dedication in seeing this process to its conclusion. We swept the Senate with an overwhelming vote of 98 to 2 on what I thought was a good bill. Our conferees worked very hard. I thank Senators KENNEDY, COATS, HARKIN, CRAIG, MIKULSKI, FRIST, and DEWINE for their successful efforts in this area as well.

This is a critically important piece of legislation that will expedite the process of getting needed medicines and devices to patients, without compromising safety or effectiveness. That was a desired goal of everybody here.

Let me, if I can, mention two or three provisions in the bill that I think are worthy of special note. One, of course, is a 5-year reauthorization of PDUFA, which is very, very important. I think it demonstrates the success of the PDUFA and how well it worked over 5 years.

Secondly, I also would like to commend our colleagues for accepting the several mechanisms to provide patients and consumers with greater access to information and to life-saving products. For example, this bill gives individuals with life-threatening illnesses greater access to information about ongoing clinical trials and drugs that could be very, very important to them and their families. By the way, Senator SNOWE and Senator FEINSTEIN deserve particular credit. It was originally their idea that we incorporated in the bill, the Better Pharmaceuticals for Children Act. Former Senator Kassebaum of Kansas originally authored that idea, Mr. President. Senator DEWINE and I included it in this bill. I think it has been improved upon in the conference. It is a very important provision that could make a huge difference for young children and their families who want to have reliable products that will become available to them.

So, Mr. President, let me conclude by again thanking all those who have been involved in this process. Passing this legislation can truly be considered one of the very fine achievements of this first session of this Congress. I look forward to its effectiveness with the American consumer.

APPROPRIATIONS TRIGGER

Mr. BUMPERS. Mr. President, on September 23 of this year, my colleague, Senator COCHRAN, chairman of the Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies, rose on the floor of the Senate to express objection to a provision of the FDA reform bill that would direct the appropriations subcommittee to provide established levels for salaries and expenses of the Food and Drug Administration through fiscal year 2002. If the appropriations bills did not meet those levels, referred to as trigger, the FDA would not be able to collect or use receipts authorized by the Prescription Drug User Fee Act [PDUFA]. The effect of the provision Senator COCHRAN found so troublesome would have been to place a budgetary gun to the head of the appropriations subcommittee under threat of PDUFA fees not being collected and the Nation's drug approval process placed at risk. As ranking member of the appropriations subcommittee, I shared Senator COCHRAN's concerns, but honestly hoped that the problem he highlighted would be corrected before we were faced with final passage of the conference report on FDA reform. While the conference report before us today does provide some relief in fiscal years 2001 and 2002 from the earlier

Senate language, I am still disappointed that more progress was not achieved to inject a greater dose of realism into the expectations of the FDA authorization committees of the House and Senate.

I do not mean to detract from the very important work of the FDA nor to minimize the need to push ahead aggressively with drug approvals. I equally appreciate the concerns of the prescription drug industry, which will be responsible for paying the PDUFA fees, that their considerable contributions will be used to supplement, not supplant, the drug approval process. However, an unfortunate charade has been employed to suggest the language now contained in FDA reform is going to protect, in fact guarantee, increases in the level of Federal funds appropriated for FDA drug approvals. I must point out to my colleagues that the language before us does nothing to assure that very goal and I feel compelled to highlight the provision's failing.

FDA reform would require the appropriations bills for fiscal years 1999 through 2002 to provide levels for the FDA salaries and expenses account at levels no lower than the fiscal year 1997 level adjusted by the lesser of inflation based on the consumer price index or changes in growth of national domestic discretionary spending. The FDA salaries and expenses account contains funding for all activities of FDA, including drug approvals, subject to an appropriation other than amounts for buildings and facilities. The FDA reform legislation contains no requirement that FDA allocate any portion of the salaries and expenses account for drug approvals. Therefore, while our appropriations subcommittee may comply with the full letter of FDA reform requirement, that act alone would provide no assurance to the drug industry that the FDA appropriation would be used as they expect. FDA certainly has other pressing budgetary demands such as the need to account for the rental space arrearage for which the General Services Administration is threatening action against FDA, and continued work on tobacco issues. FDA will also need increased attention in the area of food safety which continuing headlines, such as that appearing in the Washington Post this weekend about the more than 700 people made ill by contaminated food in southern Maryland, will no doubt place greater workload on the agency. An arbitrary appropriation trigger will produce no magic bullet aimed solely at the problem of drug approval backlogs.

Mr. President, I might have a little more understanding for the concerns of the drug industry if there was any merit to their claim that the appropriations subcommittee would not hold faith with their requests. Over the past 10 years, our subcommittee has increased new budget authority for FDA salaries and expenses from $456,004,000 to $857,501,000. In fact, I would like the RECORD to reflect the amounts provided in that account on a year-to-year basis since fiscal year 1988 to the present, and I ask unanimous consent the year and amounts be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Fiscal year 1988—$456,004,000.
Fiscal year 1989—$487,344,000.
Fiscal year 1990—$574,171,000.
Fiscal year 1991—$656,519,000.
Fiscal year 1992—$725,962,000.
Fiscal year 1993—$746,035,000.
Fiscal year 1994—$813,339,000.
Fiscal year 1995—$819,971,000.
Fiscal year 1996—$819,971,000.
Fiscal year 1997—$819,971,000.
Fiscal year 1998—$857,501,000.

Mr. BUMPERS. I have included this history of funding to show how the amount of appropriations for FDA salaries and expenses has increased every single year since fiscal year 1988 except for the period between fiscal year 1995 and fiscal year 1997 when the level was held at a freeze. I also want to note that the 3-year period connecting fiscal year 1995 and fiscal year 1997 was a period in which the 602(b) allocation to our subcommittee fell by 11 percent. I hope my colleagues see in this history a commitment by our subcommittee to recognize the importance of FDA's activities. Further, I hope my colleagues see that even during a time when nearly all other programs under our jurisdiction had to take significant reductions, FDA was held harmless. I believe this history reflects well on the commitment and good faith of our subcommittee.

An obvious result of the provision contained in FDA reform will be continuing further reductions in other programs under the jurisdiction of our subcommittee. Those programs will again have to suffer unless, in the unlikely event, we receive substantial increases in our future 602(b) allocations. There are many, many other programs for which our subcommittee is responsible that are important to people and communities all across the Nation. Our bill provides funding for all activities at the U.S. Department of Agriculture—except the Forest Service—and the Commodity Futures Trading Commission. At USDA alone, there are hundreds of programs essential to rural and urban America that will be harmed, again, if our subcommittee is expected to provide FDA, and FDA only, with inflation increases through fiscal year 2002. USDA programs have already been radically cut by our subcommittee over the past several years while, as noted above, FDA was provided substantial increases or, at least, held constant.

I understand a few other proposals were suggested, and rejected, during consideration of the FDA reform legislation. One proposal was to hold FDA to a freeze, something which we have shown we have done historically. Another proposal would have specifically protected the FDA activities for drug approvals. That approach would have better addressed the concerns I outlined above. I understand this proposal to protect FDA drug approvals was rejected due to objections from nondrug related industries concerned that FDA resources might be transferred from their own specific priority areas to drug approvals. Ironically, that is the same concern I have heard from groups fearful about what the provision in FDA reform will do to USDA and CFTC programs.

Mr. President, at times I feel there is an outright assault on the appropriations process. Too many times in recent years we have seen requirements imposed on the Appropriations Committee by other legislative and procedural vehicles that continuously impairs our ability to respond to agency needs and responsibilities to our states and the American people. Based on administration projections, the trigger mechanism contained in FDA reform would force the appropriations subcommittee to increase the FDA salaries and expense account from the current $857 to $876 million in fiscal year 2002. According to the President's 1998 budget, the projected request for FDA salaries and expenses for fiscal year 2002 is only $691 million. This is a difference of nearly $200 million, an amount worthy of deliberate consideration by the appropriations subcommittee. Additionally, the FDA reform provision does not account for the possibility of a tobacco settlement that might replace current appropriations expenditures, consolidation of food safety functions in some agency other than FDA, or other potential changes that would affect, and possibly reduce, the budgetary requirements of FDA. Even though the provision does attach the trigger to the lesser of the consumer price index or changes in the growth of national domestic discretionary spending, there is no guarantee that any increase in overall domestic discretionary totals will be reflected in the 602(b) allocation for our subcommittee.

For the coming year, I can assure my colleagues that I will work with Senator COCHRAN and others to assess the requests of all agencies and departments that will come before our subcommittee. I strongly believe that we have been fair in our setting of priorities and that we will continue to consider the merits of all requests in order to balance the fiscal demands and resources in a manner consistent with our abilities, good judgment, and the recommendations of all Senators.

Ms. MOSELEY-BRAUN. Mr. President, I support S. 830, the conference

report for the Food and Drug Administration Modernization and Accountability Act of 1997, and commend the conferees for quickly reaching agreement on compromises that will ultimately improve the FDA and improve the public's access to cutting edge medical technology.

I am also pleased that we are going to pass this important legislation before adjourning for the year. The American people will be much better off as a result of our actions here today. S. 830 is a perfect example of Congress enacting public policy that Americans both want and need.

There is no disagreement as to the caliber of the Food and Drug Administration. FDA is one of the finest regulatory agencies in the Nation and the world. However, the length of time and amount of paperwork required for FDA approval of new products may still be excessive. For many companies, particularly small and startup businesses, the FDA application process is a formidable time consuming obstacle. These barriers exist despite the recent agency improvements to their review process. In some cases, the length and complexity of the process can force companies to launch their products abroad rather than here in America. This is a troubling prospect, particularly given the increasingly competitiveness of global markets.

The FDA, like all other entities, must evolve and adapt to the changing global landscape. Traditional methods of product review are no longer efficient. Industrialized and emerging nations now participate in multilateral trade agreements aimed to reduce trade barriers. While the U.S. continues as the world's premiere economy, our market dominance is dwindling. A recent Washington Post article indicated that our Nation was far more dominant economically following World War II, when the U.S. economy accounted for more than 25 percent of the world's output, than it is today. Evolving global markets hold untapped potential for product manufacturers. The ability to lucratively launch products abroad will bring pressure on the FDA to harmonize its regulatory policies with other international safety and performance standards. The traditional policies that have made the U.S. the "gold standard" in public health protection threaten to undermine our competitiveness. In order to maintain its status as the gold standard, the FDA must implement polices that encourage the launching of new products in this country, as opposed to Europe, and ensures that the United States maintains its technical and scientific leadership in health disciplines.

Mr. President, S. 830 strikes a delicate balance between protecting the public health, fostering global trade under multilateral agreements, ensuring swift access to new health technology for Americans, and strengthening the U.S. technical and scientific leadership.

The conference agreement reauthorizes the Prescription Drug User Fee Act (PDUFA) for an additional 5 years. PDUFA has been one of the most successful pieces of governmental reform legislation. During the 5 years since we first passed PDUFA, the average approval time for pharmaceutical products has dropped over 40 percent. The pharmaceutical and biologics industries overwhelming support reauthorization of PDUFA because they have seen tangible results from their fee payments. The American public also supports reauthorization of PDUFA because they have received access to innovative treatments in a more timely manner.

S. 830 also makes considerable progress in expediting patients' access to important new therapies and potentially life saving experimental treatments. I have long held that access to alternative medical treatments is an essential part of health care freedom of choice. Under the conference agreement, patients with fatal illnesses will no longer be denied access to potentially life-saving treatments. I am sure that each of my colleagues can recount tales of constituents who have encountered considerable bureaucratic redtape in their efforts to access a non-FDA approved but potentially life-saving treatment. Although I have great respect for the role that the agency and its employees play in protecting consumers from unsafe and ineffective products, there is a problem when informed Americans cannot get access to desired therapies. S. 830 makes some much needed reforms to enhance that access.

Mr. President, the conference agreement includes reasonable compromises on provisions concerning medical device labeling, dissemination of information concerning drug off-label use, and regulation of device manufacturing. Ensuring that unapproved medical devices not get onto the market that clearly have a different use than the labeling indicates is a vitally important task. This issue alone was responsible for delaying approval of the Senate version of the FDA Modernization Act. I am pleased that the conferees reached an agreement to give FDA the necessary regulatory authority but not subject manufacturers to the whims of various application reviewers. FDA will be given the necessary authority to prevent fraudulent labeling as a means of achieving product approval.

Similarly, S. 830 strikes an appropriate balance between protecting the public interests and allowing manufacturers to share important off-label use information with providers. It would have been a grave mistake to either prevent the distribution of off-label use information or not allow the FDA to play a vital role in ensuring the adequacy of information being distributed by manufacturers. I know that a lot of work went into the compromise reached regarding off-label usage information and the agreement greatly benefits the American public.

Mr. President, I would also like to congratulate patient groups for their steadfast pursuit of this reform. During this year, I have met with countless numbers of my constituents who will immediately have better access to medical treatment as a result of this conference agreement. Each time we met, their message was loud and clear—pass FDA reform now. This is a resounding message that I cannot ignore.

S. 830 builds on the reforms that the FDA has already put into place over the past 5 years. The agency has taken a number of steps to streamline administrative functions and work better with industry and consumers to facilitate the availability of cutting edge medical technology. The success that FDA has achieved in reducing the time to review new drugs and get potentially life-saving therapies on the market is laudable. However, more improvements are needed and S. 830 moves another step in the right direction.

My support for S. 830 is not a complete endorsement of the bill. There are a number of important provisions absent from this legislation. I am particularly concerned that the bill does not adequately address food safety, which will certainly emerge as a major public health issue. Most of the recent criticism of the FDA has focused on the biologics and medical technology areas. Regulation of imported food products will probably be the pressing issue of the next millennium. As more imported agricultural products find their way to American tables, there will be more pressure upon FDA to act to prevent tainted products from getting to the market. The recent problems with tainted meat and poultry highlight this need for greater focus on food safety. Hopefully, Congress can revisit the shortcomings in food safety standards next year.

Nonetheless, S. 830 is a good start down the road of FDA reform. This conference agreement is better than the bill passed by either the House or Senate and considerable better than the bill developed last year. I am happy to have a conference agreement that I can support and that I truly believe moves the country in the right direction. S. 830 is good for patients, good for the industry, and good for the Nation's global competitiveness. I hope that my colleagues will join me in supporting this important legislation.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes 48 seconds.

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, I just want to review once again, very briefly, the principal provisions in the legislation which I think are enormously constructive and positive.

First of all, building on the PDUFA record, this provision that we have enacted expands the existing program by setting additional performance targets. It puts special emphasis on expanding early cooperation and FDA and the industry, which will reduce the development time, so that the drug development process, not just the regulatory review process, can be expedited. That is very important.

There are many other positive achievements in the legislation. I am particularly gratified, as I mentioned earlier, with the broader use of the fast-track approval. The streamlined accessibility procedure now available primarily to patients with cancer or AIDS will also be available for drug treatments for patients with any other life-threatening diseases. This bill also provides for expanded access to drugs still under investigation for patients who have no other alternatives. The compromise combines protections for patients with expanded access to new investigational therapies, without exposing patients to unreasonable risks.

The bill includes a new program to provide access for patients to information about clinical trials for serious or life-threatening diseases.

It provides incentives for research on pediatric applications of approved drugs and for development of new antibiotic to deal with emerging, drug-resistant strains of diseases.

It requires companies to give patients advance notification of discontinuance of important products. And in that connection, I am disappointed that we were not able to address the issue of assuring that asthma patients and others will not be put at risk by any abrupt discontinuance of inhalers containing CFC's. I have been informed by FDA that no notice of proposed rulemaking will be issued before this summer, which will give Congress plenty of time to return to this question, if necessary.

The bill includes many measures that will reduce unnecessary regulatory burdens and appropriately clarify its authority.

These provisions, as well as others, are extremely constructive and will be enormously helpful to the American consumer.

Mr. President, I would like to mention some of the staff who have been a crucial part of this whole process. Those members of our staff on the Labor Committee: Nick Littlefield, David Nexon, Diane Robertson, Debbie Kochevar, Pearl O'Rourke, Jim Manley, Leslie Kux, and Carrie Coberly.

Bonnie Hogue with Senator REED, Sabrina Corlette and Peter Reinecke with Senator HARKIN, Jeanne Ireland with Senator DODD, Deborah Walker with Senator BINGAMAN, Anne Grady with Senator MURRAY, Linda DeGoutis with Senator WELLSTONE, Lynne Lawrence with Senator MIKULSKI, and Anne Marie Murphy with Senator DURBIN.

With the Republicans are the following staff:

Jay Hawkins, Sean Donohue, and Mark Powden, with Senator JEFFORDS; Vince Ventimiglia with Senator COATS; Kimberly Spaulding with Senator GREGG; Sue Ramthun with Senator FRIST; and Saira Sultan with Senator DEWINE.

Also, the House staff were instrumental in the success of this conference:

Kay Holcombe, as Senator HATCH has indicated, worked with us when she worked with Senator HATCH on the committee years ago and was very constructive during this process. Howard Cohen, Rodger Currie and Eric Berger also with the Commerce Committee, and Paul Kim on Congressman WAXMAN's staff.

And I thank the FDA staff: Bill Schultz, Peggy Dotzel, and Diane Thompson.

I thank them all very much for all of their help and their involvement.

PRIVILEGE OF THE FLOOR

Finally, I ask unanimous consent that Tom Perez, a Justice Department detainee on the Judiciary Committee, be given floor privileges for the remainder of the session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute forty-five seconds.

Mr. KENNEDY. Mr. President, we again thank our colleagues and friends and look forward to the passage of this legislation.

If there are no other comments, I would be prepared to yield the remainder of our time.

Mr. JEFFORDS. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, I would like to take a moment to thank the staff who have worked to make this bill possible. In the office of Senate Legislative Counsel, Robin Bates, Elizabeth Aldridge, and Bill Baird worked tirelessly to produce countless bill drafts and amendments. I would also like to commend House Legislative Counsels David Meade and Pete Goodloe for their work on the conference report.

The staff at CRS, especially Donna Vogt, and at GAO, including Bernice Steinhardt deserve thanks for their willingness to provide essential information and documents on extremely short notice.

The staff to the members of the committee contributed greatly to the success of this bill. Vince Ventimiglia with Senator COATS' staff worked closely with mine in a true partnership on all aspects of S. 830.

In addition, Kimberly Spaulding with Senator GREGG, Sue Ramthun with Senator FRIST, Saira Sultan with Senator DEWINE, and Kate Lambrew-Hull with Senator HUTCHINSON all played important roles in fashioning compromises on key provisions of this conference report, as did Dave Larson and Barry Daylin.

Similarly, three staffers for members of the minority on the committee played pivotal roles throughout the process—from the premarkup stage through the development of this conference report. Their assistance was critical to making this bill a bipartisan success.

Lynne Lawrence with Senator MIKULSKI deserves special mention in recognition of her hard work both in the last Congress and in this one on FDA reform. Following passage of this conference report, Lynne will be leaving Capitol Hill. I am extremely pleased that she will be leaving on a high note, and we all wish her the best with future pursuits. Jeanne Ireland with Senator DODD and Linda Degutis, a fellow with Senator WELLSTONE also provided invaluable assistance throughout the process.

Finally, I thank, of course, the Labor and Human Resources Committee majority and minority staffs. On the minority staff, I would like to thank Nick Littlefield and David Nexon and two minority fellows Diane Robertson and Debbie Kochever.

On my own staff, I would like to thank the majority staff director Mark Powden, Jay Hawkins, and majority fellow Sean Donohue. All have devoted substantial portions of their time over the past 10 months to this effort.

Jay Hawkins, in particular, has been key to making this conference report a reality. His tireless efforts, his unfailing good humor, and his patience have allowed this process to maintain steady forward progress to a highly successful outcome.

The round-the-clock work, particularly over the past few days, of all the staff involved in the conference is greatly appreciated.

Mr. President, I could not be happier with this moment and at this time will happily leave the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. TORRICELLI. Mr. President, will the Senator from Iowa yield?

Mr. HARKIN. I yield without losing my right to the floor for a unanimous-consent request.

Mr. TORRICELLI. Mr. President, I ask unanimous-consent that at the conclusion of the remarks of the Senator from Iowa, I be able to address the Senate for 20 minutes.

The PRESIDING OFFICER. The Senator should be aware that under a previous order the Senator from Massachusetts is to be recognized after the Senator from Iowa.

Mr. TORRICELLI. Then I will amend my unanimous-consent request that after those Senators are recognized under the unanimous-consent request that I be a able to address the Senate for 20 minutes.

Mr. JEFFORDS. Reserving the right to object, I make a point of order that a quorum is not present.

Mr. HARKIN. Mr. President, I have the floor, I believe, and I yielded only to the Senator for the purpose of a question.

The PRESIDING OFFICER. The Senator from Iowa is recognized, and he has the floor.

The unanimous-consent request from the Senator from New Jersey is on the floor. Without objection, it is so ordered.

Mr. JEFFORDS. I object. I make a point of order that a quorum is not present.

Mr. HARKIN. Mr. President, I believe I have the floor. I only yielded for the purpose of a unanimous-consent request.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Mr. President, I will reclaim the floor in my own right and let these Senators work it out if they want to come back.

The PRESIDING OFFICER. The Senator from Iowa has the floor and is recognized for 20 minutes. He may proceed.

Mr. HARKIN. Thank you, Mr. President.

FAST-TRACK LEGISLATION

Mr. HARKIN. I want to speak a little about the fast-track bill that is before us and which is scheduled to be voted on in the House tonight.

I doing so, I reread the President's speech on September 10 that he gave on fast track. He gave it at the White House, I believe in the East Room.

I found some interesting remarks in the President's speech. He talked about change. He said, "As we have done throughout our history, we have taken our Nation and led the world to the edge of a new era and a new economy."

He is absolutely right.

He talked about the economy, and how we are the largest producer of automobiles, agricultural exports, semiconductors, steel, and other items.

Then, closer to the end of the speech, the President said, "As we continue to expand our economy here at home by expanding our leadership in the global economy, I believe that we have an obligation to support and encourage core labor standards and environmental protections abroad."

He further said in his speech—this is the President's speech on September 10—"Our goal must be to persuade other countries to build on the prosperity that comes with trade and lift their standards up. As we move forward, we must press countries to provide the labor standards to which all workers are entitled," et cetera.

The President said in his speech that we are part of a new world economy. I would say, yes, Mr. President, we are also part of a new world community—a new world community the likes of which we have never seen because of the rapid dissemination of information, the globalization of communication, the instantaneous transmission of images and voice, transmittal of information around the globe. People living in the remotest villages of Africa, China, or Asia now know what is happening in other parts of the world. No longer is it kept from them. Increasingly the people on this planet are going to demand their human rights, their fundamental basic human rights, their individual freedoms. That is what Tiananmen Square was all about.

Yes, Mr. President, you were right. You were right, Mr. President, to say to President Jiang of China that China was on the wrong side of history at Tiananmen Square. You were right, Mr. President. But, Mr. President, to the extent that we have a trade bill before us that limits your authority to negotiate under fast track regarding exploitative child labor, that weakens the provisions dealing with child labor, then you, Mr. President, and this country are on the wrong side of history.

Those may sound like strong words, but as I have read the President's speech, and as I read the fast-track bill before us, one can only come to one conclusion. This legislation takes us in the wrong direction. It severely limits the ability of the President and our trade negotiators to address the issue of exploitative child labor in trade negotiations. That is right. This bill limits the President's authority. The 1988 bill didn't. I will explain this.

In this bill, child labor is included in a category of issues under the heading "Regulatory Negotiations." Under this heading in the bill, negotiations under fast track on child labor may only cover—I will read it—"the lowering of, or derogation from, existing * * * standards."

That is all. The language does not allow negotiations aimed at getting a country to agree to raise its child labor standards, no matter how weak or nonexistent they may be.

Furthermore, the negotiations may only address cases where the other country's lowering of, or derogation from, its child labor standards is—and I will read it directly from the bill—"for the purpose of attracting investment or inhibiting United States exports."

I want to make sure my colleagues understand that.

First of all, the President may only negotiate regarding the lowering of, or derogation from, existing labor standards. He can't negotiate on strengthening them. And he may only negotiate regarding the situation where the lowering of, or derogation from, standards is done for the purpose of attracting investment or inhibiting U.S. exports.

What about the case where a country lowers or fails to enforce its child labor standards for the purpose of producing goods at lower cost so it can ship them to the United States? That situation is not mentioned in this language, so the President does not have authority to negotiate on that basis according to the terms of the bill. Allowing the use of exploitative child labor to hold the price of goods down is unfair competition, plain and simple, but a country could do that.

Exploitative child labor in foreign countries unfairly puts competing firms and workers at a disadvantage in the United States and in other countries that do not allow it. Yet, the language in this bill does not indicate that President would have the authority to address that kind of unfair competition against U.S. companies and workers in negotiations and agreements under fast track. As long as the other country is not lowering or derogating from its standards for the purpose of attracting investment or inhibiting U.S. exports, our negotiators cannot negotiate to end this unfair competition.

The bottom line is that this bill limits the President's authority to seek agreements that would curtail exploitative child labor.

It is important to clarify this point. I think people will say "HARKIN, what are you talking about? How could it limit the President's authority?"

Well, let us examine that question.

Under this bill, the President actually has less authority to negotiate regarding child labor, and submit an agreement to Congress under fast-track procedures, than he had in the most recent fast-track legislation, which was contained in the Omnibus Trade and Competitiveness Act of 1988—the last bill laying out fast-track procedures that we voted on and which this Senator voted for.

That is right. Let me be very clear. The bill before us provides less authority to negotiate on child labor than the bill that we passed in 1988. And that bill has done precious little in terms of exploitative child labor.

Now, let me explain specifically. The 1988 fast-track law was set up in the same way as the bill before us. It had a listing of principal trade negotiating objectives. One of those listed objectives pertained to worker rights, and I will quote from the 1988 law:

The principal negotiating objectives of the United States regarding worker rights are (A) to promote respect for worker rights.

As used in the 1988 fast-track law, the term "worker rights" certainly includes the right of children not to be subjected to exploitative labor. That is the plain meaning of the language, and I have confirmed that interpretation with the Congressional Research Service.

So the 1988 fast-track bill clearly included a negotiating objective encompassing child labor and affirming the President's broad authority to negotiate regarding child labor.

Well, now someone, I am sure, will point out that the bill before us specifically mentions child labor. Yes, it does. The 1988 bill did not, although as I noted child labor was encompassed in the 1988 bill under the heading of worker rights. But the 1988 bill and this bill are vastly different from one another in the way they are structured and how they deal with child labor. The 1988 bill's negotiating objectives were written in broad terms to urge the President to pursue worker rights issues which included child labor. The 1988 language was not really written as a limitation on the President's authority, but rather as an affirmation of the President's expansive authority to negotiate on these issues and an encouragement to seek agreements on these issues with other countries.

By contrast, this bill before us is narrowly drawn to circumscribe and limit the President's negotiating authority regarding exploitative child labor. Unlike the 1988 bill, this bill before us is not written to set objectives and encourage the President to reach them, and to do even better if possible, in reaching sound agreements on exploitative child labor.

Understand this. This bill before us says he may negotiate under fast track only agreements designed to prevent other countries from lowering or derogating from existing child labor standards—no matter how low they may be. He may not negotiate under fast track an agreement in which a country would commit to raise its child labor standards if they are too low or if they do not exist.

And further, a fast-track agreement may prevent a country from lowering or derogating from its child labor standards only in cases where it does so for the limited purposes of attracting investment or inhibiting U.S. exports. This bill is very limited on the President's authority to negotiate regarding exploitative child labor. Again, he can only negotiate on agreements designed to prevent other countries from lowering their standards, and then he can only do that if that country is lowering its standards for the limited purpose of attracting U.S. investment or limiting U.S. exports.

Mr. President, you wonder who wrote this. Now, I have in good faith talked a lot to the people around the President about exploitative child labor. I have talked to his Trade Representative in good faith about this issue. And you know, initially they said we are going to put child labor in there. Well, they did, but what they didn't say is they put it in in a way that actually limits the President's authority from what he had in the 1988 bill.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. HARKIN. In my remaining time, Mr. President, I would like to explain why my amendment that I will be offering on fast track deals specifically with exploitative child labor in a way that will enhance and strengthen the President's position.

Now, there are other labor provisions that ought to be put into this bill, and there has been a lot of debate and disagreement on ways to address labor, environmental, and health and safety issues in this legislation. I understand the reasons for these disagreements. But, honestly, I do not see how there can be any disagreement on the need to address exploitative child labor and to ensure that the President and our trade negotiators do not have their hands tied when it comes to negotiating and concluding agreements on this issue.

This is the benchmark that I believe should be applied to exploitative child labor in examining the bill before us. It is simply this. The President's authority and our directions to him to negotiate on exploitative child labor should be no less than that for the other important issues contained in this bill.

Using that benchmark, I would invite my colleagues to examine the fast-track bill that we have before us. This bill has numerous principal negotiating objectives dealing with a wide range of issues—trade in goods, trade in services, foreign investment, intellectual property, agriculture, unfair trade practices, a host of them.

Again, with respect to all of these other issues, the bill is drafted to articulate objectives, to give guidance and direction to the President, to ensure that the President has sufficiently broad and expansive negotiating authority and to encourages him to use it—a far cry from the limiting way child labor is addressed in this bill.

Look at the language dealing with intellectual property. The bill sets ambitious goals here and confirms the President's broad authority to negotiate and submit any resulting agreement under fast track. In fact, one of the principal negotiating objectives on intellectual property is "the enactment and effective enforcement by foreign countries of laws that recognize and adequately protect intellectual property."

Now, when it comes to intellectual property, the President is not limited to negotiating under fast track only to prevent other countries from lowering or derogating from existing standards. Nor is negotiation limited only to those cases where a country is seeking to attract investment or inhibit U.S. exports.

To protect intellectual property, the President is to seek agreements in which other countries commit to adopt and enforce higher standards if they need to. Not so for child labor. And his negotiating authority to protect intellectual property covers the broad range of ways in which intellectual property rights may be violated. Again, not so for child labor.

My amendment regarding exploitative child labor simply tracks the language in the bill on intellectual property. It is basically the same language, with conforming modifications. My amendment ensures that the President has the same authority to negotiate on exploitative child labor as he has on protecting intellectual property. It puts into the bill that one of our trade negotiating objectives includes the enactment and effective enforcement by other countries of laws against exploitative child labor. It adds exploitative child labor to the bill as a negotiating objective.

My amendment does not tie the President's hands. It does not say there has to be a predetermined outcome on child labor in trade negotiations. It just says that in dealing with exploitative child labor, the President has the authority, the same authority, as he has to protect against the pirating of a song, a computer chip or a compact disc. We ought to ensure this bill gives the President the same authority to seek protection against exploitative child labor as a means of unfair competition as he has to seek protection against the misappropriation of intellectual property as a means of unfair competition.

My amendment says that exploitative child labor will be on the table during negotiations. It will be one of our principal trade negotiating objectives. It will have the same status and stature as intellectual property.

Mr. President, again I am not talking about 18-year-old kids working, or 17-year-old kids, no. This is what I am talking about right here. This picture is of a young girl working in a field in Mexico after NAFTA. We have more children working in Mexico today after NAFTA than we did before. And I do not mean just teenagers. I mean kids 8, 9, 10 years of age, too. And yet we had

some side agreements covering child labor on NAFTA, but they are not being enforced.

We have over 200 million working kids in the world today, more and more being put into factories and plants and, yes, agriculture. My Iowa farmers can compete against anyone in the world, but they cannot compete against that girl because that girl is a slave laborer. That is slave labor. This girl has no choice. She has no options. She cannot go to school. She cannot go to school because she is out in the fields all day, the same as a kid working in a glass factory, a shoe factory, a garment factory, or a rug factory. And these are often kids that are 8, 9, 10 years old.

Now, I believe that our trade negotiators and the people down at the White House have the best of intentions. I am sure there is no one there who likes exploitative child labor. For the life of me, I cannot understand why they sent a bill to us such as they did and why they will go along with such a weak bill relating to exploitative child labor. If they would only compare this bill with the one in 1988, they would understand that the bill before us curtails, circumscribes and limits the President's authority on exploitative child labor relative to the 1988 bill.

I have been talking to people down at the White House about putting exploitative child labor in this bill at the same level as intellectual property, but for some reason they just cannot quite seem to get on board.

There was a time not too long ago when intellectual property rights were regarded as extraneous to trade, just as some argue child labor is today. I remember when I was in the Navy back in the 1960s. People would go to Taiwan and they would get records for perhaps 10 cents each—books and encyclopedias for just pennies—because Taiwan was pirating the records; they were pirating the books and printing them. I remember people I knew in the Navy would go to Taiwan and load up with books and records, but today there are international rules in trade agreements to protect intellectual property. So there was a time when intellectual property was considered extraneous to trade agreements. Not so today. Exploitative child labor should not be extraneous today.

Yes, we are in a new era. We are in a new world economy, but we are also in a new world community. And just as we have taken the lead in the world economy, as we have taken the lead in breaking down trade barriers—and I believe we should—we must take the lead in stopping this, the last vestige of slavery in the world today, exploitative child labor.

We can debate and discuss labor issues, environmental issues, and there are all kinds of different perspectives and arguments about them. There should be no argument on exploitative child labor. There should be no disagreement on this. There are distinct lines. Children should not be working like this. Our trade negotiators, when they sit down at that table, ought to be negotiating on exploitative child labor. It ought to be a trade negotiating objective. It ought to have the same stature, the same force, the same effect as intellectual property because not only is this a moral imperative of ours; it is imperative to stop it as unfair competition because that child laborer, that child slave, is producing goods that are sent to this country, that compete against our products. My farmers cannot compete against that. Our workers cannnot compete against that. They should not have to compete against it. This bill is fatally flawed and the administration needs to get behind the amendment that I will be offering. We need to adopt that amendment to make sure that stopping exploitative child labor has the same force and effect, and the same level of authority, in trade negotiations as stopping the pirating of intellectual property.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I believe my order is to speak in morning business.

The PRESIDING OFFICER. That is correct. The Senator, under the previous order, has 20 minutes.

WE MUST BE FIRM WITH SADDAM HUSSEIN

Mr. KERRY. Mr. President, I will speak tomorrow on the subject of fast track. I wish to talk this evening about another subject that has not received as much conversation on the floor of the Senate as it merits—because, while we have been focused on fast track and on a lot of loose ends which must be tied up before this first session of the 105th Congress can be brought to a close, a very troubling situation has developed in the Middle East that has ominous implications, not just for our national security but literally for the security of all civilized and law-abiding areas of the world.

Even after the overwhelming defeat that the coalition forces visited upon Iraq in and near Kuwait in the Desert Storm conflict, Iraqi dictator Saddam Hussein's truculence has continued unabated. In the final days of that conflict, a fateful decision was made not to utterly vanquish the Iraqi Government and armed forces, on the grounds that to do so would leave a risky vacuum, as some then referred to it, in the Middle East which Iran or Syria or other destabilizing elements might move to fill.

But instead of reforming his behavior after he was handed an historic defeat, Saddam Hussein has continued to push international patience to the very edge. The United Nations, even with many member nations which strongly favor commerce over conflict, has established and maintained sanctions designed to isolate Iraq, keep it too weak to threaten other nations, and push Saddam Hussein to abide by accepted norms of national behavior. These sanctions have cost Iraq over $100 billion and have significantly restrained his economy. They unavoidably also have exacted a very high price from the Iraqi people, but this has not appeared to bother Saddam Hussein in the least. Nor have the sanctions succeeded in obtaining acceptable behavior from Saddam.

Now, during the past 2 weeks, Saddam again has raised his obstinately uncooperative profile. We all know of his announcement that he will no longer permit United States citizens to participate in the U.N. inspection team searching Iraq for violations of the U.N. requirement that Iraq not build or store weapons of mass destruction. And he has made good on his announcement. The UNSCOM inspection team, that is, the United Nations Special Commission team, has been refused access to its inspection targets throughout the week and once again today because it has Americans as team members. While it is not certain, it is not unreasonable to assume that Saddam's action may have been precipitated by the fear that the U.N. inspectors were getting uncomfortably close to discovering some caches of reprehensible weapons of mass destruction, or facilities to manufacture them, that many have long feared he is doing everything in his power to build, hide, and hoard.

Another reason may be that Saddam Hussein, who unquestionably has demonstrated a kind of perverse personal resiliency, may be looking at the international landscape and concluding that, just perhaps, support may be waning for the United States's determination to keep him on a short leash via multilateral sanctions and weapons inspections. This latest action may, indeed, be his warped idea of an acid test of that conclusion.

We should all be encouraged by the reactions of many of our allies, who are evincing the same objections to Iraq's course that are prevalent here in the United States. There is an inescapable reality that, after all of the effort of recent years, Saddam Hussein remains the international outlaw he was when he invaded Kuwait. For most of a decade he has set himself outside international law, and he has sought to avoid the efforts of the international community to insist that his nation comport itself with reasonable standards of behavior and, specifically, not equip itself with implements of mass destruction which it has shown the willingness to use in previous conflicts.

Plainly and simply, Saddam Hussein cannot be permitted to get away with his antics, or with this latest excuse for avoidance of international responsibility.

This is especially true when only days earlier, after months of negotiations, the administration extracted some very serious commitments from China, during President Jiang Zemin's state visit to Washington, to halt several types of proliferation activities. It is unthinkable that we and our allies would stand by and permit a renegade such as Saddam Hussein, who has demonstrated a willingness to engage in warfare and ignore the sovereignty of neighboring nations, to engage in activities that we insist be halted by China, Russia, and other nations.

Let me say that I agree with the determination by the administration, at the outset of this development, to take a measured and multilateral approach to this latest provocation. It is of vital importance to let the United Nations first respond to Saddam's actions. After all, those actions are first and foremost an affront to the United Nations and all its membership which has, in a too-rare example of unity in the face of belligerent threats from a rogue State, managed to maintain its determination to keep Iraq isolated via a regime of sanctions and inspections.

I think we should commend the resolve of the Chief U.N. Inspector, UNSCOM head Richard Butler, who has refused to bend or budge in the face of Saddam's intransigence. Again and again he has assembled the inspection team, including the U.S. citizens who are part of it, and presented it to do its work, despite being refused access by Iraq.

He rejected taking the easy way out by asking the U.S. participants simply to step aside until the problem is resolved so that the inspections could go forward. He has painstakingly documented what is occurring, and has filed regular reports to the Security Council. He clearly recognizes this situation to be the matter of vital principle that we believe it to be.

The Security Council correctly wants to resolve this matter if it is possible to do so without plunging into armed conflict, be it great or small. So it sent a negotiating team to Baghdad to try to resolve the dispute and secure appropriate access for UNSCOM's inspection team. To remove a point of possible contention as the negotiators sought to accomplish their mission, the United Nations asked that the U.S. temporarily suspend reconnaissance flights over Iraq that are conducted with our U–2 aircraft under U.N. auspices, and we complied. At that time, in my judgment this was the appropriate and responsible course.

But now we know that Saddam Hussein has chosen to blow off the negotiating team entirely. It has returned emptyhanded to report to the Security Council tomorrow. That is why I have come to the floor this evening to speak about this matter, to express what I think is the feeling of many Senators and other Americans as the Security Council convenes tomorrow.

We must recognize that there is no indication that Saddam Hussein has any intention of relenting. So we have an obligation of enormous consequence, an obligation to guarantee that Saddam Hussein cannot ignore the United Nations. He cannot be permitted to go unobserved and unimpeded toward his horrific objective of amassing a stockpile of weapons of mass destruction. This is not a matter about which there should be any debate whatsoever in the Security Council, or, certainly, in this Nation. If he remains obdurate, I believe that the United Nations must take, and should authorize immediately, whatever steps are necessary to force him to relent—and that the United States should support and participate in those steps.

The suspended reconnaissance flights should be resumed beginning tomorrow, and it is my understanding they will be. Should Saddam be so foolish as to take any action intended to endanger those aircraft or interrupt their mission, then we should, and I am confident we will, be prepared to take the necessary actions to either eliminate that threat before it can be realized, or take actions of retribution.

When it meets tomorrow to receive the negotiators' report and to determine its future course of action, it is vital that the Security Council treat this situation as seriously as it warrants.

In my judgment, the Security Council should authorize a strong U.N. military response that will materially damage, if not totally destroy, as much as possible of the suspected infrastructure for developing and manufacturing weapons of mass destruction, as well as key military command and control nodes. Saddam Hussein should pay a grave price, in a currency that he understands and values, for his unacceptable behavior.

This should not be a strike consisting only of a handful of cruise missiles hitting isolated targets primarily of presumed symbolic value. But how long this military action might continue and how it may escalate should Saddam remain intransigent and how extensive would be its reach are for the Security Council and our allies to know and for Saddam Hussein ultimately to find out.

Of course, Mr. President, the greatest care must be taken to reduce collateral damage to the maximum extent possible, despite the fact that Saddam Hussein cynically and cold-heartedly has made that a difficult challenge by ringing most high-value military targets with civilians.

As the Security Council confronts this, I believe it is important for it to keep prominently in mind the main objective we all should have, which is maintaining an effective, thorough, competent inspection process that will locate and unveil any covert prohibited weapons activity underway in Iraq. If an inspection process acceptable to the United States and the rest of the Security Council can be rapidly reinstituted, it might be possible to vitiate military action.

Should the resolve of our allies wane to pursue this matter until an acceptable inspection process has been reinstituted—which I hope will not occur and which I am pleased to say at this moment does not seem to have even begun—the United States must not lose its resolve to take action. But I think there is strong reason to believe that the multilateral resolve will persist.

To date, there have been nine material breaches by Iraq of U.N. requirements. The United Nations has directed some form of responsive action in five of those nine cases, and I believe it will do so in this case.

The job of the administration in the next 24 hours and in the days to follow is to effectively present the case that this is not just an insidious challenge to U.N. authority. It is a threat to peace and to long-term stability in the tinder-dry atmosphere of the Middle East, and it is an unaffordable affront to international norms of decent and acceptable national behavior.

We must not presume that these conclusions automatically will be accepted by every one of our allies, some of which have different interests both in the region and elsewhere, or will be of the same degree of concern to them that they are to the United States. But it is my belief that we have the ability to persuade them of how serious this is and that the U.N. must not be diverted or bullied.

The reality, Mr. President, is that Saddam Hussein has intentionally or inadvertently set up a test which the entire world will be watching, and if he gets away with this arrogant ploy, he will have terminated a most important multilateral effort to defuse a legitimate threat to global security—to defuse it by tying the hands of a rogue who thinks nothing of ordering widespread, indiscriminate death and destruction in pursuit of power.

If he succeeds, he also will have overwhelmed the willingness of the world's leading nations to enforce a principle on which all agree: that a nation should not be permitted to grossly violate even rudimentary standards of national behavior in ways that threaten the sovereignty and well-being of other nations and their people.

I believe that we should aspire to higher standards of international behavior than Saddam Hussein has offered us, and the enforcement action of

the United Nations pursues such a higher standard.

We know from our largely unsuccessful attempts to enlist the cooperation of other nations, especially industrialized trading nations, in efforts to impose and enforce somewhat more ambitious standards on nations such as Iran, China, Burma, and Syria that the willingness of most other nations—including a number who are joined in the sanctions to isolate Iraq—is neither wide nor deep to join in imposing sanctions on a sovereign nation to spur it to "clean up its act" and comport its actions with accepted international norms. It would be a monumental tragedy to see such willingness evaporate in one place where so far it has survived and arguably succeeded to date, especially at a time when it is being subjected to such a critical test as that which Iraq presents.

In a more practical vein, Mr. President, I submit that the old adage "pay now or pay later" applies perfectly in this situation. If Saddam Hussein is permitted to go about his effort to build weapons of mass destruction and to avoid the accountability of the United Nations, we will surely reap a confrontation of greater consequence in the future. The Security Council and the United States obviously have to think seriously and soberly about the plausible scenarios that could play out if he were permitted to continue his weapons development work after shutting out U.N. inspectors.

There can be little or no question that Saddam has no compunctions about using the most reprehensible weapons—on civilians as readily as on military forces. He has used poison gas against Iranian troops and civilians in the Iran-Iraq border conflict. He has launched Scud missiles against Israel and against coalition troops based in Saudi Arabia during the Gulf war.

It is not possible to overstate the ominous implications for the Middle East if Saddam were to develop and successfully militarize and deploy potent biological weapons. We can all imagine the consequences. Extremely small quantities of several known biological weapons have the capability to exterminate the entire population of cities the size of Tel Aviv or Jerusalem. These could be delivered by ballistic missile, but they also could be delivered by much more pedestrian means; aerosol applicators on commercial trucks easily could suffice. If Saddam were to develop and then deploy usable atomic weapons, the same holds true.

Were he to do either, much less both, the entire balance of power in the Middle East changes fundamentally, raising geometrically the already sky-high risk of conflagration in the region. His ability to bluff and bully would soar. The willingness of those nations which participated in the Gulf war coalition to confront him again if he takes a course of expansionism or adventurism may be greatly diminished if they believe that their own citizens would be threatened directly by such weapons of mass destruction.

The posture of Saudi Arabia, in particular, could be dramatically altered in such a situation. Saudi Arabia, of course, was absolutely indispensable as a staging and basing area for Desert Storm which dislodged Saddam's troops from Kuwait, and it remains one of the two or three most important locations of U.S. bases in the Middle East.

Were its willingness to serve in these respects to diminish or vanish because of the ability of Saddam to brandish these weapons, then the ability of the United Nations or remnants of the Gulf war coalition, or even the United States acting alone, to confront and halt Iraqi aggression would be gravely damaged.

Were Israel to find itself under constant threat of potent biological or nuclear attack, the current low threshold for armed conflict in the Middle East that easily could escalate into a world-threatening inferno would become even more of a hair trigger.

Indeed, one can easily anticipate that Israel would find even the prospect of such a situation entirely untenable and unacceptable and would take preemptive military action. Such action would, at the very least, totally derail the Middle East peace process which is already at risk. It could draw new geopolitical lines in the sand, with the possibility of Arab nations which have been willing to oppose Saddam's extreme actions either moving into a pan-Arab column supporting him against Israel and its allies or, at least, becoming neutral.

Either course would significantly alter the region's balance of power and make the preservation and advancement of U.S. national security objectives in the region unattainable—and would tremendously increase the risk that our Nation, our young people, ultimately would be sucked into yet another military conflict, this time without the warning time and the staging area that enabled Desert Storm to have such little cost in U.S. and other allied troop casualties.

Finally, we must consider the ultimate nightmare. Surely, if Saddam's efforts are permitted to continue unabated, we will eventually face more aggression by Saddam, quite conceivably including an attack on Israel, or on other nations in the region as he seeks predominance within the Arab community. If he has such weapons, his attack is likely to employ weapons of unspeakable and indiscriminate destructiveness and torturous effects on civilians and military alike. What that would unleash is simply too horrendous to contemplate, but the United States inevitably would be drawn into that conflict.

Mr. President, I could explore other possible ominous consequences of letting Saddam Hussein proceed unchecked. The possible scenarios I have referenced really are only the most obvious possibilities. What is vital is that Americans understand, and that the Security Council understand, that there is no good outcome possible if he is permitted to do anything other than acquiesce to continuation of U.N. inspections.

As the world's only current superpower, we have the enormous responsibility not to exhibit arrogance, not to take any unwitting or unnecessary risks, and not to employ armed force casually. But at the same time it is our responsibility not to shy away from those confrontations that really matter in the long run. And this matters in the long run.

While our actions should be thoughtfully and carefully determined and structured, while we should always seek to use peaceful and diplomatic means to resolve serious problems before resorting to force, and while we should always seek to take significant international actions on a multilateral rather than a unilateral basis whenever that is possible, if in the final analysis we face what we truly believe to be a grave threat to the well-being of our Nation or the entire world and it cannot be removed peacefully, we must have the courage to do what we believe is right and wise.

I believe this is such a situation, Mr. President. It is a time for resolve. Tomorrow we must make that clear to the Security Council and to the world.

I yield back the balance of my time.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I ask unanimous consent to return to morning business and address the Senate for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAST TRACK

Mr. TORRICELLI. Mr. President, this Congress is engaged in a great debate about giving the President of the United States virtually unrestricted authority to engage and negotiate with other nations in what has been termed fast-track authority.

Capital markets and international political leaders are waiting to see whether or not this Congress will grant that authority to the President of the United States.

To some, the debate has already been defined as either one of believing in free trade or returning to protectionism. I believe that that is a disservice to this Congress and indeed to the debate itself because the issue is extraordinarily more complex.

The United States needs no lectures about the advantages or the pursuit of free trade nor, indeed, does this Congress. In Bretton Woods, the Kennedy Round, the Uruguay Round, the United States has both led and constructed the current system both in monetary and trade relations.

This country understands that free, unfettered trade, the opening of international markets, is the very foundation of both our own and international prosperity. This generation's standard of living has been based on the lessons of each of these agreements.

As a result, the United States has become the largest importing nation in the world. Indeed, although the United States has an economy that is smaller than the combined economies of the European community, we import more than twice the industrialized product from the developing world.

This trade has been not without benefit to even those industries which seemingly have suffered the most. Although there have been serious dislocations in key industrial industries, like autos and steel and new products like semiconductors and computers, the current competitiveness and efficiency of even these industries have benefited by international trade and competition.

Indeed, it is because of this enhanced efficiency in competition that I supported fast-track authority in 1988, supported the Canada-U.S. Free Trade Agreement and most recently the GATT agreement.

I take the Senate floor today because I have reached my own conclusion that when asked to vote in this body, I will not support fast-track authority as currently requested by the President of the United States this year. I do so despite a long history of supporting similar authority and as one who believes strongly in free trade as enhancing American competitiveness and it being essential to America's quality of life, because I believe the United States has reached an important crossroads in our trade strategy.

Like many Americans, I am simply not convinced that the U.S. Government has a strategy to maximize benefits in current trade agreements. I do not fear the competition of foreign trade. I simply fear that our negotiators are not prepared to protect and defend our national interests with a coherent strategy.

I base my conclusion on four principal problems.

First, over 4 decades, by necessity, through the cold war and in times of threats to our national security, it became necessary for the United States on occasion to compromise in our trade strategy in order to engage in the protection of other important national interests.

By necessity, whether it was to secure Philippine military bases or the cooperation of Korean or Turkish or a host of other allies, the United States would set apart our trade objectives in order to secure national security concerns.

Even now while American intellectual property rights are being compromised in China, we are being told that this is necessary for the political engagement of the People's Republic of China.

Mr. President, my first objection to fast-track authority to the President is these agreements on trade must stand for economic purposes of their own weight. The American people and this Congress must be convinced the country is pursuing a coherent trade strategy without compromise for other purposes.

Second, it is critical that this Congress be convinced that our trade negotiators are using the leverage of those seeking access to our market to its maximum advantage. In negotiating NAFTA, the United States afforded Mexico the most important advantage that any nation economically could ever seek. That is, to gain access to the American market for their products. But we did so without using all of the leverage available to the United States. So Mexico, a country that is a principal conduit for narcotics into the United States, a source of massive illegal immigration to the United States, a nation which does not allow access to American products or investment without reservation, was afforded the opportunities of NAFTA without, by necessity, conceding cooperation on all these fronts. So in my mind, Mr. President, the second reason for a reservation in proceeding with fast-track authority is that the United States is not using its principal leverage in negotiating with other nations.

Third, Mr. President, in my mind, is the legitimate concern about the pace of international economic integration. Mr. President, during this debate, both in this body and in the other, no one will be quoted more often than Adam Smith. Indeed, to my mind, there is no man who has been read less and quoted more often than Adam Smith in his "Wealth of Nations." For my third reason in objecting to fast-track authority, I return to his treatise of more than two centuries ago when he said, ". . . freedom of trade should be restored only by slow gradations, and with a good deal of reserve and circumspection. Were those high duties and prohibitions taken away all at once . . . the disorder which this would occasion might no doubt be very considerable."

Mr. President, free trade is a national objective, but like other human virtues, it may never be fully realized. It is forever pursued, but it requires so many changes in culture and values and so many complications that it must remain a goal, understanding it may never be realized. Every Member of this institution recognizes that fast-track authority and opening the American market involves a host, indeed hundreds, of different industries that compromise many communities and their economic strength. It is understood and recognized that, like manufacturing, certain high-labor-intensive industries have no long-term future in the American economy.

As Adam Smith warned two centuries ago, that does not mean that with haste or even immediacy they must be subjected to their demise. There are industries in this country that employ thousands, if not millions, of people who live on the economic margins of our society who have no other economic choice. The 50- or 60-year-old textile worker who may have lived in this country for generations, or be new to our land, who may speak English or may not, who may be educated or may have the bare minimum of education, will not in a single generation or with the stroke of a pen be transformed from a textile worker to a computer technician.

American trade policy with a goal of free trade must be realistic and fair to all elements of this society and must take into account the very disorder of which Adam Smith warned only that we be accommodating.

Mr. President, finally, a fourth and final reason that I believe this Senate should withhold fast-track authority on this occasion. It is based on a series of judgments that this Congress reached a long time ago. It has become, I believe, standard in this country, almost without reservation, to believe that it is appropriate, from bans on child labor, to a reasonable minimum wage, to the human rights organized labor unions, to just and fair environmental standards. But our country now, in the decision to engage itself in free and open global trade, needs to reach a judgment. How is it we keep these basic commitments without engaging in an extraordinary and even hypocritical contradiction? At this moment in time, the Nation wants both to maintain these high moral standards, some of which have transcended generations, but at the same time to take advantage of the inexpensive products, the economic opportunities of importations where workers have no right to organize, nonexistent or unenforced minimum wage and, in many cases, almost no protections against child labor, and a minimum of environmental standards.

The difference, Mr. President, is whether or not the United States will, in some cases, engage in exploitation, not whether or not the United States will engage in free trade. I believe, therefore, Mr. President, that on this occasion, with a commitment to free trade and an understanding of the need and necessity for the United States to

engage in free, fair, and open competition, this Congress should not grant unrestricted authority to the President of the United States to engage in trade negotiations, without reserving for ourselves the right to ensure that there is a trade strategy that encompasses the goal of reaching trade balance, dealing with structural imbalances that, by necessity, are arising from countries that continue to protect their own markets. And we deal with these inherent contradictions of how we maintain both a standard of living for those in our country who cannot quickly adjust to the competition, the contradictions of maintaining environmental labor standards, while allowing access to our market to those who do not.

This will require a trade strategy by the Executive that, to my judgment, has not yet been defined and may not yet exist. I do hope, however, Mr. President, that this is understood for what it is—not a retreat, not protectionism, just forcing this country, at long last, to begin to define a real and lasting trade strategy.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2607

Mr. LOTT. After consultation with many, many Senators and especially the Democratic leader, I now ask that the Senate turn to the D.C. appropriations bill, H.R. 2607, and Senator STEVENS be recognized to offer a substitute amendment and that there be 2 hours of debate to be equally divided in the following fashion: 30 minutes between Senators STEVENS and BYRD, 30 minutes between Senators FAIRCLOTH and BOXER, 30 minutes between Senators GREGG and HOLLINGS, 30 minutes between Senators MCCONNELL and LEAHY.

I further ask that no other amendments or motions be in order, and following the conclusion or yielding back of the time, the amendment be agreed to and the bill be advanced to third reading and passage, and all occur without further action or debate.

I further ask that following the adoption, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees, all without further action or debate.

I ask unanimous consent that in the event that H.R. 2607 is sent to the President without a conference, the Committee on Appropriations, with the concurrence of the chairman and ranking member, be permitted to file in the RECORD within 2 days of final passage and to print as an official document of the Senate a report on the final version of H.R. 2607 as enacted by the Congress.

Finally, I ask unanimous consent that following the disposition of H.R. 2607, the Senate proceed to S. 1502 regarding D.C. scholarships, the bill be read the third time and passed, and the motion to reconsider be laid upon the table, all without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I want to confirm, as most Senators certainly know, there will be no further rollcall votes tonight, and while the Senators have this 2 hours of time, we don't anticipate the full time will be used.

I yield the floor.

Mr. DASCHLE. I want to commend the distinguished chair and ranking member of the Appropriations Committee. Oftentimes we work through these things, and credit isn't allocated as it should be. In this case, this would not have happened were it not for the extraordinary effort on both sides of the aisle, in particular by the chairman and the ranking member. But I thank all Senators for their cooperation and the extraordinary effort they have put forth to get us to this point.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for making those comments. He is certainly right. Senator STEVENS is very persistent, as is Senator BYRD, his worthy ally in this effort.

This has been a difficult agreement to put together, but it is the right thing to do at this hour. That way, we will have this package in the House and they will have a vehicle with these three bills on which they can act, and that will lead into, hopefully, final passage tomorrow. I do commend them for their very fine work.

I yield the floor.

DISTRICT OF COLUMBIA APPROPRIATIONS, MEDICAL LIABILITY REFORM, AND EDUCATION REFORM ACT OF 1998

The PRESIDING OFFICER. Under the previous order, the clerk will report the House bill.

The legislative clerk read as follows:

A bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1621

(Purpose: Making omnibus consolidated appropriations for the fiscal year ending September 30, 1998, and for other purposes)

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. BYRD, proposes an amendment numbered 1621.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

PRIVILEGE OF THE FLOOR

Mr. GREGG. Mr. President, I ask unanimous consent that Carl Truscott of my staff be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that after completion of the pending motion and amendment, and passage, the Senator from Michigan, Senator ABRAHAM, be granted 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. FAIRCLOTH. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. FAIRCLOTH. Mr. President, as the 105th Congress draws to a close, we are finally, at last, about to complete action on the District of Columbia appropriations bill. The amendment before the Senate incorporates the conference report to the Commerce, Justice, State spending bill and the Foreign Operations spending bill, together with an amendment in the nature of a substitute to the District of Columbia appropriations bill.

I would like to speak very briefly to the provisions of the District of Columbia portion of this omnibus package. First of all, the ranking member of the District of Columbia subcommittee, BARBARA BOXER, and I have ironed out all of our differences and we now have the bill that should have the support of the House and the administration.

At the moment, the District of Columbia is being funded on a temporary basis through a continuing resolution. It is critical that we pass this amendment as soon as possible because the Congress has yet to pass a District of Columbia rescue package and the management reform plan, which we enacted in August. Passage of this bill will ensure that that work goes forward to restructure the city's finances and impose some much-needed management reforms on the city and its various agencies.

The amendment being offered in the nature of a substitute to the District of Columbia appropriations bill will provide funding of $8 million for management reforms, and these reforms are already under way. But without passage of this bill, the reform program will simply fall apart.

Mr. President, this amendment is very similar to the District of Columbia appropriations bill that has been pending before the Senate for several weeks. This amendment reflects the

work of the Congress, city officials, and the financial control board to bring about a balanced District budget. This budget is balanced 1 year ahead of the schedule set by the Congress in 1995 when it created the financial control board to rescue the city from insolvency and incompetence.

To reach consensus on how to balance the budget, the control board and the elected city council first rejected several of the proposed budgets. This budget is a more conservative approach. This amendment actually cuts most city agencies, with a few exceptions, such as public safety. The focus of this bill is to balance the budget and reform the city's management problems.

It is a good bill and I urge its support by my colleagues. I want to especially thank the ranking member, Senator BARBARA BOXER, and KAY BAILEY HUTCHISON for their hard work on the Appropriations Committee. I want to thank the chairman of the Senate Appropriations Committee, Senator STEVENS, and the distinguished ranking member of the Senate Appropriations Committee, Senator BYRD, for their help and guidance in the past several months. I also wish to take a moment to thank Mary Beth Nethercutt, Jim Hyland, Dave Landers, of my staff, Jay Kimmitt, and the rest of the minority staff for their help on this bill.

Mr. President, I yield the balance of my time.

PRIVILEGE OF THE FLOOR

Mr. GREGG. Mr. President, I ask unanimous consent that the following staff members be granted full floor privileges during consideration of the District of Columbia and Omnibus Appropriations bills; James Morhard, Paddy Link, Kevin Linskey, Carl Truscott, Dana Quam, Vas Alexopoulos, Luke Nachbar, Scott Gudes, Karen Swanson Wolf, Emelie East, and Jay Kimmitt.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I want to speak briefly about the appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for Fiscal Year 1998. The provisions came about through bi-partisan negotiations and provides $31.8 billion, an increase of $30.9 million above the House level, $135.3 million above the Senate level, and $297 million less than the President's request.

Before getting to the details, I want to thank Senator HOLLINGS, and his staff, Scott Gudes, Karen Swanson-Wolf, and Emelie East for all their hard work and dedication to getting this bill written and passed. Their efforts and expertise helped smooth the way for its success through the 99–0 vote in the Senate in July and its presentation to you today.

The committee amendment includes many of the provisions that the Senate gave top priority to in its bill, but the funding levels reflect our negotiations with the House. Within the Justice Department, the committee amendment retains the Senate initiatives to fight crimes against children, increases assistance to state and local law enforcement, strengthens counterterrorism activities, bolsters drug control efforts, and provides funding for new juvenile programs.

We have funded many programs that will further our efforts in preventing and combating crimes against children. The amendment provides $10 million in additional funding for the FBI's efforts to stop child exploitation on the Internet. In addition, we're making sure those organizations that work closely with the FBI also receive adequate funding to provide much needed support. There is $1.7 million for Missing Children; $6.9 million for the National Center for Missing and Exploited Children, of which $1.9 million is provided for Internet investigations; $1.2 million for the Jimmy Ryce Law Enforcement Training Center for State and local law enforcement investigations; and an additional $2.4 million for State and local law enforcement to form specialized units to investigate and prevent child exploitation on the Internet. These agencies have promising ideas of ways to improve current law enforcement procedures in this area to stop pedophiles from committing further atrocities.

We believe it is the national interest to improve the skills of law enforcement personnel on all levels and supports initiatives to do this. The Community Oriented Policing Services, known as the COPS program, is funded at $1.4 billion. As part of this provision and with direct funding, we were able to preserve the Senate number of $25 million for the Regional Information Sharing System so that law enforcement officers throughout the country have increased access to national criminal databases.

The Committee amendment includes an increase in funding for the Violence Against Women Act grants to $270.7 million. We recognize the need to enhance and expand current women's assistance programs as violent crimes against them continue. The Violence Against Women grants will be given to States to be used to develop and implement effective arrest and prosecution policies to prevent, identify, and respond to violent crimes against women. This funding provides domestically abused women and children with additional support services. Only 20 states received Violence Against Women grants in 1996. We believe there should be sufficient funding for more states to participate in these programs. Consequently, we have appropriated funds for this effort.

In this amendment, we remain committed to ensuring that the U.S. law enforcement and intelligence community has a comprehensive strategy to combat domestic and international terrorism. In May Congress received from the Attorney General a comprehensive counterterrorism strategy compiled with consultation with other key departments and agencies. During subsequent oversight hearings, it became apparent that vulnerabilities to our national security still exist, especially to the emerging threats from chemical and biological agents and cyber attacks on computer systems within the United States. The hearings also emphasized the need for our efforts to be constantly coordinated among the many participating departments and agencies to make this very critical mission successful. To do this, the conference agreement provides $32.7 million for the Counterterrorism and Technology Crime Threat.

We remain concerned about the proliferation of illegal drugs coming across our borders and its impact on our children. In an effort to support law enforcement efforts to combat the rampant spread of illegal drugs, the committee devotes $11 million through the DEA to combat the trade of methamphetamine and $10 million for efforts to reduce heroin trafficking. The COPS Program includes $34 million to stop methamphetamine production. We have created a new Carribean initiative that will disrupt the drug corridors and block the flow of illegal drugs into the United States.

Over the last few years, the infrastructure needs of the organizations funded in this bill have been neglected. We have made a point of providing funds to repair buildings throughout our agencies. Over $300 million will go to the Federal Bureau of Investigation, the Drug Enforcement Agency, and Bureau of Prisons to make much needed infrastructure improvements.

Regarding the INS, the agreement provides 1000 Border Patrol agents, over $200 million in new initiatives to restore the integrity of the naturalization process, and adds 1000 new beds for detention, and the ultimate deportation of criminal and illegal aliens.

As a last mention within the Justice portion of the bill, we have increased funding to $238.6 million dollars for juvenile justice prevention programs with an additional $250 million for a new juvenile accountability block grant.

In the area of the Commerce Department, we have made some difficult decisions, but, I think they are constructive ones. We have, for example, provided strong support for the National Oceanic and Atmospheric Administration, which does high quality research and provides technical data important to our economy. The Sea Grant program, which conducts research of regional importance through colleges and universities, is strongly supported in this bill at a level of $56 million.

The committee amendment provides increased funding for the National Weather Service. Many of us are concerned that the agency have the necessary resources to ensure timely warnings of severe weather, including tornados and hurricanes.

There is $23.4 million for the U.S. Trade Representative taking into account the amended request made by the President recently.

The Bureau of Export Administration has two new requirements which deserve mention. First, the Department of State's encryption export control responsibilities have been transferred to the Export Administration. Second, with the ratification of the Chemical Weapons Convention, the Export Administration will have primary responsibility for enforcing the convention and is thus provided with $1.9 million to do this.

And I've kept the best for last—well, at least the issue that seems to have the most interest of late—The Census compromise achieved by the White House and the House leadership—it has two parts. First, it establishes a commission to oversee the Census and report regularly on the conduct of the Census. Second, it establishes fast track procedures for judicial review of sampling.

In the Judiciary portion of the bill, we have had to confront some difficult issues, but, I believe we are providing the American people with a better Judiciary through our efforts. The appropriation is sufficient to maintain current judicial operation levels and takes into account the increase in bankruptcy caseloads and probation population. We are also providing the Justices and judges with the 2.8 percent cost of living adjustment requested in the President's budget.

We have established a commission to study the current structure of the circuit courts, especially the controversial Ninth Circuit. During the 1996–1997 session, the U.S. Supreme Court overturned 96 percent of the decisions they reviewed from the Ninth Circuit. This high turnover rate is a beacon that the Ninth Circuit is not meeting the needs of the people it serves. The debate over whether to split it has raged for some years. The commission should end the debate over the Ninth Circuit once and for all.

Moving on to the State Department, we have fully funded, to the best of our ability, the operations carried out by this Department. We made sure that the day-to-day functions of the State Department are funded at acceptable levels, and we are trying to upgrade their outdated technology systems. Maintaining infrastructure was a top priority for the Senate this year. We are providing $21.4 million above the President's request for the Capital Investment Fund so that desperately needed upgrades in information and communication systems can be done.

And as a final noteworthy item, this bill covers the first down payment for U.N. arrears as well as the State Department Reauthorization bill which includes U.N. reform and State Department reorganization, which we have worked so hard to achieve.

That is a quick run down of the Commerce, Justice, State, and Judiciary provisions before us. I want to thank my staff—Jim Morhard, Kevin Linskey, Paddy Link, Carl Truscott, Dana Quam, Vas Alexopoulos, and Luke Nachbar—for all their hard work. They, and their democratic counterparts, have spent long hours drafting this legislation. I believe this amendment contains sound provisions that have been agreed to by both parties. The departments and agencies funded in this legislation can only benefit from the passage of these new funding levels. I urge all of my colleagues to support the passage of this committee amendment.

Just to quickly comment on that section of the bill, the language which is in this bill dealing with the funding for State, Commerce, Justice, is similar to the language which passed this Senate by a 99–0 vote. The language which is before the Senate at this time is language which has been agreed to by the Democratic and Republican members of the Appropriations Committee unanimously. Again, I strongly encourage the Senate to pass it.

At this time, I yield back the time allocated to myself and Senator HOLLINGS under the bill.

The PRESIDING OFFICER. Without objection, the time is yielded back.

Who yields time?

Mr. STEVENS. Mr. President, we are awaiting another Member who wishes to ask some questions, so I will not yield my time yet.

Mr. BYRD. Mr. President, I fully support the efforts of the chairman, and I congratulate him for the proposal that he has just described which, if adopted, makes it possible to greatly shorten the process of completion of the remaining appropriation bills.

The pending amendment contains the committee's recommendations for the remaining three Fiscal Year 1998 appropriation bills, namely, the Commerce/Justice/State, District of Columbia, and Foreign Operations Appropriation Bills. As Members are aware, the Commerce/Justice/State and Foreign Operations Appropriation Bills were passed by the Senate in July of this year and have been in conference with the House. For those two bills, the committee's recommendations include, to a large extent, the agreements reached by the House and Senate conferees. There are, however, certain issues upon which the conferees were unable to reach agreement. For those particular issues, the committee has recommended proposals which we hope will be acceptable to the Senate and, if so, which the House can then accept. The chairman and ranking member of the Commerce/Justice/State Subcommittee, Senators GREGG and HOLLINGS, and the chairman and ranking member of the Foreign Operations Subcommittee, Senators MCCONNELL and LEAHY, will make statements regarding their portions of the pending amendment. These very capable chairmen and ranking members have worked tirelessly for months on their respective bills, and they are to be commended by the Senate for their efforts.

For the District of Columbia, as Senators are aware, the Senate has not yet passed the Fiscal Year 1998 appropriation bill. Here again, there are a number of issues which, up to this point, have been unresolved. I am certain that the distinguished chairman of the subcommittee, Senator FAIRCLOTH, and the equally able ranking member, Senator BOXER, will explain in some detail the D.C. portion of the pending amendment and will be prepared to answer any inquiries which Senators may have.

Mr. President, hopefully we are nearing the conclusion of the Fiscal Year 1998 appropriations process. As I have stated, the pending substitute, if enacted, will complete action on the remaining three appropriation bills. Like last year, this has been a very difficult year for the Appropriation Committees. These difficulties, however, like in other recent years, are due largely to attempts to attach controversial legislative riders to appropriation bills. The delays in enacting the remaining appropriation bills are in no way attributable to the chairman or other members of the Appropriations Committee.

In his first year as chairman of the committee, Senator STEVENS has carried out his responsibilities in an outstanding manner. At every step of the process, from the first meeting of the committee this year and throughout all of the hearings and markup sessions that he has chaired, he has shown not only great expertise and skill as it relates to all appropriation matters, but, just as importantly and, perhaps more so, my distinguished friend and colleague from Alaska, Senator STEVENS, has unerringly displayed great patience and bipartisanship on every occasion throughout this, his first year as chairman of the committee. I know that he would have preferred, as I would, to have the thirteen appropriation bills separately adopted and signed into law. But at this late date, I support the chairman's decision and commend him for bringing this proposal to the Senate that, if agreed to, will enable us to complete action on the remaining bills expeditiously.

It may well be that the House will be unable to agree with every recommendation made in the pending substitute. If that is the case, the House

may wish to ask for a conference with the Senate on the matter; or, the House could simply amend the Senate amendment and send the bill back to the Senate without the need for a conference. My point is, that even with the adoption of this proposal, we are not out of the woods. Further action may be required by the Senate. But, I am convinced that if we proceed in the regular manner and continued separate conferences on the Commerce/Justice/State and Foreign Operations Appropriations Bills, and separately complete action in the Senate on the District of Columbia Appropriation Bills, and then conference with the House on it, we may be in for several more weeks of controversy on these outstanding issues on the remaining appropriation bills. Furthermore, there is no assurance that these separate conferences would ever be able to overcome the impasses which have developed and mired them down.

Mr. President, I want the RECORD to show that if given the opportunity to vote on these three appropriation bills separately, I would have voted against passage of the conference report on the Fiscal Year 1998 Foreign Operations Appropriation Bill. At a time when we are under continuing severe budgetary constraints on discretionary spending for our nation's infrastructure—its highways and bridges, water and sewage treatment projects, education and other national priorities—I am opposed to providing appropriations for foreign countries at the same or increasing levels year after year. For example, in my view, the $3 billion payment to Israel and $2 billion payment to Egypt should be reduced under the circumstances facing the nation. Even though we are achieving reductions in the Federal budget deficit, we nevertheless still have a Federal debt exceeding $5.43 trillion and the interest on that debt each year amounting to $251 billion.

I strongly urge all members to support the chairman of the committee, as well as the chairmen and ranking members of the relevant subcommittees, in the proposal that is before the Senate, and I urge its adoption.

Mr. STEVENS. Mr. President, I call attention to the fact that we will file a statement within 2 days following passage of the bill after the House has acted on the bill, or Congress as a whole. That will be printed as a document, to be a report for this bill that combines these three appropriations bills.

The Senator from Michigan has 10 minutes. If he wants to use that now, Mr. President, I would be pleased to yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I thank the Senator from Alaska.

I wish to speak in relationship to this legislation, and in favor in particular of title II of the District of Columbia portion of this legislation.

Title II incorporates an agreement reached recently between House and Senate negotiators to correct provisions in last year's immigration law. These provisions, as they were being interpreted by the Board of Immigration Appeals and others, would have had the effect of changing the rules in the middle of the game for thousands of Central Americans and others who came to the United States because their lives and families had been torn apart by war and oppression and are seeking permanent residency here. That violates the sense of fairness that is so much a part of the American character.

Mr. President, during the 1980s civil wars rocked Central America. These civil wars in Nicaragua, El Salvador, and Guatemala were of great importance to the United States. They critically affected our national security policy, as well as our conception of America's role in the Western Hemisphere.

In 1979, the Sandinistas seized power from Anastasio Somoza. Upon gaining control of the state they carried out a program of land seizure, suppression of civil liberties, and other forms of oppression. They also aligned themselves with the communist government of the Soviet Union. A number of groups formed, seeking to overthrow the Sandinista regime, including some who had played an active role in the overthrow of Somoza on account of his civil liberties violations. These groups ultimately were supported by the U.S. government and became known as the Contras.

The Contras' cause ultimately met with success when, in a stunning upset, Violeta Chamorro defeated the Sandinistas in national elections. But the war, combined with a United States embargo on trade and a series of natural disasters, ruined the economy and added to the unrest that endangered many lives. Approximately 126,000 Nicaraguans fled their homeland, came to the United States, and applied for asylum between 1981 and 1991. That was a quarter of all our asylum applications during that time period.

During that same time, El Salvador experienced a brutal civil war which left tens of thousands dead. Over a quarter of the population were driven from their homes. The economy was left in a shambles. Faced with these terrible circumstances, and with continual danger for themselves and their families, hundreds of thousands of Salvadoran made their way to the United States. They asked for asylum because they feared death at the hands of the leftist guerrillas partially backed by the Sandinistas in Nicaragua, or at the hands of the military and the extremist death squads. Between 1981 and 1991 approximately 126,000 of these Salvadorans applied for asylum.

During the same era, Mr. President, the people of Guatemala faced similar tragic and extremely dangerous circumstances. Approximately 42,000 of them made their way here and applied for asylum in the United States.

A great many of the Central Americans who came here during this period received some form of encouragement or support from our government for that decision. This started in 1979, when President Carter's Attorney General used his discretionary authority to protect recent arrivals from Nicaragua by establishing an extended voluntary departure program for them. When that program expired, it was extended further through a variety of other congressional and administrative actions.

During the early to mid-1980s, Nicaraguans' claims for asylum had a high success rate, and very few were deported. That success rate began to decline toward the end of the decade. Recognizing the dangers presented by the civil war, however, the Reagan administration in 1987 established a special Nicaraguan Review Program. Based in part on a recent Supreme Court decision bearing on the standard of proof for asylum, the NRP encouraged Nicaraguans to reapply for asylum under the new standard, thereby providing an extra level of review to Nicaraguans whose applications had been denied.

When Violeta Chamorro won the election in 1990, conditions in Nicaragua began to change for the better and the Nicaraguan Review Program began to dissipate. In the meantime, however, many of the Nicaraguans had laid down strong roots here.

The Nicaraguan Review Program was officially ended in 1995. However, the INS established a special phase out program under which Nicaraguans could remain in the country an additional year and receive work authorization. The work authorizations were again renewed in 1996.

There were a number of reasons for this phase out program. But one of its purposes, as expressly stated in agency documents, was to allow the Nicaraguans who had laid down roots here to utilize the additional time to accrue the 7 years they would need to be eligible to adjust their status to legal residents under a procedure called "suspension of deportation." In one form or another, this relief has been in existence for 40 years. In recent times, and until April 1 of this year, it was available to anybody who had been here for 7 years, was of good moral character, and whose deportation would cause extreme hardship to the person or his or her citizen or permanent resident immediate family members.

The Salvadorans and Guatemalans likewise received special protection

from U.S. government authorities. Their asylum claims received a less sympathetic hearing initially. As a result, the Salvadorans filed a class suit, knows as the "ABC"' class action, subsequently joined by the Guatemalans, in which they challenged the way in which their asylum applications were being handled. President Bush's Administration settled this suit by agreeing to readjudicate their claims, and in order to facilitate this Congress gave the class members a special "temporary protected status" in the 1990 Immigration Act. That temporary status was administratively extended in one way or another while the class members awaited their readjudications.

My point, Mr. President, is that during the 1980's people fearing persecution, fearing death squads, fearing disruptions of their communities, came to America and we took extraordinary measures to make it feasible for them to stay here, even if they had been denied asylum through the official asylum-seeking procedures.

At every step of the way, acts of Congress or acts of the executive branch gave these refugees a very clear signal, that they would be able to remain if they played by the rules then in existence. An informal understanding developed that in the absence of some other mechanism being devised, suspension of deportation would be the means through which they would become permanent residents of this country.

That understanding was undermined when last year's immigration bill changed the rules for suspension of deportation. There are good arguments, Mr. President, indeed, I believe, arguments that would ultimately prevail if tested in court, that those changes were not intended to operate retroactively. That, however, was not the view of some of the leading sponsors of these changes, nor was it the initial view of the INS or the Board of Immigration Appeals. As a result, these Central American refugees—as well as refugees from other countries in like circumstances—face the realistic prospect that a retroactive change in our laws might uproot them yet again.

I am happy to say that, under the negotiated arrangement with the House, this will not happen. The U.S. government will keep its word to Central Americans.

Under the version of the legislation incorporated into this bill, Nicaraguans who were in the United States prior to January 1, 1995 will be permitted to adjust to permanent residence—and get green cards—if they have maintained a continuous presence here. The same right will be extended to their Nicaraguan spouses and children.

In addition, Salvadorans, and Guatemalans who either applied for asylum before 1990 or were members of the ABC class action suit settled with the U.S. Government, as well as members of their families, will be entitled to receive a hearing on their claims for suspension or withholding and adjustment under rules similar to those in effect prior to the 1996 immigration law. Nothing in the amendment precludes the Government from adapting those rules further to the special circumstances of that class.

Similar relief will be available to those who fled communist regimes in Eastern Europe and the former Soviet Union by December 31, 1990, and filed an asylum claim by December 31, 1991. They too will be able to seek suspension of deportation or withholding of removal under the rules similar to those in effect before passage of last year's law.

This relief also improves current law as applied to the members of these groups in two other respects. First, members of these groups will be eligible to have their cases adjudicated under the more generous rules whether or not they were in deportation proceedings as of the effective date of last year's immigration law. That makes good sense. There is no reason to apply the more generous rules to someone who filed an asylum application, lost on it, and was placed in deportation proceedings, while subjecting to the new rules someone who filed an asylum application at the same time and whose asylum claim has yet to be adjudicated.

Second, none of these refugees will be subject to the 4,000 cap last year's law placed on the number of adjustments that may be granted in any given fiscal year. Thus they will not have to wait in line for a number to become available before their application may finally be acted on. With Central Americans and Eastern Europeans being placed outside the cap, it is expected that the 4,000 ceiling will accommodate the ordinary flow of successful applicants. Should there be more favorable adjudications than 4,000 in any fiscal year, the legislation assumes the INS will continue with its present approach of only issuing conditional grants until a number becomes available. Thus no one who would be the beneficiary of a favorable adjudication would be forced to depart because of the cap's having been reached.

When the outlines of an agreement along these lines first emerged in the House, it included a proposal to eliminate an entire category of legal immigration, albeit a relatively small one, as the price for allowing these people to seek to stay under the rules they had been told would apply to them. Under the final version of the agreement embodied in this amendment, there will be no elimination of any legal immigration category. There will be a temporary reduction of no more than 5,000 visas per fiscal year in the "other workers" employment-based immigration category, but only after those now in the backlog receive their visas. There will also be a temporary reduction of not more than 5,000 visas per fiscal year in the Diversity visa program. These temporary reductions will last until the cumulative total of these reductions equals the number of Salvadorans and Guatemalans who ultimately adjust to permanent residence. The numbers will be taken evenly out of the two categories.

The legislative process of necessity involves compromise. The version of this legislation before us today contains some provisions that were not in Senator MACK's original proposal. I am quick to say I preferred the original for that reason. First, while I think that temporary reductions in legal immigration categories are far superior to elimination of any, as the House originally proposed, I am not persuaded that we should be doing either. Moreover, since we have current categories with unused visas, if we must turn anywhere to "borrow" visas for these refugees, an approach that I feel is at odds with our humanitarian traditions, I would prefer to borrow any unused visas from the previous fiscal year before making any reductions.

Second, while the legislation makes clear that no retroactive change is to be made in the standards for suspension of deportation as applied to Central American, Eastern European, and Soviet asylum applicants, it also makes clear that we are retroactively changing those standards for everybody else. I see no reason to do so. I have opposed the retroactive application of this provision to all individuals, regardless of their nationality. This is not because I take issue with the objective I believe the House is seeking: to make it harder for some people who have been abusing the rules by dragging out their deportation proceedings in order to accrue the 7 years they need for suspension of deportation. The problem is that the legislation does not and cannot distinguish between those who have been taking advantage of this loophole and others who have done nothing wrong and who have been stuck in administrative backlogs through no fault of their own.

Retroactivity is particularly unjustified with respect to refugees from countries not covered by this compromise who have equities similar to those of the Nicaraguans, Salvadorans, and Guatemalans. In recent years, many people came to the United States under a legal or quasi-legal status, fleeing tyrannical regimes that were either enemies of the United States or allies whose domestic abuses were countenanced because of the country's strategic significance in the struggle for world freedom going on at the time. The retroactivity may force some of these people to leave despite the roots

they have laid down and the fact that the conditions they are returning to remain dangerous.

Despite these reservations, I support this agreement. On the whole it will advance the cause of fairness and the promise that America will make good on its commitments better than if we were to do nothing. It will free a large number of people from the threat of immediate deportation. It will allow some of them to adjust to legal status and assure others of a fair hearing on their effort to do so. Accordingly, Mr. President, I urge adoption of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Mr. President, I am very pleased to be here, even though it is 7 o'clock on Sunday night, to finally finish up the D.C. appropriations bill. When Senator FAIRCLOTH and I started working together on this, it was way back in the summertime, and in September our bill, this D.C. appropriations bill, was voted out of committee.

It was very easy to do that because the mayor, the city council, the control board, all agreed on the D.C. budget. We basically put it in this bill and we followed on the authorizing committees which had passed the National Capital Revitalization and Self-Government Improvement Act. So what we did was to carry forward the will of this Congress and the will of the people of D.C. as repleted by their control board, their city council, and their mayor putting together a consensus balanced budget.

That all was fine until we came to the floor and, of course, suddenly this bill became a very attractive sort of Christmas tree, way before Christmas, and Senator FAIRCLOTH and I found ourselves looking at each other as the debate swirled around us on immigration, on school vouchers and other things that we really did not anticipate being a part of this bill.

The two of us had very much wanted to move it forward, and I was very candid at the time that there were a couple of provisions in this bill that I was not happy about because I did not think it showed enough respect for the women of D.C. in terms of their right to choose and to those who are seeking recognition of domestic partners, which I think is a local issue.

But I stated at that time that majority rules, and I was not going to hold up the bill because I did not agree with these things, and so we were ready to move forward.

I am very pleased tonight that we have a resolution on the immigration portion. It was a very legitimate issue that was raised by Senators KENNEDY, MACK, and GRAHAM, and I think Senator ABRAHAM was very eloquent on the point that there were in fact refugees who came from Nicaragua, Cuba, El Salvador, and Guatemala who were going to be thrown out of the country without any sort of hearing whatsoever. Senator MOSELEY-BRAUN has raised the issue of Haitians in a similar situation. Although this bill is silent on that, I think we have found other ways to handle her concerns. So it appears to me that we are on our way to having a bill for the people of Washington, DC, and the children of Washington, DC, who desperately deserve to have this bill completed.

The issue of vouchers was handled, I thought, in quite a diplomatic way, which was to remove it from this bill and send it forward to the President as a separate vehicle. I think that really is a way to resolve the problem which right now is very contentious on both sides.

So, Mr. President, I do not have any further comments to make at this time. I stand ready with my colleague from North Carolina to vote on this tonight. I understand we will voice vote it. I understand there are some colleagues who have other things they wish to discuss. I know Senator WYDEN had a provision in the bill, which I strongly supported, dealing with the end of anonymous holds that we have had as a Senate prerogative around here. That appears to be an issue of contention that is no longer in the bill.

So at this time I retain the remainder of my time in case colleagues come over and need it, but at this time I yield the floor.

Mr. President, with the understanding that Senator STEVENS is going to enter into a colloquy with Senator WYDEN, I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I yield such time to the Senator from Oregon as he wishes. I know he has a matter he wishes to discuss, and Senator BYRD and I have time so he can use whatever time of that he wishes.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. I thank the Chair. I thank the chairman of the Appropriations Committee. He has been exceptionally kind to me as a new Member of the Senate. I thank him for yielding to me this time.

Mr. President, I ask unanimous consent at this time that I be permitted to offer my amendment to prohibit secret Senate holds which was agreed to previously in the Senate D.C. appropriations bill.

Mr. STEVENS. Mr. President, I object.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I do object.

The PRESIDING OFFICER. There is objection.

Mr. WYDEN. Mr. President, then in light of the time that the chairman of the Appropriations Committee has kindly yielded to me, I should like to take a few minutes to describe why I think this issue is so important.

Mr. President and colleagues, I spoke yesterday afternoon in this body on the need to end Senate secrecy. Within an hour of my talk, three of the most senior Members of the Senate came to me and said they hoped this amendment would prevail.

These three Members probably have an aggregate total of 60 years seniority in this body, and each of them told me that they had been frustrated by instances of this hide-and-seek process that the Senate now has with secret Senate holds.

Certainly most of the American people are not aware of what a hold is. But the fact of the matter is, it is now possible for any Member of the U.S. Senate to unilaterally block the consideration of a bill or nomination from coming to this floor. It is an extraordinary power. It keeps the U.S. Senate from even discussing a nomination or a particular bill. It is one thing to object to something, or plan to vote against something. But in the case of the secret Senate hold, one Member of the U.S. Senate, one Member, can block the consideration of a nomination or bill. And during these last days of a session, this power is not just extraordinary, it is essentially a veto. It is a power that is unbeatable.

I would just say to my colleagues that, as a new Member of the U.S. Senate, every day I am impressed by the greatness of this institution. And I don't think that the greatness of this institution will in any way be diminished if this body is open and accountable. I think that is why senior Members of the U.S. Senate have come to Senator GRASSLEY and myself and said, "I hope you prevail on this."

We are not seeking to block the right of a Senator to impose a hold. Under what we have proposed, each Member of the U.S. Senate could still use the hold, block the consideration of a nomination or bill. All we are saying is that it cannot be done behind closed doors. This Senate secrecy doesn't smell right. It doesn't pass the smell test to the American people. What Senator GRASSLEY and I have proposed is that within 48 hours after a Member of the Senate informs the leadership that he or she is going to put a hold on a bill, that be so noticed in the CONGRESSIONAL RECORD.

Recently there were more than 40 holds. Outside, much of the day, has been a group of people, outside the Chamber, simply trying to keep track of all the revolving holds, where a Senator imposes a hold for a short period of time and then, in effect, another Senator comes along and imposes a hold again. Outside the Chamber throughout this day there have been individuals trying to keep track of what is going on.

I would say to my colleagues, I subscribe to the not exactly radical notion that public business is done in public. The use of this hold in the last few days of a session is not just some small thing. It is an extraordinary power. It can affect millions of dollars. It can affect the course of the judiciary and other key executive branch appointments. I am very concerned that at a time when the public is so skeptical and so cynical about Government, that this use of the secret hold simply feeds that cynicism. It contributes to the sense that the American people have that so much in Washington, DC, is not on the level.

So, I am very grateful to Chairman STEVENS for giving me this time to explain my point of view. Senator GRASSLEY and I have indicated that we will be back. We will be back at the beginning of next session. I have tried for almost 15 months to get this issue before the U.S. Senate. The fact is, it is most abused right at this time, which is why we saw last week more than 40 holds. It was the subject of a hilarious press conference with the Senate minority leader, who said then that he couldn't figure out where all the holds were coming from.

So Senator GRASSLEY and I are not going to prevail tonight. I think that is bad news for democracy. I think the secret hold cheapens the currency of democracy. But we will be back. We will be back until we make this institution more open and accountable.

Senator STEVENS has been kind to give me all this time to explain my views. I appreciate that courtesy very much and I thank him for the time.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Alaska.

Mr. STEVENS. Mr. President, I regret that I have objected to the amendment. I tell my friend from Oregon that the practice that he seeks to change is embedded in our rules; not in any law. During the period of time that I served here, 8 years as whip, Republican assistant leader, 4 years in the minority and 4 years in the majority, we had a different way at that time of handling what is now known as a hold.

A hold is nothing more than an agreement of another Senator to object on behalf of a Senator at the request of the second Senator to prevent a unanimous consent agreement from coming into play. There is nothing in the rules about holds. It is a practice that has built up. To try to pass a law to deal with a practice of the Senate—I would call to the attention of the Senator from Oregon, there is a law that Congress cannot sit in Washington after July 31st. It has been the law for many years.

We will not change the practices of Senate by law. What we have to do is get some rule changes, or a standing order that would apply to Senators. But the issue is whether a Senator in each instance, in this case whether the leaders, may object on behalf of a Senator who says, "I want to object and I may not be there at the time the subject comes up, and I want you to object for me." That is known as a hold today.

When I first came to the Senate there was an official objectors' committee. It was unofficial in that sense, but on each side they had two or three Senators who agreed to be on the floor. At any time, one of them was here. And they objected to unanimous consent requests if they had been requested to do so by Members.

It later became a prerogative of the leadership to do that. I think I would have to rely on my friend from West Virginia to give the complete history of it. I do not have the memory that he has. But I can assure you that he will instruct us one of these days about the history of this practice.

But I do regret having to object. I understand what the Senator from Oregon and the Senator from Iowa are trying to do. I wish them success, because I find holds to be very burdensome to deal with, whether it's from the leadership point of view or the point of view of a chairman of a committee.

Mr. WYDEN. Will the chairman yield briefly for just a moment?

Mr. STEVENS. Just for a few minutes, because I agreed to go to dinner with my wife tonight. If the Senator will be short, I will be glad to yield.

Mr. WYDEN. I thank the chairman. Far be it from me to interfere with that.

First, I thank the chairman for his courtesy and say I would very much like to work with him, to get this practice changed. I have, in fact, spent a considerable amount of time with Senator BYRD on this. He was very helpful as well.

I would finally say to the chairman that with respect to this matter of courtesy, I and Senator GRASSLEY have no concern about that. Of course the hold, if we are talking about a few days or a few hours as a courtesy, is not what is at issue. It is when a Senator digs in to try to block a bill that there ought to be some public disclosure.

But to me the chairman has been very helpful, not just on matters from our committee like Internet and the like, but generally. I want to tell him I am very interested in working with him on it because I think this is an opportunity to keep the greatness of this institution and still make it more open and democratic. I thank him for all the time.

CENTRAL AMERICAN REFUGEES

Mr. KENNEDY. Mr. President, this appropriations bill contains immigration provisions to provide much-needed protection from deportation for Central American refugee families and an opportunity for permanent residence in the United States under our immigration laws.

This legislation is an important step, and I commend Senator MACK and Senator GRAHAM for their extraordinary work and leadership in helping these refugee families and for bringing this issue before the Senate.

I deeply regret, however, that these provisions don't go far enough. Last year, Congress changed the rules and broke the faith with thousands of refugee families from Central America and Haiti who fled civil war, death squads, and oppression. They found safe haven in America, and they have contributed significantly to the United States and to communities across the country.

They were allowed to remain in the United States under bipartisan immigration rules established by President Reagan, affirmed by President Bush, and reaffirmed by President Clinton.

But last year, the Republican Congress withdrew the welcome mat. Now, these deserving families who have suffered so much are suddenly faced with deportation. They had been promised their day in court, but that day has been unfairly denied.

This legislation is a frank admission by the Senate that last year's immigration law treated these families unfairly, and that something must be done to correct this grave injustice.

But instead of correcting the injustice for all refugees, Republicans now propose to pick and choose among their favorite Latino groups, and deny any relief to Haitian refugees at all.

Republicans want a blanket amnesty for Nicaraguans and Cubans, but far less for Salvadorans and Guatemalans who also faced oppression and civil war.

They also provide protection from deportation for Eastern European refugees, but nothing for those who fled for their lives from Haiti

The Republican proposal is unjust and shamefully discriminatory. These refugee groups faced similar circumstances and have a similar history. First the Reagan administration, then the Bush administration, and then the Clinton administration assured them that they could apply to remain permanently in the United States under our immigration laws. Under those laws at that time, if they have lived here for at least 7 years and are of good moral character, and if a return to Central America or Haiti will be an unusual hardship, they are allowed to remain.

Last year's immigration law eliminated this opportunity for these families by changing the standard for humanitarian relief. It said the families had to live here for 10 years, not just 7, to qualify to remain. It created a much higher standard for proving that their removal from the United States would pose a great hardship to the family. It limited the number of persons who

could get relief from deportation to only 4,000 per year. All other families would be deported, even if they otherwise qualified for relief under this program.

Americans across the political spectrum have called on Congress to ensure that the rules are not changed unfairly for these families. President Clinton has urged Congress to give them the day in court they have been promised for the past decade.

They include people such as Zulema, who fled to Miami in 1986 to escape civil war. Her husband and four children are all legal permanent residents of the United States. They have their green cards. Two of the children are now serving in the U.S. Army and have been stationed in Bosnia. But Zulema still does not have her green card and faces deportation.

Her family escaped war and persecution. They rebuilt their lives in America. Her children have put their lives on the line in Bosnia in service of their adopted country. It is unfair to suddenly change the rules and deport their mother.

Roberto, age 6, was abandoned by his parents in El Salvador during that country's tragic civil war. He came to the United States and was raised here by his aunt, who is an American citizen. Today, he is 18 years old and a freshman at Middlebury College in Vermont. He is an honors student planning a career in medicine. His only memories of El Salvador are of the war. He does not even know if his parents are still alive. Roberto, too, faces deportation.

These are the kinds of persons we are talking about. They have played by the rules laid down by both Republican and Democratic administrations. They have obeyed the law. They have made worthwhile contributions to our communities. In fact, the assistant manager of Dade County in Florida estimates that Dade County would lose $1 billion in revenue if these families are forced to leave.

But while offering assistance to Central American refugee families, the provisions of this amendment contain troublesome inequities that cannot be ignored.

The Republican bill provides for case-by-case consideration of the applications of refugees from El Salvador or Guatemala. Under current INS practices, less than half of those eligible to apply are expected to get their green cards. But refugees from Nicaragua and Cuba get a blanket amnesty.

Refugees from all four countries fled violent civil wars, death squads, rogue militias, and violations of their basic rights. Their families suffered persecution and death threats. Once here, they followed the rules laid out by our Government. But now, one group gets green cards—no questions asked—while the other is considered only on a case-by-case basis.

I am also concerned that this legislation does not also help refugees from Haiti. In the Bush administration—and again in the Clinton administration—Haitian refugees, like Central Americans, were granted temporary haven in America from the rampant persecution and violence in Haiti. Many Haitians risked their lives by opposing the forces of oppression in their country and standing up for democracy and freedom. Yet, this amendment does nothing for these deserving families. They deserve their day in court, too.

Congress should act on behalf of these Haitian families too, and I hope we will do so before the session ends.

Once again, I commend Senator MACK and Senator GRAHAM for their leadership on this important issue.

I regret, however, that the Republican leadership did not see fit to allow us to offer amendments to ensure equal treatment for all Central American and Haitian refugees.

Mr. KOHL. Mr. President, my thanks to the chairman and ranking member for their hard work on the District of Columbia appropriations bill and for working with me on an amendment of vital importance to the children and families of the District. I am very pleased that they have agreed to accept my amendment which would allow the District to increase the number of monitors and inspectors responsible for upholding safety and quality standards in day-care centers and home-care operations across the city.

Mr. President, in early October we all had the occasion to read an extremely troubling article on the front page of the Washington Post. As part of a series on welfare reform implementation, the Post discussed the deplorable and unsafe conditions at many District day-care facilities. Many of the problems could be traced to the fact that the people and resources dedicated to overseeing child care centers in the District are woefully inadequate.

We learned that of the approximately 350 public day-care centers in the District of Columbia, more than half are operating without proper licenses. The primary inspection agency has been without a supervisor for almost a year and a half. There are only five inspectors charged with issuing and enforcing licenses to District child care centers, and only three people in charge of certifying which centers should be eligible for public funds. Those who are clearly suffering as a result are the children, far too many of whom are spending their days in an environment where they are unstimulated, uncared for, and even in mortal danger.

The availability and regulation of quality day-care centers and home-care operations in the District and across the country is a crucial component of successful welfare reform. Simply put, welfare reforms will not succeed unless moms and dads across the country have a safe place to leave their children while they are out earning paychecks.

Not only that, welfare reform has and will continue to increase greatly the demand for day-care slots. In the District alone, it is predicted that 4,000 additional slots will be needed to accommodate the schedules of working parents. That number mirrors the situation in the city of Milwaukee in my home State of Wisconsin. As more, new child care centers spring up to meet this new demand, tough, consistent licensing standards, applied and enforced by an adequate number of inspectors, are essential to avoiding more tragedies like we are witnessing in the District.

I am a supporter of welfare reform because I believe the family is strengthened by work. But that premise is destroyed—and the success of true reform, jeopardized—if we force parents to choose between work and the basic safety of their children. As a society, we have a responsibility to help American families become independent, unified, and strong by moving them off welfare and into the workplace. As a people, we have a moral duty to ensure that children of those families are safe and nurtured while their parents work. We will have crippled more than just welfare reform if, because of inadequate attention to the quality of child care in this country, we force parents to turn their children over to dangerous, deplorable child care situations.

I am very pleased that the Senate has agreed to incorporate my amendment into the spending legislation for the District of Columbia. Obviously, this is a crisis situation which the additional staff will help address.

That said, much more needs to be done. This problem goes way beyond a question of mere staffing numbers. As such, in addition to this amendment, the chairman and I will be writing a letter to the Control Board to ensure that oversight and proper licensing and enforcement of safety and quality regulations by District agencies is an integral part of the comprehensive management reform plans scheduled to be unveiled in December.

Specifically, we will press the Control Board on procedures for day-care center and home day-care licensing, rates of inspection, the effectiveness of safety and quality standards at day-care centers and home day-cares, the effectiveness of public subsidy and case referral services in the District day-care system, the effectiveness of the current system of public oversight of day-care center and home day-care operations as conducted by the Department of Consumer and Regulatory Affairs and the Department of Human Services, and appropriate staffing levels at these agencies.

Again, I am pleased that the Senate has agreed to my amendment. I consider it to be one of many steps we need to take on this very important issue. I look forward to working with the District on finding solutions to this and other pressing problems relating to the quality of life in our Nation's Capital.

Thank you.

ARMY CORPS OF ENGINEERS FUNDING

Mr. GORTON. Mr. President, I rise for two brief colloquies with the distinguished chairman of the Appropriations Committee. I first want to bring to the distinguished chairman's attention some confusion regarding the committee's intent for approximately $6 million of the Army Corps of Engineers' budget. This money was intended to fund a very important project in Washington State. Unfortunately, we have been informed by the local Corps of Engineers office that without more specific direction from Congress, the agency cannot spend these funds. The Senate accepted the House position on this project, which was to provide $6 million for the Corps of Engineers to extend the south jetty at the Grays Harbor project to provide a permanent solution to the ongoing erosion problem. Would the chairman agree that my description of where these funds will be spent is consistent with the Conference Committee's intention?

Mr. STEVENS. The Senator is correct. The conference committee intends for the $6 million to be allocated to extend the south jetty at the Grays Harbor project to provide a permanent solution to the ongoing erosion problem

Mr. GORTON. Thank you, Mr. Chairman. My second colloquy pertains to an additional $2 million from the Corps budget that should be allocated to dredge, monitor, and maintain the channel to determine the potential for cost effective maintenance near the Willapa River. Regrettably, the direction that our committee gave the Corps did not adequately distinguish between two phases of the Willapa Project. The first phase, which called for beach nourishment to protect the highway from wave erosion has been completed. The second phase, calling for channel dredging, monitoring and maintenance, has yet to be started. It was the original intention of the project proponents that the $2 million allocated for this project be directed to its second phase. The local office of the Corps of Engineers has indicated that it can spend the funds appropriately, provided it be given the necessary direction by Congress. Mr. chairman, given this misunderstanding, do you have any objection to the Corps using these funds for this purpose?

Mr. STEVENS. I have no objection to the Corps using the funds for that purpose. We have allocated significant funding for these projects and it is very important to ensure the funds are not wasted on needs which have already been addressed.

Mr. GORTON. Thank you very much for the clarification, Mr. chairman. I greatly appreciate the Chairman's efforts on these two projects which address important economic, environmental, and public safety needs in southwest Washington. I also want to commend the chairman of the Energy and Water subcommittee, Senator DOMENICI, whose efforts were crucial to securing the necessary funds.

Mrs. MURRAY. Would the Chairman yield?

Mr. STEVENS. Of course.

Mrs. MURRAY. I would like to thank the distinguished chairman for his hard work on this bill and for his clarification here today. These projects will accomplish a great deal for two communities in southwest Washington state and I appreciate his hard work, as well as that of the subcommittee chairman's.

Mr. MACK. Mr. President, I ask unanimous consent that a section by section analysis of Title II of the D.C. appropriations portion of the omnibus appropriations bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY MEMORANDUM REGARDING TITLE II OF THE D.C. APPROPRIATIONS POTION OF THE OMNIBUS APPROPRIATIONS BILL SUBMITTED BY MESSRS. MACK, GRAHAM, ABRAHAM, KENNEDY, and DURBIN

PURPOSES OF THE BILL

The purpose of this Act is to ensure that nationals of certain specified countries who fled civil wars and other upheavals in their home countries and sought refuge in the United States, as well as designated family members, are accorded a fair and equitable opportunity to demonstrate that, under the legal standards established by this Act, they should be permitted to remain, and pursue permanent resident status, in the United States.

In recognition of the hardship that those eligible for relief suffered in fleeing their homelands and the delays and uncertainty that they have experienced in pursuing legal status in the United States, the Congress directs the Department of Justice and the Immigration and Naturalization Service to adjudicate applications for relief under this Act expeditiously and humanely.

SECTION-BY-SECTION ANALYSIS

Section 201—Short title

This Act may be cited as the "Nicaraguan Adjustment and Central American Relief Act."

Section 202—Adjustment of status of certain Nicaraguans and Cubans

This section provides for Nicaraguans and Cubans who came to the United States before December 1, 1995 and have been continuously present since that time to adjust to the status of permanent residents provided they make application to do so before April 1, 2000. The Act also extends this benefit to the spouses, children, or unmarried sons or daughters of those individuals. This portion of the Act is modeled on the Cuban Adjustment Act.

Section 203—Modification of certain transition rules

Section 203 of the bill modifies the transition rules established in Section 309 of the Illegal Immigration and Immigrant Responsibility Act of 1996 ("IIRIRA"), Public Law No. 104-208; division C; 110 Stat. 3009-627.

Section 203(a) amends the transition rule governing eligibility for suspension of deportation for those who were in exclusion or deportation proceedings as of April 1, 1997, the effective date of IIRIRA. Under the rules in effect before then, on otherwise eligible person could qualify for suspension of deportation if he or she had been continuously physically present in the United States for seven years, regardless of whether or when the Immigration and Naturalization Service had initiated deportation proceedings against the person through the issuance of an order to show cause ("OSC") to that person. As a result, people were able to accrue time toward the seven-year continuous physical presence requirement after they already had been placed in deportation proceedings.

IIRIRA changed that rule to bar additional time for accruing after receipt of a "notice to appear," the new document the Act created to begin "removal" proceedings, the repatriation mechanism IIRIRA substituted for deportation and exclusion proceedings. Over a strong dissent, a majority of the Board of Immigration Appeals in Mater of N-J-B- interpreted IIRIRA Section 309(c)(5) to apply not only prospectively in removal cases initiated by means of this new document but also retroactively to those who were in exclusion or deportation proceedings initiated by an order to show cause. On July 10, 1997 Attorney General Reno vacated and took under review the BIA's decision in Matter of N-J-B-.

Section 203(a) generally codifies the majority decision in Matter of N-J-B- by stating explicitly that orders to show cause have the same "stop time" effect as notices to appear. Excepted from retroactive application of the "stop time" rule are (1) those whose cases are terminated and reinitiated pursuant to IIRIRA Section 309(c)(3); and (2) those who, based on their special circumstances, are eligible for relief from repatriation under this Act, as described below.

As defined in Section 203(a) of the Act (amending IIRIRA Section 309(c)(5)), those who are eligible for relief under the Act (referred to hereinafter as "Eligible Class Members") include:

Salvadorans who entered the United States on or before September 19, 1990 and who, on or before October 31, 1991, either registered for benefits under the settlement agreement in American Baptist Churches, et al. v. Thornburgh, 760 F. Supp. 796 (N.D. Cal. 1991) (the "ABC Settlement") or applied for temporary protected status.

Guatemalans who entered the United States on or before October 1, 1990 and registered for benefits under the ABC Settlement.

Salvadorns and Guatemalans not included in the foregoing groups but who applied for asylum on or before April 1, 1990.

Nationals of the Soviet Union (or any of its successor republics), Latvia, Estonia, Lithuania, Poland, Czechoslovakia (or its successor republics), Romania, Hungary, Bulgaria, Albania, East Germany and Yugoslavia (or its successor republics) who entered the United States on or before December 31, 1990 and applied for asylum on or before December 1991.

Under Section 203(a) of the bill, the foregoing Eligible Class Members may pursue and be granted suspension of deportation or cancellation of removal without having their continuous physical presence in the United States terminated as of the date of service of an order to show cause or notice to appear. As Section 203(a)'s amendment to section 309(c)(5)(C)(i) of IIRIRA makes clear, these class members are eligible for this treatment even if they were not in proceedings on or before April 1, 1997.

Also eligible for relief from repatriation under this Act are those who, at the time an Eligible Class Member is granted relief from repatriation under this Act, are either (1) the spouse or child (as defined in Section 101(b)(1) of the Immigration and Nationality Act) of such person; or (2) the unmarried son or daughter of such person, provided that, if the unmarried son or daughter is 21 years of age or older when the parent is granted relief under this Act, the son or daughter must establish that he or she entered the United States on or before October 1, 1990.

Those who otherwise would be eligible for relief but have been convicted of an aggravated felony (as defined in Section 101(a) of the Immigration and Nationality Act) are not eligible for relief. Moreover, those deemed ineligible for relief under this Act may not seek judicial review of this decision.

Section 203(b) of the bill adds a new subsection (f) to the IIRIRA Section 309 transition rules. Under this new provision, Eligible Class Members who were not in exclusion or deportation proceedings as of April 1, 1997 may apply for cancellation of removal—the relief from repatriation replacing "suspension of deportation," which was available under the pre-IIRIRA rules—and adjustment to permanent resident status under a special set of standards, subject to the following limitations:

Generally speaking, Eligible Class Members will be eligible for cancellation of removal and adjustment of status if they can establish that: (1) they have been physically present in the United States for a continuous period of seven years immediately preceding the date of application for relief; (2) they have been of good moral character during that period; and (3) removal would result in "extreme hardship" to the person or to a spouse, parent or child who is either a U.S. citizen or lawful permanent resident.

Those who are inadmissible or deportable because of certain offenses—including engaging in certain activities threatening U.S. national security (8 U.S.C. §§212(a)(3), 237(a)(4)); conviction of an aggravated felony at any time after admission (8 U.S.C. §237(a)(2)(A)(iii); or participating in the persecution of others (8 U.S.C. §241(b)(3)(B)(ii))—are ineligible for cancellation of removal and adjustment of status.

Those who are inadmissible or deportable because of certain other offenses—including engaging in specified criminal activity (8 U.S.C. §§212(a)(2), 237(a)(2)); or failure to comply with certain INS rules, including engaging in document fraud (8 U.S.C. §237(a)(3))—are eligible for cancellation of removal and adjustment of status if they can establish that (1) they have been physically present in the United States for a continuous period of ten years immediately following the event that otherwise would constitute a ground for removal; (2) they have been a person of good moral character during that period; and (3) removal would result in exceptional and extremely unusual hardship to the person or to a spouse, parent or child who is either a U.S. citizen or lawful permanent resident.

These standards generally echo the standards for suspension of deportation that had been in effect until IIRIRA. Nothing in these standards is intended to preclude the Attorney General from adapting the procedures under which Eligible Class Members' applications for cancellation or suspension are to be adjudicated in a manner appropriate to the circumstances of the individuals whose cases are before her. These cases have already been drawn out enough as a result of the uncertainties about the applicable standard brought about by the changes to the law made by IIRIRA and uncertainties about the meaning of those changes.

In particular, given the special solicitude Congress is showing toward the Eligible Class Members by enacting this legislation in large measure to see to it that their claims are fairly adjudicated, it would, for example, be entirely consistent with that intent for the Attorney General to direct INS attorneys to consider the special hardships undergone by them and the fragile economic and political conditions in their home countries as relevant to the extreme hardship determination. For this reason, it would also be appropriate for the Attorney General not to challenge applications for relief by Eligible Class Members on hardship grounds if the applicant satisfies the seven-year presence and good moral character requirements. This would be similar to the approach taken by President Bush in the context of the review of asylum applications by Chinese nationals based on China's policy of forced abortion and coerced sterilization. See November 30, 1989 Memorandum of Disapproval signed by President Bush; December 1, 1989 and January 4, 1990 cables from INS Commissioner Gene McNary to all field offices (File CO 243.69–P); Executive Order 12711 (April 11, 1990); 55 Fed. Reg. 13897 (April 13, 1990). More generally, it would be entirely consistent with Congressional intent for the Attorney General to establish procedures that keep to a minimum the burdens an applicant of good character has to shoulder in order to qualify for relief, both in terms of the paperwork the applicant has to complete and the showings the applicant has to make.

In addition to recognizing the special circumstances to which the ABC class members have been subjected, application of the foregoing approach would greatly reduce the need for protracted analysis of the more subjective aspects of the suspension standard, thereby reducing the administrative burden on the Immigration and Naturalization Service and minimizing further delays in according relief to these individuals. Adoption of such an approach would be entirely consistent with Congress' intentions in adopting this legislation, and with its interest in seeing to it that any future difficulties these people may experience in getting a final resolution of their status here to be kept to a minimum.

Section 203(c) of the bill permits Eligible Class Members previously placed in deportation or removal proceedings who claim eligibility for relief from repatriation under the Act to file a single motion to reopen such proceedings to pursue relief from repatriation; such relief might otherwise have been barred on procedural grounds. The Attorney General must designate a time period not greater than 240 days within which motions to reopen must be filed; the time period must begin within 60 days after the date of enactment of this Act. We note that because a number of the Eligible Class Members arrived in this country with no understanding of the court system and no English, some may have had court proceedings initiated against them and been tried in absentia. Others were minors too young to remember that they had been in immigration court. As a result they may not know that they have final orders of deportation entered against them. We encourage all elements of the Department of Justice and the Immigration and Naturalization Service to work to facilitate making that information available to these individuals, including by affirmatively serving notice on Eligible Class Members subject to such orders. We also note that nothing herein prevents the Attorney General from adopting an approach to the deadlines set out here consistent with application of ordinary tolling principles. Finally, we note that if an Eligible Class Member files a motion to reopen and it is determined that the applicant would qualify for some other form of relief, such as adjustment on the basis of an approved visa with a current priority date, that could be adjudicated far more easily than a suspension application, that relief may be granted instead.

Section 203(d) establishes certain temporary reductions in the number of visas made available in the "other workers" and "diversity" immigration categories. Beginning in FY 1999, up to 5,000 fewer visas shall be made available on an annual basis in the diversity category. A similar annual reduction shall be made in the "other workers" category, but that reduction shall not begin to be made until everyone with an approved petition for a visa in this category as of the date of enactment of the Act has had a visa made available to him or her. The total reduction in the visas issued under these two categories shall equal the total number of individuals described in subclauses I, II, III, and IV of section 309(c)(5)(C) of IIRIRA, as amended by this Act, who are granted cancellation of removal or suspension of deportation under the Act. Each category shall absorb half of the reductions.

Section 204—Limitation on cancellations of removal and suspensions of deportation

IIRIRA established a 4,000-person annual limit on the Attorney General's ability to grant relief from repatriation. Eligible Class Members and designated family members, as well as those who were in deportation proceedings as of April 1, 1997 and who applied for suspension of deportation under INA Section 244(a)(3) (as in effect before IIRIRA), are excepted from this annual limit.

These exceptions to the 4,000-person limit having been made, it is expected that that limit should accommodate the remaining annual flow of successful suspension and cancellation applications. Should that projection prove erroneous, however, nothing in this Act is intended to prevent the Attorney General and those adjudicating suspension or cancellation applications on her behalf from pursuing the course that she has been following to this time of entering provisional grants of suspension or cancellation of deportation but postponing a final decision on the application until a slot becomes available. In no case is it Congress's intent that an otherwise meritorious application should be finally denied, and the applicant deported or removed, because the 4,000-person limit has been reached.

Mr. BIDEN. Mr. President, I am pleased to support this legislation. Included within this appropriations bill is historic legislation, produced on a bipartisan basis in the Foreign Relations Committee, regarding the institutional structure of, and funding for,

American foreign policy. This important legislation to reorganize the foreign policy agencies of the U.S. Government and authorize the payment of U.S. arrearages to the United Nations is similar to a bill approved by the Senate last June by a vote of 90–5. Unfortunately, the bill which the Senate overwhelmingly approved has been bogged down in conference with the other body over an issue which has no relevance to this bill.

I am therefore grateful to the Chairman and Ranking Member of the Appropriations Committee, Senator STEVENS and Senator BYRD, for agreeing to include provisions of our legislation in this bill.

I can assure my colleagues that the decision to include the authorization bill in an appropriations bill was not taken lightly. The Chairman of the Foreign Relations Committee, Senator HELMS, and I sought to do so after careful consultation with the Senate leadership. But because two major elements of this bill are so critical to American foreign policy, the Chairman and I believed that we could not afford to delay this bill until next year. I hope my colleagues will agree.

Specifically, the bill addresses two important issues which were the focus of much heated debate in the last Congress. First, the bill provides for the payment of U.S. back dues to the United Nations, contingent on specific reforms by that body. Second, the bill establishes a framework for the reorganization of the U.S. foreign policy agencies which is consistent with the plan announced by the President last April.

Importantly, the bill also contains sufficient funds to restore our diplomatic readiness, which has been severely hampered in recent years by deep reductions in the foreign affairs budget. The funding levels in the bill largely mirror the Fiscal 1998 budget request submitted by the Clinton administration. The wide support in this Congress for providing increased funding for foreign affairs is an important achievement, and reverses a troubling trend of the past few years.

Although the cold war has ended, the need for American leadership in world affairs has not. Our diplomats often represent the front line of our national defense; with the downsizing of the U.S. military presence overseas, the maintenance of a robust and effective diplomatic capability has become all the more important. Despite the reduction in our military presence abroad, the increased importance of "diplomatic readiness" to our Nation's security has not been reflected in the Federal budget.

The increase in foreign affairs funding contained in this bill could not have come too soon. According to a report prepared at my request by the Congressional Research Service earlier this year, foreign policy spending is now at its lowest level in 20 years. Stated in fiscal 1998 dollars, the budget in fiscal 1997 was $18.77 billion, which is 25 percent below the annual average of $25 billion over the past two decades, and 30 percent below the level of 10 years ago, near the end of the Reagan administration. In fiscal 1997, such funding was just 1.1 percent of the Federal budget—the lowest level in the past 20 years and about one-third below the historical average.

I should remind my colleagues that the bill is truly a bipartisan product. It began with negotiations involving the Foreign Relations Committee and the Clinton administration early in the year. The Senate subsequently passed that bill overwhelmingly in June, by a vote of 90–5. Since that time, several changes have been made as a result of the conference deliberations with our House counterparts and negotiations with the Clinton administration. These were also undertaken in a spirit of bipartisanship. Because of these changes, I am confident that the bill will be acceptable to the President.

Enactment of this bill will mark another important milestone in reestablishing a bipartisan consensus on foreign policy. Like our predecessors five decades ago, we stand at an important moment in history.

After the Second World War, a bipartisan and farsighted group of senators, led by Chairmen of the Foreign Relations Committee such as Thomas Connally and Arthur Vandenberg, worked with the Truman administration to construct a post-war order. The institutions created at that time—the United Nations, the World Bank, the General Agreement on Tariffs and Trade, the North Atlantic Treaty Organization—are still with us today, but the task of modernizing these institutions to make them relevant to our times is just beginning.

For example, the Clinton administration and the Senate are cooperating on the first significant expansion of NATO—an expansion to the east which will encompass three former adversaries in Central Europe. The Foreign Relations Committee, under the leadership of Chairman HELMS, has initiated a series of hearings on the proposed enlargement of NATO, setting the stage for what I hope will be successful amendment to the Washington Treaty next spring. Similarly, this legislation now before us calls for significant reforms of the United Nations, an important instrument in American foreign policy which has become crippled both by growing U.S. arrearages and an unwillingness within that body to reform. Enactment of this legislation will be an important step forward in resolving both those problems.

Just as we are trying to revise and reenergize international institutions, we must reorganize our own foreign policy institutions. Two years ago, the Chairman of the Foreign Relations Committee put forward a far-reaching plan to consolidate our major foreign affairs agencies—the Arms Control and Disarmament Agency (ACDA), the United States Information Agency (USIA), and the Agency for International Development—within the Department of State. In the context of an election cycle, it was perhaps inevitable that the Congress and the President would not come to agreement on it.

But continued stalemate was not inevitable. With the onset of a new presidential term and the appointment of a new Secretary of State, a window of opportunity to revisit the issue was opened. The Chairman, to his credit, took advantage of this window by urging the new Secretary of State, Madeleine Albright, to take a second look at the reorganization issue. And, to her credit, the Secretary did so; the result was the reorganization plan announced by the President in April. Under the proposal, two agencies—ACDA and USIA—will be merged into the State Department. The Agency for International Development will remain an independent agency, but it will be placed under the direct authority of the Secretary of State.

The legislation now before the Senate closely reflects the President's proposal. The Arms Control and Disarmament Agency will be merged into the State Department no later than October 1, 1998, and the U.S. Information Agency will be merged no later than October 1, 1999. As with the President's plan, the Agency for International Development will remain a separate agency, but it will be placed under the direct authority of the Secretary of State. And, consistent with the President's proposal to seek improved coordination between the regional bureaus in State and AID, the Secretary of State will have the authority to provide overall coordination of assistance policy.

The bill puts flesh on the bones of the President's plan with regard to international broadcasting. The President's plan was virtually silent on this question, stating only that the "distinctiveness and editorial integrity of the Voice of America and the broadcasting agencies would be preserved." This bill upholds and protects that principle by maintaining the existing government structure established by Congress in 1994 in consolidating all U.S. government-sponsored broadcasting—the Voice of America, Radio and TV Marti, Radio Free Europe/Radio Liberty, Radio Free Asia, and Worldnet TV—under the supervision of one oversight board known as the Broadcasting Board of Governors. Importantly, however, the Board and the broadcasters below them will not be merged into the State Department, where their journalistic integrity would be greatly at risk.

With regard to the United Nations provision, the bill provides $926 million in arrearage payments to the Union Nations over a period of 3 years contingent upon the U.N. achieving specific reforms. This will allow us to pay all U.S. arrears to the U.N. regular budget, all arrears to the peacekeeping budget, nearly all arrears to the U.N. specialized agencies, and all arrears to other international organizations.

It is difficult to exaggerate the significance of this achievement. We are finally in a position to lay to rest the perennial dispute over our unpaid dues that has severely complicated relations between the United Nations and the United States. This bill would give our diplomats the leverage they need to push through meaningful reforms that promise to make the U.N. a more capable institution.

Two important changes were made to the legislation that cleared the Senate last June. First, the bill now allows the crediting of $107 million owed to the U.S. by the U.N. against our arrears. Second, it gives the administration added flexibility by allowing the Secretary of State to waive two conditions. The waiver will not apply to the reduction of assessment rates or the establishment of inspectors-general in the specialized agencies. But report language will make a clear commitment that Congress would, if necessary, consider on an expedited basis a waiver on the condition for a 20 percent assessment rate for the U.N. regular budget.

Of course, not everyone is happy with the agreements the Chairman, Senator HELMS, and I worked out. Some would have preferred to see no conditions at all attached to the payment of our debts. Others are unhappy that the United States is paying any arrears whatsoever.

I think it is fair to say that the Chairman and I approached this issue from two very different points of view. I make no excuses for my support of the United Nations. I believe that the U.N. is an indispensable arrow in our foreign policy quiver. The Chairman, I think it is fair to say, has been skeptical of the role of the United Nations.

But despite our differing outlooks, over the course of nearly 8 months of negotiation, dialogue, and old-fashioned bargaining, we each gave something and got something to return. The Chairman got several important conditions attached to the payment of arrears. Among other items, these include important managerial reforms, assurances that U.S. sovereignty will be protected, and a lowering of our assessment rate from 25 percent to 20 percent of the U.N. regular budget.

For me, it is important that this bill sends a strong signal of bipartisan support for putting our relationship with the United Nations back on track. Restoring our relationship with the United Nations is not a favor to anyone else—it is in our interest.

The United Nations allows us to leverage our resources with other countries in the pursuit of common interests, be it eradicating disease, mitigating hunger, caring for refugees, or addressing common environmental problems. And as the unfolding crisis with Iraq demonstrates, the United Nations can be a useful instrument in our diplomacy. The United States has played a leading role in the United Nations since its founding, and I believe that this legislation will secure that leadership.

While the purists on either side may not be happy with the agreement before us, I believe that we have produced a responsible piece of legislation that warrants the support of our colleagues.

In sum, the bill before the Senate, the Foreign Affairs Reform and Restructuring Act, is a significant achievement. I want to pay tribute to the Chairman for his continued good faith and cooperation throughout this process. I want to thank the President, the National Security Adviser, and the Secretary of State, for their support and assistance during the negotiations. I also want to thank our colleagues in the other body, particularly the ranking member of the International Relations Committee, LEE HAMILTON, who played an important role in pushing for changes to make this proposal more acceptable to the administration.

I believe we have produced a good compromise that a large majority will be able to support. I urge its adoption.

AMENDMENTS TO THE PRISON LITIGATION REFORM ACT

Mr. ABRAHAM. Mr. President, the Commerce-State-Justice portion of this bill contains a few technical and clarifying changes to the Prison Litigation Reform Act enacted last year. The Majority Whip of the House of Representatives and I have been working together on this language, and I believe this statement reflects both of our views.

The Prison Litigation Reform Act was specifically designed to protect the Tenth Amendment powers of the sovereign states, to enforce the Guarantee Clause, and to preserve and strengthen key structural elements of the United States Constitution such as separation of powers, judicial review, and federalism. In passing the Act Congress made clear that it intended that the courts enforcing the Act scrupulously ensure that these goals be accomplished. In order to avoid any possibility of misinterpretation, we are seeking through the language contained in these amendments to clarify that stated intent.

Subsection (a)(3)(F) establishes that a state or local official, including individual state legislators, or a unit of government, is entitled to intervene as of right in a district or appellate court to challenge prisoner release orders or seek their termination. No separate time limits are included because the sponsors think it clear that a court should implement the intervention provisions in a manner that gives them their full effect by ruling in timely fashion on such motions.

Subsection (b)(3) corrects the confusing use of the word "or" to describe the limited circumstances when a court may continue prospective relief in prison conditions litigation. The amendment makes clear that a constitutional violation must be "current and ongoing". Both requirements are necessary to ensure that court orders continue only when necessary to remedy a presently occurring constitutional violation. These dual requirements thus ensure that court orders do not remain in place on the basis of a claim that a current prison condition that does not violate prisoners' Federal rights nevertheless requires a court decree to address it because the condition is somehow traceable to a prior policy that did violate Federal rights. Likewise, the clarification insures that prisoners cannot keep intrusive court orders in place based upon the theory that the government officials are "poised" to resume allegedly unlawful conduct. Congress does not presume that government officials who have been advised that a particular practice is unlawful will automatically return to an unlawful practice unless a court order remains in effect. If an unlawful practice resumes or if a prisoner is in imminent danger of a constitutional violation, the prisoner has prompt and complete remedies through a new action filed in a state or federal court and preliminary injunctive relief.

Finally, these amendments make some changes to the automatic stay provisions in the Act. Under the Act, courts are supposed to rule promptly on motions to terminate these long-standing decrees. In order to discourage delay on such motions, the Act provided that, if a court did not render a decision on the motion within 30 days, the decree was automatically stayed until the court had rendered a final decision. Unfortunately, many district courts are not ruling promptly, are keeping the decrees in effect, and are then seeking violations that justify doing so.

Courts have also been avoiding the automatic stay by saying that it is impossible to comply with because it sets up an impossible timetable and that it is therefore unconstitutional. The Department of Justice meanwhile has contended that the stay is not really automatic at all, although no court has accepted that view.

The argument that the court is being forced to rule on anything on an unrealistic timetable is incorrect because the automatic stay imposes no requirement that they rule. It only provides

that if they do not rule there is no order in effect until they do so. Nevertheless, giving the court the authority to extend the time an additional 60 days should eliminate that basis for challenge. The amendments also clarify that the stay is in fact is automatic by expressly modeling it on the bankruptcy automatic stay, and they state explicitly that any order blocking the automatic stay is appealable, thereby ensuring review of the district court's action. Finally, they make clear that mandamus is available to compel a ruling if a court is simply failing to act on one of these motions.

Mrs. BOXER. Mr. President, I congratulate the chairman and ranking member of the Appropriations Committee for bringing this bill to the Senate. Their leadership will help break the logjam on the remaining 1998 appropriations bills, and I commend them for pushing forward.

While I support most provisions in this multi-title legislation, I must take this opportunity to register my strong disapproval of the provisions in the Foreign Operations title relating to International Family Planning.

The bill provides that for the next two years, it will include the restrictive Mexico City policy, which will prohibit U.S. international family planning assistance from going to any foreign private organization involved in certain abortion-related activities—even though these activities are carried out with non-U.S. funds. This language will cripple the work of many of the private organizations doing the most effective work in family planning and maternal and child health. For example, organizations that seek to advise their governments on how to make abortions safer for women, in countries where abortion is legal, would be restricted from doing so if they receive U.S. money for family planning services. This restriction will only result in more dangerous health conditions for women.

The Mexico City provision does at least include a waiver provision, allowing the President to disregard the policy. However, if he chooses to exercise the waiver, the family planning account will be penalized by being reduced.

Unfortunately, this language is a compromise with those who would terminate international family planning altogether, and thus it is probably the best we can do. I commend the Senator from Vermont, Senator LEAHY, for working so hard to get the best language possible at this time. However, Mr. President, this compromise must go no further. Any movement beyond the language we have included in the Senate bill will, in my view, seriously jeopardizes passsage of the legislation.

Mr. STEVENS. Mr. President, we are waiting for the Senator from Vermont. While I am waiting let me state for the record that the omnibus bill that is here has some additions that were not in the conference reports of the various bills.

We have included the Small Business Administration reauthorization bill, a portion of the State Department authorization bill which deals with reorganization, and with authorization for the United Nations arrearages. We have included the Highway Safety and Transit Contract Authority Extensions, due to the expiration of ISTEA. We have technical corrections to the Department of Defense Authorization Act with regard to land transfer in New Mexico. And we have the agreement that deals with the census provision that was in the State-Justice-Commerce bills that passed the Senate, but it has been altered substantially. I should call attention to that.

Let me ask the Chair, what time now remains on this bill?

The PRESIDING OFFICER. There is 15 minutes for the Senator from West Virginia [Mr. BYRD]; there is 15 minutes for the Senator from Kentucky [Mr. MCCONNELL].

Mr. STEVENS. I am authorized to yield back the time of the Senator from Kentucky and the Senator from West Virginia. I do so.

The PRESIDING OFFICER. There remains 15 minutes for the Senator from Vermont [Mr. LEAHY].

Mr. FORD. Mr. President, may I advise my good friend, the chairman of the Appropriations Committee, that Senator LEAHY has been on the floor. He has been detained just for a few minutes. He is on his way. I don't think he will take his entire 15 minutes, but I would have to hold those minutes for him, if I could.

Mr. STEVENS. Does the Senator from Florida seek to speak?

Mr. GRAHAM. Mr. President, the procedure, which I discussed with the majority leader, was that as soon as we completed action on the District of Columbia appropriations bill, I would be recognized for purposes of offering legislation relative to Haitian immigration. I wonder if it would be an appropriate use of this time, and I so ask unanimous consent, while awaiting Senator LEAHY's arrival, to offer that legislation at this time.

Mr. STEVENS. Mr. President, with the understanding that the Senator from Florida will yield to the Senator from Vermont, in order to finish this bill, when the Senator from Vermont arrives, I suggest the Chair recognize the Senator from Florida.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I ask unanimous consent that the business currently pending before the Senate be set aside temporarily for purposes of introducing legislation with the understanding that at such time as the Senator from Vermont arrives, the Senator from Vermont will have the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 1504 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I compliment the distinguished chairman of the Appropriations Committee, Mr. STEVENS; the distinguished ranking member, Mr. BYRD; and the distinguished chairman of the Subcommittee on Foreign Operations, Mr. MCCONNELL; and all those who worked on it. This has not been an easy time getting this bill through, partly because of holdups in the other body, holdups that tended to disregard, frankly, the democratic process and how we voted here and voted over there. Be that as it may, we have done the best with a difficult situation. I believe this bill should be passed.

INTERNATIONAL FAMILY PLANNING FUNDING

Mr. LEAHY. Mr. President, I want to speak on the issue of funding for international family planning, which is contained in this omnibus bill.

The agreement on the Mexico City policy that was approved by the Appropriations Committee yesterday, is the result of weeks of tortuous negotiations. It would establish the Mexico City policy in statute for 2 years. That is a major concession to the House that is opposed by the administration. It would permit him to waive the Mexico City restrictions.

But there is a penalty if he does. Funding for family planning would be frozen at last year's level, which is the House level and $50 million below the Senate level.

Even with the waiver for the President, I believe that if the Mexico City issue were voted on separately in the Senate it would be defeated. We are including it as part of this larger package in an effort to pass the Foreign Operations conference report.

It is interesting to me that despite the fact that 5 months ago the Appropriations Committee reported and the Senate voted for $435 million for international family planning programs with no Mexico City restrictions, despite the fact that the Senate voted the same way in February, and the same way last year, despite the fact that the House and Senate Foreign Operations conferees would have overwhelmingly supported the Senate position if the House leadership had allowed them to vote on it, Members of the House are already saying that they will not accept it because it permits the President to waive the Mexico City restrictions.

Under their approach, the United States could not fund organizations

that support laws to make abortion safer in countries where abortion is legal. And they expect the President, and the Secretary of State who is seen around the world as a champion for women's rights, to accept the Mexico City policy. It completely ignores reality. If they are unwilling to budge we are doomed to failure, because their approach would be vetoed. In fact, I cannot even say that the Mexico City policy with a waiver for the President, as we have done, would not be vetoed.

Mr. President, I was perfectly willing to have a vote in the conference committee, and I am more than willing to vote on this today or next year.

But the House has been unwilling to do that. They prefer to try to thwart the process in other ways.

They are all for democracy in Russia. They are outraged when the Haitian Parliament does not follow the rules. But if they do not have the votes here, they break their commitments, manipulate the parliamentary rules to their advantage, and obstruct the democratic process.

Six years ago we had the votes to defeat the Mexico City policy, which was the policy in effect during the previous administration, just as we have the votes in the Senate today. But we knew our position would be vetoed, and that we could not override a veto.

So rather than bring the Congress to a standstill, we accepted that we could not change the President's policy and we got the Foreign Operations Conference Report passed and signed into law.

Today the tables are turned. The supporters of Mexico City do not have the votes to get it through the Congress, and even if they did they could not override a veto.

But rather than accept that, rather than concede that they cannot win a fair fight, they prevented the conference committee from doing its job, they refused an offer to vote when they knew they would lose, and they tried to force their position through so that we would either have to shut down the government again or swallow their position without an opportunity to amend it.

That is exactly what they did two years ago. The result was that funds for family planning were cut sharply. They tried it again last week, when they sent over the Mexico City policy and tried to jam it through with only Republican names on the Conference Report. They were blocked at the last minute by members of their own party.

Mr. President, the irony of this is that not one dime of our money can be spent on abortion or to lobby for abortion. That has been the law for years.

This issue is about what private organizations, like Johns Hopkins University, like Georgetown University, like the University of North Carolina , like the International Planned Parenthood Federation, do with their own money.

It is about whether we have a policy that says it is okay to give money to foreign governments in countries where abortion is legal, but it is not okay to give money to private organizations that work in those same countries. It is totally illogical and discriminatory.

The compromise agreement contained in this omnibus bill will make no one happy. I do not like it because it puts into law the Mexico City policy, which I strongly oppose even for two years. Others on this side feel the same way. They see that this is a major concession to the pro-Mexico City faction in the House, and they are right. The administration does not like it either.

It also means that funding for family planning remains frozen at last year's level of $385 million. That is a $180 million cut from the 1995 level. I think that is a travesty, when so many people around the world want family planning services and cannot get them. Not abortion. Family planning, so they don't have to resort to abortion.

That is the choice. In Russia, where women had on average 7 abortions in their lifetimes because they had no access to family planning, that number has fallen sharply since we started a family planning program there. It is common sense.

I would like to see twice this amount of money going for family planning, but we have agreed to this level, which is a $50 million cut from the amount that passed the Senate in July, as part of this agreement to try to finish these appropriations bills.

Mr. President, the House can reject this approach. Perhaps they do not believe the President when he says he will veto the Mexico City policy. I do not know how many times he has to say it.

It was not easy to get here. When there is a Republican in the White House, or the votes change in the Senate, I am sure the other side will want to vote because they will be confident of victory. But that is not where we are today.

I hope the House can improve on this approach. I would be overjoyed if they can find a way to keep the Mexico City policy out of the law entirely, without including the kind of harmful restrictions on the disbursement of family planning funds that were adopted last year. If the supporters of the Mexico City policy want it so badly, why not vote on it?

As I have said time and again, I would prefer to handle this by voting on Mexico City next year. We could agree that if it is defeated in the Senate, the funds would be disbursed on a quarterly basis through the 1998 fiscal year. I know that approach has bipartisan support in the House. In fact, the Chairman of the House Appropriations Committee has suggested that approach. Whether it could win a majority I do not know, but I encourage the House to pursue it.

Mrs. BOXER. Will the Senator yield for purposes of a question?

Mr. LEAHY. Of course, I yield to my friend from California.

Mrs. BOXER. I say to Chairman STEVENS and I know the ranking member, Senator BYRD, and to the Senator from Vermont, thank you for working so hard on this international family planning issue. The Senator is so correct when he says that the Senate has spoken, the House has spoken, and suddenly we find ourselves faced with a situation where the funds for family planning on an international scale will be withheld.

I say to my friend, for the RECORD, because I think it is very important and a lot of people are counting on us, can our friend from Vermont assure us that this agreement that he has garnered working with Senator MCCONNELL is, in fact, the best he thinks he can get at this time?

Mr. LEAHY. It is, but it is not what I would want. I would prefer to be far closer to what the Senate has voted on time and time and time again.

I understand the realities of the situation, though, and this is where we are. The irony is that those who are holding up family planning money, claiming they are doing it because of their opposition to abortion, are assuring that there will be more abortions in the countries we send the family planning money to.

The family planning money, in so many of these countries, has provided a strong alternative to abortion, because many countries use abortion as a method of birth control. Our family planning money would cut down abortions. It has been proven.

For the life of me, I cannot understand this topsy-turvy, "Alice in Wonderland," view of cutting family planning money and saying we are trying to stop abortions, because its does nothing of the kind. In fact, when people have access to family planning, the abortions go down.

Mrs. BOXER. Thank you.

Mr. LEAHY. Mr. President, I see the distinguished chairman on the floor. If he does not need further time on this, I understand the Senator from Kentucky has yielded back his time. I, therefore, yield back time on this side.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. As I understand it then, the balance of the time is the time that remains to me, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I want to thank the Senate for its consideration of the desire of the Appropriations Committee

to finish this work for this Congress. We had hoped that we would pass 13 separate appropriations bills. That has not been possible. But we have taken the opportunity to put two of the bills that have not been finished on this bill—that managed by Senator FAIRCLOTH and Senator BOXER, with the hope that we could resolve the differences with the House. It will go to the House now as an amendment to the House bill. It is an omnibus appropriations bill now. And the House will work its will on it. I am hopeful that it will decide to send the bill to the President.

In any event, it is my understanding we will soon be presented with a continuing resolution. The continuing resolution in effect now would expire at midnight tonight. The one I expect to be received by the Senate will expire tomorrow night. So we are hopeful that we will be able to resolve the differences between the House and the Senate by tomorrow night with regard to the matters under this bill.

Again, I thank everyone for their consideration of our position. And if there is nothing further to come before the Senate on this bill, I yield back the balance of the time. It is my understanding that would yield back all time on this bill. Is that correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct. It would yield back all time.

Mr. STEVENS. Is there anything further we need to do to see it to that the time agreement is carried out?

The PRESIDING OFFICER. No. Under the previous order, the pending amendment is agreed to.

The amendment (No. 1621) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2607), as amended, was passed.

The PRESIDING OFFICER. Under the previous order, the title is amended.

The title was amended so as to read:

An Act making omnibus consolidated appropriations for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. ENZI) appointed Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. COCHRAN, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. BOXER conferees on the part of the Senate.

DISTRICT OF COLUMBIA STUDENT OPPORTUNITY SCHOLARSHIP ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1502.

The assistant legislative clerk read as follows:

A bill (S. 1502) entitled "District of Columbia Student Opportunity Scholarship Act of 1997."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I strongly oppose the D.C. voucher bill because it is unacceptable and unconstitutional.

We all want to help the children of the District of Columbia get a good education. But this voucher provision is not the way to do it. Public funds should be used for public schools, not to pay for a small number of students to attend private and religious schools.

Earlier this week, the House of Representatives soundly defeated a similar bill. It was Congress' first vote on a free-standing private school voucher bill. It's clear that private school vouchers are not the panacea that voucher proponents would like them to be. Americans do not want vouchers—they want to improve public education, not undermine it.

President Clinton is a strong leader on education. In fact, President Clinton is the education President. He is leading the battle for education reform. The country is proud of his leadership, and our Republican colleagues don't know what to do.

They keep shooting themselves in the foot in their repeated attempts to devise a Republican alternative that will satisfy their right wing hostility to public education and still have the support of the American people. It can't be done. First they tried to abolish the U.S. Department of Education. Then they tried to make deep cuts in funds for public schools. They even shut down the Government when they couldn't get their way. Now they are trying the same trick through the back door, using public funds to subsidize private schools. It won't work, and they shouldn't try.

It is clear that President Clinton will veto the D.C. voucher bill, and he is right to veto it.

The current debate involves schools in the District of Columbia. But the use of Federal funds for private schools is a national issue that Congress has addressed and rejected many times before. And so have many States.

Now, voucher proponents are attempting to make the D.C. public schools a guinea pig for a scheme that voters in D.C. have soundly rejected, and so have voters across the country.

Recent voucher proposals in Washington, Colorado, and California lost by over 2-to-1 margins. In 1981, D.C. voters defeated a voucher initiative by a ratio of 8 to 1, and the concept has never been brought up on the ballot again because it has so little support. Clearly, Congress should not impose on the District of Columbia what the people of D.C. and voters across the country reject.

Representative ELEANOR HOLMES NORTON, and D.C. parents, ministers, and other local leaders have made it clear that they do not want vouchers in the District of Columbia. Members of Congress who can't get to first base with this issue in their own States should not turn around and impose it on the people of the District.

Vouchers would undermine D.C. school reforms already underway. Last year, Congress created a Control Board and all but eliminated the locally elected school board. This bill would create yet another bureaucracy in the form of a federally appointed corporation to run the voucher program. Six of the seven corporation members would be nominated by the Federal Government, and those nominations are controlled by the Republican Congress. Only one representative of D.C. would serve on the corporation. This is precisely the kind of Federal takeover of a local school system that Republican Senators oppose for any other community in America.

Public funds should not go to private schools when District of Columbia public schools have urgent needs of their own. Roof repairs still need to be made; 65 percent of the schools have faulty plumbing; 41 percent of the schools don't have enough power outlets and electrical wiring to accommodate computers and other needed technology; 66 percent of the schools have inadequate heating, ventilation, and air conditioning. Funding these repairs should be our top priority, not conducting a foolish ideological experiment on school vouchers.

Another serious problem with private school vouchers is the exclusionary policies of private schools. Scarce Federal dollars should not go to schools that can exclude children. There is no requirement in the bill that schools receiving vouchers must accept minority students, or students with limited English proficiency, or students with disabilities, or homeless students, or students with discipline problems.

Public schools are open to all children. Public schools don't have the luxury of closing their doors to students who pose difficult challenges.

Voucher proponents argue that vouchers increase choice for parents. But choice for parents is a mirage. Private schools apply different rules than public schools. Unlike public schools, which must accept all children, private schools can decide whether to accept a child or not. The real choice goes to the schools, not the parents. The better the private school, the more selective it is, and the more students are turned away. In Cleveland, nearly half of the public school students who received vouchers could not find a private school that would accept them.

Vouchers will not help the overwhelming majority of children who need help. The current voucher scheme will, at most, enable 2,000 D.C. children to attend private schools, out of the 78,000 children who attend D.C. public schools. This proposal would provide vouchers for 3 percent of D.C. children—and do nothing for the other 97 percent. This is no way to spend Federal dollars. We should invest in strategies that help all children, not just a few.

As I have said before, instead of supporting local efforts to revitalize the schools, voucher proponents are attempting to make the D.C. public schools a guinea pig for an ideological experiment in education that voters in D.C. have soundly rejected, and that voters across the country have soundly rejected too. Our Republican colleagues have clearly been unable to generate any significant support for vouchers in their own States. It is a travesty of responsible action for them to attempt to foist their discredited idea on the long-suffering people and long-suffering public schools of the District of Columbia. If vouchers are a bad idea for the public schools in all 50 States, they are a bad idea for the public schools of the District of Columbia too.

Many of us in Congress favor D.C. home rule. Many of us in Congress believe that the people of the District of Columbia should be entitled to have voting representation in the Senate and the House, like the people in every State. It is an embarrassment to our democracy that the most powerful democracy on Earth denies the most basic right of any democracy—the right to vote—to the citizens of the Nation's Capital.

D.C. is not a test tube for misguided Republican ideological experiments on education. Above all, D.C. is not a slave plantation. Republicans in Congress should stop acting like plantation masters, and start treating the people of D.C. with the respect they deserve.

General Becton, local leaders, and D.C. parents are working hard to improve all D.C. public schools for all children. Congress should give them its support, not undermine them.

Another serious objection to this voucher scheme is its unconstitutionality. The vast majority of private schools that charge tuition less than the $3,200 available for a voucher are religious schools. Providing vouchers to religious schools violates the establishment clause of the first amendment of the U.S. Constitution. It's a Federal subsidy for sectarian schools. In many States, voucher schemes would violate the State constitution, too.

Last January, a Wisconsin lower court held that the expansion of the Milwaukee voucher program to include religious schools was unconstitutional and violated the Wisconsin Constitution. The court stated that "We do not object to the existence of parochial schools or that they attempt to spread their beliefs through their schools. They just cannot do it with State tax dollars."

Last August, the Wisconsin State Court of Appeals affirmed that decision, holding that the expansion of the State voucher program to include religious schools was unconstitutional under the Wisconsin Constitution.

Last May, an Ohio appellate court reversed a trial court's decision to allow public money to be paid to religious schools. The appeals court held that the voucher program violated the principle of separation of church and state under both the United States Constitution and the Ohio Constitution. The court ruled that the voucher program "steers aid to sectarian schools, resulting in what amounts to a direct government subsidy."

Last June, a Vermont State Superior Court held that the use of vouchers to pay tuition at private religious schools violates both the U.S. Constitution and the Vermont Constitution.

As these cases demonstrate, the courts are clear that vouchers for religious schools are unconstitutional, and Congress should abide by their rulings.

Last month, in a keynote address to the Conference of the Council of Great City Schools, Coretta Scott King said,

> I don't have a lot of sympathy with those who would further diminish the resources available to urban public schools with a voucher system . . . The debate over vouchers takes the focus away from where it really needs to be—on how we can increase funding and resources, so that every public school can provide the best possible education for all students.

Coretta King is right. Instead of subsidizing private schools, we need to support ways to improve and reform the public schools—not in a few schools, but in all schools; not for a few students, but for all students.

Subsidies for a few children at the expense of the many divides communities. The Federal Government should help bring communities together, not divide them. We should make investments that help all children in all neighborhood schools to get a good, safe education. I oppose the D.C. voucher bill as unwise, unacceptable, and unconstitutional.

Private school vouchers are not the answer to the problems facing the Nation's schools. It is a mistake and a misuse of tax dollars to send children to private schools at public expense.

DC SCHOOL VOUCHER BILL

Ms. MOSELEY-BRAUN. Mr. President, I strongly oppose S. 1502, a bill to take funds away from public schoolchildren in order to subsidize private schools.

Supporters of this legislation claim that the $7 million they propose to spend on private schools does not divert funds from public schoolchildren. The truth, however, is that in the zero-sum budget, any funds spent on vouchers must be drawn from other education funds. That means less resources for public schoolchildren.

Seven million dollars could make a real difference in the DC public schools. We could fully fund after-school programs at every DC school. We could buy 368 new boilers for the DC schools. We could rewire the 65 schools that don't have electrical wiring to accommodate computers and multimedia equipment. We could upgrade the plumbing in the 102 schools with substandard facilities. With just $1 million, we could buy 66,000 new hardcover books for DC's school libraries. There are real improvements we could make to the DC public school system with $7 million. Instead, this bill proposes to siphon those funds away from the public schoolchildren.

Some of my colleagues suggest that, were it not for management problems, the DC schools would not be in the condition they are now in. How a diversion of $7 million from the public schools to private schools will solve that problem is beyond me. I have a better solution: good management. Paul Vallas has turned around the Chicago schools. It would not surprise me if some day the Chicago Public Schools were competing on the same level as the public schools that comprise the first in the World Consortium in north suburban Chicago. Students in those schools compete with students at the finest schools in the world. The DC schools have new management, and I have every confidence that General Becton will be able to do for the DC schools what Paul Vallas is doing for the Chicago schools.

Some of my colleagues suggest that school vouchers will help improve the public schools by increasing competition—by creating, in effect, a marketplace for education. There is a problem with that proposal. By definition, markets have winners and losers, and our country cannot afford any losers in a game of educational roulette.

Supporters of school vouchers state that this is not like a game of roulette, that research proves that voucher programs have positive effects on student

achievement. The facts, however, do not speak so clearly to this issue. The data is mixed. Some studies show improvement. Some studies show declining achievement. Some studies show no difference at all between the students in public schools and those placed in private schools. We do know that programs in other countries have not succeeded. In France, Britain, the Netherlands, and Chile, voucher programs actually widened the achievement gap, instead of narrowing it.

That is the real problem. Vouchers do not fix public schools. Vouchers do not solve problems. Vouchers raise false hopes in parents who desire better schools for their children. Vouchers are not answers to the real problems that we must address in our public schools.

Mr. President, for the last three years, proponents of this bill in the Senate have failed to pass this bad idea. Today, however, in order to expedite the business of the Senate, I, and my colleagues who oppose this bill, are willing to the let the Senate pass this measure, because President Clinton has wisely pledged to veto it. Our willingness to let this legislation pass the Senate does not represent any weakening of our belief that it is fundamentally flawed, that it represents an abandonment of public education, and a pessimistic capitulation to a winnable challenge—the improvement of our public schools so they may serve all our children into the 21st century.

We have agreed to let this legislation clear the Senate, in these last hours of the first session of the 105th Congress, as part of a much larger arrangement to consider a number of important issues, including: measures to fund the activities of the State Department, the Commerce Department, and the Justice Department; measures to fund the District of Columbia and our foreign aid operations; a stop-gap measure to fund our highway and mass transit programs; and legislation granting the President the so-called "fast track" authority to negotiate trade agreements. It is in this context, and with the advance knowledge that the President will veto this DC voucher bill, that we have agreed to let the Senate proceed with this bill.

Mr. President, I hope that next year we will focus on real solutions to the problems facing our public schools. According to the U.S. General Accounting Office, 14 million children attend schools that are literally crumbling down around them, and we have let our public schools fall $112 billion into physical disrepair. Our children cannot learn the skills they need to keep us competitive in this kind of environment. I know that we can do better for our children. We can fix our schools, and I look forward to working with my colleagues next year on legislation to form a partnership with State and local governments to rebuild and modernize our crumbling schools. I look forward to working with my colleagues next year to address the real needs of our Nation's 52 million public schoolchildren.

Mr. HOLLINGS. Mr. President, today we are passing important legislation which I strongly oppose by voice vote. The normal Senate procedure would be to vote on such an important bill, and I do not like to see Senators avoid a recorded vote on a bill with such dire implications for public education. However, the President has committed to veto the full bill, and I am confident from repeated past votes that if we did not have this commitment, the Senate would block the bill. Also, without this commitment, I would be glad not only to force a vote, but also to discuss the bill at length.

In fact, there is a healthy sign that even supporters of the ill-advised idea of starting a taxpayer-funded private school voucher program are re-thinking their support. Five days ago, the House defeated a private school voucher plan. Thirty-five House Republicans voted against creation of a voucher program on the basis that the legislation did not include basic civil rights protections that also are absent in the bill before us.

The United States Catholic Conference opposed that bill. I quote here from their letter:

> An additional reason why the USCC is unable to support H.R. 2746 is the "Not School Aid" provision in the new section 6405(a). . . . Section 6405(a) can readily be construed to negate the application of longstanding civil rights statutes, in particular, Title VI of the Civil Rights Act of 1964, Title X of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, that would normally apply to a scholarship program.

In other words, by saying that the Federal aid going to private schools under a voucher program is "not school aid" the bill proponents excuse them from full compliance with Federal protections that currently apply to public schools.

Mr. President, that is not just my interpretation or that of the Catholic Conference. That is the reading of proponents of the bill.

Specifically, Mr. Clint Bolick, who has a group named "Institute for Justice," has been agitating to start taxpayer funding for private school tuitions. Here is what Mr. Bolick said about the Catholic Conference and civil rights in a memo that leaked out last month:

> Dick Komer and I met with representatives of the Catholic Conference, who urged that the bill contain the full panoply of federal civil rights regulations, including Title IX (gender) and disability provisions. We argued strongly against those regulations. We are pleased to report that the final bill contains only a general anti-discrimination requirement and expressly provides that schools are not "recipients of federal funds."

So Mr. Bolick "argued strongly" against civil rights for girls and disabled children, but he is pleased to report that schools receiving vouchers would not be "recipients of Federal funds."

This is absurd. The Federal Government today spends about $12 billion on elementary and secondary education. That is about $250 per child in a public school. But the proponents of this bill want from the outset to give private schools $3,200 per child in Federal funds. If we do that, just three voucher children would provide a private school with more Federal assistance than we provide to a whole public school classroom. If that is "Not School Aid," I don't know what is. There are a lot of public school classrooms that would like to have $3,200 per child in Federal assistance, and they would not be crowing about how basic civil rights protections were rolled back.

I say this to criticize this proposed legislation, not the private schools. I believe that we have a duty as public servants to fund the public schools, and we have a duty to the private schools to leave them alone. I support private schools. About 9 out of 10 are religious, and I particularly support their freedom to stay that way without Federal intervention. Make no mistake. If we go down this road of putting $3,200 per child of Federal taxpayers' money into private school classrooms, Federal regulation will follow and that will be a tragedy.

This is not conjecture, the Bush Administration studied it. In a report titled "Choice of Schools in Six Nations," here is what they found:

> For those who believe strongly in religious schooling and fear that government influence will come with public funding, reason exists for their concern. Catholic or Protestant schools in each of the nations studied have increasingly been assimilated to the assumptions and guiding values of public schooling. This process does not even seem to be the result of deliberate efforts . . . but rather of the difficulty for a private school playing by public rules, to maintain its distance from the common assumptions and habits of the predominant system.

World Bank economist Estelle James did a similar survey and found that ". . . heavy controls invariably accompany subsidies, particularly over teacher salaries and qualifications, price, and other entrance criteria." She looked particularly closely at Australia, and found ". . . increasing regulation and centralization of decisions and the loss of private school autonomy . . ."

I raise all of these points to appeal to my colleagues on the other side of the aisle. I do not talk to hear myself talk, but to urge serious consideration. We have House colleagues reconsidering. We have the Catholic Conference urging civil rights protections. We have Bush Administration and World Bank studies indicating heavy regulation.

We have a proposal that clearly disadvantages public schools on the matter of Federal funding. Who will really be happy if we pass this?

Mr. President, we must finally remember our duty to public education. I go back to Horace Mann, the great champion of public schools. He said that

The idea of an educational system that was at once both universal, free and available to all the people, rich and poor alike, was revolutionary. This is the great thing about America. No other nation ever had such an institution. . . . The free public school system . . . has been in large measure the secret of America's success.

The proposal before us erodes public education. It disadvantages public schools in Federal funding and under Federal regulation. Instead, it offers more funds to private schools which should exist as an independent alternative, but which are not "universal, free" or "available to all the people." I urge my colleagues who have supported this private voucher idea to reconsider over the holidays, and I thank the President in advance for his veto.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PRECEDENTS.

(a) SHORT TITLE.—This Act may be cited as the "District of Columbia Student Opportunity Scholarship Act of 1997".

(b) FINDINGS.—Congress makes the following findings:

(1) Public education in the District of Columbia is in a crisis, as evidenced by the following:

(A) The District of Columbia schools have the lowest average of any school system in the Nation on the National Assessment of Education Progress.

(B) 72 percent of fourth graders in the District of Columbia tested below basic proficiency on the National Assessment of Education Progress in 1994.

(C) Since 1991, there has been a net decline in the reading skills of District of Columbia students as measured in scores on the standardized Comprehensive Test of Basic Skills.

(D) At least 40 percent of District of Columbia students drop out of or leave the school system before graduation.

(E) The National Education Goals Panel reported in 1996 that both students and teachers in District of Columbia schools are subjected to levels of violence that are twice the national average.

(F) Nearly two-thirds of District of Columbia teachers reported that violent student behavior is a serious impediment to teaching.

(G) Many of the District of Columbia's 152 schools are in a state of terrible disrepair, including leaking roofs, bitterly cold classrooms, and numerous fire code violations.

(2) Significant improvements in the education of educationally deprived children in the District of Columbia can be accomplished by—

(A) increasing educational opportunities for the children by expanding the range of educational choices that best meet the needs of the children;

(B) fostering diversity and competition among school programs for the children;

(C) providing the families of the children more of the educational choices already available to affluent families; and

(D) enhancing the overall quality of education in the District of Columbia by increasing parental involvement in the direction of the education of the children.

(3) The 350 private schools in the District of Columbia and the surrounding area offer a more safe and stable learning environment than many of the public schools.

(4) Costs are often much lower in private schools than corresponding costs in public schools.

(5) Not all children are alike and therefore there is no one school or program that fits the needs of all children.

(6) The formation of sound values and moral character is crucial to helping young people escape from lives of poverty, family break-up, drug abuse, crime, and school failure.

(7) In addition to offering knowledge and skills, education should contribute positively to the formation of the internal norms and values which are vital to a child's success in life and to the well-being of society.

(8) Schools should help to provide young people with a sound moral foundation which is consistent with the values of their parents. To find such a school, parents need a full range of choice to determine where their children can best be educated.

(c) PRECEDENTS.—The United States Supreme Court has determined that programs giving parents choice and increased input in their children's education, including the choice of a religious education, do not violate the Constitution. The Supreme Court has held that as long as the beneficiary decides where education funds will be spent on such individual's behalf, public funds can be used for education in a religious institution because the public entity has neither advanced nor hindered a particular religion and therefore has not violated the establishment clause of the first amendment to the Constitution. Supreme Court precedents include—

(1) Wisconsin v. Yoder, 406 U.S. 205 (1972); Pierce v. Society of Sisters, 268 U.S. 510 (1925); and Meyer v. Nebraska, 262 U.S. 390 (1923) which held that parents have the primary role in and are the primary decision makers in all areas regarding the education and upbringing of their children;

(2) Mueller v. Allen, 463 U.S. 388 (1983) which declared a Minnesota tax deduction program that provided State income tax benefits for educational expenditures by parents, including tuition in religiously affiliated schools, does not violate the Constitution;

(3) Witters v. Department of Services for the Blind, 474 U.S. 481 (1986) in which the Supreme Court ruled unanimously that public funds for the vocational training of the blind could be used at a Bible college for ministry training; and

(4) Zobrest v. Catalina Foothills School District, 509 U.S. 1 (1993) which held that a deaf child could receive an interpreter, paid for by the public, in a private religiously affiliated school under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.). The case held that providing an interpreter in a religiously affiliated school did not violate the establishment clause of the first amendment of the Constitution.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "Board" means the Board of Directors of the Corporation established under section 3(b)(1);

(2) the term "Corporation" means the District of Columbia Scholarship Corporation established under section 3(a);

(3) the term "eligible institution"—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 4(c)(1), means a public, private, or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 4(c)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through instruction described in section 4(c)(2);

(4) the term "parent" includes a legal guardian or other person standing in loco parentis; and

(5) the term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 3. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation", which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this title, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this Act, and, to the extent consistent with this Act, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds

as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this Act shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this Act shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) $7,000,000 for fiscal year 1998;

(ii) $8,000,000 for fiscal year 1999; and

(iii) $10,000,000 for each of fiscal years 2000 through 2002.

(B) LIMITATION.—Not more than 7.5 percent of the amount appropriated to carry out this Act for any fiscal year may be used by the Corporation for salaries and administrative costs.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this title as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the Majority Leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and Majority Leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 member of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this title, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be the Chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this title.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this Act, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this title.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 11(c).

(f) ADMINISTRATIVE RESPONSIBILITIES.—

(1) SCHOLARSHIP APPLICATION SCHEDULE AND PROCEDURES.—Not later than 30 days after the initial Board is appointed and the first Executive Director of the Corporation is hired under this Act, the Corporation shall implement a schedule and procedures for processing applications for, and awarding, student scholarships under this Act. The schedule and procedures shall include establishing a list of certified eligible institutions, distributing scholarship information to parents and the general public (including through a newspaper of general circulation), and establishing deadlines for steps in the scholarship application and award process.

(2) INSTITUTIONAL APPLICATIONS AND ELIGIBILITY.—

(A) IN GENERAL.—An eligible institution that desires to participate in the scholarship program under this Act shall file an application with the Corporation for certification for participation in the scholarship program under this Act that shall—

(i) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subparagraph (C);

(ii) contain an assurance that the eligible institution will comply with all applicable requirements of this Act;

(iii) contain an annual statement of the eligible institution's budget; and

(iv) describe the eligible institution's proposed program, including personnel qualifications and fees.

(B) CERTIFICATION.—

(i) IN GENERAL.—Except as provided in subparagraph (C), not later than 60 days after receipt of an application in accordance with subparagraph (A), the Corporation shall certify an eligible institution to participate in the scholarship program under this Act.

(ii) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subparagraph (D).

(C) NEW ELIGIBLE INSTITUTION.—

(i) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this Act for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(I) a list of the eligible institution's board of directors;

(II) letters of support from not less than 10 members of the community served by such eligible institution;

(III) a business plan;

(IV) an intended course of study;

(V) assurances that the eligible institution will begin operations with not less than 25 students;

(VI) assurances that the eligible institution will comply with all applicable requirements of this Act; and

(VII) a statement that satisfies the requirements of clauses (ii) and (iv) of subparagraph (A).

(ii) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in clause (i), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this Act unless the Corporation determines that good cause exists to deny certification.

(iii) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under clause (i) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this Act unless the Corporation finds—

(I) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this Act and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(iv) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(D) REVOCATION OF ELIGIBILITY.—

(i) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this Act for a year succeeding the year for which the determination is made for—

(I) good cause, including a finding of a pattern of violation of program requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this Act and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(ii) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of the Corporation's decision to such eligible institution and require a pro rata refund of the proceeds of the scholarship funds received under this Act.

(3) PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.—

(A) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this Act shall—

(i) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

(ii) charge a student that receives a scholarship under this Act not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(B) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subparagraph (A), but neither the Corporation nor any governmental entity may impose requirements upon an eligible institution as a condition for participation in the scholarship program under this Act, other than requirements established under this Act.

SEC. 4. SCHOLARSHIPS AUTHORIZED.

(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (c)(1) and enhanced achievement scholarships under subsection (c)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) SCHOLARSHIP PRIORITY.—

(1) FIRST.—The Corporation first shall award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia public kindergarten, except that this subparagraph shall apply only for academic years 1997–1998, 1998–1999, and 1999–2000; or

(B) have received a scholarship from the Corporation for the academic year preceding the academic year for which the scholarship is awarded.

(2) SECOND.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students who are described in subsection (a), not described in paragraph (1), and otherwise eligible for a scholarship under this Act.

(3) LOTTERY SELECTION.—The Corporation shall award scholarships to students under this subsection using a lottery selection process whenever the amount made available to carry out this Act for a fiscal year is insufficient to award a scholarship to each student who is eligible to receive a scholarship under this Act for the fiscal year.

(c) USE OF SCHOLARSHIP.—

(1) TUITION SCHOLARSHIPS.—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees for, and transportation to attend, an eligible institution located within the geographic boundaries of the District of Columbia; Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; Fairfax City, Virginia; or Fairfax County, Virginia.

(2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

(e) NOT SCHOOL AID.—A scholarship under this Act shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

SEC. 5. SCHOLARSHIP AWARDS.

(a) AWARDS.—From the funds made available under this Act, the Corporation shall award a scholarship to a student and make scholarship payments in accordance with section 6.

(b) NOTIFICATION.—Each eligible institution that receives the proceeds of a scholarship payment under subsection (a) shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this Act is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this Act, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this Act is refused admission, of the reasons for such a refusal.

(c) TUITION SCHOLARSHIP.—

(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $3,200 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $2,400 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may not exceed the lesser of—

(1) the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction at an eligible institution; or

(2) $500 for 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

SEC. 6. SCHOLARSHIP PAYMENTS.

(a) PAYMENTS.—The Corporation shall make scholarship payments to the parent of a student awarded a scholarship under this Act.

(b) DISTRIBUTION OF SCHOLARSHIP FUNDS.—Scholarship funds may be distributed by check, or another form of disbursement, issued by the Corporation and made payable directly to a parent of a student awarded a scholarship under this Act. The parent may use the scholarship funds only for payment of tuition, mandatory fees, and transportation costs as described in this Act.

(c) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—If a student receiving a scholarship under this Act withdraws or is expelled from an eligible institution after the proceeds of a scholarship is paid to the eligible institution, then the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any such proceeds received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

SEC. 7. CIVIL RIGHTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this Act shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this Act.

(b) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

(1) APPLICABILITY.—With respect to discrimination on the basis of sex, subsection

(a) shall not apply to an eligible institution that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the eligible institution.

(2) CONSTRUCTION.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

(3) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or an eligible institution from offering, a single-sex school, class, or activity.

(c) REVOCATION.—Notwithstanding section 3(f)(2)(D), if the Corporation determines that an eligible institution participating in the scholarship program under this Act is in violation of subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

SEC. 8. CHILDREN WITH DISABILITIES.

Nothing in this Act shall affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

SEC. 9. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this Act shall be construed to prevent any eligible institution which is operated by, supervised by, controlled by, or connected to, a religious organization from employing, admitting, or giving preference to, persons of the same religion to the extent determined by such institution to promote the religious purpose for which the eligible institution is established or maintained.

(b) SECTARIAN PURPOSES.—Nothing in this Act shall be construed to prohibit the use of funds made available under this Act for sectarian educational purposes, or to require an eligible institution to remove religious art, icons, scripture, or other symbols.

SEC. 10. REPORTING REQUIREMENTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this Act shall report to the Corporation not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

SEC. 11. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this Act, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(3) the satisfaction of parents of scholarship students with the scholarship program; and

(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), $250,000, which shall remain available until expended.

SEC. 12. JUDICIAL REVIEW.

(a) JURISDICTION.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the constitutionality of the scholarship program under this Act and shall provide expedited review.

(2) STANDING.—The parent of any student eligible to receive a scholarship under this Act shall have standing in an action challenging the constitutionality of the scholarship program under this Act.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States.

SEC. 13. EFFECTIVE DATE.

This Act shall be effective for each of the fiscal years 1998 through 2002.

SEC. 14. APPROPRIATION OF INITIAL FEDERAL CONTRIBUTION TO FUND.

There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, $7,000,000 for the District of Columbia Scholarship Fund.

Mr. STEVENS. Mr. President, is it proper at this time to move to reconsider the action taken by the Senate under this time agreement?

The PRESIDING OFFICER. Yes.

Mr. STEVENS. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the call of the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I know there may be some agenda items that are necessary for other Members of the Senate to complete tonight. If so, I am happy to yield at an appropriate time.

BILL LANN LEE NOMINATION

Mr. SESSIONS. Mr. President, I rise to talk about the Bill Lann Lee nomination as Assistant Attorney General for Civil Rights. He is a good man, a lawyer of skill and experience. He is the son of an immigrant who has worked hard and done very well professionally and financially.

However, his nomination is in the Senate Judiciary Committee. Many of his positions are outside the mainstream of current legal thought, and I believe we need to reject that nomination. Regretfully, I intend to vote no when it comes up before the Judiciary Committee.

There has been some discussion and comments made that there have been scurrilous attacks against him. I just want to say that is not so. Certainly it is not so from the Senators who are members of the Judiciary Committee who have considered this nomination. Senator HATCH, the chairman of the Judiciary Committee, came to this body earlier this week. He made a very long, professional address, delineating his concerns about this nomination and why he had decided to vote no. He talked about legal issues, professional issues, positions of importance, and that is the basis of our concern—not personal attacks.

This position is a serious position. Mr. Lee has been treated respectfully. I have been at every hearing he has attended, and I have been at every hearing in which his nomination has been discussed. It has been discussed on a high level, according to the highest professional standards of this Senate. That is the way it should be. But his position is an important position, so it is necessary that we ask important fundamental questions and that we get answers from him, and then once we

get those answers, it is our responsibility, under the advice and consent responsibility of the Senate, to make a judgment as to how we should vote.

I want to say we must protect the civil rights of all Americans. We cannot, however, utilize civil rights laws as a tool to favor one group over another. We need to know what Mr. Lee thinks on what the issues are facing America. He is an advocate. We know that. I respect that. But we need to go beyond that. How deep is his advocacy? Can he take it away and can he be an objective and effective administrator of the civil rights policies of the U.S. Government, or does he maintain some of his advocacy views that are outside the mainstream of American legal thought?

That is why, I submit, he has been asked a number of questions and why we have taken this seriously.

This position has been vacant for 18 months. The President just recently submitted his nomination. Our committee has moved promptly to consider that nomination, and we brought it up last week for a vote. His supporters, perhaps fearing they did not have the votes, asked it be put over again for another week. I expect we will take that up Thursday of next week. Some have suggested that if there are not enough votes in the committee to confirm this nomination, that we ought to, regardless of that, send the nomination to the floor.

As a new member of the committee, I thought we had an interesting discussion about that. The Members who felt they were on the losing side raised quite a number of questions and earnestly argued for their position. Of course, this is a decision that we can make, and we can make any decision we choose, and they cited a number of historical examples why we should do that. Senator HATCH has been a member of the committee for a number of years and delineated the history. There has been no Executive nominee—and this nominee would be part of President Clinton's administration—reported out of that committee other than with a favorable recommendation since 1953.

In fact, a number of Democratic Senators on the committee were the very ones who just a few years ago voted not to send the nomination of Bill Lucas, an African-American who had been nominated by President Reagan to be civil rights chief—they voted not to send his nomination out. And they did the same with William Bradford Reynolds, another nominee of President Reagan, who was not sent forward, on their objection.

Therefore, they took the position—and I think one that is quite proper—if they so choose and if our committee so chooses, that the committee makes a recommendation as to whether or not a nomination should go forward.

Let me say there have been suggestions that scurrilous complaints and attacks have been made. I hate to hear that, but I say they have not come from our side. I say there have been some unwise and intemperate remarks by those who are supporting the Lee nomination in this U.S. Senate. They have, in effect, said, "Agree with us and you report out this nomination, or we will say you are against civil rights, we will accuse you of being against African-Americans, we will say you are against women, we will say you are against Chinese-Americans." They would, in fact, play the race card.

Sad to say, they have done just that.

Mr. President, let me share with Members of this body and the American people some of the things that were said by Senators in this body about those of us who have concerns about this nomination. The Democratic leader had a press conference earlier this week, and he said, "The far right doesn't want the Civil Rights Division filled because they don't want civil rights laws enforced."

Now, I submit that is a sad thing to say. That is an extreme thing to say, that the chairman of our committee, Senator ORRIN HATCH, who has worked hand in glove with this administration to confirm every nominee they sent forward for the Department of Justice, except this one. This is the only one he has objected to. It is extremely unfair to say that we don't want civil rights laws enforced because we want to question this nominee and we believe he is outside the mainstream of current legal thought.

Senator KENNEDY said, "It's wrong for Republicans to hold him hostage to their anti-civil-rights agenda." I'm for civil rights. I believe in that. The other Members do. We just need to talk about what we really mean by the words "civil rights." Do civil rights mean equality for all as we traditionally thought? Or do we go to a new definition of civil rights that means preferences and advantages to one group or another group because of the color of their skin? We are not against civil rights. Senator KENNEDY went on to say, "It would be an outrage for a small band of anti-civil-rights Republican Senators to bottle up this nominee. A vote against Bill Lee is a vote against civil rights," he said.

Another Senator, Senator BOXER said, "By opposing Bill Lee, I think the Republicans are sending a signal to every minority in this country, to every woman in this country, that, frankly, they don't believe in equal opportunity for everyone."

That hurts me, Mr. President, to hear a Member of this body make such an extreme statement as that. I really think it was unnecessary and goes beyond what ought to have been said. We can disagree whether or not this nominee ought to be confirmed. But I think we ought to all respect each other's views and opinions more than that. So I am concerned about that.

Another Senator, Senator MIKULSKI, was also aggressive in her remarks. This is how it was reported in the Washington Times the other morning on the front page:

> Congressional Democrats, in a bid to save the nomination of a Chinese American as assistant Attorney General for Civil Rights, yesterday accused Republicans of racism.
>
> "I don't think the United States Senate should be a forum for attacking Chinese Americans," said Senator Mikulski. "We don't want Bill Lann Lee to be the Anita Hill of 1997," she said.

This is what the paper reported:

> Just after finishing leveling fire, the Maryland Democrat walked over to Senator Edward M. Kennedy and said under her breath, "I hated to do that, but we had no choice."

I am glad at least to know that she was reluctant to make those comments. I think she well should have been because I intend to take, and every member of this committee intends to take, this nominee seriously. We need to give him a fair hearing. He needs to be treated respectfully. But if his ideas are outside the mainstream of current American law, outside the direction we believe this Nation ought to go in civil rights, we have a responsibility to reject the nomination, and that is what I intend to do. I intend to fulfill my responsibility.

I want to say right now that I don't intend to be intimidated by attacks of that kind. I am going to do what I believe is right for this country.

Let me read you what some of the testimony was at hearings about this nominee.

Mr. Gerald A. Reynolds, an African-American, president of the Center for New Black Leadership, testified that he strongly opposed the nomination of Mr. Lee. He said:

> If confirmed as Assistant Attorney General, Mr. Lee's background suggests that no democratic principle, controlling legal authority, nor legal standard will prevent him from furthering his particular ideological agenda.

Further he said:

> For the last 30 years, traditional civil rights organizations have used civil rights laws as a weapon to extract benefits for racial minorities, no matter what the cost. Mr. Lee has spent most of his professional life doing that same thing.
>
> Mr. Lee's legal defense fund sought to overcome the will of the citizens of California by persuading the ninth circuit to affirm Judge Henderson's ruling against Proposition 209.
>
> I would argue that the legal defense fund's attempts to nullify Proposition 209 constitutes a direct assault upon our democratic principles. The legal defense fund's case against Proposition 209 rested on a thin reed. Basically, it rested upon two cases that are easily distinguishable from the facts surrounding Proposition 209.

I think we will talk about Proposition 209 in a minute. But just to point out, that is a civil rights initiative in

California that said people should be treated alike regardless of the color of their skin, and it mirrored almost exactly the 14th amendment to the Constitution of the United States and the Civil Rights Act of 1964.

Mr. Reynolds goes further:

There are other examples. We can look to the lawsuit in Los Angeles. The Los Angeles County Metropolitan Transportation Authority decided to increase its bus fares and eliminate monthly bus passes. Mr. Lee's legal defense fund lawsuit alleged that the MTA action violated the civil rights laws and the Constitution because they had an adverse impact on minorities and poor people.

Mr. Reynolds continues:

We can debate whether it was a good idea to eliminate some of the benefits that the citizens of Los Angeles enjoyed, but I think it is a stretch to conclude that a policy decision such as raising a bus fare and eliminating bus routes and eliminating bus passes constitutes a constitutional violation.

He went on to note that:

The lesson that we should have walked away with is that race is a toxic circumstance, and that it is wrong to distribute benefits and burdens on the basis of race.

I questioned Mr. Reynolds and I asked him about busing and how people in the minority community feel about busing.

Mr. Reynolds replied:

I think it is clear that most parents are concerned with the quality of education that their children receive, and most parents, black and white, do not care. Well, actually they prefer that it be a neighborhood school. More importantly, I think time has shown that forced busing has been an unmitigated disaster.

Those were the words of Mr. Reynolds. I further asked him, had he seen cases like the Houston busing case, on which Mr. Bill Lann Lee was the attorney, and where lawyers, professional litigators, who were involved in these issues as a business, their livelihood, continued to pursue remedies that the children and the parents of the children do not want. Mr. Reynolds answered: "Yes."

Well, that was from Mr. Gerald Reynolds, an African-American citizen of this country, opposing Bill Lann Lee. Is he against African-Americans? I submit not. Is he against women? I submit not. Is he against Chinese-Americans? I submit not. Is he against civil rights? I say no. He's for civil rights. There is no doubt about that.

Let me read you this excerpt from the testimony, in June, of Charlene F. Loen. Like Mr. Lee, she is a Chinese-American, and she gave some of the most poignant testimony I have heard before our committee. She actually came to tears. She talked about her son, Patrick, who wanted to attend Lowell High School in San Francisco, but he was prevented from attending that public high school because of a racial quota set up under a Federal court consent decree in 1983. Under the consent decree, she said:

Hard work and good grades are not always enough. My son Patrick found out the hard way.

I am quoting again:

In 1994, Patrick applied to Lowell, with a test score of 58 out of a 69. That year, Lowell set the minimum score for Chinese students at 62. But then Lowell set the minimum scores for white students and other Asians at 58. Lowell set the minimum scores for blacks and Hispanics lower than that. So Patrick could have gotten into Lowell if he were white, Japanese or black. He was rejected because he was Chinese American.

She went on:

Discipline, hard work, and academic achievement should be rewarded. Patrick studied hard, he got the grades, and he was rejected because he is of Chinese descent.

She went on:

The year Patrick was rejected, the San Francisco school district announced the opening of a new academic high school, Thurgood Marshall. I went to the school district to apply for Patrick. Right away, the person at the office asked me, "Is Patrick Chinese?" I said, "yes," and she said that the slots for the Chinese were already taken at Thurgood Marshall. I asked how could that be because the application period was not even over yet. She shrugged and said that that is just what the consent decree requires. Patrick also applied at three other high schools—Wallenberg, Washington, and Lincoln—and all three rejected him because they already had too many Chinese under the consent decree.

Those were her words. That is not the way, I submit, we ought to operate our Government today. She felt very strongly about that. And this is a Chinese-American testifying before our committee. In November, she said the Federal judge who approved the consent decree approved a payment by the State of California of over $400,000 in legal fees to the NAACP, the legal defense fund, Bill Lee's unit, for opposing the lawsuit; in other words, the lawsuit that she had filed to try to get her son to be able to go to the school of her choice that he qualified to by objective standards.

A judge denied a motion to end the consent decree.

This is how she concluded her remarks.

Under the consent decree can you be denied admission to public school because of your race by treating people as members of racial groups rather than as individuals with the same rights before the law. The consent decree has dashed the hopes of children, denied my son and many others the right to opportunities they earned through hard work and diligence, condemned children to needless busing, prevented parents from being involved in their school and thereby holding school administrators accountable, and divided the people of San Francisco.

Divided the people of San Francisco.

This is the way things have been in San Francisco for the past 14 years.

Is Mrs. Loen against civil rights? I submit not. Is she against Chinese-Americans? No, she is not. She is a Chinese-American. Is she against women? No. Is she against minorities and civil rights? No.

Let me read this testimony before the Judiciary Committee's Subcommittee on the Constitution Federalism, and Property Rights chaired by Senator JOHN ASHCROFT. This is the statement of Senator MITCH MCCONNELL of Kentucky. He was talking about the "legally ordained" set-aside in Federal highway funding that mandated a certain percentage of the money be spent toward minority contractors.

This is what Senator MCCONNELL recounted:

Michael Cornelius recently spoke poignantly to this point before the Constitution Subcommittee in the House of Representatives. He explained that his firm [his business] was denied a Government contract under ISTEA [a Federal program] even though his bid was $3 million lower than his competitor's. Mr. Cornelius' bid was rejected because the Government felt that the bid "did not use enough minority- or women-owned subcontractors."

To comprehend the full extent of the Government's unconstitutional policy, you must understand that the Cornelius bid proposed to subcontract 26.5 percent of the work to firms owned by minorities and women, and, of course, the Government concluded that even that was inadequate.

This is the kind of matter that the *Adarand* decision dealt with, and the *Adarand* decision is a decision Mr. Lee says he believes is bad constitutional law. But that is the Supreme Court of the United States, which in the *Adarand* decision set forth standards that basically demonstrate that these kind of set-asides are not fair. They are in violation of the equal protection clause of the Constitution of the United States.

Mr. President, I would also like to quote one more witness who testified. This is Mrs. Sue Au Allen, a Chinese-American, the President of the United States-Pan American Chamber of Commerce, a national nonprofit organization representing Asian-American business men and women, and other professionals.

She is a very impressive lady, and was very direct in what she had to say about the Lee nomination. She said:

Mr. Lee's record gives me grave concern, Mr. Chairman. As a nation's top civil rights law enforcement official, he will advocate certain policies on race and gender issues that are contrary to constitutional guarantee of equal right and opportunity for all Americans and that will have a deleterious effect on racial and gender harmony in general and on the rights of many individuals in particular.

She went on to say:

When I look at the arguments he has made in the last 20 years to determine his understanding of what equal protection requires, I learned that he does not believe in civil rights for all. He believes in quotas, set-asides, and preferences based on race and gender. This is not my belief. The person who believes in civil rights for some based on race and gender is a wrong person for this job.

She continues:

And his organization's defense of continuing judicial control of the desegregation of Lowell High School in San Francisco for high admission standards required of students whose admissions are kept at 40 percent . . .

She particularly mentioned that. This was just a few weeks ago. It is the same comment made by Mrs. Loen that I read earlier about Lowell High School in San Francisco.

Mrs. Allen continues, describing the assault on Proposition 209, the California civil rights initiative. This is what she said:

To bolster the assault on 209, Mr. Lee's Legal Defense Fund recruited the Federal Government as his ally. First, he filed a complaint with the U.S. Department of Labor's Office of Federal Contract Compliance Program and said that the decline in minority admissions at the University of California violates affirmative action rules imposed on Federal contractors.

This is the university:

It argued that the lowered admissions reduced the number of minority graduate students that the university might hire in complying with Federal racial preference programs.

This pushes legal theory, I submit, beyond any reasonable standard. This was for Mr. Lee's use. He is a private attorney now. He gained the support of his allies in the Department of Labor.

Quoting Mrs. Allen:

Second, although no student had ever complained about discrimination because of Proposition 209 or the University of California regents' vote to end racial preferences in admissions, Mr. Lee's Legal Defense Fund filed a complaint with the United States Department of Education attributing to discrimination the decline in minority admissions and enrollment at select University of California campuses.

So, Mrs. Allen is making a significant point. What she was saying was that even though a private attorney, Mr. Lee has been adept at inducing the Federal Government to join with him in his legal theory.

If confirmed in this position, he will, in fact, be the Federal Government, and he will have 250 attorneys at his disposal to send out on whatever cause he might deem appropriate.

She goes on to say this:

A San Francisco school district has been under a consent decree since 1983 because the Legal Defense Fund brought a suit to desegregate the school.

That is, since 1983, they have had a Federal judge monitoring that school system, I submit Mr. President.

She continues:

Under that decree, Lowell High School, a magnet school, where competition for admission is fierce, operates with a 40-percent cap on Chinese students. In addition, the school sets higher admission standards for Chinese students than for any other race or ethnic group. Recently, several Chinese students and their parents challenged that consent decree. But the Legal Defense Fund . . .

Which I submit is Mr. Lee's organization which he headed in the west:

. . . the Legal Defense Fund has actively defended the continuing judicial control over the district in the name of desegregation, this despite the adverse impact on Chinese students who would otherwise be admitted to Lowell and against the strong opposition of their parents.

Chinese-American parents.

Mrs. Allen said:

When the Legal Defense attorney called the consent decree segregation by inclusion, to me it is desegregation by discrimination and exclusion. These examples raise a very important question. As head of civil rights enforcement, will Mr. Lee argue for continued forced busing?

This lady Sue Au Allen, president of the Pan American-Asian Chamber of Commerce—is she anti-Chinese? She is of a Chinese descent. Is she antiwomen? Is she anticivil rights? Is she antiminority? I submit no.

Serious questions have been raised about this nominee. This use of scurrilous attacks has not been coming by those of us who are concerned about nominations. We are talking about real issues. We are talking about real cases. We are talking about the position of the U.S. Department of Justice and what kind of position it will be taking in these cases as the years go by.

Those who oppose him, however, have been intemperate at best in those remarks, and I hope and pray that they will evaluate that and be more responsive, be more respectful of their colleagues in the future.

Let me say this. Incivility is not acceptable. In my opinion, the Judiciary Committee over the past decade, over 20 years, 15 or 20 years, has gone through a series of confirmation battles that have not been healthy. They have not reflected well on the Senate, and they have not done well in analyzing whether or not people should be confirmed. I for one believe we ought to do better. I believe we ought to have a higher standard. I believe we ought to dig in seriously to the nominees and what they believe, their integrity, their ability and their legal philosophy. And I think we can do that and sometimes we are going to say no. We hate to. It is no fun to say no to a person who would like to have a position of prominence. But that is our position of responsibility and we must face up to it.

Let me just say this. Why is it that I am concerned with this nomination? There has been a lot of talk about the California civil rights initiative, Proposition 209, a very, very important event in American history.

Basically, what the people of California said is we do not believe in preferences. We, in effect, believe that in our State we want the law to be very similar and basically the same as what the 14th amendment to the Constitution of United States says. So they really encapsulated the 1964 Civil Rights Act, and the people of California passed that by a significant margin.

Mr. Lee's organization immediately joined in a challenge to that proposition and in fact filed a brief. It is one thing for him to oppose the proposition when the people are voting on it, to campaign about it, but he went further than that. His organization joined in the litigation to have Proposition 209, which says almost the same thing as the Constitution of the United States, declared unconstitutional, a perfectly legitimate referendum declared unconstitutional. And this is what the court of appeals, the Ninth Circuit Court of Appeals held when they considered Mr. Lee's opinion on Proposition 209.

They said this. This is a Federal court:

As a matter of conventional equal protection analysis —

Equal protection clause of the 14th amendment—

there is simply no doubt that Proposition 209 is constitutional.

Those are the words of the ninth circuit, the most liberal of the eleven circuits in this country. Everyone suggests that. That circuit flatly rejected Mr. Lee's position, saying there is no doubt about it. And what is troubling is here you have an attorney seeking to attack the will of the people by bringing in a challenge to the constitutionality of an act that had no basis.

The court continued to say:

After all, the goal of the 14th amendment, to which the Nation continues to aspire, is a political system in which race no longer matters. The 14th amendment, lest we lose sight of the forest for the trees, does not require what it barely permits.

In other words, it does not require, the 14th amendment does not require preferences based on a person's race. It barely permits it. Only in the most extreme circumstances, only under the most strict scrutiny will a court ever approve an event in America in which we give a benefit to one person, thereby denying it to another simply because of their race.

So we have to be honest about this. It is time for us to talk about it seriously. We believe—I certainly do—in affirmative action, to go out and affirmatively solicit every person to apply, to seek out the best talent, to give people every chance to succeed, but we cannot tolerate quotas and setasides and things of that nature.

Well, that is the important issue, Proposition 209, and Mr. Lee, when questioned about it, says it continues to be his position. And at the Civil Rights Division of the Department of Justice he would be prepared to file a brief on behalf of the United States of America in the Supreme Court to declare it unconstitutional. But he would not get that opportunity because the Supreme Court refused to even review the Ninth Circuit Court of Appeals ruling. The Supreme Court of the United States let it stand, denying certoriori, in effect saying this is a matter not

even worth our time to consider because the law is so clear, agreeing totally with the ninth circuit's opinion.

Well, there is another matter of importance, and that is the Supreme Court decision, recent decision in the Adarand case. Adarand dealt with the set-asides in Federal law, that in effect tell Federal Government highway administrators that they must set aside a certain percentage of Federal contracts for minority contractors. I earlier read the comments of Mr. Cornelius who was the low bidder by $3 million on one of those contracts and had an agreement to hire 25 percent of his subcontractors who would be minorities, and that was rejected because it was not generous enough. This is the kind of issue with which we are dealing.

Adarand said basically that that cannot continue. I would suggest that the Supreme Court is very seriously thinking about this issue, and I believe the Supreme Court has looked down history in America and they have thought about it and they are saying we have got to stop, we have got to get out of this business of disbursing the goods and services of America based on what group you belong to. This is not the kind of principle upon which our country was founded, and that is what they meant by the Adarand decision, and that's why legal scholars consider it of thunderous importance, an extremely important decision.

OK. How does Mr. Lee feel about that? He opposed the Adarand decision. I asked him, does he still believe it is bad law? He says he believes it is bad law. He testified he does not agree with it. And he said something that is particularly troubling about it.

In his testimony, Mr. Lee stated that Adarand allowed affirmative action programs, which in this case means a kind of set-aside, in effect quotas. Sometimes affirmative action means affirmative outreach. Sometimes it means racial preferences and quotas. It just depends how it is used. But in this case we are talking about Adarand which had a set-aside in the law to favor some people. He said he thought they were legal under the Adarand decision if conducted in a limited and measured way.

That is not, Mr. President, what the Court in Adarand said. The Court in Adarand said that set-asides like this highway program are presumptively unconstitutional and can never be allowed except under the strictest of scrutiny. It is for the most significant of reasons that would justify these kinds of actions.

So what troubles me about that, and I know Senator HATCH raised it, is it suggests that as the top civil rights lawyer in this country he would not interpret Adarand the way the legal scholars do but would interpret Adarand in a way that would justify him applying the resources of the 250 attorneys in the Department of Justice to undermine the Adarand decision the Supreme Court has rendered.

So let me ask, am I against civil rights to say that? Do I not believe in civil rights to say that I agree with the Supreme Court of the United States, I agree with the ninth circuit of the United States with regard to Proposition 209? I submit not. I believe in civil rights for everyone and I think most Americans do.

I wanted to quote from the words of Congressman Charles Canady who testified before the Subcommittee on Constitution, Federalism and Property Rights of the Judiciary Committee just a few days ago actually. And this is what he says, Congressman CANADY from Florida:

> If we go back to 1961, when President KENNEDY promulgated the original Executive order on affirmative action, it was clear in that Executive order that steps were to be taken to reach out to all parts of the community to bring people into the pool of applicants for opportunities, but that people were to be treated without regard to their race. That specific language was used in the Executive order.
>
> So I believe that Senator MCCONNELL's proposal encompassing a number of outreach elements is [what we should do].

Congressman CANADY continued:

> Now, this system of set-asides [which was legally challenged in the Adarand decision] that is in place has been described as a remedial system. The problem with this system, however, is that it provides benefits to people who have not demonstrated that they are victims of any specific wrongdoing and it imposes cost on individuals who have been demonstrated to be guilty of no wrongdoing themselves.
>
> Do we get that? It provides benefits to people who do not demonstrate that they have been harmed and it provides costs on those who have not been demonstrated to have done anything wrong. Is it against civil rights to think such a policy is not good?

Congressman CANADY continued, I think saying it well:

> I believe if we step back from this system [step back, like the Supreme Court is doing] which was put in place with the best of intentions [these set-asides and preferences and quotas] we have to conclude on the basis of our history as Americans that racial distinctions are inherently pernicious. It is fundamentally wrong [Congressman CANADY continued] for our country to divide this country into groups based on race and gender and then award benefits to some people because they belong to the right group and deny benefits to other people because they belong to the wrong group. That is inconsistent with our fundamental American values. It is inconsistent with the way our Government should treat its citizens.

He concluded:

> I believe that the American people are becoming more and more weary of this failed system of race and gender preferences. They want to reaffirm the promise of America, that all Americans will be treated as individuals who are equal in the eyes of the law.

Well, I thought a good while about this. I think it was important to do so. I will just say this. We cannot end discrimination by practicing discrimination. That is fundamental. Make no mistake, when you benefit one person because of the color of his or her skin you are depriving another person because of the color of his or her skin. It is just that simple. It can be no other way. And the courts are agreeing with this. And Mr. Lee is outside the mainstream of judicial thought in America today. His opinion, opposing the most important Adarand decision, represents that he opposes the position of the Supreme Court of the United States. For that reason I feel compelled to vote "no" on his nomination.

I yield the floor.

PRESERVATON OF SENATORS' PAPERS

Mr. LOTT. Mr. President, in the dozen or so weeks between the end of this congressional session and the start of the next, members might profitably encourage their staffs to pursue a matter of great importance to the preservation of the Senate's institutional memory. I refer to the archiving of senators' noncurrent office files and personal papers.

I recognize that most of us have enough to engage our attention thinking about the demands of today and tomorrow, without worrying a great deal about the records of yesterday. That's why the intersession recess offers a useful opportunity to address this important housekeeping matter. Our records deserve professional attention—not just in the final days of our Senate careers—but throughout our entire service here. The current proliferation of records in electronic formats makes this updating particularly urgent. Whether on disks, tapes, or paper, these records, if properly managed, will take their place as vital historical resources in the decades ahead. By planning now, senators can minimize preservation costs while maximizing research value at the time these records are opened for research and other educational purposes.

Many senators have already made commitments to home-state educational institutions for staged transfer of their non-current records. For those who have not, I urge you to seek the assistance of the Senate Archivist within the Office of the Secretary of the Senate. What better way could there be to join those who have come before us in preserving and enriching the documentary resource of this great institution.

THANKS TO MAJOR GENERAL LANSFORD E. TRAPP, JR.

Mr. DASCHLE. Mr. President, I would like to take this opportunity to thank and pay tribute to Major General Lansford E. Trapp, Jr. for his exceptional service to the United States

Senate as the Deputy Director and then Director of Air Force Legislative Liaison. Although I am disappointed that General Trapp will be leaving us shortly to become the next Commander of Twelfth Air Force in Arizona, his pending nomination to be a Lieutenant General and challenging assignment are well-deserved.

General Trapp's experience in southeast Asia, as wing commander in Panama during Operation Just Cause, and as commander of the 366th Wing at Mountain Home Air Force Base in Idaho prepared him well to lead the Air Force's Legislative Liaison. He is an extraordinary officer who, through dedication and expertise, has built an impressive record of achievement throughout his 28 years of service to our nation.

One of the most exceptional aspects of his background is that General Trapp is from my home state of South Dakota. In fact, Lanny and I were classmates at South Dakota State University, where we both participated in the Reserve Officer Training Corps program. We also entered the Air Force the same year, in 1969, amidst the turmoil of the Vietnam war.

I am proud of the fact that General Trapp has progressed to a leadership position of such significance because I believe it is a tribute not only to him and his family, but to the entire state of South Dakota. While Lanny is currently a long way from his hometown of Brookings, South Dakota, he has served our state and our country well throughout his career and particularly during his time in Washington.

His judgment and unquestionable integrity have formed the bedrock of the maturing relationship between the Air Force and the Senate, facilitating the modernization the Air Force has pursued in the post-cold war era. General Trapp has worked tirelessly to make the senior leadership of the Air Force easily accessible to Members and staff, knowing well the importance of constant dialogue. He has always been very responsive to inquiries and is a frequent and welcome visitor to the Hill. Under his leadership, General Trapp's Legislative Liaison organization enhanced its already strong reputation for responsiveness, thoroughness and accuracy when providing information on Air Force policies and programs to various committees, Senators and their staffs. He and his staff in the Senate Russell Office Building and in the Pentagon deserve to be commended for their hard work and dedication.

General Trapp has been particularly responsive and helpful to me during the past two years. As many of my colleagues know, South Dakota is the proud home of Ellsworth Air Force Base and the B–1 bomber. General Trapp has been very responsive to questions and concerns I have raised from time to time, and the Air Force simply could not find a more fair and understanding representative. He willingly traveled with me to Ellsworth on more than one occasion.

It has been both an honor and a pleasure for me to work with General Trapp during his tenure as Deputy Director and then Director of Air Force Legislative Liaison. He has set new standards of excellence in these critically important positions, and all of us in the Senate are indebted to him for his efforts. More importantly to me, Lanny has become a good friend. My wife, Linda, and I congratulate General Trapp on his nomination to be a Lieutenant General in the Air Force and wish him and his wife, Nancy, great health and happiness as they embark on their new assignment. We will miss them both.

FISCAL YEAR 1998 LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS CONFERENCE REPORT

Mr. DASCHLE. Mr. President, I would like to discuss an amendment that this body passed as part of the Labor, Health and Human Services and Education Appropriations bill. That amendment, S. 1101, would have put into motion a strategy aimed at confronting fetal alcohol syndrome (FAS), the number one cause of mental retardation in this country. Even though S. 1101 was a modest, non-controversial and wholly beneficial addition to the Labor/HHS bill, the House refused to accept it. There were no funding tradeoffs involved, no unresolved policy concerns. Instead, the measure was killed because of "jurisdictional issues." To quote the conference report: "This matter is one that is more appropriately considered by the authorizing committees; those committees have objected to the inclusion of the provision in the conference agreement."

Mr. President, those committees have had five years to consider this matter. That's how long there have been bills in both the House and Senate that would do exactly what the amendment aimed to do. While Congress considers this matter, tens of thousands of children are being denied the capacity to live a normal life. Tens of thousands of families are confronting overwhelming obstacles as their children drift in and out of hospitals, mental health institutions, detention centers, and substance abuse treatment.

We can label it inertia, a lack of understanding, or bad timing, but there is no sufficient explanation for the lack of attention that has been paid to this issue. Fetal alcohol syndrome and fetal alcohol effects (FAE) are 100 percent preventable, yet new cases are identified every single day. Up to 12,000 children are born with FAS in the United States each year. Thousands more are born with FAE. The incidence of FAS may be as high as one per 100 in some Native American communities.

FAS and FAE are characterized by multiple physical, mental and behavioral problems, handicaps that interfere in tragic ways with a child's ability to live a normal, productive life.

The costs associated with caring for individuals with FAS and FAE are staggering. The Centers for Disease Control and Prevention estimates that the lifetime cost of treating an individual with FAS is almost $1.4 million. The total cost in terms of health care and social services to treat all Americans with FAS was estimated at $2.7 billion in 1995. This is an extraordinary and unnecessary expense.

Aggressive action to fight back against FAS—to detect it and prevent it and help FAS children and their families cope with it—is long overdue. I am asking this body to work with me to ensure that we pass meaningful, targeted FAS legislation next year. Frankly, I am not particularly concerned about which protocols we follow to get us from here to there. Those details pale in comparison to the magnitude of the problem confronting us and the opportunities we have missed to address it. What I am concerned about is that we finally, finally, get the job done.

RETIREMENT OF HUMANA CHIEF EXECUTIVE OFFICER DAVID E. JONES

Mr. FORD. Mr. President, I'm honored today to salute one of Kentucky's and this nation's finest business leaders and statesmen, David A. Jones. David will soon be retiring as Chief Executive Officer of Humana Inc., the company he co-founded over 36 years ago.

David is one of this country's all-time great business leaders. His career has been marked by a deep commitment to high principles and community service and he will leave behind a very distinguished history of service to Kentucky and the nation. Fortunately, Kentucky and the health care industry won't be losing his guidance entirely as David continues as chairman of the board of directors of Humana.

A native of Louisville, David earned a bachelor's degree from the University of Louisville in 1954, where he won the outstanding senior award. He also became a Certified Public Accountant that same year. After three years of service in the U.S. Navy, he entered Yale University, earning a law degree (JD) in 1960, while also serving on the economics faculty from 1958 to 1960. David also holds honorary doctorates from the Chicago Medical School, the University of Louisville, Transylvania University and the Claremont Graduate School.

In 1961, David and another young lawyer, Wendell Cherry, discussed ways to

build and operate a new kind of nursing home—one that would treat its elderly patients not only with dignity and respect, but with a kind of personal attention rarely seen in nursing homes of that time. The nursing home was called Heritage House and was located in Louisville. The company began to grow and add additional facilities. Eventually, the company, then known as Extendicare, became the largest nursing home company in America with more than 40 facilities. As the company continued to grow, it eventually divested itself of all nursing homes to concentrate on the hospital business.

To reflect the company's new direction, the corporate name was changed to Humana Inc. in January of 1974. During David's tenure as chief executive, Humana Inc. became one of the nation's leading health care companies. The company pioneered the measurement of hospital quality and productivity to achieve consistent care for every patient.

In 1982, Humana established its Centers of Excellence program, designating hospitals that offered unsurpassed specialty care by combining research and education with state-of-the-art treatment. While the Humana Heart Institute International at Humana Hospital-Audubon became renowned for its pioneering research into the artificial heart, other Centers of Excellence were developed in the specialties of diabetes, neuroscience, orthopedics, and spinal injury care.

David continued to lead Humana as dramatic changes occurred in the hospital industry in the 1980s. In 1984, Humana created a family of flexible health care plans. The health insurance side of the company grew and matured, and in 1993, Humana separated its hospital and health insurance divisions. Although no longer in the hospital business, Humana Inc. continues to be one of the leading health care companies in the nation.

In addition to his outstanding business acumen, David is also a deeply committed humanitarian who created the Humana Foundation, a charitable organization committed to the arts, education and other causes around the world. In part because of that support, the Humana Foundation won the 1996 Business in the Arts Award given by the Business Committee for the Arts and Forbes Magazine.

David has helped build affordable housing in marginal neighborhoods, put computers in schools, supported an international theater festival in Louisville, helped launch an African-American business venture fund, helped attract the Presbyterian Church USA headquarters to the river front, and for a brief time in the 1970s, brought professional basketball to Louisville. More recently, he helped raise nearly $750,000 in flood aid for Louisville residents and businesses by pledging to match contributions from local companies or business leaders.

During his tenure as Chief Executive Officer of Humana, David worked hard for his employees, fought for his beliefs, and strived to make our nation an even better place. He has been a tireless promoter of business in Kentucky, and his efforts undoubtedly helped to make the state an important part of the burgeoning national economy.

Nationally, his opinions and actions help set the direction for health care policy, not just in this country, but all over the world. He has been the architect of many initiatives in this country, but has also been a leader in improving and expanding health care delivery in Romania. In a joint venture with Baylor Medical Center in Texas, Humana is helping rebuild the health care system in Romania, which is struggling to survive as a new democracy.

A compassionate heart has kept him humble and grounded, his path straight, his words true, and his conviction undiminished. The career of David Jones should be an model to all those who aspire to succeed in business. Indeed, David is a man of integrity, ability, and dedication, and we commend him for the great service he has rendered this Nation.

Mr. President, I know that all the Members of the Kentucky delegation, and my colleagues in the Senate, wish David good health and great happiness in the years to come.

COMMENDING DAVID E. LARKIN FOR EXCEPTIONAL SERVICE WITH THE BOY SCOUTS

Mr. FORD. Mr. President, I wanted to take just a moment to commend David E. Larkin for his extraordinary leadership, motivation and direction in the development of the Dan Beard Council, Boy Scouts of America.

Larkin has recruited, developed and motivated the Executive Board of the Dan Beard Council, BSA, representing one of the most prestigious philanthropic Youth Service Organizations in Greater Cincinnati and Northern Kentucky.

During his tenure on the council, he succeeded in improving the quality of life among the youth of that area by creating Challenge Camp, where more than 1,000 "at risk" youth were able to experience the cherished values of Scouting.

His imagination and creativity brought into being "The Scout Family Jamboree," an event attracting some 45,000 attendees, showcasing not only Scouting, but numerous community activities and events.

Over the years, Larkin has served the greater community by enriching the relationships between the Scouts, the United Way and Community Chest, increasing both awareness and funding. He also created alliances between the Boy Scouts and the Greater Cincinnati, Northern Kentucky Schools and Educational Institutions, resulting in "Learning for Life" and Career Explorer programs.

His exceptional leadership and vision provided to be the catalyst for approval of a comprehensive $14.5 million Camp Re-Development Capital Campaign to construct a 25 acre lake, Cub World and Boy Scout Camp.

Larkin has provided the leadership, high standards, the means and the methods necessary to expand the Scouting program to where it now involves a record 65,000 youths and adults annually throughout Southwest Ohio and Northern Kentucky. He has dedicated his life to the concepts of duty, honor and country central to the mission of the Boy Scouts and I know that the entire community will miss his guiding force.

Mr. President, let me close by thanking David Larkin for his commitment over the years to instilling the values of this country through the Boy Scout program. I know I speak for all Kentuckians when I say that his work will be felt by generations of Boy Scouts to come. We wish your much luck in all your future endeavors.

A VERMONTER MOVES ON

Mr. LEAHY. Mr. President, I would like to take this opportunity to recognize the lifetime of service that Mary Miller has given to the state of Vermont. I have been fortunate to have had Mary in my Montpelier office, working for the people of Vermont for 17 years. Anyone involved in rural development, small business, or affordable housing has undoubtedly seen for themselves her whole-hearted commitment to these issues which are so important for our small state. Even before joining my staff Mary was working to improve the lives of her fellow Vermonters through her service to Common Cause, and as a state legislator for her home base in Rutland County.

It is difficult to put into words Mary's boundless energy, her enthusiasm—and her ability to simultaneously make Vermonters feel good about what they are doing while helping them achieve their goals. At times I have felt that members of Congress are only Constitutional impediments to our staff. Mary is a humbling case in point. I have met hundreds of thousands of Vermonters over the past 25 years. I have been to every corner of the state many times over—and it's fair to say that often more people recognize Mary than recognize me. Sometimes it is not even close.

There is no mud season too miserable, no pothole too large, and no

snowfall too deep to keep Mary from meeting with Vermonters. I remember one spring in particular when she traveled for miles over muddy, rutted dirt roads to meet a small business owner who had benefitted from one of the revolving loan funds I have worked to set up around the state. As I recall, in this particular case the owner was not home, but his dog was and gave her quite a reception. He may be the only revolving loan fund recipient in the state that Mary has not met, and even his dog would recognize her.

Despite this outreach schedule, that would put many of her chronologically challenged co-workers to shame, Mary has always found time for fun. Even as she approaches the age when more conventional people are thinking about retirement, Mary is planning her next white water rafting trip.

I know I am not alone in saying that I will miss her lively presence in the office. I will miss her colorful reports on the weather which close out the daily press brief and her unflagging support for the Red Sox. But I don't plan on letting her get away too easily—I have Mary's e-mail address and it will be well used.

Mary is not retiring, just shifting her focus to new challenges, such as the mountains yet to be climbed, rivers yet to be rafted, grandchildren yet to be born. I know that her husband Sam is looking forward to seeing more of Mary as much as I regret seeing her leave. Vermont is lucky to have had Mary to itself for all these years.

UNITED STATES-SPAIN COUNCIL

Mr. GRAHAM. Mr. President, the relationship between the United States and Spain is the oldest one in North America. Almost 500 years ago—in 1513—Spanish Explorer Ponce de Leon and his crew in search of a Fountain of Youth discovered North America. What they found was a treasure of a different kind—a land that Ponce de Leon named "La Florida."

In the four centuries since then, the histories of the United States and Spain have been inextricably linked. While there have been periods of estrangement and even hostility, the United States and Spain are "natural allies." As we approach the end of this century, the cultural, political, and economic ties between the United States and Spain have never been stronger, nor more mutually beneficial.

This reinvigorated relationship is especially visible in the active relations, frequently in close collaboration, of Spain and the United States in Latin America.

To build on this exceptional period of positive relationship, the United States—Spain Council was formed in May 1996 by Vice President AL GORE and the President of Spain, Jose Maria Aznar. The Council was formerly established at an organizational meeting held in Toledo, Spain in November 1996. The Council established itself as a forum in which Spanish and American citizens, including leaders in government business, education, and culture could discuss the state of the United States—Spain relationship.

In April of 1997 the Chairman of the Board of Trustees of the Fundacion Consejo Espana-Estados Unidos, Mr. Jaime Carvajal and the then Chairman of the United States—Spain Council, BILL RICHARDSON, signed an agreement of the common goals regarding their intent to: promote cooperation between Spain and the United States in the economic, trade, business, scientific and cultural fields; improve knowledge about each other's country and the image of the United States in Spain and of Spain in the United States; propose to their respective governments actions aimed at developing relations between the two countries and adopt other initiatives which would contribute to the progress and growth of relations between the United States and Spanish societies.

This past October 31 through November 2, 1997 the Council met here in Washington for two and one half days and in New York for an additional day on November 3, 1997. The meeting was attended by many prominent members of the Council from both nations, which led to a candid and thought provoking discussion of the topics on our agenda.

These topics included United States—Spain Trade and Investment Analysis of Direct Investment Practices, Spanish and United States images: Origins and Reasons, Strengthening United States—Spanish Ties, the Role of Civil Society (Educational and Cultural exchanges), Intellectual Property and Internet in Spanish.

The members of the Council agreed to undertake a challenging agenda short and long objectives, all intended to advance United States and Spanish relations.

I would like to thank Vice President AL GORE, Spanish Deputy Prime Minister of the Economy and Finance, Mr. Rodrigo Rato, Spanish Minister of Foreign Affairs, Mr. Abel Matutes, and Stuart E. Eizenstat, US Under Secretary for Economic Business and Agricultural Affairs, and other distinguished presenters, for their meaningful participation in our meeting.

I also take this opportunity to thank the two Executive Directors of our Council, Ambassador Diego Asencio and his Spanish counter part, Emilio Cassinello Auban. Ambassador Asencio and his Assistant, Elia Garcia-McComie did an outstanding job of bringing together all the ingredients essential to a productive meeting.

It is important that my colleagues in the Senate and the people of the United States understand this special relationship, which is old in historical terms and yet new because it is being reinvigorated by this renewed attention to its importance. We must recognize that the United States with its growing Spanish speaking population, is a logical bridge between Latin America and Spain. We must take advantage of this moment in history to strengthen cultural and educational ties as well as promoting investment opportunities for both countries.

I ask unanimous consent that excerpts of speeches at the meeting by Vice President GORE, Mr. Rato, Mr. Eizenstat, and the entire text of Mr. Matutes' address be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS OF REMARKS OF VICE PRESIDENT AL GORE

Thank you so much.

You know, Bob Graham is truly a national treasure. He has done so much to nurture the friendship between Spain and the United States, and has been such a leader in building a thriving new era in the affairs of our hemisphere. I am honored to be here with him today.

When President Aznar and I met last year, we looked forward to the day when a vanguard of key leaders from business and academics, politics and culture would meet to discuss issues of common concern.

What we do here today is an important new step in the evolving relationship between our peoples and our nations—a relationship that dates back hundreds of years of rich history.

Our historic ties, strong alliance and shared ideals underpin an ambitious cooperative effort in support of peace, democracy and prosperity in important areas such as the former Yugoslavia, the Middle East, Central and Eastern Europe and Latin America.

Each of you here this morning represents a specific aspect of the American-Spanish relationship—whether in diplomacy and government, business, culture, education, the media or in any of a host of other endeavors.

The variety of this group mirrors the complexity of our exchanges and drives home the point that it is in our daily business, public or private lives, that our nations' bonds are created and affirmed. Some many of the important national issues we address have international ramifications. Doing our jobs well means doing them well together.

All this, ladies and gentlemen, can be summed up in one sentence: U.S.-Spanish relations are excellent now, and poised to become even more productive in the coming years.

I applaud your work; and I salute your commitment to a new era, and a new century of friendship between Spain and the United States.

Buena Suerte, and Good Luck!

EXCERPTS OF A SPEECH BY THE SPANISH DEPUTY PRIME MINISTER AND MINISTER OF THE ECONOMY AND FINANCE, RODRIGO RATO

"THE SPANISH ECONOMY ON THE THRESHOLD OF THE EURO"

It is a great honor for me to have the chance to close this Third Spain-United States forum. Previous sessions have demonstrated the great utility of these platforms, involving a wide range of personalities from all fields, in enhancing dialog between the two countries and promoting

greater tapproachment and mutual understanding.

In a globalized work such as today's, marked by freedom of exchange and the mobility of factors, ti is clear that there can be no isolated response to the problems affecting our economies. The global interrelation which surrounds us assesses the need for coordinating mechanisms which are sufficient to meet the demands of the international economy effectively and with assured success.

EMU implies for Spain an economic policy which would have to be pursued in any case (even if there were no EMU), given the challenge of globalization and competition with North America and in the Asian Pacific region. EMU represents macro-economic stability, a necessary pre-requisite in the creation of jobs.

EMU is a strategic challenge. The point of no return for the creation of EMU and for Spain's participation has been reached. For Spain, there is no strategic alternative to our full participation from the outset. EMU will not however be a panacea that will resolve all our problems with no effort on our part. Moderation of production costs, restraints of public spending and tax policies to format saving and investment are key elements to the creation of jobs.

Trade unions and employers have recently given ample evidence of their sense of responsibility in dealing with the historical challenge posed for Spain by EMU. Spanish society and the Government are certain that they will be up to the task and that social consensus will be maintained. The Government considers this social consensus to be fundamental to its economic policy strategy for stability and job creation.

As revealed by the figures and the results of the last year, the Spanish economy has shown considerable maturity, adapting and reacting positively to the changes made to its system. Spain is, at this time, an adaptable economy, increasingly flexible, and with a dynamism which I do not doubt will increase as we pursue the structural reforms under way.

EXCERPTS OF REMARKS FOR UNDER SECRETARY EIZENSTAT AT U.S.-SPAIN COUNCIL LUNCH

U.S.-SPANISH TRADE RELATIONS

It gives me great pleasure to welcome you to the State Department today. I am honored to host this event which marks the first meeting in the United States of the U.S.-Spain Council. I want especially to congratulate all those who have helped make this meeting possible. I believe this group has a vital role to play in the New Transatlantic Agenda and in building and strengthening essential contacts between our two countries.

The overall relationship between Spain and the United States can best be characterized as one of increased mutual trust and cooperation, especially during the past decade. We value Spain's commitment to strengthened transatlantic ties and desire to strengthen points of contact in many areas—political, military and economic. Spain has courageously taken a leadership role on many of the most challenging and demanding issues before Europe today—peacekeeping in Bosnia and the Middle East, development of a Mediterranean initiative, the expansion of NATO, and improved transatlantic trade. It was Spain that was most outspoken in its opposition to the undemocratic Castro regime in Cuba. Spain's leadership and initiative made it possible to create consensus among governments, the private sector and nongovernmental organizations on ways to promote democracy and freedom in Cuba.

The relationship between Spain and the United States remains a partnership between equals who agree on the basic principles that will help achieve the goal of a New Transatlantic Marketplace. This is demonstrated here today by the number of important U.S. and Spanish business and government representatives committed to continuing an honest and open dialogue on these issues.

Once again, let me welcome you to the State Department and encourage your successful collaboration.

ADDRESS BY THE MINISTER OF FOREIGN AFFAIRS MR. ABEL MATUTES

Mr. Secretary of State for Energy, Mr. Under Secretary of State for Economic Business and Agricultural Affairs, Mr. Ambassador, Chairmen of the United States-Spain Council, Ladies and Gentlemen: Today I visit Washington once again, on the occasion of the III Forum, organized by the U.S.-Spain Council, an initiative that rests on society, sponsored from the outset by the President of the Spanish Government and Vice President Gore, as a dynamic contribution to the cooperation between our countries. We must congratulate ourselves for the continuity this open and informal dialogue has attained, a dialogue which brings together businessmen, legislators, scholars, professionals and politicians from Spain and the U.S.

The III meeting of the Forum—the first to be held in the United States—has been preceded by two previous ones: Seville in 1995 and last year in Toledo. It is with utmost satisfaction that we Spaniards now review certain predictions made in Seville and Toledo. At the close of 1995, cautious predictions envisaged the possibility of Spain being in the first group of countries to enter the E.M.U. and inaugurate the movement towards the euro. As a conclusion to the debate on the Spanish economy, Seville's records state that: "the Spanish economy will continue to grow relatively strongly for the next couple of years, the underlying concern being whether or not Spain will meet the Maastricht convergence criteria". One year later, in November 1996, the Toledo report literally stated that "the markets judge that Spain has a 70% chance of joining the E.M.U. on schedule". Today, scarcely twelve months after these predictions, neither the economists, nor the politicians nor the markets leave any room for doubt. Spain will be on time for this crucial economic and political rendezvous, and will belong to the group of countries that will lead the E.U. into the coming millennium.

It is obvious that, as members of the E.U., political and economic convergence within the process of construction of Europe is for us of paramount importance. This does not exhaust, however, our foreign policy options. Spain can today envisage being present simultaneously in all those international scenarios, where necessary to defend its national interests. This allows me to affirm, without reservations, that the Spanish foreign policy has multiple essential goals that are perfectly compatible. In this sense, Europe does not preempt Latinamerica and even less so our concerns for the Mediterranean; convergence with the E.U. is not unreconcilable with the transatlantic common goals, bilaterally with the United States and multilaterally, within the E.U. and N.A.T.O.

In the economic field, the fact is that the intensification of our relationship with member countries of the European Union has reduced the relative weight of trade and investment between the United States and Spain. Notwithstanding, the global value of our exchanges reflects a first-class relationship with the United States. Our trade flows top the 10 billion dollar mark. The United States is our most important trade partner outside the E.U. It is clear that the balance is tilted in favor of the United States—6.5 billion dollars against 3.6 billion dollars in 1996—, compelling us to redouble the efforts to reach a more balanced export-import ratio, surmounting tariff barriers and the socalled "equivalent effect measures". The image factor, —or the lack thereof, rather than its shortcomings—, plays a relevant role in the Spanish exports to the United States, a fact which has drawn the Council's justified attention. The analysis of the origins and solutions to the absence of a Spanish image in the United States may well be a substantial contribution of this Washington Forum.

In turn, Spanish investment in the U.S. market is growing. With an annual volume ranging between 300 and 400 million dollars, it accounts for 5% of Spanish investments abroad. We must not forget either the decisive role played by U.S. investments in the Spanish development in terims of contributing technology innovation, occupational training and job creation in the 60's, 70's and 80's. Currently U.S. financial investments in the Spanish stock exchange are of considerable importance. Statistics show that more than 500 U.S. corporations are present today in the Spanish economy, the eighth in the world in terms of industrial output, with a G.D.P. that exceeds five hundred billion dollars, which makes Spain the top medium income country.

Many of these, import, export and investment companies are represented in the U.S.-Spain Council, and their Chairmans and CEOs are here today to participate in this III Forum. The Program for discussion of this Forum has scheduled an interesting session on "joint ventures". Their primary field of action is obviously in this hemisphere. The possibilities of success of these Spanish-American joint ventures, particularly in basic areas such as infrastructure, services and finance are increased by the affinity of the Spanish culture, by the fact that Spain is the first European investor in Latin America, and by the existence of a sophisticated and complex network of cooperation agreements between Spain and Latin American countries. The Latin American experience can be obviously useful in other regions and markets, be they European, mediterranean or Asian.

In short, the potential of economic interests requires both Governments to promote and encourage the transatlantic business dialogue and to increase our exchanges. The creation of the United States-Spain Council is a step in this direction. Our dual convergence with the United States, both bilaterally and as a member of the E.U., must be regarded in the framework of the New Transatlantic Agenda that President Clinton signed in Madrid and that Undersecretary of State Eizenstat referred to as "the roadmap of our relationship into the XXI Century", not only in the economic field, but also in the field of foreign policy and security understood in its widest sense. In this context, the Spanish Government has given proof of its willingness—which I reiterate today—of pioneering in Europe the "habit of consultation" in Europe, in my view the cornerstone of this New Transatlantic Agenda.

In the cultural field, our relations continue to advance, but the volume of the Spanish

presence in the United States is still insufficient. Notwithstanding, our cultural heritage is among the most important in the world; the artistic creativity of the Spanish people has produced and continues to produce exceptional works; and our language is a work of art of the ancestral living and daily communication we share with 400 million people. Of these, nearly 30 million live within the borders of the United States, making this country the fifth-ranking Spanish-speaking country in the world.

Where do we then stand with regard to our cultural relations?

The answer is not as satisfactory as it could and should be, even though new means and mechanisms have been created to open significant perspectives for the increase of our cultural exchanges. We witness growing levels of cooperation in the field of education: within twelve to eighteen months there will be 2000 Spanish teachers in American high schools, two Cervantes Institutes, in addition to New York and Chicago, a greater number of privately funded scholarship programs, including post-graduate students such as Spain-U.S.A. 2000. The expectations are ambitious and we should continuously stimulate them, especially in a country where 65% of all students choose Spanish as a second language, including the daughters of both President Clinton and Vice-President Gore. New technologies and media, the promotion by audio-visual means of Spanish cultural expressions, the introduction of the Spanish language in the Internet—another subject included in the program of discussion of the III Forum—, in sum, the whole arsenal of modern communication should be used in a tightly coordinated strategy, to achieve a widespread presence of Spain in the United States, including, naturally, tourism and the healthy Mediterranean diet.

Taking all this into account, I believe that the engagement of society in this task is absolutely essential. This is why I am so pleased by the fact that the United States-Spain Council has, among its specific goals, that of promoting our relations with the Hispanic community in the U.S. I am particularly encouraged by the fact that this will be one of the issues to be discussed in this III Forum, both in the context of education and promotion of people to people links as well as from the perspective of image and mutual understanding. In fact, the U.S.-Spain Council which owes much of its existence to the talent and the perseverance of Ambassador Bill Richardson is, in itself, a good example of the special predisposition that Spaniards and Hispanics share to understand each other.

Finally, I would like to make reference to the third convergence that makes our relationship unique: the security and defense issues, the military component of the Spanish-American ties. Historically, Spain has evolved from contributing to the struggle for American independence 200 years ago, to its accession to the Washington Treaty in 1982 and common membership in N.A.T.O. It can even be said that, since 1975, the major change in our growing exchanges with the American Government and society has been a progressive reduction of the military issue in the relationship as a whole. We are no longer primarily a military ally, as we have become above all a partner in the International Community, engaging in excellent and extensive political, economic and cultural relations, that do not, however, exclude the security and defense link.

The N.A.T.O. Summit held in Madrid last July, was a crucial moment in the design of a new post-Cold War N.A.T.O., both in its internal renovation and its external adaptation. Spain and the United States share a common view in practically all issues: the new design of the command structure; the development of the European Identity in Security and Defense, involving the effective participation of the W.E.U.; the full support to the new Council of Euro-Atlantic Association; the enlargement understood as a historical challenge that demands an undeferable response and as a evolving process that began with three countries but has been left open to the future; the full support to the new Council of the Euro-Atlantic Association; the N.A.T.O. Russia cooperation, and the special relationship with the Ukraine; the strengthening of the Mediterranean dialogue, and the creation of a Group for Cooperation in the Mediterranean.

Consequently, we have arrived at a juncture in which we feel that the transformation of the current model of our presence in the renewed Alliance, and our entrance in the new command structure is deemed advisable. We believe that the necessary adjustments are practically concluded, in a conceptual design that is acceptable both to Spain and to the Other N.A.T.O. partners. We trust that this decision will be formalised next December, without undue interference from any extraneous bilateral dissension, foreign to the Alliance, which ought to be solved in other fora.

Ladies and Gentleman;

Our world is irrevocably and unquestionably different. Globalization—of markets, of finance, of technology, of challenges—is not an option but a reality. International relations are predominantly multilateral; the expansion of democracy can be demonstrated; the proliferation of new conflicts within states, rather than between states, is a proven fact and an unfortunate truth, and the revolution in communications and information technology is the result of the most significant and drastic technological changes since the Industrial Revolution.

And within such complex and changing framework, that is so contradictory in its inequalities and its fortunes, it seems appropriate that as Minister of Foreign Affairs of Spain I encourage the United States to continue to be the most visible international spokesman in favour of stability, sustainable development, peace and security. This is not a responsibility that must be carried out alone. Europe must participate since we share a common world, since the United States is a European country and Europe is an Atlantic Continent. This is Spain's understanding which has been postulated numerous times over the last years. The United States can rest assured that in the conflict-stricken scenarios of the world and in the daily life of the international community, it will always find a Spaniard striving towards peaceful co-existence, democracy and the rule of law.

This does not imply that no differences exist between the policies of both and countries, or that we will not encounter situations in which, while agreeing on the goals, we dissent on the means. In such a complex and vital relationship, perpetual consensus or systematic unanimity are unattainable. It is in exploring doubts and in the search for alternatives, that the intelligence of thought is expressed. On occasion's, this is the only manner in which partner of good faith can effectively help one another, in a relationship as plural and conditioned by the World's diversity as ours.

I would like to end by congratulating, once again, the U.S.-Spain Council for having maintained this initiative and the continuity of its meeting. The ambitious originality and imagination of its members allows us to harbour great expectations about their practical proposals which we shall listen to with great attention.

TRIBUTE TO REV. WALTER J. KEISKER

Mr. ASCHROFT. Mr. President, I rise today to recognize a tremendous individual who exemplifies citizenship, character, and service to humanity, Rev. Walter J. Keisker.

On November 12, 1997, the Lutheran Family and Children Services [LFCS] of southeast Missouri will host The Second Annual Walter J. Keisker Dinner. I commend LFCS staff for their foresight in choosing Reverend Keisker to lead their mission. As our Nation looks increasingly for moral guidance in an era of moral decay, Reverend Keisker's example provides inspiration for others to follow in building family life.

Anyone ever associated with Reverend Keisker knows of his unique spirit and tenacity which has brought about a rich lifetime of accomplishments. This special servant of God and man was bestowed a honorary degree of doctor of divinity in 1993 by Concordia Seminary in St. Louis. Reverend Keisker generously gives his time to the Boy Scouts, Ministerial Alliance, Chamber of Commerce, and Historical Society. His dedication is an enduring example of service, integrity, faithfulness, and love in the highest and best spirit of American citizenship.

From Matthew, Chapter 25, Verse 21, "Well done, my good and faithful servant!" With God's blessing, and the benevolent commitment of Rev. Walter J. Keisker as a guiding light, the lutheran family and children's services will continue to be successful in building a stronger family life.

CONGRATULATIONS TO EDITH BARCOMB CELEBRATING HER 88TH BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Edith Barcomb of Springfield, MO, who will celebrate her 88th birthday on November 26. Edith is a truly remarkable individual. She has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Edith's life has meant much more, however, to the many relatives and friends whose lives she has touched over the last 88 years.

Edith's celebration of 88 years of life is a testament to me and all Missourians. Her achievements are significant and deserve to be recognized. I would like to join Edith's many friends and relatives in wishing her health and happiness in the future.

1997: A BANNER YEAR OF WORK FOR SENATE FOREIGN RELATIONS COMMITTEE

Mr. HELMS. Mr. President, this past week, the Senate Foreign Relations Committee held its final business meeting of the 1st session of the 105th Congress. At that meeting, the committee approved 50 nominations as well as three pieces of legislation. This was the culmination of an ambitious 1997 agenda which included 97 committee meetings—the first on January 8 when the committee convened to consider the nomination of Madeleine Albright to be Secretary of State.

With this past week's business meeting, the committee had approved and sent to the Senate, in 1997, 119 nominations, approved 1,004 Foreign Service promotions and reported out 37 pieces of legislation, while approving 15 treaties. Among the nominations were the Secretary of State, numerous Assistant Secretaries of State, and Ambassadors to the United Nations, Canada, the United Kingdom, Japan, Greece, Korea, Israel, and Egypt.

But this, Mr. President, does not begin to tell the full story. Thanks to the able members of the committee staff, hard work of the committee members—the subcommittee chairmen and ranking members—and thanks to the bipartisan spirit which we, all of us, have worked to establish, we have—all of us together—succeeded, in the opinion of, at least, two former Secretaries of State, in returning the Foreign Relations Committee to top-drawer relevancy for the first time in decades. I believe it is fair to say that, thanks to the joint efforts of so many, the committee is today a force to be reckoned with in terms of U.S. foreign policy.

Mr. President, the most concrete evidence of this rejuvenation came in May and June, when the committee wrote and approved sweeping bipartisan legislation to reorganize and revitalize the U.S. foreign policy apparatus, and reform the United Nations. This bill passed the Senate by an overwhelming 90 to 5 vote stipulating the abolishment of two antiquated temporary Federal agencies—the U.S. Information Agency and the Arms Control and Disarmament Agency—and brings another—the Agency for International Development—under the authority of the Secretary of State.

And, just as importantly, it strikes a grand bargain regarding the United Nations, paying $819 million in so-called U.S. arrears in exchange for deep-seated and meaningful U.N. reforms.

In addition, since the August recess, the full committee, and its various subcommittees, have convened literally dozens of hearings on a wide range of foreign policy matters. During the fall months, the committee began hearings on what will surely be next year's most important foreign policy debate: The expansion of the NATO alliance.

The committee has already held six hearings—beginning with testimony from Secretary of State Albright—hearings which I believe will have a real impact in ensuring not only that NATO expansion is approved by the Senate next spring, but that the plan presented to the Senate for its advice and consent is done the right way, taking into account the legitimate concerns various Senators have presented.

It is difficult for me to express in any adequate way my gratitude to the members of this committee for all their efforts this past year. The chairmen and ranking members of the various subcommittees have done splendid work in the consideration of all the nominations, the bilateral tax treaties that are so important to American industry, and to hold oversight hearings on so many important matters.

It is because of their work—not Senator BIDEN's nor mine—that this committee has been restored to the world stage as an important player in American foreign policy. I am proud of them and, it has been a privilege to serve with them on the Foreign Relations Committee.

JUDGE IN MINNESOTA BLOCKS CLASS I DIFFERENTIALS

Mr. JEFFORDS. Mr. President, this week Senator LEAHY and I addressed the Senate about our concerns and disappointment with the recent order by the U.S. District Court of Minnesota which enjoined the Secretary of Agriculture from enforcing class I differentials in 28 of the current 33 Federal milk marketing orders. If the November 3, 1997, ruling stands, it will throw the entire milk pricing system into chaos threatening the continued existence of thousands of dairy farms nationwide.

Mr. President, it is imperative that Secretary Glickman move immediately to seek a stay and file an appeal to the court's decision. I am joining several of my colleagues in a letter to Secretary Glickman to formally request that the U.S. Department of Agriculture appeal the decision. I urge others to contact Secretary Glickman to recommend that he act swiftly in this request as well.

Mr. President, I ask unanimous consent that a copy of the letter being sent to Secretary Glickman appear in the RECORD.

This ruling should not impact the current reforms of the Federal milk marketing orders with respect to the basic formula price and class I differentials. It is important that the Department of Agriculture continue to use sound public policy in determining a pricing structure that is in the best interest of dairy farmers and consumers alike. Both the Senate and the House of Representatives have expressed in overwhelming fashion to the Secretary of Agriculture the support and importance of maintaining our class I differentials. Recently, 48 Senators wrote to Secretary Glickman supporting class I differentials and endorsing the Department's option 1–A proposal.

Mr. President, I ask unanimous consent that the letter of October 10, 1997, regarding overwhelming support for option 1–A appear in the RECORD.

Mr. President, those of us who value dairying in our States should recognize the dangerous precedent of this ruling. The success of an appeal to overturn in this case is of vital importance to the survival of dairy farmers across this Nation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 10, 1997.

Hon. DAN GLICKMAN,
Secretary, U.S. Department of Agriculture, Washington, DC.

DEAR SECRETARY GLICKMAN: Considering the recent district court decision out of Minnesota, we want to reconfirm our views on milk marketing orders and strongly recommend that the USDA seek a stay and appeal the decision.

In reviewing the various options for the pricing of Class 1 fluid milk, it is still our view that Option 1–A is the most viable and economically sound approach to the future pricing of fluid milk.

Last month forty-eight Senators and one hundred and thirteen Members of the House of Representatives indicated to you that Option 1–A reflects good public policy necessary for effective milk marketing order reform. Our support for Option 1–A is based upon a number of important factors:

It recognizes the transportation costs involved in moving fluid milk from the farm to the consumer.

It takes into account the importance of balancing the supply and demand for milk, ensuring adequate production to meet all fluid milk needs.

It recognizes the costs of producing and marketing milk and, therefore, does not inflict economic hardship on dairy producers in any one region to benefit others.

It is sensitive to the need for attracting supplemental milk supplies to regions of the country that occasionally face production deficits.

These are some of the reasons that most of the dairy producing regions of the country support Option 1–A for the regional pricing differentials for fluid milk.

Under the November 3, 1997, court decision in *Minnesota Milk Producers, et al.* v. *Dan Glickman*, the Secretary of Agriculture would be required to end the Class I differentials in the milk marketing order system. If this decision stands, it will throw the entire milk system into chaos threatening the continued existence of thousands of dairy farms nationwide.

Appealing the court's ruling is in the best interest of milk producers and consumers across the country.

We look forward to your comments and to working closely with you on the federal order reform process.

Sincerely,

JIM M. JEFFORDS.

U.S. SENATE,
Washington, DC, October 10, 1997.

Hon. DAN GLICKMAN,
Secretary, U.S. Department of Agriculture, Washington, DC.

DEAR SECRETARY GLICKMAN: In reviewing the various options for the pricing of Class 1 fluid milk, it is clear that Option 1–A is the most viable and economically sound approach to the future pricing of fluid milk.

Option 1–A reflects good public policy necessary for effective milk marketing order reform. Our support for Option 1–A is based upon a number of important factors: It recognizes the transportation costs involved in moving fluid milk from the farm to the consumer; it takes into account the importance of balancing the supply and demand for milk, ensuring adequate production to meet all fluid milk needs; it recognizes the costs of producing and marketing milk and, therefore, does not inflict economic hardship on dairy producers in any one region to benefit others; and it is sensitive to the need for attracting supplemental milk supplies to regions of the country that occasionally face production deficits.

These are some of the reasons that most of the dairy producing regions of the country support Option I–A for the regional pricing differentials for fluid milk.

As part of the reforms to the Basic Formula Price (BFP), we urge the Department to seriously consider partially "decoupling" fluid milk prices from the volatile cheese-based pricing system that has resulted in wide fluctuations in milk prices.

This pricing system has dramatically reduced farm milk prices and has left permanently high consumer prices. In our view, maintaining price stability is an extremely important order reform goal for both dairy farmers and consumers.

We look forward to your comments and in working closely with you on the federal order reform process.

Sincerely,

James M. Jeffords; Patrick Leahy; Susan Collins; Lauch Faircloth; Chris Dodd; Bob Graham; Alfonse D'Amato; Joe Biden; Mary L. Landrieu; Bill Roth; John Breaux; Jesse Helms; Jeff Bingaman; John F. Kerry; Tim Hutchinson; Max Cleland.

Connie Mack; Daniel P. Moynihan; John H. Chafee; Patty Murray; Joe Lieberman; Edward Kennedy; Larry E. Craig; Charles Robb; Paul Coverdell; Barbara A. Mikulski; Ron Wyden; Richard Shelby; Pete V. Domenici; Mitch McConnell; Jack Reed; Jeff Sessions.

Ernest Hollings; Olympia Snowe; Strom Thurmond; John W. Warner; Dale Bumpers; Bob Smith; Slade Gorton; Christopher Bond; Thad Cochran; Rick Santorum; Arlen Specter; John Glenn; Dirk Kempthorne; Mike DeWine; Judd Gregg; Paul S. Sarbanes.

MESSAGES FROM THE HOUSE

At 6:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 714. An act to extend and improve the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs, to extend certain authorities of the Secretary of Veterans Affairs relating to services for homeless veterans, to extend certain other authorities of the Secretary, and for other purposes.

The message also announced that the House agrees to the Senate amendment to the House amendment to the bill (S. 1139) to reauthorize the programs of the Small Business Administration, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2513. An act to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives, and for other purposes.

H.R. 2614. An act to improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, to ensure that children can read well and independently not later than third grade, and for other purposes.

H.R. 2813. An act to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict.

At 7:57 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 104. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 104. Joint Resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

The enrolled joint resolution was signed subsequently by the Acting President pro tempore [Mr. ENZI].

ENROLLED BILLS SIGNED

At 8:50 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 813. An act to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

S. 1377. An act to amend the act incorporating the American Legion to make a technical correction.

H.R. 1747. An act to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.

The enrolled bills were signed subsequently by the Acting President pro tempore [Mr. ENZI].

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2614. An act to improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, to ensure that children can read well and independently not later than third grade, and for other purposes; to the Committee on Labor and Human Resources.

Pursuant to the order of the Senate of November 9, 1997, the following bill was referred to the Committee on Commerce, Science, and Transportation for the consideration of matters within its jurisdiction for a period not to exceed 10 calendar days:

S. 1216. A bill to approve and implement the OECD Shipbuilding Trade Agreement.

Pursuant to the order of the Senate of November 9, 1997, the following bill was discharged from the Committee on Commerce, Science, and Transportation and referred to the Committee on Finance:

S. 629. A bill entitled the "OECD Shipbuilding Agreement Act."

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 2513. An act to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 1271. A bill to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes (Rept. No. 105–152).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TORRICELLI:

S. 1493. A bill to amend section 485(f)(1)(F) of the Higher Education Act of 1965 to provide for the disclosure of all criminal incidents that manifest evidence of prejudice

based on race, gender, religion, sexual orientation, ethnicity, or disability; to the Committee on Labor and Human Resources.

By Mr. MACK (for himself, Mr. LEVIN, Mr. THURMOND, Mr. GRAHAM, and Mr. KYL):

S. 1494. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (by request):

S. 1495. A bill to amend section 7703 of title 5, United States Code, to strengthen the ability of the Office of Personnel Management to obtain judicial review to protect the merit system, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DASCHLE:

S. 1496. A bill to remove inequities between Congressional and contract employees regarding access to health insurance; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG:

S. 1497. A bill to release contributors of ordinary trash and minor amounts of hazardous substances from litigation under Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DORGAN (for himself, Mr. LAUTENBERG, Mr. BUMPERS, Mr. CONRAD, and Mr. WELLSTONE):

S. 1498. A bill to require States to adopt laws prohibiting open alcoholic containers in automobiles; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 1499. A bill to amend the title XXVII of the Public Health Service Act and other laws to assure the rights of enrollees under managed care plans; to the Committee on Labor and Human Resources.

By Mr. AKAKA:

S. 1500. A bill to amend the Hawaii Tropical Forest Recovery Act to establish voluntary standards for certifying forest products cultivated, harvested, and processed in tropical environments in Hawaii and to grant a certification for Hawaii tropical forest products that meet the voluntary standards, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS:

S. 1501. A bill to amend the Employee Retirement Income Security Act of 1974 to improve protection for workers in multiemployer pension plans; to the Committee on Labor and Human Resources.

By Mr. COATS (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. GREGG, and Ms. LANDRIEU):

S. 1502. A bill entitled the "District of Columbia Student Opportunity Scholarship Act of 1997"; considered and passed.

By Mr. WELLSTONE:

S. 1503. A bill to protect the voting rights of homeless citizens; to the Committee on Rules and Administration.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. KENNEDY, Mr. ABRAHAM, and Ms. MOSELEY-BRAUN):

S. 1504. A bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. JEFFORDS:

S. 1505. A bill to make technical and conforming amendments to the Museum and Library Services, and for other purposes; considered and passed.

By Mr. MCCAIN (for himself, Mr. BRYAN, and Mr. ROTH):

S. 1506. A bill to amend the Professional Boxing Safety Act (P.L. 104-272); considered and passed.

By Mr. THURMOND:

S. 1507. A bill to amend the National Defense Authorization Act for Fiscal Year 1998 to make certain technical corrections; considered and passed.

By Mr. LOTT (for himself, Mr. DASCHLE, and Mr. WARNER):

S. 1508. A bill to authorize the Architect of the Capitol to construct a Capitol Visitor Center under the direction of the United States Preservation Commission, and for other purposes; to the Committee on Rules and Administration.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1509. A bill to authorize the Bureau of Land Management to use vegetion sales contracts in managing land at Fort Stanton and certain nearby acquired land along the Rio Bonita in Lincoln County, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1510. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 1511. A bill to amend section 3165 of the National Defense Authorization Act for Fiscal Year 1998 to clarify the authority in the section; considered and passed.

By Mr. LAUTENBERG (for himself, Mr. D'AMATO, Mr. MOYNIHAN, and Mr. TORRICELLI):

S. 1512. A bill to amend section 659 of title 18, United States Code; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE:

S. Res. 150. A resolution to express the sense of the Senate that if a new $1 coin is minted, the Secretary of the Treasury should be authorized to mint and circulate $1 coins bearing a likeness of Margaret Chase Smith; to the Committee on Labor and Human Resources.

By Mr. WARNER (for himself and Mr. FORD):

S. Res. 151. A resolution to amend the Standing Rules, of the Senate to require the Committee on Rules and Administration to develop, implement, update as necessary a strategic planning process for the functional and technical infrastructure support of the Senate; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 152. A resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in City of New York, et al. v. William Clinton, et al., and related cases; considered and agreed to.

S. Res. 153. A resolution to authorize production of Senate documents and representation by Senate Legal Counsel in the of Sherry Yvonne Moore v. Capitol Guide Board; considered and agreed to.

S. Res. 154. A resolution to authorize representation by Senate Legal Counsel; considered and agreed to.

By Mrs. HUTCHISON (for herself, Mrs. MURRAY, Ms. SNOWE, Mrs. FEINSTEIN, Mrs. BOXER, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Ms. COLLINS):

S. Con. Res. 67. A concurrent resolution expressing the sense of Congress that the museum entitled "The Women's Museum: An Institute for the Future"' in Dallas, Texas, be designated as a millennium project for the United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI:

S. 1493. A bill to amend section 485(f)(1)(F) of the Higher Education Act of 1965 to provide for the disclosure of all criminal incidents that manifest evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, or disability; to the Committee on Labor and Human Resources.

THE CAMPUS HATE CRIMES RIGHT TO KNOW ACT

Mr. TORRICELLI. Mr. President, every year, over 14 million students and their parents agonize over where to attend college. They spend months researching schools and visiting campuses in an effort to find the perfect fit. At the top of the list of characteristics students and their parents look for in a school is a safe learning environment. Information is the key to choosing such an environment. Under current law, students and their parents do not have access to all the information necessary to make an informed choice.

Current law requires colleges and universities to report statistics on crimes that occur on their campuses. However, colleges are only required to report those hate crimes that result in murder, rape, or aggravated assault. These three categories of crimes only represent 16 percent of the total number of hate crimes that occur on college campuses every year. Vandalism, harassment, and simple assault comprise the vast majority of hate crimes. Under current law, however, colleges are not required to report these crimes.

Current law also does not require colleges and universities to report hate crimes against women and the disabled. Thus, parents of daughters or disabled students have no idea whether the college to which they will send their children is safe.

Students and parents have the right to information about all hate crimes committed on their prospective college campuses. My bill, the Campus Hate Crimes Right to Know Act of 1997, will ensure that they have access to that information.

The Campus Hate Crimes Right to Know Act does two very important things: it expands college reporting requirements to include all hate crimes, not just those that result in murder, rape and aggravated assault; and, it includes gender and disability in the class protected by the reporting requirement. Under current law, colleges need only report hate crimes motivated by race, religion, sexual orientation, and ethnicity. My bill will cover these

four categories plus gender and disability.

Our Nation's college campuses should be a refuge from crime, particularly heinous attacks motivated by hatred and bigotry. The disturbing truth, however, is that college campuses are often fertile ground for bigotry. A recent study done by the Maryland Prejudice Institute reported that 25 percent of minority college students attending predominantly white colleges have been victimized by hate. In 1996, 90 incidents of anti-Semitic activity on college campuses were reported to the Anti-Defamation League.

In September 1996, 60 Asian-American college students at a California university received threats from another student via e-mail messages threatening that all Asian-Americans would be hunted and killed. Under current law, this offense would not appear on a campus crime report.

The Campus Hate Crimes Right to Know Act will provide students and their parents with vital information so that they may better protect themselves against such crimes. It will also encourage college officials to raise awareness about these crimes and develop programs and strategies to combat them.

The damage done by hate crimes goes beyond physical injury. Hate crimes, whether they take the form of painting a swastika on someone's dorm room door or gang beating a student believed to be gay, leave the victim feeling fearful, vulnerable, and isolated.

Our children are our future. Their college years are among the most exciting and formative of their lives. By introducing the Campus Hate Crimes Right to Know Act of 1997, I hope to empower students and parents with all of the information necessary to ensure that those years are as safe as possible.

Mr. President, I ask unanimous consent at this time that the text of the Campus Hate Crimes Right to Know Act of 1997, in its entirety, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISCLOSURE.

(a) SHORT TITLE.—This section may be cited as the "Campus Hate Crimes Right to Know Act of 1997".

(b) FINDINGS.—Congress finds that—

(1) the incidence of violence on college campuses based on race, gender, religion, sexual orientation, ethnicity, or disability poses a serious national problem;

(2) such violence disrupts the tranquility and safety of campuses and is deeply divisive;

(3) hate crimes include crimes in which the perpetrator intentionally selects a victim because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim;

(4) existing Federal reporting requirements only require colleges and universities to report hate crimes that result in murder, rape, or aggravated assault;

(5) existing reporting requirements are inadequate to deal with the problem of hate crimes since the vast majority of hate crimes that occur on college campuses do not result in murder, rape, or aggravated assault;

(6) existing reporting requirements are inadequate because the requirements do not require colleges and universities to report hate crimes that target victims because of the victims' gender or disability;

(7) omitting certain hate crimes from official campus crime reports may result in a false sense of security among students and apathy from campus officials;

(8) omitting certain hate crimes from official campus crime reports deprives students and parents of the students of vital information necessary to protect the students against such crimes and to make informed decisions in choosing a college or university;

(9) requiring postsecondary institutions to report all hate crimes that occur on their campuses will provide students and parents of the students with vital information so that the students may better protect themselves against such crimes; and

(10) requiring postsecondary institutions to report all hate crimes that occur on their campuses will encourage college officials to raise awareness about such crimes and develop programs and strategies to combat such crimes.

(c) AMENDMENT.—Section 485(f)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)(F) is amended—

(1) by redesignation clauses (i) through (vi) as subclauses (I) through (VI), respectively;

(2) by striking "Statistics" and inserting "(i) Statistics"; and

(3) by adding at the end the following:

"(ii) Statistics concerning the occurrence on campus, during the most recent calendar year, and during the 2 preceding calendar years for which data are available, of all criminal incidents that manifest evidence of prejudice based on actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability that are reported to campus security authorities or local police agencies. The statistics shall be collected and reported according to category of prejudice.".

By Mr. LEVIN (by request):

S. 1495. A bill to amend section 7703 of title 5, United States Code, to strengthen the ability of the Office of Personnel Management to obtain judicial review to protect the merit system, and for other purposes; to the Committee on Governmental Affairs.

THE MERIT SYSTEM PROTECTION ACT OF 1997

Mr. LEVIN. Mr. President, as the ranking member of the International Security, Proliferation, and Federal Services Subcommittee of the Governmental Affairs Committee, the subcommittee having jurisdiction over civil service issues, I am introducing today, at the request of the administration, legislation that would make two changes to the Civil Service Reform Act of 1978. I introduce this legislation as a courtesy to the administration without taking a position on its merits so that it can be given proper consideration and so that concerned parties can have the opportunity to comment on its potential effects.

The two changes to the Civil Service Reform Act relate to the authority of the Office of Personnel Management [OPM] to seek judicial review of Federal personnel management decisions issued by the Merit Systems Protection Board [MSPB] and by arbitrators. The first change would allow OPM 60 days, rather than the 30 days under current law, to file a petition for review of an MSPB final decision with the U.S. Court of Appeals for the Federal Circuit. The time available for employees to appeal would not be affected by this change.

The second change would eliminate the discretion of the Federal circuit to decide whether to hear OPM petitions for review. Currently, OPM must file a petition with the Federal circuit and ask the court to hear its appeal. If enacted, this change would require the Federal circuit to hear every appeal from a final MSPB decision brought by OPM.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MERIT SYSTEM JUDICIAL REVIEW.

Section 7703 of title 5, United States Code, is amended—

(1) in subsection (b)(1) by striking "provision of law," and inserting "provision of law except subsection (d),"; and

(2) in subsection (d)—

(A) in the first sentence, by inserting after "filing" the following: ", within 60 days after the date the Director received notice of the final order or decision of the board,"; and

(B) by striking the last sentence.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on the date of enactment of this Act, and apply to any suit, action, or other administrative or judicial proceeding pending on such date or commenced on or after such date.

SECTION-BY-SECTION ANALYSIS

Section 1 would eliminate the discretion of the Federal Circuit to decide whether to hear OPM petitions for review. Currently, OPM must file a petition with the Federal Circuit and ask the Court to hear its appeal. This section requires the Federal Circuit to hear every appeal from a final MSPB decision brought by OPM.

Section 2 would allow OPM 60 days, rather than the 30 days under current law, to file a petition for review of an MSPB final decision with the United States Court of Appeals for the Federal Circuit. The time available for employees to appeal would not be affected by this change.

By Mr. DASCHLE:

S. 1496. A bill to remove inequities between congressional and contract employees regarding access to health

insurance; to the Committee on Governmental Affairs.

THE CONGRESSIONAL CONTRACTOR HEALTH INSURANCE EQUITY ACT

Mr. DASCHLE. Mr. President, today I am reintroducing legislation to provide employees of congressional contractors the same access to health coverage as other congressional workers. This bill should have passed last year, when I was thwarted in an effort to pass this measure as an amendment to the Treasury-Postal Appropriations bill.

Instead, another 12 months have gone by in which workers in this very building lack health insurance while you and I and our staffs have access to a wide variety of subsidized health plans.

In fact, about 1,900 employees of companies that contract with the Federal Government do not have employer-sponsored health insurance. Efforts to privatize even more services previously performed by Federal Government workers will exacerbate this situation.

Who are these contractors? They include House restaurant and mailroom staff, electronics technicians, day care providers, accountants, data processors, and construction and maintenance workers.

They are like you and me and others with whom we work side-by-side in the Halls of the Congress, except they don't have the kind of health security we take for granted.

As we devise new ways to extend health coverage to uninsured children and workers between jobs, how can we in Congress allow individuals who prepare our meals, repair our equipment, maintain our buildings, and care for our children go without the same coverage that we provide our staff?

In good conscience, we can't.

That's why I am introducing a bill that would require firms that contract with Congress to offer insurance to their employees. This requirement would apply to firms that employ 15 or more workers, and that have Federal contracts worth over $75,000.

These contractors could buy a private health plan, or they could select a plan from FEHBP. In either case, they would be required to contribute to employees' premiums, just as the Federal Government contributes to its workers' coverage.

This would ensure that everyone working full-time for Congress has access to high quality, comprehensive coverage.

This kind of action is not without precedent.

Several years ago, concern about high turnover among Senate daycare employees led the Senate to give these contract workers FEHBP coverage.

And Congress has a long history of taking action to guarantee fair working conditions for contract workers. For 65 years, the Davis-Bacon Act and other similar measures have guaranteed competitive wages to Federal contract workers.

This bill complements those efforts.

But passing of this measure is not just a humane gesture. It is a practical one.

Health costs for uninsured workers who become ill are simply shifted onto others. They are shifted onto public programs like Medicaid; to doctors and hospitals in the form of charity care; and into the premiums paid by those with access to private coverage.

Clearly, we're all paying, one way or another, for those who have no insurance. And we're paying more than necessary. The uninsured often forgo preventive care and early intervention only to end up in an emergency room or hospital bed instead.

Congress should not tolerate this kind of inefficient cost shifting. We should be setting an example for the rest of the Government and the private sector.

Some may say this measure will reduce the cost savings from privatization. I believe Congress should contract out services performed more efficiently by the private sector. But reducing benefits like health coverage to save money is penny wise and pound foolish. And even if outsourcing is the wave of the future, Congress should set an example by protecting rights and benefits of those caught in the transition.

Cutting costs by cutting benefits may be easy, but it's not efficient, and it's not responsible. Congress should not save money by denying workers a basic benefit.

For many years now, Members of Congress have spoken on the floor about the need to extend coverage to the uninsured. We all recognize there can be no financial security without health security.

Let's show the country that what is good for Members of Congress and their employees is also good for the contractors who serve us.

I hope my colleagues will join me in support of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Contractor Health Insurance Equity Act".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) CONTRACT.—The term "contract" means any contract for items or services or any lease of Government property (including any subcontract of such contract or any sublease of such lease)—

(A) the consideration with respect to which is greater than $75,000 per year,

"(B) with respect to a contract for services, requires at least 1000 hours of services, and

(B) entered into between any entity or instrumentality of the legislative branch of the Federal Government and any individual or entity employing at least 15 full-time employees.

(2) EMPLOYEE.—The term "employee" has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(6)).

(3) ENTITY OF THE LEGISLATIVE BRANCH.—The term "entity of the legislative branch" includes the following:

(A) The House of Representatives.

(B) The Senate.

(C) The Capitol Guide Service.

(D) The Capitol Police.

(E) The Congressional Budget Office.

(F) The Office of the Architect of the Capitol.

(G) The Office of the Attending Physician.

(H) The Office of Compliance.

(4) GROUP HEALTH PLAN.—The term "group health plan" means any plan or arrangement which provides, or pays the cost of, health benefits that are actuarially equivalent to the benefits provided under the standard option service benefit plan offered under chapter 89 of title 5, United States Code.

(5) INSTRUMENTALITY OF THE LEGISLATIVE BRANCH.—The term "instrumentality of the legislative branch" means the following:

(A) The General Accounting Office.

(B) The Government Printing Office.

(C) The Library of Congress.

SEC. 3. GENERAL REQUIREMENTS CONCERNING CONTRACTS COVERED UNDER THIS ACT.

(a) IN GENERAL.—Any contract made or entered into by any entity or instrumentality of the legislative branch of the Federal Government shall contain provisions that require that—

(1) all persons employed by the contractor in the performance of the contract or at the location of the leasehold be offered health insurance coverage under a group health plan; and

(2) with respect to the premiums for such plan with respect to each employee—

(A) the contractor pay a percentage equal to the average Government contribution required under section 8906 of title 5, United States Code, for health insurance coverage provided under chapter 89 of such title; and

(B) the employee pay the remainder of such premiums.

(b) OPTION TO PURCHASE.—

(1) IN GENERAL.—Notwithstanding section 8914 of title 5, United States Code, a contractor to which subsection (a) applies that does not offer health insurance coverage under a group health plan to its employees on the date on which the contract is to take effect, may obtain any health benefits plan offered under chapter 89 of title 5, United States Code, for all persons employed by the contractor in the performance of the contract or at the location of the leasehold. Any contractor that exercises the option to purchase such coverage shall make any Government contributions required for such coverage under section 8906 of title 5, United States Code, with the employee paying the contribution required for such coverage for Federal employees.

(2) CALCULATION OF AMOUNT OF PREMIUMS.—Subject to paragraph (3)(B), the Director of the Office of Personnel Management shall calculate the amount of premiums for health benefits plans made available to contractor employees under paragraph (1) separately

from Federal employees and annuitants enrolled in such plans.

(3) REVIEW BY OFFICE OF PERSONNEL MANAGEMENT.—

(A) ANNUAL REVIEW.—The Director of the Office of Personnel Management shall review at the end of each calendar year whether the nonapplication of paragraph (2) would result in higher adverse selection, risk segmentation in, or a substantial increase in premiums for such health benefits plans. Such review shall include a study by the Director of the health care utilization and risks of contractor employees. The Director shall submit a report to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate which shall contain the results of such review.

(B) NONAPPLICATION OF PARAGRAPH (2).—Beginning in the calendar year following a certification by the Director of the Office of Personnel Management under subparagraph (A) that the nonapplication of paragraph (2) will not result in higher adverse selection, risk segmentation in, or a substantial increase in premiums for such health benefits plans, paragraph (2) shall not apply.

(4) REQUIREMENT OF OPM.—The Director of the Office of Personnel Management shall take such actions as are appropriate to enable a contractor described in paragraph (1) to obtain the health insurance described in such paragraph.

(c) ADMINISTRATIVE FUNCTIONS.—

(1) IN GENERAL.—The office within the entity or instrumentality of the legislative branch of the Federal Government which administers the health benefits plans for Federal employees of such entity or instrumentality shall perform such tasks with respect to plan coverage purchased under subsection (b) by contractors with contracts with such entity or instrumentality.

(2) WAIVER AUTHORITY.—Waiver of the requirements of this Act may be made by such office upon application.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall apply with respect to contracts executed, modified, or renewed on or after January 1, 1998.

(b) TERMINATION.—

(1) IN GENERAL.—This Act shall not apply on and after October 1, 2002.

(2) TRANSITION RULE.—In the case of any contract under which, pursuant to this Act, health insurance coverage is provided for calendar year 2002, the contractor and the employees shall, notwithstanding section 3(a)(2), pay 1⅓ of the otherwise required monthly premium for such coverage in monthly installments during the period beginning on January 1, 2002, and ending before October 1, 2002.

By Mr. LAUTENBERG:

S. 1497. A bill to release contributors of ordinary trash and minor amounts of hazardous substances from litigation under Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Environment and Public Works.

THE EQUITY AND PUBLIC INVOLVEMENT IN SUPERFUND ACT OF 1997

Mr. LAUTENBERG. Mr. President, today I am introducing the Equity and Public Involvement in Superfund Act of 1997 [TEPI].

Hazardous sites, the legacy of our industrial growth, litter the landscape across America. Many of those sites are toxic and pose real threats to the groundwater, the air and our water, and accordingly, our health and the health of the environment. The worst of those sites are so foul and so polluted that they are beyond the capacity of most States to handle. These sites, placed on the national priorities list for clean up under the Comprehensive Environmental Response Compensation, and Liability Act commonly known as Superfund can take years to clean up and cost tens of millions of dollars to clean up. They are ticking time bombs that threaten the health and survival of entire communities.

Over the years the hazardous waste clean up program has been heavily criticized as being too slow, involving too much litigation and too expensive. Congress addressed many of those problems in 1986, and Administrator Carol Browner of the Environmental Protection Agency [EPA] has instituted many reforms to speed up the cleanup program. The results are dramatic. EPA has completed cleanup construction at 498 sites and more than 500 additional sites are in construction. Taxpayers have saved $12 billion because polluters responsible for these sites are performing or funding approximately 70 percent of Superfund long-term cleanups. But, problems remain, partly because big corporate polluters are using the present law to drag tiny merchants and other parties who are minor polluters, or innocents who merely sent solid waste to a municipal landfill, into expensive lawsuits.

A recent story televised by "60 Minutes" on the Keystone landfill in Pennsylvania showed the scope of the problem. The story centered on Barbara Williams, the owner of the Sunny Ray Restaurant in Gettysburg, PA, who was being sued by the sites' toxic polluters for $75,000 because of the mashed potatoes she sent to the dump. Tiny gift stores, and other small businesses were dragged into a Superfund suit because they had sent regular trash to the Keystone Landfill.

EPA Administrator Carol Browner is aware of this problem and has been trying to do something about it. She has offered expedited settlements, known as de minimis settlements, to more than 20,000 parties nationwide whose contribution to Superfund sites is comparatively small. She has also offered settlements for as little as $1.00, known as de micromis settlements, to parties whose contributions of hazardous waste to a site are minuscule, but whose payments to lawyers have been immense.

While EPA has done an admirable job at ameliorating the aspect of the law that allows contribution litigation to happen, and indeed has deterred instances of egregious litigation, EPA can only do so much within the confines of the law and within the context of litigation. The law needs to be changed to put an end to these harassment suits. Since 1993, the Senate Environment and Public Works Committee repeatedly has tried to bridge the differences that exist on Superfund and send a reform bill to the President.

Mr. President, as the ranking Democratic member of the Superfund Subcommittee, I have spent many hours over the past several months with the Chairman of the Environment and Public Works Committee, Senator CHAFEE, and the Superfund Subcommittee Chairman Senator SMITH, Administrator Browner and Senator BAUCUS, the ranking Democratic member of the full committee. We've been negotiating a broad-based reform of the Nation's hazardous waste cleanup program. We have narrowed the differences between our views of how to fix Superfund. On October 22, 1997, Senators CHAFEE and SMITH made a global proffer on each title of their chairman's mark. The next week, Senator BAUCUS and I made a counter to their proffer that made significant concessions on each title of the bill.

We thought progress was being made. However, instead of responding to our last offer, the Republicans decided to end negotiations, at least for now.

Mr. President, Superfund reform has taken too long and, as a result municipalities, small businesses and communities in and around Superfund and brownfields sites are paying a high price for our inability to address their needs. It has long been my position that we should move ahead in areas where we can agree, and not hold our citizens and communities hostage to remaining disagreements. Earlier this year, as I have before, I introduced S. 18, the Brownfields and Environmental Cleanup Act. I have also introduced S. 1317, the Environmental Health Protection Act, to move ahead to protect the health of citizens living near Superfund sites. These are non-controversial bills that could pass without objection. It is unacceptable and unconscionable that we would continue to leave citizens subject to illness—and perhaps even death, by cancer—when we can take steps now to reduce those risks. As a companion to those measures, today I am introducing the Equity and Public Involvement Act to address liability issues that enjoy virtual universal support. This bill addresses those Superfund failings of which most constituents complain, and contains solutions that have been agreed on by both Republicans and Democrats for years.

Mr. President, the bill I am introducing today will bring relief to the thousands of small businesses and municipalities who have been swept into the Superfund litigation net by high-paid lawyers for big corporate polluters, even though those small businesses, churches and charities sent only municipal solid waste, common garbage, to the site. The provisions exempt individual homeowners, small

business, and small nonprofits who have disposed only ordinary household trash. The provisions also limit the liability of big business and municipalities who have disposed household trash, consistent with an EPA draft policy, by allowing parties to cash-out on the basis of an easy-to-calculate formula that depends largely upon the volume of the trash these entities disposed, and the type of cleanup taking place at the site. Site did not have toxic pollutants driving up the cost of clean up. Plain and simple, these provisions prevent polluters from shifting cleanup costs to local taxpayers.

The bill also provides protection for other businesses who sent small amounts of toxic waste to sites. Businesses which sent very small amounts—less than two barrels—will be exempt from lawsuits. Those who sent small amounts, but more than two barrels, will be subject to an expedited settlement process. For those small contributors and larger contributors of toxic waste, the amount they will have to pay will be cushioned by their ability to pay.

The bill also protects landowners who live next door to hazardous waste sites by clarifying that they are not liable parties under the Superfund statute.

In addition, the bill expands the public's ability to participate in the critical decisions concerning the cleanup in their neighborhoods. Throughout the negotiations, we have met extensively with community representatives and stakeholders on Superfund to learn what works and what doesn't.

Stakeholders meetings with companies involved in multiple Superfund sites and cleanups at Department of Energy and Defense facilities showed that when communities near sites are involved early in the process, remedies are selected more quickly and there is more trust in the level of cleanup.

Community representatives argued passionately for the right to be fully informed and involved in these critical decisions. To respond to this concern, this bill includes provisions that significantly increase community input at all Superfund sites and in all aspects of the process of remedying the ill effects of toxic sites. Included in this bill are provisions for technical assistance grants, known as TAG's, to communities to hire technical experts to help them interpret the often highly technical data. These provisions enjoy broad support.

Mr. President, the liability reform provisions I have outlined and the community participation programs I have described are not controversial. Many were included in S. 8, a bill that Senators CHAFEE and SMITH introduced with significant Republican support on the first day of the Senate session. However, that bill has not moved and negotiations on a broader bill have broken down, at least for the moment. Therefore, I think it is appropriate for the Congress to move ahead to reform the law where we can agree, and continue to discuss and negotiate the issues on which there remains disagreement.

The bill I am introducing today is simple: It frees the hostages of stalled Superfund negotiations—the small businesses, churches, municipalities and their taxpayers, as well as neighboring landowners caught up in Superfund liability who have been waiting for years for a Superfund reform bill. They should not be held hostage to forces intent on repealing the principle of polluter pays and weakening cleanup of our natural resources who have not let a bill go forward because they can't get their way on those issues.

Mr. President, this bill does not address all of the issues on which we could move forward today with virtual unanimous support. But, in conjunction with other legislation I have introduced, it could solve many of the worst of Superfund's problems.

This fall I introduced S. 1317, the Environmental Health Protection Act, to expand the public health aspects of hazardous waste cleanup. That bill allows the Agency for Toxic Substances and Disease Registry [ATSDR] to study any location where there is concern that hazardous wastes threaten public health and requires that ATSDR work closely with State and local health officials in making its assessment.

ATSDR is frequently criticized because its health assessments are completed too late in the process to be of any real value to local officials struggling to manage the health impact of a hazardous waste site on a community. S. 1317 changes the way EPA and the health authorities do their job. It requires EPA to notify local and State health officials early in the process that an investigation is commencing and to better coordinate their activities with local authorities so that EPA's proposed remedy better reflects local conditions and needs.

Also, S. 1317 requires EPA to directly involve State and local health officials in deciding where and how to take samples at hazardous waste sites. State and local health officials are often the frontline experts. They have important first-hand information on how a toxic waste dump affects their community. Working with EPA, they can better determine and analyze possible health problems in a community and whether that pattern arises from a toxic waste dump. With this information, EPA can zero-in on those areas for additional sampling and further studies as well as design a site appropriate remedy that meets the special circumstances of the affected community.

There is absolutely no reason why the Congress should not move ahead to approve S. 1317 now and every reason why we should. It would reduce health risks to our citizens and I know of no one who objects to it.

On the first day of this Congress, last January, I introduced S. 18, the Brownfields and Environmental Cleanup Act of 1997. This bill would make Federal grants for revolving loan funds used for remediation of brownfields available throughout the country. It would also protect innocent landowners and prospective purchasers of brownfield sites. Mr. President, if we could free this hostage, I know the Congress could move quickly to agree on brownfields legislation.

Mr. President, we appear to be at a standoff in Superfund negotiations for the moment. If that remains the case next January when we reconvene, I hope the Congress will move ahead to enact this legislation, along with my brownfields, community participation and environmental health protection bills. I also think we should extend the Superfund excise and corporate income tax. The tax, which expired in 1995, brings in sufficient revenue to cover the entire fiscal year 1998 Superfund appropriation. Without the tax, industry is saving $26 million a week—an amount sufficient enough to encourage some of those businesses to oppose any reform if the cost of reform is reinstituting the tax. Mr. President, that tax must be reinstated.

Mr. President, on the first days of the session this year, Senator BAUCUS and I joined EPA Administrator Carol Browner to urge the Senate to pass a brownfields bill immediately and not hold it hostage to a broader Superfund bill. I said at that time:

> We have a long way to go before we get a bill that enjoys bipartisan support, and that can be signed into law. We can't wait. We need to do something now, not only to help the environment, but to assist those urban areas which are struggling with economic recovery. . . .
>
> But that bill, because of the number of issues in controversy, will not pass quickly. And while many people believe that Superfund can only be passed as a comprehensive package, last year we did pass some Superfund provisions separately for lenders, fiduciaries and the Department of Defense. . . .
>
> In my view, we ought to sit down and quickly pass a brownfields bill.
>
> The sooner we do, the sooner we may be able to convert thousands of abandoned industrial sites into engines of economic development.

Mr. President, those words are even more true today than they were in January. We've let an entire year go by, without results. Let's pass this bill, the brownfields legislation, and community participation and environmental health programs. Let's make Superfund a shield to protect our communities, not a sword used to hold them hostage.

Mr. President, I look forward to continuing negotiations with Senators CHAFEE, SMITH, and BAUCUS next year to address the broader issues. But with

a full year behind us, I believe we should serve up to our constituents what we can now deliver.

Mr. President, I ask unanimous consent that a copy of the bill be inserted into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Equity and Public Involvement in Superfund Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENHANCED COMMUNITY PARTICIPATION

Sec. 101. Definitions.
Sec. 102. Public participation generally.
Sec. 103. Improvement of public participation in the superfund decisionmaking process; local community advisory groups; technical assistance grants.
Sec. 104. Waste Site Information Offices.
Sec. 105. Technical outreach services for communities.
Sec. 106. Recruitment and training program.
Sec. 107. Priority site evaluation.
Sec. 108. Understandable presentation of materials.
Sec. 109. No impediment to response actions.

TITLE II—LIABILITY

Sec. 201. Liability exemptions and limitations.
Sec. 202. Expedited final settlement.

TITLE I—ENHANCED COMMUNITY PARTICIPATION

SEC. 101. DEFINITIONS.

(a) IN GENERAL.—Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) is amended—

(1) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively; and

(2) by inserting after the section heading the following:

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED COMMUNITY.—The term 'affected community' means a group of 2 or more individuals who may be affected by the release or threatened release of a hazardous substance, pollutant, or contaminant from a covered facility.

"(2) COVERED FACILITY.—The term 'covered facility' means a facility—

"(A) that has been listed or proposed for listing on the National Priorities List;

"(B) at which the President is undertaking a removal action that is expected to exceed—

"(i) in duration, 1 year; or

"(ii) in cost, the funding limit established under section 104(c)(1); or

"(C) with respect to which the Administrator of ATSDR has accepted a petition requesting a health assessment under section 104(i)(6)(B), and that is under investigation by the Administrator of the Environmental Protection Agency under subsection (a) or (b) of section 104.

"(3) WASTE SITE INFORMATION OFFICE.—The term 'waste site information office' means a waste site information office established under subsection (j).".

(b) CONFORMING AMENDMENTS.—

(A) Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(i) in section 111(a)(5) (42 U.S.C. 9611), by striking "117(e)" and inserting "117(f)";

(ii) in section 113(k)(2)(B) (42 U.S.C. 9613)—

(I) in clause (iii), by striking "117(a)(2)" and inserting "117(b)(2)"; and

(II) in the third sentence, by striking "117(d)" and inserting "117(e)".

(B) Section 2705(e) of title 10, United States Code, is amended—

(i) by striking "117(e)" and inserting "117(f)"; and

(ii) by striking "(42 U.S.C. 9617(e))" and inserting "(42 U.S.C. 9617(f))".

SEC. 102. PUBLIC PARTICIPATION GENERALLY.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 101(b)) is amended—

(1) in subsection (b)(2), by inserting ", adequate notice," after "oral comments";

(2) in the first sentence of subsection (e), by striking "major"; and

(3) by striking subsection (f) and inserting the following:

"(f) AVAILABILITY OF RECORDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), throughout all phases of a response action at a facility and without the need to file a request under section 552 of title 5, United States Code, the President shall make available to the affected community (including the recipient of a technical assistance grant (if a grant has been awarded under subsection (i)) or a community advisory group (if a community advisory group has been established)), for inspection and, subject to reasonable fees, for copying, all records in the administrative record established by the President under section 113(k).

"(2) EXEMPT RECORDS.—Paragraph (1) shall not apply to—

"(A) a record that is exempt from disclosure under section 552 of title 5, United States Code;

"(B) a record that would be subject to the prohibition on disclosure under section 104(e)(7) if the record were obtained under section 104; or

"(C) a record that is exchanged between parties to a dispute under this Act for the purpose of settling the dispute.".

SEC. 103. IMPROVEMENT OF PUBLIC PARTICIPATION IN THE SUPERFUND DECISIONMAKING PROCESS; LOCAL COMMUNITY ADVISORY GROUPS; TECHNICAL ASSISTANCE GRANTS.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 101(b)(1)) is amended by adding at the end the following:

"(g) IMPROVEMENT OF PUBLIC PARTICIPATION IN DECISIONMAKING PROCESS.—

"(1) VIEWS AND PREFERENCES.—

"(A) SOLICITATION.—To the extent practicable, in addition to the solicitation of public comments on a proposed remedial action plan under subsection (b)(2), the President, during the response action process (including a response under subsection (h)(4)(A)), shall—

"(i) disseminate information to the local community, in particular, information concerning the effects of the facility on human health, including the effects on children and other highly susceptible or highly exposed populations;

"(ii) solicit information from the local community;

"(iii) consider the views of the local community; and

"(iv) include, in any administrative record established under section 113(k), the views of the local community and the response of the Administrator to any significant comments, criticisms, or new data submitted in a written or oral presentation.

"(B) PROCEDURE.—To solicit the views and concerns of the community, the Administrator may conduct, as appropriate—

"(i) face-to-face community surveys for purposes including the identification of the location of private drinking water wells, historic and current or potential use of water, and other environmental resources in the community;

"(ii) public meetings; and

"(iii) other appropriate participatory activities.

"(C) PUBLIC MEETINGS.—The Administrator shall give particular consideration to providing the opportunity for public meetings in advance of significant decision points in the response action process.

"(D) CONSULTATION.—In determining which of the procedures set forth in subparagraph (B) may be appropriate, the Administrator shall consult with a community advisory group, if 1 has been established under subsection (h), and members of the affected community.

"(E) NOTIFICATION.—The President shall notify the local community and local government concerning—

"(i) the schedule for commencement of construction activities at a covered facility and the location and availability of construction plans;

"(ii) the results of the any review under section 121(c) and any modifications to the selected response made as a result of the review; and

"(iii) the execution of and any revision to institutional controls being used as part of a remedial action.

"(2) MEETINGS BETWEEN LEAD AGENCY AND POTENTIALLY RESPONSIBLE PARTIES.—The President, on a regular basis, shall inform local government officials, Indian tribes, a local community advisory group (if any) and, to the extent practicable, interested members of the affected community of the progress and substance of technical meetings between the lead agency and potentially responsible parties regarding a covered facility.

"(3) REMEDIAL ACTION ALTERNATIVES.—A member of the local community may propose a remedial action alternative in the same manner as any other interested party may propose a remedial action alternative.

"(h) COMMUNITY ADVISORY GROUPS.—

"(1) NOTICE.—The President shall, to the extent practicable, provide notice of an opportunity to form a community advisory group to members of the affected community, particularly persons that are immediately proximate to or that may be or may have been affected by a release or threatened release.

"(2) ESTABLISHMENT.—The President shall assist in the establishment of a community advisory group for a covered facility to achieve direct, regular, and meaningful communication among members of the local community throughout the response action process—

"(A) at the request of at least 20 individuals residing in, or at least 10 percent of the population of, the area in which the facility is located;

"(B) if there is no request under subparagraph (A), at the request of any local government with jurisdiction over the facility; or

"(C) if the President determines that a community advisory group would be helpful to achieve the purposes of this Act.

"(3) RESPONSIBILITIES OF A COMMUNITY ADVISORY GROUP.—A community advisory group shall—

"(A) solicit the views of the local community on various issues affecting the development and implementation of response actions at the facility;

"(B) serve as a conduit for information between the local community and other entities represented on the community advisory group;

"(C) present the views of the local community throughout the response process; and

"(D) provide the local community reasonable notice of and opportunities to participate in the meetings and other activities of the community advisory group.

"(4) RESPONSIBILITIES OF THE PRESIDENT.—

"(A) CONSULTATION.—The President shall—

"(i) consult with the community advisory group in developing and implementing the response action for a covered facility, including consultation with respect to—

"(I) sampling, analysis, and monitoring plans and results;

"(II) assumptions regarding reasonably anticipated future land uses;

"(III) potential remedial alternatives;

"(IV) selection and implementation of removal and remedial actions (including operation and maintenance activities) and reviews performed under section 121(c); and

"(V) use of institutional controls;

"(ii) encourage the Administrator of ATSDR, in cooperation with State, Indian tribe, and local public health officials, to consult with the community advisory group regarding health assessments;

"(iii) keep the community advisory group informed of progress in the development and implementation of the response action; and

"(iv) on request, provide to any person the hazard ranking score of any facility that has been scored under the hazardous ranking system, and the preliminary assessment and site inspection for the facility.

"(B) CONSIDERATION OF COMMENTS.—The President shall consider comments, information, and recommendations that the community advisory group provides in a timely manner.

"(C) CONSENSUS.—The community advisory group shall attempt to achieve consensus among its members before providing comments and recommendations to the President. If consensus cannot be reached, the community advisory group shall report or allow presentation of divergent views.

"(5) COMPOSITION OF COMMUNITY ADVISORY GROUPS.—

"(A) MEMBERS.—

"(i) MEMBERS.—The President shall, to the extent practicable, ensure that the membership of a community advisory group reflects the composition of the affected community and a diversity of interests.

"(ii) REPRESENTED GROUPS.—A community advisory group for a covered facility shall include at least 1 representative of the recipients of a technical assistance grant, if any has been awarded with respect to the facility, and shall include, to the extent practicable, a person from each of the following groups:

"(I) Persons who reside or own residential property near the facility.

"(II) Persons who, although they may not reside or own property near the facility, may be affected by the facility contamination.

"(III) Local public health practitioners or medical practitioners (particularly those who are practicing in the affected community).

"(IV) Local Indian communities that may be affected by the facility contamination.

"(V) Local citizen, civic, environmental, or public interest groups.

"(VI) Members of the local business community.

"(VII) Employees at the facility during facility operation.

"(B) LOCAL RESIDENTS.—Local residents shall, to the extent practicable, comprise a majority of the voting membership of a community advisory group.

"(C) NUMBER OF VOTING MEMBERS.—The President shall, to the extent practicable, ensure that the voting membership of the community advisory group does not exceed 20 individuals.

"(D) COMPENSATION.—A member of a community advisory group shall serve without compensation.

"(E) NONVOTING MEMBERS.—The President shall provide opportunities for representatives of the following entities to participate (as nonvoting members), as appropriate, in community advisory group meetings for purposes including providing information and technical expertise:

"(i) The Administrator.

"(ii) Other Federal agencies.

"(iii) Affected States.

"(iv) Affected Indian tribes.

"(v) Representatives of affected local governments (such as city or county governments or local emergency planning committees, and any other governmental unit that regulates land use or land use planning in the vicinity of the facility).

"(vii) Facility owners.

"(viii) Potentially responsible parties.

"(6) TECHNICAL ASSISTANCE GRANTS.—The President may award a technical assistance grant under subsection (i) to a community advisory group.

"(7) ADMINISTRATIVE SUPPORT.—The President, to the extent practicable, may provide administrative services and support services to the community advisory group.

"(8) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a community advisory group, to a citizen advisory group (designated by the President to serve the functions of a community advisory group, or to a Department of Defense restoration advisory board, Department of Energy Site Specific advisory board, or an ATSDR citizen advisory panel.

"(9) OTHER PUBLIC INVOLVEMENT.—The existence of a community advisory group shall not diminish any other obligation of the President to consider the views of any person in selecting response actions under this Act. Nothing in this section affects the status of any community advisory group formed before the date of enactment of this subsection. Nothing in this section affects the status, decisions, or future formation of any Department of Defense Restoration Advisory Board, or Department of Energy Site Specific Advisory Board, and no community advisory group need be established for a facility if any such Board has been established for the facility.

"(i) TECHNICAL ASSISTANCE GRANTS.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The President may make technical assistance grants available to members of an affected community for a covered facility in accordance with this subsection.

"(B) ACCESSIBILITY OF APPLICATION PROCESS.—To ensure that the application process for a technical assistance grant is accessible to all affected citizen groups, the President shall periodically review the process and the application and, based on the review, implement appropriate changes to improve access.

"(C) NOTICE OF AVAILABILITY OF GRANTS.—The President shall solicit the assistance of a waste site information office in notifying the affected community (including an Indian tribe) of the availability of a technical assistance grant for a covered facility as soon as practicable after the President has begun a response action at the covered facility.

"(2) SPECIAL RULES.—

"(A) NO MATCHING CONTRIBUTION.—No matching contribution shall be required for a technical assistance grant.

"(B) ADVANCE PAYMENTS.—The President may disburse the grant to a recipient in advance of the recipient's making expenditures to be covered by the grant. In the event that the President advances funds, funds shall be advanced in amounts that do not exceed the greater of $5,000 or 10 percent of the grant amount.

"(3) LIMIT PER FACILITY.—

"(A) IN GENERAL.—The Administrator may award not more than 1 technical assistance grant at 1 time with respect to a single covered facility.

"(B) EXTENSION.—The Administrator may extend a project period established in a grant to facilitate public participation at all stages of a response action.

"(4) FUNDING AMOUNT.—

"(A) LIMIT.—Except as provided in subparagraph (B), the amount of a technical assistance grant may not exceed $50,000 for a single grant recipient.

"(B) WAIVER OF LIMIT.—The President may waive the limit on the amount of a technical assistance grant under subparagraph (A) if a waiver is necessary—

"(i) to carry out the purposes of this Act; or

"(ii) to reflect—

"(I) the complexity of the response action;

"(II) the nature and extent of contamination at the facility;

"(III) the level of facility activity;

"(IV) projected total needs as requested by the grant recipient;

"(V) the sizes and distances between the affected communities; or

"(VI) the ability of the grant recipient to identify and raise funds from other non-Federal sources.

"(5) CONSIDERATIONS.—In determining how to structure payment of the amount of a technical assistance grant, whether to extend a grant project period under subparagraph (3)(B), or whether to grant a waiver under paragraph (4)(B), the Administrator may consider factors such as the geographical size of the facility and the distances between affected communities.

"(6) USE OF TECHNICAL ASSISTANCE GRANTS.—

"(A) IN GENERAL.—A technical assistance grant recipient may use a grant—

"(i) to hire experts to assist the recipient in interpreting information and presenting the recipient's views with regard to a response action at the facility (including any aspect of a response action identified in subsection (h)(4)(A));

"(ii) to publish newsletters or otherwise disseminate information to other members of the local community; or

"(iii) to provide funding for training for interested affected citizens to enable the citizens to more effectively participate in the response process.

"(B) LIMITATION ON USE FOR TRAINING.—A technical assistance grant recipient may use

not more than 10 percent of the amount of a technical assistance grant, or $5,000, whichever is less, for training under subparagraph (A)(iii).

"(7) GRANT GUIDELINES.—Not later than 180 days after the date of enactment of this paragraph, the President shall ensure that any guidelines concerning the management of technical assistance grants by grant recipients conform with this section.".

SEC. 104. WASTE SITE INFORMATION OFFICES.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 103) is amended by adding at the end the following:

"(j) WASTE SITE INFORMATION OFFICES.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), not later than 18 months after the date of enactment of this subsection, a State or Indian tribe with a facility on the National Priorities List within the State or Indian tribe's borders or reservation boundaries, respectively, may establish a waste site information office to perform the functions set forth in paragraph (3).

"(B) EXISTING OFFICES.—A State or Indian tribe may designate an office in existence before the date of enactment of this subsection to perform the functions of a waste site information office.

"(C) EPA ROLE.—If the State or Indian tribe notifies the Administrator that the State or Indian tribe does not intend to establish a waste site information office, or if the Administrator determines that the State or Indian tribe has not established, within 18 months after the date of enactment of this subsection, an office to perform the functions of a waste site information office, the Administrator shall establish an office within the Environmental Protection Agency to perform the functions.

"(2) FUNDING.—

"(A) IN GENERAL.—Funding for the operation of waste site information offices, or State, Indian tribe, or Environmental Protection Agency offices that perform similar functions, collectively, shall not exceed $12,500,000 for a fiscal year.

"(B) STATE OR TRIBAL GRANTS.—Each State or Indian tribe that has a waste site information office, or each State, Indian tribe, or Environmental Protection Agency office performing the functions of a waste site information office, shall receive not less than $100,000 for a fiscal year for the performance of those functions.

"(C) FORMULA.—

"(i) IN GENERAL.—The Administrator shall publish guidelines establishing a formula for determining the amount of funding for each waste site information office.

"(ii) FACTORS.—The formula shall include factors such as the number of facilities listed on the National Priorities List and the number of other covered facilities within the State's borders or Indian tribe's reservation boundaries.

"(3) FUNCTIONS.—

"(A) IN GENERAL.—A waste site information office shall, to the extent practicable—

"(i) assist the Administrator in—

"(I) informing the public regarding the existence of the waste site information office and its services and making available the information described in clause (ii); and

"(II) notifying the public of public meetings and other opportunities to participate under this Act and the rights of the public under this Act; and

"(ii) serve as a clearinghouse, and maintain records, as appropriate, for waste site information, including—

"(I) information relating to the operation of Federal, State, and tribal hazardous substance and waste laws with respect to the State or Indian tribe;

"(II) information relating to each covered facility in the State or tribal reservation, to the extent information becomes available, including—

"(aa) the location, characteristics, and name of owner and operator of the covered facility;

"(bb) the hazardous substances, pollutants, and contaminants at the facility;

"(cc) the response actions being taken, including records of any institutional controls that are included in the response actions;

"(dd) use of institutional controls;

"(ee) any health studies generated in connection with the covered facility;

"(ff) the status of the response actions at the covered facility;

"(gg) the results of a review under section 121(c); and

"(hh) the locations of the administrative record created for the facility, if any, under section 113(k);

"(III) a description of the Administrator's process for identifying covered facilities and possible response actions under this Act;

"(IV) on request, the hazard ranking score of any facility for which a hazardous ranking score has been prepared and that is within the waste site information office's area of responsibility and the preliminary assessment or site inspection for the facility; and

"(V) identification of resources, including—

"(aa) technical assistance grants under subsection (h);

"(bb) opportunities for forming a community advisory group under subsection (g);

"(cc) opportunities to petition the Administrator of ATSDR to perform a health assessment or other related health activity under section 104(i)(6)(B); and

"(dd) additional technical resources, including information about how to access national databases containing toxicological, health, or other pertinent information.

"(B) REPORT.—

"(i) IN GENERAL.—Each waste site information office shall annually submit to the Administrator a report documenting how the funds under paragraph (2) were used to carry out the functions established by this subsection.

"(ii) VERIFICATION BY INSPECTOR GENERAL.—The Inspector General of the Environmental Protection Agency shall periodically review the programs carried out under this subsection.

"(iii) TERMINATION OF GRANT.—The Administrator shall terminate the grant if—

"(I) the Administrator is unable to verify a certification; or

"(II) the Administrator determines that the grant is not being used in a manner that is consistent with the functions under paragraph (3).".

SEC. 105. TECHNICAL OUTREACH SERVICES FOR COMMUNITIES.

Section 311(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)(2)) is amended—

(1) by striking "shall include, but not be limited to, the conduct of research" and inserting the following: "shall include—

"(A) the conduct of research";

(2) by striking the period at the end and inserting "; and"; and

(3) adding at the end the following:

"(B) the conduct of a program to provide to affected communities educational and technical assistance to and information regarding the effects or potential effects of the contamination on human health and the environment.".

SEC. 106. RECRUITMENT AND TRAINING PROGRAM.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 104) is amended by adding at the end the following:

"(k) RECRUITMENT AND TRAINING PROGRAM.—

"(1) IN GENERAL.—The Administrator, in consultation with the National Institute of Environmental Health Science, shall conduct a program to assist in the recruitment and training of individuals in an affected community for employment in response actions conducted at the facility concerned.

"(2) RECRUITMENT, TRAINING, AND EMPLOYMENT.—The Administrator shall encourage a person conducting a response action under this Act to have contractors of the person train in remediation skills and employ persons from the affected community.".

SEC. 107. PRIORITY SITE EVALUATION.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 106) is amended by adding at the end the following:

"(l) PRIORITY SITE EVALUATION.—

"(1) EVALUATION.—The Administrator shall solicit the assistance of the waste site information office in identifying 3 facilities in the area covered by each regional office of the Administrator in major urban areas, or other areas with minority populations and low-income populations (such as within Indian country, Indian reservations, and poor rural communities) that are likely to warrant inclusion on the National Priorities List.

"(2) PRIORITY.—Not later than 2 years after the date of enactment of this subsection, a facility identified under paragraph (1) shall be accorded a priority in evaluation for listing on the National Priorities List and scoring and shall be evaluated for listing on the National Priorities List.".

SEC. 108. UNDERSTANDABLE PRESENTATION OF MATERIALS.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 107) is amended by adding at the end the following:

"(m) PRESENTATION OF MATERIALS.—The President shall ensure that information prepared for or distributed to the public under this section shall be provided or summarized in a manner that may be easily understood by the community, considering any unique cultural needs of the community.".

SEC. 109. NO IMPEDIMENT TO RESPONSE ACTIONS.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 109) is amended by adding at the end the following:

"(n) NO IMPEDIMENT TO RESPONSE ACTIONS.—Nothing in this section shall impede or delay the ability of the Environmental Protection Agency to conduct a response action necessary to protect human health and the environment.".

TITLE II—LIABILITY

SEC. 201. LIABILITY EXEMPTIONS AND LIMITATIONS.

(a) LIABILITY EXEMPTIONS.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42

U.S.C. 9607) is amended by adding at the end the following:

"(o) LIABILITY EXEMPTIONS.—

"(1) CONTIGUOUS PROPERTIES.—

"(A) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—A person that owns or operates real property that is contiguous to or otherwise similarly situated with respect to a facility at which there has been a release or threatened release of a hazardous substance, that is or may be contaminated by the release, shall not be considered to be an owner or operator under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

"(i) the person did not cause, contribute, or consent to the release or threatened release;

"(ii) the person is not associated with any other person that is potentially liable for any response costs at the facility at which there has been a release or threatened release of a hazardous substance, through any familial relationship, or any contractual, corporate, or financial relationship;

"(iii) the person exercised appropriate care with respect to hazardous substances from the facility, in light of all relevant facts and circumstances;

"(iv) the person is in compliance with any land use or activity restrictions on the property established or relied on in connection with a response action at the facility, including informing other persons that the person allows to occupy or use the property of the restrictions and taking prompt action to correct any noncompliance by such persons; and

"(v) the person provides full cooperation, assistance, and access to the persons that are authorized to conduct response actions at the facility, including the cooperation and access necessary for the installation, preservation of integrity, operation, and maintenance of any complete or partial response action at the facility.

"(B) ASSURANCES.—The President may issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1).

"(2) DE MICROMIS EXEMPTION.—

"(A) Notwithstanding paragraphs (1) through (4) of subsection (a), a person shall not be liable to the United States or any other person (including liability for contribution) under this Act for any response costs incurred with respect to a facility if—

"(i) liability is based solely on paragraph (3) or (4) of subsection (a);

"(ii) the total of materials containing a hazardous substance that the person arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment, of, or accepted for transport for disposal or treatment, at the facility, was less than 110 gallons of liquid materials or less than 200 pounds of solid materials (or such other amount as the Administrator may determine on a site-specific basis); and

"(iii) the acts upon which liability is based took place wholly before July 1, 1997.

"(B) EXCEPTION.—Subparagraph (A) shall not apply in a case in which the President determines that the material containing hazardous substances referred to in subparagraph (A) contributed significantly or could contribute significantly, either individually or in the aggregate, to the cost of the response action with respect to the facility.

"(3) MUNICIPAL SOLID WASTE EXEMPTION.—Notwithstanding paragraphs (1) through (4) of subsection (a), a person shall not be liable to the United States or any other person (including liability for contribution) under this Act for any response costs incurred with respect to a facility, to the extent that—

"(A) liability is based on paragraph (3) or (4) of subsection (a); and

"(B) the person is—

"(i) an owner, operator, or lessee of residential property from which all of the person's municipal solid waste was generated;

"(ii) a business entity that, during the taxable year preceding the date of transmittal of written notification that the business is a potentially responsible party, employs not more than 100 individuals; or

"(iii) a small nonprofit organization from which all of the person's municipal solid waste was generated.

(b) LIABILITY LIMITATIONS.—Section 107 of the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9607) (as amended by subsection (a)) is amended by adding at the end the following:

"(p) LIABILITY LIMITATIONS.—

"(1) IN GENERAL.—A municipality that is liable for response costs under paragraph (1) or (2) of subsection (a) on the basis of ownership or operation of a municipal landfill that is listed on the National Priority List on or before January 1, 1997, shall be eligible for a settlement of that liability.

"(2) SETTLEMENT AMOUNT.—

"(A) IN GENERAL.—The President shall offer a settlement to a party with respect to liability described in paragraph (1) on the basis of a payment or other obligation equivalent in value to not more than 20 percent of the total response costs in connection with the facility.

"(B) INCREASED AMOUNT.—The President may increase the percentage under subparagraph (A) to not more than 35 percent if the President determines that—

"(i) the municipality committed specific acts that exacerbated environmental contamination or exposure with respect to the facility; or

"(ii) the municipality, during the period of ownership or operation of the facility, received operating revenues substantially in excess of the sum of the waste system operating costs plus 20 percent of total estimated response costs in connection with the facility.

"(3) PERFORMANCE OF RESPONSE ACTIONS.—As a condition of a settlement with a municipality under this subsection, the President may require that the municipality perform or participate in the performance of the response actions at the facility.

"(4) OWNERSHIP OR OPERATION BY 2 OR MORE MUNICIPALITIES.—A combination of 2 or more municipalities that jointly own or operate a facility shall be considered to be a single owner or operator for the purpose of calculating a settlement offer under this subsection.

"(5) CONDITIONS.—The limitation on settlement amount under paragraph (2) shall not apply on or after the date that is 2 years after the date of enactment of this subsection unless the municipality institutes or participates in a qualified household hazardous waste collection program before the date that is 2 years after the date of enactment of this subsection.

"(6) EXCEPTIONS.—The President may decline to offer a settlement under this subsection with respect to a facility if the President determines that—

"(A) there is no waste except municipal solid waste or municipal sewage sludge at the facility; or

"(B) all known potentially responsible parties are insolvent, defunct, or eligible for a settlement under this subsection or section 122(g).".

(c) COSTS AND FEES.—Section 107 of the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9607) (as amended by subsection (b)) is amended by adding at the end the following:

"(q) COSTS AND FEES.—A person that commences an action for recovery of response costs or for contribution against a person that is not liable, or that has entered into an expedited settlement under section 107(p) or 122(g), shall be liable to the defendant for all reasonable costs of defending the action, including all reasonable attorney's fees and expert witness fees.".

SEC. 202. EXPEDITED FINAL SETTLEMENT.

(a) PARTIES ELIGIBLE.—Section 122(g) of the Comprehensive Environment Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9622(g)) is amended—

(1) by striking the subsection heading and inserting the following:

"(g) EXPEDITED FINAL SETTLEMENT.—";

(2) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking "(1)" and all that follows through subparagraph (A) and inserting the following:

"(1) PARTIES ELIGIBLE.—

"(A) IN GENERAL.—The President shall, as expeditiously as practicable, notify of eligibility for a settlement, and offer to reach a final administrative or judicial settlement with, each potentially responsible party that, in the judgment of the President, meets 1 or more of the conditions stated in subparagraphs (B), (C), (D), and (E).

"(B) DE MINIMIS CONTRIBUTION.—The condition stated in this subparagraph is that the potentially responsible party's liability is for response costs based on paragraph (3) or (4) of subsection (a) and the party's contribution of hazardous substances at a facility is de minimis. For the purposes of this subparagraph, a potentially responsible party's contribution shall be considered to be de minimis only if the President determines that both of the following criteria are met:

"(i) The amount of material containing a hazardous substance contributed by the potentially responsible party to the facility is minimal relative to the total amount of material containing hazardous substances at the facility. The amount of a potentially responsible party's contribution shall be presumed to be minimal if the amount is 1 percent or less of the total amount of materials containing hazardous substances at the facility, unless the Administrator identifies a different threshold based on site-specific factors.

"(ii) The material containing a hazardous substance contributed by the potentially responsible party does not present toxic or other hazardous effects that are significantly greater than the toxic or other hazardous effects of other material containing hazardous substances at the facility.";

(C) in subparagraph (C) (as redesignated by subparagraph (A))—

(i) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and adjusting the margins appropriately;

(ii) by striking "(C) The potentially responsible party" and inserting the following:

"(C) OWNERS OF REAL PROPERTY.—

"(i) IN GENERAL.—The condition stated in this subparagraph is that the potentially responsible party"; and

(iii) by striking "This subparagraph (B)" and inserting the following:

"(ii) APPLICABILITY.—Clause (i)"; and

(D) by adding at the end the following:

"(D) CONTRIBUTION OF MUNICIPAL SOLID WASTE AND MUNICIPAL SEWAGE SLUDGE.—

"(i) IN GENERAL.—The condition stated in this subparagraph is that the liability of the

potentially responsible party is for response costs based on paragraph (3) or (4) of section 107(a) and on the potentially responsible party's having arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment of, municipal solid waste or municipal sewage sludge at a facility listed on the National Priorities List.

"(ii) SETTLEMENT AMOUNT.—

"(I) IN GENERAL.—The President shall offer a settlement to a party referred to in clause (i) with respect to liability under paragraph (3) or (4) of section 107(a) on the basis of a payment of $3.05 per ton of municipal solid waste or municipal sewage sludge that the President estimates is attributable to the party.

"(II) FACILITY-SPECIFIC ADJUSTMENT.—The President may adjust the $3.05 amount in subclause (I), on a facility-specific basis, to not more than $3.25 per ton, if the President determines that any of the following factors is present at a facility:

"(aa) A shallow aquifer underlies the facility.

"(bb) The facility is located in an area of high rainfall or cold ambient air temperature.

"(cc) The ground water affected by the facility is classified as drinking water.

"(dd) Low-permeability cover material (such as clay) is unavailable at the facility.

"(III) REVISION.—

"(aa) IN GENERAL.—The President may revise the $3.05 and $3.25 settlement amounts under subclauses (I) and (II) by regulation.

"(bb) BASIS.—A revised settlement amount under item (aa) shall reflect the estimated per-ton cost of closure and post-closure activities at a representative facility containing only municipal solid waste.

"(iii) CONDITIONS.—The provisions for settlement described in this subparagraph shall not apply with respect to a facility where there is no waste except municipal solid waste or municipal sewage sludge.

"(iv) MUNICIPAL SEWAGE SLUDGE CONTAINING CERTAIN RESIDUE.—The President may decline to offer a settlement under this subsection to a person that arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment, municipal sewage sludge, if the President determines that the municipal sewage sludge contributed or could contribute significantly to the cost of the response action at the facility.

"(v) ADJUSTMENT FOR INFLATION.—The Administrator may by guidance periodically adjust the settlement amounts under clause (ii) to reflect changes in the Consumer Price Index (or other appropriate index, as determined by the Administrator).

"(vi) MUNICIPAL OWNERS AND OPERATORS.—A municipality that arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment, municipal solid waste or municipal sewage sludge at a facility and is a municipality that is also potentially liable under paragraph (1) or (2) of section 107(a) at the facility shall be eligible for settlement under this subparagraph and section 107(p). The settlement amount shall be equal to the settlement amount under clause (ii) with respect to its contribution of municipal solid waste or municipal sewage sludge, plus the amount provided in section 107(p) as to the liability of the municipality under paragraph (1) or (2) of section 107(a).

"(E) REDUCTION IN SETTLEMENT AMOUNT BASED ON LIMITED ABILITY TO PAY.—

"(i) IN GENERAL.—The condition stated in this subparagraph is that the potentially responsible party—

"(I) is—

"(aa) a natural person;

"(bb) a small business; or

"(cc) a municipality; and

"(II) demonstrates to the President an inability or a limited ability to pay response costs.

"(ii) COSTS BORNE BY THE UNITED STATES.—Where the United States enters into a settlement under section 122 with a party that agrees to perform work at the same facility that is the subject of a settlement under clause (i), the United States shall contribute the difference between—

"(I) the aggregate share that the Administrator determines, on the basis of information presented, to be specifically attributable to parties with a limited ability to pay response costs; and

"(II) the share actually assumed by those parties in any settlements with the United States under clause (i).

"(iii) SMALL BUSINESSES.—

"(I) DEFINITION OF SMALL BUSINESS.—In this subparagraph, the term 'small business' means a business entity that—

"(aa) together with its parents, subsidiaries, and other affiliates, had an average of not more than 50 full-time equivalent employees and an average of not more than $3,000,000 in annual gross revenues, as reported to the Internal Revenue Service, during the 3 years preceding the date on which the business entity first received notice from the President of its potential liability under this Act; and

"(bb) is not associated with any other person potentially responsible for response costs at the facility through any familial relationship, or any contractual, corporate, or financial relationship other than that arising from an arrangement for disposal or treatment, or for transport for disposal or treatment of hazardous substances.

"(iv) DEFINITION OF AFFILIATE.—In this subparagraph, the term 'affiliate' has the meaning given the term 'small business concern' in regulations promulgated by the Small Business Administration in accordance with the Small Business Act (15 U.S.C. 631 et seq.).

"(v) OTHER POTENTIALLY RESPONSIBLE PARTIES.—This subparagraph does not affect the President's authority to evaluate the ability to pay of a potentially responsible party other than a natural person, small business, or municipality, or to enter into a settlement with such other party based on that party's ability to pay.

"(F) BASIS OF DETERMINATION.—If the President determines that a potentially responsible party is not eligible for settlement under this subsection, the President shall state the reasons for the determination in writing to any potentially responsible party that requests a settlement under this paragraph. A determination by the President under this paragraph shall not be subject to judicial review.".

(b) SETTLEMENT OFFERS.—Section 122 of the Comprehensive Environment Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9622) is amended—

(1) in subsection (g)—

(A) by redesignating paragraph (6) as paragraph (10); and

(B) by inserting after paragraph (5) the following:

"(6) SETTLEMENT OFFERS.—

"(A) IN GENERAL.—As soon as practicable after receipt of sufficient information, the Administrator shall submit a written settlement offer to each person that the Administrator determines, based on information available to the Administrator at the time at which the determination is made, to be eligible for a settlement under paragraph (1).

"(B) INFORMATION.—At the time at which the Administrator submits an offer under paragraph (1), the Administrator shall, at the request of the recipient of the offer, make available to the recipient any information available under section 552 of title 5, United States Code, on which the Administrator bases the settlement offer, and if the settlement offer is based in whole or in part on information not available under that section, so inform the recipient.

"(7) LITIGATION MORATORIUM.—

"(A) IN GENERAL.—No person eligible for an expedited settlement under paragraph (1) shall be named as a defendant in any action under this Act for recovery of response costs (including an action for contribution) during the period beginning on the date on which the person receives from the President written notice of its potential liability and notice that it is a party that may qualify for an expedited settlement, and ending on the earlier of—

"(i) the date that is 90 days after the date on which the President tenders a written settlement offer to the person; or

"(ii) the date that is 1 year after the date specified in subparagraph (A).

"(B) TOLLING OF PERIOD OF LIMITATION.—The period of limitation under section 113(g) applicable to a claim against a person described in subparagraph (A) for response costs or contribution shall be tolled during the period described in subparagraph (A).

"(C) STAY OF LITIGATION.—If, before the date of enactment of this paragraph, a person described in subparagraph (A) has been named as a defendant in an action for recovery of response costs or contribution, the court shall, unless a stay would result in manifest injustice, stay the action as to that claim until the end of the period described in subparagraph (A).

"(8) NOTICE OF SETTLEMENT.—After a settlement under this subsection becomes final with any person with respect to a facility, the President shall promptly notify potentially responsible parties at the facility that have not resolved their liability to the United States of the settlement."; and

(2) by adding at the end the following:

"(n) EXCEPTIONS.—Subsection (g) and subsections (o) and (p) of section 107 shall not apply in a case in which the President determines that the person has failed to comply with any request for information or administrative subpoena issued by the President under this Act, or has impeded or is impeding the performance of a response action with respect to the facility.

"(o) WAIVER OF CLAIMS.—The President may require, as a condition of settlement under this subsection or section 107(p), that a potentially responsible party waive some or all of the claims (including a claim for contribution under section 113) that the party may have against other potentially responsible parties for all response costs incurred at the facility.

"(p) RELATIONSHIP TO LIABILITY UNDER OTHER LAW.—Nothing in this section affects the obligation of any person to comply with any other Federal, State, or local law (including requirements under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).".

(c) REGULATIONS.—The Administrator of the Environmental Protection Agency has

the authority, under section 115 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9615), to promulgate additional regulations concerning the amendments made by this section.

By Mr. DORGAN (for himself, Mr. LAUTENBERG, Mr. BUMPERS, Mr. CONRAD, and Mr. WELLSTONE):

S. 1498. A bill to require States to adopt laws prohibiting open alcoholic containers in automobiles; to the Committee on Environment and Public Works.

THE NATIONAL DRUNK DRIVING PROTECTION ACT

Mr. DORGAN. Mr. President, today I am introducing legislation to combat our Nation's continual problem with drunk driving. This problem, that attacks young and old alike, is multifaceted and must be combating on several fronts. My bill addresses the need to take alcohol out of automobiles by establishing a national policy prohibiting open alcohol containers in automobiles.

To put this problem in perspective, an average of one person every half hour dies as a result of drunk driving, and that worked out to be 17,272 alcohol-related fatalities in 1996 according to the Department of Transportation. This figure is over 40 percent of the total number of traffic fatalities in the United States. The sad irony in these statistics is that drunk driving is a preventable problem.

Even more heart wrenching is that drunk driving is killing a disproportionate amount of our youth and young adults. In 1995, while 30 percent of our driving population was between the ages of 21-34, 50 percent of the fatalities and 50 percent of the drunk driving injuries were in this age group. That amounted to 6,760 dead and 95,800 injured young adults.

One way we must combat drunk driving is to ban the consumption of alcohol in automobiles. According to the National Highway Traffic Safety Administration, in 22 States it is still legal for passengers in a vehicle to be drinking while the vehicle is in operation. And in 10 States, it is perfectly legal for a driver of a car to have one hand on the steering wheel and drinking a bottle of whisky in the other. It seems inexcusable to me that we have a circumstance in this country where citizens cannot be assured that in every State and in every local jurisdiction in the Nation that there are not laws against people drinking and driving at the same time. This legislation will provide that assurance and prohibit open containers in every State.

I hope that the Senate will have a good debate on drunk driving issues early next year when we return to debate the reauthorization of the Intermodal Surface Transportation Efficiency Act [ISTEA]. I intend to offer this legislation as amendment to the ISTEA reauthorization and I urge my colleagues to support this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Drunk Driving Protection Act".

SECTION 2. OPEN CONTAINER LAWS.

(a) ESTABLISHMENT.—Chapter I of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. Open container requirements

"(a) DEFINITIONS.—In this section:

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning given the term in section 158(c).

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

"(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term 'open alcoholic beverage container' has the meaning given the term in section 410(i).

"(4) PASSENGER AREA.—The term 'passenger area' shall have the meaning given the term by the Secretary by regulation.

"(b) PENALTY.—

"(1) GENERAL RULE.—

"(A) FISCAL YEAR 2000.—If, at any time in fiscal year 2000, a State does not have in effect a law described in subsection (c), the Secretary shall transfer 1.5 percent of the funds apportioned to the State for fiscal year 2001 under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) to the apportionment of the State under section 402.

"(B) FISCAL YEARS THEREAFTER.—If, at any time in a fiscal year beginning after September 30, 2000, a State does not have in effect a law described in subsection (c), the Secretary shall transfer 3 percent of the funds apportioned to the State for the following fiscal year under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) to the apportionment of the State under section 402.

"(c) OPEN CONTAINER LAWS.—

"(1) IN GENERAL.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

"(2) MOTOR VEHICLES DESIGNED TO TRANSPORT MANY PASSENGERS.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container in the passenger area by the driver (but not by a passenger) of a motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers, the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

"(d) FEDERAL SHARE.—The Federal share of the cost of a project carried out under section 402 with funds transferred under subsection (b) to the apportionment of a State under section 402 shall be 100 percent.

"(e) TRANSFER OF OBLIGATION AUTHORITY.—

"(1) IN GENERAL.—If the Secretary transfers under subsection (b) any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall allocate to the State an amount, determined under paragraph (2), of obligation authority distributed for the fiscal year for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

"(2) AMOUNT.—The amount of obligation authority referred to in paragraph (1) shall be determined by multiplying—

"(A) the amount of funds transferred under subsection (b) to the apportionment of the State under section 402 for the fiscal year; by

"(B) the ratio that—

"(i) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

"(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

"(f) LIMITATION ON APPLICABILITY OF HIGHWAY SAFETY OBLIGATIONS.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under subsection (b) to the apportionment of a State under section 402.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. Open container requirements."

By Mrs. BOXER:

S. 1499. A bill to amend the title XXVII of the Public Health Service Act and other laws to assure the rights of enrollees under managed care plans; to the Committee on Labor and Human Resources.

THE HEALTH INSURANCE CONSUMER'S BILL OF RIGHTS ACT OF 1997

Mrs. BOXER. Mr. President, today I am introducing the Health Insurance Consumer's bill of rights. I have been working closely on this bill with Congressman CHUCK SCHUMER, who has introduced companion legislation in the House.

Our will address an increasing crisis of confidence in our Nation's health care system. This crisis of confidence is especially evident for the increasing number of Americans enrolled in managed care health plans.

A recent survey conducted by the Henry Kaiser Family Foundation and Harvard University found that only 44 percent of enrollees in managed care health care plans believe it is very likely that necessary treatments would be covered if they became seriously ill. Fully 69 percent of enrollees in traditional fee-for-service plans believed they would be adequately covered.

The survey found that the American people hold managed care plans generally in low esteem and they support efforts to improve the health insurance

system. That, Mr. President, is exactly what the Boxer-Schumer bill aims to do.

The Health Insurance Consumer's bill of rights requires all health insurance plans to meet basic requirements for conduct, coverage, and consumer disclosure.

Specifically, the bill requires that all managed care plans have an adequate number of primary care physicians and specialists to meet the health care needs of their enrollees. It requires health plans to cover emergency care, terminate so-called gag rules that limit communication between a doctor and a patient. It requires the annual disclosure of a wealth of important consumer information to enrollees and potential enrollees, and finally, this bill contains a number of important provisions to ensure that women are treated fairly in managed care plans.

I want to make clear that the Schumer-Boxer bill is not antimanaged care. On the contrary, the bill accepts that managed care plans are the chosen kind of coverage for millions of Americans. It is precisely for that reason that Congress must act to ensure that managed care plans act responsibly and provide quality coverage.

I hope the Senate will consider this bill carefully and act upon it early next year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Insurance Consumer's Bill of Rights Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH INSURANCE BILL OF RIGHTS

Sec. 101. Health insurance bill of rights.

"PART C—HEALTH INSURANCE BILL OF RIGHTS

"Sec. 2770. Notice; additional definitions.

"SUBPART 1—ACCESS TO PRIMARY CARE PHYSICIANS, SPECIALISTS, OUT OF NETWORK PROVIDERS, EMERGENCY ROOM SERVICES, PRESCRIPTION DRUGS

"Sec. 2771. Access to personnel and facilities; assuring adequate choice of health care professionals.
"Sec. 2772. Access to specialty care.
"Sec. 2773. Access to emergency care.
"Sec. 2774. Coverage for individuals participating in approved clinical trials.
"Sec. 2775. Continuity of care.
"Sec. 2776. Prohibition of interference with certain medical communications.
"Sec. 2777. Access to needed prescription drugs.

"SUBPART 2—UTILIZATION REVIEW, GRIEVANCE, APPEALS, AND QUALITY IMPROVEMENT

"Sec. 2779. Standards for utilization review activities, complaints, and appeals.
"Sec. 2780. Quality improvement program.

"SUBPART 3—NONDISCRIMINATION

"Sec. 2784. Nondiscrimination.

"SUBPART 4—CONFIDENTIALITY

"Sec. 2785. Medical records and confidentiality.

"SUBPART 5—DISCLOSURES

"Sec. 2786. Health prospectus; disclosure of information.

"SUBPART 6—PROMOTING GOOD MEDICAL PRACTICE AND PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

"Sec. 2787. Promoting good medical practice.

TITLE II—APPLICATION OF BILL OF RIGHTS UNDER VARIOUS LAWS

Sec. 201. Amendments to the Public Health Service Act.
Sec. 202. Managed care requirements under the Employee Retirement Income Security Act of 1974.
Sec. 203. Managed care requirements under the Internal Revenue Code of 1986.
Sec. 204. Managed care requirements under medicare, medicaid, and the Federal employees health benefits program (FEHBP).
Sec. 205. Effective dates.

TITLE I—HEALTH INSURANCE BILL OF RIGHTS

SEC. 101. HEALTH INSURANCE BILL OF RIGHTS.

Title XXVII of the Public Health Service Act is amended—

(1) by redesignating part C as part D, and

(2) by inserting after part B the following new part:

"PART C—HEALTH INSURANCE BILL OF RIGHTS

"SEC. 2770. NOTICE; ADDITIONAL DEFINITIONS.

"(a) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this part as if such section applied to such issuer and such issuer were a group health plan.

"(b) ADDITIONAL DEFINITIONS.—For purposes of this part:

"(1) ENROLLEE.—The term 'enrollee' means an individual who is entitled to benefits under a group health plan or under health insurance coverage.

"(2) HEALTH CARE PROFESSIONAL.—The term 'health care professional' means a physician or other health care practitioner providing health care services.

"(3) HEALTH CARE PROVIDER.—The term 'health care provider' means a clinic, hospital physician organization, preferred provider organization, independent practice association, community service provider, family planning clinic, or other appropriately licensed provider of health care services or supplies.

"(4) MANAGED CARE.—The term 'managed care' means, with respect to a group health plan or health insurance coverage, such a plan or coverage that provides financial incentives for enrollees to obtain benefits through participating health care providers or professionals.

"(5) NONPARTICIPATING.—The term 'nonparticipating' means, with respect to a health care provider or professional and a group health plan or health insurance coverage, such a provider or professional that is not a participating provider or professional with respect to such services.

"(6) PARTICIPATING.—The term 'participating' means, with respect to a health care provider or professional and a group health plan or health insurance coverage offered by a health insurance issuer, such a provider or professional that has entered into an agreement or arrangement with the plan or issuer with respect to the provision of health care services to enrollees under the plan or coverage.

"(7) PRIMARY CARE PRACTITIONER.—The term 'primary care practitioner' means, with respect to a group health plan or health insurance coverage offered by a health insurance issuer, a health care professional (who may be trained in family practice, general practice, internal medicine, obstetrics and gynecology, or pediatrics and who is practicing within the scope of practice authorized by State law) designated by the plan or issuer to coordinate, supervise, or provide ongoing care to enrollees.

"SUBPART 1—ACCESS TO PRIMARY CARE PHYSICIANS, SPECIALISTS, OUT OF NETWORK PROVIDERS, EMERGENCY ROOM SERVICES, PRESCRIPTION DRUGS

"SEC. 2771. ACCESS TO PERSONNEL AND FACILITIES; ASSURING ADEQUATE CHOICE OF HEALTH CARE PROFESSIONALS.

"A managed care group health plan (and a health insurance issuer offering managed care group health insurance coverage) shall comply with regulations promulgated by the Secretary that ensure that such plans and issuers—

"(1) have a sufficient number and type of primary care practitioners and specialists, throughout the service area to meet the needs of enrollees and to provide meaningful choice;

"(2) maintain a mix of primary care practitioners that is adequate to meet the needs of the enrollees' varied characteristics, including age, gender, race, and health status; and

"(3) include, to the extent possible, a variety of primary care providers (including community health centers, rural health clinics, and family planning clinics).

"SEC. 2772. ACCESS TO SPECIALTY CARE.

"A managed care group health plan (and a health insurance issuer offering managed care group health insurance coverage) shall comply with regulations promulgated by the Secretary that ensure that such plans and issuers provide enrollees with—

"(1) access to specialty care;

"(2) standing referrals to specialists;

"(3) access to nonparticipating providers;

"(4) direct access (without the need for a referral) to health care professionals trained in obstetrics and gynecology; and

"(5) a process that permits a health care provider trained in obstetrics and gynecology to be designated and treated as a primary care practitioner.

"SEC. 2773. ACCESS TO EMERGENCY CARE.

"(a) IN GENERAL.—If a group health plan or health insurance coverage provides any benefits with respect to emergency services (as defined in subsection (b)(1)), the plan or the health insurance issuer offering such coverage shall—

"(1) provide for emergency services without regard to prior authorization or the emergency care provider's contractual relationship with the organization; and

"(2) comply with such guidelines as the Secretary of Health and Human Services may prescribe relating to promoting efficient and timely coordination of appropriate maintenance and post-stabilization care of

an enrollee after the enrollee has been determined to be stable under section 1867 of the Social Security Act.

"(b) DEFINITION OF EMERGENCY SERVICES.—In this subsection—

"(1) IN GENERAL.—The term 'emergency services' means, with respect to an enrollee under a plan or coverage, inpatient and outpatient services covered under the plan or coverage that—

"(A) are furnished by a provider that is qualified to furnish such services under the plan or coverage, and

"(B) are needed to evaluate or stabilize an emergency medical condition (as defined in subparagraph (B)).

"(2) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

"(A) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy,

"(B) serious impairment to bodily functions, or

"(C) serious dysfunction of any bodily organ or part.

"SEC. 2774. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS.

"(a) IN GENERAL.—If a group health plan provides benefits, or a health insurance issuer offers health insurance coverage to, a qualified enrollee (as defined in subsection (b)), the plan or issuer—

"(1) may not deny the enrollee participation in the clinical trial referred to in subsection (b)(2);

"(2) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

"(3) may not discriminate against the enrollee on the basis of the enrollee's participation in such trial.

"(b) QUALIFIED ENROLLEE DEFINED.—For purposes of subsection (a), the term 'qualified enrollee' means an enrollee who meets the following conditions:

"(1) The enrollee has a life-threatening or serious illness for which no standard treatment is effective.

"(2) The enrollee is eligible to participate in an approved clinical trial with respect to treatment of such illness.

"(3) The enrollee and the referring physician conclude that the enrollee's participation in such trial would be appropriate.

"(4) The enrollee's participation in the trial offers potential for significant clinical benefit for the enrollee.

"(c) PAYMENT.—

"(1) IN GENERAL.—Under this section a plan or issuer shall provide for payment for routine patient costs described in subsection (a)(2) but is not required to pay for costs of items and services that are reasonably expected (as determined by the Secretary) to be paid for by the sponsors of an approved clinical trial.

"(2) PAYMENT RATE.—In the case of covered items and services provided by—

"(A) a participating provider, the payment rate shall be at the agreed upon rate, or

"(B) a nonparticipating provider, the payment rate shall be at the rate the plan or issuer would normally pay for comparable services under subparagraph (A).

"(d) APPROVED CLINICAL TRIAL DEFINED.—In this section, the term 'approved clinical trial' means a clinical research study or clinical investigation approved by the Food and Drug Administration or approved and funded by one or more of the following:

"(1) The National Institutes of Health.

"(2) A cooperative group or center of the National Institutes of Health.

"(3) The Department of Veterans Affairs.

"(4) The Department of Defense.

"SEC. 2775. CONTINUITY OF CARE.

"A managed care group health plan (and a health insurance issuer offering managed care group health insurance coverage) shall comply with regulations promulgated by the Secretary that ensure that such plans and issuers provide continuity of coverage in the case of the terminated coverage where an enrollee is undergoing a course of treatment with the provider at the time of such termination.

"SEC. 2776. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

"(a) IN GENERAL.—The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer (offering health insurance coverage in connection with a group health plan) and a health professional shall not prohibit or restrict the health professional from engaging in medical communications with his or her patient.

"(b) NULLIFICATION.—Any contract provision or agreement described in subsection (a) shall be null and void.

"(c) MEDICAL COMMUNICATION DEFINED.—For purposes of this section, the term 'medical communication' has the meaning given such term by the Secretary.

"SEC. 2777. ACCESS TO NEEDED PRESCRIPTION DRUGS.

"If a group health plan, or health insurance issuer offers health insurance coverage that, provides benefits with respect to prescription drugs but the coverage limits such benefits to drugs included in a formulary, the plan or issuer shall ensure in accordance with regulations of the Secretary that—

"(1) the nature of the formulary restrictions is fully disclosed to enrollees; and

"(2) exceptions from the formulary restriction are provided when medically necessary or appropriate.

"SUBPART 2—UTILIZATION REVIEW, GRIEVANCE, APPEALS, AND QUALITY IMPROVEMENT

"SEC. 2779. STANDARDS FOR UTILIZATION REVIEW ACTIVITIES, COMPLAINTS, AND APPEALS.

"A group health plan and a health insurance issuer offering health insurance coverage in connection with a group health plan shall comply with standards established by the Secretary relating to its conduct of utilization review activities. Such standards shall include the following:

"(1) A requirement that a plan or issuer develop written policies and criteria concerning utilization review activities.

"(2) A requirement that a plan or issuer provide notice of such policies and criteria and the written notice of adverse determinations.

"(3) A restriction on the use of contingent compensation arrangements with providers.

"(4) A requirement establishing deadlines to ensure timely utilization review determinations.

"(5) The establishment of an adequate process for filing complaints, and appealing decisions, concerning utilization review determinations, including the mandatory use of an outside review panel to make decisions on such appeals.

"(6) A requirement that a plan or issuer that utilizes clinical practice guidelines uniformly apply review criteria that are based on sound scientific principles and the most recent medical evidence.

"SEC. 2780. QUALITY IMPROVEMENT PROGRAM.

"(a) IN GENERAL.—A group health plan and health insurance issuer offering health insurance coverage shall make arrangements for an ongoing quality improvement program for health care services it provides to enrollees. Such a program shall meet standards established by the Secretary, including standards relating to—

"(1) the measurement of health outcomes relevant to all populations, including women;

"(2) evaluation of high risk services;

"(3) monitoring utilization of services;

"(4) ensuring appropriate action to improve quality of care; and

"(5) providing for an independent external review of the program.

"SUBPART 3—NONDISCRIMINATION

"SEC. 2784. NONDISCRIMINATION.

"(a) ENROLLEES.—A group health plan or health insurance issuer offering health insurance coverage (whether or not a managed care plan or coverage) may not discriminate or engage (directly or through contractual arrangements) in any activity, including the selection of service area, that has the effect of discriminating against an individual on the basis of race, culture, national origin, gender, sexual orientation, language, socioeconomic status, age, disability, genetic makeup, health status, payer source, or anticipated need for healthcare services.

"(b) PROVIDERS.—Such a plan or issuer may not discriminate in the selection of members of the health provider or provider network (and in establishing the terms and conditions for membership in the network) of the plan or coverage based on any of the factors described in subsection (a).

"(c) SERVICES.—Such a plan or issuer may not exclude coverage (including procedures and drugs) if the effect is to discriminate in violation of subsection (a) or (b).

"SUBPART 4—CONFIDENTIALITY

"SEC. 2785. MEDICAL RECORDS AND CONFIDENTIALITY.

"A managed care group health plan (and a health insurance issuer offering managed care group health insurance) shall—

"(1) establish written policies and procedures for the handling of medical records and enrollee communications to ensure enrollee confidentiality;

"(2) ensure the confidentiality of specified enrollee information, including, prior medical history, medical record information and claims information, except where disclosure of this information is required by law; and

"(3) not release any individual patient record information, unless such a release is authorized in writing by the enrollee or otherwise required be law.

"SUBPART 5—DISCLOSURES

"SEC. 2786. HEALTH PROSPECTUS; DISCLOSURE OF INFORMATION.

"(a) DISCLOSURE.—Each group health plan, and each health insurance issuer providing health insurance coverage, shall provide to each enrollee at the time of enrollment and on an annual basis, and shall make available to each prospective enrollee upon request—

"(1) a prospectus that relates to the plan or coverage offered and that meets the requirements of subsection (b); and

"(2) additional information described in subsection (c).

"(b) PROSPECTUS.—

"(1) IN GENERAL.—Each prospectus under this subsection for a plan or coverage—

"(A) shall contain the information described in paragraphs (2) through (4) concerning the plan or coverage,

"(B) shall contain such additional information as the Secretary deems appropriate, and

"(C) shall be no longer than 3 pages in length and in a format specified by the Secretary, for purposes of comparison by prospective enrollees.

"(2) QUALITATIVE INFORMATION.—The information described in this paragraph is a summary of the quality assessment data on the plan or coverage. The data shall—

"(A) be the similar to the types of data as are collected for managed care plans under title XVIII of the Social Security Act, as determined by the Secretary and taking into account differences between the populations covered under such title and the populations covered under this title;

"(B) be collected by independent, auditing agencies;

"(C) include—

"(i) a description of the types of methodologies (including capitation, financial incentive or bonuses, fee-for-service, salary, and withholds) used by the plan or issuer to reimburse physicians, including the proportions of physicians who have each of these types of arrangements; and

"(ii) cost-sharing requirements for enrollees.

The information under subparagraph (C) shall include, upon request, information on the reimbursement methodology used by the plan or issuer or medical groups for individual physicians, but do not require the disclosure of specific reimbursement rates.

"(3) QUANTITATIVE INFORMATION.—The information described in this paragraph is measures of performance of the plan or issuer (in relation to coverage offered) with respect to each of the following and such other salient data as the Secretary may specify:

"(A) The ratio of physicians to enrollees, including the ratio of physicians who are obstetrician/gynecologists to adult, female enrollees.

"(B) The ratio of specialists to enrollees.

"(C) The incentive structure used for payment of primary care physicians and specialists.

"(D) Patient outcomes for procedures, including procedures specific to female enrollees.

"(E) The number of grievances filed under the plan or coverage.

"(F) The number of requests for procedures for which utilization review board review or approval is required and the number (and percentage) of such requests that are denied.

"(G) The number of appeals filed from denial of such requests and the number (and percentage) of such appeals that are approved, such numbers and percentages broken down by gender of the enrollee involved.

"(H) Disenrollment data.

"(4) DESCRIPTION OF BENEFITS.—The information described in this paragraph is a description of the benefits provided under the plan or coverage, as well as explicit exclusions, including a description of the following:

"(A) Coverage policy with respect to coverage for female-specific benefits, including screening mammography, hormone replacement therapy, bone density testing, osteoporosis screening, maternity care, and reconstructive surgery following a mastectomy.

"(B) The costs of copayments for treatments, including any exceptions.

"(c) ADDITIONAL INFORMATION.—The additional information described in this subsection is information about each of the following:

"(1) The plan's or issuer's structure and provider network, including the names and credentials of physicians in the network.

"(2) Coverage provided and excluded, including out-of-area coverage.

"(3) Procedures for utilization management.

"(4) Procedures for determining coverage for investigational or experimental treatments as well as definitions for coverage terms.

"(5) Any restrictive formularies or prior approval requirements for obtaining prescription drugs, including, upon request, information on whether or not specific drugs are covered.

"(6) Use of voluntary or mandatory arbitration.

"(7) Procedures for receiving emergency care and out-of-network services when those services are not available in the network and information on the coverage of emergency services, including—

"(A) the appropriate use of emergency services, including use of the 911 telephone system or its local equivalent in emergency situations and an explanation of what constitutes an emergency situation;

"(B) the process and procedures for obtaining emergency services; and

"(C) the locations of (i) emergency departments, and (ii) other settings, in which physicians and hospitals provide emergency services and post-stabilization care.

"(8) How to contact agencies that regulate the plan or issuer.

"(9) How to contact consumer assistance agencies, such as ombudsmen programs.

"(10) How to obtain covered services.

"(11) How to receive preventive health services and health education.

"(12) How to select providers and obtain referrals.

"(13) How to appeal health plan decisions and file grievances.

"(d) STATE AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

"(1) IN GENERAL.—Subject to paragraph (2), this section shall not be construed as preventing a State from requiring health insurance issuers, in relation to their offering of health insurance coverage, to disclose separately information (including comparative ratings of health insurance coverage) in addition to the information required to be disclosed under this section.

"(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this part shall be construed to affect or modify the provisions of section 514 with respect to group health plans.

"SUBPART 6—PROMOTING GOOD MEDICAL PRACTICE AND PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

"SEC. 2787. PROMOTING GOOD MEDICAL PRACTICE.

"(a) PROHIBITING ARBITRARY LIMITATIONS OR CONDITIONS FOR THE PROVISION OF SERVICES.—A group health plan and a health insurance issuer, in connection with the provision of health insurance coverage, may not impose limits on the manner in which particular services are delivered if the services are medically necessary or appropriate to the extent that such procedure or treatment is otherwise a covered benefit.

"(b) CONSTRUCTION.—Subsection (a) shall not be construed as requiring coverage of particular services the coverage of which is otherwise not covered under the terms of the coverage.".

TITLE II—APPLICATION OF BILL OF RIGHTS UNDER VARIOUS LAWS

SEC. 201. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) APPLICATION TO GROUP HEALTH INSURANCE COVERAGE.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2706. MANAGED CARE REQUIREMENTS.

"Each health insurance issuer shall comply with the applicable requirements under part C with respect to group health insurance coverage it offers.".

(b) APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2751 the following new section:

"SEC. 2752. MANAGED CARE REQUIREMENTS.

"Each health insurance issuer shall comply with the applicable requirements under part C with respect to individual health insurance coverage it offers, in the same manner as such requirements apply to group health insurance coverage.".

(c) MODIFICATION OF PREEMPTION STANDARDS.—

(1) GROUP HEALTH INSURANCE COVERAGE.—Section 2723 of such Act (42 U.S.C. 300gg–23) is amended—

(A) in subsection (a)(1), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting after subsection (b) the following new subsection:

"(c) SPECIAL RULES IN CASE OF MANAGED CARE REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 2706 and part C, and part D insofar as it applies to section 2706 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such provisions.".

(2) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Section 2762 of such Act (42 U.S.C. 300gg–62), as added by section 605(b)(3)(B) of Public Law 104–204, is amended—

(A) in subsection (a), by striking "subsection (b), nothing in this part" and inserting "subsections (b) and (c)", and

(B) by adding at the end the following new subsection:

"(c) SPECIAL RULES IN CASE OF MANAGED CARE REQUIREMENTS.—Subject to subsection (b), the provisions of section 2752 and part C, and part D insofar as it applies to section 2752 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such section.".

(d) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 2723(a)(1) of such Act (42 U.S.C. 300gg–23(a)(1)) is amended by striking "part C" and inserting "parts C and D".

(2) Section 2762(b)(1) of such Act (42 U.S.C. 300gg–62(b)(1)) is amended by striking "part C" and inserting "part D".

(e) ASSURING COORDINATION.—Section 104(1) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191)

is amended by striking "under this subtitle (and the amendments made by this subtitle and section 401)" and inserting "title XXVII of the Public Health Service Act, under part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, and chapter 100 of the Internal Revenue Code of 1986".

SEC. 202. MANAGED CARE REQUIREMENTS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

"SEC. 713. MANAGED CARE REQUIREMENTS.

"(a) IN GENERAL.—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the applicable requirements of part C of title XXVII of the Public Health Service Act.

"(b) REFERENCES IN APPLICATION.—In applying subsection (a) under this part, any reference in such part C—

"(1) to a health insurance issuer and health insurance coverage offered by such an issuer is deemed to include a reference to a group health plan and coverage under such plan, respectively;

"(2) to the Secretary is deemed a reference to the Secretary of Labor;

"(3) to an applicable State authority is deemed a reference to the Secretary of Labor; and

"(4) to an enrollee with respect to health insurance coverage is deemed to include a reference to a participant or beneficiary with respect to a group health plan.".

(b) MODIFICATION OF PREEMPTION STANDARDS.—Section 731 of such Act (42 U.S.C. 1191) is amended—

(1) in subsection (a)(1), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection:

"(c) SPECIAL RULES IN CASE OF MANAGED CARE REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 713 and part C of title XXVII of the Public Health Service Act, and subpart C insofar as it applies to section 713 or such part, shall not be construed to preempt any State law, or the enactment or implementation of such a State law, that provides protections for individuals that are equivalent to or stricter than the protections provided under such provisions.".

(c) CONFORMING AMENDMENTS.—(1) Section 732(a) of such Act (29 U.S.C. 1185(a)) is amended by striking "section 711" and inserting "sections 711 and 713".

(2) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Managed care requirements.".

SEC. 203. MANAGED CARE REQUIREMENTS UNDER THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Subchapter B of part B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

"SEC. 9813. MANAGED CARE REQUIREMENTS.

"(a) IN GENERAL.—Subject to subsection (b), a group health plan shall comply with the applicable requirements of part C of title XXVII of the Public Health Service Act.

"(b) REFERENCES IN APPLICATION.—In applying subsection (a) under this subchapter, any reference in such part C—

"(1) to the Secretary is deemed a reference to the Secretary of the Treasury; and

"(2) to an applicable State authority is deemed a reference to the Secretary.".

(b) CLERICAL AMENDMENT.—The table of sections in subchapter B of chapter 100 of such Code is amended by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Managed care requirements.".

SEC. 204. MANAGED CARE REQUIREMENTS UNDER MEDICARE, MEDICAID, AND THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP).

(a) MEDICARE.—Section 1852 of the Social Security Act (42 U.S.C. 1395w–22), as inserted by section 4001 of the Balanced Budget Act of 1997 (Public Law 101–33), is amended by adding at the end the following new subsection:

"(l) MANAGED CARE REQUIREMENTS.—Each Medicare+Choice organization that offers a Medicare+Choice plan described in section 1851(a)(1)(A) shall comply with the applicable requirements of part C of title XXVII of the Public Health Service Act in the same manner as such requirements apply with respect to health insurance coverage offered by a health insurance issuer, except to the extent such requirements are less protective of enrollees than the requirements established under this part.".

(b) MEDICAID.—Section 1932(b)(8) of the Social Security Act, as added by section 4704(a) of the Balanced Budget Act of 1997, is amended—

(1) by striking "AND MENTAL HEALTH" and inserting ", MENTAL HEALTH, AND MANAGED CARE",

(2) by inserting "and of part C" after "of part A", and

(3) by inserting before the period at the end the following: ", except to the extent such requirements are less protective of enrollees than the requirements established under this title".

(c) FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM (FEHBP).—Chapter 89 of title 5, United States Code, is amended—

(1) by inserting after the item relating to section 8905a the following new section:

"§ 8905b. Application of managed care requirements

"Each health benefit plan offered under this chapter shall comply with the applicable requirements of part C of title XXVII of the Public Health Service Act in the same manner as such requirements apply with respect to health insurance coverage offered by a health insurance issuer, except to the extent such requirements are less protective of enrollees than the requirements established under this chapter."; and

(2) in the table of sections, by inserting the following item after the item relating to section 8905a:

"8905b. Application of managed care requirements.".

SEC. 205. EFFECTIVE DATES.

(a) GENERAL EFFECTIVE DATE FOR GROUP HEALTH PLANS.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by section 101, subsections (a), (c)(1), and (d) of section 201, and sections 203 and 204 shall apply with respect to group health insurance coverage for group health plan years beginning on or after July 1, 1998 (in this section referred to as the "general effective date") and also shall apply to portions of plan years occurring on and after January 1, 1999.

(2) TREATMENT OF GROUP HEALTH PLANS MAINTAINED PURSUANT TO CERTAIN COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan, or group health insurance coverage provided pursuant to a group health plan, maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments described in paragraph (1) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) the general effective date.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by such amendments shall not be treated as a termination of such collective bargaining agreement.

(b) GENERAL EFFECTIVE DATE FOR HEALTH INSURANCE COVERAGE.—The amendments made by section 101 and subsections (b), (c)(2), and (d) of section 201 shall apply with respect to individual health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the general effective date.

(c) EFFECTIVE DATE FOR COORDINATION.—The amendment made by section 201(e) shall take effect on the date of the enactment of this Act.

(d) FEDERAL PROGRAMS.—The amendments made by section 204 shall take effect on January 1, 1999.

By Mr. AKAKA:

S. 1500. A bill to amend the Hawaii Tropical Forest Recovery Act to establish voluntary standards for certifying forest products cultivated, harvested, and processed in tropical environments in Hawaii and to grant a certification for Hawaii tropical forest products that meet the voluntary standards, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE HAWAII TROPICAL FOREST PRODUCTS CERTIFICATION ACT

Mr. AKAKA. Madam President, today I am introducing legislation to establish voluntary standards for certifying tropical forest products grown in Hawaii. Senator INOUYE has joined me in cosponsoring this measure.

Agriculture has long been the backbone of the economy of rural Hawaii. Recently, however, the decline of sugarcane has caused an upheaval for many of our rural communities. In the past 10 years, 21 sugarcane plantations have gone out of business and the State has lost 115,000 acres of sugarcane production.

For more than 160 years, sugar provided jobs and a special way of life for communities throughout the State. Cane is still king on Maui and parts of Kauai, but elsewhere it has disappeared from the agricultural map. Our great challenge is to develop new opportunities that keep Hawaii green and economically productive for at least as

long—and hopefully longer—than our relationship with sugar.

For many landowners, the future of rural Hawaii is in forestry. But what will forestry in Hawaii look like 10, 20, or 50 years from now? Many people have strong feelings about how to answer this question.

Sustainability is the emerging idea in forest development. This means practicing stewardship that integrates the growth, nurturing, and harvesting of trees with the conservation of soil, air, water, and wildlife. Sustainable forests are managed to serve the needs of the present generation without compromising the needs of future generations.

In Hawaii, the stewardship ethic is very strong, especially within the forestry community. Hawaii's tropical forests are home to some of the richest biological diversity on the planet, and our forest managers understand the importance of preserving our living heritage. But in many countries, stewardship and responsible forest development is weak or nonexistent.

Around the globe, forests are disappearing at an unprecedented rate, and nowhere is this problem more severe than in the tropics. More than half of the world's tropical rain forests have been consumed, degraded, or destroyed in this century.

Because of the attention being given to forest degradation, consumers are asking questions about the source of the wood demand, and foresters to supply, wood products from well-managed forests.

As the demand for sustainable forest products has increased, criteria for sustainable forestry have been formalized. The result is a world-wide movement to verify that sustainable forestry claims are genuine. This process is known as certification.

In recent years, the Hawaii forestry industry has closely monitored the certification movement. The bill I am introducing today will prompt an important dialogue on certification. I am inviting all stakeholders in this issue—Hawaii's forest industry, landowners, conservation experts, and affected communities—to engage in a free and open exchange about forest certification.

What are the benefits of certification? For consumers, certification is a way of ensuring that forest products they purchase do not contribute to forest degradation. Independent verification of forestry practices is the Good Housekeeping Seal of Approval telling them that sustainable standards are being met.

To landowners, certification is a way of ensuring that their careful management is rewarded in the marketplace. A certification label may result in a premium for your products, better market access, and in some cases, more secure supply agreements. The best way for the Hawaii forest industry to increase the value of their resource may be to sell certified tropical wood products into a world market that recognizes the abuse that tropical forests have suffered—and is willing to pay more for a tropical product that has received proper certification.

Just how widespread is certification today? Forest certification is big business. Certification is practiced in 25 countries. European and North American buyers groups are committed to wood products certification. Eleven nations, including Germany and France, are represented in the European buyers group.

Certification is voluntary, not mandatory, and my bill reflects this fact. Over time, however, landowners who do not employ sustainable practices and do not seek certification may find it more difficult to market their timber.

My bill will establish standards certifying that Hawaii forest products are cultivated, harvested, and processed in a sustainable manner. Although forestry certification standards are high, certification will not require perfection. Like agriculture, forestry is subject to the forces of nature, and nature is often unpredictable.

For certification to become successful in Hawaii, I believe that a bottom up rather than top down approach to consensus-building makes the most sense. With this in mind, in January, 1998, I will convene a meeting in Hawaii to further the dialog about forest certification and the bill I introduced today.

Certification can take root in Hawaii without action by Congress. However, my bill can jump start the dialog and provide a format for discussion. I will be the first one to cheer if certification becomes a reality with, or without, legislation by Congress.

By Mr. JEFFORDS:

S. 1501. A bill to amend the Employee Retirement Income Security Act of 1974 to improve protection for workers in multiemployer pension plans; to the Committee on Labor and Human Resources.

THE WORKERS' PENSION PROTECTION ACT OF 1997

Mr. JEFFORDS. Mr. President, I am today introducing the Workers' Pension Protection Act. This legislation will level the playing field for millions of American workers who currently participate in defined benefit multiemployer pension plans.

As I am certain many of my colleagues are aware, there is a difference between multiemployer and single-employer pension plans. Multiemployer plans are maintained by a specific union, and supported by the various employers that union has organized, whereas single-employer plans are established by one company for its own employees. Thus, the Central States Teamsters pension fund covers individuals who work for employers the Teamsters have organized in the Midwestern United States. By contrast, General Electric has its a single-employer plan, or plans, that it established for its own employees.

This bill is only concerned with multiemployer pension plans. It protects workers' benefits by making sure that multiemployer plans are funded so that benefits promised today will be available when workers retire in the future. Many of this country's multiemployer pension plans are underfunded by billions of dollars. It is true that a plan can be underfunded by billions of dollars but the relationship of assets to liabilities can still be relatively high. However, we are looking at plans that are not only underfunded by large amounts, but also where liabilities seriously outstrip assets.

This legislation both increases funding and reporting requirements on multiemployer plans, so that we know when plans are becoming riskier, and improves protections and benefits. American workers rely upon their pensions to support them through their twilight years. Unfortunately pension plans are not infallible and too often, the American workers discover that their plan is bankrupt and that all pension payments are now in the hands of the Pension Benefit Guaranty Corporation [PBGC], the Federal agency charged with insuring defined benefit pension plans. What these workers may not realize is that under a single-employer plan, up to $33,132 per year is protected by the PBGC's pension insurance, but under the multiemployer pension insurance system, they can only receive $5,850. My legislation will not completely eliminate this unfairness, but it will slightly more than double the amount payable by the PBGC, by increasing benefits from $5,850 to $12,780. This change in the guaranty benefit amount would be the first increase to those benefits since the multiemployer program was enacted in 1980.

Next, this bill will require plans to fund their current pension promises before making new ones. Pension plan trustees would be unable to grant benefit increases if a plan is less than 95 percent funded. This provision is needed to keep underfunded plans from going deeper in the red if collective bargaining ignores the underfunding problem.

Third, this legislation will require multiemployer pension plans to use single, identified interest rate and mortality table assumptions in all calculations. As in the single-employer pension plan reform legislation of 1994, the interest rates and mortality tables must be standardized and must conform to the most recent data available. With this change, plans may not use one set of numbers when reporting the level of funding in their plan to the

PBGC, and another set of numbers when determining liability associated with a withdrawal from the plan. That amounts to manipulating interest rates to game the system. We require single-employer pension plans to use a specific interest rate and a mortality table. I believe it should apply to multiemployer plans, as well.

Fourth, the bill will require that plan trustees notify participants, annually and in plain English, of how well or poorly funded their plans are. Once and for all, multiemployer pension plan participants and beneficiaries will have a chance to learn how secure—or insecure—their retirement benefits are. It is one thing to tell a plan participant what his or her expected benefit will be upon retirement. It is quite another to let a participant know that their pension plan could have 45 percent more in liabilities than it has in assets, or that it may have accumulated $5 billion in underfunding.

The PBGC has told us that notification to participants of plan funding has worked well for single-employer plans. Since it has been a success for the single-employer insurance system, we should extend the same protections to participants in multiemployer plans. With a better understanding of the worth of their benefits, workers can make informed decisions about their retirement needs. I think such notification is a vitally important participant protection for multiemployer pension plan participants.

Finally, the bill will increase premiums imposed by the PBGC upon sponsors of multiemployer pension plans. Currently, premiums are $2.60 per participant but they have not been increased since the multiemployer guaranty program was enacted in 1980. By contrast, the single employer premium has been increased by Congress eight times since ERISA was passed in 1974. The minimum premium for fully funded single-employer plans is now $19 per participant, but some underfunded plans are charged hundreds of dollars per participant for PBGC premiums. If we are going to raise multiemployer benefits, it is also time to raise multiemployer premiums. Over a 3-year period, my bill will double premiums, increasing them to $5.20 per participant.

Mr. President, I realize that it is the end of the session. I am introducing this measure now in order to permit review and comment by interested parties in advance of hearings I will be holding on this issue next year. This bill takes modest, but overdue steps to protect participants of multiemployer pension plans. I hope that those concerned with the safety and security of, and equity in, multiemployer pension plans will not hesitate to step forward to be heard. There are slightly more than 1,800 multiemployer pension plans in this Nation providing benefits to approximately 8.7 million individuals. This bill protects those workers and retirees—and they need and deserve our oversight. I encourage my colleagues in the Senate to join me in sponsoring this important piece of legislation.

By Mr. WELLSTONE:

S. 1503. A bill to protect the voting rights of homeless citizens; to the Committee on Rules and Administration.

THE VOTING RIGHTS OF HOMELESS CITIZENS ACT OF 1997

Mr. WELLSTONE. Mr. President, I rise today to introduce the Voting Rights of Homeless Citizens Act of 1997. I am proud to stand alongside the distinguished House sponsor of this bill, Representative JOHN LEWIS.

Mr. President, over the course of the last century, Congress has systematically removed the major obstacles that once prevented many of our citizens from voting. Not too long ago, only land-owning white men had the privilege of participating in our democracy. Women and minorities were prohibited from casting the ballot. More recently, people had to pay a poll tax or take a test in order to qualify to vote.

Before the civil rights movement, there were areas in the southern part of this country where the vast majority of the population was black, but there wasn't a single registered black voter. In 1964, three young men gave their lives while working to register people to vote in rural Mississippi. Many people over the course of our history have sacrificed their lives in order to expand voting rights for all Americans.

In 1964 President Lyndon Johnson proposed that we "eliminate every remaining obstacle to the right and opportunity to vote." Eight months later, this Congress passed the Voting Rights Act of 1965, making it possible for millions of Americans to participate in the political process for the first time.

Our Nation has made even more progress since then. The motor voter law made voter registration more accessible to working people. But our historic strides have not taken us far enough. The time is long overdue to ensure that every American has the opportunity to exercise this fundamental right. It is reprehensible that there are still American adults who are unable to partake of the most important right of citizenry.

The purpose of this legislation is to give the power to vote to homeless citizens of this country. The bill would remove the legal and administrative barriers that inhibit them from exercising this right. No one should be excluded from registering to vote simply because they do not have an address. But in many States, the homeless are left out and left behind. This is wrong. This is against the grain of this great nation.

I ask my colleagues to join me in opening the political process to every American—even those without a home. I urge my colleagues to join me by cosponsoring and supporting passage of the Voting Rights of Homeless Citizens Act of 1997.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Voting Rights of Homeless Citizens Act of 1997'.

SEC. 2. VOTING RIGHTS OF HOMELESS CITIZENS.

No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because that citizen resides at or in a nontraditional abode.

SEC. 3. ENFORCEMENT.

The Attorney General may commence in the name of the United States a civil action (including an action against a State or political subdivision) or an aggrieved citizen may institute a proceeding under this Act, for injunctive relief against a violation of section 2.

SEC. 4. RELATIONSHIP TO VOTING RIGHTS ACT OF 1965.

This Act shall not be construed to impair any right guaranteed by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 5. DEFINITIONS.

As used in this Act, the term 'nontraditional abode' includes—

(1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); and

(2) a public or private place not designated for, or ordinarily used as, regular sleeping accommodation for human beings.

SEC. 6. EFFECTIVE DATE.

This Act applies with respect to elections taking place after December 31, 1997.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. KENNEDY, Mr. ABRAHAM, and Ms. MOSELEY-BRAUN):

S. 1504. A bill to adjust the immigration status of certain Haitian nationals who where provided refuge in the United States; to the Committee on the Judiciary.

THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1997

Mr. GRAHAM. Mr. President, I commend my colleagues on reaching an agreement on what has been a very long and difficult negotiation relative to Central American and other immigrants. I note that we have in the Chamber at this time two of the Members of the House of Representatives who have been most active in achieving this result that is close to being reality, Congresswoman ILEANA ROS-LEHTINEN and Congressman LINCOLN DIAZ-BALART. I extend my special

thanks to them and congratulations on the success of their hard work.

Many months ago, these two fine Members of the House of Representatives, and others, including Senator MACK, Senator SPENCER ABRAHAM, and Senator KENNEDY, became interested in legislation that would provide justice and fairness for individuals who, due to duress, extreme hardship and political strife in their native countries, had been welcomed into our Nation by President Reagan and President Bush. I was proud to be part of this effort.

The agreement reached with our distinguished colleagues covers not only Central Americans, but also other groups who have struggled against oppression. While I strongly believe that this agreement is positive and is in the American tradition of fair play, it is an incomplete resolution. It is incomplete because there is another relatively small group of persons who have the same characteristics as those who are being recognized for whom legislation is being passed today as part of the District of Columbia appropriations bill. That group is Haitians.

There are 11,000 Haitians who, because of their credible asylum claims, were flown to the United States by our Government during the early 1990's. These were men, women and children, Mr. President, who had left Haiti because of the oppressive circumstances there.

Mr. President, this group of approximately 11,000 Haitians, who because of credible asylum claims were allowed to enter the United States in the early 1990s, were part of a much larger group of over 40,000 Haitians who had been detained at sea and temporarily were in a refuge status at our Guantanamo naval station.

These were the 11,000 of that larger group who were found, based on screenings administered by the Immigration Naturalization Service, to have a credible claim of persecution should they be returned to Haiti. The balance of those who could not meet that standard were in fact repatriated to Haiti.

There is a second group of similar size and significant overlap in terms of the individuals who are part of the asylum backlog. These are those who have had pending asylum cases since 1995.

Mr. President, I am pleased to be joined in introducing this legislation today which is entitled the Haitian Refugee Immigration Fairness Act of 1997, with my colleague Senator MACK, Senator KENNEDY, Senator ABRAHAM, and Senator CAROL MOSELEY-BRAUN.

Mr. President, fairness demands that we include this group in our legislation. First, this is a relatively small group. The two groups together, the Guantanamo asylees and those who have a pending asylum case combined, represent approximately 15,000 to 16,000 individuals. This, in relationship to those who we are providing essentially the same status to today, is a relatively small number.

Second, this group has been extensively screened. As I indicated, the Guantanamo asylees represent approximately one out of four of those persons who were, at one time, at the Guantanamo Naval Base and who were found to have a credible legitimate fear of persecution in Haiti.

I might say, Mr. President, as one who visited Haiti several times during this very tense period in the late 1980s and early 1990s, the level of human rights abuses, the savagery, the violence were extreme. And these persons who established if they had been returned to Haiti at that time, that they would have been significantly at risk, they were at risk in a very legitimately violent and hostile environment.

Deportations of this group, Mr. President, have already begun. Asylum officers have begun to send back members of the Haitian community to Haiti. And so there is a sense of urgency of dealing with this legislation before any additional injustices are committed.

And finally, the Guantanamo Haitians have established families in the United States. Many have had children born here who are United States citizens. They have opened businesses. They have built homes. They have strengthened our community here in the United States. They contribute to the diversity, the racial and social harmony, the positive traits of our increasingly multicultural Nation.

Mr. President, I would hope someday to have the opportunity to invite you to join me at Miami Dade Community College, which happens to be the largest community college in the Nation based on enrollment. It is inspiring to go to that campus, one of their several campuses, and see the number of young Haitian men and women who are living the American dream of hard work and education and advancing themselves so that they can better serve the interests of their families and our Nation.

This is a quality group of people who have made and will make significant contributions to our Nation.

They are making a contribution in many ways today. As an example, we have in Haiti a large number of Americans of Haitian heritage who are currently serving as mentors to the newly established police force in Haiti. They are helping to make an organization which did not exist a few years ago because there was no police force, all police activities were done through the military and often done in a very aggressive manner.

We are attempting to build a new institution to provide for security in Haiti. A key element of that are the large numbers of Americans of Haitian background who are assisting in that important effort within their former country.

That is just one dramatic example of the contributions which this community is making to their new home in America.

Mr. President, I ask my colleagues today to continue the fight for justice and fairness. We have taken a significant step in that effort tonight with the passage of the District of Columbia appropriations bill, which seems to be an odd place for such an important immigration bill to be lodged, but it is placed there.

This legislation will continue that effort by applying a similar standard of fair treatment to this important population of Haitians within our Nation.

I send to the desk the legislation and ask for its referral.

The PRESIDING OFFICER. It will be received and appropriately referred.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1504

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Haitian Refugee Immigration Fairness Act of 1997".

SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN HAITIAN NATIONALS.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2000; and

(B) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition on submitting or granting such application, to file a motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who is a national of Haiti—

(1) who filed for asylum before December 31, 1995, or was paroled into the United States prior to December 31, 1995, after having been identified as having a credible fear

of persecution or paroled for emergent reasons or reasons deemed strictly in the public interest, and

(2) has been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and raises as a defense to such an order the eligibility of the alien to apply for adjustment of status under subsection (a), except where the Attorney General has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an "employment authorized" endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Haiti;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that they have been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed.

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed; and

(D) the alien is otherwise eligible to receive an immigration visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in aggregate not exceeding 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent resident pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this Act, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this Act shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator GRAHAM, Senator MACK, Senator ABRAHAM, and Senator MOSELEY-BRAUN in introducing legislation providing permanent residence to Haitian refugees.

The Senate has now adopted legislation to enable Nicaraguan and Cuban refugees to remain permanently in the United States as immigrants, and to enable Salvadorans and Guatemalans to seek similar relief on a case-by-case basis.

Haitian refugees deserve no less.

These families fled violence, torture, murder and other atrocities in Haiti. The Bush administration and the Clinton administration found that the vast majority of these refugees fled from Haiti because of a legitimate fear of persecution.

These deserving Haitian refugees have resettled in many different States. They brought with them an unparalleled love of freedom, and a strong commitment to our democracy. They honor the opportunity that America offers.

They were welcomed by churches and neighborhood groups, who have helped them rebuild their lives in communities across America. Today, they are contributing and valued members of our society.

Immigration relief for Haitian refugees should have been included in the legislation to assist the refugees from Central America.

President Clinton wrote to Speaker GINGRICH to emphasize the importance of comparable relief for Haitian refugee families at a time when Congress was acting on relief for other refugees. Haitian refugees deserve the same immigration opportunities that the Republican leadership is proposing for refugees from Central America.

But the Republican leadership in Congress said no. They even rejected our efforts at least to provide immediate relief from deportation for Haitian families.

While the Republicans said no to these refugees, I understand that the Clinton administration will be taking steps to assure these Haitian families that they will be protected from deportation while Congress considers legislation in the coming months to allow the families to seek permanent residence here.

And I commend Senator MOSELEY-BRAUN for her extraordinary leadership in working with the administration to achieve this important result, as well as Representative CARRIE MEEK for her tireless efforts for Haitian refugees.

The legislation we are introducing will provide the fair relief that is greatly needed. It is a matter of simple justice.

It should be adopted as soon as possible and I regret it was not part of the measure enacted today.

Ms. MOSELEY-BRAUN. Mr. President, I am pleased to join Senators MACK, KENNEDY, ABRAHAM, and GRAHAM in introducing the Haitian Refugee Immigration Fairness Act of 1997. I believe that this legislation will help mend a current shortcoming in the law.

During the early 1990's, our country flew in some 11,000 Haitians who fled the oppressive and dangerous conditions in their homeland during the overthrow of Haiti's democratically elected government. As you may know, this coup was marked by atrocious human rights abuses, including systematic use of rape and murder as weapons of terror. The International Civilian Mission, which has monitored human rights conditions throughout Haiti, documented this tragedy, including horrors so awful as to be almost imaginable.

To allow such human rights violations to occur so close to home, while doing nothing would have been inconsistent with the stated goals of our foreign policy. So in 1991, the United States took in persons fleeing Haiti at Guantanamo Bay, Cuba. After intense screening, many of these individuals were paroled into the United States to apply affirmatively for asylum. Between October 1991 and May 1992, over 30,000 Haitians were interviewed. Less than one-third of these individuals were paroled into the United States to seek asylum.

For the past 6 years, these individuals have had pending asylum cases

with the Immigration and Naturalization Service. Now, despite the fact that these individuals have become a viable part of our Nation's communities, deportation of these Haitians has begun. The individuals that I am talking about today are the children, wives, brothers, and sisters of soldiers and activists who stood up for democracy in Haiti and suffered a great deal because of the strength of their convictions. They fled to this country for refuge. They played by our rules. In the time that they've been here, they've built homes, paid taxes, and raised families in our country.

Two Presidential administrations have promised this class of people relief, and I believe that we have an obligation to make good on those promises. There is no excuse not to give them the relief similar to the relief that we have just recently granted to some 250,000 similarly situated Central American nationals.

I believe that in order to be equitable and fair, we must grant similar relief to this small group of individuals. This bill grants that relief. I urge my colleagues to join me in supporting this legislation, and look forward to working with everyone to see that this issue is equitably resolved.

By Mr. LOTT (for himself, Mr. DASCHLE, and Mr. WARNER):

S. 1508. A bill to authorize the Architect of the Capitol to construct a Capitol Visitor Center under the direction of the United States Preservation Commission, and for other purposes; to the Committee on Rules and Administration.

LEGISLATION AUTHORIZING THE CONSTRUCTION OF A CAPITOL VISITORS CENTER

Mr. WARNER. Mr. President, I rise as an original cosponsor of this legislation that will authorize the Architect of the Capitol to construct a Capitol Visitor Center under the direction of the U.S. Capitol Preservation Commission.

The construction of a Capitol Visitor Center is a matter that has been discussed and contemplated for many years. In fact, both the current and the preceding Architect of the Capitol have reviewed and supported the project. Over the years, I have personally been involved in numerous Rules Committee hearings and briefings on the subject.

In my view, the time has come for Congress to move ahead with this project. This legislation is an important step in that direction in that it directs the Capitol Preservation Commission to develop a detailed financial plan for constructing the project, largely with funds donated by the American people.

The Capitol is the second most visited building in the entire Washington, DC area, having nearly 35,000 visitors pass through its doors every day. For many visitors there are long lines and waits in hot sticky weather, or cold wet weather, as there is no place for visitors to gather in preparation for their tour through the Capitol.

The Capitol Visitor Center will have a tremendous, positive impact on the informational and educational experience afforded visitors to the Capitol. It will provide information regarding the history and role of Congress, along with additional information about the visitor's Representative and Senators

But for me, the most compelling need for the Capitol Visitor Center is to add a major element of enhanced security for the entire Capitol building and environs. During the recent Capitol security hearings held in the Senate Rules Committee, the security benefits that a Capitol Visitor Center will provide were outlined clearly by the Capitol Police Board. I strongly believe that the security benefits provided by a Capitol Visitor are not to be taken lightly.

I hope all Members will support this important legislation that will greatly enhance the experience visitors receive when visiting our Nations Capitol.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1509. A bill to authorize the Bureau of Land Management to use vegetation sales contracts in managing land at Fort Stanton and certain nearby acquired land along the Rio Bonita in Lincoln County, New Mexico, to the Committee on Energy and Natural Resources.

THE FORT STANTON AND RIO BONITO CORRIDOR VEGETATION MANAGEMENT ACT

Mr. DOMENICI. Mr. President, I rise to introduce a bill to authorize the Bureau of Land Management to generate funds for the management of Fort Stanton and the Rio Bonito Corridor in Lincoln County, NM. These funds will be raised by authorizing the use of vegetation sales contracts, which will allow the use of forage for livestock grazing.

The Fort Stanton and Rio Bonito Corridor Vegetation Management Act will provide livestock producers with opportunities for additional grazing in the Fort Stanton area, while providing the Bureau of Land Management [BLM] the flexibility to manage the lands in this area according to the recently approved Roswell Area Resource Management Plan.

Mr. President, as background, land in the Fort Stanton area has been acquired by the BLM through purchase, exchange, and transfer from the State of New Mexico. Fort Stanton itself came under the jurisdiction of the BLM by transfer from the U.S. General Services Administration in 1956. Certain tracts along the Rio Bonito in the Fort Stanton area came to the BLM by exchange in 1995. These lands are highly valued for their unique cultural, historic, and natural resources.

General, livestock grazing is managed by the BLM according to a number of laws, including the Taylor Grazing Act, and the regulations that implement those laws. Currently, the Fort Stanton area lands are not within an established grazing district, and are not administered under the Taylor Grazing Act. To continue maintaining and improving the resources of these lands, and to fulfill the management objectives established through the Federal Land Policy and Management Act [FLPMA] planning process, the BLM needs additional management flexibility. The management of vegetation under this additional flexibility will allow for improvement of watershed conditions and wildlife habitat, and will allow for the development of additional recreational opportunities on these public lands, all of which provide benefits for the people and economy of Lincoln County, NM.

The use of livestock grazing in this area has been employed successfully by the BLM in the past. Rangeland improvements and vegetation treatments will emphasize the needs of wildlife and improve watershed management as intended under the current management plan. The use of vegetation sales contracts authorized by this legislation will allow the BLM to use livestock grazing without establishing grazing preferences on these lands.

Finally, Mr. President, the proceeds from vegetation sales contracts will provide additional money for the BLM to use in the management of Fort Stanton and the Rio Bonito Corridor. When offered by the BLM, these contracts will be sold to the highest bidder, who will then be permitted to graze livestock in this area under specific terms and conditions. Some will wonder how the Senator from New Mexico, who has consistently opposed the policy of competitive bidding for grazing permits on public lands, could offer such a proposal. Quite simply, Mr. President, the BLM's management plan for this area provides the rancher bidding on these contracts with facilities and a number of services at Fort Stanton, that it simply cannot provide on the vast majority of the 270 million acres it is charged with managing. This area will be similar to the furnished apartment—where facilities and services are provided by the BLM as a part of the contract—which my colleagues have heard used as a comparison on the Senate floor in the past. Grazing permits offered on other public domain lands remain the unfurnished apartment—where the BLM provides no facilities or services to grazing permittees.

At Fort Stanton, the BLM will be responsible for maintaining and operating the watering facilities, and will not require the lessee to construct improvements and pay for them out of his

own pocket. Additionally, the BLM already owns all of the livestock handling facilities at Fort Stanton, and the lessee will be allowed to use them as a part of the contract. Under this legislation, part of the proceeds from the sale of these contracts will be available for BLM to provide improvements to existing facilities, and a greater level of onsight management than is available on other public lands. An additional difference is that this public land has not been an integral part of an established ranch for the past 60 years, at least not in the same manager as public land ranches governed by the Taylor Grazing Act. This means that providing opportunities for competitive bidding in this area will not remove the heart of an existing family ranch that has been in operation for several generations.

Mr. President, I am hopeful that the Senate will be able to move this legislation through Congress rapidly next year, and I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Stanton and Rio Bonito Corridor Vegetation Management Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the lands under the jurisdiction of the Secretary surrounding Fort Stanton, New Mexico, contain historic and natural resources that warrant special management considerations by the Bureau of Land Management;

(2) the adjudication process for establishing grazing preferences under the Act of June 28, 1934 (commonly known as the "Taylor Grazing Act") (43 U.S.C. 315 et seq.) and other applicable laws has not been conducted on lands acquired by the Secretary at and near Fort Stanton, New Mexico, including lands along the Rio Bonito in Lincoln County, New Mexico;

(3) in the management of renewable forage resources on lands surrounding Fort Stanton, New Mexico, vegetation sales contracts would be a beneficial tool for the Bureau of Land Management to use to maintain and enhance the condition of the forage and other natural resources of the area;

(4) the management of grazing animals under vegetation sales contracts requires fiscal resources and personnel that exceed that of the grazing preference system in place on other public domain lands; and

(5) disputes over the legal description of lands acquired by the Secretary along the Rio Bonito in Lincoln County, New Mexico, make it necessary for the Bureau of Land Management to pursue reasonable legal remedies under existing authorities to resolve such disputes with adjacent landowners.

SEC. 3. DEFINITIONS.

(1) FORT STANTON.—The term "Fort Stanton" means land under the administrative jurisdiction of the Secretary at Fort Stanton, New Mexico, as depicted on the map entitled "Fort Stanton and Rio Bonito Corridor, NM", dated May 13, 1997.

(2) RIO BONITO CORRIDOR.—The term "Rio Bonito Corridor" means land under the administrative jurisdiction of the Secretary near Fort Stanton, New Mexico, within the area identified as the "Rio Bonito Corridor", as depicted on the map entitled "Fort Stanton and Rio Bonito Corridor, NM", dated May 13, 1997, which—

(A) was acquired by the Secretary before May 13, 1997; or

(B) is acquired by the Secretary (by purchase or exchange) from willing landowners after May 13, 1997.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 4. MAPS.

The maps referred to in section 3 shall be made available for public inspection by the Bureau of Land Management at the Roswell District Office in Roswell, New Mexico, and at the New Mexico State Office in Santa Fe, New Mexico.

SEC. 5. MANAGEMENT OF FORT STANTON AND RIO BONITO LAND.

(a) IN GENERAL.—Notwithstanding any provision of the Act of June 28, 1934 (43 U.S.C. 315 et seq.), or any other law relating to the establishment, leasing, or permitting of grazing under a grazing preference, the Secretary, in managing land within Fort Stanton and the Rio Benito Corridor that is under the jurisdiction of the Secretary, may solicit competitive bids for and enter into vegetation sales contracts for the purpose of using livestock grazing as a vegetation management tool. Any such contracts entered into with respect to the land before the date of enactment of this Act are ratified.

(b) CONSISTENCY WITH LAND AND RESOURCE MANAGEMENT PLANS.—Management of Fort Stanton and the Rio Benito Corridor shall be consistent with any applicable land and resource management plan under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(c) DISTRIBUTION AND USE OF PROCEEDS.—Of the proceeds of vegetation sales contracts entered into under subsection (a)—

(1) 12½ percent shall be paid to the State of New Mexico for distribution to Lincoln County, New Mexico, to be used for purposes authorized by section 10 of the Act of June 28, 1934 (43 U.S.C. 3151);

(2) 12½ percent shall be deposited in the general fund of the Treasury of the United States; and

(3) 75 percent shall be deposited in a special account in the Treasury of the United States and shall be available to the Secretary, without further Act of appropriation, for use in managing Fort Stanton and the Rio Benito Corridor and to achieve the management goals and prescriptions identified in applicable resource management plans for the Rio Benito acquired lands and the Fort Stanton area of critical environmental concern, but none of the proceeds provided to the Secretary under this paragraph shall be available for land acquisition.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1510. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico; to the Committee on Energy and Natural Resources.

THE RIO ARRIBA, NEW MEXICO LAND CONVEYANCE ACT OF 1997

Mr. DOMENICI. Mr. President, today, I am introducing legislation that I believe will provide long-term benefits for the people of Rio Arriba County, New Mexico. This legislation will direct the Secretaries of the Interior and Agriculture to convey real property and improvements at an abandoned and surplus administrative site for the Carson National Forest to Rio Arriba County. The site is known as the old Coyote Ranger District Station, near the small town of Coyote, New Mexico.

This legislation is patterned after a similar transfer that the 103rd Congress directed the Secretary of Agriculture to complete on the old Taos Ranger District Station in 1993. As with the Taos station, the Coyote Station will continue to be used for public purposes, including a community center, and a fire substation. Some of the buildings will also be available for the County to use for storage and repair of road maintenance equipment, and other County vehicles.

Mr. President, the Forest Service has determined that this site is of no further use to them, since they have recently completed construction of a new administrative facility for the Coyote Ranger District. In an October 22 letter from the Regional Forester of the Southwest Region, I was informed that on August 7, the Forest Service reported to the General Services Administration that the improvements on the site were considered surplus, and would be available for disposal under their administrative procedures. At this particular site, however, the land on which the facilities have been built is withdrawn public domain land, under the jurisdiction of the Bureau of Land Management.

Because of the complicating factor of the land and the facilities being under the jurisdiction of two separate Departments of the Federal government, I believe that this directed conveyance to Rio Arriba County will provide for a more efficient and expedited transfer. Under administrative processes, not only will the Departments of the Interior and Agriculture have to go through their respective procedures, but there will likely be some involvement of the General Services Administration. This legislation simply directs the Secretaries of the Interior and Agriculture to negotiate the terms and conditions of the conveyance directly with officials from Rio Arriba County.

Mr. President, since neither the Bureau of Land Management nor the Forest Service have any interest in maintaining Federal ownership of this land and the surplus facilities, I believe that this should be a relatively straight-forward issue for Congress to address. I hope that we will be able to act on this legislation quickly next spring.

In closing, Mr. President, I want to thank the Senate for its consideration,

and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OLD COYOTE ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall convey by quit-claim deed to the county of Rio Arriba, New Mexico, subject to the terms and conditions stated in subsection (b), all right, title, and interest of the United States in and to the land (including all improvements on the land) known as the "Old Coyote Administrative Site" located approximately ½ mile east of the Village of Coyote, New Mexico on State Road 96, comprising 1 tract of 130.27 acres and 1 tract of 276.76 acres.

(b) TERMS AND CONDITIONS.—

(1) CONSIDERATION.—The conveyance described in subsection (a) shall be in consideration of an amount that is agreeable to the Secretary of the Interior, the Secretary of Agriculture, and the county of Rio Arriba, New Mexico, payable in full within the 6-month period referred to in subsection (a), or, at the option of the county, in 20 annual payments due on January 1 of the first year beginning after the date of enactment of this Act and annually thereafter until the total amount due has been paid. The county shall not be charged interest on amounts owed the United States for the conveyance.

(2) RELEASE.—On conveyance of the property under subsection (a), the county shall release the United States from any liability for claims relating to the property.

(3) REVERSION.—The conveyance under subsection (a) shall be a conveyance fee simple title to the property, subject to reversion to the United States if the property is used for other than public purposes or if the consideration requirements under paragraph (1) are not met.

By Mr. LAUTENBERG (for himself, Mr. D'AMATO, Mr. MOYNIHAN, and Mr. TORRICELLI):

S. 1512. A bill to amend section 659 of title 18, United States Code; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation with Senators D'AMATO, MOYNIHAN, and TORRICELLI that addresses the growing problem of cargo theft. This crime, which covers the interstate theft of cargo from ports, airports, rails, and roads, causes losses as high as $10 billion a year in the United States. The "Cargo Theft Deterrence Act of 1997" increases the incentive for prosecutors to pursue this crime and for defendants to cooperate with law enforcement. Furthermore, this legislation clarifies what is covered by existing law.

Cargo theft continues unabated as criminals discover that the risks of getting caught and prosecuted are far lower than for comparably lucrative crimes. This tends to be an under-reported crime that has received a relatively small amount of attention by Congress. I believe this must change. Mr. President, let me cite a few statistics that should demonstrate to my colleagues the seriousness of this crime and why we should act. In 1994, the dollar value in goods stolen from a single tractor-trailer rig in New Jersey was higher than all of the bank robberies combined in my state for that year.

While certain regions of the United States, such as New Jersey/New York, Southern California, and South Florida, sustain higher cargo theft losses than others, consumers nationwide are affected. For example, one industry group estimated that computers cost an average of $150 more because of cargo theft, and that approximately $3.5 billion of computers, chips, and software are stolen annually. The risk management director for one computer company said that "it's a rare company that hasn't ever lost a truck." Most people do not realize that the value of computer chips per pound is higher than gold. And, unfortunately, the resale value of stolen items is much higher than what one might believe. Many of these goods end up overseas while others are sold in the same city.

Mr. President, virtually no product is safe from this crime. While theft of computers and computer products, fragrances, and designer clothes are not uncommon, items ranging from frozen seafood, pineapple pulp, cough drops, refried beans, and insulation have been reported stolen.

The industry maxim of "cargo at rest is cargo at risk" is no longer a truism—all cargo is a risk—and contrary to the belief that this is a victimless crime, an alarming number of tractor trailers have been hijacked. This occurred just several weeks ago in New Jersey, when a truck was hijacked right after leaving a port. Fortunately the driver was unharmed though one million dollars' worth of clothes were stolen. Tighter measures taken by port authorities and manufacturers at their plants have caused such hijackings to increase.

Mr. President, the need for this legislation is not a criticism of our law enforcement. The Port Authority of New York & New Jersey, for example, has made significant strides at curbing this crime in the New Jersey/New York region. Unfortunately, existing law does not provide an adequate deterrent because the penalties are not sufficiently severe nor is there an incentive for defendants to cooperate with prosecutors.

Let me explain, Mr. President, what my legislation will do. It will bring efforts to fight this crime into the next century. Enacted in its earliest form in 1913, the statute that my bill modifies covers such older modes of transportation and distribution of cargo as wagons, depots, and steamboats. My bill recognizes the advances we have made in intermodal connections and transportation by adding such terms as "trailer," "air cargo container," and "freight consolidation facility." The days of cargo theft from wagons are gone. Furthermore, the Cargo Theft Deterrence Act broadens the statute's coverage to clarify that cargo is moving as an interstate or foreign shipment at all points between the point of origin and the final destination. Merely because a container is temporarily at rest awaiting transport to its final destination should not prevent law enforcement from prosecuting a defendant under this statute. Existing law currently covers cargo moving as a part of interstate or foreign commerce.

My legislation increases the penalties for convictions under this statute. Current law provides that those convicted of this provision shall be fined or imprisoned not more than one year, or both. My bill increases this maximum prison term to three. This statute, as currently written, requires the government to prove that not only did a defendant embezzle, steal, or unlawfully take the cargo, it must show that he did so with the intent to convert to his own use. This seems duplicative at best and is an unnecessary hurdle for the prosecutor to demonstrate. The Cargo Theft Deterrence Act eliminates the term, "with intent to convert to his own use" from this statute. Since we have removed this intent language, we have created the affirmative defense that the defendant bought, received, or possessed the cargo with the sole intent of reporting the matter to either law enforcement or the owner of the cargo.

The Sentencing Commission is directed to provide a sentencing enhancement of two levels for this crime similar to enhancements made for offenses involving organized schemes to steal vehicles or if the offense involved more than minimal planning. This Act also requires the Attorney General to report annually to Congress on the progress made by law enforcement investigating and prosecuting this crime. Additionally, upon motion by the Attorney General, a court may reduce the penalties if a defendant cooperates with law enforcement. Use of informants is essential in reducing this crime and this provision creates an appropriate incentive.

Finally, Mr. President, my legislation creates a Cargo Theft Advisory Committee that will study and make recommendations about the establishment of a national data base of information about this crime. A constant complaint by industry and law enforcement is that there is a lack of good data about cargo theft. Industry tends to under-report it and law enforcement frequently classifies it in such categories as theft, robbery, hijacking, and burglary. This Committee, which shall exist for one year and report its

findings and recommendations to Congress and the President, will also review the desirability of creating a centralized office within the federal government to oversee efforts designed to curb cargo theft and to increase coordination with the private sector, and state and local law enforcement.

Mr. President, I thought an advisory committee was the most prudent course because legitimate questions have been raised about whether this data base should be maintained by the public or private sector, who should be able to access it, and what information should be collected, yet remain confidential. Moreover, there are several logical agencies that could house an office on cargo security so I thought it is appropriate to have cargo security experts in both the public and private sector make this recommendation.

Mr. President, I look forward to the Judiciary Committee's consideration of this legislation and urge my colleagues to support this first step in addressing this crime that affects all Americans. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cargo Theft Deterrence Act of 1997".

SEC. 2. INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER.

(a) IN GENERAL.—Section 659 of title 18, United States Code, is amended—

(1) by striking "with intent to convert to his own use" each place that term appears;

(2) in the first undesignated paragraph—

(A) by inserting "trailer," after "motortruck,";

(B) by inserting "air cargo container," after "aircraft,"; and

(C) by inserting ", or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility," after "air navigation facility";

(3) in the fifth undesignated paragraph—

(A) by striking "one year" and inserting "3 years"; and

(B) by adding at the end the following: "Notwithstanding the preceding sentence, the court may, upon motion of the Attorney General, reduce any penalty imposed under this paragraph with respect to any defendant who provides information leading to the arrest and conviction of any dealer or wholesaler of stolen goods or chattels moving as or which are a part of or which constitute an interstate or foreign shipment.";

(4) in the penultimate undesignated paragraph, by inserting after the first sentence the following: "For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidence by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise."; and

(5) by adding at the end the following:

"It shall be an affirmative defense (on which the defendant bears the burden of persuasion by a preponderance of the evidence) to an offense under this section that the defendant bought, received, or possessed the goods, chattels, money, or baggage at issue with the sole intent to report the matter to an appropriate law enforcement officer or to the owner of the goods, chattels, money, or baggage.".

(b) FEDERAL SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 2 levels for any offense under section 659 of title 18, United States Code, as amended by this section.

(c) REPORT TO CONGRESS.—The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code, as amended by this section.

SEC. 3. ADVISORY COMMITTEE ON CARGO THEFT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a Committee to be known as the Advisory Committee on Cargo Theft (in this section referred to as the "Committee").

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Committee shall be composed of 6 members, who shall be appointed by the President, of whom—

(i) 1 shall be an officer or employee of the Department of Justice;

(ii) 1 shall be an officer or employee of the Department of Transportation;

(iii) 1 shall be an officer or employee of the Department of the Treasury; and

(iv) 3 shall be individuals from the private sector who are experts in cargo security.

(B) DATE.—The appointments of the initial members of the Committee shall be made not later than 3 days after the date of enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Each member of the Committee shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 15 days after the date on which all initial members of the Committee have been appointed, the Committee shall hold its first meeting.

(5) MEETINGS.—The Committee shall meet, not less frequently than quarterly, at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON.—The President shall select 1 member of the Committee to serve as the Chairperson of the Committee.

(b) DUTIES.—

(1) STUDY.—The Committee shall conduct a thorough study of, and develop recommendations with respect to, all matters relating to—

(A) the establishment of a national computer database for the collection and dissemination of information relating to violations of section 659 of title 18, United States Code (as added by this Act); and

(B) the establishment of an office within the Federal Government to promote cargo security and to increase coordination between the Federal Government and the private sector with respect to cargo security.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit to the President and to Congress a report, which shall contain a detailed statement of results of the study and the recommendations of the Committee under paragraph (1).

(c) POWERS.—

(1) HEARINGS.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out the purposes of this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out the provisions of this section. Upon request of the Chairperson of the Committee, the head of such department or agency shall furnish such information to the Committee.

(3) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(d) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL MEMBERS.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

(B) FEDERAL MEMBERS.—Each member of the Committee who is an officer or employee of the United States shall serve without compensation in addition to that received for their service as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(B) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the

Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION.—The Committee shall terminate 90 days after the date on which the Committee submits the report under subsection (b)(2).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to the Committee to carry out the purposes of this section.

(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. SMITH, his name was withdrawn as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 173

At the request of Mr. DEWINE, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 173, a bill to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

S. 632

At the request of Mr. KOHL, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes.

S. 1115

At the request of Mr. JEFFORDS, his name was added as a cosponsor of S. 1115, a bill to amend title 49, United States Code, to improve one-call notification process, and for other purposes.

S. 1225

At the request of Mr. HUTCHINSON, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1225, a bill to terminate the Internal Revenue Code of 1986.

S. 1299

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 1299, a bill to limit the authority of the Administrator of the Environmental Protection Agency and the Food and Drug Administration to ban metered-dose inhalers.

S. 1310

At the request of Mr. FORD, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1310, a bill to provide market transition assistance for tobacco producers, tobacco industry workers, and their communities.

S. 1320

At the request of Mr. ROCKEFELLER, the names of the Senator from Connecticut [Mr. DODD] and the Senator from North Dakota [Mr. DORGAN) were added as cosponsors of S. 1320, a bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf War for purposes of determining a service connection relating to such illnesses, and for other purposes.

S. 1321

At the request of Mr. TORRICELLI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1350

At the request of Mr. FEINGOLD, his name was added as a cosponsor of S. 1350, a bill to amend section 332 of the Communications Act of 1934 to preserve State and local authority to regulate the placement, construction, and modification of certain telecommunications facilites, and for other purposes.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1379

At the request of Mr. DEWINE, the names of the Senator from New Jersey [Mr. TORRICELLI] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 1379, a bill to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HOLLINGS, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Concurrent Resolution 52, a concurrent resolution relating to maintaining the current standard behind the "Made in USA" label, in order to protect consumers and jobs in the United States.

SENATE CONCURRENT RESOLUTION 67—DESIGNATING THE MILLENNIUM PROJECT

Mrs. HUTCHISON (for herself, Mrs. MURRAY, Ms. SNOWE, Mrs. FEINSTEIN, Mrs. BOXER, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Ms. COLLINS) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 67

Whereas knowledge of our heritage is critical to understanding and meeting the challenges of today and developing a vision for our future;

Whereas the recognition of historic contributions of women to civilization is woefully lacking and such contributions are misunderstood in our Nation's cultural and historical landscape;

Whereas the Foundation for Women's Resources has announced the creation of The Women's Museum: An Institute for the Future (in this resolution referred to as the "Museum"), a state-of-the-art, interactive museum that will—

(1) profile the specific achievements of individual women throughout history;

(2) explore the experiences of women in our civilization; and

(3) celebrate the role of women in culture, commerce, politics, art, music, and the sciences;

Whereas the Museum will both honor the past contributions of women in history as well as the future role of women in our society;

Whereas the Museum will be housed in the restored State Fair Coliseum in Dallas, Texas, and designed by architect Wendy Evans Joseph, senior designer for the United States Holocaust Memorial Museum;

Whereas the Museum has been widely supported by numerous women's organizations, local governments, corporations, and individuals;

Whereas the Museum is scheduled to open in the year 2000, the first time as a Nation we have witnessed the turn of a millennium; and

Whereas the turn of the millennium will be commemorated by government institutions and agencies with special projects and events all over our country: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress—

(1) that the past, present, and future contributions of women to culture, commerce, politics, art, music, and the sciences should be recognized and celebrated;

(2) that The Women's Museum: An Institute for the Future, in Dallas, Texas, should be designated as a millennium project for the United States; and

(3) that Federal agencies and other Federal institutions should support the establishment and operation of The Women's Museum: An Institute for the Future by—

(A) providing construction and operational support;

(B) supporting a ground-breaking ceremony for the museum; and

(C) supporting the museum and its objectives in all other respects.

SENATE RESOLUTION 150—RELATIVE TO A $1 COIN

Ms. SNOWE submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 150

Whereas in 1940, Margaret Chase Smith became a Member of the House of Representatives, commencing 32 years of public service to the State of Maine and to the United States;

Whereas Margaret Chase Smith was elected to the Senate in 1948, becoming the first woman to be elected to the Senate, as well as the first woman to be elected to both the House of Representatives and the Senate;

Whereas on June 1, 1950, Margaret Chase Smith delivered an address entitled "Declaration of Conscience", which was a defense of the basic principles of Americanism, including the right to criticize, the right to hold unpopular beliefs, the right to protest, and the right to independent thought;

Whereas Margaret Chase Smith was the first woman to become the ranking member of a congressional committee;

Whereas Margaret Chase Smith was the first woman to serve on the Committee on Armed Services and the Committee on Appropriations of the Senate;

Whereas in 1964, Margaret Chase Smith was the first woman to have her name placed in nomination for the presidency by either major political party;

Whereas Margaret Chase Smith was the first civilian woman to sail on a United States destroyer during wartime;

Whereas Margaret Chase Smith was the first woman to break the sound barrier in a United States Air Force F–100 Super Sabre;

Whereas until 1981, Margaret Chase Smith held the all-time consecutive rollcall voting record of the Senate, totalling 2,941 votes over 13 years;

Whereas Margaret Chase Smith died at the age of 97, and, during her lifetime, was given 95 honorary degrees and was awarded the Presidential Medal of Freedom by President Bush in 1989;

Whereas Margaret Chase Smith was a teacher, a telephone operator, a newspaperwoman, an office manager, a secretary, a wife, a Congresswoman, and a Senator;

Whereas Margaret Chase Smith was a leader, a Nation's conscience, a visionary, and a woman of endless firsts;

Whereas the achievements of Margaret Chase Smith are an inspiration to millions of young girls and women, showing that through the use of one's talents, abilities, and energies that opportunities for women do exist and that the door to elected office can be open to all women; and

Whereas Margaret Chase Smith served with pride and humility, and her epitaph aptly reads, "She served people.": Now, therefore, be it

Resolved, That it is the sense of the Senate that if a new $1 coin is minted, the Secretary of the Treasury should be authorized to mint and circulate $1 coins bearing a likeness of Margaret Chase Smith.

SENATE RESOLUTION 151—AMENDING THE STANDING RULES OF THE SENATE

Mr. WARNER (for himself and Mr. FORD) submitted the following resolution; which was considered and agreed to.

S. RES. 151

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 1(n)(2) of rule XXV of the Standing Rules of the Senate is amended—

(1) in division (A), by striking "and" at the end;

(2) in division (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) develop, implement, and update as necessary a strategic planning process and a strategic plan for the functional and technical infrastructure support of the Senate and provide oversight over plans developed by Senate officers and others in accordance with the strategic planning process.".

SEC. 2. COOPERATION BY OFFICES OF THE SENATE.

(a) SECRETARY OF THE SENATE.—The Secretary of the Senate shall assist the efforts of the Committee on Rules and Administration with respect to the development and implementation of a strategic plan for the functional and technical infrastructure support of the Senate. The Secretary shall prepare for approval by the Committee implementation plans, including proposed budgets, for the areas of infrastructure support for which the Secretary is responsible.

(b) SERGEANT AT ARMS.—The Sergeant at Arms shall assist the efforts of the Committee on Rules and Administration with respect to the development and implementation of a strategic plan for the functional and technical infrastructure support of the Senate. The Sergeant at Arms shall prepare for approval by the Committee implementation plans, including proposed budgets, for the areas of infrastructure support for which the Sergeant at Arms is responsible.

SENATE RESOLUTION 152—CONCERNING THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 152

Whereas, in the cases of *City of New York, et al.* v. *William Clinton, et al.*, Civ. No. 97–2393, *National Treasury Employees Union, et al.*, v. *United States, et al.*, Civ. No. 97–2399, and *Snake River Potato Growers, Inc., et al.*, v. *Robert Rubin*, Civ. No. 97–2463, all pending in the United States District Court for the District of Columbia, the constitutionality of the Line Veto Act, Pub. L. No. 104–130, 110 Stat. 1200 (1996), has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288*l*(a), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in the cases of *City of New York, et al.* v. *William Clinton, et al.; National Treasury Employees Union, et al.*, v. *United States, et al.;* and *Snake River Potato Growers, Inc., et al.*, v. *Robert Rubin*, to defend the constitutionality of the Line Item Veto Act.

SEC. 2. That while the Senate is adjourned the Senate Legal Counsel is authorized to appear as amicus curiae on behalf of the Senate in other cases in which the constitutionality of the Line Item Veto Act is placed in issue: *Provided*, That the Joint Leadership Group authorizes the Senate Legal Counsel to appear as amicus curiae on behalf of the Senate in such other cases.

SENATE RESOLUTION 153—CONCERNING THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 153

Whereas, in the case of *Sherry Yvonne Moore* v. *Capitol Guide Board*, Case No. 1:97CV00823, pending in the United States District Court for the District of Columbia, a subpoena has been issued for the production of documents of the Sergeant-at-Arms and Doorkeeper of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony or document production relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Sergeant-at-Arms and Doorkeeper of the Senate is authorized to produce documents relevant to the case of *Sherry Yvonne Moore* v. *Capitol Guide Board*, except where a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent the Sergeant-at-Arms and Doorkeeper of the Senate in connection with the production of documents in this case.

SENATE RESOLUTION 154—CONCERNING THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 154

Whereas, in the case of *Magee, et al.* v. *Hatch, et al.*, No. 97–CV02203, pending in the United States District Court for the District of Columbia, the plaintiffs have named Senator Orrin Hatch as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1) (1994), the Senate may direct its counsel to defend its Members in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Hatch in the case of *Magee, et al.* v. *Hatch, et al.*

AMENDMENTS SUBMITTED

THE ADAK ISLAND NAVAL BASE REUSE FACILITATION ACT OF 1997

MURKOWSKI AMENDMENT NO. 1618

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. MURKOWKI submitted an amendment intended to be proposed by him to the bill (S. 1488) to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes; as follows:

At the end of the bill insert the following new section:

"SEC. 5. GENERAL.—Notwithstanding any other provision of law, and for the purposes of the transfer of property authorized by this Act, personal property that remains on Adak Island is deemed related to the real property and shall be conveyed with real property. Any property, including, but not limited to, appurtenances and improvements, received pursuant to this Act shall, for purposes of Section 21(d) of the Alaska Native Claims Settlement Act, as amended, and Section 907(d) of the Alaska National Interest Lands and Conservation Act, as amended, be treated as not developed until such property is actually occupied, leased, or sold by TAC."

Mr. MURKOWSKI. Mr. President, I rise today to offer an amendment to legislation pending before the Energy and Natural Resources Committee which will facilitate and promote the successful commercial reuse of the Naval Air Facility being closed on Adak Island, Alaska. The underlying legislation will ratify an agreement between the Aleut Corporation in Alaska, the Department of the Interior and the Department of the Navy concerning the reuse of lands occupied by the Navy.

When the Navy's lease expires in October of next year the lands and facilities are to be relinquished back to the Department of the Interior for inclusion into the Alaska Maritime National Wildlife Refuge. The legislation introduced yesterday will facilitate the transfer of that land to Aleut Corporation in exchange for other ANCSA land selections made by the Aleuts. The amendment I offer today will ensure that the private property on Adak Island is transferred to the Aleuts as well as the land and interests in that land. Without this amendment, Mr. President, the facilities constructed on Adak Island by the Navy cannot be placed into productive civilian use. If we are to help the Aleut Corporation establish a community on Adak the ability to use these facilities is critical.

I look forward to moving the underlying legislation and this amendment through the Energy and Natural Resources Committee early next year.

THE RECIPROCAL TRADE AGREEMENT ACT OF 1997

FEINSTEIN AMENDMENTS NOS. 1619–1620

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill (S. 1269) to establish objectives for negotiating and procedures for implementing certain trade agreements; as follows:

AMENDMENT NO. 1619

On page 26, beginning on line 7, strike all through line 13, and insert the following:

"(B) if changes in existing laws or new statutory authority is required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority; and".

AMENDMENT NO. 1620

On page 8, beginning on line 6, strike all through page 10, line 2, and insert the following:

(5) RECIPROCAL TRADE IN AGRICULTURE.—The principal trade negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk and value-added commodities by—

(A) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(i) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(ii) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;

(B) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort agriculture markets to the detriment of the United States;

(C) developing, strengthening, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, particularly with respect to import-sensitive products, including—

(i) unfair or trade-distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other mechanisms;

(ii) unjustified trade restrictions or commercial requirements affecting new technologies, including biotechnology;

(iii) unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements;

(iv) other unjustified technical barriers to trade; and

(v) restrictive rules in the administration of tariff rate quotas;

(D) improving import relief mechanisms to recognize the unique characteristics of perishable agriculture;

(E) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(F) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements; and

(G) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture.

On page 34, between lines 5 and 6, insert the following:

(e) NEGOTIATIONS REGARDING AGRICULTURE.—Before initiating negotiations the subject matter of which is directly related to the subject matter under section 2(b)(5)(A) with any country, the President shall assess whether United States tariffs on agriculture products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

STEVENS (AND BYRD) AMENDMENT NO. 1621

Mr. STEVENS (for himself and Mr. BYRD) proposed an amendment to the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1998, and for other purposes, namely:

DIVISION A—DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—FISCAL YEAR 1998 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR MANAGEMENT REFORM

For payment to the District of Columbia, as authorized by section 11103(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33, $8,000,000, to remain available until September 30, 1999, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority and shall be disbursed from such escrow account pursuant to the instructions of the Authority only for a program of management reform pursuant to sections 11101–11106 of the District of Columbia Management Reform Act of 1997, Public Law 105–33.

FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE NATION'S CAPITAL

For a Federal contribution to the District of Columbia toward the costs of the operation of the government of the District of Columbia, $190,000,000, which shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year: Provided, That these funds may be used by the District of Columbia for the costs of advances to the District government as authorized by section 11402 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33: Provided further, That not less than $30,000,000 shall be used by the District of Columbia to repay the accumulated general fund deficit.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For payment to the District of Columbia Corrections Trustee, $169,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE FOR CORRECTIONAL FACILITIES, CONSTRUCTION AND REPAIR

For payment to the District of Columbia Corrections Trustee for Correctional Facilities, $302,000,000, to remain available until expended, of which not less than $294,900,000 is available for transfer to the Federal Prison System, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

CRIMINAL JUSTICE SYSTEM

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding any other provision of law, $108,000,000 for payment to the Joint Committee on Judicial Administration in the District of Columbia for operation of the District of Columbia Courts, including pension costs: Provided, That said sums shall be paid quarterly by the Treasury of the United States based on quarterly apportionments approved by the Office of Management and Budget, with payroll and financial services to be provided on a contractual basis with the General Services Administration, said services to include the preparation and submission of monthly financial reports to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives; of which not to exceed $750,000 shall be available for establishment and operations of the District of Columbia Truth in Sentencing Commission as authorized by section 11211 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

Notwithstanding any other provision of law, for an additional amount, $43,000,000, for payment to the Offender Supervision Trustee to be available only for obligation by the Offender Supervision Trustee; of which $26,855,000 shall be available for Parole, Adult Probation and Offender Supervision; of which $9,000,000 shall be available to the Public Defender Service; of which $6,345,000 shall be available to the Pretrial Services Agency; and of which not to exceed $800,000 shall be transferred to the United States Parole Commission to implement section 11231 of the National Capital Revitalization and Self-Government Improvement Act of 1997.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $105,177,000 (including $84,316,000 from local funds, $14,013,000 from Federal funds, and $6,848,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That $240,000 shall be available for citywide special elections: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $120,072,000 (including $40,377,000 from local funds, $42,065,000 from Federal funds, and $37,630,000 from other funds), together with $12,000,000 collected in the form of BID tax revenue collected by the District of Columbia on behalf of business improvement districts pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (Bill 12–230).

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $529,739,000 (including $510,326,000 from local funds, $13,519,000 from Federal funds, and $5,894,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That not less than $2,254,754 shall be available to support a pay raise for uniformed firefighters, when authorized by the District of Columbia Council and the District of Columbia Financial Responsibility and Management Assistance Authority, which funding will be made available as savings achieved through actions within the appropriated budget: Provided further, That, commencing on December 31, 1997, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: Provided

further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $672,444,000 (including $530,197,000 from local funds, $112,806,000 from Federal funds, and $29,441,000 from other funds), to be allocated as follows: $564,129,000 (including $460,143,000 from local funds, $98,491,000 from Federal funds, and $5,495,000 from other funds), for the public schools of the District of Columbia; $8,900,000 from local funds for the District of Columbia Teachers' Retirement Fund; $3,376,000 from local funds (not including funds already made available for District of Columbia public schools) for public charter schools: Provided, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: Provided further, That $400,000 be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That if the entirety of this allocation has not been provided as payment to one or more public charter schools by May 1, 1998, and remains unallocated, the funds shall be deposited into a special revolving loan fund to be used solely to assist existing or new public charter schools in meeting startup and operating costs: Provided further, That the Emergency Transitional Education Board of Trustees of the District of Columbia shall report to Congress not later than 120 days after the date of enactment of this Act on the capital needs of each public charter school and whether the current per pupil funding formula should reflect these needs: Provided further, That until the Emergency Transitional Education Board of Trustees reports to Congress as provided in the preceding proviso, the Emergency Transitional Education Board of Trustees shall take appropriate steps to provide public charter schools with assistance to meet all capital expenses in a manner that is equitable with respect to assistance provided to other District of Columbia public schools: Provided further, That the Emergency Transitional Education Board of Trustees shall report to Congress not later than November 1, 1998, on the implementation of their policy to give preference to newly created District of Columbia public charter schools for surplus public school property; $74,087,000 (including $37,791,000 from local funds, $12,804,000 from Federal funds, and $23,492,000 from other funds) for the University of the District of Columbia; $22,036,000 (including $20,424,000 from local funds, $1,158,000 from Federal funds, and $454,000 from other funds) for the Public Library; $2,057,000 (including $1,704,000 from local funds and $353,000 from Federal funds) for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That not less than $1,200,000 shall be available for local school allotments in a restricted line item: Provided further, That not less than $4,500,000 shall be available to support kindergarten aides in a restricted line item: Provided further, That not less than $2,800,000 shall be available to support substitute teachers in a restricted line item: Provided further, That not less than $1,788,000 shall be available in a restricted line item for school counselors: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1998, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,718,939,000 (including $789,350,000 from local funds, $886,702,000 from Federal funds, and $42,887,000 from other funds): Provided, That $21,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $241,934,000 (including $227,983,000 from local funds, $3,350,000 from Federal funds, and $10,601,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: Provided further, That $3,000,000 shall be available for the lease financing, operation, and maintenance of two mechanical street sweepers, one flusher truck, five packer trucks, one front-end loader, and various public litter containers: Provided further, That $2,400,000 shall be available for recycling activities.

FINANCING AND OTHER USES

Financing and other uses, $454,773,000 (including for payment to the Washington Convention Center, $5,400,000 from local funds; reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); and sections 723 and 743(f) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $384,430,000 from local funds; for the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,020,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)(1); for payment of interest on short-term borrowing, $12,000,000 from local funds; for lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,923,000 from local funds; for human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, $6,000,000 from local funds); for equipment leases, the Mayor may finance $13,127,000 of equipment cost, plus cost of issuance not to exceed two percent of the par amount being financed on a lease purchase basis with a maturity not to exceed five years: Provided, That $75,000 is allocated to the Department of Corrections, $8,000,000 for the Public Schools, $50,000 for the Public Library, $260,000 for the Department of Human Services, $244,000 for the Department of Recreation and Parks, and $4,498,000 for the Department of Public Works.

ENTERPRISE FUNDS

ENTERPRISE AND OTHER USES

Enterprises and other uses, $15,725,000 (including for the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,467,000 (including $2,135,000 from local funds and $332,000 from other funds); for the Public Service Commission, $4,547,000 (including $4,250,000 from local funds, $117,000 from Federal funds, and $180,000 from other funds); for the Office of the People's Counsel, $2,428,000 from local funds; for the Office of Banking and Financial Institutions, $600,000 (including $100,000 from local funds and $500,000 from other funds); for the Department of Insurance and Securities Regulation, $5,683,000 from other funds).

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For the Water and Sewer Authority and the Washington Aqueduct, $297,310,000 from other funds (including $263,425,000 for the Water and Sewer Authority and $33,885,000 for the Washington Aqueduct) of which $41,423,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES CONTROL BOARD

For the Lottery and Charitable Games Control Board, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $213,500,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of

the Lottery and Charitable Games Control Board.

STARPLEX FUND

For the Starplex Fund, $5,936,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $97,019,000, of which $44,335,000 shall be derived by transfer from the general fund and $52,684,000 shall be derived from other funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $16,762,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $3,332,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $46,400,000, of which $5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,220,000.

CAPITAL OUTLAY

For construction projects, $269,330,000 (including $31,100,000 for the highway trust fund, $105,485,000 from local funds, and $132,745,000 in Federal funds), to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1999, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1999: Provided further, That, upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

DEFICIT REDUCTION AND REVITALIZATION

For deficit reduction and revitalization, $201,090,000, to be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as "Authority"), which shall allocate the funds to the Mayor, or such other District official as the Authority may deem appropriate, at such intervals and in accordance with such terms and conditions as the Authority considers appropriate: Provided, That these funds shall only be used for reduction of the accumulated general fund deficit; capital expenditures, including debt service; and management and productivity improvements, as allocated by the Authority: Provided further, That no funds may be obligated until a plan for their use is approved by the Authority: Provided further, That the Authority shall inform the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives of the approved plans.

GENERAL PROVISIONS

SECTION 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference

(House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): Provided, That for the fiscal year ending September 30, 1998 the above shall apply except as modified by Public Law 104–8.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) Notwithstanding section 422(7) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for Level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1997 shall be deemed to be the rate of pay payable for that position for September 30, 1997.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), based upon a determination by the Director that, by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1998, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1998 revenue estimates as of the end of the first quarter of fiscal year 1998. These estimates shall be used in the budget request for the fiscal year ending September 30, 1999. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 126. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1998 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 127. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 128. The University of the District of Columbia shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(5) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 129. Funds authorized or appropriated to the government of the District of Columbia by this or any other act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 130. Section 456 of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, secs. 47–231 et seq.) is amended—

(1) in subsection (a)(1), by—

(A) striking "1995" and inserting "1998";

(B) striking "Mayor" and inserting "District of Columbia Financial Responsibility and Management Assistance Authority"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(2) in subsection (b)(1), by—

(A) striking "1997" and inserting "1999";

(B) striking "Mayor" and inserting "Authority"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(3) in subsection (b)(3), by striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(4) in subsection (c)(1), by—

(A) striking "1995" and inserting "1997";

(B) striking "Mayor" and inserting "Chief Financial Officer"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(5) in subsection (c)(2)(A), by—

(A) striking "1997" and inserting "1999";

(B) striking "Mayor" and inserting "Chief Financial Officer"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(6) in subsection (c)(2)(B), by striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight"; and

(7) in subsection (d)(1), by—

(A) striking "1994" and inserting "1997";

(B) striking "Mayor" and inserting "Chief Financial Officer"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight".

SEC. 131. For purposes of the appointment of the head of a department of the government of the District of Columbia under section 11105(a) of the National Capital Revitalization and Self-Improvement Act of 1997, Public Law 105–33, the following rules shall apply:

(1) After the Mayor notifies the Council under paragraph (1)(A)(ii) of such section of the nomination of an individual for appointment, the Council shall meet to determine whether to confirm or reject the nomination.

(2) If the Council fails to confirm or reject the nomination during the 7-day period described in paragraph (1)(A)(iii) of such section, the Council shall be deemed to have confirmed the nomination.

(3) For purposes of paragraph (1)(B) of such section, if the Council does not confirm a nomination (or is not deemed to have confirmed a nomination) during the 30-day period described in such paragraph, the Mayor shall be deemed to have failed to nominate an individual during such period to fill the vacancy in the position of the head of the department.

SEC. 132. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 133. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis as such benefits are extended to legally married couples.

SEC. 134. The Emergency Transitional Education Board of Trustees shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 135. (a) IN GENERAL.—The Emergency Transitional Education Board of Trustees of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1997, fiscal year 1998, and thereafter on a full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 136. (a) No later than October 1, 1997, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1998, whichever occurs later, and each succeeding year, the Emergency Transitional Education Board of Trustees and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Emergency Transitional Education Board of Trustees and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

SEC. 137. The Emergency Transitional Education Board of Trustees, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 138. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1998 under the caption "Division of Expenses" shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $4,811,906,000 (of which $118,269,000 shall be from intra-District funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; and

(ii) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and which are approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

(C) to the extent that the sum of the total revenues of the District of Columbia for such fiscal year exceed the total amount provided for in subsection (B) above, the Chief Financial Officer of the District of Columbia, with the approval of the District of Columbia Financial Responsibility and Management Assistance Authority, may credit up to ten percent (10%) of the amount of such difference, not to exceed $3,300,000, to a reserve fund which may be expended for operating purposes in future fiscal years, in accordance with the financial plans and budgets for such years.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as "Authority") shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1998.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor in consultation with the Chief Financial Officer of the District of Columbia during a control year, as defined in section 305(4) of Public Law 104–8, as amended, 109 Stat. 152, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND FINANCIAL RESPONSIBILITY AND

MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

SEC. 139. The District of Columbia Emergency Transitional Education Board of Trustees shall, subject to the contract approval provisions of Public Law 104–8—

(A) develop a comprehensive plan to identify and accomplish energy conservation measures to achieve maximum cost-effective energy and water savings;

(B) enter into innovative financing and contractual mechanisms including, but not limited to, utility demand-side management programs and energy savings performance contracts and water conservation performance contracts: Provided, That the terms of such contracts do not exceed twenty-five years; and

(C) permit and encourage each department or agency and other instrumentality of the District of Columbia to participate in programs conducted by any gas, electric or water utility of the management of electricity or gas demand or for energy or water conservation.

SEC. 140. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 1998 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act, the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 141. In addition to amounts appropriated or otherwise made available, $5,000,000 is hereby appropriated to the National Park Service and shall be available only for the United States Park Police operations in the District of Columbia.

SEC. 142. The District government shall maintain for fiscal year 1998 the same funding levels as provided in fiscal year 1997 for homeless services in the District of Columbia.

SEC. 143. The District of Columbia Financial Responsibility and Management Assistance Authority and the Chief Executive Officer of the District of Columbia public schools are hereby directed to report to the Appropriations Committees of the Senate and the House of Representatives, the Senate Committee on Governmental Affairs and the Committee on Government Reform and Oversight of the House of Representatives not later than April 1, 1998, on all measures necessary and steps to be taken to ensure that the District's public schools open on time to begin the 1998–99 academic year.

SEC. 144. There are appropriated from applicable funds of the District of Columbia such sums as may be necessary to hire 12 additional inspectors for the Alcoholic Beverage Commission. Of the additional inspectors, 6 shall focus their responsibilities on the enforcement of laws relating to the sale of alcohol to minors.

SEC. 145. (a) Not later than 6 months after the date of enactment of this Act, the General Accounting Office shall conduct and submit to Congress a study of—

(1) the District of Columbia's alcoholic beverage tax structure and its relation to surrounding jurisdictions;

(2) the effects of the District of Columbia's lower excise taxes on alcoholic beverages on consumption of alcoholic beverages in the District of Columbia;

(3) ways in which the District of Columbia's tax structure can be revised to bring it into conformity with the higher levels in surrounding jurisdictions; and

(4) ways in which those increased revenues can be used to lower consumption and promote abstention from alcohol among young people.

(b) The study should consider whether—

(1) alcohol is being sold in proximity to schools and other areas where children are likely to be; and

(2) creation of alcohol free zones in areas frequented by children would be useful in deterring underage alcohol consumption.

SEC. 146. Of the amounts appropriated in this Act to the District of Columbia, funds may be expended to—

(1) hire 5 additional inspectors for the Department of Consumer and Regulatory Affairs to focus on monitoring day care centers and home day care operations; and

(2) hire 5 additional Department of Human Services monitors to focus on selecting quality day care centers eligible for public financing and monitoring safety standards at such centers.

(b) Nothing in this section shall be deemed to supersede or otherwise preempt the development and implementation of the management reform plan for the Department of Consumer and Regulatory Affairs and the Department of Human Services as authorized in the District of Columbia Management Reform Act of 1997 (Subtitle B, Title XI, Public Law 105–33).

SEC. 147. (a) SHORT TITLE; FINDINGS; PURPOSE.—

(1) SHORT TITLE.—This section may be cited as the "Nation's Capital Bicentennial Designation Act".

(2) FINDINGS.—The Senate finds that—

(A) the year 2000 will mark the 200th anniversary of Washington, D.C. as the Nation's permanent capital, commencing when the Government moved from Philadelphia to the Federal City;

(B) the framers of the Constitution provided for the establishment of a special district to serve as "the seat of Government of the United States";

(C) the site for the city was selected under the direction of President George Washington, with construction initiated in 1791;

(D) in submitting his design to Congress, Major Pierre Charles L'Enfant included numerous parks, fountains, and sweeping avenues designed to reflect a vision as grand and as ambitious as the American experience itself;

(E) the capital city was named after President George Washington to commemorate and celebrate his triumph in building the Nation;

(F) as the seat of Government of the United States for almost 200 years, the Nation's capital has been a center of American culture and a world symbol of freedom and democracy;

(G) from Washington, D.C., President Abraham Lincoln labored to preserve the Union and the Reverend Martin Luther King, Jr. led an historic march that energized the civil rights movement, reminding America of its promise of liberty and justice for all; and

(H) the Government of the United States must continually work to ensure that the Nation's capital is and remains the shining city on the hill.

(3) PURPOSE.—The purposes of this section are to—

(A) designate the year 2000 as the "Year of National Bicentennial Celebration for Washington, D.C.—the Nation's Capital"; and

(B) establish the Presidents' Day holiday in the year 2000 as a day of national celebration for the 200th anniversary of Washington, D.C.

(b) NATION'S CAPITAL NATIONAL BICENTENNIAL.—

(1) IN GENERAL.—The year 2000 is designated as the "Year of the National Bicentennial Celebration for Washington, D.C.—the Nation's Capital" and the Presidents' Day Federal holiday in the year 2000 is designated as a day of national celebration for the 200th anniversary of Washington, D.C.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that all Federal entities should coordinate with and assist the Nation's Capital Bicentennial Celebration, a nonprofit 501(c)(3) entity, organized and operating pursuant to the laws of the District of Columbia, to ensure the success of events and projects undertaken to renew and celebrate the bicentennial of the establishment of Washington, D.C. as the Nation's capital.

SEC. 148. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C. Code), General Obligation Bond Act of 1998 (D.C. Bill 12–371), if enacted by the Council of the District of Columbia and approved by the District of Columbia Financial Responsibility and Management Assistance Authority, shall take effect on the date of such approval or the date of the enactment of this Act, whichever is later.

SEC. 149. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 150. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—(1) None of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except in the case of a police officer who resides in the District of Columbia).

(2) The Chief Financial Officer of the District of Columbia shall submit, by December 15, 1997, an inventory, as of September 30, 1997, of all vehicles owned, leased or operated by the District

of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

(b) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 1998 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(c) RESTRICTING PROVIDERS FROM WHOM EMPLOYEES MAY RECEIVE DISABILITY COMPENSATION SERVICES.—

(1) IN GENERAL.—Section 2303(a) of the District of Columbia Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–624.3(a)) is amended by striking paragraph (3) and all that follows and inserting the following:

"(3) By or on the order of the District of Columbia government medical officers and hospitals, or by or on the order of a physician or managed care organization designated or approved by the Mayor.".

(2) SERVICES FURNISHED.—Section 2303 of such Act (D.C. Code, sec. 1–624.3) is amended by adding at the end the following new subsection:

"(c)(1) An employee to whom services, appliances, or supplies are furnished pursuant to subsection (a) shall be provided with such services, appliances, and supplies (including reasonable transportation incident thereto) by a managed care organization or other health care provider designated by the Mayor, in accordance with such rules, regulations, and instructions as the Mayor considers appropriate.

"(2) Any expenses incurred as a result of furnishing services, appliances, or supplies which are authorized by the Mayor under paragraph (1) shall be paid from the Employees' Compensation Fund.

"(3) Any medical service provided pursuant to this subsection shall be subject to utilization review under section 2323.".

(3) REPEAL PENALTY FOR DELAYED PAYMENT OF COMPENSATION.—Section 2324 of such Act (D.C. Code, sec. 1–624.24) is amended by striking subsection (c).

(4) DEFINITIONS.—Section 2301 of such Act (D.C. Code, sec. 1–624.1) is amended—

(A) in the first sentence of subsection (c), by inserting "and as designated by the Mayor to provide services to injured employees" after "State law"; and

(B) by adding at the end the following new subsection:

"(r)(1) The term 'managed care organization' means an organization of physicians and allied health professionals organized to and capable of providing systematic and comprehensive medical care and treatment of injured employees which is designated by the Mayor to provide such care and treatment under this title.

"(2) The term 'allied health professional' means a medical care provider (including a nurse, physical therapist, laboratory technician, X-ray technician, social worker, or other provider who provides such care within the scope of practice under applicable law) who is employed by or affiliated with a managed care organization.".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services, supplies, or appliances furnished under title XXIII of the District of Columbia Merit Personnel Act of 1978 on or after the date of the enactment of this Act.

(d) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), as amended by section 140(b) of the District of Columbia Appropriations Act, 1997 (Public Law 104–194), is amended by adding at the end the following new section:

"SEC. 2408. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR 1998.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1998, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to February 1, 1998, each personnel authority (other than a personnel authority of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997) shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to one round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(f) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except that—

"(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977 (D.C. Code, sec. 1–2543); and

"(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) were not properly applied.

"(g) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

"(1) four years for an employee who qualified for veterans preference under this Act, and

"(2) three years for an employee who qualified for residency preference under this Act.

"(h) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

"(i) With respect to agencies which are not subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1998 or upon the delivery of termination notices to individual employees.

"(j) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this Act shall not be deemed negotiable.

"(k) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1998, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section.

"(l) In the case of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the authority provided by this section shall be exercised to carry out the agency's management reform plan, and this section shall otherwise be implemented solely in a manner consistent with such plan.".

SEC. 151. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 152. (a) CAP ON STIPENDS OF RETIREMENT BOARD MEMBERS.—Section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking the period at the end and inserting the following: ", and the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000.".

(b) RESUMPTION OF CERTAIN TERMINATED ANNUITIES PAID TO CHILD SURVIVORS OF DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS.—

(1) IN GENERAL.—Subsection (k)(5) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–622(e)) is amended by adding at the end the following new subparagraph:

"(D) If the annuity of a child under subparagraph (A) or subparagraph (B) terminates because of marriage and such marriage ends, the annuity shall resume on the first day of the month in which it ends, but only if the individual is not otherwise ineligible for the annuity.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any termination of marriage taking effect on or after November 1, 1993, except that benefits shall be payable only with respect to amounts accruing for periods beginning on the first day of the month beginning after the later of such termination of marriage or such date of enactment.

SEC. 153. (a) IN GENERAL.—The Council of the District of Columbia shall annually review and adjust the amount of the monthly assistance payment that may be made under the Temporary Assistance for Needy Families Program so that such payment is comparable with the monthly assistance payments made under such program in Maryland and Virginia counties that are contiguous to the District of Columbia.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to fiscal year 1998 and each succeeding fiscal year.

SEC. 154. Effective as if included in the enactment of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, section 517 of such Act (110 Stat. 1321–248) is amended by striking "October 1, 1991" and inserting "the date of the enactment of this Act".

SEC. 155. REQUIRING PLACEMENT OF INSPECTOR GENERAL HOTLINE ON PERMIT AND LICENSE APPLICATION FORMS.—

(1) IN GENERAL.—Each District of Columbia permit or license application form printed after the expiration of the 30-day period which begins on the date of the enactment of this Act shall include the telephone number established by the Inspector General of the District of Columbia for reporting instances of waste, fraud, and abuse, together with a brief description of the uses and purposes of such number.

(2) QUARTERLY REPORTS ON USE OF NUMBER.—Not later than 10 days after the end of such calendar quarter of each fiscal year (beginning with fiscal year 1998), the Inspector General of the District of Columbia shall submit a report to Congress on the number and nature of the calls received through the telephone number described in paragraph (1) during the quarter and on the waste, fraud, and abuse detected as a result of such calls.

SEC. 156. (a) IN GENERAL.—Notwithstanding any other provision of law (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement) or collective bargaining agreement, any payment made by the District of Columbia after the expiration of the 45-day period which begins on the date of the enactment of this Act to any person shall be made by—

(1) direct deposit through electronic funds transfer to a checking, savings, or other account designated by the person; or

(2) a check delivered through the United States Postal Service to the person's place of residence or business.

(b) REGULATIONS.—The Chief Financial Officer of the District of Columbia is authorized to issue rules to carry out this section.

SEC. 157. (a) DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.—

(1) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by section 11601(b)(2) of the Balanced Budget Act of 1997, is amended by inserting after section 204 the following new section:

"SEC. 205. DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.

"(a) IN GENERAL.—

"(1) DEPOSIT INTO ESCROW ACCOUNT.—In the case of a fiscal year which is a control year, the Secretary of the Treasury shall deposit any Federal contribution to the District of Columbia for the year authorized under section 11601(c)(2) of the Balanced Budget Act of 1997 into an escrow account held by the Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year. In establishing such terms and conditions, the Authority shall give priority to using the Federal contribution for cash flow management and the payment of outstanding bills owed by the District government.

"(2) EXCEPTION FOR AMOUNTS WITHHELD FOR ADVANCES.—Paragraph (1) shall not apply with respect to any portion of the Federal contribution which is withheld by the Secretary of the Treasury in accordance with section 605(b)(2) of title VI of the District of Columbia Revenue Act of 1939 to reimburse the Secretary for advances made under title VI of such Act.

"(b) EXPENDITURE OF FUNDS FROM ACCOUNT IN ACCORDANCE WITH AUTHORITY INSTRUCTIONS.—Any funds allocated by the Authority to the Mayor from the escrow account described in paragraph (1) may be expended by the Mayor only in accordance with the terms and conditions established by the Authority at the time the funds are allocated.".

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 204 the following new item:

"Sec. 205. Deposit of annual Federal contribution with Authority.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

(b) DISHONORED CHECK COLLECTION.—The Act entitled "An Act to authorize the Commissioners of the District of Columbia to prescribe penalties for the handling and collection of dishonored checks", approved September 28, 1965 (D.C. Code, sec. 1–357) is amended—

(1) in subsection (a) by inserting after the third sentence the following: "The Mayor may enter into a contract to collect the amount of the original obligation."; and

(2) by adding at the end the following new subsections:

"(c) In a case in which the amount of a dishonored or unpaid check is collected as a result of a contract, the Mayor shall collect any costs or expenses incurred to collect such amount from such person who gives or causes to be given, in payment of any obligation or liability due the government of the District of Columbia, a check which is subsequently dishonored or not duly paid. In a case in which the amount of a dishonored or unpaid check is collected as a result of an action at law or in equity, such costs and expenses shall include litigation expenses and attorney's fees.

"(d) An action at law or in equity for the recovery of any amount owed to the District as a result of subsection (c), including any litigation expenses or attorney's fees may be initiated—

"(1) by the Corporation Counsel of the District of Columbia; or

"(2) in a case in which the Corporation Counsel does not exercise his or her authority, by the person who provides collection services as a result of a contract with the Mayor.

"(e) Nothing in this section may be construed to eliminate the Mayor's exclusive authority with respect to any obligations and liabilities of the District of Columbia.".

(c) CONFORMING REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Section 4(28A) of the District of Columbia Income and Franchise Act of 1947 (D.C. Code, sec. 47–1801.4(28A)) is amended to read as follows:

"(28A) The term 'Internal Revenue Code of 1986' means the Internal Revenue Code of 1986 (100 Stat. 2085; 26 U.S.C. 1 et seq.), as amended through August 20, 1996. The provisions of the Internal Revenue Code of 1986 shall be effective on the same dates that they are effective for Federal tax purposes.".

(d) STANDARD FOR REVIEW OF RECOMMENDATIONS OF BUSINESS REGULATORY REFORM COMMISSION IN REVIEW OF REGULATIONS BY AUTHORITY.—Section 11701(a)(1) of the Balanced Budget Act of 1997 is amended by striking the second sentence and inserting the following: "In carrying out such review, the Authority shall include an explicit reference to each recommendation made by the Business Regulatory Reform Commission pursuant to the Business Regulatory Reform Commission Act of 1994 (D.C. Code, sec. 2–4101 et seq.), together with specific findings and conclusions with respect to each such recommendation.".

(e) TECHNICAL CORRECTIONS RELATING TO BALANCED BUDGET ACT OF 1997.—(1) Effective as if included in the enactment of the Balanced Budget Act of 1997, section 453(c) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–304.1(c)), as amended by section 11243(d) of the Balanced Budget Act of 1997, is amended to read as follows:

"(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the Council, the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, or the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996.".

(2) Section 11201(g)(2)(A)(ii) of the Balanced Budget Act of 1997 is amended—

(A) in the heading, by striking "DEPARTMENT OF PARKS AND RECREATION" and inserting "PARKS AUTHORITY"; and

(B) by striking "Department of Parks and Recreation" and inserting "Parks Authority".

(f) REPEAL OF PRIOR NOTICE REQUIREMENT FOR FEDERAL ACTIVITIES AFFECTING REAL PROPERTY IN DISTRICT OF COLUMBIA.—Effective October 1, 1997, the Balanced Budget Act of 1997 (Public Law 105–33) is amended by striking section 11715.

SEC. 158. Notwithstanding any provision of any Federally-granted charter or any other provision of law, the real property of the National Education Association located in the District of Columbia shall be subject to taxation by the District of Columbia in the same manner as any similar organization.

SEC. 159. (a) Section 501(c)(4) of the District of Columbia Police and Firemen's Act of 1958 (D.C. Code, sec. 4–416(c)(4)) is amended by striking "locality pay" and inserting "longevity pay".

(b) The amendment made by subsection (a) is effective on the date of enactment of Public Law 105–61.

SEC. 160. In addition to amounts appropriated or otherwise made available, $3,000,000 is appropriated for the purpose of funding a Medicare Coordinated Care Demonstration Project in the District of Columbia as specified in section 4016(b)(2)(C) of the Balanced Budget Act of 1997.

SEC. 161. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as "Authority"). Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 162. Effective as if included in the enactment of subtitle J of title IV of the Balanced Budget Act of 1997 (Public Law 105–33) the Social Security Act is amended as follows:

(1) The fourth sentence of section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by inserting "for the State for a fiscal year, and that do not exceed the amount of the State's allotment under section 2104 (not taking into account reductions under section 2104(d)(2)) for the fiscal year reduced by the amount of any payments made under section 2105 to the State from such allotment for such fiscal year," after "subsection (u)(3)".

(2) Section 1905(u) of such Act (42 U.S.C. 1396d(u)) is amended—

(A) in paragraph (1)(B), by striking "paragraph (2)" and inserting "the fourth sentence of subsection (b)";

(B) in paragraph (2)(A), by striking "(C), but not in excess" and all that follows up to the period at the end and inserting "(B)";

(C) by striking subparagraphs (B) and (C) of paragraph (2) and inserting the following:

"(B) For purposes of this paragraph, the term 'optional targeted low-income child' means a targeted low-income child as defined in section 2110(b)(1) (determined without regard to that portion of subparagraph (C) of such section concerning eligibility for medical assistance under this title) who would not qualify for medical assistance under the State plan under this title as in effect on March 31, 1997 (but taking into account the expansion of age of eligibility effected through the operation of section 1902(l)(1)(D)).";

(D) in paragraph (3)—

(i) by striking "described in this subparagraph" and inserting "described in this paragraph"; and

(ii) by striking "April 15, 1997" and inserting "March 31, 1997"; and

(E) by adding at the end the following:

"(4) The limitations on payment under subsections (f) and (g) of section 1108 shall not apply to Federal payments made under section 1903(a)(1) based on an enhanced FMAP described in section 2105(b).".

(3) Section 2110(b) of such Act (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(B)(ii) to read as follows:

"(ii) is a child—

"(I) whose family income (as determined under the State child health plan)) exceeds the medicaid applicable income level (as defined in paragraph (4)), but does not exceed 50 percentage points above the medicaid applicable income level;

"(II) whose family income (as so determined) does not exceed the medicaid applicable income level (as defined in paragraph (4) but determined as if 'June 1, 1997' were substituted for 'March 31, 1997'); or

"(III) who resides in a State that does not have a medicaid applicable income level (as defined in paragraph (4)); and"; and

(B) in paragraph (4)—

(i) by striking "June 1, 1997" and inserting "March 31, 1997"; and

(ii) by inserting "or 1905(n)(2) (as selected by a State)" after "1902(l)(2)".

(4) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by striking "or 1905(p)(1)" and inserting "1905(p)(1), or 1905(u)".

(5) Section 2105(c)(2)(A) of such Act (42 U.S.C. 1397ee(c)(2)(A)) is amended to read as follows—

"(A) IN GENERAL.—Except as provided in this paragraph, payment shall not be made under subsection (a) for expenditures for items described in subsection (a) (other than paragraph (1)) for a fiscal year to the extent the total of such expenditures (for which payment is made under such subsection) exceeds 10 percent of the sum of—

"(i) the total of such expenditures for such fiscal year, and

"(ii) the total expenditures for medical assistance by the State under title XIX for which Federal payments made under section 1903(a)(1) are based on an enhanced FMAP described in section 2105(b) for such fiscal year.".

(6) Section 2104 of such Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (d)(1), by striking "for calendar quarters" and inserting "for expenditures claimed by the State"; and

(B) by striking subsection (d)(2) and inserting the following:

"(2) the amount (if any) of the payments made to that State under section 1903(a) for expenditures claimed by the State during such fiscal year that is attributable to the provision of medical assistance to a child for which payment is made under section 1903(a)(1) on the basis of an enhanced FMAP under the fourth sentence of section 1905(b).".

(7) Section 2105 of such Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

"(f) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing in this section or subsections (e) and (f) of section 2104 shall be construed as preventing a State from claiming as expenditures in the quarter expenditures that were incurred in a previous quarter.".

(8) Section 2104 of such Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a)(1), by striking "$4,275,000,000" and inserting "$4,295,000,000";

(B) in subsection (b)(4), by striking "Subject to paragraph (5), in" and inserting "In"; and

(C) in subsection (c)—

(i) in paragraph (2)(C), by inserting "the" before "Virgin Islands", and

(ii) in paragraphs (3)(C) and (3)(E), by striking "the" and inserting "The".

(9) Section 2110(c)(3) of such Act (42 U.S.C. 1397jj(c)(3)) is amended by striking "2191" and inserting "2791".

SEC. 163. The Administrator of General Services is authorized to amend the use restriction contained in the Administrator's 1956 conveyance of land to the City of Bonham, Texas, mandated by Public Law 586 of the 84th Congress. The amended use restriction will limit the property to state veterans, nursing homes and public safety communications purposes only.

SEC. 164. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 165. There are appropriated from such funds of the District of Columbia, as are deemed appropriate by the District of Columbia Financial Responsibility and Management Assistance Authority, $2,600,000, for the Fire and Emergency Medical Services Department for a 5 percent pay increase for uniformed fire fighters.

SEC. 166. During fiscal year 1998, from funds available to the Department of Defense, up to $800,000 is available to the Department of Defense to compensate persons who have suffered documented commercial loss of cranberry crops in 1997 in the Mashpee or Falmouth bogs, located on the Quashnet and Coonamessett Rivers, respectively, as a result of the presence of ethylene dibromide (EDB) in or on cranberries from either of the plumes of EDB-contaminated groundwater known as "FS 28" and "FS–1" adjacent to the Massachusetts Military Reservation, Cape Cod, Massachusetts.

TITLE II—CLARIFICATION OF ELIGIBILITY FOR RELIEF FROM REMOVAL AND DEPORTATION FOR CERTAIN ALIENS

SEC. 201. SHORT TITLE.—This title may be cited as the "Nicaraguan Adjustment and Central American Relief Act".

SEC. 202. ADJUSTMENT OF STATUS OF CERTAIN NICARAGUANS AND CUBANS. (a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2000; and

(B) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The benefits provided by subsection (a) shall apply to any alien who is a national of Nicaragua or Cuba and who has been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under such subsection is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

(2) PROOF OF COMMENCEMENT OF CONTINUOUS PRESENCE.—For purposes of establishing that the period of continuous physical presence referred to in paragraph (1) commenced not later than December 1, 1995, an alien—

(A) shall demonstrate that the alien, prior to December 1, 1995—

(i) applied to the Attorney General for asylum;

(ii) was issued an order to show cause under section 242 or 242B of the Immigration and Nationality Act (as in effect prior to April 1, 1997);

(iii) was placed in exclusion proceedings under section 236 of such Act (as so in effect);

(iv) applied for adjustment of status under section 245 of such Act;

(v) applied to the Attorney General for employment authorization;

(vi) performed service, or engaged in a trade or business, within the United States which is evidenced by records maintained by the Commissioner of Social Security; or

(vii) applied for any other benefit under the Immigration and Nationality Act by means of an application establishing the alien's presence in the United States prior to December 1, 1995; or

(B) shall make such other demonstration of physical presence as the Attorney General may provide for by regulation.

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien subject to a final order of deportation or removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and

Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an "employment authorized" endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Nicaragua or Cuba;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that they have been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under this subsection is filed;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed;

(D) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply; and

(E) applies for such adjustment before April 1, 2000.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien—

(A) shall demonstrate that such period commenced not later than December 1, 1995, in a manner consistent with subsection (b)(2); and

(B) shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period in the aggregate not exceeding 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

SEC. 203. MODIFICATION OF CERTAIN TRANSITION RULES. (a) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—

(1) IN GENERAL.—Section 309(c)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–627) is amended to read as follows:

"(5) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act (relating to continuous residence or physical presence) shall apply to orders to show cause (including those referred to in section 242B(a)(1) of the Immigration and Nationality Act, as in effect before the title III–A effective date), issued before, on, or after the date of the enactment of this Act.

"(B) EXCEPTION FOR CERTAIN ORDERS.—In any case in which the Attorney General elects to terminate and reinitiate proceedings in accordance with paragraph (3) of this subsection, paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act shall not apply to an order to show cause issued before April 1, 1997.

"(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION.—

"(i) IN GENERAL.—For purposes of calculating the period of continuous physical presence under section 244(a) of the Immigration and Nationality Act (as in effect before the title III–A effective date) or section 240A of such Act (as in effect after the title III–A effective date), subparagraph (A) and paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act shall not apply in the case of an alien, regardless of whether the alien is in exclusion or deportation proceedings before the title III–A effective date, who has not been convicted at any time of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act) and—

"(I) was not apprehended after December 19, 1990, at the time of entry, and is—

"(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the settlement agreement in American Baptist Churches, et al. v. Thornburgh (ABC), 760 F. Supp. 796 (N.D. Cal. 1991) on or before October 31, 1991, or applied for temporary protected status on or before October 31, 1991; or

"(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to such settlement agreement on or before December 31, 1991;

"(II) is a Guatemalan or Salvadoran national who filed an application for asylum with the Immigration and Naturalization Service on or before April 1, 1990;

"(III) is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act) of an individual, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such individual, if the individual has been determined to be described in this clause (excluding this subclause and subclause (IV));

"(IV) is the unmarried son or daughter of an alien parent, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such alien parent, if—

"(aa) the alien parent has been determined to be described in this clause (excluding this subclause and subclause (III)); and

"(bb) in the case of a son or daughter who is 21 years of age or older at the time such decision is rendered, the son or daughter entered the United States on or before October 1, 1990; or

"(V) is an alien who entered the United States on or before December 31, 1990, who filed an application for asylum on or before December 31, 1991, and who, at the time of filing such application, was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia.

"(ii) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether an alien satisfies the requirements of this clause (i) is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of section 242(a)(2)(B) of the Immigration and Nationality Act (as in effect after the title III–A effective date) to other eligibility determinations pertaining to discretionary relief under this Act.".

(2) CONFORMING AMENDMENT.—Subsection (c) of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–625) is amended by striking the subsection designation and the subsection heading and inserting the following:

"(c) TRANSITION FOR CERTAIN ALIENS.—".

(b) SPECIAL RULE FOR CANCELLATION OF REMOVAL.—Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–625) is amended by adding at the end the following:

"(f) SPECIAL RULE FOR CANCELLATION OF REMOVAL.—

"(1) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (as in effect after the title III–A effective date), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (but including section 242(a)(2)(B) of such Act), the Attorney General may, under section 240A of such Act, cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States, if the alien applies for such relief, the alien is described in subsection (c)(5)(C)(i) of this section, and—

"(A) the alien—

"(i) is not inadmissible or deportable under paragraph (2) or (3) of section 212(a) or paragraph (2), (3), or (4) of section 237(a) of the Immigration and Nationality Act and is not an alien described in section 241(b)(3)(B)(i) of such Act;

"(ii) has been physically present in the United States for a continuous period of not less than 7 years immediately preceding the date of such application;

"(iii) has been a person of good moral character during such period; and

"(iv) establishes that removal would result in extreme hardship to the alien or to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

"(B) the alien—

"(i) is inadmissible or deportable under section 212(a)(2), 237(a)(2) (other than 237(a)(2)(A)(iii)), or 237(a)(3) of the Immigration and Nationality Act;

"(ii) is not an alien described in section 241(b)(3)(B)(i) or 101(a)(43) of such Act;

"(iii) has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for removal;

"(iv) has been a person of good moral character during such period; and

"(v) establishes that removal would result in exceptional and extremely unusual hardship to the alien or to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

"(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—Section 240A(d)(2) shall apply for purposes of calculating any period of continuous physical presence under this subsection, except that the reference to subsection (b)(1) in such section shall be considered to be a reference to paragraph (1) of this section.".

(c) MOTIONS TO REOPEN DEPORTATION OR REMOVAL PROCEEDINGS.—Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–625), as amended by subsection (b), is further amended by adding at the end the following:

"(g) MOTIONS TO REOPEN DEPORTATION OR REMOVAL PROCEEDINGS.—Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act)), any alien who has become eligible for cancellation of removal or suspension of deportation as a result of the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act may file one motion to reopen removal or deportation proceedings to apply for cancellation of removal or suspension of deportation. The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of the Nicaraguan Adjustment and Central American Relief Act and shall extend for a period not to exceed 240 days.".

(d) TEMPORARY REDUCTION IN DIVERSITY VISAS.—

(1) Beginning in fiscal year 1999, subject to paragraph (2), the number of visas available for a fiscal year under section 201(e) of the Immigration and Nationality Act shall be reduced by 5,000 from the number of visas available under that section for such fiscal year.

(2) In no case shall the reduction under paragraph (1) for a fiscal year exceed the amount by which—

(A) one-half of the total number of individuals described in subclauses (I), (II), (III), and (IV) of section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 who have adjusted their status to that of aliens lawfully admitted for permanent residence under the Nicaraguan Adjustment and Central American Relief Act as of the end of the previous fiscal year exceeds—

(B) the total of the reductions in available visas under this subsection for all previous fiscal years.

(e) TEMPORARY REDUCTION IN OTHER WORKERS' VISAS.—

(1) Beginning in the fiscal year following the fiscal year in which a visa has been made available under section 203(b)(3)(A)(iii) of the Immigration and Nationality Act for all aliens who are the beneficiary of a petition approved under section 204 of such Act as of the date of the enactment of this Act for classification under section 203(b)(3)(A)(iii) of such Act, subject to paragraph (2), visas available under section 203(b)(3)(A)(iii) of that Act shall be reduced by 5,000 from the number of visas otherwise available under that section for such fiscal year.

(2) In no case shall the reduction under paragraph (1) for a fiscal year exceed the amount by which—

(A) the number computed under subsection (d)(2)(A), exceeds—

(B) the total of the reductions in available visas under this subsection for all previous fiscal years.

(f) EFFECTIVE DATE.—The amendments made by this section to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 shall take effect as if included in the enactment of such Act.

SEC. 204. LIMITATION ON CANCELLATIONS OF REMOVAL AND SUSPENSIONS OF DEPORTATION.

(a) ANNUAL LIMITATION.—Section 240A(e) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)) is amended to read as follows:

"(e) ANNUAL LIMITATION.—

"(1) AGGREGATE LIMITATION.—Subject to paragraphs (2) and (3), the Attorney General may not cancel the removal and adjust the status under this section, nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), of a total of more than 4,000 aliens in any fiscal year. The previous sentence shall apply regardless of when an alien applied for such cancellation and adjustment, or such suspension and adjustment, and whether such an alien had previously applied for suspension of deportation under such section 244(a). The numerical limitation under this paragraph shall apply to the aggregate number of decisions in any fiscal year to cancel the removal (and adjust the status) of an alien, or suspend the deportation (and adjust the status) of an alien, under this section or such section 244(a).

"(2) FISCAL YEAR 1997.—For fiscal year 1997, paragraph (1) shall only apply to decisions to cancel the removal of an alien, or suspend the deportation of an alien, made after April 1, 1997. Notwithstanding any other provision of law, the Attorney General may cancel the removal or suspend the deportation, in addition to the normal allotment for fiscal year 1998, of a number of aliens equal to 4,000 less the number of such cancellations of removal and suspensions of deportation granted in fiscal year 1997 after April 1, 1997.

"(3) EXCEPTION FOR CERTAIN ALIENS.—Paragraph (1) shall not apply to the following:

"(A) Aliens described in section 309(c)(5)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by the Nicaraguan Adjustment and Central American Relief Act).

"(B) Aliens in deportation proceedings prior to April 1, 1997, who applied for suspension of deportation under section 244(a)(3) (as in effect before the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).".

(b) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended in each of paragraphs (1) and (2) by striking "may cancel removal in the case of an alien" and inserting "may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien".

(c) RECORDATION OF DATE.—Section 240A(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(3)) is amended to read as follows:

"(3) RECORDATION OF DATE.—With respect to aliens who the Attorney General adjusts to the status of an alien lawfully admitted for permanent residence under paragraph (1) or (2), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of the Attorney General's cancellation of removal under paragraph (1) or (2).".

(d) APRIL 1 EFFECTIVE DATE FOR AGGREGATE LIMITATION.—Section 309(c)(7) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–627) is amended to read as follows:

"(7) LIMITATION ON SUSPENSION OF DEPORTATION.—After April 1, 1997, the Attorney General may not suspend the deportation and adjust the status under section 244 of the Immigration and Nationality Act (as in effect before the title III–A effective date) of any alien in any fiscal year, except in accordance with section 240A(e) of such Act. The previous sentence shall apply regardless of when an alien applied for such suspension and adjustment.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–546).

This division may be cited as the "District of Columbia Appropriations Act, 1998".

DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $76,199,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $7,860,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1997: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $20,000,000 to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of

conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this heading shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

In addition, for necessary expenses, as determined by the Attorney General, $32,700,000, to remain available until expended, to reimburse departments and agencies of the Federal Government for any costs incurred in connection with—

(1) counterterrorism technology research and development;

(2) providing training and related equipment for chemical, biological, nuclear, and cyber attack prevention and response capabilities to State and local law enforcement agencies; and

(3) providing bomb training and response capabilities to State and local law enforcement agencies.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $70,007,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $59,251,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,211,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: Provided, That up to one-tenth of one percent of the Department of Justice's allocation from the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other review of such grant programs, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,009,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $444,200,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That, of the funds appropriated under this heading, such funds as may be necessary for the orderly termination of the Ounce of Prevention Council.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $7,969,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $75,495,000: Provided, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $5,495,000: Provided further, That any fees received in excess of $70,000,000 in fiscal year 1998, shall remain available until expended, but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental and cooperative agreements, $972,460,000; of which not to exceed $2,500,000 shall be available until September 30, 1999, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $1,200,000 for the design, development, and implementation of an information systems strategy for D.C. Superior Court shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That not to exceed $2,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes, including bank robbery and carjacking, and drug trafficking: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,948 positions and 9,113 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d) and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $62,828,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $114,248,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $114,248,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the Fund estimated at $0: Provided further, That any such fees collected in excess of $114,248,000 in fiscal year 1998 shall remain available until expended but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,226,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $467,833,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and not to exceed $2,200,000 to support the Justice Prisoner and Alien Transportation System, shall remain available until expended: Provided, That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $25,553,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013,

but not including expenses otherwise provided for in appropriations available to the Attorney General, $405,262,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $75,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000 and, in addition, up to $2,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $4,381,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $294,967,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,094 passenger motor vehicles, of which 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,750,921,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 1999; of which not less than $221,050,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) as amended ("the 1994 Act"), and the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"), $179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; $57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act; $4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; $9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and $5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $44,506,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $723,841,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 1999; and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $403,537,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $8,000,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,904, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility; $1,658,886,000 of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse

other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 1998: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis: Provided further, That not to exceed 43 permanent positions and 43 full-time equivalent workyears and $4,167,000 shall be expended for the Office of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That beginning seven calendar days after the enactment of this Act and for each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used by the INS to accept, for the purpose of conducting criminal background checks on applications for any benefit under the Immigration and Nationality Act, any FD–258 fingerprint card which has been prepared by or received from any individual or entity other than an office of the Immigration and Naturalization Service with the following exceptions—(1) State and local law enforcement agencies and (2) United States consular offices at United States embassies and consulates abroad under the jurisdiction of the Department of State or United States military offices under the jurisdiction of the Department of Defense authorized to perform fingerprinting services to prepare FD–258 fingerprint cards for applicants residing abroad applying for immigration benefits: Provided further, That agencies may collect and retain a fee for fingerprinting services: Provided further, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears after July 1, 1998: Provided further, That notwithstanding any other provision of law, during fiscal year 1998, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or Department Leadership on any matter.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $607,206,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $75,959,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 834, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,823,642,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 for the activation of new facilities shall remain available until September 30, 1999: Provided further, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $26,135,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $255,133,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further, That, of the total amount appropriated, not to exceed $2,300,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,266,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, and sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, $173,600,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524); of which $25,000,000 is for the National Sexual Offender Registry.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $512,500,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $46,500,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under

the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, of which $2,097,000 shall be available to the Executive Office of United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $2,383,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That $20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; of which $45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $34,500,000 shall be available as authorized by section 1001 of title I of the 1968 Act, to carry out the provisions of subpart 1, part E of title I of the 1968 Act notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $720,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $25,000,000 shall be available for the Cooperative Agreement Program: Provided further, That funds made available for Violent Offender Incarceration and Truth in Sentencing Incentive Grants to the State of California may, at the discretion of the recipient, be used for payments for the incarceration of criminal aliens; of which $7,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $172,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $12,000,000 which shall be used exclusively for the purpose of strengthening civil and criminal legal assistance programs for victims of domestic violence: Provided further, That, of these funds, $7,000,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women and $853,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court; of which $59,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $2,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $2,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $12,500,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $750,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $30,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,500,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act: Provided further, That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

JUVENILE BLOCK GRANTS

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Juvenile Justice Block Grant Program, $230,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: Provided, That none of the funds appropriated or otherwise made available by this Act for "Juvenile Block Grants" may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $33,500,000, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Gambling Impact Study Commission, $1,000,000, to remain available until expended.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That not to exceed 186 permanent positions and 186 full-time equivalent workyears and $20,553,000 shall be expended for program management and administration: Provided further, That of the unobligated balances available in this program, $103,000,000 shall be used for innovative community policing programs, of which $38,000,000 shall be used for a law enforcement technology program of which $10,000,000 is for the North Carolina Criminal Justice Information Network, $1,000,000 shall be used for police recruitment programs authorized under subtitle H of title III of the 1994 Act, $34,000,000 shall be used for policing initiatives to combat methamphetamine production and trafficking, $12,500,000 shall be used for the Community Policing to Combat Domestic Violence Program pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, $17,500,000 shall be used for other innovative community policing programs, such as programs to improve the safety of elementary and secondary school children, reduce crime on or near elementary and secondary school grounds and policing initiatives in drug "hot spots".

In addition, for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $201,672,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which (1) notwithstanding any other provision of law, $5,922,000 shall be available for expenses authorized by part A of title II of the Act, $96,500,000 shall be available for expenses authorized by part B of title II of the Act, and $45,250,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B

to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than one year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by section 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $12,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs: Provided further, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

In addition, for grants, contracts, cooperative agreements, and other assistance, $5,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, $25,000,000 shall be available for grants of $360,000 to each state and $6,640,000 shall be available for discretionary grants to states, for programs and activities to enforce state laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training.

In addition, for grants, contracts, cooperative agreement, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by sections 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $2,000,000 for the Federal Law Enforcement Education Assistance Program, as authorized by section 1212 of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132, 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly-advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking "1996" and inserting "1997 and thereafter".

SEC. 109. (a) Section 1402(d) of the Victims of Crime Act of 1984, (42 U.S.C. 10601(d)), is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2), by striking "the next" and inserting "The first".

(b) Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by section (a) shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof and may be used by the Director of the Office for Victims of Crime to improve services for the benefit of crime victims, including the processing and tracking of criminal monetary penalties and related litigation activities, in the federal criminal justice system.

SEC. 110. The Immigration and Nationality Act of 1952, as amended, is further amended—

(a) by striking entirely section 286(s);

(b) in section 286(r) by—

(1) adding ", and amount described in section 245(i)(3)(b)" after "recovered by the Department of Justice" in subsection (2);

(2) replacing "Immigration and Naturalization Service" with "Attorney General" in subsection (3); and

(3) striking subsection (4), and replacing it with, "The amounts required to be refunded from the Fund for fiscal year 1998 and thereafter shall be refunded in accordance with estimates made in the budget request of the President for those fiscal years. Any proposed changes in the amounts designated in such budget requests shall only be made after Congressional reprogramming notification in accordance with the reprogramming guidelines for the applicable fiscal year."; and

(c) in section 245(i)(3)(B), by replacing "Immigration Detention Account established under section 286(s)" with "Breached Bond/Detention Fund established under section 286(r)".

SEC. 111. (a) LIMITATION ON ELIGIBILITY UNDER SECTION 245(i).—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking "(i)(1)" through "The Attorney General" and inserting the following:

"(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States—

"(A) who—

"(i) entered the United States without inspection; or

"(ii) is within one of the classes enumerated in subsection (c) of this section; and

"(B) who is the beneficiary of a petition for classification under section 204 that was filed with the Attorney General or the Department of Labor for labor certification pursuant to section 212(a)(5)(i) on or before the date of the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General".

(b) REPEAL OF SUNSET FOR SECTION 245(i).—Section 506(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 103–317; 108 Stat. 1766) is amended to read as follows:

"(c) The amendment made by subsection (a) shall take effect on October 1, 1994, and shall cease to have effect on October 1, 1997. The amendment made by subsection (b) shall take effect on October 1, 1994.".

(c) INAPPLICABILITY OF SECTION 245(c)(2) FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)(2), by inserting "subject to subsection (k)," after "(2)"; and

(2) by adding at the end the following:

"(k) An alien is eligible to receive an immigrant visa under paragraph (1), (2), or (3) of section 203(b) or, in the case of an alien who is an immigrant described in section 101(a)(27)(C), under section 203(b)(4) pursuant to subsection (a) and notwithstanding subsection (c)(2), if—

"(1) the alien, on the date of filing an application for adjustment of status, is present in the United States pursuant to a lawful admission;

"(2) the alien, subsequent to such lawful admission has not, for an aggregate period exceeding 180 days—

"(A) failed to maintain, continuously, a lawful status;

"(B) engaged in unauthorized employment; or

"(C) otherwise violated the terms and conditions of the alien's admission.".

SEC. 112. (a) SHORT TITLE.—This section may be cited as the "Philippine Army, Scouts, and Guerilla Veterans of World War II Naturalization Act of 1997".

(b) IN GENERAL.—Section 405 of the Immigration and Nationality Act of 1990 (8 U.S.C. 1440 note) is amended—

(1) by striking subparagraph (B) of subsection (a)(1) and inserting the following:

"(B) who—

"(i) is listed on the final roster prepared by the Recovered Personnel Division of the United States Army of those who served honorably in an active duty status within the Philippine Army during the World War II occupation and liberation of the Philippines,

"(ii) is listed on the final roster prepared by the Guerilla Affairs Division of the United States Army of those who received recognition as having served honorably in an active duty status within a recognized guerilla unit during the World War II occupation and liberation of the Philippines, or

"(iii) served honorably in an active duty status within the Philippine Scouts or within any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946:";

(2) by adding at the end of subsection (a) the following new paragraph:

"(3)(A) For purposes of the second sentence of section 329(a) and section 329(b)(3) of the Immigration and Nationality Act, the executive department under which a person served shall be—

"(i) in the case of an applicant claiming to have served in the Philippine Army, the United States Department of the Army;

"(ii) in the case of an applicant claiming to have served in a recognized guerilla unit, the United States Department of the Army; or

"(iii) in the case of an applicant claiming to have served in the Philippine Scouts or any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946, the United States executive department (or successor thereto) that exercised supervision over such component.

"(B) An executive department specified in subparagraph (A) may not make a determination under the second sentence of section 329(a) with respect to the service or separation from service of a person described in paragraph (1) except pursuant to a request from the Service."; and

(3) by adding at the end the following new subsection:

"(d) IMPLEMENTATION.—(1) Notwithstanding any other provision of law, for purposes of the naturalization of natives of the Philippines under this section—

"(A) the processing of applications for naturalization, filed in accordance with the provisions of this section, including necessary interviews, shall be conducted in the Philippines by employees of the Service designated pursuant to section 335(b) of the Immigration and Nationality Act; and

"(B) oaths of allegiance for applications for naturalization under this section shall be administered in the Philippines by employees of the Service designated pursuant to section 335(b) of that Act.

"(2) Notwithstanding paragraph (1), applications for naturalization, including necessary interviews, may continue to be processed, and oaths of allegiance may continue to be taken in the United States.".

(c) REPEAL.—Section 113 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1440 note), is repealed.

(d) EFFECTIVE DATE; TERMINATION DATE.—

(1) APPLICATION TO PENDING APPLICATIONS.—The amendments made by subsection (b) shall apply to applications filed before February 3, 1995.

(2) TERMINATION DATE.—The authority provided by the amendments made by subsection (b) shall expire February 3, 2001.

SEC. 113. Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

"(J) an immigrant who is present in the United States—

"(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;

"(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

"(iii) in whose case the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;

Except that—

"(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction; and

"(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or".

SEC. 114. Not to exceed $200,000 of funds appropriated under section 1304 of title 31, United States Code, shall be available for payment pursuant to the Hearing Officer's Report in United States Court of Federal Claims No. 93-645X (June 3, 1996) (see 35 Fed. Cl. 99 (March 7, 1996)).

SEC. 115. (a) STANDARDS FOR SEX OFFENDER REGISTRATION PROGRAMS.—

(1) IN GENERAL.—Section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "with a designated State law enforcement agency"; and

(ii) in subparagraph (B), by striking "with a designated State law enforcement agency";

(B) by striking paragraph (2) and inserting the following:

"(2) DETERMINATION OF SEXUALLY VIOLENT PREDATOR STATUS; WAIVER; ALTERNATIVE MEASURES.—

"(A) IN GENERAL.—A determination of whether a person is a sexually violent predator for purposes of this section shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies.

"(B) WAIVER.—The Attorney General may waive the requirements of subparagraph (A) if the Attorney General determines that the State has established alternative procedures or legal standards for designating a person as a sexually violent predator.

"(C) ALTERNATIVE MEASURES.—The Attorney General may also approve alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth in this section regarding sexually violent predators.";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "that consists of—" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:";

(ii) in subparagraph (B), by striking "that consists of" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by"; and

(D) by adding at the end the following:

"(F) The term 'employed, carries on a vocation' includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

"(G) The term 'student' means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.".

(2) REQUIREMENTS UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—Section 170101(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)) is amended—

(A) in paragraph (1)—

(i) by striking the paragraph designation and heading and inserting the following:

"(1) DUTIES OF RESPONSIBLE OFFICIALS.—";

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "or in the case of probation, the court" and inserting "the court, or another responsible officer or official";

(II) in clause (ii), by striking "give" and all that follows before the semicolon and inserting "report the change of address as provided by State law"; and

(III) in clause (iii), by striking "shall register" and all that follows before the semicolon and inserting "shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence, and inform the person that the person must also register in a State where the person is employed, carries on a vocation, or is a student"; and

(iii) in subparagraph (B), by striking "or the court" and inserting ", the court, or another responsible officer or official";

(B) by striking paragraph (2) and inserting the following:

"(2) TRANSFER OF INFORMATION TO STATE AND FBI; PARTICIPATION IN NATIONAL SEX OFFENDER REGISTRY.—

"(A) STATE REPORTING.—State procedures shall ensure that the registration information is promptly made available to a law enforcement agency having jurisdiction where the person expects to reside and entered into the appropriate State records or data system. State procedures shall also ensure that conviction data and fingerprints for persons required to register are promptly transmitted to the Federal Bureau of Investigation.

"(B) NATIONAL REPORTING.—A State shall participate in the national database established under section 170102(b) in accordance with guidelines issued by the Attorney General, including transmission of current address information and other information on registrants to the extent provided by the guidelines.";

(C) in paragraph (3)(A)—

(i) in the matter preceding clause (i), by striking "on each" and all that follows through "applies:" and inserting the following: "State procedures shall provide for verification of address at least annually."; and

(ii) by striking clauses (i) through (v);

(D) in paragraph (4), by striking "section reported" and all that follows before the period at the end and inserting the following: "section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is promptly made available to a law enforcement agency having jurisdiction where the person will reside and entered into the appropriate State records or data system";

(E) in paragraph (5), by striking "shall register" and all that follows before the period at the end and inserting "and who moves to another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided promptly to an agency responsible for registration in the new State, if that State requires registration"; and

(F) by adding at the end the following:

"(7) REGISTRATION OF OUT-OF-STATE OFFENDERS, FEDERAL OFFENDERS, PERSONS SENTENCED BY COURTS MARTIAL, AND OFFENDERS CROSSING STATE BORDERS.—As provided in guidelines issued by the Attorney General, each State shall include in its registration program residents who were convicted in another State and shall ensure that procedures are in place to accept registration information from—

"(A) residents who were convicted in another State, convicted of a Federal offense, or sentenced by a court martial; and

"(B) nonresident offenders who have crossed into another State in order to work or attend school.".

(3) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by redesignating subsections (c) through (f) as (d) through (g), respectively, and inserting after subsection (b) the following:

"(c) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Any person who is required under this section to register in the State in which such person resides shall also register in any State in which the person is employed, carries on a vocation, or is a student.".

(4) RELEASE OF INFORMATION.—Section 170101(e)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)), as redesignated by subsection (c) of this section, is amended by striking "The designated" and all that follows through "State agency" and inserting "The State or any agency authorized by the State".

(5) IMMUNITY FOR GOOD FAITH CONDUCT.—Section 170101(f) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(f)), as redesignated by subsection (c) of this section, is amended by striking ", and State officials" and inserting "and independent contractors acting at the direction of such agencies, and State officials".

(6) FBI REGISTRATION.—(A) Section 170102(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(2)) is amended by striking "and 'predatory'" and inserting the following: "'predatory', 'employed, or carries on a vocation', and 'student'".

(B) Section 170102(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(3)) is amended—

(i) in subparagraph (A), by inserting "in a range of offenses specified by State law which is comparable to or exceeds that" before "described";

(ii) by amending subparagraph (B) to read as follows:

"(B) participates in the national database established under subsection (b) of this section in conformity with guidelines issued by the Attorney General;"; and

(iii) by amending subparagraph (C) to read as follows:

"(C) provides for verification of address at least annually;".

(C) Section 170102(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(i)) in the matter preceding paragraph (1), is amended by inserting "or pursuant to section 170101(b)(7)" after "subsection (g)".

(7) PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996.—Section 10 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 is amended by inserting at the end the following:

"(d) EFFECTIVE DATE.—States shall be allowed the time specified in subsection (b) to establish minimally sufficient sexual offender registration programs for purposes of the amendments made by section 2. Subsections (c) and (k) of section 170102 of the Violent Crime Control and Law Enforcement Act of 1994, and any requirement to issue related regulations, shall take effect at the conclusion of the time provided under this subsection for the establishment of minimally sufficient sexual offender registration programs.".

(8) FEDERAL OFFENDERS AND MILITARY PERSONNEL.—(A) Section 4042 of title 18, United States Code, is amended—

(i) in subsection (a)(5), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(ii) in subsection (b), by striking paragraph (4);

(iii) by redesignating subsection (c) as subsection (d); and

(iv) by inserting after subsection (b) the following:

"(c) NOTICE OF SEX OFFENDER RELEASE.—(1) In the case of a person described in paragraph (4) who is released from prison or sentenced to probation, notice shall be provided to—

"(A) the chief law enforcement officer of the State and of the local jurisdiction in which the person will reside; and

"(B) a State or local agency responsible for the receipt or maintenance of sex offender registration information in the State or local jurisdiction in which the person will reside.

The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.

"(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall be subject to a registration requirement as a sex offender. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described in paragraph (4) during any period of probation, supervised release, or parole shall also be provided to the agencies and officers specified in paragraph (1) by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.

"(3) The Director of the Bureau of Prisons shall inform a person described in paragraph (4) who is released from prison that the person shall be subject to a registration requirement as a sex offender in any State in which the person resides, is employed, carries on a vocation, or is a student (as such terms are defined for purposes of section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994), and the same information shall be provided to a person described in paragraph (4) who is sentenced to probation by the probation officer responsible for supervision of the person or in a manner specified by the Director of the Administrative Office of the United States Courts.

"(4) A person is described in this paragraph if the person was convicted of any of the following offenses (including such an offense prosecuted pursuant to section 1152 or 1153):

"(A) An offense under section 1201 involving a minor victim.

"(B) An offense under chapter 109A.

"(C) An offense under chapter 110.

"(D) An offense under chapter 117.

"(E) Any other offense designated by the Attorney General as a sexual offense for purposes of this subsection.

"(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).".

(B)(i) Section 3563(a) of title 18, United States Code, is amended by striking the matter at the end of paragraph (7) beginning with "The results of a drug test" and all that follows through the end of such paragraph and inserting that matter at the end of section 3563.

(ii) The matter inserted by subparagraph (A) at the end of section 3563 is amended—

(I) by striking "The results of a drug test" and inserting the following:

"(e) RESULTS OF DRUG TESTING.—The results of a drug test"; and

(II) by striking "paragraph (4)" each place it appears and inserting "subsection (a)(5)".

(iii) Section 3563(a) of title 18, United States Code, is amended—

(I) so that paragraphs (6) and (7) appear in numerical order immediately after paragraph (5);

(II) by striking "and" at the end of paragraph (6);

(III) in paragraph (7), by striking "assessments." and inserting "assessments; and"; and

(IV) by inserting immediately after paragraph (7) (as moved by clause (i)) the following new paragraph:

"(8) for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".

(iv) Section 3583(d) of title 18, United States Code, is amended by inserting after the second sentence the following: "The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".

(v) Section 4209(a) of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting after the first sentence the following: "In every case, the Commission shall impose as a condition of parole for a person described in section 4042(c)(4), that the parolee report the address where the parolee will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the parolee register in any State where the parolee resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".

(C)(i) The Secretary of Defense shall specify categories of conduct punishable under the Uniform Code of Military Justice which encompass a range of conduct comparable to that described in section 170101(a)(3)(A) and (B) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3)(A) and (B)), and such other conduct as the Secretary deems appropriate for inclusion for purposes of this subparagraph.

(ii) In relation to persons sentenced by a court martial for conduct in the categories specified under clause (i), the Secretary shall prescribe procedures and implement a system to—

(I) provide notice concerning the release from confinement or sentencing of such persons;

(II) inform such persons concerning registration obligations; and

(III) track and ensure compliance with registration requirements by such persons during any period of parole, probation, or other conditional release or supervision related to the offense.

(iii) The procedures and requirements established by the Secretary under this subparagraph shall, to the maximum extent practicable, be consistent with those specified for Federal offenders under the amendments made by subparagraphs (A) and (B).

(iv) If a person within the scope of this subparagraph is confined in a facility under the control of the Bureau of Prisons at the time of release, the Bureau of Prisons shall provide notice of release and inform the person concerning registration obligations under the procedures specified in section 4042(c) of title 18, United States Code.

(9) PROTECTED WITNESS REGISTRATION.—Section 3521(b)(1) of title 18, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (G);

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) protect the confidentiality of the identity and location of persons subject to registration requirements as convicted offenders under Federal or State law, including prescribing alternative procedures to those otherwise provided by Federal or State law for registration and tracking of such persons; and".

(b) SENSE OF CONGRESS AND REPORT RELATING TO STALKING LAWS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that each State should have in effect a law that makes it a crime to stalk any individual, especially children, without requiring that such individual be physically harmed or abducted before a stalker is restrained or punished.

(2) REPORT.—The Attorney General shall include in an annual report under section 40610 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14039) information concerning existing or proposed State laws and penalties for stalking crimes against children.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, except that—

(1) subparagraphs (A), (B), and (C) of subsection (a)(8) shall take effect 1 year after the date of the enactment of this Act; and

(2) States shall have 3 years from such date of enactment to implement amendments made by this Act which impose new requirements under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, and the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement these amendments.

SEC. 116. (a) IN GENERAL.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153; Public Law 102–395) is amended—

(1) by striking "300" and inserting "3,000"; and

(2) by striking "five years" and inserting "seven years".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall be deemed to have become effective on October 6, 1992.

SEC. 117. For fiscal year 1998, the Attorney General shall provide a magnetometer and not less than one qualified guard at each unsecured entrance to the real property (including offices, buildings, and related grounds and facilities) that is leased to the United States as a place of employment for Federal employees at 625 Silver, S.W., in Albuquerque, New Mexico for the duration of time that Department of Justice employees are occupants of this building, after which the General Services Administration shall provide the same level of security equipment and personnel at this location until the date on which the new Albuquerque federal building is occupied.

SEC. 118. Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:

"(B)(i) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

"(I) law enforcement purposes, as determined by the Attorney General; or

"(II) emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.

"(ii) The authority provided under this subparagraph shall terminate on December 31, 1999.".

SEC. 119. Section 1701(b)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended to read as follows—

"(A) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year.".

SEC. 120. Section 212(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)) is amended—

(1) in subparagraph (A)(ii), by inserting "except as provided in subparagraph (C)," after "(ii)"; and

(2) by adding at the end the following:

"(C) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR ADOPTED CHILDREN 10 YEARS OF AGE OR YOUNGER.—Clause (ii) of subparagraph (A) shall not apply to a child who—

"(i) is 10 years of age or younger,

"(ii) is described in section 101(b)(1)(F), and

"(iii) is seeking an immigrant visa as an immediate relative under section 201(b),

if, prior to the admission of the child, an adoptive parent or prospective adoptive parent of the child, who has sponsored the child for admission as an immediate relative, has executed an affidavit stating that the parent is aware of the provisions of subparagraph (A)(ii) and will ensure that, within 30 days of the child's admission, or at the earliest time that is medically appropriate, the child will receive the vaccinations identified in such subparagraph.".

SEC. 121. Section 233(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1245) is amended by striking "1 year after the date of enactment of this Act" and inserting "October 1, 1999".

SEC. 122. (a) DEFINITIONS.—In this section—

(1) the terms "criminal offense against a victim who is a minor", "sexually violent offense", and "sexually violent predator" have the meanings given those terms in section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a));

(2) the term "DNA" means deoxyribonucleic acid; and

(3) the term "sex offender" means an individual who—

(A) has been convicted in Federal court of—

(i) a criminal offense against a victim who is a minor; or

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

(b) REPORT.—From amounts made available to the Department of Justice under this title, not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include a plan for the implementation of a requirement that, prior to the release (including probation, parole, or any other supervised release) of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor or a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database.

(c) PLAN REQUIREMENTS.—The plan submitted under subsection (b) shall include recommendations concerning—

(1) a system for—

(A) the collection of DNA samples from any sex offender;

(B) the analysis of the collected samples for DNA and other genetic typing analysis; and

(C) making the DNA and other genetic typing information available for law enforcement purposes only;

(2) guidelines for coordination with existing Federal and State DNA and genetic typing information databases and for Federal cooperation with State and local law in sharing this information;

(3) addressing constitutional, privacy, and related concerns in connection with the mandatory submission of DNA samples; and

(4) procedures and penalties for the prevention of improper disclosure or dissemination of DNA or other genetic typing information.

SEC. 123. (a) Notwithstanding any other provision of law relating to position classification or employee pay or performance, during the 3-year period beginning on the date of enactment of this Act, the Director of the Federal Bureau of Investigation may, with the approval of the Attorney General, establish a personnel management system providing for the compensation and performance management of not more than 3,000 non-Special Agent employees to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Federal Bureau of Investigation.

(b) Except as otherwise provided by law, no employee compensated under any system established under this section may be paid at a rate in excess of the rate payable for a position at level III of the Executive Schedule.

(c) Total payments to employees under any system established under this section shall be subject to the limitation on payments to employees set forth in section 5307 of title 5, United States Code.

(d) Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on Appropriations and the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, an operating plan describing the Director's intended use of the authority under this section, and identifying any provisions of title 5, United States Code, being waived for purposes of any personnel management system to be established by the Director under this section.

(e) Any performance management system established under this section shall have not less than 2 levels of performance above a retention standard.

(f) Not later than March 31, 2000, the Director of the Federal Bureau of Investigation shall submit to Congress an evaluation of the performance management system established under this section, which shall include—

(1) a comparison of—

(A) the compensation, benefits, and performance management provisions governing personnel of similar employment classification series in other departments and agencies of the Federal Government; and

(B) the costs, consistent with standards prescribed in Office of Management and Budget Circular A–76, of contracting for any services provided through those departments and agencies; and

(2) if appropriate, a recommendation for legislation to extend the authority under this section.

(g) Notwithstanding any other provision of law, the Secretary of the Treasury shall have the same authority provided to the Office of Personnel Management under section 4703 of title 5, United States Code, to establish, in the discretion of the Secretary, demonstration projects for a period of 3 years, for not to exceed a combined total of 950 employees, to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, and the United States Secret Service.

(h) The authority under this section shall terminate 3 years after the date of enactment of this Act.

SEC. 124. (a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking ''permits'' and inserting ''requires''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''no prisoner release order shall be entered unless'' and inserting ''no court shall enter a prisoner release order unless''; and

(ii) in subparagraph (F)—

(I) by inserting ''including a legislator'' after ''local official''; and

(II) by striking ''program'' and inserting ''prison'';

(2) in subsection (b)(3), by striking ''current or ongoing'' and inserting ''current and ongoing'';

(3) in subsection (e)—

(A) in paragraph (1), by adding at the end the following: ''Mandamus shall lie to remedy any failure to issue a prompt ruling on such a motion.'';

(B) in paragraph (2), by striking ''Any prospective relief subject to a pending motion shall be automatically stayed'' and inserting ''Any motion to modify or terminate prospective relief made under subsection (b) shall operate as a stay''; and

(C) by adding at the end the following:

''(3) POSTPONEMENT OF AUTOMATIC STAY.—The court may postpone the effective date of an automatic stay specified in subsection (e)(2)(A) for not more than 60 days for good cause. No postponement shall be permissible because of general congestion of the court's calendar.

''(4) ORDER BLOCKING THE AUTOMATIC STAY.—Any order staying, suspending, delaying, or barring the operation of the automatic stay described in paragraph (2) (other than an order to postpone the effective date of the automatic stay under paragraph (3)) shall be treated as an order refusing to dissolve or modify an injunction and shall be appealable pursuant to section 1292(a)(1) of title 28, United States Code, regardless of how the order is styled or whether the order is termed a preliminary or a final ruling.''.

(b) EFFECTIVE DATE.—The amendments made by this Act shall take effect upon the date of the enactment of this Act and shall apply to pending cases.

SEC. 125. Section 524(c)(8)(B) of title 28, United States Code, is amended by deleting ''1996, and 1997,'' and inserting ''and 1996,'' in place thereof.

This title may be cited as the ''Department of Justice Appropriations Act, 1998''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $23,450,000, of which $2,500,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses: Provided further, That the total number of political appointees on board as of May 1, 1998, shall not exceed 25 positions.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $41,200,000 to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $283,066,000, to remain available until expended: Provided, That of the $287,866,000 provided for in direct obligations (of which $283,066,000 is appropriated from the General Fund, and $4,800,000 is derived from unobligated balances and deobligations from prior years), $58,986,000 shall be for Trade Development, $17,340,000 shall be for the Market Access and Compliance, $28,770,000 shall be for the Import Administration, $171,070,000 shall be for the United States and Foreign Commercial Service, and $11,700,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $43,900,000 to remain available until expended, of which $1,900,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $340,000,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided further, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $21,028,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $25,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $47,499,000, to remain available until September 30, 1999.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by sections 1, 2, and 4 of Public Law 91–412 (15 U.S.C. 1525–1527) and, notwithstanding section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912), charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $137,278,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to conduct the decennial census, $388,074,000, to remain available until expended.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $165,926,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $16,550,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. §§ 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: Provided further, That, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Broadcasting Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $20,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $691,000,000, to remain available until expended: Provided, That of this amount, $664,000,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998 from the General Fund estimated at $0: Provided further, That during fiscal year 1998, should the total amount of offsetting fee collections be less than $664,000,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: Provided further, That any fees received in excess of $664,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That the remaining $27,000,000 shall be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law and shall remain available until expended.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,500,000, of which not to exceed $1,600,000 shall remain available until September 30, 1999.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $276,852,000, to remain available until expended, of which not to exceed $3,800,000 shall be used to fund a cooperative agreement with Texas Tech University for wind research; and of which not to exceed $5,000,000 of the amount above $268,000,000 shall be used to fund a cooperative agreement with Montana State University for a research program on green buildings; and of which not to exceed $1,625,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $113,500,000, to remain available until expended, of which not to exceed $300,000 may be transferred to the "Working Capital Fund": Provided, That notwithstanding the time limitations imposed by 15 U.S.C. 278k(c) (1) and (5) on the duration of Federal financial assistance that may be awarded by the Secretary of Commerce to Regional Centers for the transfer of Manufacturing Technology ("Centers"), such Federal financial assistance for a Center may continue beyond six years and may be renewed for additional periods, not to exceed one year, at a rate not to exceed one-third of the Center's total annual costs, subject before any such renewal to a positive evaluation of the Center and to a finding by the Secretary of Commerce that continuation of Federal funding to the Center is in the best interest of the Regional Centers for the transfer of Manufacturing Technology Program: Provided further, That the Center's most recent performance evaluation is positive, and the Center has submitted a reapplication which has successfully passed merit review.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $192,500,000, to remain available until expended, of which not to exceed $82,000,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $95,000,000, to remain available until expended: Provided, That of the amounts provided under this heading, $78,308,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 283 commissioned officers on the active list as of September 30, 1998; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,500,350,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such additional fees are received during fiscal year 1998, so as to result in a final General Fund appropriation estimated at not

more than $1,497,350,000: Provided further, That any such additional fees received in excess of $3,000,000 in fiscal year 1998 shall not be available for obligation until October 1, 1998: Provided further, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $62,381,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: Provided further, That unexpended balances in the accounts "Construction" and "Fleet Modernization, Shipbuilding and Conversion" shall be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $489,609,000, to remain available until expended: Provided, That not to exceed $116,910,000 is available for the advanced weather interactive processing system, and may be available for obligation and expenditure only pursuant to a certification by the Secretary of Commerce that the total cost to complete the acquisition and deployment of the advanced weather interactive processing system and NOAA Port system, including program management, operations and maintenance costs through deployment will not exceed $188,700,000: Provided further, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account and the "Construction" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $7,800,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $338,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $27,490,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $20,140,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $20,000,000 are rescinded.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $3,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce or any portion thereof to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. (a) Congress finds that—

(1) it is the constitutional duty of the Congress to ensure that the decennial enumeration of the population is conducted in a manner consistent with the Constitution and laws of the United States;

(2) the sole constitutional purpose of the decennial enumeration of the population is the apportionment of Representatives in Congress among the several States;

(3) section 2 of the 14th article of amendment to the Constitution clearly states that Representatives are to be "apportioned among the several States according to their respective numbers, counting the whole number of persons in each State";

(4) article I, section 2, clause 3 of the Constitution clearly requires an "actual Enumeration" of the population, and section 195 of title 13, United States Code, clearly provides "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title.";

(5) the decennial enumeration of the population is one of the most critical constitutional functions our Federal Government performs;

(6) it is essential that the decennial enumeration of the population be as accurate as possible, consistent with the Constitution and laws of the United States;

(7) the use of statistical sampling or statistical adjustment in conjunction with an actual enumeration to carry out the census with respect to

any segment of the population poses the risk of an inaccurate, invalid, and unconstitutional census;

(8) the decennial enumeration of the population is a complex and vast undertaking, and if such enumeration is conducted in a manner that does not comply with the requirements of the Constitution or laws of the United States, it would be impracticable for the States to obtain, and the courts of the United States to provide, meaningful relief after such enumeration has been conducted; and

(9) Congress is committed to providing the level of funding that is required to perform the entire range of constitutional census activities, with a particular emphasis on accurately enumerating all individuals who have historically been undercounted, and toward this end, Congress expects—

(A) aggressive and innovative promotion and outreach campaigns in hard-to-count communities;

(B) the hiring of enumerators from within those communities;

(C) continued cooperation with local government on address list development; and

(D) maximized census employment opportunities for individuals seeking to make the transition from welfare to work.

(b) Any person aggrieved by the use of any statistical method in violation of the Constitution or any provision of law (other than this Act), in connection with the 2000 or any later decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress, may in a civil action obtain declaratory, injunctive, and any other appropriate relief against the use of such method.

(c) For purposes of this section—

(1) the use of any statistical method as part of a dress rehearsal or other simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census; and

(2) the report ordered by title VIII of Public Law 105–18 and the Census 2000 Operational Plan shall be deemed to constitute final agency action regarding the use of statistical methods in the 2000 decennial census, thus making the question of their use in such census sufficiently concrete and final to now be reviewable in a judicial proceeding.

(d) For purposes of this section, an aggrieved person (described in subsection (b)) includes—

(1) any resident of a State whose congressional representation or district could be changed as a result of the use of a statistical method challenged in the civil action;

(2) any Representative or Senator in Congress; and

(3) either House of Congress.

(e)(1) Any action brought under this section shall be heard and determined by a district court of three judges in accordance with section 2284 of title 28, United States Code. The chief judge of the United States court of appeals for each circuit shall, to the extent practicable and consistent with the avoidance of unnecessary delay, consolidate, for all purposes, in one district court within that circuit, all actions pending in that circuit under this section. Any party to an action under this section shall be precluded from seeking any consolidation of that action other than is provided in this paragraph. In selecting the district court in which to consolidate such actions, the chief judge shall consider the convenience of the parties and witnesses and efficient conduct of such actions. Any final order or injunction of a United States district court that is issued pursuant to an action brought under this section shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under this section may be issued by a single Justice of the Supreme Court.

(2) It shall be the duty of a United States district court hearing an action brought under this section and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any such matter.

(f) Any agency or entity within the executive branch having authority with respect to the carrying out of a decennial census may in a civil action obtain a declaratory judgment respecting whether or not the use of a statistical method, in connection with such census, to determine the population for the purposes of the apportionment or redistricting of members in Congress is forbidden by the Constitution and laws of the United States.

(g) The Speaker of the House of Representatives or the Speaker's designee or designees may commence or join in a civil action, for and on behalf of the House of Representatives, under any applicable law, to prevent the use of any statistical method, in connection with the decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress. It shall be the duty of the Office of the General Counsel of the House of Representatives to represent the House in such civil action, according to the directions of the Speaker. The Office of the General Counsel of the House of Representatives may employ the services of outside counsel and other experts for this purpose.

(h) For purposes of this section and section 210—

(1) the term "statistical method" means an activity related to the design, planning, testing, or implementation of the use of representative sampling, or any other statistical procedure, including statistical adjustment, to add or subtract counts to or from the enumeration of the population as a result of statistical inference; and

(2) the term "census" or "decennial census" means a decennial enumeration of the population.

(i) Nothing in this Act shall be construed to authorize the use of any statistical method, in connection with a decennial census, for the apportionment or redistricting of members in Congress.

(j) Sufficient funds appropriated under this Act or under any other Act for purposes of the 2000 decennial census shall be used by the Bureau of the Census to plan, test, and become prepared to implement a 2000 decennial census, without using statistical methods, which shall result in the percentage of the total population actually enumerated being as close to 100 percent as possible. In both the 2000 decennial census, and any dress rehearsal or other simulation made in preparation for the 2000 decennial census, the number of persons enumerated without using statistical methods must be publicly available for all levels of census geography which are being released by the Bureau of the Census for (1) all data releases before January 1, 2001, (2) the data contained in the 2000 decennial census Public Law 94–171 data file released for use in redistricting, (3) the Summary Tabulation File One (STF–1) for the 2000 decennial census, and (4) the official populations of the States transmitted from the Secretary of Commerce through the President to the Clerk of the House used to reapportion the districts of the House among the States as a result of the 2000 decennial census. Simultaneously with any other release or reporting of any of the information described in the preceding sentence through other means, such information shall be made available to the public on the Internet. These files of the Bureau of the Census shall be available concurrently to the release of the original files to the same recipients, on identical media, and at a comparable price. They shall contain the number of persons enumerated without using statistical methods and any additions or subtractions thereto. These files shall be based on data gathered and generated by the Bureau of the Census in its official capacity.

(k) This section shall apply in fiscal year 1998 and succeeding fiscal years.

SEC. 210. (a) There shall be established a board to be known as the Census Monitoring Board (hereinafter in this section referred to as the "Board").

(b) The function of the Board shall be to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census (including all dress rehearsals and other simulations of a census in preparation therefor).

(c)(1) The Board shall be composed of 8 members as follows:

(A) 2 individuals appointed by the majority leader of the Senate.

(B) 2 individuals appointed by the Speaker of the House of Representatives.

(C) 4 individuals appointed by the President, of whom—

(i) 1 shall be on the recommendation of the minority leader of the Senate; and

(ii) 1 shall be on the recommendation of the minority leader of the House of Representatives. All members of the Board shall be appointed within 60 days after the date of enactment of this Act. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(2) Members shall not be entitled to any pay by reason of their service on the Board, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) The Board shall have—

(A) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(C).

(4) The Board shall meet at the call of either co-chairman.

(5) A quorum shall consist of 5 members of the Board.

(6) The Board may promulgate any regulations necessary to carry out its duties.

(d)(1) The Board shall have—

(A) an executive director who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) an executive director who shall be appointed jointly by the members under subsection (c)(1)(C),

each of whom shall be paid at a rate not to exceed level IV of the Executive Schedule.

(2) Subject to such rules as the Board may prescribe, each executive director—

(A) may appoint and fix the pay of such additional personnel as that executive director considers appropriate; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of pay payable for grade GS–15 of the General Schedule.

Such rules shall include provisions to ensure an equitable division or sharing of resources, as appropriate, between the respective staff of the Board.

(3) The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(4) The Administrator of the General Services Administration, in coordination with the Secretary of Commerce, shall locate suitable office space for the operation of the Board in the W. Edwards Deming Building in Suitland, Maryland. The facilities shall serve as the headquarters of the Board and shall include all necessary equipment and incidentals required for the proper functioning of the Board.

(e)(1) For the purpose of carrying out its duties, the Board may hold such hearings (at the call of either co-chairman) and undertake such other activities as the Board determines to be necessary to carry out its duties.

(2) The Board may authorize any member of the Board or of its staff to take any action which the Board is authorized to take by this subsection.

(3)(A) Each co-chairman of the Board and any members of the staff who may be designated by the Board under this paragraph shall be granted access to any data, files, information, or other matters maintained by the Bureau of the Census (or received by it in the course of conducting a decennial census of population) which they may request, subject to such regulations as the Board may prescribe in consultation with the Secretary of Commerce.

(B) The Board or the co-chairmen acting jointly may secure directly from any other Federal agency, including the White House, all information that the Board considers necessary to enable the Board to carry out its duties. Upon request of the Board or both co-chairmen, the head of that agency (or other person duly designated for purposes of this paragraph) shall furnish that information to the Board.

(4) The Board shall prescribe regulations under which any member of the Board or of its staff, and any person whose services are procured under subsection (d)(2)(B), who gains access to any information or other matter pursuant to this subsection shall, to the extent that any provisions of section 9 or 214 of title 13, United States Code, would apply with respect to such matter in the case of an employee of the Department of Commerce, be subject to such provisions.

(5) Upon the request of the Board, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Board to assist the Board in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(6) Upon the request of the Board, the head of a Federal agency shall provide such technical assistance to the Board as the Board determines to be necessary to carry out its duties.

(7) The Board may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(8) Upon request of the Board, the Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(9) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Board shall be deemed to be a committee of the Congress.

(f)(1) The Board shall transmit to the Congress—

(A) interim reports, with the first such report due by April 1, 1998;

(B) additional reports, the first of which shall be due by February 1, 1999, the second of which shall be due by April 1, 1999, and subsequent reports at least semiannually thereafter;

(C) a final report which shall be due by September 1, 2001; and

(D) any other reports which the Board considers appropriate.

The final report shall contain a detailed statement of the findings and conclusions of the Board with respect to the matters described in subsection (b).

(2) In addition to any matter otherwise required under this subsection, each such report shall address, with respect to the period covered by such report—

(A) the degree to which efforts of the Bureau of the Census to prepare to conduct the 2000 census—

(i) shall achieve maximum possible accuracy at every level of geography;

(ii) shall be taken by means of an enumeration process designed to count every individual possible; and

(iii) shall be free from political bias and arbitrary decisions; and

(B) efforts by the Bureau of the Census intended to contribute to enumeration improvement, specifically, in connection with—

(i) computer modernization and the appropriate use of automation;

(ii) address list development;

(iii) outreach and promotion efforts at all levels designed to maximize response rates, especially among groups that have historically been undercounted (including measures undertaken in conjunction with local government and community and other groups);

(iv) establishment and operation of field offices; and

(v) efforts relating to the recruitment, hiring, and training of enumerators.

(3) Any data or other information obtained by the Board under this section shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon request of the chairman or ranking minority member of such committee or subcommittee. No such committee or subcommittee, or member thereof, shall disclose any information obtained under this paragraph which is submitted to it on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest.

(4) The Board shall study and submit to Congress, as part of its first report under paragraph (1)(A), its findings and recommendations as to the feasibility and desirability of using postal personnel or private contractors to help carry out the decennial census.

(g) There is authorized to be appropriated $4,000,000 for each of fiscal years 1998 through 2001 to carry out this section.

(h) To the extent practicable, members of the Board shall work to promote the most accurate and complete census possible by using their positions to publicize the need for full and timely responses to census questionnaires.

(i)(1) No individual described in paragraph (2) shall be eligible—

(A) to be appointed or to continue serving as a member of the Board or as a member of the staff thereof; or

(B) to enter into any contract with the Board.

(2) This subsection applies with respect to any individual who is serving or who has ever served—

(A) as the Director of the Census; or

(B) with any committee or subcommittee of either House of Congress, having jurisdiction over any aspect of the decennial census, as—

(i) a Member of Congress; or

(ii) a congressional employee.

(j) The Board shall cease to exist on September 30, 2001.

(k) Section 9(a) of title 13, United States Code, is amended in the matter before paragraph (1) thereof by striking "of this title—" and inserting "of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998—".

SEC. 211. (a) Section 401 of title 22, United States Code, is amended—

(1) in subsection (a), by adding after the first sentence the following: "The Secretary of Commerce may seize and detain any commodity (other than arms or munitions of war) or technology which is intended to be or is being exported in violation of laws governing such exports and may seize and detain any vessel, vehicle, or aircraft containing the same or which has been used or is being used in exporting or attempting to export such articles."; and

(2) in subsection (b), by adding the following after "and not inconsistent with the provisions hereof."—

"However, with respect to seizures and forfeitures of property under this section by the Secretary of Commerce, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary of Commerce or, upon the request of the Secretary of Commerce, by any other agency that has authority to manage and dispose of seized property."

(b) Section 524(c)(11)(B) of title 28, United States Code, is amended by adding at the end thereof "or pursuant to the authority of the Secretary of Commerce".

SEC. 212. Notwithstanding any other provision of law, the Economic Development Administration is directed to transfer funds obligated and awarded to the Butte-Silver Bow Consolidated Local Government as Project Number 05-01-02822 to the Butte Local Development Corporation Revolving Loan Fund to be administered by the Butte Local Development Corporation, such funds to remain available until expended, and, in accordance with section 1557 of title 31, United States Code, funds obligated and awarded in fiscal year 1994 under the heading "Economic Development Administration-Economic Development Assistance Programs" for Metropolitan Dade County, Florida, and subsequently transferred to Miami-Dade Community College for Project No. 04-49-04021 shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure without fiscal year limitation.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1998".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $29,245,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b),

$3,400,000, of which $485,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $15,575,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,449,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,682,400,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,450,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $40,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); $329,529,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $64,438,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $167,214,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $52,000,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,495,000; of which $1,800,000 shall remain available through September 30, 1999, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $25,000,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,800,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,240,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 304. Section 612 of title 28, United States Code, shall be amended by striking out subsection (l).

SEC. 305. (a) COMMISSION ON STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS.—

(1) ESTABLISHMENT AND FUNCTIONS OF COMMISSION.—

(A) ESTABLISHMENT.—There is established a Commission on Structural Alternatives for the Federal Courts of Appeals (hereinafter referred to as the "Commission").

(B) FUNCTIONS.—The functions of the Commission shall be to—

(i) study the present division of the United States into the several judicial circuits;

(ii) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(iii) report to the President and the Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 5 members who shall be appointed by the Chief Justice of the United States.

(B) APPOINTMENT.—The members of the Commission shall be appointed within 30 days after the date of enactment of this Act.

(C) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(D) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(E) QUORUM.—Three members of the Commission shall constitute a quorum, but two may conduct hearings.

(3) COMPENSATION.—

(A) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(B) PRIVATE MEMBERS.—Members of the Commission from private life shall receive $200 for each day (including travel time) during which the member is engaged in the actual performance of duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(4) PERSONNEL.—

(A) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) STAFF.—The Executive Director, with the approval of the Commission, may appoint and

fix the compensation of such additional personnel as the Executive Director determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this paragraph shall not exceed the annual maximum rate of basic pay for a position above GS–15 of the General Schedule under section 5108 of title 5, United States Code.

(C) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(D) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, to the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services to the Commission on a reimbursable basis.

(5) INFORMATION.—The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance the Commission determines necessary to carry out its functions under this section. Each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

(6) REPORT.—The Commission shall conduct the studies required in this section during the 10-month period beginning on the date on which a quorum of the Commission has been appointed. Not later than 2 months following the completion of such 10-month period, the Commission shall submit its report to the President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums, not to exceed $900,000, as may be necessary to carry out the purposes of this section. Such sums as are appropriated shall remain available until expended.

SEC. 306. Pursuant to section 140 of Public Law 97–92, justices and judges of the United States are authorized during fiscal year 1998, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $5,000,000 is available for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in Title III of this Act.

SEC. 307. Section 44(c) of title 28, United States Code, is amended by adding at the end thereof the following sentence: "In each circuit (other than the Federal judicial circuit) there shall be at least one circuit judge in regular active service appointed from the residents of each state in that circuit.".

SEC. 308. Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

"(4) DISCLOSURE OF FEES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court's approval of the payment.

"(B) PRE-TRIAL OR TRIAL IN PROGRESS.—If a trial is in pre-trial status or still in progress and after considering the defendant's interests as set forth in subparagraph (D), the court shall—

"(i) redact any detailed information on the payment voucher provided by defense counsel to justify the expenses to the court; and

"(ii) make public only the amounts approved for payment to defense counsel by dividing those amounts into the following categories:

"(I) Arraignment and or plea.

"(II) Bail and detention hearings.

"(III) Motions.

"(IV) Hearings.

"(V) Interviews and conferences.

"(VI) Obtaining and reviewing records.

"(VII) Legal research and brief writing.

"(VIII) Travel time.

"(IX) Investigative work.

"(X) Experts.

"(XI) Trial and appeals.

"(XII) Other.

"(C) TRIAL COMPLETED.—

"(i) IN GENERAL.—If a request for payment is not submitted until after the completion of the trial and subject to consideration of the defendant's interests as set forth in subparagraph (D), the court shall make available to the public an unredacted copy of the expense voucher.

"(ii) PROTECTION OF THE RIGHTS OF THE DEFENDANT.—If the court determines that defendant's interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

"(D) CONSIDERATIONS.—The interests referred to in subparagraphs (B) and (C) are—

"(i) to protect any person's 5th amendment right against self-incrimination;

"(ii) to protect the defendant's 6th amendment rights to effective assistance of counsel;

"(iii) the defendant's attorney-client privilege;

"(iv) the work product privilege of the defendant's counsel;

"(v) the safety of any person; and

"(vi) any other interest that justice may require.

"(E) NOTICE.—The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial, the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is an appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant's interests set forth in subparagraph (D) will be compromised.

"(F) EFFECTIVE DATE.—The amendment made by paragraph (4) shall become effective 60 days after enactment of this Act, will apply only to cases filed on or after the effective date, and shall be in effect for no longer than twenty-four months after the effective date.".

This title may be cited as "The Judiciary Appropriations Act, 1998".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c), and 22 U.S.C. 2674; and for expenses of general administration; $1,705,600,000: Provided, That of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), fees may be collected during fiscal years 1998 and 1999 under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal years 1998 and 1999 as an offsetting collection to appropriations made under this heading to recover the costs as set forth under section 140(a)(2) of that Act and shall remain available until expended.

In addition to funds otherwise available, of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and $17,312,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717); in addition not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), as amended, and in addition, as authorized by section 5 of such Act $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: Provided, That any transfer pursuant to this sentence shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for counterterrorism requirements overseas, including security guards and equipment, $23,700,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,513,000.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $86,000,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,200,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $7,900,000, to remain available until September 30, 1999.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $404,000,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $5,500,000 to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $14,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $129,935,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $955,515,000, of which not to exceed $54,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the United States assessed share of the United Nations regular budget to 20 percent and of peacekeeping operations to 25 percent; reimbursement for goods and services provided by the United States to the United Nations; certification that the United Nations and its specialized or affiliated agencies have not taken any action to infringe on the sovereignty of the United States; a ceiling on United States contributions to international organizations after fiscal year 1998 of $900,000,000; establishment of a merit-based personnel system at the United Nations that includes a code of conduct and a personnel evaluation system; United States membership on the Advisory Committee on Administrative and Budgetary Questions that oversees the United Nations budget; access to United Nations financial data by the General Accounting Office; and achievement of a negative growth budget and the establishment of independent inspectors general for affiliated organizations; and improved consultation procedures with the Congress: Provided further, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 and under such other requirements related to the Office of Internal Oversight Services of the United Nations as may be enacted into law for fiscal year 1998: Provided further, That certification under section 401(b) of Public Law 103–236 for fiscal year 1998 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six-month period elsewhere in the United Nations budget and cause the United Nations to exceed the expected reform budget for the biennium 1998–1999 of $2,533,000,000: Provided further, That not to exceed $12,000,000 shall be transferred from funds made available under this heading to the "International Conferences and Contingencies" account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, provided that such transferred funds are obligated or expended only for Commission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing internationally-based monitoring systems involved in cooperative data sharing agreements with the United States as of date of enactment of this Act, until the U.S. Senate ratifies the Comprehensive Nuclear Test Ban Treaty.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security $256,000,000, of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act described in the first proviso under the heading "Contributions to International Organizations" in this title: Provided further, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $17,490,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,463,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,490,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,549,000: Provided, That

the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $41,500,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the unexpended balances previously appropriated under this heading, $700,000 are rescinded.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act of 1948 (22 U.S.C. 1471), and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)); $427,097,000: Provided, That not to exceed $1,400,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085): Provided further, That not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other law, fees from educational advising and counseling, and exchange visitor program services: Provided further, That not to exceed $920,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $197,731,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): Provided, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other provision of law, fees from educational advising and counseling.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1998, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1998, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities, $364,415,000, of which $12,100,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e), to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $22,095,000, to remain available until expended.

RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $40,000,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $12,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $1,500,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democacy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control

and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

SEC. 404. (a)(1) For purposes of implementing the International Cooperative Administrative Support Services program in fiscal year 1998, the amounts referred to in paragraph (2) shall be transferred in accordance with the provisions of subsection (b).

(2) Paragraph (1) applies to amounts made available by title IV of this Act under the heading "ADMINISTRATION OF FOREIGN AFFAIRS" as follows:

(A) $108,932,000 of the amount made available under the paragraph "DIPLOMATIC AND CONSULAR PROGRAMS".

(B) $3,530,000 of the amount made available under the paragraph "SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS".

(b) Funds transferred pursuant to subsection (a) shall be transferred to the specified appropriation, allocated to the specified account or accounts in the specified amount, be merged with funds in such account or accounts that are available for administrative support expenses of overseas activities, and be available for the same purposes, and subject to the same terms and conditions, as the funds with which merged, as follows:

(1) Appropriations for the Legislative Branch—

(A) for the Library of Congress, for salaries and expenses, $500,000; and

(B) for the General Accounting Office, for salaries and expenses, $12,000.

(2) Appropriations for the Office of the United States Trade Representative, for salaries and expenses, $302,000.

(3) Appropriations for the Department of Commerce, for the International Trade Administration, for operations and administration, $7,055,000.

(4) Appropriations for the Department of Justice—

(A) for legal activities—

(i) for general legal activities, for salaries and expenses, $194,000; and

(ii) for the United States Marshals Service, for salaries and expenses, $2,000;

(B) for the Federal Bureau of Investigation, for salaries and expenses, $2,477,000;

(C) for the Drug Enforcement Administration, for salaries and expenses, $6,356,000; and

(D) for the Immigration and Naturalization Service, for salaries and expenses, $1,313,000.

(5) Appropriations for the United States Information Agency, for international information programs, $25,047,000.

(6) Appropriations for the Arms Control and Disarmament Agency, for arms control and disarmament activities, $1,247,000.

(7) Appropriations to the President—

(A) for the Foreign Military Financing Program, for administrative costs, $6,660,000;

(B) for the Economic Support Fund, $336,000;

(C) for the Agency for International Development—

(i) for operating expenses, $6,008,000;

(ii) for the Urban and Environmental Credit Program, $54,000;

(iii) for the Development Assistance Fund, $124,000;

(iv) for the Development Fund for Africa, $526,000;

(v) for assistance for the new independent states of the former Soviet Union, $818,000;

(vi) for assistance for Eastern Europe and the Baltic States, $283,000; and

(vii) for international disaster assistance, $306,000;

(D) for the Peace Corps, $3,672,000; and

(E) for the Department of State—

(i) for international narcotics control, $1,117,000; and,

(ii) for migration and refugee assistance, $394,000.

(8) Appropriations for the Department of Defense—

(A) for operation and maintenance—

(i) for operation and maintenance, Army, $4,394,000;

(ii) for operation and maintenance, Navy, $1,824,000;

(iii) for operation and maintenance, Air Force, $1,603,000; and

(iv) for operation and maintenance, Defense-Wide, $21,993,000; and

(B) for procurement, for other procurement, Air Force, $4,211,000.

(9) Appropriations for the American Battle Monuments Commission, for salaries and expenses, $210,000.

(10) Appropriations for the Department of Agriculture—

(A) for the Animal and Plant Health Inspection Service, for salaries and expenses, $932,000;

(B) for the Foreign Agricultural Service and General Sales Manager, $4,521,000; and

(C) for the Agricultural Research Service, $16,000.

(11) Appropriations for the Department of Treasury—

(A) for the United States Customs Service, for salaries and expenses, $2,002,000;

(B) for departmental offices, for salaries and expenses, $804,000;

(C) for the Internal Revenue Service, for tax law enforcement, $662,000;

(D) for the Bureau of Alcohol, Tobacco, and Firearms, for salaries and expenses, $17,000;

(E) for the United States Secret Service, for salaries and expenses, $617,000; and

(F) for the Comptroller of the Currency, for assessment funds, $29,000.

(12) Appropriations for the Department of Transportation—

(A) for the Federal Aviation Administration, for operations, $1,594,000; and

(B) for the Coast Guard, for operating expenses, $65,000.

(13) Appropriations for the Department of Labor, for departmental management, for salaries and expenses, $58,000.

(14) Appropriations for the Department of Health and Human Services—

(A) for the National Institutes of Health, for the National Cancer Institute, $42,000;

(B) for the Office of the Secretary, for general departmental management, $71,000; and

(C) for the Centers for Disease Control and Prevention, for disease control, research, and training, $522,000.

(15) Appropriations for the Social Security Administration, for administrative expenses, $370,000.

(16) Appropriations for the Department of the Interior—

(A) for the United States Fish and Wildlife Service, for resource management, $12,000;

(B) for the United States Geological Survey, for surveys, investigations, and research, $80,000; and

(C) for the Bureau of Reclamation, for water and related resources, $101,000.

(17) Appropriations for the Department of Veterans Affairs, for departmental administration, for general operating expenses, $453,000.

(18) Appropriations for the National Aeronautics and Space Administration, for mission support, $183,000.

(19) Appropriations for the National Science Foundation, for research and related activities, $39,000.

(20) Appropriations for the Federal Emergency Management Agency, for salaries and expenses, $4,000.

(21) Appropriations for the Department of Energy—

(A) for departmental administration, $150,000; and

(B) for atomic energy defense activities, for other defense activities, $54,000.

(22) Appropriations for the Nuclear Regulatory Commission, for salaries and expenses, $26,000.

(c)(1) The amount in subsection (a)(2)(A) is reduced by $2,800,000.

(2) Each amount in subsection (b) is reduced on a pro rata basis in the same proportion as $2,800,000 bears to $112,462,000, rounded to the nearest thousand.

SEC. 405. (a) An employee who regularly commutes from his or her place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization adjustment equal to the amount of comparability payments under section 5304 of title V, United States Code, that he or she would receive if assigned to an official duty station within the United States locality pay area closest to the employee's official duty station.

(b) For purposes of this section, the term "employee" shall mean a person who—

(1) is an "employee" as defined under section 2105 of title V, United States Code, and

(2) is employed by the United States Department of State, the United States Information Agency, the United States Agency for International Development, or the International Joint Commission, except that the term shall not include members of the Foreign Service as defined by section 103 of the Foreign Service Act of 1980 (P.L. 96-465), section 3903 of title 22 of the United States Code.

(c) An equalization adjustment payable under this section shall be considered basic pay for the same purposes as are comparability payments under section 5304 of title V, United States Code, and its implementing regulations.

(d) The agencies referenced in subsection (c)(2) are authorized to promulgate regulations to carry out the purposes of this section.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1998".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies, as authorized by the Merchant Marine Act, 1936, as amended, $51,030,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $35,500,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $67,600,000: Provided, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $32,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to

exceed $3,725,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $250,000, as authorized by Public Law 99–83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,740,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $459,000 to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $27,500,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $242,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $186,514,000, of which not to exceed $300,000 shall remain available until September 30, 1999, for research and policy studies: Provided, That $162,523,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation estimated at $23,991,000: Provided further, That any offsetting collections received in excess of $162,523,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $14,000,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $88,500,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $18,500,000, to remain available until expended: Provided further, That any fees received in excess of $70,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $283,000,000, of which $274,400,000 is for basic field programs and required independent audits; $1,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $7,100,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) CONTINUATION OF COMPETITIVE SELECTION PROCESS.—None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104–134 (110 Stat. 1321–52 et seq.).

(b) INAPPLICABILITY OF CERTAIN PROCEDURES.—Sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 2996j) shall not apply to the provision, denial, suspension, or termination of any financial assistance using funds appropriated in this Act.

(c) ADDITIONAL PROCEDURES.—If, during any term of a grant or contract awarded to a recipient by the Legal Services Corporation under the competitive selection process referred to in subsection (a) and applicable Corporation regulations, the Corporation finds, after notice and opportunity for the recipient to be heard, that the recipient has failed to comply with any requirement of the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), this Act, or any other applicable law relating to funding for the Corporation, the Corporation may terminate the grant or contract and institute a new competitive selection process for the area served by the recipient, notwithstanding the terms of the recipient's grant or contract.

SEC. 502. (a) CONTINUATION OF REQUIREMENTS AND RESTRICTIONS.—None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of—

(1) sections 501, 502, 505, 506, and 507 of Public Law 104–134 (110 Stat. 1321–51 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all references in such sections to 1995 and 1996 shall be deemed to refer instead to 1997 and 1998, respectively; and

(2) section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except that—

(A) subsection (c) of such section 504 shall not apply;

(B) paragraph (3) of section 508(b) of Public Law 104–134 (110 Stat. 1321–58) shall apply with respect to the requirements of subsection (a)(13) of such section 504, except that all references in such section 508(b) to the date of enactment shall be deemed to refer to April 26, 1996; and

(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(i) an alien who has been battered or subjected to extreme cruelty in the United States by

a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

(ii) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty.

(b) DEFINITIONS.—For purposes of subsection (a)(2)(C):

(1) The term "battered or subjected to extreme cruelty" has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1953).

(2) The term "related legal assistance" means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in such subsection.

SEC. 503. (a) CONTINUATION OF AUDIT REQUIREMENTS.—The requirements of section 509 of Public Law 104–134 (110 Stat. 1321–58 et seq.), other than subsection (l) of such section, shall apply during fiscal year 1998.

(b) REQUIREMENT OF ANNUAL AUDIT.—An annual audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act shall be conducted during fiscal year 1998 in accordance with the requirements referred to in subsection (a).

SEC. 504. (a) DEBARMENT.—The Legal Services Corporation may debar a recipient, on a showing of good cause, from receiving an additional award of financial assistance from the Corporation. Any such action to debar a recipient shall be instituted after the Corporation provides notice and an opportunity for a hearing to the recipient.

(b) REGULATIONS.—The Legal Services Corporation shall promulgate regulations to implement this section.

(c) GOOD CAUSE.—In this section, the term "good cause", used with respect to debarment, includes—

(1) prior termination of the financial assistance of the recipient, under part 1640 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling);

(2) prior termination in whole, under part 1606 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling), of the most recent financial assistance received by the recipient, prior to date of the debarment decision;

(3) substantial violation by the recipient of the statutory or regulatory restrictions that prohibit recipients from using financial assistance made available by the Legal Services Corporation or other financial assistance for purposes prohibited under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or for involvement in any activity prohibited by, or inconsistent with, section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), section 502(a)(2) of Public Law 104–208 (110 Stat. 3009–59 et seq.), or section 502(a)(2) of this Act;

(4) knowing entry by the recipient into a subgrant, subcontract, or other agreement with an entity that had been debarred by the Corporation; or

(5) the filing of a lawsuit by the recipient, on behalf of the recipient, as part of any program receiving any Federal funds, naming the Corporation, or any agency or employee of a Federal, State, or local government, as a defendant.

SEC. 505. (a) Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(b) Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in semiannual reports, the following information about each case filed by its attorneys in any court:

(1) The name and full address of each party to the legal action unless such information is protected by an order or rule of a court or by State or Federal law or revealing such information would put the client of the recipient of such Federal funds at risk of physical harm.

(2) The cause of action in the case.

(3) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(c) The case information disclosed in semi-annual reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.

SEC. 506. In establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,185,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $283,000,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance, (2) any travel and transportation to or from such meetings, and (3) any other related lodging or subsistance: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: Provided further, That not to exceed $249,523,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated from the General Fund for fiscal year 1998 under this heading shall be reduced as all such offsetting fees are deposited to this appropriation so as to result in a final total fiscal year 1998 appropriation from the General Fund estimated at not more than $33,477,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $254,200,000, of which: $3,000,000 shall be available for a grant to Lackawanna County, Pennsylvania for infrastructure development to assist in small business development; $3,000,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; $2,000,000 shall be for a grant to Western Carolina University to develop a facility to assist in small business and rural economic development; $1,500,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; $1,000,000 shall be for a grant for the Genesis Small Business Incubator Facility, Fayetteville, Arkansas; and $500,000 shall be available for a continuation grant to the Center for Entrepreneurial Opportunity in Greensburg, Pennsylvania, to provide for small business consulting and assistance: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $75,800,000 shall be available to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $10,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, $181,232,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 1999: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 1998, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended: Provided further, That during fiscal year 1998, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $23,200,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $150,000,000, including not to exceed $500,000 for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums shall be transferred to and merged with appropriations for the Office of the Inspector General.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $3,500,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $6,850,000, to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for: (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days the following:

(A) Based upon all information available to the United States Government, the Government of the Socialist Republic of Vietnam is fully cooperating in good faith with the United States in the following:

(i) Resolving discrepancy cases, live sightings, and field activities.

(ii) Recovering and repatriating American remains.

(iii) Accelerating efforts to provide documents that will help lead to fullest possible accounting of prisoners of war and missing in action.

(iv) Providing further assistance in implementing trilateral investigations with Laos.

(B) The remains, artifacts, eyewitness accounts, archival material, and other evidence associated with prisoners of war and missing in action recovered from crash sites, military actions, and other locations in Southeast Asia are being thoroughly analyzed by the appropriate laboratories with the intent of providing surviving relatives with scientifically defensible, legal determinations of death or other accountability that are fully documented and available in unclassified and unredacted form to immediate family members.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102–567: Provided, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are paid by the entity at the time of retirement or separation.

SEC. 616. (a) None of the funds made available in this Act may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length or of more than 750 gross registered tons, and that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower—

(1) as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); or

(2) that would allow such a vessel to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States (except territories), unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997 and such fishery endorsement was not surrendered at any time thereafter.

(b) Any fishing permit or authorization issued or renewed prior to the date of the enactment of this Act for a fishing vessel to which the prohibition in subsection (a)(1) applies that would allow such vessel to engage in fishing for Atlantic mackerel or herring (or both) during fiscal year 1998 shall be null and void, and none of the funds made available in this Act may be used to issue a fishing permit or authorization that would allow a vessel whose permit or authorization was made null and void pursuant to this subsection to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States.

SEC. 617. During fiscal year 1998 and in any fiscal year thereafter, the court, in any criminal case (other than a case in which the defendant is represented by assigned counsel paid for by the public) pending on or after the date of the enactment of this Act, may award to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation expenses, where the court finds that the position of the United States was vexatious, frivolous, or in bad faith, unless the court finds that special circumstances make such an award unjust. Such awards shall be granted pursuant to the procedures and limitations (but not the burden of proof) provided for an award under section 2412 of title 28, United States Code. To determine whether or not to award fees and costs under this section, the court, for good cause shown, may receive evidence ex parte and in camera (which shall include the submission of classified evidence or evidence that reveals or might reveal the identity of an informant or undercover agent or matters occurring before a grand jury) and evidence or testimony so received shall be kept under seal. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

SEC. 618. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 619. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

SEC. 620. The second proviso of the second paragraph under the heading "OFFICE OF THE CHIEF SIGNAL OFFICER." in the Act entitled "An Act Making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one", approved May 26, 1900 (31 Stat. 206; chapter 586; 47 U.S.C. 17), is repealed.

SEC. 621. None of the funds appropriated or otherwise made available in this Act shall be used to issue visas to any person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former President Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(4) was a member of the Haitian High Command during the period 1991 through 1994, and has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in—

(A) the September 1991 coup against any person who was a duly elected government official of Haiti (or a member of the family of such official), or

(B) the murders of thousands of Haitians during the period 1991 through 1994; or

(5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts any such person, the Secretary shall notify the appropriate congressional committees in writing.

(c) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (a).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than 3 months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary of State shall submit a report under this subsection not later than 6 months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) DEFINITION.—In this section, the term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 622. Section 3006 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251, 269) is hereby repealed. This section shall be deemed a section of the Balanced Budget Act of 1997 for the purposes of section 10213 of that Act (111 Stat. 712), and shall be scored pursuant to paragraph (2) of such section.

SEC. 623. (a) REPORT ON UNIVERSAL SERVICE UNDER THE TELECOMMUNICATIONS ACT OF 1996.—The Federal Communications Commission shall undertake a review of the implementation by the Commission of the provisions of the Telecommunications Act of 1996 (Public Law 104–104) relating to universal service. Such review shall be completed and submitted to the Congress no later than April 10, 1998.

(b) The report required under subsection (a) shall provide a detailed description of the extent to which the Commission interpretations reviewed under paragraphs (1) through (5) are consistent with the plain language of the Communications Act of 1934 (47 U.S.C. 151 et seq.), as amended by the Telecommunications Act of 1996, and shall include a review of—

(1) the definitions of "information service," "local exchange carrier," "telecommunications," "telecommunications service," "telecommunications carrier," and "telephone exchange service" that were added to section 3 of the Communications Act of 1934 (47 U.S.C. 153) by the Telecommunications Act of 1996 and the impact of the Commission's interpretation of those definitions on the current and future provision of universal service to consumers in all areas of the nation, including high cost and rural areas;

(2) the application of those definitions to mixed or hybrid services and the impact of such application on universal service definitions and support, and the consistency of the Commission's application of those definitions, including with respect to Internet access under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h));

(3) who is required to contribute to universal service under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)) and related

existing federal universal service support mechanisms, and of any exemption of providers or exclusion of any service that includes telecommunications from such requirement or support mechanisms;

(4) who is eligible under sections 254(e), 254(h)(1), and 254(h)(2) of the Communications Act of 1934 (47 U.S.C. 254(e), 254(h)(1), and 254(h)(2)) to receive specific federal universal service support for the provision of universal service, and the consistency with which the Commission has interpreted each of those provisions of section 254; and

(5) the Commission's decisions regarding the percentage of universal service support provided by federal mechanisms and the revenue base from which such support is derived.

SEC. 624. Section 6(d)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(d)(1)) is amended by striking the word "fourteen" and inserting in lieu thereof "eight".

SEC. 625. (a) Section 814(g)(1) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 2291 note) is amended by striking "$325,000" and inserting "$370,000".

(b) Section 814(i) of such section is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 626. In addition to amounts otherwise made available for payment of obligations in carrying out 49 U.S.C. 5338(a), $50,000,000 shall remain available until expended and to be derived from the Highway Trust Fund: Provided, That $50,000,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account: Provided further, That subsection (c) of section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998 is amended by inserting after "House and Senate Committees on Appropriations", the following: "and the Senate Committee on Commerce, Science, and Transportation".

SEC. 627. (a) Section 501(c)(4) of the District of Columbia Police and Firemen's Act of 1958, (District of Columbia Code, section 4–416(c)(4)), is amended by striking "locality pay" and inserting "longevity pay".

(b) The amendment made by section (a) is effective on the date of enactment of Public Law 105–61.

SEC. 628. Section 19(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(a)) is amended to read as follows:

"(a) Subject to section 18, there are authorized to be appropriated, for fiscal year 1998, and for each fiscal year thereafter, an amount equal to the amount of funds derived from the assessments authorized by section 18(a).".

SEC. 629. (a) IN GENERAL.—The Secretary of Energy shall—

(1) convey, without consideration, to the Incorporated County of Los Alamos, New Mexico (in this section referred to as the "County"), or to the designee of the County, fee title to the parcels of land that are allocated for conveyance to the County in the agreement under subsection (e); and

(2) transfer to the Secretary of the Interior, in trust for the Pueblo of San Ildefonso (in this section referred to as the "Pueblo"), administrative jurisdiction over the parcels that are allocated for transfer to the Secretary of the Interior in such agreement.

(b) PRELIMINARY IDENTIFICATION OF PARCELS OF LAND FOR CONVEYANCE OR TRANSFER.—(1) Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report identifying the parcels of land under the jurisdiction or administrative control of the Secretary at or in the vicinity of Los Alamos National Laboratory that are suitable for conveyance or transfer under this section.

(2) A parcel is suitable for conveyance or transfer for purposes of paragraph (1) if the parcel—

(A) is not required to meet the national security mission of the Department of Energy or will not be required for that purpose before the end of the 10-year period beginning on the date of enactment of this Act;

(B) is likely to be conveyable or transferable, as the case may be, under this section not later than the end of such period; and

(C) is suitable for use for a purpose specified in subsection (h).

(c) REVIEW OF TITLE.—(1) Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of a title search on each parcel of land identified as suitable for conveyance or transfer under subsection (b), including an analysis of any claims against or other impairments to the fee title to each such parcel.

(2) In the period beginning on the date of the completion of the title search with respect to a parcel under paragraph (1) and ending on the date of the submittal of the report under that paragraph, the Secretary shall take appropriate actions to resolve the claims against or other impairments, if any, to fee title that are identified with respect to the parcel in the title search.

(d) ENVIRONMENTAL RESTORATION.—(1) Not later than 21 months after the date of enactment of this Act, the Secretary shall—

(A) identify the environmental restoration or remediation, if any, that is required with respect to each parcel of land identified under subsection (b) to which the United States has fee title;

(B) carry out any review of the environmental impact of the conveyance or transfer of each such parcel that is required under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) submit to Congress a report setting forth the results of the activities under subparagraphs (A) and (B).

(2) If the Secretary determines under paragraph (1) that a parcel described in paragraph (1)(A) requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the parcel not later than 10 years after the date of enactment of this Act.

(e) AGREEMENT FOR ALLOCATION OF PARCELS.—As soon as practicable after completing the review of titles to parcels of land under subsection (c), but not later than 90 days after the submittal of the report under subsection (d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo the parcels identified for conveyance or transfer under subsection (b).

(f) PLAN FOR CONVEYANCE AND TRANSFER.—(1) Not later than 90 days after the date of the submittal to the Secretary of Energy of the agreement under subsection (e), the Secretary shall submit to the congressional defense committees a plan for conveying or transferring parcels of land under this section in accordance with the allocation specified in the agreement.

(2) The plan under paragraph (1) shall provide for the completion of the conveyance or transfer of parcels under this section not later than 9 months after the date of the submittal of the plan under that paragraph.

(g) CONVEYANCE OR TRANSFER.—(1) Subject to paragraphs (2) and (3), the Secretary shall convey or transfer parcels of land in accordance with the allocation specified in the agreement submitted to the Secretary under subsection (e).

(2) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with the requirement in subsection (f)(2) by reason of its requirement to meet the national security mission of the Department, the Secretary shall convey or transfer the parcel, as the case may be, when the parcel is no longer required for that purpose.

(3)(A) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with such requirement by reason of requirements for environmental restoration or remediation, the Secretary shall convey or transfer the parcel, as the case may be, upon the completion of the environmental restoration or remediation that is required with respect to the parcel.

(B) If the Secretary determines that environmental restoration or remediation cannot reasonably be expected to be completed with respect to a parcel by the end of the 10-year period beginning on the date of enactment of this Act, the Secretary shall not convey or transfer the parcel under this section.

(h) USE OF CONVEYED OR TRANSFERRED LAND.—The parcels of land conveyed or transferred under this section shall be used for historic, cultural, or environmental preservation purposes, economic diversification purposes, or community self-sufficiency purposes.

(i) TREATMENT OF CONVEYANCES AND TRANSFERS.—(1) The purpose of the conveyances and transfers under this section is to fulfill the obligations of the United States with respect to Los Alamos National Laboratory, New Mexico, under sections 91 and 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391, 2394).

(2) Upon the completion of the conveyance or transfer of the parcels of land available for conveyance or transfer under this section, the Secretary shall make no further payments with respect to Los Alamos National Laboratory under section 91 or section 94 of the Atomic Energy Community Act of 1955.

(j) REPEAL OF SUPERSEDED PROVISION.—In the event of the enactment of the National Defense Authorization Act for Fiscal Year 1998 by reason of the approval of the President of the conference report to accompany the bill (H.R.1119) of the 105th Congress, section 3165 of such Act is repealed.

SEC. 630. (a) Section 6906 of title 31, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Necessary"; and

(2) by adding at the end the following:

"(b) LOCAL EXEMPTIONS FROM USER FEES DUE TO INSUFFICIENT APPROPRIATIONS.—

"(1) IN GENERAL.—Unless sufficient funds are appropriated for a fiscal year to provide full payments under this chapter to each unit of general local government that lies in whole or in part within the White Mountain National Forest and is eligible for the payments, persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

"(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from requirements to pay user fees under paragraph (1).".

SEC. 631. Section 512(b) of Public Law 105–61 is amended by adding before the period: "unless the President announced his intent to nominate the individual prior to November 30, 1997".

SEC. 632. Transfers of Unobligated Highway Apportionments. (a) IN GENERAL.—Notwithstanding any other provision of law, for fiscal year 1998, a State may transfer any funds apportioned to the State for any program under section 104 (including amounts apportioned

under section 104(b)(3) or set aside or suballocated under section 133(d)), 144, or 402 of title 23, United States Code, granted to the State for any program under section 410 of that title, or allocated to the State for any program under chapter 311 of title 49, United States Code, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to the surface transportation program under section 133 of title 23, United States Code, other than paragraphs (1) and (2) of section 133(d) of that title, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary of Transportation (referred to in this section as the "Secretary") shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are no longer authorized may be restored to the Federal-aid highway program.

(d) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—The Secretary shall allocate to a State an amount of obligation authority made available under the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66; 111 Stat. 1425), that is not greater than 75 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program until the earlier of—

(A) such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted; or

(B) July 1, 1998.

(2) CONTRACT AUTHORITY.—No contract authority made available to the States before July 1, 1998, shall be obligated after that date until such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted.

(e) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

SEC. 633. ADMINISTRATIVE EXPENSES FOR FEDERAL-AID HIGHWAY PROGRAM AND BUREAU OF TRANSPORTATION STATISTICS. (a) AUTHORITY TO BORROW.—

(1) FROM UNOBLIGATED FUNDS AVAILABLE FOR DISCRETIONARY ALLOCATIONS.—If unobligated balances of funds deducted by the Secretary of Transportation (referred to in this section as the "Secretary") under section 104(a) of title 23, United States Code, for administrative and research expenses of the Federal-aid highway program are insufficient to pay those expenses and the amounts necessary for operation of the Bureau of Transportation Statistics for fiscal year 1998, the Secretary may borrow to pay those expenses and amounts not to exceed $211,000,000 from unobligated funds available to the Secretary for discretionary allocations.

(2) FROM CERTAIN UNOBLIGATED BALANCES.—If unobligated funds available to the Secretary for discretionary allocations are insufficient for the purposes described in paragraph (1), the Secretary may borrow for those purposes not to exceed $211,000,000 from the unobligated balances of funds apportioned or allocated to the States for the Federal-aid highway program.

(b) REQUIREMENT TO REIMBURSE.—Funds borrowed under subsection (a) shall be reimbursed from amounts made available to the Secretary under section 104(a) of title 23, United States Code, as soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

SEC. 634. EXTENSION OF FEDERAL TRANSIT PROGRAMS. (a) Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087-2140) is amended by adding at the end the following:

"SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.

"(a) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting ', and for the period of October 1, 1997, through March 31, 1998' after '1997'.

"(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 5337 of title 49, United States Code, is amended—

"(1) in subsection (a), by inserting 'and for the period of October 1, 1997, through March 31, 1998,' after '1997,'; and

"(2) by adding at the end the following:

"'(e) SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).'.

"(c) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

"(1) in subsection (a)—

"(A) in paragraph (1), by adding at the end the following:

"'(F) $1,349,395,000 for the period of October 1, 1997, through March 31, 1998.'; and

"(B) in paragraph (2), by adding at the end the following:

"'(F) $369,000,000 for the period of October 1, 1997, through March 31, 1998.';

"(2) in subsection (b)(1), by adding at the end the following:

"'(F) $1,110,605,000 for the period of October 1, 1997, through March 31, 1998.';

"(3) in subsection (c), by inserting 'and not more than $1,500,000 for the period of October 1, 1997, through March 31, 1998,' after '1997,';

"(4) in subsection (e), by inserting 'and not more than $3,000,000 is available from the Fund (except the Account) for the Secretary for the period of October 1, 1997, through March 31, 1998,' after '1997,';

"(5) in subsection (h)(3), by inserting 'and $3,000,000 is available for section 5317 for the period of October 1, 1997, through March 31, 1998' after '1997';

"(6) in subsection (j)(5)—

"(A) in subparagraph (B), by striking 'and' at the end;

"(B) in subparagraph (C), by striking the period at the end and inserting '; and'; and

"(C) by adding at the end the following:

"'(D) the lesser of $1,500,000 or an amount that the Secretary determines is necessary is available to carry out section 5318 for the period of October 1, 1997, through March 31, 1998.';

"(7) in subsection (k), by striking 'or (e)' and inserting '(e), or (m)'; and

"(8) by adding at the end the following:

"'(m) SECTION 5316 FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period of October 1, 1997, through March 31, 1998:

"'(1) $125,000 to carry out section 5316(a).

"'(2) $1,500,000 to carry out section 5316(b).

"'(3) $500,000 to carry out section 5316(c).

"'(4) $500,000 to carry out section 5316(d).

"'(5) $500,000 to carry out section 5316(e).'.".

(b) BUDGET SCOREKEEPING.—For purposes of the Congressional Budget Act of 1974, as amended, the Balanced Budget and Emergency Deficit Control Act, as amended, and the Budget Enforcement Act of 1997, as amounts provided or otherwise made available in this section shall be treated as "direct spending" in an authorization Act.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading on September 30, 1997, $100,000,000 are rescinded.

TITLE VIII—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities"; for emergency expenses to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act for the Bristol Bay and Kuskokwim areas of Alaska, $7,000,000 to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that the Secretary of Commerce transmits a determination that there is a commercial fishery failure.

This division may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998".

DIVISION C—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $683,000,000 to remain available until September 30, 2001: Provided, That

such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until 2013 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1998 and 1999: Provided further, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $48,614,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1998.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $32,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $60,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1998 and 1999: Provided further, That such sums shall remain available through fiscal year 2006 for the disbursement of direct and guaranteed loans obligated in fiscal year 1998, and through fiscal year 2007 for the disbursement of direct and guaranteed loans obligated in fiscal year 1999: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $41,500,000, to remain available until September 30, 1999: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 1999, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1998, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $650,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; (7) up to $98,000,000 for basic education programs for children; and (8) a contribution on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of the Foreign Assistance Act of 1961.

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,210,000,000, to remain available until September 30, 1999: Provided, That of the amount appropriated under this heading, up to $22,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that Agency: Provided further, That of the amount appropriated under this heading, up to $14,000,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, not to exceed $2,500,000 shall be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That none of the funds made available under this heading may be used for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES).

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98–473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.

Funds appropriated or otherwise made available under title II of this Act should be made

available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $5,000,000 shall be made available to support activities in Burma, along the Burma-Thailand border, and for activities of Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CAMBODIA

None of the funds appropriated in this Act may be made available for the Government of Cambodia: Provided, That the restrictions under this heading shall not apply to humanitarian, demining or election-related programs or activities: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That 30 days after enactment of this Act, the President shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $190,000,000, to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961; of modifying concessional loans extended to least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended; and of modifying any obligation, or portion of such obligation for Latin American countries to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501); $27,000,000, to remain available until expended: Provided, That not to exceed $1,500,000 of such funds may be used for implementation of improvements in the foreign credit reporting system of the United States government.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 1999.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, including the cost of guaranteed loans designed to promote the urban and environmental policies and objectives of part I of such Act, $3,000,000, to remain available until September 30, 1999: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $6,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Central and Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,208,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $473,000,000: Provided, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $29,047,000, to remain available until September 30, 1999, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,400,000,000, to remain available until September 30, 1999: Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for Jordan: Provided further, That of the funds made available under this heading in previous Acts making appropriations for foreign operations, export financing, and related programs, notwithstanding any provision in any such heading in such previous Acts, up to $116,000,000 may be allocated or made available for programs and activities under this heading including the Middle East Peace and Stability Fund: Provided further, That in carrying out the previous proviso, the President should seek to ensure to the extent feasible that not more than 1 percent of the amount specified in section 586 of this Act should be derived from funds that would otherwise be made available for any single country: Provided further, That funds provided for the Middle East Peace and Stability Fund by a country in the region under the authority of section 635(d) of the Foreign Assistance Act of 1961, and funds made available for Jordan following the date of enactment of this Act from previous Acts making appropriations for foreign operations, export financing, and related programs, shall count toward meeting the earmark contained in the fourth proviso under this heading: Provided further, That up to $10,000,000 of funds under this heading in previous foreign operations, export financing, and related programs appropriations Acts that were reprogrammed for Jordan during fiscal year 1997 shall also count toward such earmark: Provided further, That, in order to facilitate the implementation of the fourth proviso under this heading, the requirement of section 515 of this Act or any similar provision of law shall not apply to the making available of funds appropriated for a fiscal year for programs, projects, or activities that were justified for another fiscal year: Provided further, That for fiscal year 1998 such portions of the notification required under section 653 of the Foreign Assistance Act of 1961 that relate to the Middle East may be submitted to the Congress as soon as practicable, but no later than March 1, 1998: Provided further, That during fiscal year 1998, of the local currencies generated from funds made available under this heading for Guatemala by this Act and prior Appropriations Acts, the United States and Guatemala may jointly program the Guatemala quetzales equivalent of a total of up to $10,000,000 for the purpose of retiring the debt owed by universities in Guatemala to the Inter-American Development Bank.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That

such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 1999.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $485,000,000, to remain available until September 30, 1999, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 532 of this Act shall apply.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

(g) Not to exceed $200,000,000 of the funds appropriated under this heading may be made available for Bosnia and Herzegovina exclusive of assistance for police training.

(h) Not to exceed $7,000,000 of the funds made available for Bosnia and Herzegovina may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees for said country.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $770,000,000, to remain available until September 30, 1999: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be made available to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment;

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures; and

(3) funds may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(c) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian and refugee relief.

(d) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining, or nonproliferation programs.

(e) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(f) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(g) Funds appropriated under title II of this Act, including funds appropriated under this heading, may be made available for assistance for Mongolia: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under this heading or in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(i) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(j)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of Russia, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Notwithstanding paragraph (1) assistance may be provided for the Government of Russia if the President determines and certifies to the Committees on Appropriations that making such funds available (A) is vital to the national security interest of the United States, and (B) that the Government of Russia is taking meaningful steps to limit major supply contracts and to curtail the transfer of technology and technological expertise related to activities referred to in paragraph (1).

(k) Of the funds appropriated under this heading, not less than $225,000,000 shall be made available for Ukraine, which sum shall be provided with the understanding that Ukraine will undertake significant economic reforms which are additional to those which were undertaken in the previous fiscal year: Provided, That 50 percent of the amount made available in this subsection, exclusive of funds made available for election related initiatives and nuclear reactor safety activities, shall be withheld from obligation and expenditure until the Secretary of State determines and certifies no later than April 30, 1998, that the Government of Ukraine has made significant progress toward resolving complaints made by United States investors to the United States embassy prior to April 30, 1997: Provided further, That funds made available under this subsection, and funds appropriated for Ukraine in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 as contained in Public Law 104–208 shall be made available to complete the preparation of safety analysis reports at each nuclear reactor in Ukraine over the next three years.

(l) Of the funds appropriated under this heading, not less than $250,000,000 shall be made available for assistance for the Southern Caucasus region: Provided, That of the funds provided under this subsection 37 percent shall be made available for Georgia and 35 percent shall be made available for Armenia: Provided further, That of the funds made available for the Southern Caucasus region, 28 percent should be used for reconstruction and remedial activities relating to the consequences of conflicts within the region, especially those in the vicinity of Abkhazia and Nagorno-Karabakh: Provided further, That if the Secretary of State after May 30, 1998, determines and reports to the relevant Committees of Congress that the full amount of reconstruction and remedial funds that may be made available under the previous proviso cannot be effectively utilized, up to 62.5 percent of the amount provided under the previous proviso for reconstruction and remediation may be used for other purposes under this heading.

(m) Funds provided under the previous subsection shall be made available for humanitarian assistance for refugees, displaced persons, and needy civilians affected by the conflicts in the Southern Caucasus region, including those in the vicinity of Abkhazia and Nagorno-Karabakh, notwithstanding any other provision of this or any other Act.

(n) Funds made available under this Act or any other Act may not be provided for assistance to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh: Provided, That the restriction of this subsection and section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421); and

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity.

(o) None of the funds appropriated under this heading or in prior appropriations legislation may be made available to establish a joint public-private entity or organization engaged in the management of activities or projects supported by the Defense Enterprise Fund.

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $222,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1999.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $215,000,000: Provided, That during fiscal year 1998, the Department of State may also use the authority of section 608 of the Act, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That not later than sixty days after the date of enactment of this Act, the Secretary of State in consultation with the Director of the Office of National Drug Control Policy shall submit a report to the Committees on Appropriations containing: (1) a list of all countries in which the United States carries out international counter-narcotics activities; (2) the number, mission and agency affiliation of United States personnel assigned to each such country; and (3) all costs and expenses obligated for each program, project or activity by each United States agency in each country: Provided further, That of the amount made available under this heading not to exceed $5,000,000 shall be allocated to operate the Western Hemisphere International Law Enforcement Academy: Provided further, That 10 percent of the funds appropriated under this heading shall not be available for obligation until the Secretary of State submits a report to the Committees on Appropriations providing a financial plan for the funds appropriated under this heading and under the heading "Narcotics Interdiction".

NARCOTICS INTERDICTION

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $15,000,000, to remain available until expended, in addition to amounts otherwise available for such purposes, which shall be available for assistance, including procurement, for support of air drug interdiction and eradication and other related purposes: Provided, That funds appropriated under this heading shall be made available subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $650,000,000: Provided, That not more than $12,000,000 shall be available for administrative expenses: Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

REFUGEE RESETTLEMENT ASSISTANCE

For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $5,000,000.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $133,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO): Provided, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That not to exceed $30,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: Provided further, That such funds may be obligated to KEDO only if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that: (1)(A) the parties to the Agreed Framework are taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with the other provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors and that such canning and safe storage is scheduled to be completed by April 1, 1998; and (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended: Provided further, That the President may waive the certification requirements of the preceding proviso if the President determines that it is vital to the national security interests of the United States: Provided further, That no funds may be obligated for KEDO until thirty calendar days after submission to Congress of the waiver permitted under the preceding proviso: Provided further, That the obligation of any funds for KEDO shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of the Korean Peninsula Energy Development Organization, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities: Provided further, That of the funds made available under this heading, up to $10,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO), in addition to funds otherwise made available under this heading for KEDO, if the Secretary of State certifies and reports to the Committees on Appropriations that, except for the funds made available under this proviso, funds sufficient to cover all outstanding debts owed by KEDO for heavy fuel oil have been provided to KEDO by donors other than the United States.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance

Act of 1961, $50,000,000: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading may be made available to support grant financed military education and training at the School of the Americas unless: (1) the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel; (2) the Secretary of Defense certifies that the Secretary of State, in consultation with the Secretary of Defense, has developed and issued specific guidelines governing the selection and screening of candidates for instruction at the School of the Americas; and (3) the Secretary of Defense submits to the Committees on Appropriations a report detailing the training activities of the School of the Americas and a general assessment regarding the performance of its graduates during 1996.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,296,550,000: Provided, That of the funds appropriated under this heading, not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 shall be available for assistance for Jordan: Provided further, That during fiscal year 1998 the President is authorized to, and shall, direct drawdowns of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $25,000,000 under the authority of this proviso for Jordan for the purposes of part II of the Foreign Assistance Act of 1961, and any amount so directed shall count toward meeting the earmark in the previous proviso: Provided further, That section 506(c) of the Foreign Assistance Act of 1961 shall apply, and section 632(d) of the Foreign Assistance Act of 1961 shall not apply, to any such drawdown: Provided further, That of the funds appropriated by this paragraph, a total of $18,300,000 should be available for assistance for Estonia, Latvia, and Lithuania: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That $50,000,000 of the funds appropriated or otherwise made available under this heading should be made available for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $60,000,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $657,000,000: Provided further, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: Provided further, That funds appropriated under this paragraph shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $105,000,000 only for Greece and $150,000,000 only for Turkey.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $23,250,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That none of the funds under this heading shall be available for Guatemala: Provided further, That not more than $350,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1998 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $77,500,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $47,500,000, to remain available until September 30, 1999.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,034,503,100, to remain available until expended, of which $234,503,100 shall be available to pay for the tenth replenishment: Provided, That none of the funds may be obligated or made available until the Secretary of the Treasury certifies to the Committees on Appropriations that procurement restrictions applicable to United States firms under the terms of the Interim Trust Fund have been lifted from all funds which Interim Trust Fund donors proposed to set aside for review of procurement restrictions at the conclusion of the February 1997 IDA Deputies Meeting in Paris.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667, and for the United States share of the increase in the resources of the Fund for Special Operations, $20,835,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $30,000,000 to remain available until expended, which shall be available for contributions previously due.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United

States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $150,000,000, of which $50,000,000 shall be available for contributions previously due, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $45,000,000, to remain available until expended and which shall be available for contributions previously due.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $56,500,000, to remain available until expended of which $250,000 shall be available for contributions previously due: Provided, That none of the funds appropriated under this heading that are made available for the Community Adjustment and Investment Program shall be used for purposes other than those set out in the binational agreement establishing the Bank: Provided further, That of the amount appropriated under this heading, not more than $41,250,000 may be expended for the purchase of such capital shares in fiscal year 1998.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not to exceed $318,750,000.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $192,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $25,000,000 of the funds appropriated under this heading may be made available to UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1998, and that no later than February 15, 1998, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1998: Provided further, That any amount UNFPA plans to spend in the People's Republic of China in 1998 shall be deducted from the amount of funds provided to UNFPA after March 1, 1998, pursuant to the previous provisos: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA): Provided further, That not less than $4,000,000 should be made available to the World Food Program.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, as amended, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1998, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose

under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1998.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua and Liberia, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Disease Programs Fund", "Development Assistance", "International organizations and programs", "Trade and Development Agency", "International narcotics control", "Narcotics interdiction", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, anti-terrorism, demining and related programs", "Foreign Military Financing Program", "International military education and training", "Peace Corps", "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: Provided, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1999.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the

performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

REPORTING REQUIREMENT

SEC. 519. Section 25 of the Arms Export Control Act is amended—

(1) in subsection (a), by striking "Congress" and inserting in lieu thereof "appropriate congressional committees";

(2) in subsection (b), by striking "the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives" and inserting in lieu thereof "any of the congressional committees described in subsection (e)"; and

(3) by adding the following subsection:

"(e) As used in this section, the term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.".

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, Haiti, Liberia, Pakistan, Panama, Peru, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, basic education, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival, and basic education activities, and activities relating to research on, and the treatment and control of acquired immune deficiency syndrome in developing countries: Provided, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1997" and inserting in lieu thereof "1998".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 530. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 535. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

EXTENSION OF AUTHORITY TO OBLIGATE FUNDS TO CLOSE THE SPECIAL DEFENSE ACQUISITION FUND

SEC. 536. Title III of Public Law 103–306 is amended under the heading "Special Defense Acquisition Fund" by striking "1998" and inserting "2000".

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 537. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 538. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 539. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia and Herzegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 540. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing; and

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of

normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 541. (a) Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a) for Bolivia, Colombia, and Peru may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 542. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 and 11 of part I, and chapter 4 of part II, of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1998, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 543. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 544. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 545. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: Provided, That not to exceed $500,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 546. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the Sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 547. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 548. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 549. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 550. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance estimated to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 551. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 552. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307

of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 553. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $25,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That sixty days after the date of enactment of this Act, and every one hundred eighty days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

LANDMINES

SEC. 554. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That not later than 90 days after the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit a report to the Committees on Appropriations describing potential alternative technologies or tactics and a plan for the development of such alternatives to protect anti-tank mines from tampering in a manner consistent with the "Convention on the Prohibition, Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction".

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 555. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 556. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

EQUITABLE ALLOCATION OF FUNDS

SEC. 557. Not more than 18 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 558. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act;

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 559. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the

amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 560. (a) AUTHORIZATIONS.—The Secretary of the Treasury may, to fulfill commitments of the United States: (1) effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) $285,772,500 for paid-in capital, and $984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) $1,600,000,000 for the International Development Association; (3) $400,000,000 for the Asian Development Fund; and (4) $76,832,001 for paid-in capital, and $4,511,156,729 for callable capital of the Inter-American Development Bank in connection with the eighth general increase in the resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.

(b) CONSIDERATION OF ENVIRONMENTAL IMPACT OF INTERNATIONAL FINANCE CORPORATION LOANS.—Section 1307 of the International Financial Institutions Act (Public Law 95–118) is amended as follows:

(1) in subsection (a)(1)(A) strike "borrowing country" and insert in lieu thereof "borrower";

(2) in subsection (a)(2)(A) strike "country"; and

(3) at the end of Section 1307, add a new subsection as follows:

"(g) For purposes of this section, the term 'multilateral development bank' means any of the institutions named in Section 1303(b) of this Act, and the International Finance Corporation.".

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to use the voice and vote of the United States to strongly encourage their respective institutions to—

(1) provide timely public information on procurement opportunities available to United States suppliers, with a special emphasis on small business; and

(2) systematically consult with local communities on the potential impact of loans as part of the normal lending process, and expand the participation of affected peoples and nongovernmental organizations in decisions on the selection, design and implementation of policies and projects.

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

SEC. 561. (a) BILATERAL ASSISTANCE.—The President is authorized to withhold funds appropriated by this Act under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which knowingly grants sanctuary to persons in its territory for the purpose of evading prosecution, where such persons—

(1) have been indicted by the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law; or

(2) have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government; or

(D) any government which was an ally of the Nazi government of Germany.

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 562. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Haiti unless the President reports to Congress that the Government of Haiti—

(1) is conducting thorough investigations of extrajudicial and political killings;

(2) is cooperating with United States authorities in the investigations of political and extrajudicial killings;

(3) has substantially completed privatization of (or placed under long-term private management or concession) at least three major public enterprises; and

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights.

(b) EXCEPTIONS.—The limitation in subsection (a) does not apply to the provision of humanitarian, electoral, counter-narcotics, or law enforcement assistance.

(c) WAIVER.—The President may waive the requirements of this section on a semiannual basis if the President determines and certifies to the appropriate committees of Congress that such waiver is in the national interest of the United States.

(d) PARASTATALS DEFINED.—As used in this section, the term "parastatal" means a government-owned enterprise.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 563. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1997.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 564. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

ASSISTANCE TO TURKEY

SEC. 565. (a) Not more than $40,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available for Turkey.

(b) Of the funds made available under the heading "Economic Support Fund" for Turkey, not less than fifty percent of these funds shall be made available for the purpose of supporting private nongovernmental organizations engaged in strengthening democratic institutions in Turkey, providing economic assistance for individuals and communities affected by civil unrest, and supporting and promoting peaceful solutions and economic development which will contribute to the settlement of regional problems in Turkey.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 566. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF CROATIA

SEC. 567. None of the funds appropriated or otherwise made available by title II of this Act may be made available to the Government of Croatia to relocate the remains of Croatian Ustashe soldiers, at the site of the World War II concentration camp at Jasenovac, Croatia.

BURMA LABOR REPORT

SEC. 568. Not later than one hundred twenty days after enactment of this Act, the Secretary of Labor in consultation with the Secretary of State shall provide to the Committees on Appropriations a report addressing labor practices in Burma.

HAITI

SEC. 569. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C.

2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 570. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 571. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the United States expects that the items will not be used in East Timor: Provided, That nothing in this section shall be construed to limit Indonesia's inherent right to legitimate national self-defense as recognized under the United Nations Charter and international law.

TRANSPARENCY OF BUDGETS

SEC. 572. Section 576(a)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended to read as follows:

"(1) does not have in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces and security forces;".

Section 576(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended to read as follows:

"(2) has not provided to the institution information about the audit process requested by the institution.".

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 573. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or canton described in subsection (d).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (d).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (d), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the U.S. position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or canton and a nonsanctioned contiguous country, entity, or canton, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or canton and if the portion of the project located in the sanctioned country, entity, or canton is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by U.S. armed forces that promote good relations between such forces and the officials and citizens of the areas in the U.S. SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement; or

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity.

(2) FURTHER LIMITATIONS.—Notwithstanding paragraph (1)—

(A) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or canton described in subsection (d), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(B) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or canton described in subsection (d) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(d) SANCTIONED COUNTRY, ENTITY, OR CANTON.—A sanctioned country, entity, or canton described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(e) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or canton upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committeee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (e)(1), the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(f) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or canton have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(g) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia-Herzegovina, Croatia, and Serbia-Montenegro (Federal Republic of Yugoslavia).

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina and the Republika Srpska.

(3) CANTON.—The term "canton" means the administrative units in Bosnia and Herzegovina.

(4) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(5) TRIBUNAL.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

(h) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this subsection, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefitting from any financial or technical assistance or grants provided to any country or entity described in subsection (d).

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

SEC. 574. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "and 1997" and inserting "1997, and 1998"; and

(B) in subsection (e), by striking "October 1, 1997" each place it appears and inserting "October 1, 1998"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 1997" and inserting "September 30, 1998".

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 575. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: "and $60,000,000 for fiscal year 1998".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES

SEC. 576. Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: ", including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.".

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT IMPLEMENT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 577. (a) None of the funds appropriated under this Act may be made available for the Government of the Russian Federation unless within 30 days of the date this section becomes effective the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

(b) This section shall become effective one hundred fifty days after the enactment of this Act.

U.S. POLICY REGARDING SUPPORT FOR COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

SEC. 578. (a) FINDINGS.—Congress makes the following findings:

(1) The ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political and economic ties between countries of the South Caucasus and Central Asia and the West will foster stability in the region.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asia will provide positive incentives for international private investment, increased trade, and other forms of commercial interactions with the rest of the world.

(5) The Caspian Sea Basin, overlapping the territory of the countries of the South Caucasus and Central Asia, contains proven oil and gas reserves that may exceed $4,000,000,000,000 in value.

(6) The region of the South Caucasus and Central Asia will produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence of the countries of the South Caucasus and Central Asia.

(b) GENERAL.—The policy of the United States in the countries of the South Caucasus and Central Asia should be—

(1) to promote sovereignty and independence with democratic government;

(2) to assist actively in the resolution of regional conflicts;

(3) to promote friendly relations and economic cooperation;

(4) to help promote market-oriented principles and practices;

(5) to assist in the development of infrastructure necessary for communications, transportation, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(6) to support United States business interests and investments in the region.

(c) DEFINITION.—In this section, the term "countries of the South Caucasus and Central Asia" means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

PAKISTAN

SEC. 579. (a) OPIC.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting ", or Pakistan" after "China".

(b) TRADE AND DEVELOPMENT.—It is the sense of Congress that the Director of the Trade and Development Agency should use funds made available to carry out the provisions of section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to promote United States exports to Pakistan.

REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS

SEC. 580. The President shall provide to the Congress a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international, for fiscal year 1997, planned obligations for such activities in fiscal year 1998, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than November 15, 1997.

AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING

SEC. 581. (a) IN GENERAL.—Section 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) by striking paragraphs (1) and (2)(A) and inserting the following:

"(1) INSURANCE AND FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234 (b) and (c), shall not exceed in the aggregate $29,000,000,000.";

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by amending paragraph (2) (as so redesignated) by striking "September 30, 1997" and inserting "September 30, 1999".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 235(a) of that Act (22 U.S.C. 2195(a)), as redesignated by subsection (a), is further amended by striking "(a) and (b)" and inserting "(a), (b), and (c)".

(c) EXTENSION OF AUTHORITY.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "October 23, 1997" and inserting "September 30, 1998".

(d) TIED AID CREDIT FUND AUTHORITY.—

(a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i 3(c)(2)) is amended by striking "through" and all that follows through "1997".

(b) Section 10(e) of such Act (12 U.S.C. 635i–3(3)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the purposes of this section.".

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 582. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

(c) WAIVER.—Funds may be provided for a country without regard to subsection (a) if the President determines that to do so is in the national security interest of the United States.

WAR CRIMES PROSECUTION

SEC. 583. Section 2401 of title 18, United States Code (Public Law 104–192; the War Crimes Act of 1996) is amended as follows—

(1) in subsection (a), by striking "grave breach of the Geneva Conventions" and inserting "war crime";

(2) in subsection (b), by striking "breach" each place it appears and inserting "war crime"; and

(3) so that subsection (c) reads as follows:

"(c) DEFINITION.—As used in this section the term 'war crime' means any conduct—

"(1) defined as a grave breach in any of the international conventions signed at Geneva 12

August 1949, or any protocol to such convention to which the United States is a party;

"(2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907;

"(3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party and which deals with non-international armed conflict; or

"(4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians.".

INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAMS FOR LATIN AMERICA

SEC. 584. (a) EXPANDED IMET.—The Secretary of Defense, in consultation with the Secretary of State, should make every effort to ensure that approximately 30 percent of the funds appropriated in this Act for "International Military Education and Training" for the cost of Latin American participants in IMET programs will be disbursed for the purpose of supporting enrollment of such participants in expanded IMET courses.

(b) CIVILIAN PARTICIPATION.—The Secretary of State, in consultation with the Secretary of Defense, should identify sufficient numbers of qualified, non-military personnel from countries in Latin America so that approximately 25 percent of the total number of individuals from Latin American countries attending United States supported IMET programs and the Center for Hemispheric Defense Studies at the National Defense University are civilians.

(c) REPORT.—Not later than twelve months after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall report in writing to the appropriate committees of the Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next three fiscal years.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 585. None of the funds appropriated or otherwise made available by this Act may be provided to the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Congress that the central Government of the Democratic Republic of Congo is cooperating fully with investigators from the United Nations in accounting for human rights violations committed in the Democratic Republic of Congo or adjacent countries.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 586. Of the funds appropriated by this Act under the headings "Economic Support Fund", "Foreign Military Financing", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", not more than a total of $5,402,850,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: Provided, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of enactment of this Act obligated or allocated for other recipients may not during fiscal year 1998 be made available for activities that, if funded under this Act, would be required to count against this ceiling: Provided further, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

AGRICULTURE

SEC. 587. The first proviso of subsection (k) under the heading "Assistance for the New Independent States of the Former Soviet Union" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104-208, is amended by striking "not less than" and inserting in lieu thereof "up to".

ENTERPRISE FUND RESTRICTIONS

SEC. 588. Section 201(l) of the Support for East European Democracy Act (22 U.S.C. 5421(l)) is amended to read as follows:

"(l) LIMITATION ON PAYMENTS TO ENTERPRISE FUND PERSONNEL.—

"(1) No part of the funds of an Enterprise Fund shall inure to the benefit of any board member, officer, or employee of such Enterprise Fund, except as salary or reasonable compensation for services subject to paragraph (2).

"(2) An Enterprise Fund shall not pay compensation for services to—

"(A) any board member of the Enterprise Fund, except for services as a board member; or

"(B) any firm, association, or entity in which a board member of the Enterprise Fund serves as partner, director, officer, or employee.

"(3) Nothing in paragraph (2) shall preclude payment for services performed before the date of enactment of this subsection nor for arrangements approved by the grantor and notified in writing to the Committees on Appropriations.".

CAMBODIA

SEC. 589. The Secretary of the Treasury should instruct the United States Executive Directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 590. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1998 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

SEC. 591. For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees in support of the development objectives of the Foreign Assistance Act of 1961 (FAA), up to $7,500,000, which amount may be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and funds appropriated by this Act under the heading "Assistance for Eastern Europe and the Baltic States", to remain available until expended: Provided, That up to $500,000 of the funds appropriated by this Act under the heading "Operating Expenses of the Agency for International Development" may be made available for administrative expenses to carry out such programs: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to development credit authority) of the Foreign Assistance Act of 1961, as added by section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this paragraph: Provided further, That direct loans or loan guarantees under this paragraph may not be provided until the Director of the Office of Management and Budget has certified to the Committees on Appropriations that the Agency for International Development has established a credit management system capable of effectively managing the credit programs funded under this heading, including that such system (1) can provide accurate and timely provision of loan and loan guarantee data, (2) contains information control systems for loan and loan guarantee data, (3) is adequately staffed, and (4) contains appropriate review and monitoring procedures.

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION OVERSEAS

SEC. 592. (a) PERFORMANCE OF ABORTIONS.—(1) Notwithstanding section 614 of the Foreign Assistance Act of 1961 or any other provision of law, no funds appropriated to the Agency for International Development for population planning activities or other population assistance for fiscal years 1998 and 1999 may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

(2) Paragraph (1) of this subsection may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

(b) LOBBYING ACTIVITIES.—(1) Notwithstanding section 614 of the Foreign Assistance Act of 1961 or any other provision of law, no funds appropriated to the Agency for International Development for population planning activities or other population assistance for fiscal years 1998 and 1999 may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

(2) Paragraph (1) of this subsection shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

(c) APPLICATION TO FOREIGN ORGANIZATIONS.—The restrictions in this section apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required in subsections (a) and (b) apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.

(d) For each of fiscal years 1998 and 1999, the President may waive the restrictions in subsections (a) and (b): Provided, That if the President waives the restriction in either subsection

(a) or (b), not to exceed $410,000,000 may be made available for population planning activities or other population assistance: Provide further, That if the President waives the restrictions in both subsections (a) and (b), not to exceed $385,000,000 may be made available for population planning activities or other population assistance.

INTERNATIONAL MONETARY PROGRAMS

LOANS TO INTERNATIONAL MONETARY FUND

SEC. 593. For loans to the International Monetary Fund under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98–181), and the Act of October 23, 1962 (Public Law 87–872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow.

Section 17 of the Bretton Woods Agreements Act, as amended (22 U.S.C. 286e–2 et seq.) is amended as follows—

(1) Section 17(a) is amended by striking "and February 24, 1983" and inserting instead "February 24, 1983, and January 27, 1997"; and by striking "4,250,000,000" and inserting instead "6,712,000,000".

(2) Section 17(b) is amended by striking "4,250,000,000" and inserting instead "6,712,000,000".

(3) Section 17(d) is amended by inserting "or the Decision of January 27, 1997," after "February 24, 1983,"; and by inserting "or the New Arrangements to Borrow, as applicable" before the period at the end.

This division may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998".

DIVISION D—FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Affairs Reform and Restructuring Act of 1997".

SEC. 1002. ORGANIZATION OF DIVISION INTO SUBDIVISIONS; TABLE OF CONTENTS.

(a) SUBDIVISIONS.—This division is organized into three subdivisions as follows:

(1) SUBDIVISION 1.—Foreign Affairs Agencies Consolidation Act of 1997.

(2) SUBDIVISION 2.—Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

(3) SUBDIVISION 3.—United Nations Reform Act of 1997.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1001. Short title.
Sec. 1002. Organization of division into subdivisions; table of contents.

SUBDIVISION 1—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE XI—GENERAL PROVISIONS

Sec. 1101. Short title.
Sec. 1102. Purposes.
Sec. 1103. Definitions.
Sec. 1104. Report on budgetary cost savings resulting from reorganization.

TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1201. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 1212. Transfer of functions to Secretary of State.
Sec. 1213. Under Secretary for Arms Control and International Security.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 1221. References.
Sec. 1222. Repeals.
Sec. 1223. Amendments to the Arms Control and Disarmament Act.
Sec. 1224. Compensation of officers.
Sec. 1225. Additional conforming amendments.

TITLE XIII—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1301. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1311. Abolition of United States Information Agency.
Sec. 1312. Transfer of functions.
Sec. 1313. Under Secretary of State for Public Diplomacy.
Sec. 1314. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.

CHAPTER 3—INTERNATIONAL BROADCASTING

Sec. 1321. Congressional findings and declaration of purpose.
Sec. 1322. Continued existence of Broadcasting Board of Governors.
Sec. 1323. Conforming amendments to the United States International Broadcasting Act of 1994.
Sec. 1324. Amendments to the Radio Broadcasting to Cuba Act.
Sec. 1325. Amendments to the Television Broadcasting to Cuba Act.
Sec. 1326. Transfer of broadcasting related funds, property, and personnel.
Sec. 1327. Savings provisions.
Sec. 1328. Report on the privatization of RFE/RL, Incorporated.

CHAPTER 4—CONFORMING AMENDMENTS

Sec. 1331. References.
Sec. 1332. Amendments to title 5, United States Code.
Sec. 1333. Application of certain laws.
Sec. 1334. Abolition of United States Advisory Commission on Public Diplomacy.
Sec. 1335. Conforming amendments.
Sec. 1336. Repeals.

TITLE XIV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1401. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1411. Abolition of United States International Development Cooperation Agency.
Sec. 1412. Transfer of functions and authorities.
Sec. 1413. Status of AID.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 1421. References.
Sec. 1422. Conforming amendments.

TITLE XV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

Sec. 1501. Effective date.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

Sec. 1511. Reorganization of Agency for International Development.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

Sec. 1521. Definition of United States assistance.
Sec. 1522. Administrator of AID reporting to the Secretary of State.
Sec. 1523. Assistance programs coordination and oversight.

TITLE XVI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

Sec. 1601. Reorganization plan and report.

CHAPTER 2—REORGANIZATION AUTHORITY

Sec. 1611. Reorganization authority.
Sec. 1612. Transfer and allocation of appropriations.
Sec. 1613. Transfer, appointment, and assignment of personnel.
Sec. 1614. Incidental transfers.
Sec. 1615. Savings provisions.
Sec. 1616. Authority of Secretary of State to facilitate transition.
Sec. 1617. Final report.

SUBDIVISION 2—FOREIGN RELATIONS AUTHORIZATION

TITLE XX—GENERAL PROVISIONS

Sec. 2001. Short title.
Sec. 2002. Definition of appropriate congressional committees.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE

Sec. 2101. Administration of foreign affairs.
Sec. 2102. International commissions.
Sec. 2103. Grants to The Asia Foundation.

TITLE XXII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

Sec. 2201. Reimbursement of Department of State for assistance to overseas educational facilities.
Sec. 2202. Revision of Department of State rewards program.
Sec. 2203. Retention of additional defense trade controls registration fees.
Sec. 2204. Fees for commercial services.
Sec. 2205. Pilot program for foreign affairs reimbursement.
Sec. 2206. Fee for use of diplomatic reception rooms.
Sec. 2207. Accounting of collections in budget presentation documents.
Sec. 2208. Office of the Inspector General.
Sec. 2209. Capital Investment Fund.
Sec. 2210. Contracting for local guards services overseas.
Sec. 2211. Authority of the Foreign Claims Settlement Commission.
Sec. 2212. Expenses relating to certain international claims and proceedings.
Sec. 2213. Grants to remedy international abductions of children.
Sec. 2214. Counterdrug and anticrime activities of the Department of State.
Sec. 2215. Annual report on overseas surplus properties.
Sec. 2216. Human rights reports.
Sec. 2217. Reports and policy concerning diplomatic immunity.
Sec. 2218. Reaffirming United States international telecommunications policy.
Sec. 2219. Reduction of reporting.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

Sec. 2221. Use of certain passport processing fees for enhanced passport services.
Sec. 2222. Surcharge for processing certain machine readable visas.
Sec. 2223. Consular officers.
Sec. 2224. Repeal of outdated consular receipt requirements.
Sec. 2225. Elimination of duplicate Federal Register publication for travel advisories.
Sec. 2226. Denial of visas to confiscators of American property.
Sec. 2227. Inadmissibility of any alien supporting an international child abductor.

Sec. 2228. Haiti; exclusion of certain aliens; reporting requirements.

CHAPTER 3—REFUGEES AND MIGRATION

SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS

Sec. 2231. Migration and refugee assistance.

SUBCHAPTER B—AUTHORITIES

Sec. 2241. United States policy regarding the involuntary return of refugees.
Sec. 2242. United States policy with respect to the involuntary return of persons in danger of subjection to torture.
Sec. 2243. Reprogramming of migration and refugee assistance funds.
Sec. 2244. Eligibility for refugee status.
Sec. 2245. Reports to Congress concerning Cuban emigration policies.

TITLE XXIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

Sec. 2301. Coordinator for Counterterrorism.
Sec. 2302. Elimination of Deputy Assistant Secretary of State for Burdensharing.
Sec. 2303. Personnel management.
Sec. 2304. Diplomatic security.
Sec. 2305. Number of senior official positions authorized for the Department of State.
Sec. 2306. Nomination of Under Secretaries and Assistant Secretaries of State.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

Sec. 2311. Foreign Service reform.
Sec. 2312. Retirement benefits for involuntary separation.
Sec. 2313. Authority of Secretary to separate convicted felons from the Foreign Service.
Sec. 2314. Career counseling.
Sec. 2315. Limitations on management assignments.
Sec. 2316. Availability pay for certain criminal investigators within the Diplomatic Security Service.
Sec. 2317. Nonovertime differential pay.
Sec. 2318. Report concerning minorities and the Foreign Service.

TITLE XXIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Sec. 2401. International information activities and educational and cultural exchange programs.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

Sec. 2411. Retention of interest.
Sec. 2412. Use of selected program fees.
Sec. 2413. Muskie Fellowship Program.
Sec. 2414. Working Group on United States Government-Sponsored International Exchanges and Training.
Sec. 2415. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
Sec. 2416. United States-Japan Commission.
Sec. 2417. Surrogate broadcasting study.
Sec. 2418. Radio broadcasting to Iran in the Farsi language.
Sec. 2419. Authority to administer summer travel and work programs.
Sec. 2420. Permanent administrative authorities regarding appropriations.
Sec. 2421. Voice of America broadcasts.

TITLE XXV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS

Sec. 2501. International conferences and contingencies.
Sec. 2502. Restriction relating to United States accession to any new international criminal tribunal.
Sec. 2503. United States membership in the Bureau of the Interparliamentary Union.
Sec. 2504. Service in international organizations.
Sec. 2505. Reports regarding foreign travel.

TITLE XXVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Sec. 2601. Authorization of appropriations.
Sec. 2602. Statutory construction.

TITLE XXVII—EUROPEAN SECURITY ACT OF 1997

Sec. 2701. Short title.
Sec. 2702. Statement of policy.
Sec. 2703. Authorities relating to NATO enlargement.
Sec. 2704. Sense of Congress with respect to the Treaty on Conventional Armed Forces in Europe.
Sec. 2705. Restrictions and requirements relating to ballistic missile defense.

TITLE XXVIII—MISCELLANEOUS PROVISIONS

Sec. 2801. Report on relations with Vietnam.
Sec. 2802. Reports on determinations under title IV of the LIBERTAD Act.

SUBDIVISION 3—UNITED NATIONS REFORM

TITLE XXX—GENERAL PROVISIONS

Sec. 3001. Short title.
Sec. 3002. Definitions.
Sec. 3003. Nondelegation of certification requirements.

TITLE XXXI—AUTHORIZATION OF APPROPRIATIONS

Sec. 3101. Contributions to international organizations.
Sec. 3102. Contributions for international peacekeeping activities.

TITLE XXXII—UNITED NATIONS ACTIVITIES

Sec. 3201. United Nations policy on Israel and the Palestinians.
Sec. 3202. Data on costs incurred in support of United Nations peacekeeping operations.
Sec. 3203. Reimbursement for goods and services provided by the United States to the United Nations.
Sec. 3204. United States policy regarding United Nations peacekeeping operations.
Sec. 3205. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
Sec. 3206. Continued extension of privileges, exemptions, and immunities of the International Organizations Immunities Act to UNIDO.
Sec. 3207. Sense of the Congress regarding compliance with child and spousal support obligations by United Nations personnel.

TITLE XXXIII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS; OBLIGATION AND EXPENDITURE OF FUNDS

Sec. 3301. Authorization of appropriations.
Sec. 3302. Obligation and expenditure of funds.
Sec. 3303. Forgiveness of amounts owed by the United Nations to the United States.

SUBCHAPTER B—UNITED STATES SOVEREIGNTY

Sec. 3311. Certification requirements.

SUBCHAPTER C—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS

Sec. 3321. Certification requirements.

SUBCHAPTER D—BUDGET AND PERSONNEL REFORM

Sec. 3331. Certification requirements.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 3341. Statutory construction on relation to existing laws.
Sec. 3342. Prohibition on payments relating to UNIDO and other international organizations from which the United States has withdrawn or rescinded funding.

SUBDIVISION 1—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE XI—GENERAL PROVISIONS

SEC. 1101. SHORT TITLE.

This subdivision may be cited as the "Foreign Affairs Agencies Consolidation Act of 1997".

SEC. 1102. PURPOSES.

The purposes of this subdivision are—

(1) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—

(A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the special missions and skills of these agencies;

(B) transferring certain functions of the Agency for International Development to the Department of State; and

(C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of the Department of State;

(3) to ensure that programs critical to the promotion of United States national interests be maintained;

(4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government.

SEC. 1103. DEFINITIONS.

In this subdivision:

(1) ACDA.—The term "ACDA" means the United States Arms Control and Disarmament Agency.

(2) AID.—The term "AID" means the United States Agency for International Development.

(3) AGENCY; FEDERAL AGENCY.—The term "agency" or "Federal agency" means an Executive agency as defined in section 105 of title 5, United States Code.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(5) COVERED AGENCY.—The term "covered agency" means any of the following agencies: ACDA, USIA, IDCA, and AID.

(6) DEPARTMENT.—The term "Department" means the Department of State.

(7) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(8) IDCA.—The term "IDCA" means the United States International Development Cooperation Agency.

(9) OFFICE.—The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(10) SECRETARY.—The term "Secretary" means the Secretary of State.

(11) USIA.—The term "USIA" means the United States Information Agency.

SEC. 1104. REPORT ON BUDGETARY COST SAVINGS RESULTING FROM REORGANIZATION.

The Secretary of State shall submit a report, together with the congressional presentation document for the budget of the Department of State for each of the fiscal years 1999, 2000, and 2001, to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization implemented under this subdivision, including cost savings by each of the following categories:

(1) Reductions in personnel.

(2) Administrative consolidation, including procurement.

(3) Program consolidation.

(4) Consolidation of real properties and leases.

TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1201. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 1212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency, and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

SEC. 1213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651(b)) is amended—

(1) by striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security, who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as advisor on arms control and nonproliferation matters.".

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 1221. REFERENCES.

Except as otherwise provided in section 1223 or 1225, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, the Director of the Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Secretary of State; or

(2) the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 1222. REPEALS.

The following sections of the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) are repealed: Sections 21 through 26 (22 U.S.C. 2561–2566), section 35 (22 U.S.C. 2575), section 42 (22 U.S.C. 2582), section 43 (22 U.S.C. 2583), sections 45 through 50 (22 U.S.C. 2585–2593), section 53 (22 U.S.C. 2593c), section 54 (22 U.S.C. 2593d), and section 63 (22 U.S.C. 2595b).

SEC. 1223. AMENDMENTS TO THE ARMS CONTROL AND DISARMAMENT ACT.

The Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is amended—

(1) in section 2 (22 U.S.C. 2551)—

(A) in the first undesignated paragraph, by striking "creating a new agency of peace to deal with" and inserting "addressing";

(B) by striking the second undesignated paragraph; and

(C) in the third undesignated paragraph—

(i) by striking "This organization" and inserting "The Secretary of State";

(ii) by striking "It shall have" and inserting "The Secretary shall have";

(iii) by striking "and the Secretary of State";

(iv) by inserting ", nonproliferation," after "arms control" in paragraph (1);

(v) by striking paragraph (2);

(vi) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(vii) by striking ", as appropriate," in paragraph (3) (as redesignated);

(2) in section 3 (22 U.S.C. 2552), by striking subsection (c);

*(3) in the heading for title II, by striking "**ORGANIZATION**" and inserting "**SPECIAL REPRESENTATIVES AND VISITING SCHOLARS**";*

(4) in section 27 (22 U.S.C. 2567)—

(A) by striking the third sentence;

(B) in the fourth sentence, by striking ", acting through the Director"; and

(C) in the fifth sentence, by striking "Agency" and inserting "Department of State";

(5) in section 28 (22 U.S.C. 2568)—

(A) by striking "Director" each place it appears and inserting "Secretary of State";

(B) in the second sentence—

(i) by striking "Agency" each place it appears and inserting "Department of State"; and

(ii) by striking "Agency's" and inserting "Department of State's"; and

(C) by striking the fourth sentence;

(6) in section 31 (22 U.S.C. 2571)—

(A) by inserting "this title in" after "powers in";

(B) by striking "Director" each place it appears and inserting "Secretary of State";

(C) by striking "insure" each place it appears and inserting "ensure";

(D) in the second sentence, by striking "in accordance with procedures established under section 35 of this Act";

(E) in the fourth sentence by striking "The authority" and all that follows through "disarmament:" and inserting the following: "The authority of the Secretary under this Act with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:"; and

(F) in subsection (l), by inserting "and" at the end;

(7) in section 32 (22 U.S.C. 2572)—

(A) by striking "Director" and inserting "Secretary of State"; and

(B) by striking "subsection" and inserting "section";

(8) in section 33(a) (22 U.S.C. 2573(a))—

(A) by striking "the Secretary of State,"; and

(B) by striking "Director" and inserting "Secretary of State";

(9) in section 34 (22 U.S.C. 2574)—

(A) in subsection (a)—

(i) in the first sentence, by striking "Director" and inserting "Secretary of State";

(ii) in the first sentence, by striking "and the Secretary of State";

(iii) in the first sentence, by inserting ", nonproliferation," after "in the fields of arms control";

(iv) in the first sentence, by striking "and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of the United States participation in international negotiations and implementation fora in the field of nonproliferation";

(v) in the second sentence, by striking "section 27" and inserting "section 201"; and

(vi) in the second sentence, by striking "the" after "serve as";

(B) by striking subsection (b);

(C) by redesignating subsection (c) as subsection (b); and

(D) in subsection (b) (as redesignated)—

(i) in the text above paragraph (1), by striking "Director" and inserting "Secretary of State";

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(10) in section 36 (22 U.S.C. 2576)—

(A) by striking "Director" each place it appears and inserting "Secretary of State"; and

(B) by striking ", in accordance with the procedures established pursuant to section 35 of this Act,";

(11) in section 37 (22 U.S.C. 2577)—

(A) by striking "Director" and "Agency" each place it appears and inserting "Secretary of State" or "Department of State", respectively; and

(B) by striking subsection (d);

(12) in section 38 (22 U.S.C. 2578)—

(A) by striking "Director" each place it appears and inserting "Secretary of State"; and

(B) by striking subsection (c);

(13) in section 41 (22 U.S.C. 2581)—

(A) by striking "In the performance of his functions, the Director" and inserting "In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this Act";

(B) by striking "Agency", "Agency's", "Director", and "Director's" each place they appear and inserting "Department of State", "Department of State's", "Secretary of State", or "Secretary of State's", as appropriate;

(C) in subsection (a), by striking the sentence that begins "It is the intent";

(D) in subsection (b)—

(i) by striking "appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities,";

(ii) in paragraph (1), by striking "exception" and inserting "subsection"; and

(iii) in paragraph (2)—

(I) by striking "exception" and inserting "subsection"; and

(II) by striking "ceiling" and inserting "positions allocated to carry out the purpose of this Act";

(E) by striking subsection (g);

(F) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively;

(G) by amending subsection (f) to read as follows:

"(f) establish a scientific and policy advisory board to advise with and make recommendations to the Secretary of State on United States arms control, nonproliferation, and disarmament policy and activities. A majority of the board shall be composed of individuals who have a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who have distinguished themselves in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering. The members of the board may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;"; and

(H) in subsection (h) (as redesignated), by striking "Deputy Director" and inserting "Under Secretary for Arms Control and International Security";

(14) in section 44 (22 U.S.C. 2584)—

(A) by striking "CONFLICT-OF-INTEREST AND";

(B) by striking "The members" and all that follows through "(5 U.S.C. 2263), or any other" and inserting "Members of advisory boards and consultants may serve as such without regard to any"; and

(C) by inserting at the end the following new sentence: "This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.";

(15) in section 51 (22 U.S.C. 2593a)—

(A) in subsection (a)—

(i) in paragraphs (1) and (3), by inserting ", nonproliferation," after "arms control" each place it appears;

(ii) by striking "Director, in consultation with the Secretary of State," and inserting "Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with";

(iii) by striking "the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence" and inserting "and the Chairman of the Joint Chiefs of Staff";

(iv) by striking paragraphs (2) and (4); and

(v) by redesignating paragraphs (3), (5), (6), and (7) as paragraphs (2) through (5), respectively; and

(B) by adding at the end of subsection (b) the following: "The portions of this report described in paragraphs (4) and (5) of subsection (a) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.";

(16) in section 52 (22 U.S.C. 2593b), by striking "Director" and inserting "Secretary of State";

(17) in section 61 (22 U.S.C. 2593a)—

(A) in paragraph (1), by striking "United States Arms Control and Disarmament Agency" and inserting "Department of State";

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively;

(D) in paragraph (4) (as redesignated), by striking "paragraph (4)" and inserting "paragraph (3)"; and

(E) in paragraph (6) (as redesignated), by striking "United States Arms Control and Disarmament Agency and the";

(18) in section 62 (22 U.S.C. 2595a)—

(A) in subsection (c)—

(i) in the subsection heading, by striking "DIRECTOR" and inserting "SECRETARY OF STATE"; and

(ii) by striking "2(d), 22, and 34(c)" and inserting "102(3) and 304(b)"; and

(B) by striking "Director" and inserting "Secretary of State";

(19) in section 64 (22 U.S.C. 2595b–1)—

(A) by striking the section title and inserting "**SEC. 503. REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.**";

(B) by striking subsection (a); and

(C) in subsection (b)—

(i) by striking "(b) REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.—"; and

(ii) by striking "Foreign Affairs" and inserting "International Relations";

(20) in section 65(1) (22 U.S.C. 2595c(1)) by inserting "of America" after "United States"; and

(21) by redesignating sections 1, 2, 3, 27, 28, 31, 32, 33, 34, 36, 37, 38, 39, 41, 44, 51, 52, 61, 62, 64, and 65, as amended by this section, as sections 101, 102, 103, 201, 202, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 501, 502, 503, and 504, respectively.

SEC. 1224. COMPENSATION OF OFFICERS.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Arms Control and Disarmament Agency.";

(2) in section 5314, by striking "Deputy Director of the United States Arms Control and Disarmament Agency.";

(3) in section 5315—

(A) by striking "Assistant Directors, United States Arms Control and Disarmament Agency (4)."; and

(B) by striking "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency", and inserting "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State"; and

(4) in section 5316, by striking "General Counsel of the United States Arms Control and Disarmament Agency.".

SEC. 1225. ADDITIONAL CONFORMING AMENDMENTS.

(a) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking "Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and the Secretary of Defense" and inserting "Secretary of State in consultation with the Secretary of Defense and the Director of Central Intelligence";

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

(A) in the first sentence, by striking "be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to" and inserting "take into account"; and

(B) by striking the second sentence;

(3) in section 42(a) (22 U.S.C. 2791(a))—

(A) in paragraph (1)(C), by striking "the assessment of the Director of the United States Arms Control and Disarmament Agency as to";

(B) by striking "(1)" after "(a)"; and

(C) by striking paragraph (2);

(4) in section 71(a) (22 U.S.C. 2797(a)), by striking ", the Director of the Arms Control and Disarmament Agency,";

(5) in section 71(b)(1) (22 U.S.C. 2797(b)(1)), by striking "and the Director of the United States Arms Control and Disarmament Agency";

(6) in section 71(b)(2) (22 U.S.C. 2797(b)(2))—

(A) by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce"; and

(B) by striking "or the Director";

(7) in section 71(c) (22 U.S.C. 2797(c)), by striking "with the Director of the United States Arms Control and Disarmament Agency,"; and

(8) in section 73(d) (22 U.S.C. 2797b(d)), by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce".

(b) FOREIGN ASSISTANCE ACT.—Section 511 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321d) is amended by striking "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to" and inserting "take into account".

(c) UNITED STATES INSTITUTE OF PEACE ACT.—

(1) Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as redesignated), by striking "Eleven" and inserting "Twelve".

(2) Section 1707(d)(2) of that Act (22 U.S.C. 4606(d)(2)) is amended by striking ", Director of the Arms Control and Disarmament Agency".

(d) ATOMIC ENERGY ACT OF 1954.—The Atomic Energy Act of 1954 is amended—

(1) in section 57b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking "the Arms Control and Disarmament Agency,"; and

(B) in the second sentence, by striking "the Director of the Arms Control and Disarmament Agency,";

(2) in section 109b. (42 U.S.C. 2129(b)), by striking "and the Director";

(3) in section 111b. (42 U.S.C. 2131(b)) by striking "the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission," and inserting "the Nuclear Regulatory Commission";

(4) in section 123 (42 U.S.C. 2153)—

(A) in subsection a., in the third sentence—

(i) by striking "and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director')";

(ii) by inserting "and" after "Energy,";

(iii) by striking "Commission, and the Director, who" and inserting "Commission. The Secretary of State"; and

(iv) after "nuclear explosive purpose.", by inserting the following new sentence: "Each Nuclear Proliferation Assessment Statement prepared pursuant to this Act shall be accompanied by a classified annex, prepared in consultation with the Director of Central Intelligence, summarizing relevant classified information.";

(B) in subsection d., in the first proviso—

(i) by striking "Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency," and inserting "Nuclear Proliferation Assessment Statement prepared by the Secretary of State, and any annexes thereto,"; and

(ii) by striking "has been" and inserting "have been"; and

(C) in the first undesignated paragraph following subsection d., by striking "the Arms Control and Disarmament Agency,";

(5) in section 126a.(1), by striking "the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission" and inserting "and the Nuclear Regulatory Commission,";

(6) in section 131a. (42 U.S.C. 2160(a))—

(A) in paragraph (1)—

(i) in the first sentence, by striking "the Director,";

(ii) in the third sentence, by striking "the Director declares that he intends" and inserting "the Secretary of State is required"; and

(iii) in the third sentence, by striking "the Director's declaration" and inserting "the requirement to prepare a Nuclear Proliferation Assessment Statement";

(B) in paragraph (2)—

(i) by striking "Director's view" and inserting "view of the Secretary of State, Secretary of Energy, Secretary of Defense, or the Commission"; and

(ii) by striking "he may prepare" and inserting "the Secretary of State, in consultation with such Secretary or the Commission, shall prepare"; and

(7) in section 131c. (42 U.S.C. 2160(c))—

(A) in the first sentence, by striking ", the Director of the Arms Control and Disarmament Agency,";

(B) in the sixth and seventh sentences, by striking "Director" each place it appears and inserting "Secretary of State"; and

(C) in the seventh sentence, by striking "Director's" and inserting "Secretary of State's".

(e) NUCLEAR NON-PROLIFERATION ACT OF 1978.—The Nuclear Non-Proliferation Act of 1978 is amended—

(1) in section 4 (22 U.S.C. 3203)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(2) in section 102 (22 U.S.C. 3222), by striking ", the Secretary of State, and the Director of the Arms Control and Disarmament Agency" and inserting "and the Secretary of State";

(3) in section 304(d) (42 U.S.C. 2156a), by striking "the Secretary of Defense, and the Director," and inserting "and the Secretary of Defense,";

(4) in section 309 (42 U.S.C. 2139a)—

(A) in subsection (b), by striking "the Department of Commerce, and the Arms Control and Disarmament Agency" and inserting "and the Department of Commerce"; and

(B) in subsection (c), by striking "the Arms Control and Disarmament Agency,";

(5) in section 406 (42 U.S.C. 2160a), by inserting ", or any annexes thereto," after "Statement"; and

(6) in section 602 (22 U.S.C. 3282)—

(A) in subsection (c), by striking "the Arms Control and Disarmament Agency,"; and

(B) in subsection (e), by striking "and the Director".

(f) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—Section 23(a) of the State Department basic Authorities Act of 1956 (22 U.S.C. 2695(a)) is amended by striking "the Agency for International Development, and the Arms Control and Disarmament Agency" and inserting "and the Agency for International Development".

(g) FOREIGN RELATIONS AUTHORIZATION ACT OF 1972.—Section 502 of the Foreign Relations Authorization Act of 1972 (2 U.S.C. 194a) is amended by striking "the United States Arms Control and Disarmament Agency,".

(h) TITLE 49.—Section 40118(d) of title 49, United States Code, is amended by striking ", or the Director of the Arms Control and Disarmament Agency".

TITLE XIII—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1301. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency (other than the Broadcasting Board of Governors and the International Broadcasting Bureau) is abolished.

SEC. 1312. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

(b) EXCEPTION.—Subsection (a) does not apply to the Broadcasting Board of Governors, the International Broadcasting Bureau, or any function performed by the Board or the Bureau.

SEC. 1313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)), as amended by this division, is further amended by adding at the end the following new paragraph:

"(3) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.".

SEC. 1314. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the United States Information Agency is abolished.

(b) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "the Office of Personnel Management, the United States Information Agency" and inserting "or the Office of Personnel Management"; and

(2) in paragraph (2), by striking "the United States Information Agency,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking the following:

"Inspector General, United States Information Agency.".

(d) AMENDMENTS TO PUBLIC LAW 103–236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General of the Department of State and the Foreign Service"; and

(2) by striking ", the Director of the United States Information Agency,".

(e) TRANSFER OF FUNCTIONS.—There are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 1321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers", in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability, and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 1322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

"(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

"(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

"(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date may serve the remainder of their terms of office without reappointment.

"(3) INSPECTOR GENERAL AUTHORITIES.—

"(A) IN GENERAL.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors and the International Broadcasting Bureau as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

"(B) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.".

SEC. 1323. CONFORMING AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

(a) REFERENCES IN SECTION.—Whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).

(b) SUBSTITUTION OF SECRETARY OF STATE.—Sections 304(b)(1)(B), 304(b) (2) and (3), 304(c), and 304(e) (22 U.S.C. 6203(b)(1)(B), 6203(b) (2) and (3), 6203(c), and 6203(e)) are amended by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State".

(c) SUBSTITUTION OF ACTING SECRETARY OF STATE.—Section 304(c) (22 U.S.C. 6203(c)) is amended by striking "acting Director of the agency" and inserting "Acting Secretary of State".

(d) STANDARDS AND PRINCIPLES OF INTERNATIONAL BROADCASTING.—Section 303(b) (22 U.S.C. 6202(b)) is amended—

(1) in paragraph (3), by inserting ", including editorials, broadcast by the Voice of America, which present the views of the United States Government" after "policies";

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

(3) by inserting after paragraph (3) the following:

"(4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;";

(e) AUTHORITIES OF THE BOARD.—Section 305(a) (22 U.S.C. 6204(a)) is amended—

(1) in paragraph (1)—

(A) by striking "direct and"; and

(B) by striking "and the Television Broadcasting to Cuba Act" and inserting ", the Television Broadcasting to Cuba Act, and Worldnet Television, except as provided in section 306(b)";

(2) in paragraph (4), by inserting ", after consultation with the Secretary of State," after "annually,";

(3) in paragraph (9)—

(A) by striking ", through the Director of the United States Information Agency,"; and

(B) by adding at the end the following new sentence: "Each annual report shall place special emphasis on the assessment described in paragraph (2).";

(4) in paragraph (12)—

(A) by striking "1994 and 1995" and inserting "1998 and 1999"; and

(B) by striking "to the Board for International Broadcasting for such purposes for fiscal year 1993" and inserting "to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997"; and

(5) by adding at the end the following new paragraphs:

"(15)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code.

"(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"(16) To procure, pursuant to section 1535 of title 31, United States Code (commonly known as the 'Economy Act'), such goods and services from other departments or agencies for the Board and the International Broadcasting Bureau as the Board determines are appropriate.

"(17) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1997, to the extent the Board considers necessary in carrying out the provisions and purposes of this title.

"(18) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title XIII of the Foreign Affairs Consolidation Act of 1997 for carrying out the broadcasting activities covered by this title.".

(f) DELEGATION OF AUTHORITY.—Section 305 (22 U.S.C. 6204) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) DELEGATION OF AUTHORITY.—The Board may delegate to the Director of the International Broadcasting Bureau, or any other officer or employee of the United States, to the extent the Board determines to be appropriate, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (3), (4), (5), (6), (9), or (11) of subsection (a).".

(g) BROADCASTING BUDGETS.—Section 305(c)(1) (as redesignated) is amended—

(1) by striking "(1)" before "The Director"; and

(2) by striking "the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to".

(h) REPEAL.—Section 305(c)(2) (as redesignated) is repealed.

(i) IMPLEMENTATION.—Section 305(d) (as redesignated) is amended to read as follows:

"(d) PROFESSIONAL INDEPENDENCE OF BROADCASTERS.—The Secretary of State and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and the grantees of the Board.".

(j) FOREIGN POLICY GUIDANCE.—Section 306 (22 U.S.C. 6205) is amended—

(1) in the section heading, by striking "**FOREIGN POLICY GUIDANCE**" and inserting "**ROLE OF THE SECRETARY OF STATE**";

(2) by inserting "(a) FOREIGN POLICY GUIDANCE.—" immediately before "To";

(3) by striking "State, acting through the Director of the United States Information Agency," and inserting "State";

(4) by inserting before the period at the end the following: ", as the Secretary may deem appropriate"; and

(5) by adding at the end the following:

"(b) CERTAIN WORLDNET PROGRAMMING.—The Secretary of State is authorized to use Worldnet broadcasts for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the Department of State. The Chairman of the Broadcasting Board of Governors shall provide access to Worldnet for this purpose on a nonreimbursable basis.".

(k) INTERNATIONAL BROADCASTING BUREAU.—Section 307 (22 U.S.C. 6206) is amended—

(1) in subsection (a), by striking "within the United States Information Agency" and inserting "under the Board";

(2) in subsection (b)(1), by striking "Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board" and inserting "President, by and with the advice and consent of the Senate";

(3) by redesignating subsection (b)(1) as subsection (b);

(4) by striking subsection (b)(2); and

(5) by adding at the end the following new subsection:

"(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of Radio Free Asia, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.".

(l) REPEALS.—The following provisions of law are repealed:

(1) Subsections (k) and (l) of section 308 (22 U.S.C. 6207 (k), (l)).

(2) Section 310 (22 U.S.C. 6209).

SEC. 1324. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(2) by striking "Agency" each place it appears and inserting "Board";

(3) by striking "the Director of the United States Information Agency" each place it appears and inserting "the Broadcasting Board of Governors";

(4) in section 4 (22 U.S.C. 1465b), by striking "the Voice of America" and inserting "the International Broadcasting Bureau";

(5) in section 5 (22 U.S.C. 1465c)—

(A) by striking "Board" each place it appears and inserting "Advisory Board"; and

(B) in subsection (a), by striking the first sentence and inserting "There is established within the Office of the President the Advisory Board for Cuba Broadcasting (in this Act referred to as the 'Advisory Board')."; and

(6) by striking any other reference to "Director" not amended by paragraph (3) each place it appears and inserting "Board".

SEC. 1325. AMENDMENTS TO THE TELEVISION BROADCASTING TO CUBA ACT.

The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) is amended—

(1) in section 243(a) (22 U.S.C. 1465bb(a)) and section 246 (22 U.S.C. 1465dd), by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(2) in section 243(c) (22 U.S.C. 1465bb(c))—

(A) in the subsection heading, by striking "USIA"; and

(B) by striking "'USIA Television'" and inserting "the 'Television'";

(3) in section 244(c) (22 U.S.C. 1465cc(c)) and section 246 (22 U.S.C. 1465dd), by striking "Agency" each place it appears and inserting "Board";

(4) in section 244 (22 U.S.C. 1465cc)—

(A) in the section heading, by striking "**OF THE UNITED STATES INFORMATION AGENCY**";

(B) in subsection (a)—

(i) in the first sentence, by striking "The Director of the United States Information Agency shall establish" and inserting "There is"; and

(ii) in the second sentence—

(I) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(II) by striking "the Director of the Voice of America" and inserting "the International Broadcasting Bureau";

(C) in subsection (b)—

(i) by striking "Agency facilities" and inserting "Board facilities"; and

(ii) by striking "Information Agency" and inserting "International"; and

(D) in the heading of subsection (c), by striking "USIA"; and

(5) in section 245(d) (22 U.S.C. 1465c note), by striking "Board" and inserting "Advisory Board".

SEC. 1326. TRANSFER OF BROADCASTING RELATED FUNDS, PROPERTY, AND PERSONNEL.

(a) TRANSFER AND ALLOCATION OF PROPERTY AND APPROPRIATIONS.—

(1) IN GENERAL.—The assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 1327(d)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices of USIA transferred to the Broadcasting Board of Governors by this chapter shall be transferred to the Broadcasting Board of Governors for appropriate allocation.

(2) ADDITIONAL TRANSFERS.—In addition to the transfers made under paragraph (1), there shall be transferred to the Chairman of the Broadcasting Board of Governors the assets, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds, as determined by the

Secretary, in concurrence with the Broadcasting Board of Governors, to support the functions transferred by this chapter.

(b) TRANSFER OF PERSONNEL.—Notwithstanding any other provision of law—

(1) except as provided in subsection (c), all personnel and positions of USIA employed or maintained to carry out the functions transferred by this chapter to the Broadcasting Board of Governors shall be transferred to the Broadcasting Board of Governors at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer; and

(2) the personnel and positions of USIA, as determined by the Secretary of State, with the concurrence of the Broadcasting Board of Governors and the Director of USIA, to support the functions transferred by this chapter shall be transferred to the Broadcasting Board of Governors, including the International Broadcasting Bureau, at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) TRANSFER AND ALLOCATION OF PROPERTY, APPROPRIATIONS, AND PERSONNEL ASSOCIATED WITH WORLDNET.—USIA personnel responsible for carrying out interactive dialogs with foreign media and other similar overseas public diplomacy programs using the Worldnet television broadcasting system, and funds associated with such personnel, shall be transferred to the Department of State in accordance with the provisions of title XVI of this subdivision.

(d) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, when requested by the Broadcasting Board of Governors, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with functions and offices transferred from USIA, as may be necessary to carry out the provisions of this section.

SEC. 1327. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this title, and

(2) that are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this chapter, or amendments made by this chapter, shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this title takes effect, with respect to functions exercised by the Board as of the effective date of this title but such proceedings and applications shall be continued.

(2) ORDERS, APPEALS, AND PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this chapter had not been enacted.

(c) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Broadcasting Board of Governors, or any commission or component thereof, shall abate by reason of the enactment of this chapter. No cause of action by or against the Broadcasting Board of Governors, or any commission or component thereof, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this chapter.

(d) CONTINUATION OF PROCEEDINGS WITH SUBSTITUTION OF PARTIES.—

(1) SUBSTITUTION OF PARTIES.—If, before the effective date of this title, USIA or the Broadcasting Board of Governors, or any officer thereof in the official capacity of such officer, is a party to a suit which is related to the functions transferred by this chapter, then effective on such date such suit shall be continued with the Broadcasting Board of Governors or other appropriate official of the Board substituted or added as a party.

(2) LIABILITY OF THE BOARD.—The Board shall participate in suits continued under paragraph (1) where the Broadcasting Board of Governors or other appropriate official of the Board is added as a party and shall be liable for any judgments or remedies in those suits or proceedings arising from the exercise of the functions transferred by this chapter to the same extent that USIA would have been liable if such judgment or remedy had been rendered on the day before the abolition of USIA.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Broadcasting Board of Governors relating to a function exercised by the Board before the effective date of this title may be continued by the Board with the same effect as if this chapter had not been enacted.

(f) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this title, shall be deemed to refer to the Board.

SEC. 1328. REPORT ON THE PRIVATIZATION OF RFE/RL, INCORPORATED.

Not later than March 1 of each year, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, on any steps taken to further the policy declared in section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. The report under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to terminate individual language services.

(2) A detailed description of steps taken with regard to section 312(a) of that Act.

(3) An analysis of prospects for privatization over the coming year.

(4) An assessment of the extent to which United States Government funding may be appropriate in the year 2000 and subsequent years for surrogate broadcasting to the countries to which RFE/RL, Incorporated, broadcast during the year. This assessment shall include an analysis of the environment for independent media in those countries, noting the extent of government control of the media, the ability of independent journalists and news organizations to operate, relevant domestic legislation, level of government harassment and efforts to censor, and other indications of whether the people of such countries enjoy freedom of expression.

CHAPTER 4—CONFORMING AMENDMENTS

SEC. 1331. REFERENCES.

(a) IN GENERAL.—Except as otherwise provided in this subdivision, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

(b) CONTINUING REFERENCES TO USIA OR DIRECTOR.—Subsection (a) shall not apply to section 146 (a), (b), or (c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4069a(f), 4069b(g), or 4069c(f)).

SEC. 1332. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Information Agency.";

(2) in section 5315—

(A) by striking "Deputy Director of the United States Information Agency."; and

(B) by striking "Director of the International Broadcasting Bureau, the United States Information Agency." and inserting "Director of the International Broadcasting Bureau."; and

(3) in section 5316—

(A) by striking "Deputy Director, Policy and Plans, United States Information Agency."; and

(B) by striking "Associate Director (Policy and Plans), United States Information Agency.".

SEC. 1333. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION TO FUNCTIONS OF DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall not apply to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this subdivision.

(b) APPLICATION TO FUNCTIONS TRANSFERRED TO DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall apply only to public diplomacy programs, personnel and support of the Director of the United States Information Agency as carried out prior to any transfer of functions pursuant to this subdivision to the same extent that such programs were covered by these provisions prior to such transfer.

(c) LIMITATION ON USE OF FUNDS.—Except as provided in section 501 of Public Law 80–402 and section 208 of Public Law 99–93, funds specifically authorized to be appropriated for such public diplomacy programs shall not be used to influence public opinion in the United States, and no program material prepared using such funds shall be distributed or disseminated in the United States.

(d) REPORTING REQUIREMENTS.—The report submitted pursuant to section 1601(f) of this subdivision shall include a detailed statement of the

manner in which the special mission of public diplomacy carried out by USIA prior to the transfer of functions under this subdivision shall be preserved within the Department of State, including the planned duties and responsibilities of any new bureaus that will perform such public diplomacy functions. Such report shall also include the best available estimates of—

(1) the amounts to be expended by the Department of State for public affairs programs during fiscal year 1998, and on the personnel and support costs for such programs;

(2) the amounts to be expended by USIA for its public diplomacy programs during fiscal year 1998, and on the personnel and support costs for such programs; and

(3) the amounts, including funds to be transferred from USIA and funds appropriated to the Department, that will be allocated for the programs described in paragraphs (1) and (2), respectively, during the fiscal year in which the transfer of functions from USIA to the Department occurs.

(e) CONGRESSIONAL PRESENTATION DOCUMENT.—The Department of State's Congressional Presentation Document for fiscal year 2000 and each fiscal year thereafter shall include—

(1) the aggregated amounts that the Department will spend on such public diplomacy programs and on costs of personnel for such programs, and a detailed description of the goals and purposes for which such funds shall be expended; and

(2) the amount of funds allocated to and the positions authorized for such public diplomacy programs, including bureaus to be created upon the transfer of functions from USIA to the Department.

SEC. 1334. ABOLITION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) ABOLITION.—The United States Advisory Commission on Public Diplomacy is abolished.

(b) REPEALS.—Section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977 are repealed.

SEC. 1335. CONFORMING AMENDMENTS.

(a) The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended—

(1) in section 505 (22 U.S.C. 1464a)—

(A) by striking "Director of the United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(B) by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(C) in subsection (b)—

(i) by striking "Agency's" and all that follows through "'USIA-TV')" and inserting "television broadcasts of the United States International Television Service"; and

(ii) in paragraphs (1), (2), and (3), by striking "USIA-TV" each place it appears and inserting "The United States International Television Service"; and

(D) in subsections (d) and (e), by striking "USIA-TV" each place it appears and inserting "the United States International Television Service";

(2) in section 506(c) (22 U.S.C. 1464b(c))—

(A) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors";

(B) by striking "Agency" and inserting "Board"; and

(C) by striking "Director" and inserting "Board".

(3) in section 705 (22 U.S.C 1477c)—

(A) by striking subsections (a) and (c); and

(B) in subsection (b)—

(i) by striking "(b) In addition, the United State Information Agency" and inserting "The Department of State"; and

(ii) by striking "program grants" and inserting "grants for overseas public diplomacy programs";

(4) in section 801(7) (22 U.S.C. 1471(7))—

(A) by striking "Agency" and inserting "overseas public diplomacy"; and

(B) by inserting "other" after "together with"; and

(5) in section 812 (22 U.S.C. 1475g)—

(A) by striking "United States Information Agency post" each place it appears and inserting "overseas public diplomacy post";

(B) in subsection (a), by striking "United States Information Agency" the first place it appears and inserting "Department of State";

(C) in subsection (b), by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

*(D) in the section heading, by striking "**USIA**" and inserting "**OVERSEAS PUBLIC DIPLOMACY**".*

(b) Section 212 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Department of State";

(2) in subsection (a), by inserting "for carrying out its overseas public diplomacy functions" after "grants";

(3) in subsection (b)—

(A) by striking "a grant" the first time it appears and inserting "an overseas public diplomacy grant"; and

(B) in paragraph (1), by inserting "such" before "a grant" the first place it appears;

(4) in subsection (c)(1), by inserting "overseas public diplomacy" before "grants";

(5) in subsection (c)(3), by inserting "such" before "grant"; and

(6) by striking subsection (d).

(c) Section 602 of the National and Community Service Act of 1990 (22 U.S.C. 2452a) is amended—

(1) in the second sentence of subsection (a), by striking "United States Information Agency" and inserting "Department of State"; and

(2) in subsection (b)—

(A) by striking "appropriations account of the United States Information Agency" and inserting "appropriate appropriations account of the Department of State"; and

(B) by striking "and the United States Information Agency".

(d) Section 305 of Public Law 97–446 (19 U.S.C. 2604) is amended in the first sentence, by striking ", after consultation with the Director of the United States Information Agency,".

(e) Section 601 of Public Law 103–227 (20 U.S.C. 5951(a)) is amended by striking "of the Director of the United States Information Agency and with" and inserting "and".

(f) Section 1003(b) of the Fascell Fellowship Act (22 U.S.C. 4902(b)) is amended—

(1) in the text above paragraph (1), by striking "9 members" and inserting "7 members";

(2) in paragraph (4), by striking "Six" and inserting "Five";

(3) by striking paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

(g) Section 803 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1903) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(2) in subsection (c), by striking "subsection (b)(7)" and inserting "subsection (b)(6)".

(h) Section 7 of the Federal Triangle Development Act (40 U.S.C. 1106) is amended—

(1) in subsection (c)(1)—

(A) in the text above subparagraph (A), by striking "15 members" and inserting "14 members";

(B) by striking subparagraph (F); and

(C) by redesignating subparagraphs (G) through (J) as subparagraphs (F) through (I), respectively;

(2) in paragraphs (3) and (5) of subsection (c), by striking "paragraph (1)(J)" each place it appears and inserting "paragraph (1)(I)"; and

(3) in subsection (d)(3) and subsection (e), by striking "the Administrator and the Director of the United States Information Agency" each place it appears and inserting "and the Administrator".

(i) Section 3 of the Woodrow Wilson Memorial Act of 1968 (Public Law 90–637; 20 U.S.C. 80f) is amended—

(1) in subsection (b)—

(A) in the text preceding paragraph (1), by striking "19 members" and inserting "17 members";

(B) by striking paragraph (7);

(C) by striking "10" in paragraph (10) and inserting "9"; and

(D) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(2) in subsection (c), by striking "(9)" and inserting "(8)".

(j) Section 624 of Public Law 89–329 (20 U.S.C. 1131c) is amended by striking "the United States Information Agency,".

(k) The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors";

(2) in section 210 (22 U.S.C. 3930), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors";

(3) in section 1003(a) (22 U.S.C. 4103(a)), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(4) in section 1101(c) (22 U.S.C. 4131(c)), by striking "the United States Information Agency," and inserting "Broadcasting Board of Governors,".

(l) The Department of State Basic Authorities Act of 1956, as amended by this division, is further amended—

(1) in section 23(a) (22 U.S.C. 2695(a)), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors";

(2) in section 25(f) (22 U.S.C. 2697(f))—

(A) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(B) by striking "with respect to their respective agencies" and inserting "with respect to the Board and the Agency";

(3) in section 26(b) (22 U.S.C. 2698(b)), as amended by this division—

(A) by striking "Director of the United States Information Agency, the chairman of the Board for International Broadcasting," and inserting "Broadcasting Board of Governors,"; and

(B) by striking "with respect to their respective agencies" and inserting "with respect to the Board and the Agency"; and

(4) in section 32 (22 U.S.C. 2704), as amended by this division, by striking "the Director of the United States Information Agency" and inserting "the Broadcasting Board of Governors".

(m) Section 507(b)(3) of Public Law 103–317 (22 U.S.C. 2669a(b)(3)) is amended by striking ", the United States Information Agency,".

(n) Section 502 of Public Law 92–352 (2 U.S.C. 194a) is amended by striking "the United States Information Agency,".

(o) Section 6 of Public Law 104–288 (22 U.S.C. 2141d) is amended—

(1) in subsection (a), by striking "Director of the United States Information Agency,"; and

(2) in subsection (b), by striking "the Director of the United States Information Agency" and inserting "the Under Secretary of State for Public Diplomacy".

(p) Section 40118(d) of title 49, United States Code, is amended by striking ", the Director of the United States Information Agency,".

(q) Section 155 of Public Law 102–138 is amended—

(1) by striking the comma before "Department of Commerce" and inserting "and"; and

(2) by striking ", and the United States Information Agency".

(r) Section 107 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is amended by striking "Director of the United States Information Agency" each place it appears and inserting "Director of the International Broadcasting Bureau".

SEC. 1336. REPEALS.

The following provisions are repealed:

(1) Sections 701 (22 U.S.C. 1476), 704 (22 U.S.C. 1477b), 807 (22 U.S.C 1475b), 808 (22 U.S.C 1475c), 811 (22 U.S.C 1475f), and 1009 (22 U.S.C. 1440) of the United States Information and Educational Exchange Act of 1948.

(2) Section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(c)).

(3) Section 565(e) of the Anti-Economic Discrimination Act of 1994 (22 U.S.C. 2679c(e)).

(4) Section 206(b) of Public Law 102–138.

(5) Section 2241 of Public Law 104–66.

(6) Sections 1 through 6 of Reorganization Plan Numbered 2 of 1977 (91 Stat. 636).

(7) Section 207 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 22 U.S.C. 1463 note).

TITLE XIV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—Except for the components specified in subsection (b), the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

(b) AID AND OPIC EXEMPTED.—Subsection (a) does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

SEC. 1412. TRANSFER OF FUNCTIONS AND AUTHORITIES.

(a) ALLOCATION OF FUNDS.—

(1) ALLOCATION TO THE SECRETARY OF STATE.—Funds made available under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1–801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of October 1, 1997, shall be allocated to the Secretary of State on and after the effective date of this title without further action by the President.

(2) PROCEDURES FOR REALLOCATIONS OR TRANSFERS.—The Secretary of State may allocate or transfer as appropriate any funds received under paragraph (1) in the same manner as previously provided for the Director of the International Development Cooperation Agency under section 1–802 of that Executive Order, as in effect on October 1, 1997.

(b) WITH RESPECT TO THE OVERSEAS PRIVATE INVESTMENT CORPORATION.—There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this title with respect to the Overseas Private Investment Corporation.

(c) OTHER ACTIVITIES.—The authorities and functions transferred to the United States International Development Cooperation Agency or the Director of that Agency by section 6 of Reorganization Plan Numbered 2 of 1979 shall, to the extent such authorities and functions have not been repealed, be transferred to those agencies or heads of agencies, as the case may be, in which those authorities and functions were vested by statute as of the day before the effective date of such reorganization plan.

SEC. 1413. STATUS OF AID.

(a) IN GENERAL.—Unless abolished pursuant to the reorganization plan submitted under section 1601, and except as provided in section 1412, there is within the Executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5, United States Code.

(b) RETENTION OF OFFICERS.—Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this title.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 1421. REFERENCES.

Except as otherwise provided in this subdivision, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the United States International Development Cooperation Agency (IDCA) or to the Director or any other officer or employee of IDCA—

(1) insofar as such reference relates to any function or authority transferred under section 1412(a), shall be deemed to refer to the Secretary of State;

(2) insofar as such reference relates to any function or authority transferred under section 1412(b), shall be deemed to refer to the Administrator of the Agency for International Development;

(3) insofar as such reference relates to any function or authority transferred under section 1412(c), shall be deemed to refer to the head of the agency to which such function or authority is transferred under such section; and

(4) insofar as such reference relates to any function or authority not transferred by this title, shall be deemed to refer to the President or such agency or agencies as may be specified by Executive order.

SEC. 1422. CONFORMING AMENDMENTS.

(a) TERMINATION OF REORGANIZATION PLANS AND DELEGATIONS.—The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).

(2) Section 1–101 through 1–103, sections 1–401 through 1–403, section 1–801(a), and such other provisions that relate to the United States International Development Cooperation Agency or the Director of IDCA, of Executive Order No. 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1–6 of such Delegation of Authority.

(4) Section 3 of Executive Order No. 12884 (58 Fed. Reg. 64099; relating to the delegation of functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

(b) OTHER STATUTORY AMENDMENTS AND REPEAL.—

(1) TITLE 5.—Section 7103(a)(2)(B)(iv) of title 5, United States Code, is amended by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development".

(2) INSPECTOR GENERAL ACT OF 1978.—Section 8A of the Inspector General Act of 1978 (5 U.S.C. App. 3) is amended—

(A) in subsection (a)—

(i) by striking "Development" through "(1) shall" and inserting "Development shall";

(ii) by striking "; and" at the end of subsection (a)(1) and inserting a period; and

(iii) by striking paragraph (2);

(B) by striking subsections (c) and (f); and

(C) by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(3) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—The State Department Basic Authorities Act of 1956 is amended—

(A) in section 25(f) (22 U.S.C. 2697(f)), as amended by this division, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development";

(B) in section 26(b) (22 U.S.C. 2698(b)), as amended by this division, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development"; and

(C) in section 32 (22 U.S.C. 2704), by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development".

(4) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 is amended—

(A) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development";

(B) in section 210 (22 U.S.C. 3930), by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development";

(C) in section 1003(a) (22 U.S.C. 4103(a)), by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development"; and

(D) in section 1101(c) (22 U.S.C. 4131(c)), by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development".

(5) REPEAL.—Section 413 of Public Law 96–53 (22 U.S.C. 3512) is repealed.

(6) TITLE 49.—Section 40118(d) of title 49, United States Code, is amended by striking "the Director of the United States International Development Cooperation Agency" and inserting "or the Administrator of the Agency for International Development".

(7) EXPORT ADMINISTRATION ACT OF 1979.—Section 2405(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(g)) is amended—

(A) by striking "Director of the United States International Development Cooperation Agency" each place it appears and inserting "Administrator of the Agency for International Development"; and

(B) in the fourth sentence, by striking "Director" and inserting "Administrator".

TITLE XV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 1501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 1601.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

SEC. 1511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—The Agency for International Development shall be reorganized in accordance with this subdivision and the reorganization plan transmitted pursuant to section 1601.

(b) FUNCTIONS TO BE TRANSFERRED.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of AID:

(1) The Press office.

(2) Certain administrative functions.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

SEC. 1521. DEFINITION OF UNITED STATES ASSISTANCE.

In this chapter, the term "United States assistance" means development and other economic assistance, including assistance made available under the following provisions of law:

(1) Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).

(3) Chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa).

(4) Chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union).

(5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

SEC. 1522. ADMINISTRATOR OF AID REPORTING TO THE SECRETARY OF STATE.

The Administrator of the Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall report to and be under the direct authority and foreign policy guidance of the Secretary of State.

SEC. 1523. ASSISTANCE PROGRAMS COORDINATION AND OVERSIGHT.

(a) AUTHORITY OF THE SECRETARY OF STATE.—

(1) IN GENERAL.—Under the direction of the President, the Secretary of State shall coordinate all United States assistance in accordance with this section, except as provided in paragraphs (2) and (3).

(2) EXPORT PROMOTION ACTIVITIES.—Coordination of activities relating to promotion of exports of United States goods and services shall continue to be primarily the responsibility of the Secretary of Commerce.

(3) INTERNATIONAL ECONOMIC ACTIVITIES.—Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury.

(4) AUTHORITIES AND POWERS OF THE SECRETARY OF STATE.—The powers and authorities of the Secretary provided in this chapter are in addition to the powers and authorities provided to the Secretary under any other Act, including section 101(b) and section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(b), 2382(c)).

(b) COORDINATION ACTIVITIES.—Coordination activities of the Secretary of State under subsection (a) shall include—

(1) approving an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961, the Arms Export Control Act, and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations; and

(4) resolving policy, program, and funding disputes among United States Government agencies.

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the Federal agency for that purpose.

(d) AUTHORITY TO PROVIDE PERSONNEL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Administrator of the Agency for International Development is authorized to detail to the Department of State on a nonreimbursable basis such personnel employed by the Agency as the Secretary of State may require to carry out this section.

TITLE XVI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 1601. REORGANIZATION PLAN AND REPORT.

(a) SUBMISSION OF PLAN AND REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan and report regarding—

(1) the abolition of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency in accordance with this subdivision;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the Agency and the transfer of certain functions of the Agency to the Department in accordance with section 1511;

(3) the termination of functions of each covered agency as may be necessary to effectuate the reorganization under this subdivision, and the termination of the affairs of each agency abolished under this subdivision;

(4) the transfer to the Department of the functions and personnel of each covered agency consistent with the provisions of this subdivision; and

(5) the consolidation, reorganization, and streamlining of the Department in connection with the transfer of such functions and personnel in order to carry out such functions.

(b) COVERED AGENCIES.—The agencies covered by this section are the following:

(1) The United States Arms Control and Disarmament Agency.

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) The Agency for International Development.

(c) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall contain, consistent with this subdivision, such elements as the President deems appropriate, including elements that—

(1) identify the functions of each covered agency that will be transferred to the Department under the plan;

(2) specify the steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it under the plan;

(3) specify the funds available to each covered agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(4) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(5) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each covered agency in connection with the transfer of the functions of such agency to the Department.

(d) REORGANIZATION PLAN OF AGENCY FOR INTERNATIONAL DEVELOPMENT.—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development—

(1) may provide for the abolition of the Agency for International Development and the transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions set forth in section 1511; and

(B) may provide for additional consolidation, reorganization, and streamlining of AID, including—

(i) the termination of functions and reductions in personnel of AID;

(ii) the transfer of functions of AID, and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(e) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise any part of the plan transmitted under subsection (a) until that part of the plan becomes effective in accordance with subsection (g).

(f) REPORT.—The report accompanying the reorganization plan for the Department and the covered agencies submitted pursuant to this section shall describe the implementation of the plan and shall include—

(1) a detailed description of—

(A) the actions necessary or planned to complete the reorganization,

(B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and

(C) any preliminary actions which have been taken in the implementation process;

(2) the number of personnel and positions of each covered agency (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred to the Department, separated from service with such agency, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(3) the number of personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and

detailees) that are expected to be transferred within the Department, separated from service with the Department, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(4) a projected schedule for completion of the implementation process; and

(5) recommendations, if any, for legislation necessary to carry out changes made by this subdivision relating to personnel and to incidental transfers.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (e), shall become effective on the earlier of the date for the respective covered agency specified in paragraph (2) or the date announced by the President under paragraph (3).

(2) STATUTORY EFFECTIVE DATES.—The effective dates under this paragraph for the reorganization plan described in this section are the following:

(A) October 1, 1998, with respect to functions of the Agency for International Development described in section 1511.

(B) October 1, 1998, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(C) October 1, 1999, with respect to the abolition of the United States Information Agency.

(3) EFFECTIVE DATE BY PRESIDENTIAL DETERMINATION.—An effective date under this paragraph for a reorganization plan described in this section is such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 90 calendar days after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of a covered agency on a single date.

(5) SUPERSEDES EXISTING LAW.—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

(h) PUBLICATION.—The reorganization plan described in this section shall be printed in the Federal Register after the date upon which it first becomes effective.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 1611. REORGANIZATION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized, subject to the requirements of this subdivision, to allocate or reallocate any function transferred to the Department under any title of this subdivision, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this subdivision, but this subsection does not authorize the Secretary to modify the terms of any statute that establishes or defines the functions of any bureau, office, or officer of the Department.

(b) REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.—The reorganization plan transmitted under section 1601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing a Federal agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new Federal agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 1612. TRANSFER AND ALLOCATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as otherwise provided in this subdivision, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 1615(e)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof, transferred by any title of this subdivision shall be transferred to the Secretary for appropriate allocation.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—Except as provided in subsection (c), unexpended and unobligated funds transferred pursuant to any title of this subdivision shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) FUNDS TO FACILITATE TRANSITION.—

(1) CONGRESSIONAL NOTIFICATION.—Funds transferred pursuant to subsection (a) may be available for the purposes of reorganization subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(2) TRANSFER AUTHORITY.—Funds in any account appropriated to the Department of State may be transferred to another such account for the purposes of reorganization, subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). The authority in this paragraph is in addition to any other transfer authority available to the Secretary of State and shall expire September 30, 2000.

SEC. 1613. TRANSFER, APPOINTMENT, AND ASSIGNMENT OF PERSONNEL.

(a) TRANSFER OF PERSONNEL FROM ACDA AND USIA.—Except as otherwise provided in title XIII—

(1) not later than the date of abolition of ACDA, all personnel and positions of ACDA, and

(2) not later than the date of abolition of USIA, all personnel and positions of USIA,

shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(b) TRANSFER OF PERSONNEL FROM AID.—Except as otherwise provided in title XIII, not later than the date of transfer of any function of AID to the Department of State under this subdivision, all AID personnel performing such functions and all positions associated with such functions shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) ASSIGNMENT AUTHORITY.—The Secretary, for a period of not more than 6 months commencing on the effective date of the transfer to the Department of State of personnel under subsections (a) and (b), is authorized to assign such personnel to any position or set of duties in the Department of State regardless of the position held or duties performed by such personnel prior to transfer, except that, by virtue of such assignment, such personnel shall not have their grade or class or their rate of basic pay or basic salary rate reduced, nor their tenure changed. The Secretary shall consult with the relevant exclusive representatives (as defined in section 1002 of the Foreign Service Act and in section 7103 of title 5, United States Code) with regard to the exercise of this authority. This subsection does not authorize the Secretary to assign any individual to any position that by law requires appointment by the President, by and with the advice and consent of the Senate.

(d) SUPERSEDING OTHER PROVISIONS OF LAW.—Subsections (a) through (c) shall be exercised notwithstanding any other provision of law.

SEC. 1614. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, when requested by the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this subdivision. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this subdivision and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this subdivision.

SEC. 1615. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any title of this subdivision; and

(2) that are in effect as of the effective date of such title, or were final before the effective date of such title and are to become effective on or after the effective date of such title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of any title of this subdivision shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this subdivision before any Federal agency, commission, or component thereof, functions of which are transferred by any title of this subdivision. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) ORDERS, APPEALS, PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subdivision had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this subdivision shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subdivision had not been enacted.

(4) REGULATIONS.—The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as provided in subsection (e) and section 1327(d)—

(1) the provisions of this subdivision shall not affect suits commenced prior to the effective dates of the respective titles of this subdivision; and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this subdivision had not been enacted.

(d) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this subdivision, shall abate by reason of the enactment of this subdivision. No cause of action by or against any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this subdivision, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this subdivision.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the effective date of any title of this subdivision, any Federal agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this subdivision any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then effective on such date such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this subdivision shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Federal agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this subdivision shall apply to the exercise of such function by the Secretary.

SEC. 1616. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Notwithstanding any provision of this subdivision, the Secretary of State, with the concurrence of the head of the appropriate Federal agency exercising functions transferred under this subdivision, may transfer the whole or part of such functions prior to the effective dates established in this subdivision, including the transfer of personnel and funds associated with such functions.

SEC. 1617. FINAL REPORT.

Not later than January 1, 2001, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this subdivision.

SUBDIVISION 2—FOREIGN RELATIONS AUTHORIZATION

TITLE XX—GENERAL PROVISIONS

SEC. 2001. SHORT TITLE.

This subdivision may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1998 and 1999".

SEC. 2002. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

In this subdivision, the term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE

SEC. 2101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs", of the Department of State $1,746,977,000 for the fiscal year 1998.

(2) SALARIES AND EXPENSES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "Salaries and Expenses", of the Department of State $363,513,000 for the fiscal year 1998.

(B) LIMITATIONS.—Of the amounts authorized to be appropriated by subparagraph (A) $2,000,000 for fiscal year 1998 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund", of the Department of State $86,000,000 for the fiscal year 1998.

(4) SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.—(A) For "Security and Maintenance of Buildings Abroad", $404,000,000 for the fiscal year 1998.

(B) Of the amounts authorized to be appropriated for the period ending September 30, 1999, by subparagraph (A), up to $90,000,000 are authorized to be appropriated for the renovation, acquisition, and construction of housing and secure diplomatic facilities at the United States Embassy in Beijing, and the United States Consulate in Shanghai, the People's Republic of China.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,300,000 for the fiscal year 1998.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $5,500,000 for the fiscal year 1998.

(7) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $28,300,000 for the fiscal year 1998.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $14,490,000 for the fiscal year 1998.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—(A) For "Protection of Foreign Missions and Officials", $7,900,000 for the fiscal year 1998.

(B) Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount appropriated was made.

(10) REPATRIATION LOANS.—For "Repatriation Loans", $1,200,000 for the fiscal year 1998.

SEC. 2102. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" $18,200,000 for the fiscal year 1998; and

(B) for "Construction" $6,463,000 for the fiscal year 1998.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $785,000 for the fiscal year 1998.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,225,000 for the fiscal year 1998.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,549,000 for the fiscal year 1998.

SEC. 2103. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164) is amended to read as follows:

"SEC. 404. There are authorized to be appropriated to the Secretary of State $10,000,000 for the fiscal year 1998 for grants to The Asia Foundation pursuant to this title.".

TITLE XXII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 2201. REIMBURSEMENT OF DEPARTMENT OF STATE FOR ASSISTANCE TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: "Notwithstanding any other provision of law, where the child of a United States citizen employee of an agency of the United States Government who is stationed outside the United States attends an educational facility assisted by the Secretary of State under this section, the head of that agency is authorized to reimburse, or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities, by grant or otherwise, under this section.".

SEC. 2202. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) PURPOSE.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

"(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

"(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

"(B) the killing or kidnapping of—

"(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

"(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

"(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

"(c) COORDINATION.—

"(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) the offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

"(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed $15,000,000.

"(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(e) LIMITATIONS AND CERTIFICATION.—

"(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed $2,000,000.

"(2) APPROVAL.—A reward under this section of more than $100,000 may not be made without the approval of the Secretary.

"(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

"(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than $100,000 set forth in paragraph (2) may not be delegated.

"(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) REPORTS.—

"(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

"(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

"(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

"(j) DEFINITIONS.—As used in this section:

"(1) ACT OF INTERNATIONAL TERRORISM.—The term 'act of international terrorism' includes—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-nuclear-weapon state (as defined in paragraph (5) of that section); and

"(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(3) MEMBER OF THE IMMEDIATE FAMILY.—The term 'member of the immediate family', with respect to an individual, includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person with respect to whom the individual stands in loco parentis; and

"(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

"(4) REWARDS PROGRAM.—The term 'rewards program' means the program established in subsection (a)(1).

"(5) UNITED STATES NARCOTICS LAWS.—The term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

"(6) UNITED STATES PERSON.—The term 'United States person' means—

"(A) a citizen or national of the United States; and

"(B) an alien lawfully present in the United States.".

SEC. 2203. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) by striking "$700,000 of the" and inserting "all";

(2) at the end of paragraph (1), by striking "and";

(3) in paragraph (2)—

(A) by striking "functions" and inserting "functions, including compliance and enforcement activities,"; and

(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls.".

SEC. 2204. FEES FOR COMMERCIAL SERVICES.

Section 52(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724(b)) is amended by adding at the end the following: "Funds deposited under this subsection shall remain available for obligation through September 30 of the fiscal year following the fiscal year in which the funds were deposited.".

SEC. 2205. PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.

(a) FOREIGN AFFAIRS REIMBURSEMENT.—

(1) IN GENERAL.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(A) by redesignating subsection (d)(4) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

"(e)(1) The Secretary may provide appropriate training or related services, except foreign language training, through the institution to any United States person (or any employee or family member thereof) that is engaged in business abroad.

"(2) The Secretary may provide job-related training or related services, including foreign language training, through the institution to a United States person under contract to provide services to the United States Government or to any employee thereof that is performing such services.

"(3) Training under this subsection may be provided only to the extent that space is available and only on a reimbursable or advance-of-funds basis. Reimbursements and advances shall be credited to the currently available applicable appropriation account.

"(4) Training and related services under this subsection is authorized only to the extent that

it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

"(5) In this subsection, the term 'United States person' means—

"(A) any individual who is a citizen or national of the United States; or

"(B) any corporation, company, partnership, association, or other legal entity that is 50 percent or more beneficially owned by citizens or nationals of the United States.

"(f)(1) The Secretary is authorized to provide, on a reimbursable basis, training programs to Members of Congress or the Judiciary.

"(2) Employees of the legislative branch and employees of the judicial branch may participate, on a reimbursable basis, in training programs offered by the institution.

"(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1997.

(3) TERMINATION OF PILOT PROGRAM.—Effective October 1, 2001, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021), as amended by this subsection, is further amended—

(A) by striking subsections (e) and (f); and

(B) by redesignating subsection (g) as paragraph (4) of subsection (d).

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

"The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

(c) REPORTING ON PILOT PROGRAM.—Two years after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing—

(1) the number of persons who have taken advantage of the pilot program established under subsections (e) and (f) of section 701 of the Foreign Service Act of 1980 and section 53 of the State Department Basic Authorities Act of 1956, as added by this section;

(2) the business or government affiliation of such persons;

(3) the amount of fees collected; and

(4) the impact of the program on the primary mission of the National Foreign Affairs Training Center.

SEC. 2206. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

"SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

"The Secretary is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

SEC. 2207. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

"SEC. 55. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

"The Secretary shall include in the annual Congressional Presentation Document and the Budget in Brief a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also cover collections from the preceding fiscal year and the projected expenditures from all collections accounts.".

SEC. 2208. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

"(4) The Inspector General shall develop and provide to employees—

"(A) information detailing their rights to counsel; and

"(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation other than matters exempt from disclosure under other provisions of law.".

(b) NOTICE.—Section 209(e) of the Foreign Service Act of 1980 (22 U.S.C. 3929(e)) is amended by adding at the end the following new paragraph:

"(3) The Inspector General shall ensure that only officials from the Office of the Inspector General may participate in formal interviews or other formal meetings with the individual who is the subject of an investigation, other than an intelligence-related or sensitive undercover investigation, or except in those situations when the Inspector General has a reasonable basis to believe that such notice would cause tampering with witnesses, destroying evidence, or endangering the lives of individuals, unless that individual receives prior adequate notice regarding participation by officials of any other agency, including the Department of Justice, in such interviews or meetings.".

(c) REPORT.—

(1) IN GENERAL.—Not later than April 30, 1998, the Inspector General of the Department of State and the Foreign Service shall submit a report to the appropriate congressional committees which includes the following:

(A) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any officer or employee of the Department of State, the United States Information Agency, or the United States Arms Control and Disarmament Agency.

(B) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

(2) STATUTORY CONSTRUCTION.—Disclosure of information to the public under this section shall not be construed to include information shared with Congress by an employee of the Office of the Inspector General.

SEC. 2209. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a), by inserting "and enhancement" after "procurement";

(2) in subsection (c), by striking "are authorized to" and inserting "shall";

(3) in subsection (d), by striking "for expenditure to procure capital equipment and information technology" and inserting "for purposes of subsection (a)"; and

(4) by amending subsection (e) to read as follows:

"(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).".

SEC. 2210. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 10 percent;";

(2) by inserting "and" at the end of paragraph (5);

(3) by striking "; and" at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

SEC. 2211. AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.

Section 4(a) of the International Claims Settlement Act of 1949 (22 U.S.C. 1623(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the first sentence, by striking "(a) The" and all that follows through the period and inserting the following:

"(a)(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render a final decision with respect to any claim of the Government of the United States or of any national of the United States—

"(A) included within the terms of the Yugoslav Claims Agreement of 1948;

"(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

"(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State."; and

(3) by redesignating the second sentence as paragraph (2).

SEC. 2212. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

(a) RECOVERY OF CERTAIN EXPENSES.—The Department of State Appropriation Act of 1937 (22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled "INTERNATIONAL FISHERIES COMMISSION" by inserting "(including such expenses as salaries and other personnel expenses)" after "extraordinary expenses".

(b) PROCUREMENT OF SERVICES.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting "personal and" before "other support services".

SEC. 2213. GRANTS TO REMEDY INTERNATIONAL ABDUCTIONS OF CHILDREN.

Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100-300) is amended by adding at the end the following new subsection:

"(e) GRANT AUTHORITY.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the Convention and this Act.".

SEC. 2214. COUNTERDRUG AND ANTICRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific and, to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy, and works to achieve the objectives; and

(F) ensure that—

(i) all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms with the objectives; and

(ii) the recommendations of the Department regarding certification determinations made by the President on March 1 as to the counterdrug cooperation, or adequate steps on its own, of each major illicit drug producing and drug trafficking country to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances also conform to meet such objectives.

(3) REPORTS.—Not later than February 15 of each year subsequent to the submission of the strategy described in paragraph (1), the Secretary shall submit to Congress an update of the strategy. The update shall include—

(A) an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2); and

(B) detailed information on how certification determinations described in paragraph (2)(F) made the previous year affected achievement of the objectives set forth in paragraph (2) for the previous calendar year.

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTICRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every diplomatic mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—Consistent with existing memoranda of understanding between the Department of State and other departments and agencies of the United States, including the Department of Justice, the chief of mission of every diplomatic mission of the United States shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug, law enforcement, rule of law, and administration of justice programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every diplomatic mission of the United States shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at diplomatic missions of the United States in order to carry out the responsibility set forth in paragraph (1).

SEC. 2215. ANNUAL REPORT ON OVERSEAS SURPLUS PROPERTIES.

The Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.) is amended by adding at the end the following new section:

"SEC. 12. Not later than March 1 of each year, the Secretary of State shall submit to Congress a report listing overseas United States surplus properties that are administered under this Act and that have been identified for sale.".

SEC. 2216. HUMAN RIGHTS REPORTS.

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) by striking "January 31" and inserting "February 25";

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the status of child labor practices in each country, including—

"(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

"(B) the extent to which each country enforces such policies, including the adequacy of the resources and oversight dedicated to such policies;".

SEC. 2217. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

"SEC. 56. CRIMES COMMITTED BY DIPLOMATS.

"(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

"(1) REPORT TO CONGRESS.—The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled "Report on Cases Involving Diplomatic Immunity".

"(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

"(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.

"(C) Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

"(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

"(F) Whether the Secretary has made the notifications referred to in subsection (c) during the period covered by the report.

"(3) SERIOUS CRIMINAL OFFENSE DEFINED.—For the purposes of this section, the term 'serious criminal offense' means—

"(A) any felony under Federal, State, or local law;

"(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

"(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

"(D)(i) driving under the influence of alcohol or drugs;

"(ii) reckless driving; or

"(iii) driving while intoxicated.

"(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

"(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

"(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

"(c) NOTIFICATION OF DIPLOMATIC CORPS.—The Secretary should periodically notify each foreign mission of United States policies relating to criminal offenses committed by individuals with immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.".

SEC. 2218. REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY.

(a) PROCUREMENT POLICY.—It is the policy of the United States to foster and support procurement of goods and services from private, commercial companies.

(b) IMPLEMENTATION.—In order to achieve the policy set forth in subsection (a), the Diplomatic Telecommunications Service Program Office (DTS-PO) shall—

(1) utilize full and open competition in the procurement of telecommunications services, including satellite space segment, for the Department of State and each other Federal entity represented at United States diplomatic missions and consular posts overseas;

(2) make every effort to ensure and promote the participation in the competition for such procurement of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the maximum extent practicable, the subcontracting level.

SEC. 2219. REDUCTION OF REPORTING.

(a) REPEALS.—The following provisions of law are repealed:

(1) MODEL FOREIGN LANGUAGE COMPETENCE POSTS.—The second sentence of section 161(c) of the Foreign Relations Authorization Act, Fiscal Year 1990 and 1991 (22 U.S.C. 4171 note).

(2) ACTIONS OF THE GOVERNMENT OF HAITI.—Section 705(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83).

(3) TRAINING FACILITY FOR THE FOREIGN SERVICE INSTITUTE.—Section 123(e)(2) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93).

(4) MILITARY ASSISTANCE FOR HAITI.—Section 203(c) of the Special Foreign Assistance Act of 1986 (Public Law 99–529).

(5) INTERNATIONAL SUGAR AGREEMENT, 1977.—Section 5 of the Act entitled "An Act providing for the implementation of the International Sugar Agreement, 1977, and for other purposes" (Public Law 96–236; 7 U.S.C. 3605 and 3606).

(6) AUDIENCE SURVEY OF WORLDNET PROGRAM.—Section 209 (c) and (d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204).

(7) RESEARCH ON THE NEAR AND MIDDLE EAST.—Section 228(b) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 22 U.S.C. 2452 note).

(b) PROGRESS TOWARD REGIONAL NONPROLIFERATION.—Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c); relating to periodic reports on progress toward regional nonproliferation) is amended by striking "Not later than April 1, 1993 and every six months thereafter," and inserting "Not later than April 1 of each year,".

(c) REPORT ON PARTICIPATION BY UNITED STATES MILITARY PERSONNEL ABROAD IN UNITED STATES ELECTIONS.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff(b)(6)) is amended by striking "of voter participation" and inserting "of uniformed services voter participation, a general assessment of overseas nonmilitary participation,".

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 2221. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For the fiscal year 1998, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to title V of the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103–317; 22 U.S.C. 214 note), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.

SEC. 2222. SURCHARGE FOR PROCESSING CERTAIN MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) in paragraph (2), by striking "providing consular services" and inserting "the Department of State's border security program, including the costs of the installation and operation of the machine readable visa and automated namecheck process, improving the quality and security of the United States passport, investigations of passport and visa fraud, and the technological infrastructure to support the programs referred to in this sentence";

(2) by striking the first sentence of paragraph (3) and inserting "For the fiscal year 1998, any amount collected under paragraph (1) that exceeds $140,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956."; and

(3) by striking paragraphs (4) and (5).

SEC. 2223. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: "For purposes of this paragraph, the term 'consular officer' includes any United States citizen employee of the Department of State who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.".

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 1689 of the Revised Statutes (22 U.S.C. 4191) is amended by inserting "and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe" after "such officers".

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—

(1) DESIGNATED UNITED STATES CITIZENS PERFORMING NOTARIAL ACTS.—Section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221) is further amended by inserting after the first sentence: "At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government who is a United States citizen serving overseas, including any contract employee of the United States Government, to perform such acts, and any such contractor so authorized shall not be considered to be a consular officer.".

(2) DEFINITION OF CONSULAR OFFICERS.—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: "For purposes of this section and sections 3493 through 3496 of this title, the term 'consular officers' includes any United States citizen who is designated to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).".

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35, United States Code, is amended by adding at the end the following: "For purposes of this section, a consular officer shall include any United States citizen serving overseas, authorized to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).".

(e) DEFINITION OF CONSULAR OFFICER.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by—

(1) inserting "or employee" after "officer" the second place it appears; and

(2) inserting before the period at the end of the sentence "or, when used in title III, for the purpose of adjudicating nationality".

(f) TRAINING FOR EMPLOYEES PERFORMING CONSULAR FUNCTIONS.—Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding at the end the following new subsection:.

"(d)(1) Before a United States citizen employee (other than a diplomatic or consular officer of the United States) may be designated by the Secretary of State, pursuant to regulation, to perform a consular function abroad, the United States citizen employee shall—

"(A) be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function; and

"(B) be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function.

"(2) As used in this subsection, the term 'consular function' includes the issuance of visas, the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.".

SEC. 2224. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214), as amended (relating to accounting for consular fees) are repealed.

SEC. 2225. ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES.

(a) FOREIGN AIRPORTS.—Section 44908(a) of title 49, United States Code, is amended—

(1) by inserting "and" at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (46 U.S.C. App. 1804(a)) is amended by striking the second sentence, relating to Federal Register publication by the Secretary of State.

SEC. 2226. DENIAL OF VISAS TO CONFISCATORS OF AMERICAN PROPERTY.

(a) DENIAL OF VISAS.—Except as otherwise provided in section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), and subject to subsection (b), the Secretary of State may deny the issuance of a visa to any alien who—

(1) through the abuse of position, including a governmental or political party position, converts or has converted for personal gain real property that has been confiscated or expropriated, a claim to which is owned by a national of the United States, or who is complicit in such a conversion; or

(2) induces any of the actions or omissions described in paragraph (1) by any person.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any country established by international mandate through the United Nations; or

(2) any territory recognized by the United States Government to be in dispute.

(c) REPORTING REQUIREMENT.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report, including—

(1) a list of aliens who have been denied a visa under this subsection; and

(2) a list of aliens who could have been denied a visa under subsection (a) but were issued a visa and an explanation as to why each such visa was issued.

SEC. 2227. INADMISSIBILITY OF ANY ALIEN SUPPORTING AN INTERNATIONAL CHILD ABDUCTOR.

(a) AMENDMENT OF IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by striking clause (ii) and inserting the following:

"(ii) ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—Any alien who—

"(I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i),

"(II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

"(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence.

"(iii) EXCEPTIONS.—Clauses (i) and (ii) shall not apply—

"(I) to a government official of the United States who is acting within the scope of his or her official duties;

"(II) to a government official of any foreign government if the official has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or

"(III) so long as the child is located in a foreign state that is a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens seeking admission to the United States on or after the date of enactment of this Act.

SEC. 2228. HAITI; EXCLUSION OF CERTAIN ALIENS; REPORTING REQUIREMENTS.

(a) GROUNDS FOR EXCLUSION.—Except as provided in subsection (c), a consular officer shall not issue a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State, in the Secretary's sole and unreviewable discretion, has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) was included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(4)(A) was a member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected Government of Haiti or the subsequent murders of as many as three thousand Haitians during that period; or

(B) is an immediate relative of an individual described in subparagraph (A); or

(5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under subsection (a) is necessary for medical reasons, or such person has cooperated fully with the investigation of the political murders or acts of violence described in subsection (a). If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(c) REPORTING REQUIREMENT ON EXCLUSION OF CERTAIN HAITIAN ALIENS.—

(1) PREPARATION OF LIST.—The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings referred to in paragraph (1) of subsection (a).

(2) SUBMISSION OF LIST TO CONGRESS.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees.

(3) LISTS OF VISA DENIALS AND EXCLUSIONS.—The Secretary of State shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States, as a result of subsection (a).

(4) DURATION FOR SUBMISSION OF LISTS.—The Secretary shall submit the list under paragraph (3) not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) REPORT ON THE COST OF UNITED STATES ACTIVITIES IN HAITI.—(1) Not later than January 1, 1998, and every 6 months thereafter, the President shall submit a report to Congress on the situation in Haiti, including—

(A) a listing of the units of the United States Armed Forces or Coast Guard and of the police and military units of other nations participating in operations in and around Haiti;

(B) incidents of the use of force in Haiti involving hostile acts against United States Armed Forces or Coast Guard personnel during the period covered by the report;

(C) the estimated cumulative program costs of all United States activities in Haiti during the period covered by the report, including—

(i) the incremental cost of deployments of United States Armed Forces and Coast Guard personnel training, exercises, mobilization, and preparation activities, including the United States contribution to the training and transportation of police and military units of other nations of any multilateral force involved in activities in Haiti;

(ii) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction assistance, assistance under part I of the Foreign Assistance Act of 1961, and other financial assistance, and all other costs to the United States Government; and

(D) a detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (3), including—

(i) in the case of amounts expended out of funds available to the Department of Defense budget, by military service or defense agency, line item, and program; and

(ii) in the case of amounts expended out of funds available to departments and agencies other than the Department of Defense, by department or agency and program.

(2) DEFINITION.—In this section, the term "period covered by the report" means the 6-month period prior to the date the report is required to be submitted, except that, in the case of the initial report, the term means the period since the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

CHAPTER 3—REFUGEES AND MIGRATION

Subchapter A—Authorization of Appropriations

SEC. 2231. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $650,000,000 for the fiscal year 1998 and $704,500,000 for the fiscal year 1999.

(2) LIMITATIONS.—

(A) LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), $1,000,000 for the fiscal year 1998 and $1,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) REFUGEES RESETTLING IN ISRAEL.—Of the amounts authorized to be appropriated in paragraph (1), $80,000,000 for the fiscal year 1998 and $80,000,000 for the fiscal year 1999 are authorized to be available for assistance for refugees resettling in Israel from other countries.

(C) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amounts authorized to be appropriated in paragraph (1), $1,500,000 for the fiscal year 1998 and $1,500,000 for the fiscal year 1999 for humanitarian assistance are authorized to be available, including food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

Subchapter B—Authorities

SEC. 2241. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—None of the funds made available by this subdivision shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) MIGRATION AND REFUGEE ASSISTANCE.—None of the funds made available by section 2231 of this division or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term "to effect the involuntary return" means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 2242. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) POLICY.—It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the heads of the appropriate agencies shall prescribe regulations to implement the obligations of the United States under Article 3 of the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

(c) EXCLUSION OF CERTAIN ALIENS.—To the maximum extent consistent with the obligations of the United States under the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention, the regulations described in subsection (b) shall exclude from the protection of such regulations aliens described in section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)).

(d) REVIEW AND CONSTRUCTION.—Notwithstanding any other provision of law, and except as provided in the regulations described in subsection (b), no court shall have jurisdiction to review the regulations adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to consider or review claims raised under the Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(e) AUTHORITY TO DETAIN.—Nothing in this section shall be construed as limiting the authority of the Attorney General to detain any person under any provision of law, including, but not limited to, any provision of the Immigration and Nationality Act.

(f) DEFINITIONS.—

(1) CONVENTION DEFINED.—In this section, the term "Convention" means the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

(2) SAME TERMS AS IN THE CONVENTION.—Except as otherwise provided, the terms used in this section have the meanings given those terms in the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

SEC. 2243. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended—

(1) in subsection (a)—

(A) by striking "Foreign Affairs" and inserting "International Relations and the Committee on Appropriations"; and

(B) by inserting "and the Committee on Appropriations" after "Foreign Relations"; and

(2) by adding at the end the following new subsection:

"(c) The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.".

SEC. 2244. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—

"(1) IN GENERAL.— An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is or has been accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

SEC. 2245. REPORTS TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary of State shall supplement the monthly report to Congress entitled "Update on Monitoring of Cuban Migrant Returnees" with additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

TITLE XXIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 2301. COORDINATOR FOR COUNTERTERRORISM.

(a) ESTABLISHMENT.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

"(f) COORDINATOR FOR COUNTERTERRORISM.—

"(1) IN GENERAL.—There is within the office of the Secretary of State a Coordinator for Counterterrorism (in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) DUTIES.—

"(A) IN GENERAL.—The Coordinator shall perform such duties and exercise such powers as the Secretary of State shall prescribe.

"(B) DUTIES DESCRIBED.—The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

"(3) RANK AND STATUS OF AMBASSADOR.—The Coordinator shall have the rank and status of Ambassador at Large.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking subsection (e).

SEC. 2302. ELIMINATION OF DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.

Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22

U.S.C. 2651a note) is amended by striking subsection (f).

SEC. 2303. PERSONNEL MANAGEMENT.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended by adding at the end the following new subsection:

"(g) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.".

SEC. 2304. DIPLOMATIC SECURITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended by adding at the end the following new subsection:

"(h) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (1) management, and (2) Federal law enforcement, intelligence, or security.".

SEC. 2305. NUMBER OF SENIOR OFFICIAL POSITIONS AUTHORIZED FOR THE DEPARTMENT OF STATE.

(a) UNDER SECRETARIES.—

(1) IN GENERAL.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended by striking "5" and inserting "6".

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretaries of State (5)" and inserting "Under Secretaries of State (6)".

(b) ASSISTANT SECRETARIES.—

(1) IN GENERAL.—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended by striking "20" and inserting "24".

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of State (20)" and inserting "Assistant Secretaries of State (24)".

(c) DEPUTY ASSISTANT SECRETARIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 2306. NOMINATION OF UNDER SECRETARIES AND ASSISTANT SECRETARIES OF STATE.

(a) UNDER SECRETARIES OF STATE.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this division, is further amended by adding at the end the following new paragraph:

"(4) NOMINATION OF UNDER SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the particular Under Secretary position in the Department of State that the individual shall have.".

(b) ASSISTANT SECRETARIES OF STATE.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this division, is further amended by adding at the end the following new paragraph:

"(3) NOMINATION OF ASSISTANT SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the regional or functional bureau or bureaus of the Department of State with respect to which the individual shall have responsibility.".

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 2311. FOREIGN SERVICE REFORM.

(a) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking "Members" and inserting "Subject to subsection (e), members"; and

(2) by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of any member of the Foreign Service described in subsection (a) (including any member of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.".

(b) EXPEDITED SEPARATION OUT.—

(1) SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, any member of the Foreign Service ranked by promotion boards of the Department of State in the bottom 5 percent of his or her class for 2 or more of the 5 years preceding the date of enactment of this Act (in this subsection referred to as the "years of lowest ranking") if the rating official for such member was not the same individual for any two of the years of lowest ranking.

(2) SPECIAL INTERNAL REVIEWS.—In any case where the member was evaluated by the same rating official in any 2 of the years of lowest ranking, an internal review of the member's file shall be conducted to determine whether the member should be considered for action leading to separation.

(3) PROCEDURES.—The Secretary of State shall develop procedures for the internal reviews required under paragraph (2).

SEC. 2312. RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION.

(a) BENEFITS.—Section 609 of the Foreign Service Act of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A), by inserting "or any other applicable provision of chapter 84 of title 5, United States Code," after "section 811";

(2) in subsection (a), by inserting "or section 855, as appropriate" after "section 806"; and

(3) in subsection (b)(2)—

(A) by striking "(2)" and inserting "(2)(A) for those participants in the Foreign Service Retirement and Disability System,"; and

(B) by inserting before the period at the end "; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851"; and

(4) in subsection (b) in the matter following paragraph (2), by inserting "(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)" after "age 60".

(b) ENTITLEMENT TO ANNUITY.—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1)—

(A) by inserting "611," after "608,";

(B) by inserting "or for participants in the Foreign Service Pension System," after "for participants in the Foreign Service Retirement and Disability System"; and

(C) by striking "Service shall" and inserting "Service, shall"; and

(2) in paragraph (3), by striking "or 610" and inserting "610, or 611".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1)(A) and (2) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 on or after January 1, 1996.

SEC. 2313. AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM THE FOREIGN SERVICE.

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking "A member" and inserting "Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member".

SEC. 2314. CAREER COUNSELING.

(a) IN GENERAL.—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following new sentence: "Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment that consists primarily of paid time to conduct a job search and without other substantive duties for more than one month.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective 180 days after the date of the enactment of this Act.

SEC. 2315. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

"(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include—

"(A) any chief of mission;

"(B) any principal officer or deputy principal officer;

"(C) any administrative or personnel officer abroad; or

"(D) any individual described in section 1002(12) (B), (C), or (D) who is not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.".

SEC. 2316. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.

(a) IN GENERAL.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

"(k)(1) For purposes of this section, the term 'criminal investigator' includes a special agent occupying a position under title II of Public Law 99–399 if such special agent—

"(A) meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof); and

"(B) such special agent satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

"(2) In applying subsection (h) with respect to a special agent under this subsection—

"(A) any reference in such subsection to 'basic pay' shall be considered to include amounts designated as 'salary';

"(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

"(C) paragraph (2)(B) of such subsection shall be applied by substituting for 'Office of Personnel Management' the following: 'Office of

Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.".

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking "Public Law 99–399)" and inserting "Public Law 99–399, subject to subsection (k))".

(2) Section 5542(e) of such title is amended by striking "title 18, United States Code," and inserting "title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

SEC. 2317. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday."; and

(2) at the end of section 5546(a), by adding the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.".

SEC. 2318. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.

The Secretary of State shall during each of calendar years 1998 and 1999 submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data for the last preceding examination and promotion cycles for which such information is available (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written Foreign Service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written Foreign Service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral Foreign Service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.

(5) The numbers and percentages of all minority Foreign Service officers at each grade.

(6) The numbers of and percentages of minorities promoted at each grade of the Foreign Service officer corps.

TITLE XXIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 2401. INTERNATIONAL INFORMATION ACTIVITIES AND EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL INFORMATION PROGRAM.—For "International Information Program", $431,000,000 for the fiscal year 1998.

(2) TECHNOLOGY FUND.—For the "Technology Fund" for the United States Information Agency, $6,350,000 for the fiscal year 1998.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—There are authorized to be appropriated for the "Fulbright Academic Exchange Programs" (other than programs described in subparagraph (B)), $99,236,000 for the fiscal year 1998.

(ii) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under clause (i), $5,000,000 for the fiscal year 1998 is authorized to be available for the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—There are authorized to be appropriated for other educational and cultural exchange programs authorized by law, $103,495,000 for the fiscal year 1998.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for "South Pacific Exchanges".

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for "East Timorese Scholarships".

(iv) TIBETAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for "Educational and Cultural Exchanges with Tibet" under section 236 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "International Broadcasting Operations", $364,415,000 for the fiscal year 1998.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Broadcasting Board of Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For "Radio Construction", $40,000,000 for the fiscal year 1998.

(6) RADIO FREE ASIA.—For "Radio Free Asia", $22,000,000 for the fiscal year 1998 and an additional $8,000,000 in fiscal year 1998 for one-time capital costs.

(7) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $22,095,000 for the fiscal year 1998.

(8) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the "Center for Cultural and Technical Interchange between East and West", $12,000,000 for the fiscal year 1998.

(9) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the "National Endowment for Democracy", $30,000,000 for the fiscal year 1998.

(10) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.—For "Center for Cultural and Technical Interchange between North and South" $1,500,000 for the fiscal year 1998.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

SEC. 2411. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement, and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned may be obligated and expended for the purposes for which the grant was made without further appropriation.

SEC. 2412. USE OF SELECTED PROGRAM FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended to read as follows:

"USE OF ENGLISH-TEACHING PROGRAM FEES

"SEC. 810. (a) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other law or limitation of authority, fees and receipts described in subsection (b) are authorized to be credited each fiscal year for authorized purposes to the appropriate appropriations of the United States Information Agency to such extent as may be provided in advance in appropriations acts.

"(b) FEES AND RECEIPTS DESCRIBED.—The fees and receipts described in this subsection are fees and payments received by or for the use of the United States Information Agency from or in connection with—

"(1) English-teaching and library services,

"(2) educational advising and counseling,

"(3) Exchange Visitor Program Services,

"(4) advertising and business ventures of the Voice of America and the International Broadcasting Bureau,

"(5) cooperating international organizations, and

"(6) Agency-produced publications,

"(7) an amount not to exceed $100,000 of the payments from motion picture and television programs produced or conducted by or on behalf of the Agency under the authority of this Act or the Mutual Education and Cultural Exchange Act of 1961.".

SEC. 2413. MUSKIE FELLOWSHIP PROGRAM.

(a) GUIDELINES.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended by inserting "journalism and communications, education administration, public policy, library and information science," after "business administration," each of the two places it appears.

(b) REDESIGNATION OF SOVIET UNION.—Section 227 of the Foreign Relations Authorization Act,

Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsections (a), (b), and (c)(5), by striking "Soviet Union" each place it appears and inserting "independent states of the former Soviet Union";

(2) in subsection (c)(11), by striking "Soviet republics" and inserting "independent states of the former Soviet Union"; and

*(3) in the section heading, by inserting "**INDEPENDENT STATES OF THE FORMER**" after "**FROM THE**".*

SEC. 2414. WORKING GROUP ON UNITED STATES GOVERNMENT-SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

"(g) WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government-Sponsored International Exchanges and Training (in this section referred to as the 'Working Group').

"(2) For purposes of this subsection, the term 'Government-sponsored international exchanges and training' means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

"(3) The Working Group shall be composed as follows:

"(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

"(B) A senior representative of the Department of State, who shall be designated by the Secretary of State.

"(C) A senior representative of the Department of Defense, who shall be designated by the Secretary of Defense.

"(D) A senior representative of the Department of Education, who shall be designated by the Secretary of Education.

"(E) A senior representative of the Department of Justice, who shall be designated by the Attorney General.

"(F) A senior representative of the Agency for International Development, who shall be designated by the Administrator of the Agency.

"(G) Senior representatives of such other departments and agencies as the Chair determines to be appropriate.

"(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the Adviser and the Director, respectively.

"(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

"(6) The Working Group shall have the following purposes and responsibilities:

"(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

"(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

"(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs, to identify how each Government-sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

"(D)(i) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall develop a coordinated and cost-effective strategy for all United States Government-sponsored international exchange and training programs, including an action plan with the objective of achieving a minimum of 10 percent cost savings through greater efficiency, the consolidation of programs, or the elimination of duplication, or any combination thereof.

"(ii) Not later than 1 year after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall submit a report to the appropriate congressional committees setting forth the strategy and action plan required by clause (i).

"(iii) Each year thereafter the Working Group shall assess the strategy and plan required by clause (i).

"(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommendations on common performance measures for all United States Government-sponsored international exchange and training programs, and to issue a report.

"(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

"(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility and advisability of transferring funds and program management for the ATLAS or the Mandela Fellows programs, or both, in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost effects of consolidating such programs under one entity.

"(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

"(8) The Working Group shall meet at least on a quarterly basis.

"(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

"(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

"(11) With respect to any report issued under paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.".

SEC. 2415. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) IN GENERAL.—Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended—

(1) by striking "for fiscal year 1997" and inserting "for each of the fiscal years 1998 and 1999"; and

(2) by inserting after "who are outside Tibet" the following: "(if practicable, including individuals active in the preservation of Tibet's unique culture, religion, and language)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1997.

SEC. 2416. UNITED STATES-JAPAN COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) ELIMINATION OF RESTRICTION.—Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking "needed, except" and all that follows through "United States" and inserting "needed".

(2) AUTHORIZED INVESTMENTS.—The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: "Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.".

(b) REDESIGNATION OF COMMISSION.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Commission shall be redesignated as the "United States-Japan Commission". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) CONFORMING AMENDMENT.—The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION".

(3) CONFORMING AMENDMENT.—The Japan-United States Friendship Act is amended by striking "Japan-United States Friendship Commission" each place such term appears and inserting "United States-Japan Commission".

(c) REDESIGNATION OF TRUST FUND.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Trust Fund shall be redesignated as the "United States-Japan Trust Fund". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.

(2) CONFORMING AMENDMENT.—Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

SEC. 2417. SURROGATE BROADCASTING STUDY.

Not later than 6 months after the date of enactment of this Act, the Broadcasting Board of Governors, acting through the International Broadcasting Bureau, should conduct and complete a study of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

SEC. 2418. RADIO BROADCASTING TO IRAN IN THE FARSI LANGUAGE.

(a) RADIO FREE IRAN.—Not more than $4,000,000 of the funds made available under section 2401(4) of this division for the fiscal year 1998 for grants to RFE/RL, Incorporated, shall

be available only for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iranian people in the Farsi language, such broadcasts to be designated as "Radio Free Iran".

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing the costs, implementation, and plans for creation of the surrogate broadcasting service described in subsection (a).

(c) AVAILABILITY OF FUNDS.—None of the funds made available under subsection (a) may be made available until submission of the report required under subsection (b).

SEC. 2419. AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 2420. PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking paragraph (4).

SEC. 2421. VOICE OF AMERICA BROADCASTS.

(a) IN GENERAL.—The Voice of America shall devote programming each day to broadcasting information on the individual States of the United States. The broadcasts shall include—

(1) information on the products, tourism, and cultural and educational facilities of each State;

(2) information on the potential for trade with each State; and

(3) discussions with State officials with respect to the matters described in paragraphs (1) and (2).

(b) REPORT.—Not later than July 1, 1998, the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

(c) STATE DEFINED.—In this section, the term "State" means any of the several States of the United States, the District of Columbia, or any commonwealth or territory of the United States.

TITLE XXV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS

SEC. 2501. INTERNATIONAL CONFERENCES AND CONTINGENCIES.

There are authorized to be appropriated for "International Conferences and Contingencies", $12,000,000 for the fiscal year 1998 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 2502. RESTRICTION RELATING TO UNITED STATES ACCESSION TO ANY NEW INTERNATIONAL CRIMINAL TRIBUNAL.

(a) PROHIBITION.—The United States shall not become a party to any new international criminal tribunal, nor give legal effect to the jurisdiction of such a tribunal over any matter described in subsection (b), except pursuant to—

(1) a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act; or

(2) any statute enacted by Congress on or after the date of enactment of this Act.

(b) JURISDICTION DESCRIBED.—The jurisdiction described in this subsection is jurisdiction over—

(1) persons found, property located, or acts or omissions committed, within the territory of the United States; or

(2) nationals of the United States, wherever found.

(c) STATUTORY CONSTRUCTION.—Nothing in this section precludes sharing information, expertise, or other forms of assistance with such tribunal.

(d) DEFINITION.—The term "new international criminal tribunal" means any permanent international criminal tribunal established on or after the date of enactment of this Act and does not include—

(1) the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993; or

(2) the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

SEC. 2503. UNITED STATES MEMBERSHIP IN THE BUREAU OF THE INTERPARLIAMENTARY UNION.

(a) INTERPARLIAMENTARY UNION LIMITATION.—Unless the Secretary of State certifies to Congress that the United States will be assessed not more than $500,000 for its annual contribution to the Bureau of the Interparliamentary Union during fiscal year 1998, then effective October 1, 1998, the authority for further participation by the United States in the Bureau shall terminate in accordance with subsection (d).

(b) ELIMINATION OF AUTHORITY TO PAY EXPENSES OF THE AMERICAN GROUP.—Section 1 of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276) is amended—

(1) in the first sentence—

(A) by striking "fiscal year" and all that follows through "(1) for" and inserting "fiscal year for";

(B) by striking "; and"; and

(C) by striking paragraph (2); and

(2) by striking the second sentence.

(c) ELIMINATION OF PERMANENT APPROPRIATION.—Section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988 (Public Law 100–202; 22 U.S.C. 276 note)) is amended—

(1) by striking "$440,000" and inserting "$350,000"; and

(2) by striking "paragraph (2) of the first section of Public Law 74–170,".

(d) CONDITIONAL TERMINATION OF AUTHORITY.—Unless Congress receives the certification described in subsection (a) before October 1, 1998, effective on that date the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276–276a–4) is repealed.

(e) TRANSFER OF FUNDS TO THE TREASURY.—Unobligated balances of appropriations made under section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988; Public Law 100–202) that are available as of the day before the date of enactment of this Act shall be transferred on such date to the general fund of the Treasury of the United States.

SEC. 2504. SERVICE IN INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: "On reemployment, an employee entitled to the benefits of subsection (a) is entitled to the rate of basic pay to which the employee would have been entitled had the employee remained in the civil service. On reemployment, the agency shall restore the sick leave account of the employee, by credit or charge, to its status at the time of transfer. The period of separation caused by the employment of the employee with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transfers that take effect on or after the date of enactment of this Act.

SEC. 2505. REPORTS REGARDING FOREIGN TRAVEL.

(a) PROHIBITION.—Except as provided in subsection (e), none of the funds authorized to be appropriated by this division may be used to pay for the expenses of foreign travel by an officer or employee of an Executive branch agency to attend an international conference, or for the routine services that a United States diplomatic mission or consular post provides in support of foreign travel by such an officer or employee to attend an international conference, unless that officer or employee has submitted a preliminary report with respect to that foreign travel in accordance with subsection (b), and has not previously failed to submit a final report with respect to foreign travel to attend an international conference required by subsection (c).

(b) PRELIMINARY REPORTS.—A preliminary report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to proposed foreign travel to attend an international conference, submitted to the Director prior to commencement of the travel, setting forth—

(1) the name and employing agency of the officer or employee;

(2) the name of the official who authorized the travel; and

(3) the purpose and duration of the travel.

(c) FINAL REPORTS.—A final report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to foreign travel to attend an international conference, submitted to the Director not later than 30 days after the conclusion of the travel—

(1) setting forth the actual duration and cost of the travel; and

(2) updating any other information included in the preliminary report.

(d) REPORTS TO CONGRESS.—The Director shall submit a report no later than October 1 and April 1 of each year to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives, setting forth with respect to each international conference for which reports described in subsection (c) were required to be submitted to the Director during the preceding six months—

(1) the names and employing agencies of all officers and employees of Executive branch agencies who attended the international conference;

(2) the names of all officials who authorized travel to the international conference, and the total number of officers and employees who were authorized to travel to the conference by each such official; and

(3) the total cost of travel by officers and employees of Executive branch agencies to the international conference.

(e) EXCEPTIONS.—This section shall not apply to travel by—

(1) the President or the Vice President; or

(2) any officer or employee who is carrying out an intelligence or intelligence-related activity, who is performing a protective function, or who is engaged in a sensitive diplomatic mission.

(f) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of the Office of International Conferences of the Department of State.

(2) EXECUTIVE BRANCH AGENCY.—The terms "Executive branch agency" and "Executive branch agencies" mean—

(A) an entity or entities, other than the General Accounting Office, defined in section 105 of title 5, United States Code; and

(B) the Executive Office of the President (except as provided in subsection (e)).

(3) INTERNATIONAL CONFERENCE.—The term "international conference" means any meeting held under the auspices of an international organization or foreign government, at which representatives of more than two foreign governments are expected to be in attendance, and to which United States Executive branch agencies will send a total of ten or more representatives.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the total Federal expenditure of all official international travel in each Executive branch agency during the previous fiscal year; and

(2) the total number of individuals in each agency who engaged in such travel.

TITLE XXVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 2601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act $41,500,000 for the fiscal year 1998.

SEC. 2602. STATUTORY CONSTRUCTION.

Section 303 of the Arms Control and Disarmament Act (22 U.S.C. 2573), as redesignated by section 1223 of this division, is amended by adding at the end the following new subsection:

"(c) STATUTORY CONSTRUCTION.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.".

TITLE XXVII—EUROPEAN SECURITY ACT OF 1997

SEC. 2701. SHORT TITLE.

This title may be cited as the "European Security Act of 1997".

SEC. 2702. STATEMENT OF POLICY.

(a) POLICY WITH RESPECT TO NATO ENLARGEMENT.—Congress urges the President to outline a clear and complete strategic rationale for the enlargement of the North Atlantic Treaty Organization (NATO), and declares that—

(1) Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO;

(2) the United States should ensure that NATO continues a process whereby all other emerging democracies in Central and Eastern Europe that wish to join NATO will be considered for membership in NATO as soon as they meet the criteria for such membership;

(3) the United States should ensure that no limitations are placed on the numbers of NATO troops or types of equipment, including tactical nuclear weapons, to be deployed on the territory of new member states;

(4) the United States should reject all efforts to condition NATO decisions on review or approval by the United Nations Security Council;

(5) the United States should clearly delineate those NATO deliberations, including but not limited to discussions on arms control, further Alliance enlargement, procurement matters, and strategic doctrine, that are not subject to review or discussion in the NATO-Russia Permanent Joint Council;

(6) the United States should work to ensure that countries invited to join the Alliance are provided an immediate seat in NATO discussions; and

(7) the United States already pays more than a proportionate share of the costs of the common defense of Europe and should obtain, in advance, agreement on an equitable distribution of the cost of NATO enlargement to ensure that the United States does not continue to bear a disproportionate burden.

(b) POLICY WITH RESPECT TO NEGOTIATIONS WITH RUSSIA.—

(1) IMPLEMENTATION.—NATO enlargement should be carried out in such a manner as to underscore the Alliance's defensive nature and demonstrate to Russia that NATO enlargement will enhance the security of all countries in Europe, including Russia. Accordingly, the United States and its NATO allies should make this intention clear in negotiations with Russia, including negotiations regarding adaptation of the Conventional Armed Forces in Europe (CFE) Treaty of November 19, 1990.

(2) LIMITATIONS ON COMMITMENTS TO RUSSIA.—In seeking to demonstrate to Russia NATO's defensive and security-enhancing intentions, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized. In particular, no commitments should be made to Russia that would have the effect of—

(A) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(B) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(C) providing any international organization, or any country that is not a member of NATO, with authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO;

(D) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance;

(E) establishing a nuclear weapons-free zone in Central or Eastern Europe;

(F) requiring NATO to subsidize Russian arms sales, service, or support to the militaries of those former Warsaw Pact countries invited to join the Alliance; or

(G) legitimizing Russian efforts to link concessions in arms control negotiations to NATO enlargement.

(3) COMMITMENTS FROM RUSSIA.—In order to enhance security and stability in Europe, the United States should seek commitments from Russia—

(A) to demarcate and respect all its borders with neighboring states;

(B) to achieve the immediate and complete withdrawal of any armed forces and military equipment under the control of Russia that are deployed on the territories of the independent states of the former Soviet Union without the full and complete agreement of those states;

(C) to station its armed forces on the territory of other states only with the full and complete agreement of that state and in strict accordance with international law; and

(D) to take steps to reduce further its nuclear and conventional forces in Kaliningrad.

(4) CONSULTATIONS.—As negotiations on adaptation of the Treaty on Conventional Armed Forces in Europe proceed, the United States should engage in close and continuous consultations not only with its NATO allies, but also with the emerging democracies of Central and Eastern Europe, Ukraine, and the South Caucasus.

(c) POLICY WITH RESPECT TO BALLISTIC MISSILE DEFENSE COOPERATION.—

(1) IN GENERAL.—As the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning.

(2) DISCUSSIONS WITH NATO ALLIES.—The United States should initiate discussions with its NATO allies for the purpose of examining the feasibility of deploying a ballistic missile defense capable of protecting NATO's southern and eastern flanks from a limited ballistic missile attack.

(3) CONSTITUTIONAL PREROGATIVES.—Even as the Congress seeks to promote ballistic missile defense cooperation with Russia, it must insist on its constitutional prerogatives regarding consideration of arms control agreements with Russia that bear on ballistic missile defense.

SEC. 2703. AUTHORITIES RELATING TO NATO ENLARGEMENT.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2702(a).

(b) DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.—

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) SENSE OF CONGRESS.—It is the sense of Congress that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

(c) REGIONAL AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Funds described in paragraph (2) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(A) the procurement of items in support of these programs; and

(B) the transfer of such items to countries participating in these programs.

(2) FUNDS DESCRIBED.—Funds described in this paragraph are funds that are available—

(A) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(B) during fiscal year 1998 under any Act to carry out the Warsaw Initiative.

(d) EXTENSION OF AUTHORITY REGARDING EXCESS DEFENSE ARTICLES.—Section 105 of Public Law 104-164 (110 Stat. 1427) is amended by striking ''1996 and 1997'' and inserting ''1997, 1998, and 1999''.

(e) CONFORMING AMENDMENTS TO THE NATO PARTICIPATION ACT OF 1994.—Section 203(c) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) is amended—

(1) in paragraph (1), by striking '', without regard to the restrictions'' and all that follows through ''section)'';

(2) by striking paragraph (2);

(3) in paragraph (6), by striking ''appropriated under the 'Nonproliferation and Disarmament Fund' account'' and inserting ''made available for the 'Nonproliferation and Disarmament Fund' ''; and

(4) in paragraph (8)—

(A) by striking ''any restrictions in sections 516 and 519'' and inserting ''section 516(e)'';

(B) by striking ''as amended,''; and

(C) by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)''; and

(5) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively.

SEC. 2704. SENSE OF CONGRESS WITH RESPECT TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

It is the sense of Congress that no revisions to the Treaty on Conventional Armed Forces in Europe will be approved for entry into force with respect to the United States that jeopardize fundamental United States security interests in Europe or the effectiveness and flexibility of NATO as a defensive alliance by—

(1) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(2) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(3) providing any international organization, or any country that is not a member of NATO, with the authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO; or

(4) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance.

SEC. 2705. RESTRICTIONS AND REQUIREMENTS RELATING TO BALLISTIC MISSILE DEFENSE.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2702(c).

(b) RESTRICTION ON ENTRY INTO FORCE OF ABM/TMD DEMARCATION AGREEMENTS.—An ABM/TMD demarcation agreement shall not be binding on the United States, and shall not enter into force with respect to the United States, unless, after the date of enactment of this Act, that agreement is specifically approved with the advice and consent of the United States Senate pursuant to Article II, section 2, clause 2 of the Constitution.

(c) SENSE OF CONGRESS WITH RESPECT TO DEMARCATION AGREEMENTS.—

(1) RELATIONSHIP TO MULTILATERALIZATION OF ABM TREATY.—It is the sense of Congress that no ABM/TMD demarcation agreement will be considered for advice and consent to ratification unless, consistent with the certification of the President pursuant to condition (9) of the resolution of ratification of the CFE Flank Document, the President submits for Senate advice and consent to ratification any agreement, arrangement, or understanding that would—

(A) add one or more countries as State Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or

(B) change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term ''national territory'' as used in Article VI and Article IX of the ABM Treaty.

(2) PRESERVATION OF UNITED STATES THEATER BALLISTIC MISSILE DEFENSE POTENTIAL.—It is the sense of Congress that no ABM/TMD demarcation agreement that would reduce the capabilities of United States theater missile defense systems, or the numbers or deployment patterns of such systems, will be approved for entry into force with respect to the United States.

(d) REPORT ON COOPERATIVE PROJECTS WITH RUSSIA.—Not later than January 1, 1998, January 1, 1999, and January 1, 2000, the President shall submit to the Committees on International Relations, National Security, and Appropriations of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate a report on cooperative projects with Russia in the area of ballistic missile defense, including in the area of early warning. Each such report shall include the following:

(1) COOPERATIVE PROJECTS.—A description of all cooperative projects conducted in the area of early warning and ballistic missile defense during the preceding fiscal year and the fiscal year during which the report is submitted.

(2) FUNDING.—A description of the funding for such projects during the preceding fiscal year and the year during which the report is submitted and the proposed funding for such projects for the next fiscal year.

(3) STATUS OF DIALOGUE OR DISCUSSIONS.—A description of the status of any dialogue or discussions conducted during the preceding fiscal year between the United States and Russia aimed at exploring the potential for mutual accommodation of outstanding issues between the two nations on matters relating to ballistic missile defense and the ABM Treaty, including the possibility of developing a strategic relationship not based on mutual nuclear threats.

(e) DEFINITIONS.—In this section:

(1) ABM/TMD DEMARCATION AGREEMENT.—The term ''ABM/TMD demarcation agreement'' means any agreement that establishes a demarcation between theater ballistic missile defense systems and strategic antiballistic missile defense systems for purposes of the ABM Treaty.

(2) ABM TREATY.—The term ''ABM Treaty'' means the Treaty Between the United States of American and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972 (23 UST 3435), and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974 (27 UST 1645).

TITLE XXVIII—MISCELLANEOUS PROVISIONS

SEC. 2801. REPORT ON RELATIONS WITH VIETNAM.

In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary of State shall submit a report to the appropriate congressional committees, not later than 90 days after the date of enactment of this Act and every 180 days thereafter during the period ending September 30, 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved cases of prisoners of war (POWs) or persons missing-in-action (MIAs) through the provision of records and the unilateral and joint recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101–167).

SEC. 2802. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act and every 3 months thereafter during the period ending September 30, 1999, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091). Each report shall include—

(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to that section;

(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to that section;

(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to that section;

(4) an explanation of the status of the review underway for the cases referred to in paragraph (1); and

(5) an unclassified explanation of each determination of the Secretary of State under section 401(a) of that Act and each finding of the Secretary under section 401(c) of that Act—

(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

(B) in the preceding 3-month period, in the case of each subsequent report.

(b) PROTECTION OF IDENTITY OF CONCERNED ENTITIES.—In preparing the report under subsection (a), the names of entities shall not be identified under paragraph (1) or (4).

SUBDIVISION 3—UNITED NATIONS REFORM

TITLE XXX—GENERAL PROVISIONS

SEC. 3001. SHORT TITLE.

This subdivision may be cited as the "United Nations Reform Act of 1997".

SEC. 3002. DEFINITIONS.

In this subdivision:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) DESIGNATED SPECIALIZED AGENCY DEFINED.—The term "designated specialized agency" means the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) GENERAL ASSEMBLY.—The term "General Assembly" means the General Assembly of the United Nations.

(4) SECRETARY GENERAL.—The term "Secretary General" means the Secretary General of the United Nations.

(5) SECURITY COUNCIL.—The term "Security Council" means the Security Council of the United Nations.

(6) UNITED NATIONS MEMBER.—The term "United Nations member" means any country that is a member of the United Nations.

(7) UNITED NATIONS PEACEKEEPING OPERATION.—The term "United Nations peacekeeping operation" means any United Nations-led operation to maintain or restore international peace or security that—

(A) is authorized by the Security Council; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

SEC. 3003. NONDELEGATION OF CERTIFICATION REQUIREMENTS.

The Secretary of State may not delegate the authority in this subdivision to make any certification.

TITLE XXXI—AUTHORIZATION OF APPROPRIATIONS

SEC. 3101. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading "Contributions to International Organizations" $938,000,000 for the fiscal year 1998 and $900,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) NO GROWTH BUDGET.—

(1) FISCAL YEAR 1998.—Of the funds made available for fiscal year 1998 under subsection (a), $80,000,000 may be made available only after the Secretary of State certifies that the United Nations has taken no action during calendar year 1997 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget of $2,603,290,900 for the biennium 1996–97 adopted in December 1996.

(2) FISCAL YEAR 1999.—Of the funds made available for fiscal year 1999 under subsection (a), $80,000,000 may be made available only after the Secretary of State certifies that the United Nations has taken no action during calendar year 1998 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget of $2,533,000,000 and cause the United Nations to exceed that budget.

(c) INSPECTOR GENERAL OF THE UNITED NATIONS.—

(1) WITHHOLDING OF FUNDS.—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) CERTIFICATION.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) ACTION BY THE UNITED NATIONS.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), as amended by paragraph (3);

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Service to report directly to the Secretary General on the adequacy of the Office's resources to enable the Office to fulfill its mandate; and

(iii) has made available an adequate amount of funds to the Office for carrying out its functions.

(B) AUTHORITY OF OIOS.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified, in writing, of that authority.

(3) AMENDMENT OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995.—Section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended—

(A) by amending paragraph (6) to read as follows:

"(6) the United Nations has procedures in place to ensure that all reports submitted by the Office of Internal Oversight Service are made available to the member states of the United Nations without modification except to the extent necessary to protect the privacy rights of individuals."; and

(B) by striking "Inspector General" each place it appears and inserting "Office of Internal Oversight Service".

(d) PROHIBITION ON CERTAIN GLOBAL CONFERENCES.—None of the funds made available under subsection (a) shall be available for any United States contribution to pay for any expenses related to the holding of a United Nations Global Conference.

(e) REDUCTION IN NUMBER OF POSTS.—

(1) FISCAL YEAR 1998.—Of the funds authorized to be appropriated for fiscal year 1998 for the United Nations by subsection (a), $50,000,000 shall be withheld from obligation and expenditure until the Secretary of State certifies to Congress that the number of posts authorized under the 1998–99 regular budget of the United Nations, and authorized by the General Assembly, has resulted in a net reduction of at least 1,000 posts from the 10,012 posts authorized under the 1996–97 United Nations biennium budget, as a result of a suppression of that number of posts.

(2) FISCAL YEAR 1999.—Not later than October 1, 1998, the Secretary of State shall submit a report to the appropriate congressional committees specifying—

(A) the budget savings associated with the reduction of the 1,000 posts specified in paragraph (1), including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those savings;

(B) the vacancy rates for United Nations professional and general service staff contained in the United Nations biennium budget for 1998–99, including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those vacancy rates; and

(C) the goals of the United States for further staff reductions and associated budget savings for the 1998–99 United Nations biennium budget.

(f) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—None of the funds made available for the 1998-1999 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, and the 1998 Decertification Convention.

(g) LIMITATIONS FOR FISCAL YEARS 1999 AND 2000.—

(1) IN GENERAL.—The total amount of funds made available for all United States memberships in international organizations under the heading "Contributions to International Organizations" may not exceed $900,000,000 for each of fiscal years 1999 and 2000.

(2) CONSULTATIONS WITH CONGRESS.—The Secretary of State shall regularly consult with the appropriate congressional committees regarding the impact, if any, of the limitation in paragraph (1) on the maintenance of United States membership in such international organizations.

(h) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(i) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 3102. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading "Contributions for International Peacekeeping Activities" $220,000,000 for the fiscal year 1998 and $220,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(b) CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) CODIFICATION.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(A) in subsection (a), by striking the second sentence; and

(B) by striking subsection (e) and inserting the following:

"(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

"(1) CONSULTATIONS.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

"(2) INFORMATION TO BE PROVIDED.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

"(A) With respect to ongoing United Nations peacekeeping operations, the following:

"(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

"(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

"(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

"(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and the estimated costs to the United States of such changes.

"(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

"(i) The anticipated duration, mandate, the command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

"(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

"(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

"(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and an estimate of the cost to the United States of such assistance or support.

"(v) A reprogramming of funds pursuant to section 34 of the State Department Basic Authorities Act of 1956, submitted in accordance with the procedures set forth in such section, describing the source of funds that will be used to pay for the cost of the new United Nations peacekeeping operation, provided that such notification shall also be submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

"(3) FORM AND TIMING OF INFORMATION.—

"(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

"(B) TIMING.—

"(i) ONGOING OPERATIONS.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

"(ii) NEW OPERATIONS.—The information required under paragraph (2)(B) shall be submitted in writing with respect to each new United Nations peacekeeping operation not less than 15 days before the anticipated date of the vote on the resolution concerned unless the President determines that exceptional circumstances prevent compliance with the requirement to report 15 days in advance. If the President makes such a determination, the information required under paragraph (2)(B) shall be submitted as far in advance of the vote as is practicable.

"(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

"(A) where the authorized force strength is to be expanded;

"(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

"(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or significantly different functions.

"(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

"(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

"(i) IN GENERAL.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

"(ii) EXCEPTION.—This subparagraph does not apply to—

"(I) assistance having a value of less than $3,000,000 in the case of nonreimbursable assistance or less than $14,000,000 in the case of reimbursable assistance; or

"(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

"(B) QUARTERLY REPORTS.—

"(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

"(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

"(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

"(f) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term 'designated congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.".

(2) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(c) RELATIONSHIP TO OTHER NOTICE REQUIREMENTS.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (b), is further amended by adding at the end the following:

"(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.".

TITLE XXXII—UNITED NATIONS ACTIVITIES

SEC. 3201. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.

(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation's regional blocs.

(b) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) ANNUAL REPORTS.—On January 15 of each year, the Secretary of State shall submit a report to the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations; and

(3) steps taken by the United States to secure abolition by the United Nations of groups under subsection (b).

(d) ANNUAL CONSULTATION.—At the time of the submission of each annual report under subsection (c), the Secretary of State shall consult with the appropriate congressional committees on specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.

SEC. 3202. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

"SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

"(a) UNITED STATES COSTS.—The United States shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States in support of all United Nations peacekeeping operations.

"(b) UNITED NATIONS MEMBER COSTS.—The United States shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such operations.".

SEC. 3203. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

"(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the President shall seek and obtain in a timely fashion a commitment from the United Nations to provide reimbursement to the United States from the United Nations whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

"(A) to the United Nations when the assistance is designed to facilitate or assist in carrying out an assessed peacekeeping operation;

"(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

"(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

"(2) EXCEPTIONS.—(A) The requirement in paragraph (1) shall not apply to—

"(i) goods and services provided to the United States Armed Forces;

"(ii) assistance having a value of less than $3,000,000 per fiscal year per operation;

"(iii) assistance furnished before the date of enactment of this section;

"(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members for similar assistance to United Nations peacekeeping operations; or

"(v) any assistance commitment made before the date of enactment of this Act if such commitment will not extend beyond January 1, 1998.

"(B) The requirements of subsection (d)(1)(B) shall not apply to the deployment of United States military forces when the President determines that such deployment is important to the security interests of the United States. The cost of such deployment shall be included in the data provided under section 554 of the Foreign Assistance Act of 1961.

"(3) FORM AND AMOUNT.—

"(A) AMOUNT.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

"(B) FORM.—Reimbursement under this subsection may include credits against the United States assessed contributions for United States peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

"(b) TREATMENT OF REIMBURSEMENTS.—

"(1) CREDIT.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

"(2) AVAILABILITY.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

"(c) COVERED ASSISTANCE.—Subsection (a) applies to assistance provided under the following provisions of law:

"(1) Sections 6 and 7 of this Act.

"(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

"(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

"(d) WAIVER.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The President may authorize the furnishing of assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

"(B) CONGRESSIONAL NOTIFICATION.—When exercising the authorities of subparagraph (A), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

"(2) CONGRESSIONAL REVIEW.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notification.

"(3) SENATE PROCEDURES.—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(e) RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under subsection (a).

"(f) DEFINITION.—In this section, the term 'assistance' includes personnel, services, supplies, equipment, facilities, and other assistance if such assistance is provided by the Department of Defense or any other United States Government agency.".

SEC. 3204. UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING OPERATIONS.

It shall be the policy of the United States—

(1) to ensure that major peacekeeping operations (in general, those comprised of more than 10,000 troops) authorized by the United Nations Security Council under Chapter VII of the United Nations Charter (or missions such as the United Nations Protection Force (UNPROFOR)) are undertaken by a competent regional organization or a multinational force, and not established as a peacekeeping operation under United Nations operational control which would be paid for by assessment of United Nations members;

(2) to consider, on a case-by-case basis, whether it is in the national interest of the United States to agree that smaller peacekeeping operations authorized by the United Nations Security Council under Chapter VII of the United Nations Charter and paid for by assessment of United Nations members (such as the United Nations Transitional Authority in Slavonia (UNTAES)) should be established as peacekeeping operations under United Nations operational control which would be paid for by assessment of United Nations members; and

(3) to oppose the establishment of United Nations peace operations approved by the General Assembly and funded out of the regular budget of the United Nations.

SEC. 3205. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

For the fiscal years 1998 and 1999, the President may withhold funds for the United States assessed contribution to the United Nations or to any of its specialized agencies in the same percentage and subject to the same requirements as are applicable to the withholding of funds under section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 3206. CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by inserting "and the United Nations Industrial Development Organization" after "International Labor Organization".

SEC. 3207. SENSE OF THE CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) all United Nations staff, including diplomats, should comply with binding United States Federal, State, and local court orders regarding child and spousal support obligations;

(2) the internal regulations of the United Nations allows—

(A) the United Nations to release staff salary information to the courts in spousal and child support cases;

(B) the Secretary General to authorize deduction of dependency related allowances from staff salary;

(C) the United Nations to cooperate with appropriate authorities to facilitate proper legal or judicial resolution of the family's claim.

(b) CONGRESSIONAL STATEMENT.—The Secretary of State should urge the United Nations to comply fully with regulations regarding compliance with child and spousal support obligations by United Nations personnel, in a timely manner and to the fullest extent possible.

TITLE XXXIII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

Subchapter A—Authorization of Appropriations; Obligation and Expenditure of Funds

SEC. 3301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States described in subsection (b) as of September 30, 1997—

(1) $100,000,000 for fiscal year 1998;

(2) $475,000,000 for fiscal year 1999; and

(3) $244,000,000 for fiscal year 2000.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations;

(2) to pay the United States share of United Nations peacekeeping operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) STATUTORY CONSTRUCTION.—For purposes of payments made pursuant to subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall not apply to United Nations peacekeeping operation assessments received by the United States prior to October 1, 1995.

SEC. 3302. OBLIGATION AND EXPENDITURE OF FUNDS.

(a) IN GENERAL.—Funds made available pursuant to section 3301 may be obligated and expended only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) OBLIGATION AND EXPENDITURE UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.—Subject to subsection (e), funds made available pursuant to section 3301 may be obligated and expended only in the following allotments and upon the following certifications:

(1) Amounts authorized to be appropriated for fiscal year 1998, upon the certification described in section 3311.

(2) Amounts authorized to be appropriated for fiscal year 1999, upon the certification described in section 3321.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 3331.

(c) ADVANCE CONGRESSIONAL NOTIFICATION.—Funds made available pursuant to section 3301 may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds.

(d) TRANSMITTAL OF CERTIFICATIONS.—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

(e) WAIVER AUTHORITY.—

(1) FISCAL YEAR 1999 FUNDS.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 3301 may be obligated or expended pursuant to subsection (b)(2) even if the Secretary of State cannot certify that one of the following three conditions has been satisfied:

(A) The condition described in section 3321(b)(1).

(B) The condition described in section 3321(b)(4).

(C) The condition described in section 3321(b)(5).

(2) FISCAL YEAR 2000 FUNDS.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 3301 may be obligated or expended pursuant to subsection (b)(3) even if the Secretary of State cannot certify that one of the following seven conditions has been satisfied: A condition described in paragraph (3), (4), (5), (6), (7), (8),or (9) of section 3331(b).

(3) REQUIREMENTS.—

(A) IN GENERAL.—The authority to waive a condition under paragraph (1) or (2) of this subsection may be exercised only if—

(i) the Secretary of State determines that substantial progress towards satisfying the condition has been made and that the expenditure of funds pursuant to that paragraph is important to the interests of the United States; and

(ii) the Secretary of State has notified, and consulted with, the appropriate congressional committees prior to exercising the authority.

(B) EFFECT ON SUBSEQUENT CERTIFICATION.—If the Secretary of State exercises the authority of paragraph (1) with respect to a condition, such condition shall be deemed to have been satisfied for purposes of making any certification under section 3331.

(4) ADDITIONAL REQUIREMENT.—If the authority to waive a condition under paragraph 1(A) is exercised, the Secretary shall notify the United Nations that the Congress does not consider the United States obligated to pay, and does not intend to pay, arrearages that have not been included in the contested arrearages account or other mechanism described in section 3321(b)(1).

SEC. 3303. FORGIVENESS OF AMOUNTS OWED BY THE UNITED NATIONS TO THE UNITED STATES.

(a) FORGIVENESS OF INDEBTEDNESS.—Subject to subsection (b), the President is authorized to forgive or reduce any amount owed by the United Nations to the United States as a reimbursement, including any reimbursement payable under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945.

(b) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total of amounts forgiven or reduced under subsection (a) may not exceed $107,000,000.

(2) RELATION TO UNITED STATES ARREARAGES.—Amounts shall be forgiven or reduced under this section only to the same extent as the United Nations forgives or reduces amounts owed by the United States to the United Nations as of September 30, 1997.

(c) REQUIREMENTS.—The authority in subsection (a) shall be available only to the extent and in the amounts provided in advance in appropriations Acts.

(d) CONGRESSIONAL NOTIFICATION.—Before exercising any authority in subsection (a), the President shall notify the appropriate congressional committees in accordance with the same procedures as are applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date a certification is transmitted to the appropriate congressional committees under section 3331; or

(2) October 1, 1999.

Subchapter B—United States Sovereignty

SEC. 3311. CERTIFICATION REQUIREMENTS.

(a) CONTENTS OF CERTIFICATION.—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations does not exceed 22 percent for any single United Nations member.

(2) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(3) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(4) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(ii) the World Intellectual Property Organization; or

(iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(5) NO STANDING ARMY.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(6) NO INTEREST FEES.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(7) UNITED STATES REAL PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(8) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not, on or after October 1, 1984, paid its share of any interest costs made known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

Subchapter C—Reform of Assessments and United Nations Peacekeeping Operations

SEC. 3321. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 3311 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) CONTESTED ARREARAGES.—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of enactment of this Act with respect to which payments are not authorized by this division, and the failure to pay amounts specified in the account do not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the "contested arrearages account".

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR UNITED NATIONS PEACEKEEPING OPERATIONS.—The assessed share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.

(3) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET FOR THE DESIGNATED SPECIALIZED AGENCIES.—The share of the total of all assessed

contributions for the regular budget of any designated specialized agency does not exceed 22 percent for any single United Nations member.

(4) REVIEW OF REGULAR BUDGET-FUNDED PEACE OPERATIONS.—The mandates of the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are reviewed annually by the Security Council, and are subject to the notification requirements pursuant to section 4(e) of the United Nations Participation Act of 1945, as amended by section 3102(b) of this division.

(5) PROCUREMENT.—

(A) PROHIBITION ON PUNITIVE ACTIONS.—The United Nations has implemented a system that prohibits punitive actions, such as suspension of contract eligibility, against contractors on the basis that they have challenged contract awards or complained about delayed payments.

(B) PUBLIC ANNOUNCEMENT OF CERTAIN CONTRACT AWARDS.—The United Nations has implemented a system for public announcement of the award of any contract over $100,000.

(C) NOTIFICATION OF UNSUCCESSFUL BIDDERS.—The United Nations has implemented a system to notify unsuccessful bidders for contracts and to provide an explanation upon request of the reason for rejection of their bids.

(D) PERIODIC REPORTING TO UNITED NATIONS MEMBERS.—The United Nations reports to all United Nations members on a regular basis the value and a brief description of local procurement contracts awarded in excess of $70,000.

Subchapter D—Budget and Personnel Reform

SEC. 3331. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the following conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 3311 and 3321 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any designated specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification except to the extent necessary to protect the privacy rights of individuals.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the systemwide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly and of programs of the designated specialized agencies in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each designated specialized agency has developed a standardized methodology for the evaluation of programs of designated specialized agencies, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—Consistent with the July 16, 1997, recommendations of the Secretary General of the United Nations regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General and the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term "United Nations program approved by the General Assembly" means a program approved by the General Assembly of the United Nations, which is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph, the term "5 largest member contributors" means the 5 United Nations member states that, during a United Nations budgetary biennium, have more total assessed contributions than any other United Nations member state to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peacekeeping operations.

(6) ACCESS BY THE GENERAL ACCOUNTING OFFICE.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data to assist the Office in performing nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations Charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations personnel.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison of that system with the United States civil service, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) REDUCTION IN BUDGET AUTHORITIES.—The designated specialized agencies have achieved a negative growth budget in their biennium budgets for 2000–01 from the 1998–99 biennium budget levels of the respective agencies.

(9) NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the agency's supplemental budget requests to the Secretariat in advance of expenditures under those requests.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 3341. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) and section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 3342. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER INTERNATIONAL ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this subdivision shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other international organization with respect to which Congress has rescinded funding.

THE RECIPROCAL TRADE AGREEMENT ACT OF 1997

MURRAY AMENDMENT NO. 1622

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill. S. 1269, supra; as follows:

At the appropriate place, insert the following:

SEC. . CONGRESSIONAL OVERSIGHT GROUPS.

(a) APPOINTMENT AND FUNCTIONS.—Not later than 30 days after the date on which the President provides notice under section 4(a)(1) of the President's intention to enter into negotiations with respect to a trade agreement—

(1) the Speaker of the House of Representatives, upon the recommendation of the chairman of the Committee on Ways and Means, shall appoint 5 members (not more than 3 of whom are members of the same political party) of such committee, and

(2) the President pro tempore of the Senate, upon the recommendation of the chairman of the Committee on Finance, shall appoint 5 members (not more than 3 of whom are members of the same political party) of such committee,

to serve as members of a Congressional Oversight Group for the negotiations. Each such member shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in the negotiations. Members of the Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, and the development of the trade agreement.

(b) ADDITIONAL MEMBERS.—

(1) AUTHORITY TO APPOINT.—In addition to the members designated under subsection (a) for a Congressional Oversight Group—

(A) the Speaker of the House of Representatives may appoint additional members of the House from any other committee of the House or joint committee of Congress to serve as members of the Congressional Oversight Group; and

(B) the President pro tempore of the Senate may appoint additional members of the Senate from any other committee of the Senate or joint committee of Congress to serve as members of the Congressional Oversight Group.

Members of the House and Senate appointed under this paragraph shall be accredited by the United States Trade Representative.

(2) CONSULTATIONS.—Before designating any member under paragraph (1), the Speaker or the President pro tempore shall consult with—

(A) the chairman and ranking minority member of the Committee on Ways and Means and the Committee on Finance, as appropriate; and

(B) the chairman and ranking minority member of the committee from which the member will be appointed.

(3) AFFILIATION.—Not more than 2 members may be appointed under this subsection as members of any Congressional Oversight Group from any 1 committee of Congress. If 2 members are appointed from 1 committee, they must be from different political parties, and the total members from any political party appointed under this subsection for any Congressional Oversight Group may not exceed the total number of members from any other political party.

(c) GUIDELINES.—

(1) PURPOSE AND REVISION.—Within 120 days after the date of enactment of this Act, the United States Trade Representative shall develop written guidelines, in consultation with the chairmen and ranking minority members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Groups established under this section. The Trade Representative may revise the guidelines from time to time as needed following further such consultation.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide for, among other things—

(A) regular, detailed briefings of each Congressional Oversight Group regarding negotiating objectives and positions and status of the negotiations with respect to which the group was appointed, beginning as soon as practicable after the appointment of the members of the group, with more frequent briefings as trade negotiations enter the final stage;

(B) access by members of each Congressional Oversight Group, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials; and

(C) the closest practicable coordination between the Trade Representative and each Congressional Oversight Group at all critical periods during the negotiations, including at negotiation sites.

On page 34, lines 1 and 2, strike "the congressional advisers on trade policy and negotiations appointed under section 161 of the Trade Act of 1974 (19 U.S.C. 2211)," and insert "the Congressional Oversight Group appointed under this Act,".

THE HOMEOWNERS PROTECTION ACT OF 1997

D'AMATO (AND SARBANES) AMENDMENT NO. 1623

Mr. SESSIONS (for Mr. D'AMATO, for himself and Mr. SARBANES) proposed an amendment to the bill (S. 318) to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Homeowners Protection Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Termination of private mortgage insurance.
Sec. 4. Disclosure requirements.
Sec. 5. Notification upon cancellation or termination.
Sec. 6. Disclosure requirements for lender paid mortgage insurance.
Sec. 7. Fees for disclosures.
Sec. 8. Civil liability.
Sec. 9. Effect on other laws and agreements.
Sec. 10. Enforcement.
Sec. 11. Construction.
Sec. 12. Effective date.
Sec. 13. Abolishment of the Thrift Depositor Protection Oversight Board.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ADJUSTABLE RATE MORTGAGE.—The term "adjustable rate mortgage" means a residential mortgage that has an interest rate that is subject to change.

(2) CANCELLATION DATE.—The term "cancellation date" means—

(A) with respect to a fixed rate mortgage, at the option of the mortgagor, the date on which the principal balance of the mortgage—

(i) based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 80 percent of the original value of the property securing the loan; or

(ii) based solely on actual payments, reaches 80 percent of the original value of the property securing the loan; and

(B) with respect to an adjustable rate mortgage, at the option of the mortgagor, the date on which the principal balance of the mortgage—

(i) based solely on amortization schedules for that mortgage, and irrespective of the

outstanding balance for that mortgage on that date, is first scheduled to reach 80 percent of the original value of the property securing the loan; or

(ii) based solely on actual payments, first reaches 80 percent of the original value of the property securing the loan.

(3) FIXED RATE MORTGAGE.—The term "fixed rate mortgage" means a residential mortgage that has an interest rate that is not subject to change.

(4) GOOD PAYMENT HISTORY.—The term "good payment history" means, with respect to a mortgagor, that the mortgagor has not—

(A) made a mortgage payment that was 60 days or longer past due during the 12-month period beginning 24 months before the date on which the mortgage reaches the cancellation date; or

(B) made a mortgage payment that was 30 days or longer past due during the 12-month period preceding the date on which the mortgage reaches the cancellation date.

(5) INITIAL AMORTIZATION SCHEDULE.—The term "initial amortization schedule" means a schedule established at the time at which a residential mortgage transaction is consummated with respect to a fixed rate mortgage, showing—

(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the amortization period of the loan; and

(B) the unpaid principal balance of the loan after each scheduled payment is made.

(6) MORTGAGE INSURANCE.—The term "mortgage insurance" means insurance, including any mortgage guaranty insurance, against the nonpayment of, or default on, an individual mortgage or loan involved in a residential mortgage transaction.

(7) MORTGAGE INSURER.—The term "mortgage insurer" means a provider of private mortgage insurance, as described in this Act, that is authorized to transact such business in the State in which the provider is transacting such business.

(8) MORTGAGEE.—The term "mortgagee" means the holder of a residential mortgage at the time at which that mortgage transaction is consummated.

(9) MORTGAGOR.—The term "mortgagor" means the original borrower under a residential mortgage or his or her successors or assignees.

(10) ORIGINAL VALUE.—The term "original value", with respect to a residential mortgage, means the lesser of the sales price of the property securing the mortgage, as reflected in the contract, or the appraised value at the time at which the subject residential mortgage transaction was consummated.

(11) PRIVATE MORTGAGE INSURANCE.—The term "private mortgage insurance" means mortgage insurance other than mortgage insurance made available under the National Housing Act, title 38 of the United States Code, or title V of the Housing Act of 1949.

(12) RESIDENTIAL MORTGAGE.—The term "residential mortgage" means a mortgage, loan, or other evidence of a security interest created with respect to a single-family dwelling that is the primary residence of the mortgagor.

(13) RESIDENTIAL MORTGAGE TRANSACTION.—The term "residential mortgage transaction" means a transaction consummated on or after the date that is 1 year after the date of enactment of this Act, in which a mortgage, deed of trust, purchase money security interest arising under an installment sales contract, or equivalent consensual security interest is created or retained against a single-family dwelling that is the primary residence of the mortgagor to finance the acquisition, initial construction, or refinancing of that dwelling.

(14) SERVICER.—The term "servicer" has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974, with respect to a residential mortgage.

(15) SINGLE-FAMILY DWELLING.—The term "single-family dwelling" means a residence consisting of 1 family dwelling unit.

(16) TERMINATION DATE.—The term "termination date" means—

(A) with respect to a fixed rate mortgage, the date on which the principal balance of the mortgage, based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 78 percent of the original value of the property securing the loan; and

(B) with respect to an adjustable rate mortgage, the date on which the principal balance of the mortgage, based solely on amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 78 percent of the original value of the property securing the loan.

SEC. 3. TERMINATION OF PRIVATE MORTGAGE INSURANCE.

(a) BORROWER CANCELLATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall be canceled on the cancellation date, if the mortgagor—

(1) submits a request in writing to the servicer that cancellation be initiated;

(2) has a good payment history with respect to the residential mortgage; and

(3) has satisfied any requirement of the holder of the mortgage (as of the date of a request under paragraph (1)) for—

(A) evidence (of a type established in advance and made known to the mortgagor by the servicer promptly upon receipt of a request under paragraph (1)) that the value of the property securing the mortgage has not declined below the original value of the property; and

(B) certification that the equity of the mortgagor in the residence securing the mortgage is unencumbered by a subordinate lien.

(b) AUTOMATIC TERMINATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall terminate with respect to payments for that mortgage insurance made by the mortgagor—

(1) on the termination date if, on that date, the mortgagor is current on the payments required by the terms of the residential mortgage transaction; or

(2) on the date after the termination date on which the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.

(c) FINAL TERMINATION.—If a requirement for private mortgage insurance is not otherwise canceled or terminated in accordance with subsection (a) or (b), in no case may such a requirement be imposed beyond the first day of the month immediately following the date that is the midpoint of the amortization period of the loan if the mortgagor is current on the payments required by the terms of the mortgage.

(d) NO FURTHER PAYMENTS.—No payments or premiums may be required from the mortgagor in connection with a private mortgage insurance requirement terminated or canceled under this section—

(1) in the case of cancellation under subsection (a), more than 30 days after the later of—

(A) the date on which a request under subsection (a)(1) is received; or

(B) the date on which the mortgagor satisfies any evidence and certification requirements under subsection (a)(3);

(2) in the case of termination under subsection (b), more than 30 days after the termination date or the date referred to in subsection (b)(2), as applicable; and

(3) in the case of termination under subsection (c), more than 30 days after the final termination date established under that subsection.

(e) RETURN OF UNEARNED PREMIUMS.—

(1) IN GENERAL.—Not later than 45 days after the termination or cancellation of a private mortgage insurance requirement under this section, all unearned premiums for private mortgage insurance shall be returned to the mortgagor by the servicer.

(2) TRANSFER OF FUNDS TO SERVICER.—Not later than 30 days after notification by the servicer of termination or cancellation of private mortgage insurance under this Act with respect to a mortgagor, a mortgage insurer that is in possession of any unearned premiums of that mortgagor shall transfer to the servicer of the subject mortgage an amount equal to the amount of the unearned premiums for repayment in accordance with paragraph (1).

(f) EXCEPTIONS FOR HIGH RISK LOANS.—

(1) IN GENERAL.—The termination and cancellation provisions in subsections (a) and (b) do not apply to any residential mortgage or mortgage transaction that, at the time at which the residential mortgage transaction is consummated, has high risks associated with the extension of the loan—

(A) as determined in accordance with guidelines published by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, in the case of a mortgage loan with an original principal balance that does not exceed the applicable annual conforming loan limit for the secondary market established pursuant to section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act, so as to require the imposition or continuation of a private mortgage insurance requirement beyond the terms specified in subsection (a) or (b) of section 3; or

(B) as determined by the mortgagee in the case of any other mortgage, except that termination shall occur—

(i) with respect to a fixed rate mortgage, on the date on which the principal balance of the mortgage, based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 77 percent of the original value of the property securing the loan; and

(ii) with respect to an adjustable rate mortgage, on the date on which the principal balance of the mortgage, based solely on amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 77 percent of the original value of the property securing the loan.

(2) TERMINATION AT MIDPOINT.—A private mortgage insurance requirement in connection with a residential mortgage or mortgage transaction described in paragraph (1) shall terminate in accordance with subsection (c).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require a mortgage or mortgage transaction described

in paragraph (1)(A) to be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

SEC. 4. DISCLOSURE REQUIREMENTS.

(a) DISCLOSURES FOR NEW MORTGAGES AT TIME OF TRANSACTION.—

(1) DISCLOSURES FOR NON-EXEMPTED TRANSACTIONS.—In any case in which private mortgage insurance is required in connection with a residential mortgage or mortgage transaction (other than a mortgage or mortgage transaction described in section 3(f)(1)), at the time at which the transaction is consummated, the mortgagee shall provide to the mortgagor—

(A) if the transaction relates to a fixed rate mortgage—

(i) a written initial amortization schedule; and

(ii) written notice—

(I) that the mortgagor may cancel the requirement in accordance with section 3(a) of this Act indicating the date on which the mortgagor may request cancellation, based solely on the initial amortization schedule;

(II) that the mortgagor may request cancellation in accordance with section 3(a) of this Act earlier than provided for in the initial amortization schedule, based on actual payments;

(III) that the requirement for private mortgage insurance will automatically terminate on the termination date in accordance with section 3(b) of this Act, and what that termination date is with respect to that mortgage; and

(IV) that there are exemptions to the right to cancellation and automatic termination of a requirement for private mortgage insurance in accordance with section 3(f) of this Act, and whether such an exemption applies at that time to that transaction; and

(B) if the transaction relates to an adjustable rate mortgage, a written notice that—

(i) the mortgagor may cancel the requirement in accordance with section 3(a) of this Act on the cancellation date, and that the servicer will notify the mortgagor when the cancellation date is reached;

(ii) the requirement for private mortgage insurance will automatically terminate on the termination date, and that on the termination date, the mortgagor will be notified of the termination or that the requirement will be terminated as soon as the mortgagor is current on loan payments; and

(iii) there are exemptions to the right of cancellation and automatic termination of a requirement for private mortgage insurance in accordance with section 3(f) of this Act, and whether such an exemption applies at that time to that transaction.

(2) DISCLOSURES FOR EXCEPTED TRANSACTIONS.—In the case of a mortgage or mortgage transaction described in section 3(f)(1), at the time at which the transaction is consummated, the mortgagee shall provide written notice to the mortgagor that in no case may private mortgage insurance be required beyond the date that is the midpoint of the amortization period of the loan, if the mortgagor is current on payments required by the terms of the residential mortgage.

(3) ANNUAL DISCLOSURES.—If private mortgage insurance is required in connection with a residential mortgage transaction, the servicer shall disclose to the mortgagor in each such transaction in an annual written statement—

(A) the rights of the mortgagor under this Act to cancellation or termination of the private mortgage insurance requirement; and

(B) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(4) APPLICABILITY.—Paragraphs (1) through (3) shall apply with respect to each residential mortgage transaction consummated on or after the date that is 1 year after the date of enactment of this Act.

(b) DISCLOSURES FOR EXISTING MORTGAGES.—If private mortgage insurance was required in connection with a residential mortgage entered into at any time before the effective date of this Act, the servicer shall disclose to the mortgagor in each such transaction in an annual written statement—

(1) that the private mortgage insurance may, under certain circumstances, be canceled by the mortgagor (with the consent of the mortgagee or in accordance with applicable State law); and

(2) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(c) INCLUSION IN OTHER ANNUAL NOTICES.—The information and disclosures required under subsection (b) and paragraphs (1)(B) and (3) of subsection (a) may be provided on the annual disclosure relating to the escrow account made as required under the Real Estate Settlement Procedures Act of 1974, or as part of the annual disclosure of interest payments made pursuant to Internal Revenue Service regulations, and on a form promulgated by the Internal Revenue Service for that purpose.

(d) STANDARDIZED FORMS.—The mortgagee or servicer may use standardized forms for the provision of disclosures required under this section.

SEC. 5. NOTIFICATION UPON CANCELLATION OR TERMINATION.

(a) IN GENERAL.—Not later than 30 days after the date of cancellation or termination of a private mortgage insurance requirement in accordance with this Act, the servicer shall notify the mortgagor in writing—

(1) that the private mortgage insurance has terminated and that the mortgagor no longer has private mortgage insurance; and

(2) that no further premiums, payments, or other fees shall be due or payable by the mortgagor in connection with the private mortgage insurance.

(b) NOTICE OF GROUNDS.—

(1) IN GENERAL.—If a servicer determines that a mortgage did not meet the requirements for termination or cancellation of private mortgage insurance under subsection (a) or (b) of section 3, the servicer shall provide written notice to the mortgagor of the grounds relied on to make the determination (including the results of any appraisal used to make the determination).

(2) TIMING.—Notice required by paragraph (1) shall be provided—

(A) with respect to cancellation of private mortgage insurance under section 3(a), not later than 30 days after the later of—

(i) the date on which a request is received under section 3(a)(1); or

(ii) the date on which the mortgagor satisfies any evidence and certification requirements under section 3(a)(3); and

(B) with respect to termination of private mortgage insurance under section 3(b), not later than 30 days after the scheduled termination date.

SEC. 6. DISCLOSURE REQUIREMENTS FOR LENDER PAID MORTGAGE INSURANCE.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "borrower paid mortgage insurance" means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by the borrower;

(2) the term "lender paid mortgage insurance" means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by a person other than the borrower; and

(3) the term "loan commitment" means a prospective mortgagee's written confirmation of its approval, including any applicable closing conditions, of the application of a prospective mortgagor for a residential mortgage loan.

(b) EXCLUSION.—Sections 3 through 5 do not apply in the case of lender paid mortgage insurance.

(c) NOTICES TO MORTGAGOR.—In the case of lender paid mortgage insurance that is required in connection with a residential mortgage or a residential mortgage transaction—

(1) not later than the date on which a loan commitment is made for the residential mortgage transaction, the prospective mortgagee shall provide to the prospective mortgagor a written notice—

(A) that lender paid mortgage insurance differs from borrower paid mortgage insurance, in that lender paid mortgage insurance may not be canceled by the mortgagor, while borrower paid mortgage insurance could be cancelable by the mortgagor in accordance with section 3(a) of this Act, and could automatically terminate on the termination date in accordance with section 3(b) of this Act;

(B) that lender paid mortgage insurance—

(i) usually results in a residential mortgage having a higher interest rate than it would in the case of borrower paid mortgage insurance; and

(ii) terminates only when the residential mortgage is refinanced, paid off, or otherwise terminated; and

(C) that lender paid mortgage insurance and borrower paid mortgage insurance both have benefits and disadvantages, including a generic analysis of the differing costs and benefits of a residential mortgage in the case lender paid mortgage insurance versus borrower paid mortgage insurance over a 10-year period, assuming prevailing interest and property appreciation rates;

(D) that lender paid mortgage insurance may be tax-deductible for purposes of Federal income taxes, if the mortgagor itemizes expenses for that purpose; and

(2) not later than 30 days after the termination date that would apply in the case of borrower paid mortgage insurance, the servicer shall provide to the mortgagor a written notice indicating that the mortgagor may wish to review financing options that could eliminate the requirement for private mortgage insurance in connection with the residential mortgage.

(d) STANDARD FORMS.—The servicer of a residential mortgage may develop and use a standardized form or forms for the provision of notices to the mortgagor, as required under subsection (c).

SEC. 7. FEES FOR DISCLOSURES.

No fee or other cost may be imposed on any mortgagor with respect to the provision of any notice or information to the mortgagor pursuant to this Act.

SEC. 8. CIVIL LIABILITY.

(a) IN GENERAL.—Any servicer, mortgagee, or mortgage insurer that violates a provision of this Act shall be liable to each mortgagor to whom the violation relates for—

(1) in the case of an action by an individual, or a class action in which the liable party is not subject to section 10, any actual

damages sustained by the mortgagor as a result of the violation, including interest (at a rate determined by the court) on the amount of actual damages, accruing from the date on which the violation commences;

(2) in the case of—

(A) an action by an individual, such statutory damages as the court may allow, not to exceed $2,000; and

(B) in the case of a class action—

(i) in which the liable party is subject to section 10, such amount as the court may allow, except that the total recovery under this subparagraph in any class action or series of class actions arising out of the same violation by the same liable party shall not exceed the lesser of $500,000 or 1 percent of the net worth of the liable party, as determined by the court; and

(ii) in which the liable party is not subject to section 10, such amount as the court may allow, not to exceed $1000 as to each member of the class, except that the total recovery under this subparagraph in any class action or series of class actions arising out of the same violation by the same liable party shall not exceed the lesser of $500,000 or 1 percent of the gross revenues of the liable party, as determined by the court;

(3) costs of the action; and

(4) reasonable attorney fees, as determined by the court.

(b) TIMING OF ACTIONS.—No action may be brought by a mortgagor under subsection (a) later than 2 years after the date of the discovery of the violation that is the subject of the action.

(c) LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—With respect to a residential mortgage transaction, the failure of a servicer to comply with the requirements of this Act due to the failure of a mortgage insurer or a mortgagee to comply with the requirements of this Act, shall not be construed to be a violation of this Act by the servicer.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to impose any additional requirement or liability on a mortgage insurer, a mortgagee, or a holder of a residential mortgage.

SEC. 9. EFFECT ON OTHER LAWS AND AGREEMENTS.

(a) EFFECT ON STATE LAW.—

(1) IN GENERAL.—With respect to any residential mortgage or residential mortgage transaction consummated after the effective date of this Act, and except as provided in paragraph (2), the provisions of this Act shall supersede any provisions of the law of any State relating to requirements for obtaining or maintaining private mortgage insurance in connection with residential mortgage transactions, cancellation or automatic termination of such private mortgage insurance, any disclosure of information addressed by this Act, and any other matter specifically addressed by this Act.

(2) CONTINUED APPLICATION OF CERTAIN PROVISIONS.—This Act does not supersede any provision of the law of a State in effect on or before September 1, 1989, pertaining to the termination of private mortgage insurance or other mortgage guaranty insurance, to the extent that such law requires termination of such insurance at an earlier date or when a lower mortgage loan principal balance is achieved than as provided in this Act.

(b) EFFECT ON OTHER AGREEMENTS.—The provisions of this Act shall supersede any conflicting provision contained in any agreement relating to the servicing of a residential mortgage loan entered into by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or any private investor or note holder (or any successors thereto).

SEC. 10. ENFORCEMENT.

(a) IN GENERAL.—Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act—

(A) by the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act) in the case of insured depository institutions (as defined in section 3(c)(2) of such Act);

(B) by the Federal Deposit Insurance Corporation in the case of depository institutions described in clause (i), (ii), or (iii) of section 19(b)(1)(A) of the Federal Reserve Act that are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

(C) by the Director of the Office of Thrift Supervision in the case of depository institutions described in clause (v) and or (vi) of section 19(b)(1)(A) of the Federal Reserve Act that are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act);

(2) the Federal Credit Union Act, by the National Credit Union Administration Board in the case of depository institutions described in clause (iv) of section 19(b)(1)(A) of the Federal Reserve Act; and

(3) part C of title V of the Farm Credit Act of 1971 (12 U.S.C. 2261 et seq.), by the Farm Credit Administration in the case of an institution that is a member of the Farm Credit System.

(b) ADDITIONAL ENFORCEMENT POWERS.—

(1) VIOLATION OF THIS ACT TREATED AS VIOLATION OF OTHER ACTS.—For purposes of the exercise by any agency referred to in subsection (a) of such agency's powers under any Act referred to in such subsection, a violation of a requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act.

(2) ENFORCEMENT AUTHORITY UNDER OTHER ACTS.—In addition to the powers of any agency referred to in subsection (a) under any provision of law specifically referred to in such subsection, each such agency may exercise, for purposes of enforcing compliance with any requirement imposed under this Act, any other authority conferred on such agency by law.

(c) ENFORCEMENT AND REIMBURSEMENT.—In carrying out its enforcement activities under this section, each agency referred to in subsection (a) shall—

(1) notify the mortgagee or servicer of any failure of the mortgagee or servicer to comply with 1 or more provisions of this Act;

(2) with respect to each such failure to comply, require the mortgagee or servicer, as applicable, to correct the account of the mortgagor to reflect the date on which the mortgage insurance should have been canceled or terminated under this Act; and

(3) require the mortgagee or servicer, as applicable, to reimburse the mortgagor in an amount equal to the total unearned premiums paid by the mortgagor after the date on which the obligation to pay those premiums ceased under this Act.

SEC. 11. CONSTRUCTION.

Nothing in this Act shall be construed to impose any requirement for private mortgage insurance in connection with a residential mortgage transaction.

SEC. 12. EFFECTIVE DATE.

This Act, other than section 13, shall become effective 1 year after the date of enactment of this Act.

SEC. 13. ABOLISHMENT OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) IN GENERAL.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the Thrift Depositor Protection Oversight Board established under section 21A of the Federal Home Loan Bank Act (hereafter in this section referred to as the "Oversight Board") is hereby abolished.

(b) DISPOSITION OF AFFAIRS.—

(1) POWER OF CHAIRPERSON.—Effective on the date of enactment of this Act, the Chairperson of the Oversight Board (or the designee of the Chairperson) may exercise on behalf of the Oversight Board any power of the Oversight Board necessary to settle and conclude the affairs of the Oversight Board.

(2) AVAILABILITY OF FUNDS.—Funds available to the Oversight Board shall be available to the Chairperson of the Oversight Board to pay expenses incurred in carrying out paragraph (1).

(c) SAVINGS PROVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—No provision of this section shall be construed as affecting the validity of any right, duty, or obligation of the United States, the Oversight Board, the Resolution Trust Corporation, or any other person that—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Oversight Board; and

(B) existed on the day before the abolishment of the Oversight Board in accordance with subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Oversight Board with respect to any function of the Oversight Board shall abate by reason of the enactment of this section.

(3) LIABILITIES.—

(A) IN GENERAL.—All liabilities arising out of the operation of the Oversight Board during the period beginning on August 9, 1989, and the date that is 3 months after the date of enactment of this Act shall remain the direct liabilities of the United States.

(B) NO SUBSTITUTION.—The Secretary of the Treasury shall not be substituted for the Oversight Board as a party to any action or proceeding referred to in subparagraph (A).

(4) CONTINUATIONS OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS PERTAINING TO THE RESOLUTION FUNDING CORPORATION.—

(A) IN GENERAL.—All orders, resolutions, determinations, and regulations regarding the Resolution Funding Corporation shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations until modified, terminated, set aside, or superseded in accordance with applicable law if such orders, resolutions, determinations, or regulations—

(i) have been issued, made, and prescribed, or allowed to become effective by the Oversight Board, or by a court of competent jurisdiction, in the performance of functions transferred by this section; and

(ii) are in effect at the end of the 3-month period beginning on the date of enactment of this section.

(B) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS BEFORE TRANSFER.—Before the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution

Funding Corporation shall be enforceable by and against the United States.

(C) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS AFTER TRANSFER.—On and after the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the Secretary of the Treasury.

(d) TRANSFER OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUTHORITY AND DUTIES OF RESOLUTION FUNDING CORPORATION TO SECRETARY OF THE TREASURY.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the authority and duties of the Oversight Board under sections 21A(a)(6)(I) and 21B of the Federal Home Loan Bank Act are transferred to the Secretary of the Treasury (or the designee of the Secretary).

(e) MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY BOARD.—Effective on the date of enactment of this Act, section 14(b)(2) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(f) TIME OF MEETINGS OF THE AFFORDABLE HOUSING ADVISORY BOARD.—

(1) IN GENERAL.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(A) by striking "4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board or" and inserting "2 times a year or at the request of"; and

(B) by striking the second sentence.

(2) CLERICAL AMENDMENT.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended, in the subparagraph heading, by striking "AND LOCATION".

Amend the title so as to read: "A bill to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.".

THE FEDERAL JUDICIARY PROTECTION ACT OF 1997

FAIRCLOTH AMENDMENT NO. 1624

Mr. SESSION (for Mr. FAIRCLOTH) proposed an amendment to the bill (S. 1189) to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes; as follows:

On page 2, line 6, strike "8" and insert "12".

INDIAN CLAIMS COMMISSION LEGISLATION

MURKOWSKI AMENDMENT NO. 1625

Mr. SESSION (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets, numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission; as follows:

At the appropriate place, insert:

SECTION 1. FINDINGS.

Congress finds that—

(1) the execution of more than 1 contract or compact between an Alaska native village or regional or village corporation in the Ketchikan Gateway Borough and the Secretary to provide for health care services in an area with a small population leads to duplicative and wasteful administrative costs; and

(2) incurring the wasteful costs referred to in paragraph (1) leads to decrease in the quality of health care that is provided to Alaska Natives in an affected area.

SECTION 2. DEFINITIONS.

In this Act:

(1) ALASKA NATIVE.—The term "Alaska Native" has the meaning given the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) ALASKA NATIVE VILLAGE OR REGIONAL OR VILLAGE CORPORATION.—The term "Alaska native village or regional or village corporation" means an Alaska native village or regional or village corporation defined in, or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(3) CONTRACT; COMPACT.—The terms "contract" and "compact" mean a self-determination contract and a self-governance compact as these terms are defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et. seq.).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 3. LIMITATION.

(a) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that, in considering a renewal of a contract or compact, or signing of a new contract or compact for the provision of health care services in the Ketchikan Gateway Borough, there will be only one contract or compact in effect.

(b) CONSIDERATION.—In any case in which the Secretary, acting though the Director of the Indian Health Service, is required to select from more than 1 application for a contract or compact described in subsection (a), in awarding the contract or compact, the Secretary shall take into consideration—

(1) the ability and experience of the applicant;

(2) the potential for the applicant to acquire and develop the necessary ability; and

(3) the potential for growth in the health care needs of the covered borough.

INOUYE AMENDMENTS NOS. 1626–1627

Mr. SESSIONS (for Mr. INOUYE) proposed two amendments to the bill, H.R. 1604, supra; as follows:

AMENDMENT NO. 1626

In section 11, strike the section heading and all that follows through "The eligibility" and insert the following:

"SEC. 11. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS.

"(a) APPLICABILITY OF PUBLIC LAW 93–134.—All funds distributed under this Act or any plan approved in accordance with this Act, including interest and investment income that accrues on those funds before or while those funds are held in trust, shall be subject to section 7 of Public Law 93–134 (87 Stat. 468).

"(b) TREATMENT OF FUNDS WITH RESPECT TO CERTAIN FEDERAL ASSISTANCE.—The eligibility".

AMENDMENT NO. 1627

On page 2, line 7, of Section 2, delete the word "Tribe" and insert the word "Band".

THE TELEMARKETING FRAUD PREVENTION ACT OF 1997

LEAHY AMENDMENT NO. 1628

Mr. SESSIONS (for Mr. LEAHY) proposed an amendment to the bill (H.R. 1847) to improve the criminal law relating to fraud against consumers; as follows:

At the appropriate place, insert the following new section:

SEC. . FALSE ADVERTISING OR MISUSE OF NAME TO INDICATE UNITED STATES MARSHALS SERVICE.

Section 709 of title 18, United States Code, is amended by inserting after the thirteenth undesignated paragraph the following:

"Whoever, except with the written permission of the Director of the United States Marshals Service, knowingly uses the words 'United States Marshals Service', 'U.S. Marshals Service', 'United States Marshal', 'U.S. Marshal', 'U.S.M.S.', or any colorable imitation of any such words, or the likeness of a United States Marshals Service badge, logo, or insignia on any item of apparel, in connection with any advertisement, circular, book, pamphlet, software, or other publication, or any play, motion picture, broadcast, telecast, or other production, in a manner that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the United States Marshals Service, or to convey the impression that such advertisement, circular, book, pamphlet, software, or other publication, or such play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the United States Marshals Service;".

HARKIN AMENDMENT NO. 1629

Mr. SESSIONS (for Mr. HARKIN) proposed an amendment to the bill, H.R. 1847, supra; as follows:

At the appropriate place, add the following:

SEC. . DISCLOSURE OF CERTAIN RECORDS FOR INVESTIGATIONS OF TELEMARKETING FRAUD.

Section 2703(c)(1)(B) of title 18, United States Code, is amended—

(1) by striking out "or" at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following:

"(iv) submits a formal written request relevant to a law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is in section 2325 of this title).".

THE SENIOR CITIZEN HOME EQUITY PROTECTION ACT HOUSING PROGRAMS EXTENSION ACT OF 1997

D'AMATO AMENDMENT NO. 1630

Mr. SESSIONS (for Mr. D'AMATO) proposed an amendment to the bill (S. 562) to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Citizen Home Equity Protection Act".

TITLE I—SENIOR CITIZEN HOME EQUITY PROTECTION

SEC. 101. DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.

Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and";

(2) in paragraph (9)(F), by striking "and";

(3) in paragraph (10), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services.".

SEC. 102. IMPLEMENTATION.

(a) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by section 101 in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under subsection (b).

(b) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by section 101. Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(3)(B) of such section).

TITLE II—TEMPORARY EXTENSION OF PUBLIC HOUSING AND SECTION 8 RENTAL ASSISTANCE PROVISIONS

SEC. 201. PUBLIC HOUSING CEILING RENTS AND INCOME ADJUSTMENTS AND PREFERENCES FOR ASSISTED HOUSING.

Section 402(f) of The Balanced Budget Downpayment Act, I (42 U.S.C. 1437aa note) is amended by striking "and 1997" and inserting ", 1997, and 1998".

SEC. 202. PUBLIC HOUSING DEMOLITION AND DISPOSITION.

Section 1002(d) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995 (42 U.S.C. 1437c note) is amended by striking "September 30, 1997" and inserting "September 30, 1998".

SEC. 203. PUBLIC HOUSING FUNDING FLEXIBILITY AND MIXED-FINANCE DEVELOPMENTS.

(a) EXTENSION OF AUTHORITY.—Section 201(a)(2) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437*l* note) is amended to read as follows:

"(2) APPLICABILITY.—Section 14(q) of the United States Housing Act of 1937 shall be effective only with respect to assistance provided from funds made available for fiscal year 1998 or any preceding fiscal year, except that the authority in the first sentence of section 14(q)(1) of that Act to use up to 10 percent of the allocation of certain funds for any operating subsidy purpose shall not apply to amounts made available for fiscal year 1998.".

(b) MIXED FINANCE.—Section 14(q)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437*l*(q)(1)) is amended by inserting after the first sentence the following: "Such assistance may involve the drawdown of funds on a schedule commensurate with construction draws for deposit into an interest earning escrow account to serve as collateral or credit enhancement for bonds issued by a public agency for the construction or rehabilitation of the development.".

SEC. 204. MINIMUM RENTS.

Section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 40) is amended in the matter preceding paragraph (1) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998".

SEC. 205. PROVISIONS RELATING TO SECTION 8 RENTAL ASSISTANCE PROGRAM.

Section 203(d) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134)) (42 U.S.C. 1437f note) is amended by striking "and 1997" and inserting ", 1997, and 1998".

TITLE III—REAUTHORIZATION OF FEDERALLY ASSISTED MULTIFAMILY RENTAL HOUSING PROVISIONS

SEC. 301. MULTIFAMILY HOUSING FINANCE PILOT PROGRAMS.

Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (b)(5), by inserting before the period at the end of the first sentence the following: ", and not more than an additional 15,000 units during fiscal year 1998"; and

(2) in the first sentence of subsection (c)(4)—

(A) by striking "and" and inserting a comma; and

(B) by inserting before the period at the end the following: ", and not more than an additional 15,000 units during fiscal year 1998".

SEC. 302. HUD DISPOSITION OF MULTIFAMILY HOUSING.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended by inserting after "owned by the Secretary" the following: ", including the provision of grants and loans from the General Insurance Fund for the necessary costs of rehabilitation or demolition,".

SEC. 303. MULTIFAMILY MORTGAGE AUCTIONS.

Section 221(g)(4)(C) of the National Housing Act (12 U.S.C. 1715*l*(g)(4)(C)) is amended—

(1) in the first sentence of clause (viii), by striking "September 30, 1996" and inserting "December 31, 2000"; and

(2) by adding at the end the following:

"(ix) The authority of the Secretary to conduct multifamily auctions under this subparagraph shall be effective for any fiscal year only to the extent and in such amounts as are approved in appropriations Acts for the costs of loan guarantees (as defined in section 502 of the Congressional Budget Act of 1974), including the cost of modifying loans.".

SEC. 304. CLARIFICATION OF OWNER'S RIGHT TO PREPAY.

(a) PREPAYMENT RIGHT.—Notwithstanding section 211 of the Housing and Community Development Act of 1987 or section 221 of the Housing and Community Development Act of 1987 (as in effect pursuant to section 604(c) of the Cranston-Gonzalez National Affordable Housing Act), subject to subsection (b), with respect to any project that is eligible low-income housing (as that term is defined in section 229 of the Housing and Community Development Act of 1987)—

(1) the owner of the project may prepay, and the mortgagee may accept prepayment of, the mortgage on the project, and

(2) the owner may request voluntary termination of a mortgage insurance contract with respect to such project and the contract may be terminated notwithstanding any requirements under sections 229 and 250 of the National Housing Act.

(b) CONDITIONS.—Any prepayment of a mortgage or termination of an insurance contract authorized under subsection (a) may be made—

(1) only to the extent that such prepayment or termination is consistent with the terms and conditions of the mortgage on or mortgage insurance contract for the project; and

(2) only if owner of the project involved agrees not to increase the rent charges for any dwelling unit in the project during the 60-day period beginning upon such prepayment or termination.

TITLE IV—REAUTHORIZATION OF RURAL HOUSING PROGRAMS

SEC. 401. HOUSING IN UNDERSERVED AREAS PROGRAM.

The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997, 1998, and 1999".

SEC. 402. HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES AND OTHER LOW-INCOME PERSONS AND FAMILIES.

(a) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

(b) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997, 1998, and 1999".

SEC. 403. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (q), by striking paragraph (2) and inserting the following:

"(2) ANNUAL LIMITATION ON AMOUNT OF LOAN GUARANTEE.—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such amount as may be provided in appropriation Acts for such fiscal year.";

(2) by striking subsection (t) and inserting the following:

"(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1998 and 1999 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year."; and

(3) in subsection (u), by striking "1996" and inserting "1999".

TITLE V—REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PROGRAM

SEC. 501. PROGRAM EXPIRATION.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 502. BORROWING AUTHORITY.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 503. EMERGENCY IMPLEMENTATION OF PROGRAM.

Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking "September 30, 1996" and inserting "September 30, 1999".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS FOR STUDIES.

Subsection (c) of section 1376 of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)) is amended to read as follows:

"(c) For studies under this title, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999, which shall remain available until expended.".

TITLE VI—NATIVE AMERICAN HOUSING ASSISTANCE

SEC. 601. SUBSIDY LAYERING CERTIFICATION.

Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is amended—

(1) by striking "certification by the Secretary" and inserting "certification by a recipient to the Secretary"; and

(2) by striking "any housing project" and inserting "the housing project involved".

SEC. 602. INCLUSION OF HOMEBUYER SELECTION POLICIES AND CRITERIA.

Section 207(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137(b)) is amended—

(1) by striking "TENANT SELECTION.—" and inserting "TENANT AND HOMEBUYER SELECTION.—";

(2) in the matter preceding paragraph (1), by inserting "and homebuyer" after "tenant"; and

(3) in paragraph (3)(A), by inserting "and homebuyers" after "tenants".

SEC. 603. REPAYMENT OF GRANT AMOUNTS FOR VIOLATION OF AFFORDABLE HOUSING REQUIREMENT.

Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended by striking "section 205(2)" and inserting "section 205(a)(2)".

SEC. 604. UNITED STATES HOUSING ACT OF 1937.

(a) IN GENERAL.—Section 501(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (110 Stat. 4042) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively.

(b) UNITED STATES HOUSING ACT OF 1937.—Section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e) is amended by striking subsection (h).

SEC. 605. MISCELLANEOUS.

(a) DEFINITION OF INDIAN AREAS.—Section 4(10) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(10)) is amended to read as follows:

"(10) INDIAN AREA.—The term 'Indian area' means the area within which an Indian tribe or a tribally designated housing entity, as authorized by 1 or more Indian tribes, provides assistance under this Act for affordable housing.".

(b) CROSS-REFERENCE.—Section 4(12)(C)(i)(II) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12)(C)(i)(II)) is amended by striking "section 107" and inserting "section 705".

(c) CLARIFICATION OF CERTAIN EXEMPTIONS.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: "This subsection applies only to rental dwelling units (other than lease-purchase dwelling units) developed under—

"(1) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); or

"(2) this Act.".

(d) APPLICABILITY.—Section 101(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(d)(1)) is amended by inserting before the semicolon at the end the following: ", except that this paragraph only applies to rental dwelling units (other than lease-purchase dwelling units) developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) or under this Act".

(e) SUBMISSION OF INDIAN HOUSING PLAN.—Section 102(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(a)) is amended—

(1) in paragraph (1), by inserting "(A)" after "(1)";

(2) in paragraph (1)(A), as so designated by paragraph (1) of this subsection, by adding "or" at the end;

(3) by striking "(2)" and inserting "(B)"; and

(4) by striking "(3)" and inserting "(2)".

(f) CLARIFICATION.—Section 103(c)(3) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113(c)(3)) is amended by inserting "not" before "prohibited".

(g) APPLICABILITY OF PROVISIONS OF CIVIL RIGHTS.—Section 201(b)(5) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)(5)) is amended—

(1) by striking "Indian tribes" and inserting "federally recognized tribes and the tribally designated housing entities of those tribes"; and

(2) by striking "under this subsection" and inserting "under this Act".

(h) ELIGIBILITY.—Section 205(a)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" at the end; and

(2) by striking subparagraph (B) and inserting the following:

"(B) in the case of a contract to purchase existing housing, is made available for purchase only by a family that is a low-income family at the time of purchase;

"(C) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, is made available for lease-purchase only by a family that is a low-income family at the time the agreement is entered into; and

"(D) in the case of a contract to purchase housing to be constructed, is made available for purchase only by a family that is a low-income family at the time the contract is entered into; and".

(i) TENANT SELECTION.—Section 207(b)(3)(B) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137(b)(3)(B)) is amended by striking "of any rejected applicant of the grounds for any rejection" and inserting "to any rejected applicant of that rejection and the grounds for that rejection".

(j) AVAILABILITY OF RECORDS.—Section 208 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138) is amended—

(1) in subsection (a), by striking "paragraph (2)" and inserting "subsection (b)"; and

(2) in subsection (b), by striking "paragraph (1)" and inserting "subsection (a)".

(k) IHP REQUIREMENT.—Section 184(b)(2) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(b)(2)) is amended by striking "that is under the jurisdiction of an Indian tribe" and all that follows before the period at the end.

(*l*) AUTHORIZATION OF APPROPRIATIONS.—Section 184(i)(5)(C) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(5)(C)) is amended by striking "note" and inserting "not".

(m) ENVIRONMENTAL REVIEW UNDER THE INDIAN HOUSING LOAN GUARANTEE PROGRAM.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended—

(1) by redesignating subsection (k) as subsection (*l*); and

(2) by inserting after subsection (j) the following:

"(k) ENVIRONMENTAL REVIEW.—For purposes of environmental, review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other law that furthers the purposes of that Act, a loan guarantee under this section shall—

"(1) be treated as a grant under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

"(2) be subject to the regulations promulgated by the Secretary to carry out section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115).".

(n) PUBLIC AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—Title IV of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161 et seq.) is amended by adding at the end the following:

"SEC. 408. PUBLIC AVAILABILITY OF INFORMATION.

"Each recipient shall make any housing plan, policy, or annual report prepared by the recipient available to the general public.".

(2) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents by

inserting after the item relating to section 407 the following:

"Sec. 408. Public availability of information.".

(o) NON-FEDERAL FUNDS.—Section 520(*l*)(5)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(*l*)(5)(B)) is amended by striking "and Indian housing authorities" and inserting "and units of general local government".

(p) INELIGIBILITY OF INDIAN TRIBES.—Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h–1) is amended by striking "fiscal year 1997" and inserting "fiscal year 1998".

(q) INDIAN HOUSING EARLY CHILDHOOD DEVELOPMENT PROGRAM.—

(1) REPEAL.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–11 note) is repealed.

(2) TECHNICAL CORRECTION.—

(A) IN GENERAL.—Section 501(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (110 Stat. 4042), and the amendment made by that section, is repealed.

(B) APPLICABILITY.—Section 519 of Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437a–1) shall be applied and administered as if section 501(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (104 Stat. 4042) had not been enacted.

(3) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall be construed to have taken effect on October 26, 1996.

(r) TRIBAL ELIGIBILITY UNDER THE DRUG ELIMINATION PROGRAM.—The Public and Assisted Housing Elimination Act of 1990 (42 U.S.C. 11901 et seq.) is amended—

(1) in section 5123, by inserting "Indian tribes," after "tribally designated housing entities,";

(2) in section 5124(a)(7), by inserting ", Indian tribe," after "agency";

(3) in section 5125(a), by inserting "Indian tribe," after "entity,"; and

(4) in section 5126, by adding at the end the following:

"(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).".

(s) REFERENCE IN THE PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.—Section 5126(4)(D) of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11905(4)(D)) is amended by inserting "of 1996" before the period.

THE 50 STATES COMMEMORATIVE COIN PROGRAM ACT

D'AMATO (AND SARBANES) AMENDMENT NO. 1631

Mr. SESSIONS (for Mr. D'AMATO, for himself and Mr. SARBANES) proposed an amendment to the bill (S. 1228) to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes; as follows:

On page 14, strike lines 4 through 10.

At the appropriate place, insert the following:

SEC. . RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to evidence any intention to eliminate or to limit the printing or circulation of United States currency in the $1 denomination.

COATS AMENDMENT NO. 1632

Mr. SESSIONS (for Mr. COATS) proposed an amendment to the bill, S. 1228, supra; as follows:

On page 8, line 11, strike "clad".

THE FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

McCAIN (AND HOLLINGS) AMENDMENT NO. 1633

(Ordered to lie on the table.)

Mr. SESSIONS (for Mr. MCCAIN, for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by them to the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and developing programs for fiscal years 1998 through 2000, and for other purposes; as follows:

On page 12, line 10, strike "$229,673,00," and insert "$226,800,000,".

On page 12, line 25, strike "$56,045,00," and insert "$53,759,000,".

On page 13, line 1, strike "$27,137,00," and insert "$26,550,000,".

On page 13, line 6, strike "activities.'.;; and insert "activities; and"

On page 13, between lines 6 and 7, insert the following:

"(5) for fiscal year 1999, $229,673,000.".

On page 13, line 17, strike "leges" and insert "leges, including Historically Black Colleges and Universities and Hispanic Serving Institutions,".

On page 15, line 18, strike "**NOTICE OF REPROGRAMMING.**" and insert "**NOTICES.**".

On page 15, line 19, insert "(a) REPROGRAMMING.—" before "If".

On page 16, between lines 2 and 3, insert the following:

(b) NOTICE OF REORGANIZATION.—The Administrator of the Federal Aviation Administration shall provide notice to the Committees on Science, Transportation and Infrastructure, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization (as determined by the Administrator) of any program of the Federal Aviation Administration for which funds are authorized by this Act.

Amend the title so as to read "A Bill to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999, and for other purposes.".

ADDITIONAL STATEMENTS

VETERANS DAY PRESENTATION OF THE SILVER STAR MEDAL TO ALBERT SPONHEIMER, JR.

• Mr. JEFFORDS. Mr. President, on Veterans' Day, I will be participating in a very special ceremony for a very special individual. The occasion is the presentation of a Silver Star Medal 53 years after the event to a World War II veteran named Albert Sponheimer. It gives me great pleasure to submit, for the RECORD, the text of my remarks:

The remarks follow:

SILVER STAR MEDAL PRESENTATION TO ALBERT SPONHEIMER, JR.

I am so proud to be here today to honor Al Sponheimer in front of his family and friends and, of course, all of you in the audience—students who are fortunate enough to witness this historic event.

This is the part of my job I love the most—the fact that we are all here today, 53 years, 5 months and 5 days after the event to witness the presentation of a Silver Star Medal for heroism. Al Sponheimer, a veteran of the Second World War, is a testament to the saying that perseverance pays off.

Al Sponheimer first contacted my office back in December 1994. In a characteristically modest manner, he asked for information about how he might get his Silver Star, in the absence of official documentation, 50 years after the fact. I could see that Al was not comfortable pursuing this, but was probably goaded into it by the four gentlemen sitting next to him today.

Anyway, back to the story. Soon after, we received a letter from Captain Heitz outlining Mr. Sponheimer's heroic actions on June 6, 1944. He wrote:

"PFC Sponheimer was one of two aides men assigned to my battery. In fact, I was his first battlefield patient. He was seen giving first aid to anyone who needed it, not necessarily Battery A personnel. He roamed almost the full length of Omaha Beach, helping where he could while many around him were wounded by flying shrapnel or ricocheting bullets fired from the Germans on the bluff of Omaha Beach"

Once the Army read this letter, I thought for sure they would send Mr. Sponheimer's medal by return mail. This was not the case. The time for consideration of WWII medal requests had expired. We had to apply to the Board for Correction of Military Records where the average length of time for consideration of these requests is about 2 years. The application was sent in on February 7, 1996. 18 months later the Board made a favorable decision—Al would finally receive his Silver Star.

And that is what brings us here today—appropriately on Armistice Day—to correct a 53-year-old record and honor a person who, under enemy fire, performed heroically.

Mr. President, thank you again for this opportunity to submit my remarks for the RECORD. I hope Mr. Sponheimer's story will inspire other veterans to pursue their entitlement to military medals or awards, even if the lapse in time seems insurmountable.

I also want to extend my condolences to the Sponheimer family at the recent and untimely passing of Al's wife, Audrey. I know her absence will be deeply felt by Al, their children and grandchildren on this special day. •

THE WALT DISNEY CO.: 1997 CORPORATION OF THE YEAR

• Mrs. BOXER. Mr. President, I rise today to congratulate the Walt Disney Co. for being honored as the 1997 Corporation of the Year by the Minority

Business Enterprise Input Committee of the Southern California Regional Purchasing Councils [SCRPC], a group of 225 large-scale purchasers located in a 13-county area of southern California.

Formed in 1975, SCRPC seeks to stimulate economic growth and help develop enterprises that can provide useful goods and services at competitive prices, increase employment for underemployed groups, and help bring disadvantaged enterprises into America's market economy.

The Walt Disney Co. earned this prestigious award through its leadership in working with minority-owned businesses. Disney has operated a minority and women business enterprise program for more than 15 years, and now does business with more than 900 minority-owned and 600 female-owned businesses.

This special recognition by the SCRPC reflects the high regard suppliers have for Disney's outreach and diversity policies.

It is a great pleasure to honor and recognize the initiative and leadership that has led to this outstanding honor for the Walt Disney Co.●

TRIBUTE TO ALBERT W. MOORE

● Mr. CHAFEE. Mr. President, I would like to pay tribute to Albert W. Moore for his leadership in a critical American industry. Mr. Moore is retiring after serving 8 years as president of the Association for Manufacturing Technology [AMT], a trade group which represents 374 American builders of machine tools and related equipment. His distinguished career in the industry has spanned 43 years.

The machine tool industry is vital to our country, making possible the production of almost every product which our society today enjoys. More important, these powerful and precise machines are a vital key to the Nation's defense.

During his tenure as president, and earlier as the elected chairman of the association. Mr. Moore has worked to ensure that the U.S. industry was technologically equal to any in the world, and that its companies are strong and well run.

Mr. Moore's efforts have greatly enhanced the position of our machine tool industry, and I congratulate him for a job well done.●

WELCOME HOME 452D ARMY RESERVE ORDNANCE COMPANY

● Mr. JOHNSON. Mr. President, I would like to take this opportunity to welcome home the men and women of the 452d Ordnance Company, an Army Reserve unit based in Aberdeen, SD, and congratulate them on successfully completing their recent mission to Hungary in support of Bosnian peacekeeping efforts.

The 452d is one of only six direct support ordnance units in the entire U.S. Army. The 452d is also a tier 2A high priority unit, which means that the members of this unit are well-trained, have adequate manpower, and have a high level of readiness. The men and women of the 452d pride themselves on their ability to quickly and effectively mobilize when their country calls upon them.

The 452d has an impressive history of serving the Nation. The 452d Ordnance Company was the first unit in the 6th Army to be deployed during Operation Desert Storm. The members performed extremely well during this mobilization and received the Meritorious Unit Commendation from the Secretary of the Army for their outstanding service. As you know, Mr. President, this is an extremely prestigious award with only a handful of National Guard and Reserve units having ever received it. Furthermore, the 452d was recently inspected and found to be performing at such an outstanding level that the unit is being recommended for the Meritorious Unit Commendation once again. Most units would be honored to simply be nominated for this award, and it is truly a sign of the 452d's excellence that it may receive the award twice.

In addition to helping lead coalition forces to victory in the Middle East, the 452d brought relief to many in their hometown of Aberdeen, SD, by aiding emergency management efforts in recent winter storms and flooding. The 452d is a shining example of how reserve units across the country are being called upon more frequently to serve their country both at home and abroad.

The men and women of the 452d began their most recent, and perhaps most demanding, mission in March of this year when 83 members of the unit were mobilized for duty in Europe. For the past 8 months, these individuals were stationed at Taszar Air Base, Hungary, supporting peacekeeping efforts in Bosnia. Unit members were rotated into Bosnia from time to time, venturing inside one of the most politically volatile areas in the world.

Of course, the soldiers who were mobilized were not the only ones who sacrificed in service to their country. The families of these servicemembers also exhibited extreme courage in facing new challenges and additional responsibilities in the absence of their loved ones. To help with that transition, the 452d Family Support Group provided guidance, assistance, and support. In fact, during the Persian Gulf conflict, the 452d Family Support Group received the Best Small Unit Family Outreach Program Award from the 96th Army Reserve Command. The 452d Family Support Group met every Wednesday to discuss the ways in which they could best support family members of the mobilized soldiers. On Saturdays, they frequently showed videos of the mobilized soldiers stationed in Hungary and provided access to e-mail for communication between soldiers and their family members.

Each and every family member deserves recognition, but at the risk of leaving someone out, I would like to mention the following officers of the 452d Family Support Group: Sandy Robinson, South Dakota Reserve Family Support leader; Ronnie Evenson, unit leader; Becky Parker, group leader; Lois Beckner, group leader; Mary Ewalt, group leader; and Donna Schulte, assistant group leader.

I would also like to mention the important service provided by the unit members who were not mobilized, but who remained in South Dakota and provided the ever-important moral support to their colleagues serving overseas. These individuals, including mechanics, administrative personnel, and others, continue to ensure that the unit is ready to serve their Nation at a moment's notice.

It is also important to recognize those employers who stood by their employees called upon to serve their nation. The commitment of employers like these allow our country to rely so heavily on its reserve and guard forces.

It is with much relief and pride that I join the family members of the 452d and all South Dakotans in welcoming the following troops safely home from their mission. It is from this service that the 452d has formed a strong bond with the community of Aberdeen and the State of South Dakota, and I thank them for their service.

Sgt. Brian Allmendinger, Spc. Joellen Allmendinger, Spc. J. Arlt, Spc. Travis Atkinson, 1st Sgt. Troy Beckner, Spc. Michael Bell, S.Sgt. Chad Bierman, Sgt. Kirk Bierschenk, Sgt. Scott Black, Pfc. Wileen Blacklance, Spc. Hollie Breitag, S.Sgt. Rodney Buck, CW2 Aaron Donat, Sgt. Eric Donat, S.Sgt. Joel Donat, S.Sgt. Mark Dunwoody, Sfc. Ronald Evenson, S.Sgt. Michael Ewalt, Sgt. Janel Fonder, Spc. Robin Freeland, Sgt. Calvin Gardner, Sgt. Chad Gardner, Sgt. Brian Grabowska, Sgt. Kevin Gustafson, Sgt. Daniel Haberling, Spc. Kristi Heintzman, S.Sgt. Brabdon Herold, Sgt. Adam Heyd, Spc. Joshua Horner, Sgt. Sean Johnson, S.Sgt. Stanley Kannas, Spc. Justin Kappes, Sgt. Daniel Karst, Sgt. Jyson Karst, S.Sgt. Daryl Kiefer, S.Sgt. Gary Kindle, Spc. Deric Knutson, Sgt. Deidra Kolb, S.Sgt. Gene Kopetsky, S.Sgt. Donald Kraemer, S.Sgt. Scott Lane, Sfc. Thomas Mailloux, S.Sgt. David Manning, Sgt. Philip Marnette, Spc. Rebecca McGannon, Pfc. Shawn Nash, Spc. John Naumann, Spc. Britt Nelson, Sgt. Jeffrey Norden, Spc. Benjamin Ochs, 1st Lt. Kritina Ochsner, Sgt. Lance Ordal, S.Sgt. Darrell Pfeifle, Sgt. Jerry Plank, Spc. Derrick Quitsch,

Spc. Jammey Rawden, CW4 Freddie Robinson, S.Sgt. Kevin Roush, S.Sgt. Jason Rydberg, Spc. Joshua Ryowski, S.Sgt. Todd Salfrank, Sgt. Robert Sayer, Sgt. Justin Scepaniak, S.Sgt. Paul Schilling, Sgt. Dawn Schlotte, 1st Lt. John Schulte, Sgt. Jeffrey Severson, Spc. Cassandra Shaffer, Sgt. Michael Stofferahn, Sgt. Kenneth Sutton, Sgt. Wade Taylor, Sgt. Tonda Thomas, S.Sgt. Terry Thue, Sgt. Joseph Thyne, WOC David Trego, S.Sgt. Chad Vetter, S.Sgt. Tamera Voss, Sgt. James Welch, Spc. Charles Willis, Sgt. Shannon Wright, and S.Sgt. Kenneth Young.•

INTERNATIONAL SATELLITE REFORM

• Mr. BURNS. Mr. President, in recent days, Chairman MCCAIN and I have addressed the Commerce Committee's communications agenda for next year. I expect the Communications Subcommittee, which I chair, to have an active and full slate of issues as we approach the second session of the 105th Congress.

Chairman MCCAIN and I have agreed that the Communications Subcommittee will hold a series of oversight hearings on the implementation of the Telecommunications Act of 1996. We will examine the degree to which the act has met its objectives of promoting competition and deregulation. We will examine the level of competition in the local and long-distance markets, between cable companies and alternative video providers, competition in the wireless industry and other important issues. We will devote considerable attention to interconnection issues and universal service.

I would like to address in some depth an issue that will be one of the most important issues before the Communications Subcommittee, that of international satellite reform.

The Communications Subcommittee has already begun to examine the international satellite communications market. On July 25 of this year, the subcommittee held a very informative hearing on this vital issue. We learned of the need for further changes in the regulation of the international market. We need to promote greater competition internationally while lifting unneeded regulations domestically. The issues in this debate are complex—they involve trade policy, fair treatment for those with existing investments, allocations of spectrum and orbital slots, market access, and elimination of outdated regulations.

Recently, my colleague from Hawaii, Senator INOUYE, introduced S. 1328, which is virtually identical to a bill introduced earlier this year in the House by Chairman Bliley. Senator INOUYE has stated that he hopes his bill will help "spur debate on this important issue." I share this hope. Senator INOUYE's bill has been referred to the Commerce Committee. I look forward to working with him and others next year to develop an appropriate international satellite policy for the future, and also to address other domestic satellite issues.

As we move forward, I am going to be guided by the principles of former President Ronald Reagan. In 1984, President Reagan signed an Executive order that effectively eliminated outdated regulations and allowed U.S.-licensed satellite companies to compete around the world. That competition has resulted in greater consumer choices, lower prices, and the ability to reach anyone anywhere in the world.

Now as we approach the turn of the century, we need to complete President Reagan's vision. The Satellite Act, which was enacted in 1962 at a time when satellites were still experimental, has become outdated. This country cannot afford to have an industry guided by rules that were created in the days of Sputnik. We need to look forward at ways to roll back unwarranted regulations and fully unleash the potential that this industry holds.

I share the goals of increasing competition, privatizing intergovernmental organizations, and enhancing market access abroad for American satellite companies. Any legislative action should be designed to promote opportunities for American businesses, while making sure they are not harmed by the very effort that seeks to enhance their ability to succeed in the international marketplace. These are extremely complex issues and there may be different paths that lead to the same goals. The approach the subcommittee will take in further exploring these issues will be balanced. We will examine in detail how best to eliminate outdated regulations, address universal service concerns, and provide for the needed flexibility to achieve an international agreement on satellite policy.

I will continue to work with the Communications Subcommittee on this critical issue. I look forward to holding further hearings, and intend to develop legislation with Chairman MCCAIN, ranking member HOLLINGS, Senator INOUYE, and other committee members to establish fair rules that are competitively neutral for the international market.•

THE "ONE GOOD COW" PROJECT

• Mr. BAUCUS. Mr. President, I rise today to recognize the accomplishments of two outstanding Montana cattlewomen, Michelle Tebay and Lisa Schmidt of Whitehall, MT.

This past year has been tough in Montana and across the West for many cattle producers. They incurred severe losses due to floods and blizzards. But thanks to the hard work and vision of Michelle Tebay and Lisa Schmidt, hope is on the horizon. They initiated a project called "One Good Cow," and it certainly deserves our attention.

In Montana, we pride ourselves on looking out for one another—especially during challenging times. When Michelle heard about all the cattle losses Western ranchers were suffering, she contacted Lisa who works as an Ag Extension agent for Madison and Jefferson Counties. Together, the two women formulated a plan. And, that plan was to convince ranchers who survived the storms to help the less fortunate replenish their herds. The dream has become reality.

Today, the "One Good Cow" project is working to collect and transport 80,000 healthy, pregnant cows to folks who lost significant portions of their herds last winter. And the good news is that their fellow ranchers from across the Nation are donating these cattle. This teamwork has resulted in success for all. It has even gained national media attention and will be featured on national TV network news later this week.

The "One Good Cow" program is a prime example of how ranchers from all over the United States can work together in times of adversity. That shouldn't surprise anyone. Ranchers have always relied on each other as they face the worst that Mother Nature has to offer.

But the real credit goes to Michelle and Lisa. Mr. President, it is impossible to count the number of lives that will be touched by their idea. I would just like to add my voice to all the others and say "Thank you, so much, Michelle and Lisa."

I encourage all of my colleagues to become familiar with the "One Good Cow" Program and give it their full support. Our ranchers are depending on it.•

PROTECTION OF U.S. BORDERS

• Mr. GRAMM. Mr. President, when we convene for the second session of the 105th Congress, I will introduce legislation which will authorize the U.S. Customs Service to acquire the necessary personnel and technology to execute their duties at our international borders with Mexico and Canada. Specifically, my proposal is designed to reduce delays at border crossings to not more than 20 minutes, while maintaining—in fact, strengthening—our commitment to interdict illegal narcotics and other contraband.

In working with local officials, businesses, the Border Trade Alliance, and several of my colleagues, it has become evident that the best way to accomplish these objectives is to increase Customs staffing and provide the technological resources that can give them the best chance at accomplishing their mission. Customs staffing needs to be

increased significantly to facilitate the flow of substantially increased traffic on both the southwestern and northern borders. The practical effect of these personnel increases will be to open all the existing primary inspection lanes where congestion is a problem during peak hours and enhance investigative resources on the Southwest border.

I am very concerned about the impact on Texas and the Nation of narcotics trafficking and have worked closely with Federal and State law enforcement officials to identify and secure the necessary resources to battle the onslaught of illegal drugs. At the same time, however, our current enforcement strategy—which is burdened by insufficient staffing and a virtual absence of vital interdiction technology—is effectively closing the door to legitimate trade.

Long traffic lines at our international crossings serve no useful purpose and are counterproductive to improving our trade relationship with Mexico. At a time when NAFTA and the expanding world marketplace are making it possible for us to create more commerce, freedom, and opportunity for people on both sides of the border, it is important that we eliminate the border crossing delays that are stifling these goals.

My bill will be designed to shorten those lines and promote legitimate commerce, while providing the Customs Service with the means necessary to eliminate the drug trafficking operations that are now rampant along the 1,200-mile border that my State shares with Mexico. I will be speaking further to my colleagues about this initiative and urge their support for the bill.●

FAST-TRACK LEGISLATION

Mr. FEINGOLD. Mr. President, I want to offer some thoughts on the proposed fast-track legislation.

A number of other Members have made some excellent points on this subject, in large part reflecting my own views.

This is especially true of the comments made by the senior Senator from West Virginia [Mr. BYRD], and I want to commend him for his constancy on this critical issue of preserving the constitutional role of Congress in matters of trade.

He has rightly framed this issue, not as a question of favoring or opposing free or fair trade, but as a question of what role Congress plays in trade agreements.

Mr. President, the fast-track proposal we are considering, and its predecessors, are quite recent inventions.

Prior to the Tokyo round of the GATT, there was no fast-track mechanism.

In fact, of the hundreds and hundreds of trade agreements our Nation has negotiated and entered into, only five have used the fast-track procedures.

Mr. President, this should dispose of the argument that fast track is necessary for us to negotiate trade agreements.

Fast track has been the exception, not the rule, with regard to trade negotiations.

I understand this administration has negotiated and implemented over 200 trade agreements without fast track.

What were some of those agreements?

Well, Mr. President, they included: the market access agreement with Argentina for textiles and clothing; the market access agreement with Australia for textiles and clothing; the agreement on bilateral trade relations with Belarus; the market access agreement with Brazil for textiles and clothing; an agreement concerning intellectual property rights with Bulgaria; an agreement between the United States of America and the Kingdom of Cambodia on trade relations and intellectual property rights protection; the agreement on salmon and herring with Canada; the agreement on ultra-high temperature milk with Canada; the agreement on trade in softwood lumber with Canada; the agreement on intellectual property rights protection with Ecuador; a memorandum of understanding on trade in bananas with Costa Rica; several agreements with the European Union; an agreement on intellectual property rights protection with India; several dozen agreements with Japan; several dozen agreements with Korea; and many, many more agreements with dozens of other countries.

And not only bilateral agreements, Mr. President, but also multilateral agreements such as the complex Multilateral Agreement on Investment, the Information Technology Agreement, and the Telecomm Agreement—these last two having been both negotiated and implemented without fast-track procedures.

Indeed, Mr. President, the phrase "fast-track negotiating authority" is a misnomer.

The President already has the authority to negotiate and implement trade agreements.

That broad authority was most recently extended indefinitely to the President as part of the 1994 GATT Uruguay round implementing legislation.

That authority, called "Proclamation Authority," has its roots in the Reciprocal Trade Act of 1934, which allowed a President to "enter into foreign trade agreements * * * and to proclaim such modifications of existing duties and other import restrictions * * * as are required or appropriate to carry out any foreign trade agreement."

Mr. President, while the ability to negotiate and enter into international agreements are inherently part of the President's constitutional powers, the Constitution grants exclusive authority to Congress "to regulate Commerce with foreign nations."

Congress has sole constitutional authority over setting tariff levels and making or changing Federal law.

With the 1934 act, though, Congress delegated some of its authority to the President when the number and frequency of trade negotiations began increasing.

It is under this "Proclamation Authority" that President Clinton has negotiated and entered into over 200 trade agreements.

And he is free to continue that work.

He did not need fast track to negotiate those agreements, and he does not need it to negotiate additional agreements.

At a recent meeting on this very issue, one of the participants suggested that everyone ought to pay a one dollar fine every time they used the phrase "fast-track negotiating authority," because it was so fundamentally misleading.

Mr. President, the Senate might consider adopting such a rule, and if we did adopt a $1 fine for using the phrase "fast-track negotiating authority," we might balance the budget ahead of schedule, maybe even begin to pay down the debt.

Until we do adopt such a rule, Mr. President, we will just have to be alert to the misuse of that phrase, and correct those who employ it.

Mr. President, those who support fast track constantly make the argument that if you want free trade, you have to enact fast track.

They equate fast track with free trade.

The reason is obvious.

The arguments for free trade are powerful.

Indeed, I agree with those arguments.

We as a nation are better off in a world with freer trade than we are without it.

But the underlying premise, that we need fast track to achieve free and fair trade, is absolutely false.

Mr. President, I have referred to the hundreds of trade agreements negotiated by this Administration without fast-track procedures.

That is evidence enough.

But let me also argue that not only is fast track not necessary for free trade, it may actually undermine it.

Mr. President, one of the greatest defects of the recently enacted NAFTA and GATT agreements was the perception that those agreements picked winners and losers.

I believe strongly that those perceptions are based on reality, that some industries were huge winners in those agreements, while other industries were effectively written off.

Mr. President, Wisconsin had more than its share of those industries that

were written off, and at the top of that list, at the very top was the dairy farmer.

There is no doubt in my mind that other industries were given a higher priority than our dairy farmers, and the results of those agreements underscore that feeling.

Under the GATT, the European Union is allowed to export 20 times the amount of dairy products under subsidy that the United States is allowed to export.

Mr. President, not only did we formally provide the EU this significant advantage in that agreement with respect to dairy, apparently the EU is not even complying with those incredibly generous limitations.

The lower priority industries do not end with dairy, and while our more populous cities—Milwaukee, Madison, Green Bay—experienced serious job the fallout from the winners and losers approach extended to many smaller communities.

Even if we only use the extremely conservative statistics collected by the Department of Labor—statistics which many argue grossly understate actual job loss—smaller communities all over Wisconsin have been the victim of this winners and losers approach to trade agreements.

These include places such as: DeForest, with 40 lost jobs; Elkhorn, with 50 lost jobs; Hawkins, with 443 lost jobs; Mauston, with 48 lost jobs; Merrill, with 84 lost jobs; Montello, with 25 lost jobs; Peshtigo, with 69 lost jobs; and Platteville, with 576 lost jobs.

Mr. President, to trade negotiators whose focus was on advancing the prospects of those industries they predetermined to be winners, the losses experienced elsewhere apparently were unfortunate but acceptable.

For the communities I mentioned, Mr. President, those losses were real—real workers with real families to support.

Mr. President, the fast-track procedures under which GATT and NAFTA were negotiated and implemented invites this kind of polarization at the negotiating table.

And it is this kind of economic disparity produced by these trade agreements—the picking of winners and losers—that undermines broad public support for pursuing free trade agreements.

Mr. President, free trade ought to benefit all sectors of the economy.

Without fast-track procedures, our negotiators will know their work product will undergo rigorous congressional scrutiny.

And they will know that it will be much more difficult to enact a trade agreement that disproportionately benefits some while disadvantaging others.

Mr. President, it is this kind of trade agreement—one which benefits the entire economy—that will enhance the cause of free trade.

Mr. President, fast track also encourages another disturbing trend in trade agreements, namely advancing the short-term interests of multinational corporations over those of the average worker and consumer.

The increasing globalization of the economy confronts us every day.

Few can doubt the enormous power multinational corporations wield in trade agreements, from the negotiating table itself to the closed-door bargaining that will go on before the implementing legislation is sent to Congress.

Fast track procedures make it all the easier for those interests to advance an agreement that may include provisions which conflict with the interests of our Nation.

With opposition to the entire agreement the only alternative left to Congress, and with the considerable weight of the multinational corporate interests behind any proposal, it is likely that Congress will swallow even a deeply flawed agreement.

Mr. President, what does that do for the public support necessary for free trade?

It severely undermines it, Mr. President, and puts future trade agreements that can enhance our economy at risk.

Fast track also undermines the cause of free trade in another important way, Mr. President.

The proposal we are considering partitions off a number of issues that are vital to achieving a sustainable trade agreement, including currency stability, human rights, and worker and environmental protections.

None of these issues is brought under fast-track procedures.

Mr. President, we have only to look to recent Mexican history, their political turmoil and fiscal roller coaster culminating in the peso crisis, to understand the importance of these other issues to the long-term success of any trade agreement.

Even NAFTA's most ardent supporters will concede these events severely undermined any benefits to our economy that were hoped for under that agreement.

Mr. President, one might have thought those events would have been a lesson on which we could draw.

Instead, the fast-track proposal actually backslides in this area.

And for what reason, Mr. President?

What possible reason can there be to specifically exclude these areas from fast-track procedures?

Some might suggest the reason is that while our national long-term interests could be well served by including these issues in a trade agreement to ensure a rising quality of living with our trading partners, such issues might conflict with the short-term goals of some multinational interests that look only at next year's bottom line.

Others might argue the reason stems from the desire of some interests to pursue a race to the bottom in worker and environmental protection, and in basic human rights.

Such interests can use the leverage of international trade to change those fundamental standards they have been unable to change directly.

Mr. President, there is certainly no argument that specifically excluding these issues from fast-track procedures will enhance our ability to negotiate.

Human rights, working conditions, environmental protections —these are all great strengths of this Nation.

Preventing our trade negotiators from drawing on these great national strengths limits our flexibility at the table.

There is no reason to tie our negotiators hands in these areas.

In this important regard, the fast-track proposal we are considering is a barrier to a sustainable free trade agreement.

Mr. President, let me turn to another provision in the current fast-track proposal.

It may surprise some to know that while specific issues closely related to the long-term success and sustainability of any trade agreement are excluded, the provisions which offset the costs of any trade agreement—provisions which have absolutely no connection to the trade agreement or the willingness of our partners to negotiate with us—those funding provisions are covered by fast-track procedures.

What does this mean, Mr. President?

It means that Congress cannot amend, it cannot even strike, provisions which are attached to implementing legislation to offset the costs of the trade agreement.

It means that the most unjustified funding mechanism attached to trade implementing legislation under fast track will remain unscathed.

Mr. President, let me stress these funding provisions are not part of the trade agreement itself.

Our trading partners do not get a say in how we offset the cost of a trade agreement.

One might ask, if our trading partners have no say in the offset provisions, why are those provisions included under fast-track procedures.

An excellent question, Mr. President.

Many of us will recall the GATT implementing measure which included some controversial funding provisions, including a change in the actuarial standards of the Pension Benefit Guarantee Corp. and what many viewed as a sweetheart deal for certain media giants that gave them preferential treatment with respect to FCC licenses.

Neither of those offsets had anything to do with the underlying trade agreement.

Both certainly deserved more scrutiny than they received under the constraints of fast-track procedures.

Whatever justification there may be for providing special procedures for

trade agreements, procedures which supporters argue are necessary to attract our trading partners to the table, there is no such justification for shielding the funding provisions from thorough congressional scrutiny and review.

Mr. President, we are talking about possible tax increases here.

Though not required, as I understand it, among the offsets that comply with our budget rules are tax increases.

To put it gently, it is ironic that many who would amend our Constitution to require a supermajority vote before any taxes could be increased are now prepared to support a fast-track bill that sweeps away even the most modest review of possible tax increases.

Evidently, as long as it is done in the name of free trade, even the most outrageous inconsistency is permitted.

Mr. President, let me reiterate that many of us who support free and fair trade find nothing inconsistent with that support and insisting that Congress be a full partner in approving agreements.

Indeed, as Senator BYRD has noted, support for fast-track procedures reveals a lack of confidence in the ability of our negotiators to craft a sound agreement, or a lack of confidence in the ability of Congress to weigh regional and sectoral interests against the national interest, or may simply be a desire by the administration to avoid the hard work necessary to convince Congress to support the agreements it negotiates.

Mr. President, I can think of no better insurance policy for a sound trade agreement than the prospect of a thorough Congressional review, complete with the ability to amend that agreement.

Not only would the threat of possible Congressional modification spur our negotiators to produce the best product possible, that potential for Congressional intervention could serve as an effective club in the hands of our negotiators when bargaining with our trading partners.

Mr. President, with hundreds of trade agreements negotiated and implemented without fast track, the refrain we hear again and again, that we need to enact fast track in order to negotiate trade agreements, is off key.

We do not need fast track to negotiate trade agreements.

As I have argued today, in several important ways, fast track invites bad trade agreements.

It produces agreements that pick winners and losers instead of advancing all sectors of the economy together.

It produces agreements designed to respond to the short-term interests of multinational corporations instead of fostering long-term sustainable economic growth.

It produces agreements that encourage a race-to-the-bottom in critical areas of human rights, and worker and environmental protection, instead of improving those standards around the World.

It protects the completely unrelated funding provisions in trade implementing legislation, and as such invites enormous abuse.

Mr. President, fast track is bad for free trade.

We don't need it, and we shouldn't enact it.

I urge my colleagues to join me in opposing this legislation, and in doing so, voting for free and fair trade.•

TRIBUTE TO DON NOEL

• Mr. DODD. Mr. President. As 1998 rolls around, so does another election. But this upcoming campaign season will be different from any other that I have ever known. For the first time since I entered public office in 1974, a certain dapper reporter with a flower in his lapel will not be there reporting the facts of the campaign and offering his assessments. Don O. Noel, Jr., who is one of the most prominent and respected journalists in Connecticut history, has retired after working for 39 years as a political reporter in Hartford.

Don Noel's career as a journalist dates all the way back to 1958, the year that my father was elected to the first of two terms as a U.S. Senator. It is amazing for anyone to have such a long career in any field, particularly in an area as mentally, physically, and emotionally demanding as journalism.

Don Noel started out as a writer for the Hartford Times, where he worked for 17 years. For a change of pace, he ventured into television journalism and spent a decade at WFSB–TV Channel 3. He eventually returned to print journalism in 1984 when he became a political columnist for the Hartford Courant, where he stayed until his retirement.

Don Noel was an old-school reporter in the truest and best sense of the term. He was always courteous and respectful of the people he interviewed and wrote about. At the same time, he refused to skirt around difficult issues and never refrained from asking stinging questions or making pointed comments. He felt that part of his role as a journalist was to comfort the afflicted and afflict the comfortable.

Don Noel was able to succeed for so long because he was a reporter of substance who cared about the truth and cared about his readers. He understood that his role as journalist was to hold politicians accountable for their actions and to serve as a watchdog on behalf of the general public.

Don Noel did more than simply report the facts, he also interpreted them. As an editorial page writer, he was responsible for offering his opinions on the issues of the day. Not everyone agreed with his ideas, but everyone respected them because they were always thoughtful and well-developed. Most of Mr. Noel's criticisms were aimed at those who tended to be a bit more conservative, but to the end he remained an equal opportunity critic. It didn't matter if you were a Democrat, Republican, or Independent; if you were a public official and Don Noel thought that you were anything less than an upstanding public servant, it's safe to say that your name would be in the paper that week.

One of his colleagues at the Hartford Courant noted that Don Noel was an institution not because of the number of years he put into service, but how well he applied them. I strongly concur with these sentiments and believe that Don Noel was one of the finest people that I have had the pleasure of knowing during my career in politics.

While his retirement is truly a loss for the people of Connecticut, I am glad that he will finally have more time to do the things that he truly enjoys. He has said that he plans to spend a good deal of his new-found free time doing community service work in the neighborhoods of northwest Hartford, where he has volunteered for more than a decade. He also hopes to travel with his wife and have an opportunity to try other kinds of writing in which he won't have a deadline hanging over his head. Whatever he chooses to do in his retirement, I wish him only the best, and I thank him for his many years of service to the people of Connecticut.•

TRIBUTE TO PIETRO PARRAVANO

• Mrs. BOXER. Mr. President, today I would like to recognize Pietro Parravano, a remarkable individual who has distinguished himself not only as an outstanding commercial fisherman, but as an eloquent ambassador for the fishing industry, regionally, nationally, and abroad.

A graduate of Eastern Michigan University, Mr. Parravano was an instructor of physics before becoming an active commercial fisherman 15 years ago. Mr. Parravano sails his vessel, the F/V *Ann-B*, from the port of Half Moon Bay in northern California.

A leader in the community, Pietro Parravano has represented the fishing industry in a variety of capacities. He has served as president of the Half Moon Bay Fishermen's Marketing Association, president of the Pacific Coast Federation of Fishermen's Associations, and chair of the Institute for Fisheries Resources. He is also a member of both the Local Fisheries Impact Program and the California Seafood Council.

Mr. Parravano has often played an important role in shaping sustainable fishing policies. He was appointed by the Governor to the Bay-Delta Advisory Committee, has been elected commissioner to the San Mateo County

Harbor Commission, and will soon serve as a United States delegate to the World Forum of Fish Harvesters and Fishworkers to be held in India.

Time and again, his colleagues, the community, and the Government have trusted Pietro Parravano to represent the interests of fisher men and women.

It is my pleasure to congratulate Pietro Parravano upon receiving the 1997 Highliner of the Year Award, the fishing industry's highest honor.

Mr. Parravano is a credit to the fishing industry and to the State of California. I applaud his record of outstanding and dedicated public service and extend to him my sincerest appreciation for his commitment to sustainable fishing and the betterment of the lives of fishing men and women.•

THE PROSTATE CANCER RESEARCH STAMP ACT

• Mr. BURNS. Mr. President, I am pleased to join with Senator SNOWE in introducing the Prostate Cancer Research Stamp Act of 1997 and urge the support of my colleagues. S. 1389 is a companion bill to Representative SHERROD BROWN's bill, H.R. 2545, which has 41 cosponsors.

The Prostate Cancer Research Stamp Act would authorize a new first-class stamp priced at up to 8 cents above a regular first-class stamp. Postal patrons who choose to purchase the prostate cancer stamp will be contributing to prostate cancer research at the National Cancer Institute. As important, a special prostate cancer stamp will help to raise awareness of this disease, promote screening, and save lives.

Prostate cancer, the most common form of cancer in American men, will take 41,000 lives this year, nearly approaching the breast cancer death toll of 44,300. One of every eight is at risk of getting prostate cancer. Unfortunately, as the number of prostate cancer cases rises dramatically, research funding lags far behind what is needed to fight this disease. Although prostate cancer accounts for nearly 25 percent of diagnosed non-skin cancer, only 3.7 percent of Federal cancer research dollars are devoted to fighting it.

Apart from the important contribution to prostate cancer research, the prostate cancer stamp will raise awareness of this disease and help to persuade men over age 40 to have annual prostate exams. Prostate cancer is detectable, and when found early is often fully treatable through several different methods, including surgical removal of the prostate and radiation treatment. Men must demand both a PSA blood test and a digital-rectal exam as part of their annual medical exam. At the recent Senate Aging Committee hearing on prostate cancer, I commented that we men are such crybabies that we go out of our way to avoid medical tests. The women at the hearing erupted in laughter, but the men were pretty quiet. The fact is that prostate cancer can only be treated early if it's detected early, and the long list of survivors all say that early detection made the difference.

The sooner we enact this bill and make a postage stamp available, the greater the number of men who will get tested; and more testing means more men will survive prostate cancer.•

THE 10TH ANNIVERSARY OF THE WETHERSFIELD TEEN THEATER COMPANY

• Mr. DODD. Mr. President. I rise today to pay tribute the Wethersfield Teen Theater Company, which is about to celebrate its 10th anniversary. This company was founded in 1988 by 15-year-old Bill Fennelly who was frustrated by the lack of opportunities in the theater for young people in the Wethersfield area, and the name of the company that Bill created indicates what makes this group so unique and special—it is run by and for teenagers.

Whether it's the director, the choreographer, or a member of the lighting crew, every member of the company must be between the ages of 11 and 21. The company members have complete artistic control over their productions, and they are also responsible for raising money and doing publicity for each play. Not only has the Wethersfield Teen Theater given hundreds of young people an opportunity to express themselves artistically and experience the feeling of performing live on the stage; but this company also gave many young people leadership opportunities that people their age don't traditionally enjoy. People who participate in the Wethersfield Teen Theater learn lessons about personal responsibility that they will carry with them throughout their lives.

When the theater company was founded there were many doubters. Not only were people skeptical that a group of teenagers would be able to put on a quality theatrical production, there were questions about their ability to raise the money to stage a production. The Wethersfield Teen Theater put on a spring review called "On Broadway," and they were able to raise the money to stage a production of "Joseph and the Technicolor Dreamcoat."

"Joseph" was major success, and in 1990, the teen theater gained the official sponsorship of the Wethersfield Recreation and Parks Department. While the sponsorship provides the company with free rehearsal and performance space, the theater company is not a budgeted program and the teens still must earn all the money required to produce each show.

Since its founding, the Wethersfield Teen Theater Company has put on a major summer and spring production every year. In addition, the company also sponsors children's workshops that are designed to get children interested in theater. They also perform at local community events, elementary schools, and hospitals.

For a decade, people have been enjoying the talent, enthusiasm, and creativity of the Wethersfield Teen Theater Company, and on January 3, 1998, the group will celebrate its 10th anniversary with the performance of a production called "Our Time." I am certain that this production will be a great success, and I hope that this wonderful theater company will continue enriching the lives of young people in the Wethersfield area for many decades to come.•

IN MEMORY OF THE OGONI 9

• Mr. FEINGOLD. Mr. President, today I want to commemorate the anniversary of the tragic deaths of nine Nigerian activists. Two years ago this week, Mr. Ken Saro-Wiwa and eight other Ogoni leaders were brutally executed by the regime of Gen. Sani Abacha.

Ken Saro-Wiwa was a renowned playwright and author, who also happened to be the president of the Movement for the Survival of the Ogoni People, or MOSOP. He and several other colleagues were arrested shortly after four rival Ogoni leaders were killed by a mob in May 1994. They were detained without charge for a year, until May 19, 1995. Then, after trials that are widely believed to have been unfair and politically motivated, Saro-Wiwa and eight others—Barinem Kiobel, Saturday Doobee, Paul Levura, Nordu Eawo, Felix Nuate, Daniel Gbokoo, John Kpuinen and Baribor Bera—were convicted of complicity in the 1994 murders, and sentenced to death by a civil disturbances special tribunal run by the military.

Mr. President, when the death sentences of these individuals were first made public, I and many other Members of Congress asked General Abacha to have mercy and exercise his prerogative of executive clemency. We wrote to President Clinton and made calls to the Nigerian representatives to the United Nations and Washington. But, alas, our efforts were to no avail. The nine men were hanged on November 10, 1995.

Now, Mr. President, 19 other Ogoni activists remain in prison in Nigeria on the same trumped up charges and could face a similar fate. According to reports from several human rights organizations, the Ogoni 19 have been severely beaten and tortured, and many are suffering from ill health. They reportedly are kept in insanitary prison conditions, are denied food and medical treatment, and rarely, if at all, are granted access to outside visitors, including their lawyers. This lack of contact has stalled attempts to have the

detainees released on bail or brought to trial before ordinary, civilian courts. The situation is so dire that, in August, the detainees went on a hunger strike for 10 days to protest the continuing obstructions to their release or trial. The authorities reportedly have had no response.

Alas, the deplorable condition of these Ogoni activists is not unique in Nigeria. Hundreds of individuals remain in detention centers or prisons for seemingly political motivations. The flawed judicial process that led to the 1995 death sentences is still in place and threatens the lives of these political prisoners. Numerous Nigerian laws allow for arbitrary detention for reasons ranging from "personal pique by a senior official to 'national security,'" according to information provided to me by the State Department.

With a population of more than 100 million people and vast natural resources, Nigeria has the potential to be one of the most important players on the African stage. But the military junta led by General Abacha is squandering the country's future by rampant corruption, severe economic mismanagement, and brutal policies that threaten basic freedoms. Moreover, the so-called transition program bears little hope of ensuring a transition to a fairly elected civilian government.

As we remember the lives of the Ogoni 9, let us not forget those Nigerians whose struggle for basic freedoms continues even now. I hope my colleagues will join me in honoring this solemn occasion.•

RETIREMENT FROM CONGRESS OF REP. FLOYD H. FLAKE

• Mr. MOYNIHAN. Mr. President, Adlai E. Stevenson remarked of Eleanor Roosevelt that "She would rather light candles than curse the darkness and her glow has warmed the world." So it is with my dear friend and colleague, Representative FLOYD FLAKE of Queens, who will be retiring from Congress this Saturday, November 15. Few individuals can match his accomplishments, which have materially and spiritually benefited so many. I view his departure as bittersweet. He is going home to his church, answering God's call "to a greater ministry and to a greater work," as he has put it. Surely, his congregants will be happier for his decision. But we will sorely miss him here in Congress.

Representative FLAKE was born in Los Angeles and raised in Houston—1 of 13 children born to parents with fifth- and sixth-grade educations. Modest circumstances. But in the words of an October 19, 1997 New York Times magazine article by James Traub, "they (people who told FLAKE he would never go to college) hadn't reckoned on his mother, who taught the kids how to sew and wash and cook, or his fiercely self-improving father."

Representative FLAKE received an undergraduate degree from Wilberforce University, the first black college in America, founded in 1856 in Ohio under the auspices of the African Methodist Episcopal [A.M.E.] Church and named after the great English statesman and abolitionist, William Wilberforce. From there, on to graduate study at Payne Theological Seminary and Northeastern University and jobs early in his career as a Head Start social worker and market analyst for Xerox.

In 1976, Representative FLAKE—barely 31—became pastor of the Allen A.M.E. Church in Jamaica, Queens. At that time, the church congregation numbered about 1,200; the church's annual budget was about $250,000. There were three employees. Now, some 20 years later, the congregation has grown to nearly 9,000 souls. The church and its subsidiaries have an annual budget exceeding $24 million. Tithes and offerings alone exceed $5 million—this from a mostly middle-class congregation.

When considering Reverend FLAKE's stewardship, the Parable of the Mustard Seed comes to mind. Allen A.M.E. Church-sponsored community development enterprises now include a 300-unit apartment complex for the elderly; the Allen Christian School, which has an enrollment of some 400 elementary students—and a growing waiting list; hundreds of single-family and two-family homes; a strip mall; an office complex; a home care agency; a credit union; and a transportation company. The Allen A.M.E. Church and its subsidiaries employ 800 people. Only Kennedy Airport employs more people in the Sixth District.

In the middle of this remarkable stewardship, he earned a Doctorate of Ministry degree from the United Theological Seminary in Dayton, OH, and he became a Member of Congress. He has ably represented the Sixth District, which covers southern and southeastern Queens, since 1986. As a result of his efforts, the Food and Drug Administration and the Federal Aviation Administration are building major facilities in the district. As a senior member of the House Committee on Banking and Financial Services, he has been an indefatigable architect of innovative public and private urban investment programs. While other politicians have abandoned urban communities, FLOYD FLAKE has found ways for such communities not only to survive, but to thrive. While others curse the darkness, FLOYD FLAKE lights candles.

Perhaps the capstone of his accomplishments is the new Allen A.M.E. Church cathedral on Merrick Boulevard. The $23 million cathedral is 93,000 square feet and seats 2,500. It is the largest church structure to be built in New York City since 1954. Heinrich Heine remarked that it takes more than mere opinion to erect a cathedral, it takes conviction. Indeed it does. Reverend Flake secured a $15 million mortgage for the project from Chase Manhattan Bank Corp.—the largest loan Chase has ever made to a religious institution. That's conviction.

Given all of these commitments, it is understandable that FLOYD FLAKE feels he must go home and minister to his church community full-time. The community will be richer for his presence. We here will be poorer.

Mr. President, the inscription on Sir Christopher Wren's tomb in St. Paul's Cathedral reads, Si monumentum requiris circumspice. "If you would see the man's monument, look around." If you would see FLOYD FLAKE's monument, go to Jamaica, or to St. Alban's, or to Rosedale, or to Laurelton, or to nearly any neighborhood in Queens, and look around.

And so, to my friend, his wife Elaine, his daughters, Aliya and Nailah, and his sons, Rasheed and Hasan, I say, "Godspeed."•

HEROES SHINE IN NORTH DAKOTA FLOOD

• Mr. DORGAN. Mr. President, as my colleagues in the Senate are well aware, one of the Nation's worst weather-related disasters of the year was the devastating flooding in Grand Forks, ND and the entire Red River Valley. This historic flood captured the attention of the Nation in late spring as over 95 percent of the residents of Grand Forks and East Grand Forks were evacuated from their homes and much of North Dakota's second largest city's downtown district was ravaged by fire and water.

Disasters have a way of bringing out the true character of people, and that certainly was the case in North Dakota. History will have a dramatic record of the loss and devastation of the flood. I also hope that it will record the tremendous efforts made by many North Dakotans to survive and to rise to the occasion with heroic feats.

Now that a few months have passed since the waters have subsided, it is time to reflect back on some of the many heroes—people that stepped up when their community needed them—whose efforts shined despite the rising waters.

In a disaster the extreme importance of a communication system is pivotal in fighting back and preserving the safety of those in the area. Today, I would like to recognize the efforts of several US West Communications employees who worked tirelessly to maintain critical telephone service to the Grand Forks area throughout the flooding.

On April 19, 1997 a crew of nine central office technicians barricaded themselves into the US West building in the heart of Grand Forks to keep the communication systems of the area up

and running during the disaster. The extensive preventive work that the US West workers completed to get ready for the flooding would now be tested as their building was surrounded by 4 feet of water, and sat just one block away from a raging fire. The work of these men and women sustained phone service to the Federal Emergency Management Agency, Federal Aviation Administration, State and local emergency workers, and so many others in the flooded region.

To give you an idea of the challenges facing these workers, they labored night and day to keep the wires dry as 26 inches of water threatened basement cables. Sustained by the food, clothing, and cots delivered via boat by the National Guard, these folks stayed on as the area was evacuated by all other people. In light of this adversity—and armed with high-volume pumps, drying machines, and sandbags—these courageous people sustained service to 50,000 area customers and hundreds of emergency workers.

I would like to recognize these heroes by name for their dedicated service is appreciated by me and many others touched by their efforts. The members of the initial emergency team were: Denny Braaten, Linda Potucek, Larry McNamara, Bob Schrader, Dan Kaiser, Dale Andrews, Glenda Wiess, Rick Hokenson, and Lew Ellingson.

Two days later, US West reinforcements arrived to provide additional support and hard work. I would like to recognize these workers now: Don Jordan, Ray Jacobsen, Tim Kennedy, Roger Jones, Bruce Bengston, Gary Boser, Jim Falconer, Bion McNulty, Jack Olson, and Tim Rogers.

I am tremendously proud of the courage and dedicated service demonstrated by the US West employees in Grand Forks. They, along with so many others who volunteered and continue the rebuilding efforts today, exemplify the North Dakota spirit.•

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS BILL

• Mrs. BOXER. Mr. President, the Labor, Health and Human Services, and Education appropriations bill that the Senate passed yesterday provides the National Institutes of Health and other Government health initiatives with funding needed to continue their work on diseases that afflict so many millions of Americans. I am glad to see that this budget will continue to place a priority on health research and, in particular on women's health. Although we have seen many advances in women's health over the past several years, much more progress needs to be made especially on such intractable problems as breast cancer.

The key to successful breast cancer treatment is early detection. Mammography has been and will continue to be a key diagnostic tool in early detection for women in the high-risk category for breast cancer. Digital mammography is the next generation technology in mammography imaging for cancer, and it offers a number of advantages over the current film technology, including: improved image quality and diagnosis; improved lesion visualization; lower overall cost of image storage and retrieval; and increased use of telemammography as a means to facilitate expert consultations.

There is a second generation digital mammography technology on the drawing boards that offers the prospect not only of improving the ability of radiologists to identify lesions in the breast, but also of significantly reducing the cost of digital mammography. One such approach, a Metal-Halide technology, holds out the promise of meeting these goals. This technology has the potential to result in an imager that could be used to replace the film imagers in existing mammography machines—rather than needing to replace the entire mammography machine.

There are significant technical hurdles that must be overcome before a product of the necessary quality of resolution for mammography can be introduced. The research and development risk may be too great for private sector companies to move forward, thus making it ideal for a Government-industry partnership.

I urge the administration to consider addressing this issue in its fiscal year 1999 budget by creating a program that would focus on key technologies that could improve women's health. This new program could place particular emphasis on technologies that will make a significant difference for women, have a high likelihood of near-term commercial development, and are likely to see widespread and rapid diffusion throughout the medical community.

Mr. President, the war on breast cancer and many other diseases has not been won. In the private and public sectors, we must be creative in looking for new approaches to address and overcome these challenges. It does little good if we make a breakthrough in the lab or corporate research facility, if we can't bring that breakthrough to market in such a way that the maximum number of people benefit. I hope the administration will give careful consideration to these kinds of new and innovative ideas in crafting its budget for the upcoming fiscal year.•

TRIBUTE TO DAN VECE, SR.

• Mr. DODD. Mr. President, within every town in the country, there are a small handful of families or individuals whose achievements and contributions to their community are so extraordinary that they become as much a part of the town's landscape as Main Street, the Court House, or City Hall. The Vece's are such a family in the town of Clinton, CT.

For decades, Vece family members have been on town boards and commissions, working on countless charity and civic events. The Vece family's contributions to town life were even honored in 1995, when the Pierson School gazebo was renamed the Vece Gazebo. But the greatest illustration of what this family meant to the vitality of this small New England shoretown could be seen once a week at a local restaurant. Each Sunday from 4 to 8 p.m. for the past 16 years, a diverse group of patrons would gather at Bill's Seafood Restaurant to enjoy the music of Clinton's favorite band. The people of Clinton loved coming out and singing the songs that they all knew, but what they loved most was the band's leader—Dan Vece, Sr. What set Mr. Vece apart from other bandleaders was not the great musical skill with which he played the banjo. What made Dan Vece so special was his zest for life. That, and the fact that he was over 100 years old.

Seeing Dan Vece on stage wearing his trademark sailor's cap and picking at his 1919 Gibson banjo, served to remind countless people that life was meant to be enjoyed. He served as an inspiration to anyone who was fortunate enough to meet him. Sadly, on September 23, 1997, Dan Vece, Sr. died at the age of 101.

Dan Vece, Sr. grew up and lived in New Haven, CT until he enlisted in the Army during World War I. After being discharged from the Army, he returned to New Haven where he married his wife of 68 years, Tilly Tullo. Together they moved to Clinton in 1919, where they operated a retail plumbing store and service. In addition to his business, Mr. Vece was one of Clinton's first police officers and served as a fireman, beginning the longstanding family tradition of public service. Mr. Vece enjoyed working and didn't retire until he was 80 years old, and he continued doing odd jobs until he was 88. He played golf until he was 96, and drove a car until he was 98, transporting senior women to the grocery store. Dan Vece was involved in countless activities, but his true passion was always his music.

He had no formal musical training, but he taught himself to play most any musical instrument that he could get his hands on. His wife was a trained musician and together they formed a band with Tilly on piano and Dan on the drums. They played together at the ice shows in Clinton and all the big jobs from New Haven to New London. And after each gig, they always loved to go out dancing.

Eventually, Tilly retired from performing, but Dan carried on and fronted a band that played at restaurants and resorts along the Connecticut

shoreline, various jazz festivals, nursing homes, schools, and of course Bill's Seafood Restaurant on Sunday evenings. Whenever anyone asked why he was still performing, Mr. Vece would always say that his doctor told him that music was the best medicine and he should keep on playing as long as possible.

Well, Dan Vece followed his doctor's orders, and as a result he brought happiness into the lives of countless individuals. Dan Vece, Sr.'s good humor, devotion to his community, and remarkable vitality made him a beloved figure in Clinton and throughout Connecticut. He was loved and revered by all, and he will be dearly missed.•

VETERANS' BENEFITS ACT OF 1997

• Mr. ROCKEFELLER. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I am enormously pleased that the Senate is considering S. 714, as amended, a bill that would make valuable changes to a number of veterans benefits and services. In the waning days of this session, the House and Senate Veterans' Affairs Committees were able to reach compromise on a wide range of programs and services for veterans—from programs to assist homeless veterans, to providing home loans to Native American veterans, and I urge my colleagues to give their unanimous support to this measure. It is particularly fitting that we make these improvements for veterans programs now, as Veterans Day is just a few days away.

Mr. President, because all the provisions of this measure—which I will refer to as the "compromise agreement"—are set forth in the joint explanatory statement which Senator SPECTER will place in the RECORD, I will discuss here only some of the issues which are of particular interest to me. The explanatory statement was developed in cooperation with the House Committee on Veterans' Affairs and that committee's chairman, BOB STUMP, will insert the same explanatory statement in the RECORD when the House considers this measure.

EXTENDING AND IMPROVING THE NATIVE AMERICAN HOUSING LOAN PILOT PROGRAM

Mr. President, section 201 of the compromise agreement will extend for four years the authority for the Native American Housing Loan Pilot Program, under section 3761, title 38, United States Code. This pilot program was created in 1993 to provide loans to eligible Native American veterans to purchase, build, or improve dwellings on Native American trust lands. This program is so important because commercial lenders will not finance the purchase of homes on Native American lands, as lenders cannot foreclose in the event of default. Therefore, the traditional VA loan guaranty program is not, in effect, available to Native American veterans residing on tribal lands.

This program has been very successful in financing purchases of homes by Pacific Islanders. However, it has been somewhat underutilized by other Native American populations. Therefore, this bill would also provide for enhanced outreach by VA to inform Native American veterans of the availability of this program. It further tasks VA with analyzing what is working and what could be improved in its administration of the program.

I would like to commend Senators AKAKA and CAMPBELL for their tireless advocacy on behalf of Native American veterans.

REINVENTING VA'S EEO SYSTEM

Title I of the compromise agreement will establish a new employment discrimination complaint system of the VA. This provision ensures that the employees who perform equal employment and opportunity [EEO] counseling and investigations are professional and independent by creating a new office to adjudicate complaints, separate from line management.

The committee has had grave concerns about how VA has handled several high profile EEO complaints filed against senior staff members. Therefore, this bill also provides for VA to submit a separate report regarding complaints filed against senior level employees, based on their personal conduct. I believe it is critical that VA's actions be subject to congressional scrutiny, in order to assure accountability.

I want to thank Senator GRAHAM for his leadership on this important issue.

SPINA BIFIDA ELIGIBILITY CLARIFIED

Mr. President, section 404 of the compromise agreement will clarify the eligibility—for compensation, health care, and educational assistance—of the children with spina bifida born to Vietnam veterans exposed to Agent Orange. Currently, the eligibility of the child is determined by looking to the veteran father. However, under title 38 of the United States Code, a former service member who received a dishonorable discharge is generally not considered a veteran, and is therefore not eligible for veterans benefits from the VA.

It was Congress' intention to provide benefits to all Vietnam veterans' children with spina bifida. Congress did not mean to exclude the children of veterans with dishonorable discharges.

This provision will clarify the eligibility criteria to include the child with spina bifida of a Vietnam veteran regardless of the character of his discharge. This is a minor modification in the law, but to the children who suffer from spina bifida, these benefits can make a significant difference in their lives. These benefits can improve their quality of health care, provide educational opportunities, and enhance their quality of life. It would be great injustice if these children were denied these benefits because of their father's discharge status.

MAMMOGRAPHY POLICY

Section 208 of the compromise agreement seeks to address a discrepancy between VA's stated principles and their clinical practice with respect to breast cancer programs. Though a guiding principle of the Veterans Health Administration states that "the quality of care in VHA must be demonstratively equal to, or better than, what is available in the local community," in my view, VHA's breast cancer detection policy fails to achieve community standards because it only targets women between the ages of 50 to 69.

Mr. President, it is very important that veterans have access to preventive diagnostic tests to protect their health. Because breast cancer is the leading cause of cancer in women, I look forward to receiving VA's national policy on breast cancer detection.

I thank Senator SPECTER for his leadership on this issue.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Mr. President, I am pleased that the authority for the Health Professional Scholarship Program has been extended for 1 year. Aspiring health professionals have a strong interest in the scholarship program, and it has proven to be an effective recruitment tool for the VA in the past. Staffing analyses done within the VA have identified a need to increase the levels of nurse practitioners and physician assistants to adjust to the shift from inpatient to outpatient care, and this program is well suited to assist individuals in these career paths. We will continue to evaluate this program and look for other opportunities that will increase both recruitment and retention of health professionals in the VA.

MAJOR MEDICAL FACILITY PROJECTS CONSTRUCTION AUTHORIZATION

Of the projects authorized under title III of this bill, I am especially pleased that we have included the authorizations for projects in northern California. I have been concerned that veterans in northern California have not been receiving convenient VA health care services ever since the Martinez VA Medical Center was closed in 1991.

The conference agreement authorizes VA to move ahead with plans to create an accessible network of VA health care by specifically authorizing funds for upgrades and enhancements to McClellan Hospital at Mather Field in Sacramento and improvements to the outpatient clinics at Mare Island in Vallejo and at Martinez. Once the McClellan Hospital is completed, VA expects capacity for 55 inpatient beds and 110,000 outpatient visits per year, and the projected workload for the outpatient clinics will exceed 140,000 outpatient visits per year.

CONCLUSION

Mr. President, in closing, I acknowledge the work of my colleagues in the House—Chairman BOB STUMP and ranking Minority Member LANE EVANS—and our Committee's Chairman, Senator SPECTER, in developing this comprehensive legislation.

Mr President, I thank the staff who have worked extremely long and hard on this compromise—Mike Durishin, Jill Cochran, Mary Ellen McCarthy, Adam Sachs, Susan Edgerton, Carl Commenator, Pat Ryan, Mike Brinck, Ralph Ibson, Kingston Smith, Sloan Rappoport, and others on the House Committee, and Jim Gottlieb, Kim Lipsky, Mary Schoelen, Charlie Battaglia, Bill Tuerk, and John Bradley, with the Senate Committee. I also thank Bob Cover and Charlie Armstrong of the House and Senate Offices of Legislative Counsel for their excellent assistance and support in drafting this compromise agreement.•

TRIBUTE TO BERNARD G. SEGAL

Mr. DODD. Mr. President, I rise today to pay tribute to one of the greatest lawyers in recent American history—Bernard G. Segal, who died earlier this year. Bernard Segal, who served as the president of the American Bar Association in 1969–70, was known as the conscience of the bar, and some of his colleagues said that he promoted individual rights and the rule of law more than any other lawyer of our time.

Bernard Segal's legal accomplishments began at an early age, as he was named directly out of Penn Law School to serve as deputy attorney general of Pennsylvania. At age 24, he was the youngest person to ever hold this post, but he still proceeded to write many important pieces of legislation, including the State's banking code. He left this position to be a founding partner of the Philadelphia law firm of Schnader, Harrison, Segal & Lewis. As a member of the firm, he was very successful, representing many blue-chip clients such as Bell Telephone, NBC, and United Parcel, and during his career he argued nearly 50 cases before the U.S. Supreme Court. As a result of his legal prowess, Mr. Segal was tapped to serve as the chancellor of the Philadelphia Bar and president of the American Bar Association, becoming the first Jewish man to serve in either post.

Mr. Segal continually dedicated himself to legal causes, and one of his most successful crusades was his mission to improve the selection process for federal judges. As chairman of the ABA's standing committee on the Federal Judiciary, Mr. Segal helped to persuade President Eisenhower to establish the practice of submitting prospective Federal judicial appointments to the ABA for review. In order to convince the President of the need for this procedure, Mr. Segal asked the former general this simple question: "Would you appoint a general without asking the colonels what they thought of him."

Bernard Segal's legal career was truly exemplary, but what made this man so extraordinary was his commitment to helping the less fortunate members of our society. Mr. Segal described the hallmark of the law firm that he helped found as its "dedication to the higher calling," that is "the lawyer's obligation to assume an active role in the pursuit of a just and ordered society, in helping to solve the emerging problems of social, economic and political importance * * * to serve the public as his or her client, as she or he would serve a full-paying client."

Mr. Segal's commitment to preserving equal justice under the law for all Americans particularly shone during the civil rights movement. In the 1960's, many people in the country viewed civil rights as a Southern problem, one over which they had little influence or control. Fortunately, Bernard Segal did not share this view.

In 1963, when Alabama Governor George Wallace announced that he would disregard the Federal court order that prohibited interference with the admission of African-American students at the University of Alabama, Bernard Segal saw the need for the Nation's legal community to speak out publicly against the Governor's actions. He quickly got 46 prominent lawyers, including three former U.S. Attorneys General, to sign a public letter condemning the Governor's defiance of the law.

Shortly afterward, President Kennedy announced that he was creating a group known as the Lawyers' Committee for Civil Rights Under Law, and the President named Bernard Segal as one of the organization's two co-chairmen. This committee of 246 private lawyers helped build support for the Civil Rights Act of 1964, and its call for peaceful compliance with court orders had a persuasive impact on future integration efforts in the South.

In the wake of the civil rights movement, Bernard Segal remained socially active. President Johnson chose him to head the National Legal Service Program, which established legal services for the poor. And much like he did at his own law firm, Mr. Segal worked diligently to enlist lawyers to provide legal assistance for the indigent.

Bernard Segal's efforts did not go unrecognized. Among his many honors were the American Bar Association's Gold Medal, the National Civil Rights Award by the U.S. Attorney General, the National Human Relations Award by the National Conference of Christians and Jews, the Judge William H. Hastie Award by the NAACP Legal Defense Fund, and the World Peace Through Law Award as the "World's Greatest Lawyer."

Bernard Segal represented the highest standards and ideals of the legal profession, and all those who were fortunate enough to know this great man will miss him dearly. He is survived by his wife, Geraldine, his daughter Loretta, his son Richard, three grandchildren, one great-grandchild, his brother, and his sister. I offer my heartfelt condolences to them all.

REAUTHORIZING THE FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING AND DEVELOPMENT ACCOUNT

• Mr. GORTON. Mr. President, I want to thank my colleagues for working with me over the past few weeks, and in particular the past few days, to enact legislation to reauthorize the Federal Aviation Administration (FAA) Research, Engineering, and Development (R,E&D) account for fiscal years 1998 and 1999.

Senators MCCAIN, HOLLINGS, and FORD joined me in introducing this important legislation. The Commerce Committee recently took up the House bill and reported it out with an amendment in the nature of a substitute. The leadership of the Senate Commerce Committee and the House Science Committee have already met to resolve the differences between the House and Senate versions of the bill. I am pleased to report that the floor amendment to H.R. 1271 reflects the agreement that the conferees have reached on a final package. The House should be able to accept and approve H.R. 1271, as amended, before this session ends.

The FAA R,E&D account finances projects to improve the safety, security, capacity and efficiency of the U.S. aviation system. These significant research and development efforts include the development of new fire-resistant insulation materials for use on aircraft, the development of procedures for enhancing terminal area capacity and safety, the improvement of aircraft collision avoidance technology, and a host of other noteworthy projects.

This bill also fosters the strong public-private partnership that has been established in the aviation research and development area. The FAA, for instance, is working with Boeing to develop a world-class airport pavement testing facility. Boeing is providing one-third of the costs of this project, which total $21 million. This project will help ensure that the U.S. keeps pace with the rest of the world in developing the infrastructure to accommodate the new super jumbo aircraft.

Again, I commend my colleagues' commitment, and their assistance with this effort.•

TRIBUTE TO GEN. JOHN SHALIKASHVILI

• Mr. DODD. Mr. President. I rise today to pay tribute to Gen. John

Shalikashvili. His life's story is one of the greatest in our Nation's history. General Shali, as he is affectionately known, came to this country when he was 16, and after graduating from college, he was drafted into the U.S. military. During his 39 years of public service, he rose from the ranks of Army private to the highest military office in the land. He is an embodiment of the principles for which this Nation stands, and I would like to pay tribute to him on the occasion of his retirement earlier this year as the Chairman of the Joint Chiefs of Staff.

Anyone he worked with will tell you that he did a tremendous job as Chairman. During these times of military downsizing, he has been responsible for shaping a military that is smaller, but better. In order to do so, he had to ensure that our troops were better prepared and better equipped than any other force in the world. He succeeded mightily.

During his tenure as Chairman, U.S. troops were tested in more than 40 operations. In places like Bosnia, Haiti, and Iraq our troops performed superbly in their efforts to defend democracy and further the cause of peace.

General Shalikashvili's courage and bravery were unquestioned, as evidenced by the Bronze Star he earned for his combat service in the Vietnam war. But what made General Shali such an effective leader was his compassion, and his ability to understand the human element of military operations.

He was the head of the 1991 operation to provide relief to the Iraqi Kurds who had been exiled from their homes by Saddam Hussein. Thousands of men, women, and children were dying in the mountains of northern Iraq and eastern Turkey, and he helped many of these families return to their homes, personally providing comfort to these individuals who were sick and suffering.

America's troops could look at General Shali and see a man who understood their needs, because he had stood in their shoes. He worked his way through the ranks, but never forgot his own past.

General Shalikashvili spent his 39-year career fighting to protect freedom, and I think that the greatest tribute and reward for his service came this past July in the city of Warsaw. At that time, General Shali watched on as President Clinton invited Poland to become a member of NATO. Who would have ever imagined that the young Polish child, who was 3-years-old when Hitler's tanks rolled in from the East, would 1 day return to Poland as the highest-ranking officer of the U.S. military and stand before thousands of cheering Poles as his native country was welcomed back into the family of free nations?

General Shalikashvili is truly an inspiration to us all, and our Nation is richer and stronger as a result of his contributions. I want to personally thank him for his service, and I wish him and his wife, Joan, all the best as they enjoy retirement together.•

DEPLORING THE FAILURE TO FUND A PUGET SOUND CRAB LICENSE BUYBACK

• Mr. GORTON. Mr. President, despite the efforts in conference of Senator GREGG and his staff, the Conference report provides no funding for a Puget Sound crab license buyback. I deplore this omission, which reportedly resulted from the House conferees' resistance to providing Federal funding for buyouts in State fisheries. Mr. President, even if Federal funding of buyouts in State fisheries was not specifically authorized, as it is, in section 312 of the Sustainable Fisheries Act of 1996, I firmly believe that the Federal Government has a particular responsibility to the nontribal commercial Dungeness crabbers in Puget Sound who have lost 50 percent of their stock as a result of a Federal court interpretation of a Federal treaty.

This is not an instance in which the hardship the buyout would have alleviated resulted from past actions or inactions on the part of commercial fishers. Overfishing and poor management are not to blame. Rather, this hardship was judicially imposed. In 1995, a Federal district court determined that Indian tribes were entitled by Federal treaty to take up to 50 percent of the harvestable shellfish. The small, 250 vessel non-tribal commercial Puget Sound crab fishery that had existed for generations, was suddenly overwhelmed. I understand that because of the Federal court order, there are now about 450 additional tribal crab fishers.

Mr. President, the majority of the nontribal commercial crabbers in Puget Sound are self-employed. The vessels they own may account for a large portion of their assets. As the Governor of Washington State, Gary Locke, has stated, "The federal court action leaves them in a difficult financial position with vessels, equipment and related debt tied to an occupation that is no longer viable at its current licensed capacity." Again, I deeply regret the House conferees' failure to assume Federal responsibility for the consequence of a Federal action.•

SUBMITTING CHANGES TO THE BUDGET RESOLUTION AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

• Mr. DOMENICI. Mr. President, section 314(b)(2) of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect additional new budget authority and outlays for an appropriation for arrearages for international organizations, international peacekeeping, and multilateral development banks.

I hereby submit revisions to the budget authority, outlays, and deficit aggregates for fiscal year 1998 contained in section 101 of House Concurrent Resolution 84.

The material follows:

	Deficit	Budget authority	Outlays
Current aggregates	173,505,000,000	1,390,958,000,000	1,372,505,000,000
Adjustments	7,000,000	140,000,000	7,000,000
Revised aggregates	173,512,000,000	1,391,098,000,000	1,372,512,000,000

I hereby submit revisions to the 1998 Senate Appropriations Committee budget authority and outlay allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
Current allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	256,081,000,000	283,286,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	807,893,000,000	832,426,000,000
Adjustments:		
Defense discretionary		
Nondefense discretionary	140,000,000	7,000,000
Violent crime reduction fund		
Mandatory		
Total allocation	140,000,000	7,000,000
Revised allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	256,221,000,000	283,293,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	808,033,000,000	832,433,000,000

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EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 337, No. 373, No. 374, No. 443, No. 448, No. 449, No. 450, No. 458, No. 459 and No. 460.

I further ask unanimous consent that the Labor Committee be discharged from further consideration of William Ferris and the Senate proceed to the

nomination. I also ask consent that the Governmental Affairs Committee be discharged from further consideration of Janice Lachance, and the Senate proceed to the nomination as well.

I finally ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Robert H. Beatty, Jr., of West Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for the remainder of the term expiring August 30, 1998.

EXECUTIVE OFFICE OF THE PRESIDENT

Arthur Bienenstock, of California, to be an Associate Director of the Office of Science and Technology Policy.

DEPARTMENT OF COMMERCE

Raymond G. Kammer, of Maryland, to be Director of the National Institute of Standards and Technology.

DEPARTMENT OF THE INTERIOR

Kevin Gover, of New Mexico, to be an Assistant Secretary of the Interior.

UNITED STATES POSTAL SERVICE

Ernesta Ballard, of Alaska, to be a Governor of the United States Postal Service for a term expiring December 8, 2005.

FEDERAL LABOR RELATIONS AUTHORITY

Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority for a term expiring July 29, 2002.

MERIT SYSTEMS PROTECTION BOARD

Susanne T. Marshall, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2004.

Frank C. Damrell, Jr., of California, to be United States District Judge for the Eastern District of California.

Martin J. Jenkins, of California, to be United States District Judge for the Northern District of California.

A. Richard Caputo, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

William R. Ferris, of Mississippi, to be Chairperson of the National Endowment for the Humanities for a term of four years.

OFFICE OF PERSONNEL MANAGEMENT

Janice R. Lachance, of Maine, to be Director of the Office of Personnel Management for a term of four years.

NOMINATION OF KEVIN GOVER

Mr. DASCHLE. Mr. President, as we work through the Executive Calendar in the closing hours of the first session of the 105th Congress, I want to call my colleagues' attention to the President's nominee to be Assistant Secretary of the Interior for Indian Affairs, Kevin Gover of Albuquerque, New Mexico.

This appointment is important to my state and my constituents. Approximately 70,000 Native Americans live on nine reservations in South Dakota. Their daily lives are greatly affected by the activities of the BIA.

The appointment is also important to the nation as a whole. Anyone familiar with American history or who believes in the American dream of equal opportunity for all has a stake in federal Indian policy.

The Assistant Secretary of the Interior for Indian Affairs play a critical role in setting the agenda for the Bureau of Indian Affairs and has a great impact on the success or failure of federal Indian policy. He or she must understand the history of federal/Indian relations and have a vision for the future of this relationship. The Assistant Secretary for Indian Affairs must not only be accessible to tribal leaders, but also serve as an effective advocate for Indian people within the Executive branch decision-making circles. Finally, the Assistant Secretary must be a manager of the agency as well as a spokesperson for Administration policy.

Kevin Gover is a strong nominee to lead the Bureau of Indian Affairs. He is an enrolled member of the Pawnee Tribe of Oklahoma and is a partner in the law firm Gover, Williams and Janov in Albuquerque, New Mexico. He received his JD from the University of New Mexico and has specialized in federal Indian law, natural resource law, environmental law and housing law.

Kevin Gover has not only the intellectual capability and legal skill, but also the practical experience needed to be effective as Assistant Secretary of the Interior for Indian Affairs. He has worked in Indian Country long enough to see the successes and failures of the Bureau of Indian Affairs, and he has the perspective to help chart its course to the future.

Those of us in this chamber who represent significant Indian constituencies can all attest to the magnitude, complexity and significance of the challenges facing the Bureau of Indian Affairs. Tribal leaders in South Dakota have discussed with me their concerns about broad and important issues such as economic development, education, housing and health care. The BIA must be prepared to play a fair and constructive role in addressing these and other concerns about the quality of life on our reservations. I expect we all want the next Assistant Secretary of the Interior for Indian Affairs to possess the intellect, vision, leadership skills and wisdom to make this organization more effective and responsive to the ever-changing needs of those it serves. I believe Kevin Gover possesses these qualities.

There has been some concern expressed about the role Mr. Gover played as a private attorney in gaming activities in New Mexico. Senator CAMPBELL, Chairman of the Senate Indian Affairs Committee, and Senator INOUYE, Vice Chair of the Committee, have both had an opportunity to review the FBI background report on Mr. Gover. They reported in the Committee hearing that they found nothing that should disqualify Mr. Gover from serving as Assistant Secretary. This review obviously included his activities as counsel to tribes with gaming operations in New Mexico. Moreover, in his confirmation hearings, Mr. Gover made clear that while he makes no apology for his support of Indian gaming, as Assistant Secretary he will not tolerate illegal gaming.

Kevin Gover has strong support throughout Indian Country. He enjoys this support because tribes realize that the Bureau of Indian Affairs needs a leader like Kevin Gover to move the BIA into the 21st century. I support this nomination and encourage my colleagues to do likewise.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

HOMEOWNERS PROTECTION ACT OF 1997

Mr. SESSIONS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 243, S. 318.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 318) to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeowners Protection Act of 1997".

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) CANCELLATION DATE.—The term "cancellation date" means (at the option of the mortgagor) the date on which the principal balance of a residential mortgage—

(A) based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 80 percent of the original value of the property securing the loan; or

(B) based on actual payments, reaches 80 percent of the original value of the property securing the loan.

(2) GOOD PAYMENT HISTORY.—The term ''good payment history'' means, with respect to a mortgagor, that the mortgagor has not—

(A) made a mortgage payment that was 60 days or longer past due during the 12-month period beginning 24 months before the date on which the mortgage reaches the cancellation date; or

(B) made a mortgage payment that was 30 days or longer past due during the 12-month period preceding the date on which the mortgage reaches the cancellation date.

(3) INITIAL AMORTIZATION SCHEDULE.—With respect to—

(A) a residential mortgage for which the interest rate is not subject to change, the term ''initial amortization schedule'' means a schedule established at the time at which a residential mortgage transaction is consummated, showing—

(i) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the amortization period of the loan; and

(ii) the unpaid principal balance of the loan after each scheduled payment is made; and

(B) a residential mortgage for which the interest rate is subject to change, the ''initial amortization schedule'' shall be based upon the interest rate or rates applicable to the residential mortgage on the date on which the transaction is consummated.

(4) MORTGAGE INSURANCE.—The term ''mortgage insurance'' means insurance, including any mortgage guaranty insurance, against the nonpayment of, or default on, an individual mortgage or loan involved in a residential mortgage transaction.

(5) MORTGAGE INSURER.—The term ''mortgage insurer'' means a provider of private mortgage insurance, as described in this Act, that is authorized to transact such business in the State in which the provider is transacting such business.

(6) MORTGAGEE.—The term ''mortgagee'' means the holder of a residential mortgage at the time at which that mortgage transaction is consummated.

(7) MORTGAGOR.—The term ''mortgagor'' means the original borrower under a residential mortgage or his or her successors or assignees.

(8) ORIGINAL VALUE.—The term ''original value'', with respect to a residential mortgage, means the lesser of the sales price of the property securing the mortgage, as reflected in the contract, or the appraised value at the time at which the subject residential mortgage transaction was consummated.

(9) PRIVATE MORTGAGE INSURANCE.—The term ''private mortgage insurance'' means mortgage insurance other than mortgage insurance made available under the National Housing Act, title 38 of the United States Code, or title V of the Housing Act of 1949.

(10) RESIDENTIAL MORTGAGE.—The term ''residential mortgage'' means a mortgage, loan, or other evidence of a security interest created with respect to a single-family dwelling that is the primary residence of the mortgagor.

(11) RESIDENTIAL MORTGAGE TRANSACTION.—The term ''residential mortgage transaction'' means a transaction consummated on or after the date that is 1 year after the date of enactment of this Act, in which a mortgage, deed of trust, purchase money security interest arising under an installment sales contract, or equivalent consensual security interest is created or retained against a single-family dwelling that is the primary residence of the mortgagor to finance the acquisition, initial construction, or refinancing of that dwelling.

(12) SERVICER.—The term ''servicer'' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974, with respect to a residential mortgage.

(13) SINGLE-FAMILY DWELLING.—The term ''single-family dwelling'' means a residence consisting of 1 family dwelling unit.

(14) TERMINATION DATE.—The term ''termination date'' means the date on which the principal balance of a residential mortgage, based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 78 percent of the original value of the property securing the loan.

SEC. 3. TERMINATION OF PRIVATE MORTGAGE INSURANCE.

(a) BORROWER CANCELLATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall be canceled on the cancellation date, if the mortgagor—

(1) submits a request in writing to the servicer that cancellation be initiated;

(2) has a good payment history with respect to the residential mortgage; and

(3) has satisfied any requirement of the holder of the mortgage (as of the date of a request under paragraph (1)) for—

(A) evidence (of a type established in advance by the holder and made known to the mortgagor promptly upon receipt of a request under paragraph (1)) that the value of the property securing the mortgage has not declined below the original value of the property; and

(B) certification that the equity of the mortgagor in the residence securing the mortgage is unencumbered by a subordinate lien.

(b) AUTOMATIC TERMINATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall terminate with respect to payments for that mortgage insurance made by the mortgagor—

(1) on the termination date if, on that date, the mortgagor is current on the payments required by the terms of the residential mortgage transaction; or

(2) on the date after the termination date on which the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.

(c) FINAL TERMINATION.—If a requirement for private mortgage insurance is not otherwise canceled or terminated in accordance with subsection (a) or (b), in no case may such a requirement be imposed beyond the first day of the month immediately following the date that is the midpoint of the amortization period of the loan if the mortgagor is current on the payments required by the terms of the mortgage.

(d) NO FURTHER PAYMENTS.—No payments or premiums may be required from the mortgagor in connection with a private mortgage insurance requirement terminated or canceled under this section—

(1) in the case of cancellation under subsection (a), more than 30 days after the later of—

(A) the date on which a request under subsection (a)(1) is received; or

(B) the date on which the mortgagor satisfies any evidence and certification requirements under subsection (a)(3);

(2) in the case of termination under subsection (b), more than 30 days after the termination date or the date referred to in subsection (b)(2), as applicable; and

(3) in the case of termination under subsection (c), more than 30 days after the final termination date established under that subsection.

(e) RETURN OF UNEARNED PREMIUMS.—

(1) IN GENERAL.—Not later than 45 days after the termination or cancellation of a private mortgage insurance requirement under this section, all unearned premiums for private mortgage insurance shall be returned to the mortgagor by the servicer.

(2) TRANSFER OF FUNDS TO SERVICER.—Not later than 30 days after notification by the servicer of termination or cancellation of private mortgage insurance under this Act with respect to a mortgagor, a mortgage insurer that is in possession of any unearned premiums of that mortgagor shall transfer to the servicer of the subject mortgage an amount equal to the amount of the unearned premiums for repayment in accordance with paragraph (1).

(f) EXCEPTIONS FOR HOUSING OPPORTUNITY PROGRAMS AND HIGH RISK LOANS.—

(1) IN GENERAL.—The termination and cancellation provisions in subsections (a) and (b) do not apply to any residential mortgage or mortgage transaction that, at the time at which the residential mortgage transaction is consummated, has high risks associated with the extension of the loan—

(A) as determined by guidelines published by the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation, so as to require the imposition or continuation of a private mortgage insurance requirement beyond the terms specified in subsection (a) or (b) of section 3; or

(B) as determined by the mortgagee in accordance with guidelines that are identical to the guidelines published under subparagraph (A).

(2) TERMINATION AT MIDPOINT.—A private mortgage insurance requirement in connection with a residential mortgage or mortgage transaction described in paragraph (1) shall terminate in accordance with subsection (c).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require a mortgage or mortgage transaction described in paragraph (1)(A) to be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

SEC. 4. DISCLOSURE REQUIREMENTS.

(a) DISCLOSURES FOR NEW MORTGAGES AT TIME OF TRANSACTION.—

(1) DISCLOSURES FOR NON-EXEMPTED TRANSACTIONS.—In any case in which private mortgage insurance is required in connection with a residential mortgage or mortgage transaction (other than a mortgage or mortgage transaction described in section 3(f)(1)), at the time at which the transaction is consummated, the mortgagee shall provide to the mortgagor—

(A) a written initial amortization schedule; and

(B) written notice—

(i) that the mortgagor may cancel the requirement in accordance with section 3(a) of this Act indicating the date on which the mortgagor may request cancellation, based solely on the initial amortization schedule;

(ii) that the mortgagor may request cancellation in accordance with section 3(a) of this Act earlier than provided for in the initial amortization schedule, based on actual payments;

(iii) that the requirement for private mortgage insurance will automatically terminate on the termination date in accordance with section 3(b) of this Act, and what that termination date is with respect to that mortgage; and

(iv) that there are exemptions to the right to cancellation and automatic termination of a requirement for private mortgage insurance in accordance with section 3(f) of this Act, and whether such an exemption applies at that time to that transaction.

(2) DISCLOSURES FOR EXCEPTED TRANSACTIONS.—In the case of a mortgage or mortgage transaction described in section 3(f)(1), at the time at which the transaction is consummated, the mortgagee shall provide written notice to the mortgagor that in no case may private mortgage insurance be required beyond the date that is the midpoint of the amortization period of the loan, if the mortgagor is current on payments required by the terms of the residential mortgage.

(3) ANNUAL DISCLOSURES.—If private mortgage insurance is required in connection with a residential mortgage transaction, the servicer shall

disclose to the mortgagor in each such transaction in an annual written statement—

(A) the rights of the mortgagor under this Act to cancellation or termination of the private mortgage insurance requirement; and

(B) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(4) APPLICABILITY.—Paragraphs (1) through (3) shall apply with respect to each residential mortgage transaction consummated on or after the date that is 1 year after the date of enactment of this Act.

(b) DISCLOSURES FOR EXISTING MORTGAGES.—If private mortgage insurance was required in connection with a residential mortgage entered into at any time before the effective date of this Act, the servicer shall disclose to the mortgagor in each such transaction in an annual written statement—

(1) that the private mortgage insurance may, under certain circumstances, be canceled by the mortgagor (with the consent of the mortgagee or in accordance with applicable State law); and

(2) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(c) INCLUSION IN OTHER ANNUAL NOTICES.—The information and disclosures required under subsection (b) and paragraphs (1)(B) and (3) of subsection (a) may be provided on the annual disclosure relating to the escrow account made as required under the Real Estate Settlement Procedures Act of 1974, or as part of the annual disclosure of interest payments made pursuant to Internal Revenue Service regulations, and on a form promulgated by the Internal Revenue Service for that purpose.

(d) STANDARDIZED FORMS.—The mortgagee or servicer may use standardized forms for the provision of disclosures required under this section.

SEC. 5. NOTIFICATION UPON CANCELLATION OR TERMINATION.

(a) IN GENERAL.—Not later than 30 days after the date of cancellation or termination of a private mortgage insurance requirement in accordance with this Act, the servicer shall notify the mortgagor in writing—

(1) that the private mortgage insurance has terminated and that the mortgagor no longer has private mortgage insurance; and

(2) that no further premiums, payments, or other fees shall be due or payable by the mortgagor in connection with the private mortgage insurance.

(b) NOTICE OF GROUNDS.—

(1) IN GENERAL.—If a holder of a residential mortgage (or a servicer acting on behalf of that holder) determines that a mortgage did not meet the requirements for termination or cancellation of private mortgage insurance under subsection (a) or (b) of section 3, the servicer shall provide written notice to the mortgagor of the grounds relied on to make the determination (including the results of any appraisal used to make the determination).

(2) TIMING.—Notice required by paragraph (1) shall be provided—

(A) with respect to cancellation of private mortgage insurance under section 3(a), not later than 30 days after the later of—

(i) the date on which a request is received under section 3(a)(1); or

(ii) the date on which the mortgagor satisfies any evidence and certification requirements under section 3(a)(3); and

(B) with respect to termination of private mortgage insurance under section 3(b), not later than 30 days after the scheduled termination date.

SEC. 6. DISCLOSURE REQUIREMENTS FOR LENDER PAID MORTGAGE INSURANCE.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "borrower paid mortgage insurance" means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by the borrower; and

(2) the term "lender paid mortgage insurance" means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by a person other than the borrower.

(b) EXCLUSION.—Sections 3 through 5 do not apply in the case of lender paid mortgage insurance.

(c) NOTICES TO MORTGAGOR.—In the case of lender paid mortgage insurance that is required in connection with a residential mortgage or a residential mortgage transaction—

(1) not later than the date on which a loan commitment is made for the residential mortgage transaction, the prospective mortgagee shall provide to the prospective mortgagor a written notice—

(A) that lender paid mortgage insurance differs from borrower paid mortgage insurance, in that lender paid mortgage insurance may not be canceled by the mortgagor, while borrower paid mortgage insurance could be cancelable by the mortgagor in accordance with section 3(a) of this Act, and could automatically terminate on the termination date in accordance with section 3(b) of this Act;

(B) that lender paid mortgage insurance—

(i) usually results in a residential mortgage having a higher interest rate than it would in the case of borrower paid mortgage insurance; and

(ii) terminates only when the residential mortgage is refinanced, paid off, or otherwise terminated; and

(C) that lender paid mortgage insurance and borrower paid mortgage insurance both have benefits and disadvantages, including a generic analysis of the differing costs and benefits of a residential mortgage in the case lender paid mortgage insurance versus borrower paid mortgage insurance over a 10-year period, assuming prevailing interest and inflation rates;

(D) that lender paid mortgage insurance may be tax-deductible for purposes of Federal income taxes, if the mortgagor itemizes expenses for that purpose; and

(2) not later than 30 days after the termination date that would apply in the case of borrower paid mortgage insurance, the servicer shall provide to the mortgagor a written notice indicating that the mortgagor may wish to review financing options that could eliminate the requirement for private mortgage insurance in connection with the residential mortgage.

(d) STANDARD FORMS.—The servicer of a residential mortgage may develop and use a standardized form or forms for the provision of notices to the mortgagor, as required under subsection (c).

SEC. 7. FEES FOR DISCLOSURES.

No fee or other cost may be imposed on any mortgagor with respect to the provision of any notice or information to the mortgagor pursuant to this Act.

SEC. 8. CIVIL LIABILITY.

(a) IN GENERAL.—Any servicer, mortgagee, mortgage insurer, or holder of a residential mortgage that violates a provision of this Act shall be liable to each mortgagor to whom the violation relates for—

(1) actual damages;

(2) in the case of an action by an individual, such additional damage as the court may allow, not to exceed $1,000;

(3) costs of the action; and

(4) reasonable attorney fees, as determined by the court.

(b) TIMING OF ACTIONS.—No action may be brought by a mortgagor under subsection (a) later than 2 years after the date of the discovery of the violation that is the subject of the action.

(c) LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—With respect to a residential mortgage transaction, the failure of a servicer to comply with the requirements of this Act due to the failure of a mortgage insurer, a mortgagee, or a holder of a residential mortgage to comply with the requirements of this Act, shall not be construed to be a violation of this Act by the servicer.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to impose any additional requirement or liability on a mortgagee or mortgage insurer or holder of a residential mortgage.

SEC. 9. EFFECT ON OTHER LAWS AND AGREEMENTS.

(a) EFFECT ON STATE LAW.—

(1) IN GENERAL.—With respect to any residential mortgage or residential mortgage transaction consummated after the effective date of this Act, and except as provided in paragraph (2), the provisions of this Act shall supersede any provisions of the law of any State relating to requirements for obtaining or maintaining private mortgage insurance in connection with residential mortgage transactions, cancellation or automatic termination of such private mortgage insurance, any disclosure of information addressed by this Act, and any other matter specifically addressed by this Act.

(2) CONTINUED APPLICATION OF CERTAIN PROVISIONS.—This Act does not supersede any provision of the law of a State in effect on or before September 1, 1989, pertaining to the termination of private mortgage insurance or other mortgage guaranty insurance, to the extent that such law requires termination of such insurance at an earlier date or when a lower mortgage loan principal balance is achieved than as provided in this Act.

(b) EFFECT ON OTHER AGREEMENTS.—The provisions of this Act shall supersede any conflicting provision contained in any agreement relating to the servicing of a residential mortgage loan entered into by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or any private investor or note holder (or any successors thereto).

SEC. 10. CONSTRUCTION.

Nothing in this Act shall be construed to impose any requirement for private mortgage insurance in connection with a residential mortgage transaction.

SEC. 11. EFFECTIVE DATE.

This Act, other than section 12, shall become effective 1 year after the date of enactment of this Act.

SEC. 12. ABOLISHMENT OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) IN GENERAL.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the Thrift Depositor Protection Oversight Board established under section 21A of the Federal Home Loan Bank Act (hereafter in this section referred to as the "Oversight Board") is hereby abolished.

(b) DISPOSITION OF AFFAIRS.—

(1) POWER OF CHAIRPERSON.—Effective on the date of enactment of this Act, the Chairperson of the Oversight Board (or the designee of the Chairperson) may exercise on behalf of the Oversight Board any power of the Oversight Board necessary to settle and conclude the affairs of the Oversight Board.

(2) AVAILABILITY OF FUNDS.—Funds available to the Oversight Board shall be available to the Chairperson of the Oversight Board to pay expenses incurred in carrying out paragraph (1).

(c) SAVINGS PROVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—No provision of this section

shall be construed as affecting the validity of any right, duty, or obligation of the United States, the Oversight Board, the Resolution Trust Corporation, or any other person that—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Oversight Board; and

(B) existed on the day before the abolishment of the Oversight Board in accordance with subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Oversight Board with respect to any function of the Oversight Board shall abate by reason of the enactment of this section.

(3) LIABILITIES.—

(A) IN GENERAL.—All liabilities arising out of the operation of the Oversight Board during the period beginning on August 9, 1989, and the date that is 3 months after the date of enactment of this Act shall remain the direct liabilities of the United States.

(B) NO SUBSTITUTION.—The Secretary of the Treasury shall not be substituted for the Oversight Board as a party to any action or proceeding referred to in subparagraph (A).

(4) CONTINUATIONS OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS PERTAINING TO THE RESOLUTION FUNDING CORPORATION.—

(A) IN GENERAL.—All orders, resolutions, determinations, and regulations regarding the Resolution Funding Corporation shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations until modified, terminated, set aside, or superseded in accordance with applicable law if such orders, resolutions, determinations, or regulations—

(i) have been issued, made, and prescribed, or allowed to become effective by the Oversight Board, or by a court of competent jurisdiction, in the performance of functions transferred by this section; and

(ii) are in effect at the end of the 3-month period beginning on the date of enactment of this section.

(B) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS BEFORE TRANSFER.—Before the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the United States.

(C) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS AFTER TRANSFER.—On and after the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the Secretary of the Treasury.

(d) TRANSFER OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUTHORITY AND DUTIES OF RESOLUTION FUNDING CORPORATION TO SECRETARY OF THE TREASURY.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the authority and duties of the Oversight Board under sections 21A(a)(6)(I) and 21B of the Federal Home Loan Bank Act are transferred to the Secretary of the Treasury (or the designee of the Secretary).

(e) MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY BOARD.—Effective on the date of enactment of this Act, section 14(b)(2) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(f) TIME OF MEETINGS OF THE AFFORDABLE HOUSING ADVISORY BOARD.—

(1) IN GENERAL.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(A) by striking "4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board or" and inserting "2 times a year or at the request of"; and

(B) by striking the second sentence.

(2) CLERICAL AMENDMENT.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended, in the subparagraph heading, by striking "AND LOCATION".

Amend the title so as to read: "A Bill to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.".

Mr. D'AMATO. Mr. President, today the Senate will consider, and I trust pass, S. 318, the Homeowners Protection Act of 1997. The Homeowners Protection Act, which I introduced earlier this year, and the Banking Committee passed by a 16-to-1 vote, is truly important legislation. This bill will protect homebuyers from excessive mortgage insurance premiums for homebuyers. It is a great product of great deal of hard work by a number of the Banking Committee's members. As a result, the legislation contains the consumer protections of the original bill; at the same time, the bill will be less of a compliance burden for the businesses that are subject to the legislation.

Mr. President, the substitute amendment that Senator SARBANES and I will offer for Senate consideration is the result of a great deal of hard work by Members on both sides of the aisle. First, I would like to begin by thanking my colleague and friend from North Carolina, Senator FAIRCLOTH, for his hard work on this issue. Senator FAIRCLOTH and his staff have worked tirelessly to help craft compromise language that encompasses real consumer protection without undue regulatory burden. I would also like to offer my thanks to ranking minority member PAUL SARBANES and the bill's cosponsors, Senator DODD and Senator BRYAN, for their continuous support. I truly appreciate their valuable input in preparing the floor amendment that we are considering today. Likewise, I would like to commend Senators GRAMS and MOSELEY-BRAUN for their successful handling of the lender paid mortgage insurance issue, and my friend from Utah, Senator BENNETT, for helping to craft compromise language regarding class action liability.

Once again, I would particularly like to thank Representative JAMES HANSEN (R–UT), who has been the leader in the House in the fight to address PMI abuses.

Mr. President, by passing this bill we can remedy a market dysfunction—unnecessary private mortgage insurance premiums. These premiums are being paid by tens of thousands of American homeowners. Private mortgage insurance is typically required when a homebuyer cannot make the standard 20-percent downpayment. For many creditworthy, cash-poor potential homebuyers, private mortgage insurance has been a blessing. Unfortunately, it can also become a curse.

I will present just one example of this unfair practice. A homebuyer purchases a $100,000 home with a 30-year, fixed rate mortgage and a 10-percent downpayment. After 10 years and $3,500 in mortgage insurance premiums, it is likely that the homeowners would have a 20-percent equity stake in his or her home. At this time, private mortgage insurance is no longer necessary. However, if that homeowner is unaware of the right to cancel—as many are—and continues to pay for unnecessary insurance, he or she could spend an additional $7,000 in premiums over the life of the loan. And this is less costly than many of the horror stories we hear. In fact, private mortgage insurance rates average between $20 and $100 per month, meaning that some consumers are unknowingly paying from $240 to $1,200 a year for absolutely no reason. Situations like these are nothing less than a fleecing of the American homeowner.

The private mortgage insurance industry extended coverage on nearly 900,000 of the approximately 4.4 million mortgages made for the purchase of single-family homes in 1995. At a Banking Committee hearing earlier this year, the spokesman for the private mortgage insurance industry stated that of the approximately 5 million homeowners repaying mortgages covered by PMI, 5 percent could be eligible for cancellation. That amounts to 250,000 hardworking families. And some estimates go much higher.

In fact, according to a recent Washington Post article by Ken Harney:

> An eye-opening new estimate of the extent of the problem came last week when a Dallas-based loan portfolio analyst said he believes that as much as one-fifth of some lenders' mortgage portfolios consist of PMI-insured loans with equities that are greater than 20 percent of current market resale value.

Mr. President, clearly, American homeowners, particularly middleclass and firsttime homeowners need our help—and I can say today that that help is on the way. The committee print enables homeowners to initiate cancellation when they have accumulated 20-percent equity. Otherwise, the general rule is that PMI must be automatically canceled at 22 percent.

The bill also requires that all existing mortgagors who currently maintain PMI will receive an annual notice informing them that under certain circumstances their insurance may be canceled. The notice must include information to allow the homeowner to

contact his or her servicer regarding cancellation requirements. New homebuyers will be informed of their cancellation rights at closing, and will be informed of their right under this law at closing and annually.

Mr. President, let me state for the record: I am opposed to unnecessary and excessive government regulation. This bill accomplishes the goals of S. 318 without imposing excess regulation. Clearly, the Congress should allow the free market to resolve most problems. This bill is only needed because, due to the peculiar nature of the PMI market, the market has not remedied this problem. I am grateful for the cooperation of all the industries and consumer groups that have helped bring us to this point.

Mr. President, the Homeowner's Protection Act is evidence of what this body can accomplish with hard work on a bipartisan basis. Currently, unnecessary PMI premiums are wrong—when this bill becomes law, they will be illegal. I urge my colleagues to support this important bill and to vote for its passage.

AMENDMENT NO. 1623

(Purpose: To provide a substitute)

Mr. SESSIONS. Senator D'AMATO has a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] for Mr. D'AMATO, for himself and Mr. SARBANES, proposes an amendment numbered 1623.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DODD. Mr. President. I rise today in strong support for passage of S. 318, the Homeowners Protection Act of 1997. This important consumer legislation would end the odious practice of forcing hundreds of thousands of homeowners to pay for private mortgage insurance long after they, or their lender, cease to derive any benefit from it.

Private mortgage insurance—or PMI as it's known—has played a very important role in expanding homeownership opportunities for people who have had less than the traditional 20 percent downpayment that many lenders required. In the event of a default, the PMI provides insurance to the lender for the difference between the downpayment and 20 percent or, in rare instances, some other predetermined percentage—equity level. This is also known as an 80 percent loan-to-value ratio.

As beneficial as PMI has been, it has also developed some less savory characteristics. Principally, the problem with PMI as it exists today is that it is virtually impossible for a homeowner to stop making the premium payments, even after the PMI no longer provides any protection. As a result, literally hundreds of thousands of homeowners pay as much as $1,200 a year in unfair and unnecessary payments.

Mr. President, this legislation would change all that in a fair and simple way. First, the bill provides simple and meaningful disclosure to the borrower at the time of the mortgage closing, so that the borrower understands when and how they can cancel their PMI. In fact, the borrower receives an amortization table that gives them a date certain when they may voluntarily cancel the PMI and a date certain when the PMI will be automatically canceled. Second, the bill requires the mortgage servicer to provide annual notices to the homeowner and then to let the homeowner know that they've reached 80 percent loan-to-value ratio, based upon the original amortization table, and therefore, the homeowner may have the right to cancel. Third, the bill provides that for the vast majority of homeowners, their PMI will be automatically canceled at 78 percent loan-to-value ratio, based upon the original amortization table. Lastly, there are some very, very narrow exceptions for high-risk loans that allow the continuation of PMI to the halflife of the loan.

Let me put it more simply, Mr. President: for the overwhelming majority of homeowners, when you've got 20 percent equity in your home, you have the right to initiate cancellation of your PMI. If you choose not to initiate the cancellation, your PMI will be automatically canceled at 22 percent equity. It's that simple. And the result of these reforms will save hundreds of thousands of homeowners as much as $1,200 a year.

As easy as the problem was to identify, it was a complicated and difficult process to achieve this legislative remedy. I particularly wish to acknowledge the outstanding work of Chairman D'AMATO, with whom I joined in this effort back in February. I would also like to thank Senator SARBANES, Senator FAIRCLOTH, and Senator BENNETT for their tireless efforts to achieve a bill that serves the interest of consumers without inadvertently disrupting the mortgage lending industry.

I urge my colleagues to join me in passing this legislation.

Mr. FAIRCLOTH. Mr. President, I want to commend my colleagues on the Banking Committee for their tireless efforts to craft this piece of legislation so that the final bill can enjoy such broad bipartisan support. The Banking Committee has passed positive legislation to protect consumers and give them new rights for canceling private mortgage insurance.

Private mortgage insurance has been a great tool to increase homeownership. But there have been too many cases where people had trouble canceling the insurance long after it was needed. This bill gives consumers the opportunity to cancel their private mortgage insurance at 20-percent equity and requires automatic cancellation at 22-percent equity. S. 318 requires that homebuyers be informed about their right to cancel private mortgage insurance. It creates a national standard for cancellation that is clear and simple for consumers to understand. I believe it is a winner for all kinds of consumers.

When S. 318 was first introduced about 9 months ago many on the committee could not support it. It created unnecessary government mandates and controls on the entire mortgage industry by setting a bright line rule for cancellation. As a result, S. 318 as introduced, would have increased the cost of obtaining a low downpayment mortgage and would have put homeownership out of the reach for many families.

The version that was reported out of the committee, by a 16-to-1 vote on October 23, still provides consumers with important rights, but eliminates the Federal Government's role in the marketplace so that industry can continue to create innovative products for future homebuyers. Further, the bill provides meaningful limitations on class action lawsuits without stripping consumers of their enforcement mechanisms in the bill.

I believe that S. 318, as written today, is a good bill for consumers everywhere. Mortgage insurance is a valuable financial tool that allows people to get into homes years sooner than they would otherwise. But I do not want anyone to pay for it longer than it is needed. This bill gives consumers that protection.

Mr. SESSIONS. I ask unanimous consent that the amendment be considered as read and agreed to, the bill be considered as read a third time and passed as amended, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1623) was agreed to.

The bill (S. 318), as amended, was read the third time and passed.

The title was amended so as to read: A Bill to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

CANCELLATION DISAPPROVAL ACT OF 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 284, H.R. 2631.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2631) disapproving the cancellations transmitted by the President on October 6, 1997 regarding public law 105–45.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2631) was ordered to a third reading, was read the third time, and passed.

COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 280, S. 1115.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1115) to amend title 49, United States Code, to improve the one-call notification process, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1115) was read the third time and passed, as follows:

S. 1115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive One-Call Notification Act of 1997''.

SECTION 2. FINDINGS.

The Congress finds that—

(1) unintentional damage to underground facilities during excavation is a significant cause of disruptions in telecommunications, water supply, electric power and other vital public services, such as hospital and air traffic control operations, and is a leading cause of natural gas and hazardous liquid pipeline accidents;

(2) excavation that is performed without prior notification to an underground facility operator or with inaccurate marking of such a facility prior to excavation can cause damage that results in fatalities, serious injuries, harm to the environment and disruption of vital services to the public; and

(3) protection of the public and the environment from the consequences of underground facility damage caused by excavations will be enhanced by a coordinated national effort to improve one-call notification programs in each State and the effectiveness and efficiency of one-call notification system that operate under such programs.

SEC. 3. ESTABLISHMENT OF ONE-CALL PROGRAM.

(a) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by adding at the end thereof the following:

''CHAPTER 61—ONE-CALL NOTIFICATION PROGRAM

''Sec.
''6101. Purposes.
''6102. Definitions.
''6103. Minimum standards for State one-call notification programs.
''6104. Compliance with minimum standards.
''6105. Review of one-call system best practices.
''6106. Grants to States.
''6107. Authorization of appropriations.

''§ 6101. Purposes.

''The purposes of this chapter are—
''(1) to enhance public safety;
''(2) to protect the environment;
''(3) to minimize risks to excavators; and
''(4) to prevent disruption of vital public services,

by reducing the incidence of damage to underground facilities during excavation through the adoption and efficient implementation by all States of State one-call notification programs that meet the minimum standards set forth under section 6103.

''§ 6102. Definitions.

''For purposes of this chapter—

''(1) ONE-CALL NOTIFICATION SYSTEM.—The term ''one-call notification system'' means a system operated by an organization that has as one of its purposes to receive notification from excavators of intended excavation in a specified area in order to disseminate such notification to underground facility operators that are members of the system so that such operators can locate and mark their facilities in order to prevent damage to underground facilities in the course of such excavation.

''(2) STATE ONE-CALL NOTIFICATION PROGRAM.—The term ''State one-call notification program'' means the State statutes, regulations, orders, judicial decisions, and other elements of law and policy in effect in a State that establish the requirements for the operation of one-call notification systems in such State.

''(3) STATE.—The term 'State' means a State, the District of Columbia, and Puerto Rico.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''§ 6103. Minimum standards for State one-call notification programs

''(a) MINIMUM STANDARDS.—A State one-call notification program shall, at a minimum, provide for—

''(1) appropriate participation by all underground facility operators;

''(2) appropriate participation by all excavators; and

''(3) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

''(b) APPROPRIATE PARTICIPATION.—In determining the appropriate extent of participation required for types of underground facilities or excavators under subsection (a), a State shall assess, rank, and take into consideration the risks to the public safety, the environment, excavators, and vital public services associated with

''(1) damage to types of underground facilities; and

''(2) activities of types of excavators.

''(c) IMPLEMENTATION.—A State one-call notification program also shall, at a minimum, provide for

''(1) consideration of the ranking of risks under subsection (b) in the enforcement of its provisions;

''(2) a reasonable relationship between the benefits of one-call notification and the cost of implementing and complying with the requirements of the State one-call notification program; and

''(3) voluntary participation where the State determines that a type of underground facility or an activity of a type of excavator poses a *de minimis* risk to public safety or the environment.

''(d) PENALTIES.—To the extent the State determines appropriate and necessary to achieve the purposes of this chapter, a State one-call notification program shall, at a minimum, provide for

''(1) administrative or civil penalties commensurate with the seriousness of a violation by an excavator or facility owner of a State one-call notification program;

''(2) increased penalties for parties that repeatedly damage underground facilities because they fail to use one-call notification systems or for parties that repeatedly fail to provide timely and accurate marking after the required call has been made to a one-call notification system;

''(3) reduced or waived penalties for a violation of a requirement of a State one-call notification program that results in, or could result in, damage that is promptly reported by the violator;

''(4) equitable relief; and

''(5) citation of violations.

''§ 6104. Compliance with minimum standards

''(a) REQUIREMENT.—In order to qualify for a grant under section 6106, each State shall, within 2 years after the date of the enactment of the Comprehensive One-Call Notification Act of 1997, submit to the Secretary a grant application under subsection (b).

''(b) APPLICATION.—

''(1) Upon application by a State, the Secretary shall review that State's one-call notification program, including the provisions for implementation of the program and the record of compliance and enforcement under the program.

''(2) Based on the review under paragraph (1), the Secretary shall determine whether the State's one-call notification program meets the minimum standards for such a program set forth in section 6103 in order to qualify for a grant under section 6106.

''(3) In order to expedite compliance under this section, the Secretary may consult with the Secretary may consult with the State as to whether an existing State on-call notification program, a specific modification thereof, or a proposed State program would result in a positive determination under paragraph (2).

''(4) The Secretary shall prescribe the form of, and manner of filing, an application under this section that shall provide sufficient information about a State's one-call notification program for the Secretary to evaluate its overall effectiveness. Such information may include the nature and reasons for exceptions from required participation, the types of enforcement available, and such other information as the Secretary deems necessary.

''(5) The application of a State under paragraph (1) and the record of actions of the

Secretary under this section shall be available to the public.

"(c) ALTERNATIVE PROGRAM.—A State may maintain an alternative one-call notification program is that program provides protection for public safety, the environment, or excavators that is equivalent to, or greater than, protection under a program that meets the minimum standards set forth in section 6103.

"(d) REPORT.—Within 3 years after the date of the enactment of the Comprehensive One-call Notification Act of 1997, the Secretary shall begin to include the following information in reports submitted under section 60124 of this title—

"(1) a description of the extent to which each State has adopted and implemented the minimum Federal standards under section 6103 or maintains an alternative program under subsection (c);

"(2) an analysis by the Secretary of the overall effectiveness of the State's one-call notification program and the one-call notification systems operating under such program in achieving the purposes of this chapter;

"(3) the impact of the State's decisions on the extent or required participation in one call notification systems on prevention of damage to underground facilities; and

"(4) areas where improvements are needed in one call notification systems in operation in the State.

The report shall also include any recommendations the Secretary determines appropriate. If the Secretary determines that the purposes of this chapter have been substantially achieved, no further report under this section shall be required.

"§ 6105. Review of one-call system best practices

"(a) STUDY OF EXISTING ONE-CALL SYSTEMS.—Except as provided in subsection (d), the Secretary, in consultation with other appropriate Federal agencies, State agencies, one-call notification system operators, underground facility operators, excavators, and other interested parties, shall undertake a study of damage prevention practices associated with existing one-call notification systems.

"(b) PURPOSE OF STUDY OF DAMAGE PREVENTION PRACTICES.—The purpose of the study is to assemble information in order to determine which existing one-call notification systems practices appear to be the most effective in preventing damage to underground facilities and in protecting the public, the environment, excavators, and public service disruption. As part of the study, the Secretary shall at a minimum consider—

"(1) the methods used by one-call notification systems and others to encourage participation by excavators and owners of underground facilities;

"(2) the methods by which one-call notification systems promote awareness of their programs, including use of public service announcements and educational materials and programs;

"(3) the methods by which one-call notification systems receive and distribute information from excavators and underground facility owners;

"(4) the use of any performance and service standards to verify the effectiveness of a one-call notification system;

"(5) the effectiveness and accuracy of mapping used by one-call notification systems;

"(6) the relationship between one-call notification systems and preventing intentional damage to underground facilities;

"(7) how one-call notification systems address the need for rapid response to situations where the need to excavate is urgent;

"(8) the extent to which accidents occur due to errors in marking of underground facilities, untimely marking or errors in the excavation process after a one-call notification system has been notified of an excavation;

"(9) the extent to which personnel engaged in marking underground facilities may be endangered;

"(10) the characteristics of damage prevention programs the Secretary believes could be relevant to the effectiveness of State one-call notification programs; and

"(11) the effectiveness of penalties and enforcement activities under State one-call notification programs in obtaining compliance with program requirements.

"(c) REPORT.—Within 1 year after the date of the enactment of the Comprehensive One-Call Notification Act of 1997, the Secretary shall publish a report identifying those practices of one-call notification systems that are the most and least successful in—

"(1) preventing damage to underground facilities; and

"(2) providing effective and efficient service to excavators and underground facility operators.

The Secretary shall encourage States and operators of one-call notification programs to adopt and implement the most successful practices identified in the report.

"(d) SECRETARIAL DISCRETION.—Prior to undertaking the study described in subsection (a), the Secretary shall determine whether timely information described in subsection (b) is readily available. If the Secretary determines that such information is readily available, the Secretary is not required to carry out the study.

§ 6106. Grants to States

"(a) IN GENERAL.—The Secretary may make a grant of financial assistance to a State that qualifies under section 6104(b) to assist in improving—

"(1) the overall quality and effectiveness of one-call notification systems in the State;

"(2) communications systems linking one-call notification systems;

"(3) location capabilities, including training personnel and developing and using location technology;

"(4) record retention and recording capabilities for one-call notification systems;

"(5) public information and education;

"(6) participation in one-call notification systems; or

"(7) compliance and enforcement under the State one-call notification program.

"(b) STATE ACTION TAKEN INTO ACCOUNT.—In making grants under this section the Secretary shall take into consideration the commitment of each State to improving its State one-call notification program, including legislative and regulatory actions taken by the State after the date of enactment of the Comprehensive One-Call Notification Act of 1997.

"(c) FUNDING FOR ONE-CALL NOTIFICATION SYSTEMS.—A State may provide funds received under this section directly to any one-call notification system in such State that substantially adopts the best practices identified under section 6105.

"§ 6107. Authorization of appropriations

"(a) FOR GRANTS TO STATES.—There are authorized to be appropriated to the Secretary in fiscal year 1999 no more than $1,000,000 and in fiscal year 2000 no more than $5,000,000, to be available until expended, to provide grants to States under section 6106.

"(b) FOR ADMINISTRATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary during fiscal years 1998, 1999, and 2000 to carry out sections 6103, 6104, and 6105.

"(c) GENERAL REVENUE FUNDING.—Any sums appropriated under this section shall be derived from general revenues and may not be derived from amounts collected under section 60301 of this title.".

(b) CONFORMING AMENDMENTS.—

(1) The analysis of chapters for subtitle III of title 49, United States Code, is amended by adding at the end thereof the following:

"CHAPTER 61—ONE-CALL NOTIFICATION PROGRAM".

(2) Chapter 601 of title 49, United States Code, is amended—

(A) by striking "sections 60114 and" in section 60105(a) of that chapter and inserting "section";

(B) by striking section 60114 and the item relating to that section in the table of sections for that chapter;

(C) by striking "60114(c), 60118(a)," in section 60122(a)(1) of that chapter and inserting "60118(a),";

(D) by striking "60114(c) or" in section 60123(a) of that chapter;

(E) by striking "sections 60107 and 60114(b)" in subsections (a) and (b) of section 60125 and inserting "section 60107" in each such subsection; and

(F) by striking subsection (d) of section 60125, and redesignating subsections (e) and (f) of that section as subsections (d) and (e).

MUSEUM AND LIBRARY SERVICES TECHNICAL AND CONFORMING AMENDMENTS OF 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1505, introduced earlier today by Senator JEFFORDS.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1505) to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. INOUYE. Mr. President, may I call upon my colleague, the esteemed Chairman of the Committee on Labor and Human Resources, to clarify a matter that is addressed in the bill to provide technical amendments to the Museum and Library Services Act?

Mr. JEFFORDS. I am pleased to answer any question that the Senator from Hawaii may have.

Mr. INOUYE. Under the provisions of the Library Services and Construction Act, Public Law 98–480, Native Hawaiian organizations are authorized to provide library services to Native Hawaiians. One of our most exemplary Federal grantees, Alu Like, Inc., has been administering the Native Hawaiian Library Project since 1985.

Native Hawaiian children in the State's public school system start school well behind other students when

it comes to crucial vocabulary skills. Hawaiian children enter kindergarten with lower vocabulary scores than other children (12th percentile: Peabody Picture Vocabulary Test—Revised, 1989), and in achievement tests of basic skills, Hawaiian students continue to perform below national norms and other groups in Hawaii. On the Reading Comprehension Subtest of the Stanford Achievement Test administered by the Hawaii State Department of Education in the spring of 1990, Hawaiian eighth grade students scored at the 18th percentile, the lowest of the four principal ethnic groups in Hawaii. A recent study in Hawaii by the Governor's Council for Literacy shows that Native Hawaiian adults have low literacy rates, with 30 percent at the lowest level compared with 19 percent of adults statewide.

It is these statistics, and the need to assure that parents have reading skills sufficient to foster learning and reading skills in their preschool and school-age children, that the Native Hawaiian Library Project has sought to address. This has been made possible because of the federal resources that have been made available under the Library Services and Construction Act. The initial funding for this program was $590,123 and 1985, and because of the program's documented effectiveness, it has been funded each year thereafter for a total of $7,223,297. Funding in the past fiscal year was $635,025.

It is my understanding that in enacting the Museum and Library Services Act, the Congress sought to extend the authority for the library services programs that have proven to be so effective in enriching the reading and vocabulary skills of Americans of all ages. In our State, it has enabled Native Hawaiian children to begin to perform on a par with other students, it has effected a reduction in the drop-out rates of Native Hawaiian students and demonstrated a marked improvement in their performance on achievement tests, and has enabled adults with new literacy skills to secure employment.

It is because of the importance of this program to the Native Hawaiian people of our State that I seek your clarification that the bill to provide technical and conforming amendments to the Museum and Library Services Act, specifically section 6 of that measure, is intended simply to maintain the status quo relative to the federal support for Native Hawaiian library services by extending the authority for grants to Native Hawaiian organizations for this purpose.

Mr. JEFFORDS. The Senator from Hawaii is correct in his reading of the bill. It is our intent to assure that .25 percent of appropriated funds are reserved to provide services to Hawaiian Natives. This authority did exist under the Library Services and Construction Act.

Mr. INOUYE. I thank the chairman of the Labor and Human Resources Committee for this clarification and urge my colleagues to support this measure.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1505) was deemed read the third time and passed, as follows:

S. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Museum and Library Services Technical and Conforming Amendments of 1997".

SEC. 2. APPOINTMENT OF EMPLOYEES.

Section 206 of the Museum and Library Services Act (20 U.S.C. 9105 et seq.) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) APPOINTMENT AND COMPENSATION OF TECHNICAL AND PROFESSIONAL EMPLOYEES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Director may appoint without regard to the provisions of title 5, United States Code, governing the appointment in the competitive service and may compensate without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title (relating to the classification and General Schedule pay rates), such technical and professional employees as the Director determines to be necessary to carry out the duties of the Institute.

"(2) NUMBER AND COMPENSATION.—The number of employees appointed and compensated under paragraph (1) shall not exceed ⅕ of the number of full-time regular or professional employees of the Institute. The rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS–15 of the General Schedule under section 5332 of title 5.".

SEC. 3. SPECIAL LIBRARIES.

Section 213(2)(E) of the Museum and Library Services Act (20 U.S.C. 9122(2)(E)) is amended—

(1) by inserting "or other special library" after "a private library"; and

(2) by inserting "or special" after "such private".

SEC. 4. RESERVATIONS.

Section 221(a)(1) of the Museum and Library Services Act (20 U.S.C. 9131(a)(1)) is amended—

(1) in subparagraph (A), by striking "1½ percent" and inserting "1.75 percent"; and

(2) in subparagraph (B), by striking "4 percent" and inserting "3.75 percent".

SEC. 5. MAINTENANCE OF EFFORT.

The second sentence of section 223(c)(1)(A)(i) of the Museum and Library Services Act (20 U.S.C. 9133(c)(1)(A)(i)) is amended to read as follows: "The amount of the reduction in the allotment for any fiscal year shall be equal to the allotment multiplied by a fraction—

"(I) the numerator of which is the result obtained by subtracting the level of such State expenditures for the fiscal year for which the determination is made, from the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made; and

"(II) the denominator of which is the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.".

SEC. 6. SERVICE TO INDIAN TRIBES.

Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended—

(1) in the section heading, by striking "**INDIAN TRIBES**" and inserting "**NATIVE AMERICANS**"; and

(2) by striking "to organizations" and all that follows through "such organizations" and inserting "to Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as the term is defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912) to enable such tribes and organizations".

SEC. 7. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.

Section 262 of the Museum and Library Services Act (20 U.S.C. 9162) is amended—

(1) in the section heading, by striking "**NATIONAL LEADERSHIP GRANTS OR CONTRACTS**" and inserting "**NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS**";

(2) in subsection (a)—

(A) by striking "program awarding national leadership grants or contracts" and inserting "program of awarding grants or entering into contracts or cooperative agreements"; and

(B) by striking "Such grants or contracts" and inserting "Such grants, contracts, and cooperative agreements";

(3) in subsection (b)—

(A) in the section heading, by striking "(b) GRANTS OR CONTRACTS" and inserting "(b) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS;" and

(B) in paragraph (1), by inserting "or cooperative agreements," after "contracts"; and

(C) in paragraph (2), by striking "Grants and contracts" and inserting "Grants, contracts, and cooperative agreements".

SEC. 8. CORRECTION OF TYPOGRAPHICAL ERROR.

Section 262(a)(3) of the Museum and Library Services Act (20 U.S.C. 9162(a)(3)) is amended by striking "preservation of digitization" and inserting "preserving or digitization".

EXPRESSING SENSE OF CONGRESS REGARDING WOMEN'S MUSEUM INSTITUTE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 67, submitted earlier today by Senator HUTCHISON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 67) expressing the sense of Congress that the museum entitled "The Women's Museum: An Institute for the Future," in Dallas, Texas, be designated as a millennium project of the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON. Mr. President, I am pleased today to support, along with my distinguished colleagues, Senators MURRAY, SNOWE, LANDRIEU, FEINSTEIN, BOXER, MIKULSKI, MOSELEY-BRAUN, and COLLINS this concurrent resolution to grant recognition to the effort now underway to establish The Women's Museum: An Institute for the Future.

This important museum, being sponsored by the Foundation for Women's Resources in Texas and to be completed in 2000 in Dallas, will appropriately be designated by this resolution as a national millennium project for the United States. While the resolution will not preclude other official events and activities commemorating the turn of the millennium, it will serve to highlight the contributions of women in our Nation and world and how those contributions promise to continue to expand and evolve into the next century and millennium. The Women's Museum: An Institute for the Future will become a focal point for this recognition and appreciation of the role of women in our lives and culture and in commerce, politics, art, music, the sciences, and virtually every other field of endeavor.

Mr. President, I am especially excited about the tremendous potential of this museum to educate all people, particularly young women and girls, about the growing opportunities women have today—opportunities that were only dreams a few decades ago. These visitors to the museum will have the opportunity to learn about the past, present, and potential future lives and accomplishments of women, using a variety of traditional and innovative exhibits and interactive experiences. Moreover, the museum will serve as a center where people may gather to discuss and research the history and trends of issues affecting women.

The museum will be housed in the historic Texas State Fair Coliseum, located on the grounds of Fair Park in Dallas, which receives over six million visitors a year and is already home to a host of cultural and artistic attractions. The Women's Museum: An Institute for the Future will be an exciting addition to this state and national asset, and I am confident will continue to attract the enthusiastic support of governments, individuals, and corporations across the nation and across the world. It is my hope that this concurrent resolution will help focus even more attention on this effort to acknowledge and understand the virtually limitless potential of women in our society.

Thank you, Mr. President, and I ask unanimous consent that the text of the concurrent resolution be printed in the RECORD.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 67) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. CON. RES. 67

Whereas knowledge of our heritage is critical to understanding and meeting the challenges of today and developing a vision for our future;

Whereas the recognition of historic contributions of women to civilization is woefully lacking and such contributions are misunderstood in our Nation's cultural and historical landscape;

Whereas the Foundation for Women's Resources has announced the creation of The Women's Museum: An Institute for the Future (in this resolution referred to as the "Museum"), a state-of-the-art, interactive museum that will—

(1) profile the specific achievements of individual women throughout history;

(2) explore the experiences of women in our civilization; and

(3) celebrate the role of women in culture, commerce, politics, art, music, and the sciences;

Whereas the Museum will both honor the past contributions of women in history as well as the future role of women in our society;

Whereas the Museum will be housed in the restored State Fair Coliseum in Dallas, Texas, and designed by architect Wendy Evans Joseph, Senior designer for the United States Holocaust Memorial Museum;

Whereas the Museum has been widely supported by numerous women's organizations, local governments, corporations, and individuals;

Whereas the Museum is scheduled to open in the year 2000, the first time as a Nation we have witnessed the turn of a millennium; and

Whereas the turn of the millennium will be commemorated by government institutions and agencies with special projects and events all over our country: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress—

(1) that the past, present, and future contributions of women to culture, commerce, politics, art, music, and the sciences should be recognized and celebrated;

(2) that The Women's Museum: An Institute for the Future, in Dallas, Texas, should be designated as a millennium project for the United States; and

(3) that Federal agencies and other Federal institutions should support the establishment and operation of The Women's Museum: An Institute for the Future by—

(A) providing construction and operational support;

(B) supporting a ground-breaking ceremony for the museum; and

(C) supporting the museum and its objectives in all other respects.

AMENDING STANDING RULES OF THE SENATE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 151, submitted earlier today by Senators WARNER and FORD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 151) to amend the Standing Rules of the Senate to require the Committee on Rules and Administration to develop, implement, and update as necessary a strategic planning process for the functional and technical infrastructure support of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, as chairman of the Committee on Rules and Administration, it is my job to ensure that our colleagues have the support services they need to perform our constitutional responsibilities. Almost all of those services rely on information technology which must be coordinated between various authorities in the Senate. Ultimately, however, it is the Rules Committee that sets the overall policies for these services and remains responsible for ensuring that the needs of Senators and committees are met.

With the explosion in information technology, and the increasing sophistication of our user community, it is almost a full time job to ensure that the Senate keeps up with changes in technology in a timely manner. To assist in our responsibilities, the Committee sought the advice of outside experts with considerable experience advising both governmental entities and private industry in making the information technology and infrastructure support delivery decisions.

The consulting firm of Booz-Allen & Hamilton thoroughly reviewed our service delivery systems in the Senate, with considerable cooperation and participation by members' offices and the officers of the Senate. Booz-Allen has advised the Committee that the implementation of a strategic planning process for reviewing and coordinating the information technology and infrastructure support services of the Senate would enable us to make more cost-effective decisions about how to deliver those services.

The ranking member, Senator FORD, and I agree that this is a business practice that can prove very beneficial for the Senate. The resolution that we offer establishes that strategic planning process. I urge the adoption of the resolution.

Mr. FORD. Mr. President, the Committee on Rules and Administration has the responsibility of ensuring that everything runs smoothly in the Senate. We have to stay current on the latest technology to be responsive to the

needs of Senators and committees, and to make sure that we are using taxpayers' dollars wisely. There is a very delicate balance to strike between taking care of Members' individual needs and ensuring that the overall administration of the Senate functions in a coordinated and efficient manner.

To help the Rules Committee meet our responsibilities under the Standing Rules, the Committee solicited the advice of the consulting firm of Booz-Allen & Hamilton. Booz-Allen came before the Committee and presented their recommendations for how the Committee, and the Senate as a whole, can ensure that information technology and infrastructure support are more effectively and efficiently delivered in the Senate. Their recommendations include applying concepts that have worked in the private sector to bring efficiencies to technology and infrastructure support delivery. Specifically, Booz-Allen recommends that the Senate implement a strategic planning process for the delivery of information technology and infrastructure support.

This resolution provides for the creation of a strategic planning process in the Senate. I urge adoption of the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 151) was agreed to, as follows:

S. RES. 151

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 1(n)(2) of rule XXV of the Standing Rules of the Senate is amended—

(1) in division (A), by striking "and" at the end;

(2) in division (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) develop, implement, and update as necessary a strategy planning process and a strategic plan for the functional and technical infrastructure support of the Senate and provide oversight over plans developed by Senate officers and others in accordance with the strategic planning process.".

SEC. 2. COOPERATION BY OFFICES OF THE SENATE.

(a) SECRETARY OF THE SENATE.—The Secretary of the Senate shall assist the efforts of the Committee on Rules and Administration with respect to the development and implementation of a strategic plan for the functional and technical infrastructure support of the Senate. The Secretary shall prepare for approval by the Committee implementation plans, including proposed budgets, for the areas of infrastructure support for which the Secretary is responsible.

(b) SERGEANT AT ARMS.—The Sergeant at Arms shall assist the efforts of the Committee on Rules and Administration with respect to the development and implementation of a strategic plan for the functional and technical infrastructure support of the Senate. The Sergeant at Arms shall prepare for approval by the Committee implementation plans, including proposed budgets, for the areas of infrastructure support for which the Sergeant at Arms is responsible.

PROFESSIONAL BOXING SAFETY ACT AMENDMENT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1506, introduced earlier today by Senators MCCAIN and BRYAN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1506) to amend the Professional Boxing Safety Act.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, this legislation, on behalf of myself and Senator BRYAN of Nevada, would add a small but important amendment to the Professional Boxing Safety Act (P.L. 104–272), that was signed into law last year. This proposal would add language to the act to prevent promoters from exploiting professional boxers with respect to a certain unethical contracting practice. It would prohibit promoters from forcing a boxer, as a pre-condition to signing a contract for a bout, to hire a relative or associate of the promoter as their manager.

Testimony at the Commerce Committee's May 22nd 1997 hearing on the professional boxing industry detailed this practice, and prominent state commissioners have further advised Senator Bryan and I that the "forced hiring" of a promoter's relative does indeed occur. The most offensive result of this coercive practice is that boxers are forced to turn over at least *one-third of their earnings* to an individual with whom they have no business or personal relationship whatsoever. If the boxer refuses, they are effectively blacklisted from being able to compete in the lucrative bouts they have fairly earned. Their career may be over.

This practice is simply indefensible, and it clearly takes advantage of the fact that most professional boxers have little leverage in an industry dominated by a handful of powerful promoters. This legislative would end it. This amendment would add a provision to the new federal boxing safety and ethics law (P.L. 104–272) which was enacted with bipartisan support in the Senate and House of Representatives last year. Senator Bryan played a tremendously vital role as cosponsor of the Professional Boxing Safety Act, and he recently joined me in developing this proposal.

If enacted, this modest proposal will provide further assistance to a group of athletes who have had few advocates for too long. I know this legislation will be strongly welcomed by the courageous athletes who sustain the professional boxing industry, as well as the state commissioners who have the responsibility to regulate professional boxing events.

For a promoter to force a boxer to turn over one-third or one-half of his earnings, by threatening to deny them the chance to compete in a major bout, is extremely offensive and unethical. This practice would never be tolerated in any other sport or profession in the U.S. Indeed, it would probably result in the promoter being kicked out of a professional sports league or be the subject of a law enforcement proceeding. The only reason that it has occurred in professional boxing is because the overwhelming majority of boxers in America are completely powerless when it comes to their own financial futures. They are often at the whim of the powerful business interests who dominate the sport. Furthermore, with no union or private industry association to help advocate their causes and interests, boxers are routinely ignored by business entities in the sport.

I am sure that every Member of the Senate would join senator BRYAN and I in ending this egregious practice if they were aware of it. This modest legislative proposal will achieve this goal, and stop one form of exploitation against a group of athletes who have been subject to fraudulent and coercive business practices for decades. I hope my colleagues will support the swift passage of this proposal.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1506) was deemed read the third time and passed.

The text of the bill will be printed in a future edition of the RECORD.

PETER J. MCCLOSKEY POSTAL FACILITY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 264, H.R. 2564.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2564) to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McCloskey Postal Facility."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2564) was read a third time and passed.

THE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the following bills: Calendar No. 259, H.R. 282; calendar No. 262, H.R. 681; calendar No. 263, H.R. 2129; calendar No. 211, H.R. 1057; and calendar No. 212, H.R. 1058.

I further ask unanimous consent that the bills be considered read three times and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be placed in the RECORD at the appropriate place, with the preceding all done en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

OSCAR GARCIA RIVERA POST OFFICE BUILDING

A bill (H.R. 282) to designate the U.S. Post Office Building located at 153 East 110th Street, New York, NY, as the "Oscar Garcia Rivera Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

CARLOS J. MOORHEAD POST OFFICE BUILDING

A bill (H.R. 681) to designate the U.S. Post Office Building located at 313 East Broadway in Glendale, CA, as the "Carlos J. Moorhead Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

DOUGLAS APPLEGATE POST OFFICE BUILDING

A bill (H.R. 2129) to designate the U.S. Post Office Building located at 150 North 3d Street in Steubenville, OH, as the "Douglas Applegate Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

ANDREW JACOBS, JR. POST OFFICE BUILDING

A bill (H.R. 1057) to designate the building in Indianapolis, IN, which houses the operation of the Indianapolis Main Post Office as the "Andrew Jacobs, Jr. Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

JOHN T. MYERS POST OFFICE BUILDING

A bill (H.R. 1058) to designate the facility of the U.S. Postal Service under construction at 150 West Margaret Drive in Terre Haute, IN, as the "John T. Myers Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

PROVIDING CERTAIN BENEFITS OF THE PICK-SLOAN MISSOURI RIVER BASIN PROGRAM TO THE LOWER BRULE SIOUX TRIBE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 156, a bill reported earlier today by the Indian Affairs Committee.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 156) to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) under the Act of December 22, [1994] *1944*, commonly known as the "Flood Control Act of [1994] *1944*" (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Fort Randall and Big Bend projects are major components of the Pick-Sloan Missouri River Basin program, and contribute to the national economy by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(3) the Fort Randall and Big Bend projects overlie the [western] *eastern* boundary of the Lower Brule Indian Reservation, having inundated the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Lower Brule Sioux Tribe and the homeland of the members of the Tribe;

(4) Public Law 85–923 (72 Stat. 1773 et seq.) authorized the acquisition of 7,997 acres of Indian land on the Lower Brule Indian Reservation for the Fort Randall project and Public Law 87–734 (76 Stat. 698 et seq.) authorized the acquisition of 14,299 acres of Indian land on the Lower Brule Indian Reservation for the Big Bend project;

(5) Public Law 87–734 (76 Stat. 698 et seq.) provided for the mitigation of the effects of the Fort Randall and Big Bend projects on the Lower Brule Indian Reservation, by directing the Secretary of the Army to—

(A) as necessary, by reason of the Big Bend project, protect, replace, relocate, or reconstruct—

(i) any essential governmental and agency facilities on the reservation, including schools, hospitals, offices of the Public Health Service and the Bureau of Indian Affairs, service buildings, and employee quarters existing at the time that the projects were carried out; and

(ii) roads, bridges, and incidental matters or facilities in connection with those facilities;

(B) provide for a townsite adequate for 50 homes, including streets and utilities (including water, sewage, and electricity), taking into account the reasonable future growth of the townsite; and

(C) provide for a community center containing space and facilities for community gatherings, tribal offices, tribal council chamber, offices of the Bureau of Indian Affairs, offices and quarters of the Public Health Service, and a combination gymnasium and auditorium;

(6) the requirements under Public Law 87–734 (76 Stat. 698 et seq.) with respect to the mitigation of the effects of the Fort Randall and Big Bend projects on the Lower Brule Indian Reservation have not been fulfilled;

(7) although the national economy has benefited from the Fort Randall and Big Bend projects, the economy on the Lower Brule Indian Reservation remains underdeveloped, in part as a consequence of the failure of the Federal Government to fulfill the obligations of the Federal Government under the laws referred to in paragraph (4);

(8) the economic and social development and cultural preservation of the Lower Brule Sioux Tribe will be enhanced by increased tribal participation in the benefits of the Fort Randall and Big Bend components of the Pick-Sloan Missouri River Basin program; and

(9) the Lower Brule Sioux Tribe is entitled to additional benefits of the Pick-Sloan Missouri River Basin program.

SEC. 3. DEFINITIONS.

In this Act:

(1) FUND.—The term "Fund" means the Lower Brule Sioux Tribe Infrastructure Development Trust Fund established under section 4(a).

(2) PLAN.—The term "plan" means the plan for socioeconomic recovery and cultural preservation prepared under section 5.

(3) PROGRAM.—The term "Program" means the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) TRIBE.—The term "Tribe" means the Lower Brule Sioux Tribe of Indians, a band of the Great Sioux Nation recognized by the United States of America.

SEC. 4. ESTABLISHMENT OF LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.

(a) LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.—There is

established in the Treasury of the United States a fund to be known as the "Lower Brule Sioux Tribe Infrastructure Development Trust Fund".

(b) FUNDING.—Beginning with fiscal year [immediately following the fiscal year during which the aggregate of the amounts deposited in the Crow Creek Sioux Tribe Infrastructure Development Trust Fund is equal to the amount specified in section 4(b) of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996 (110 Stat. 3026 et seq.)] *1998*, and for each fiscal year thereafter, until such time as the aggregate of the amounts deposited in the Fund is equal to $39,300,000, the Secretary of the Treasury shall deposit into the Fund an amount equal to 25 percent of the receipts from the deposits to the Treasury of the United States for the preceding fiscal year from the Program.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) ESTABLISHMENT OF ACCOUNT AND TRANSFER OF INTEREST.—The Secretary of the Treasury shall, in accordance with this subsection, transfer any interest that accrues on amounts deposited under subsection (b) into a separate account established by the Secretary of the Treasury in the Treasury of the United States.

(2) PAYMENTS.—

(A) IN GENERAL.—Beginning with the fiscal year immediately following the fiscal year during which the aggregate of the amounts deposited in the Fund is equal to the amount specified in subsection (b), and for each fiscal year thereafter, all amounts transferred under paragraph (1) shall be available, without fiscal year limitation, to the Secretary of the Interior for use in accordance with subparagraph (C).

(B) WITHDRAWAL AND TRANSFER OF FUNDS.—For each fiscal year specified in subparagraph (A), the Secretary of the Treasury shall withdraw amounts from the account established under paragraph (1) and transfer such amounts to the Secretary of the Interior for use in accordance with subparagraph (C). The Secretary of the Treasury may only withdraw funds from the account for the purpose specified in this paragraph.

(C) PAYMENTS TO TRIBE.—The Secretary of the Interior shall use the amounts transferred under subparagraph (B) only for the purpose of making payments to the Tribe.

(D) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (C) only for carrying out projects and programs pursuant to the plan prepared under section 5.

(3) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this subsection may be distributed to any member of the Tribe on a per capita basis.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CULTURAL PRESERVATION.

(a) PLAN.—

(1) IN GENERAL.—The Tribe shall, not later than 2 years after the date of enactment of this Act, prepare a plan for the use of the payments made to the Tribe under section 4(d)(2). In developing the plan, the Tribe shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(2) REQUIREMENTS FOR PLAN COMPONENTS.—The plan shall, with respect to each component of the plan—

(A) identify the costs and benefits of that component; and

(B) provide plans for that component.

(b) CONTENT OF PLAN.—The plan shall include the following programs and components:

(1) EDUCATIONAL FACILITY.—The plan shall provide for an educational facility to be located on the Lower Brule Indian Reservation.

(2) COMPREHENSIVE INPATIENT AND OUTPATIENT HEALTH CARE FACILITY.—The plan shall provide for a comprehensive inpatient and outpatient health care facility to provide essential services that the Secretary of Health and Human Services, in consultation with the individuals and entities referred to in subsection (a)(1), determines to be—

(A) needed; and

(B) unavailable through facilities of the Indian Health Service on the Lower Brule Indian Reservation in existence at the time of the determination.

(3) WATER SYSTEM.—The plan shall provide for the construction, operation, and maintenance of a municipal, rural, and industrial water system for the Lower Brule Indian Reservation.

(4) RECREATIONAL FACILITIES.—The plan shall provide for recreational facilities suitable for high-density recreation at Lake Sharpe at Big Bend Dam and at other locations on the Lower Brule Indian Reservation in South Dakota.

(5) OTHER PROJECTS AND PROGRAMS.—The plan shall provide for such other projects and programs for the educational, social welfare, economic development, and cultural preservation of the Tribe as the Tribe considers to be appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act, including such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 7. EFFECT OF PAYMENTS TO TRIBE.

(a) IN GENERAL.—No payment made to the Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

(b) EXEMPTIONS; STATUTORY CONSTRUCTION.—

(1) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin power rates.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed as diminishing or affecting—

(A) any right of the Tribe that is not otherwise addressed in this Act; or

(B) any treaty obligation of the United States.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 156), as amended, was read a third time and passed.

FEDERAL JUDICIARY PROTECTION ACT OF 1997

Mr. SESSIONS. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 203, S. 1189.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1189) to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1624

(Purpose: To increase the maximum term of imprisonment for assaulting, resisting, or impeding certain officers or employees)

Mr. SESSIONS. There is an amendment at the desk submitted by Senator FEINSTEIN, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mrs. FEINSTEIN, proposes an amendment numbered 1624.

Mr. SESSIONS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 6, strike "8" and insert "12".

Mr. SESSIONS. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1624) was agreed to.

Mr. LEAHY. Mr. President, I delighted that the Senate is about to pass the Federal Judiciary Protection Act of 1997, S. 1189. I am a proud cosponsor of this legislation.

This legislation would provide greater protection to Federal judges, law enforcement officers and their families. Specifically, our legislation would: increase the maximum prison term for forcible assaults, resistance, opposition, intimidation or interference with a Federal judge or law enforcement officer from 3 years imprisonment to 8 years; increase the maximum prison term for use of a deadly weapon or infliction of bodily injury against a Federal judge or law enforcement officer

from 10 years imprisonment to 20 years; and increase the maximum prison term for threatening murder or kidnaping of a member of the immediate family of a Federal judge or law enforcement officer from 5 years imprisonment to 10 years. It has the support of the Department of Justice, the United States Judicial Conference, the United States Sentencing Commission and the United States Marshal Service.

It is most troubling that the greatest democracy in the world needs this legislation to protect the hard working men and women who serve in our Federal judiciary and other law enforcement agencies. But, unfortunately, we are seeing more violence and threats of violence against officials of our Federal government.

Earlier this year, for example, a courtroom in Urbana, Illinois was firebombed, apparently by a disgruntled litigant. This follows the horrible tragedy of the bombing of the federal office building in Oklahoma City two years ago. More recently in my home state, a Vermont border patrol officer, John Pfeiffer, was seriously wounded by Carl Drega, during a shootout with Vermont and New Hampshire law enforcement officers in which Drega lost his life. Earlier that day, Drega shot and killed two state troopers and a local judge in New Hampshire. Apparently, Drega was bent on settling a grudge against the judge who had ruled against him in a land dispute.

I had a chance to visit John Pfeiffer in the hospital and met his wife and young daughter. Thankfully, Agent Pfeiffer has returned to work along the Vermont border. As a federal law enforcement officer, Agent Pfeiffer and his family will receive greater protection under our bill.

There is, of course, no excuse or justification for someone taking the law into their own hands and attacking or threatening a judge or law enforcement officer. Still, the U.S. Marshal Service is concerned with more and more threats of harm to our judges and law enforcement officers.

The extreme rhetoric that some are using to attack the judiciary only feeds into this hysteria. For example, one of the Republican leaders in the House of Representatives was recently quoted as saying: "The judges need to be intimidated," and if they do not behave, "we're going to go after them in a big way." I know that House Republican Whip TOM DELAY was not intending to encourage violence against any Federal official, but this extreme rhetoric only serves to degrade Federal judges in the eyes of the public.

Let none of us in the Congress contribute to the atmosphere of hate and violence. Let us treat the judicial branch and those who serve within it with the respect that is essential to its preserving its public standing.

We have the greatest judicial system in the world, the envy of people and countries around the world that are struggling for freedom. It is the independence of our third, co-equal branch of government that gives it the ability to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches, those more susceptible to the gusts of the political winds of the moment.

We are fortunate to have dedicated women and men throughout the Federal Judiciary and law enforcement in this country who do a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the federal government, who are too often maligned and unfairly disparaged. It is unfortunate that it takes acts or threats of violence to put a human face on the Federal Judiciary and other law enforcement officials, to remind everyone that these are people with children and parents and cousins and friends. They deserve our respect and our protection.

Mr. SESSIONS. I ask unanimous consent that the bill, as amended, be deemed read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The bill (S. 1189), as amended, was deemed read the third time and passed, as follows:

S. 1189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Judiciary Protection Act of 1997".

SEC. 2. ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.

Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "three" and inserting "12"; and

(2) in subsection (b), by striking "ten" and inserting "20".

SEC. 3. INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.

Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking "five" and inserting "10"; and

(2) by striking "three" and inserting "6".

SEC. 4. MAILING THREATENING COMMUNICATIONS.

Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both."; and

(3) in subsection (d), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 5. AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(b) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in subsection (a)—

(1) any expression of congressional intent regarding the appropriate penalties for the offense;

(2) the range of conduct covered by the offense;

(3) the existing sentences for the offense;

(4) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(5) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(6) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(7) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(8) any other factors that the Commission considers to be appropriate.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. SESSIONS. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 145 and the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 145) designating the month of November 1997 as "National American Indian Heritage Month."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and

that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution (S. Res. 145) was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 145

Whereas American Indians and Alaska Natives were the original inhabitants of the land that now constitutes the United States;

Whereas American Indian tribal governments developed the fundamental principles of freedom of speech and separation of powers that form the foundation of the United States Government;

Whereas American Indians and Alaska Natives have traditionally exhibited a respect for the finiteness of natural resources through a reverence for the earth;

Whereas American Indians and Alaska Natives have served with valor in all of America's wars beginning with the Revolutionary War through the conflict in the Persian Gulf, and often the percentage of American Indians who served exceeded significantly the percentage of American Indians in the population of the United States as a whole;

Whereas American Indians and Alaska Natives have made distinct and important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas American Indians and Alaska Natives deserve to be recognized for their individual contributions to the United States as local and national leaders, artists, athletes, and scholars;

Whereas this recognition will encourage self-esteem, pride, and self-awareness in American Indians and Alaska Natives of all ages; and

Whereas November is a time when many Americans commemorate a special time in the history of the United States when American Indians and English settlers celebrated the bounty of their harvest and the promise of new kinships: Now, therefore, be it

Resolved, That the Senate designates November 1997 as "National American Indian Heritage Month" and requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

SENATE LEGAL COUNSEL REPRESENTATION

Mr. SESSIONS. I ask unanimous consent the Senate proceed en bloc to the immediate consideration of three Senate resolutions, S. Res. 152, S. Res. 153, and S. Res. 154, which were submitted earlier today by Senators LOTT and DASCHLE. I further ask consent that the resolutions be agreed to, the preambles be agreed to, and statements relating to these resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 152, S. Res. 153, and S. Res. 154), en bloc, were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 152

Whereas, in the cases of *City of New York, et al.* v. *William Clinton, et al.*, Civ. No. 97–2393, *National Treasury Employees Union, et al.*, v. *United States, et al.*, Civ. No. 97–2399, and *Snake River Potato Growers, Inc., et al.*, v. *Robert Rubin*, Civ. No. 97-2463, all pending in the United States District Court for the District of Columbia, the constitutionality of the Line Item Veto Act, Pub. L. No. 104–130, 110 Stat. 1200 (1996), has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288*l*(a), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in the cases of *City of New York, et al.*, v. *William Clinton, et al.; National Treasury Employees Union, et al.*, v. *United States, et al.*; and *Snake River Potato Growers, Inc., et al.*, v. *Robert Rubin*, to defend the constitutionality of the Line Item Veto Act.

SEC. 2. That while the Senate is adjourned the Senate Legal Counsel is authorized to appear as amicus curiae on behalf of the Senate in other cases in which the constitutionality of the Line Item Veto Act is placed in issue: *Provided,* That the Joint Leadership Group authorizes the Senate Legal Counsel to appear as amicus curiae on behalf of the Senate in such other cases.

Mr. LOTT. Mr. President, last year, after years of legislative consideration and debate, Congress enacted into law the Line Item Veto Act. For the next several years, this act gives the President authority, within carefully circumscribed limits, to cancel particular items of appropriation, direct spending, or limited tax benefits. The President must send Congress a special message reporting his cancellations within five days after he approves the bill containing the spending or tax provisions, and Congress may then consider, under expedited procedures, whether to pass a new law disapproving the President's cancellation.

Congress delegated this responsibility to the President as a means of furthering our goal of balancing the federal budget. Congress's enactment of the Line Item Veto Act followed vigorous debate in the Senate, in which some opponents raised doubts about the law's constitutionality. All Members recognized that these constitutional questions likely ultimately would be resolved only in the Supreme Court.

Last January, the day after the law took effect, in the case of *Byrd* v. *Raines*, six of our colleagues filed suit challenging the constitutionality of the Line Item Veto Act. On January 22, 1997, the Senate directed the Senate Legal Counsel to appear on behalf of the Senate as amicus curiae in *Byrd* v. *Raines* to defend the constitutionality of the Line Item Veto Act. In June the Supreme Court dismissed the case on the basis that the plaintiffs lacked legal standing to bring their suit. The Court did not address the constitutional question.

In August, the President began using the Line Item Veto Act's cancellation authority for the first time. As a result of the President's cancellations, three new actions have recently been filed in the United States District Court for the District of Columbia again challenging the constitutionality of the Act. The plaintiffs assert that the Act violates the lawmaking provisions of Article I of the Constitution by authorizing the President to nullify the effect of portions of recently enacted laws. These challenges call into question the full range of cancellation authority provided by Congress in the Act, as the three cases address direct spending, discretionary appropriations, and limited tax benefits, respectively.

Mr. President, as with the Senate's appearance amicus curiae in *Byrd* v. *Raines*, appearance in these cases as an amicus curiae would again enable the Senate to present to the courts its reasons for enacting the Line Item Veto Act and the basis for the Senate's conviction that the law is consistent with the Constitution. Accordingly, this resolution would authorize the Senate Legal Counsel to appear in these cases in the name of the Senate as amicus curiae to support the constitutionality of the Line Item Veto Act.

The Senate would not take a position on questions about the legal standing of any of these plaintiffs, as it did not in the prior litigation. However, as in the earlier litigation, the Senate Legal Counsel will be expected to describe to the courts, in the course of supporting the constitutionality of the Line Item Veto Act, the statutory limits embodied in the Act that constrain the President's use of this authority to the particular circumstances and conditions carefully prescribed by the Act.

Finally, this resolution also would authorize the Senate Legal Counsel to appear in the name of the Senate as amicus curiae to support the constitutionality of the Line Item Veto Act in any other cases challenging the constitutionality of the Act that may occur during the adjournment of the Senate, if authorized to do so by the Joint Leadership Group. This is the procedure the Senate has used in the past to protect its legal interests during adjournments.

S. RES. 153

Whereas, in the case of *Sherry Yvonne Moore* v. *Capitol Guide Board*, Case No. 1:97CV00823, pending in the United States District Court for the District of Columbia, a subpoena has been issued for the production of documents of the Sergeant-at-Arms and Doorkeeper of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate

with respect to any subpoena, order, or request for testimony or document production relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Sergeant-at-Arms and Doorkeeper of the Senate is authorized to produce documents relevant to the case of *Sherry Yvonne Moore* v. *Capitol Guide Board*, except where a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent the Sergeant-at-Arms and Doorkeeper of the Senate in connection with the production of documents in this case.

Mr. LOTT. Mr. President, the case of *Sherry Yvonne Moore* v. *Capitol Guide Board*, pending in the United States District Court for the District of Columbia under the Congressional Accountability Act, involves claims of employment discrimination by the plaintiff, former employee of the Sergeant-at-Arms who worked for the Capitol Guide Service.

The plaintiff in this case has issued a subpoena for documents to the Senate Sergeant-at-Arms. The enclosed resolution would authorize the Sergeant at Arms to produce such documents, except where a privilege or objection should be asserted. It would also authorize the Senate Legal Counsel to represent the Sergeant-at-Arms in connection with the production of such documents.

S. RES. 154

Whereas, in the case of *Magee, et al.* v. *Hatch, et al.*, No. 97-CV02203, pending in the United States District Court for the District of Columbia, the plaintiffs have named Senator Orrin Hatch as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1) (1994), the Senate may direct its counsel to defend its Members in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Hatch in the case of *Magee, et al.* v. *Hatch, et al.*

Mr. LOTT. Mr. President, *Magee, et al.* v. *Hatch, et al.* is an action arising out of Congress' enactment of the Anti-Terrorism and Effective Death Penalty Act of 1996. The suit names Senator ORRIN G. HATCH and Speaker of the House NEWT GINGRICH as the sole defendants. This resolution authorizes the Senate Legal Counsel to represent Senator HATCH in this matter. If so authorized, the Senate Legal Counsel will seek dismissal of the complaint.

MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT

Mr. SESSIONS. I ask unanimous consent that the Labor and Human Resources Committee be discharged from further consideration of S. 537 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 537) to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 537) was deemed read the third time and passed, as follows:

S. 537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mammography Quality Standards Reauthorization Act".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 354(r)(2) of the Public Health Service Act (42 U.S.C. 263b(r)(2) (A) and (B)) are each amended by striking "1997" and inserting "2002".

(b) TECHNICAL AMENDMENT.—Section 354(r)(2)(A) of the Public Health Service Act (42 U.S.C. 263b(r)(2)(A)) is amended by striking "subsection (q)" and inserting "subsection (p)".

SEC. 3. APPLICATION OF CURRENT VERSION OF APPEAL REGULATIONS.

Section 354(d)(2)(B) of the Public Health Service Act (42 U.S.C. 263b(d)(2)(B)) is amended by striking "and in effect on the date of enactment of this section".

SEC. 4. CLARIFICATION OF FACILITIES' RESPONSIBILITY TO RETAIN MAMMOGRAM RECORDS.

Section 354(f)(1)(G) of the Public Health Service Act (42 U.S.C. 263b(f)(1)(G)) is amended by striking clause (i) and inserting the following:

"(i) a facility that performs any mammogram—

"(I) except as provided in subclause (II), maintain the mammogram in the permanent medical records of the patient for a period of not less than 5 years, or not less than 10 years if no additional mammograms of such patient are performed at the facility, or longer if mandated by State law; and

"(II) upon the request of or on behalf of the patient, forward the mammogram to a medical institution or a physician of the patient; and".

SEC. 5. SCOPE OF INSPECTIONS.

Section 354(g)(1)(A) of the Public Health Service Act (42 U.S.C. 263b(g)(1)(A)) is amended in the first sentence—

(1) by striking "certified"; and

(2) by inserting "the certification requirements under subsection (b) and" after "compliance with".

SEC. 6. CLARIFICATION OF AUTHORITY TO DELEGATE INSPECTION RESPONSIBILITY TO LOCAL GOVERNMENT AGENCIES.

Section 354 of the Public Health Service Act (42 U.S.C. 263b) is amended—

(1) in subsections (a)(4), (g)(1), (g)(3), and (g)(4), by inserting "or local" after "State" each place it appears;

(2) in the heading of subsection (g)(3), by inserting "OR LOCAL" after "STATE"; and

(3) in subsection (i)(1)(D)—

(A) by inserting "or local" after "State" the first place it appears; and

(B) by inserting "or local agency" after "State" the second place it appears.

SEC. 7. PATIENT NOTIFICATION CONCERNING HEALTH RISKS.

(a) REQUIREMENT.—Section 354(h) of the Public Health Service Act (42 U.S.C. 263b(h)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) PATIENT INFORMATION.—If the Secretary determines that the quality of mammography performed by a facility (whether or not certified pursuant to subsection (c)) was so inconsistent with the quality standards established pursuant to subsection (f) as to present a significant risk to individual or public health, the Secretary may require such facility to notify patients who received mammograms at such facility, and their referring physicians, of the deficiencies presenting such risk, the potential harm resulting, appropriate remedial measures, and such other relevant information as the Secretary may require.".

(b) CIVIL MONEY PENALTY.—Section 354(h)(3) of the Public Health Service Act (42 U.S.C. 263b(h)(3)), as so redesignated, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) each failure to notify a patient of risk as required by the Secretary pursuant to paragraph (2), and"

SEC. 8. REQUIREMENT TO COMPLY WITH INFORMATION REQUESTS.

Section 354(i)(1)(C) of the Public Health Service Act (42 U.S.C. 263b(i)(1)(C)) is amended—

(1) by inserting after "Secretary", the first place it appears "(or of an accreditation body approved pursuant to subsection (e))"; and

(2) by inserting after "Secretary", the second place it appears "(or such accreditation body or certifying entity)".

SEC. 9. ADJUSTMENT TO SEVERITY OF SANCTIONS.

Section 354(i)(2)(A) of the Public Health Service Act (42 U.S.C. 263b(i)(2)(A)) is amended by striking "makes the finding" and all that follows and inserting the following: "has reason to believe that the circumstance of the case will support one or more of the findings described in paragraph (1) and that—

"(i) the failure or violation was intentional, or

"(ii) the failure or violation presents a serious risk to human health.".

SEC. 10. TECHNICAL AMENDMENT.

Section 354(q)(4)(B) of the Public Health Service Act (42 U.S.C. 263b(q)(4)(B)) is amended by striking "accredited" and inserting "certified".

UNANIMOUS-CONSENT AGREEMENTS—S. 1216 AND S. 629

Mr. SESSIONS. I ask unanimous consent that S. 1216, as reported by the Finance Committee, be referred to the Commerce Committee for the consideration of matters within its jurisdiction for a period not to exceed 10 calendar days. I further ask consent if the bill is not reported at that time, the bill be immediately discharged and placed on the calendar.

I further ask unanimous consent that S. 629 be discharged from the Commerce Committee and that the bill then be referred to the Senate Finance Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

DAVID DYER FEDERAL COURTHOUSE

J. ROY ROWLAND COURTHOUSE

Mr. SESSIONS. Mr. President, I ask unanimous consent the Environmental and Public Works Committee be discharged from further consideration of the H.R. 1479 and H.R. 1484, and further, the Senate proceed to their consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1479) to designate the Federal building and United States courthouse located at 300 Northeast Frist Avenue in Miami, Florida, as the "David W. Dyer Federal Building and United States Courthouse."

A bill (H.R. 1484) to redesignate the United States courthouse located at 100 Franklin Street in Dublin, Georgia, as the "J. Roy Rowland United States Courthouse."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bills?

There being no objection, the Senate proceeded to consider the bills.

Mr. SESSIONS. Mr. President, I further ask unanimous consent the bills be read the third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 1479 and H.R. 1484) were passed.

AMENDING THE NATIONAL DEFENSE AUTHORIZATION ACT

Mr. SESSIONS. I ask unanimous consent the Senate now proceed to consideration of S. 1507, introduced earlier today by Senator THURMOND.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1507) to amend the National Defense Authorization Act for fiscal year 1998 to make certain technical corrections.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent that bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1507) was read the third time and passed, as follows:

S. 1507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS.

(a) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—(1) Section 2302c(a)(1) of title 10, United States Code, is amended by inserting "of section 2303(a) of this title" after "paragraphs (1), (5) and (6)".

(2) The amendment made by paragraph (1) shall take effect as if included in the amendment to section 2302c of title 10, United States Code, made by section 850(f)(3)(A) of the National Defense Authorization Act for Fiscal Year 1998 to which the amendment made by paragraph (1) relates.

(b) COMMEMORATION OF 50TH ANNIVERSARY OF KOREAN CONFLICT.—(1) Section 1083(f) of the National Defense Authorization Act for Fiscal Year 1998 is amended by striking out "$100,000" and inserting in lieu thereof "$1,000,000".

(2) the amendment made by paragraph (1) shall take effect as if included in the provisions of the National Defense Authorization Act for Fiscal Year 1998 to which such amendment relates.

AMENDING SECTION 3165 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 1511, introduced earlier today by Senator THURMOND.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1511) to amend section 3165 of the National Defense Authorization Act for fiscal year 1998 to clarify the authority in the section.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent that the bill be deemed read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1511) was deemed read the third time, and passed, as follows:

S. 1511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF AUTHORITY.

(a) CLARIFICATION.—Section 3165 of the National Defense Authorization Act of Fiscal Year 1998 is amended—

(1) in subsection (b)(1), by striking out "under the jurisdiction" and all that follows through "Los Alamos National Laboratory" and inserting in lieu thereof "under the jurisdiction or administrative control of the Secretary at or in the vicinity of Los Alamos National Laboratory"; and

(2) in subsection (e), by striking out ", the Secretary of the Interior" and all that follows through the end and inserting in lieu thereof "but not later than 90 days after the submittal of the report under subsection (d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo the parcels identified for conveyance or transfer under subsection (b).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the provisions of section 3165 of the National Defense Authorization Act for Fiscal Year 1998 to which such amendments relate.

ELIGIBLE TELECOMMUNICATIONS CARRIERS ACT OF 1997

Mr. SESSIONS. I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 289, S. 1354.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1354) to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, the motion to reconsider laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1354) was considered read the third time, and passed, as follows:

S. 1354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF COMMUNICATIONS ACT OF 1934.

Section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) is amended—

(1) by striking "(2) or (3)" in paragraph (1) and inserting "(2), (3), or (6)";

(2) by striking "interstate services," in paragraph (3) and inserting "interstate services or an area served by a common carrier to which paragraph (6) applies,";

(3) by inserting "(or the Commission in the case of a common carrier designated under paragraph (6))" in paragraph (4) after "State commission" each place such term appears;

(4) by inserting "(or the Commission under paragraph (6))" in paragraph (5) after "State commission"; and

(5) by inserting after paragraph (5) the following:

"(6) COMMON CARRIERS NOT SUBJECT TO STATE COMMISSION JURISDICTION.—In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.".

DISTRIBUTION OF JUDGMENT FUNDS OF THE OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1604 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan, pursuant to dockets 18–E, 58, 364, and 18–R before the Indian Claims Commission.

AMENDMENTS NOS. 1625, 1626, 1627, EN BLOC

Mr. SESSIONS. Mr. President, I send two amendments, en bloc, to the desk on behalf of Mr. MURKOWSKI and Mr. INOUYE and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI and Mr. INOUYE, proposes amendments numbered 1625, 1626, 1627, en bloc.

Mr. SESSIONS. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1625

(Purpose: To limit the number of health care contracts and compacts that the Indian Health Service may execute for the Ketchikan Gateway Borough)

At the appropriate place, insert:

SECTION 1. FINDINGS.

Congress finds that—

(1) the execution of more than 1 contract or compact between an Alaska native village or regional or village corporation in the Ketchikan Gateway Borough and the Secretary to provide for health care services in an area with a small population leads to duplicative and wasteful administrative costs; and

(2) incurring the wasteful costs referred to in paragraph (1) leads to decrease in the quality of health care that is provided to Alaska Natives in an affected area.

SECTION 2. DEFINITIONS.

In this Act:

(1) ALASKA NATIVE.—The term "Alaska Native" has the meaning given the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) ALASKA NATIVE VILLAGE OR REGIONAL OR VILLAGE CORPORATION.—The term "Alaska native village or regional or village corporation" means an Alaska native village or regional or village corporation defined in, or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(3) CONTRACT; COMPACT.—The terms "contract" and "compact" mean a self-determination contract and a self-governance compact as these terms are defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et. seq.).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 3. LIMITATION.

(a) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that, in considering a renewal of a contract or compact, or signing of a new contract or compact for the provision of health care services in the Ketchikan Gateway Borough, there will be only one contract or compact in effect.

(b) CONSIDERATION.—In any case in which the Secretary, acting though the Director of the Indian Health Service, is required to select from more than 1 application for a contract or compact described in subsection (a), in awarding the contract or compact, the Secretary shall take into consideration—

(1) the ability and experience of the applicant;

(2) the potential for the applicant to acquire and develop the necessary ability; and

(3) the potential for growth in the health care needs of the covered borough.

AMENDMENT NO. 1626

In section 11, strike the section heading and all that follows through "The eligibility" and insert the following:

"SEC. 11. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS.

"(a) APPLICABILTY OF PUBLIC LAW 93–134.—All funds distributed under this Act or any plan approved in accordance with this Act, including interest and investment income that accrues on those funds before or while those funds are held in trust, shall be subject to section 7 of Public Law 93–134 (87 Stat. 468).

"(b) TREATMENT OF FUNDS WITH RESPECT TO CERTAIN FEDERAL ASSISTANCE.—The eligibility".

AMENDMENT NO. 1627

(Purpose: To provide for a technical correction to Section 2 concerning the Sault Ste. Marie)

On page 2, line 7, of Section 2, delete the word "Tribe" and insert the word "Band".

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 1625, 1626, 1627) were agreed to.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill, as amended, be considered read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1604), as amended, was considered read the third time, and passed.

TELEMARKETING FRAUD PREVENTION ACT OF 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 206, H.R. 1847.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1847) to improve the criminal law relating to fraud against consumers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telemarketing Fraud Prevention Act of 1997".

SEC. 2. CRIMINAL FORFEITURE OF FRAUD PROCEEDS.

Section 982 of title 18, United States code, is amended—

(1) in subsection (a)—

(A) by redesignating the second paragraph designated as paragraph (6) as paragraph (7); and

(B) by adding at the end the following:

"(8) The Court, in sentencing a defendant convicted of an offense under section 1028, 1029, 1341, 1342, 1343, or 1344, or of a conspiracy to commit such an offense, if the offense involves telemarketing (as that term is defined in section 2325), shall order that the defendant forfeit to the United States any real or personal property—

"(A) used or intended to be used to commit, to facilitate, or to promote the commission of such offense; and

"(B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offense."; and

(2) in subsection (b)(1)(A), by striking "(a)(1) or (a)(6)" and inserting "(a)(1), (a)(6), or (a)(8)".

SEC. 3. PENALTY FOR TELEMARKETING FRAUD.

Section 2326 of title 18, United States Code, is amended by striking "may" each place it appears and inserting "shall".

SEC. 4. ADDITION OF CONSPIRACY OFFENSES TO SECTION 2326 ENHANCEMENT.

Section 2326 of title 18, United States Code, is amended by inserting ", or a conspiracy to commit such an offense," after "or 1344".

SEC. 5. CLARIFICATION OF MANDATORY RESTITUTION.

Section 2327 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "for any offense under this chapter" and inserting "to all victims of any offense for which an enhanced penalty is provided under section 2326"; and

(2) by striking subsection (c) and inserting the following:

"(c) VICTIM DEFINED.—In this section, the term 'victim' has the meaning given that term in section 3663A(a)(2).".

SEC. 6. AMENDMENT OF FEDERAL SENTENCING GUIDELINES.

(a) DEFINITION OF TELEMARKETING.—In this section, the term "telemarketing" has the meaning given that term in section 2326 of title 18, United States Code.

(b) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall—

(1) promulgate Federal sentencing guidelines or amend existing sentencing guidelines (and policy statements, if appropriate) to provide for substantially increased penalties for persons convicted of offenses described in section 2326 of title 18, United States Code, as amended by this Act, in connection with the conduct of telemarketing;

(2) submit to Congress an explanation of each action taken under paragraph (1) and any additional policy recommendations for combating the offenses described in that paragraph.

(c) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the guidelines and policy statements promulgated or amended pursuant to subsection (b)(1) and any recommendations submitted thereunder reflect the serious nature of the offenses;

(2) provide an additional appropriate sentencing enhancement if offense involved sophisticated means, including but not limited to sophisticated concealment efforts, such as perpetrating the offense from outside the United States;

(3) provide an additional appropriate sentencing enhancement for cases in which a large number of vulnerable victims, including but not limited to victims described in section 2326(2) of title 18, United States Code, are affected by a fraudulent scheme or schemes;

(4) ensure that guidelines and policy statements promulgated or amended pursuant to subsection (b)(1) are reasonably consistent with other relevant statutory directives to the Commission and with other guidelines;

(5) account for any aggravating or mitigating circumstances that might justify upward or downward departures;

(6) ensure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code; and

(7) take any other action the Commission considers necessary to carry out this section.

(d) EMERGENCY AUTHORITY.—The Commission shall promulgate the guidelines or amendments provided for under this subsection as soon as practicable, and in any event not later than 120 days after the date of enactment of the Telemarketing Fraud Prevention Act of 1997, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that authority had not expired, except that the Commission shall submit to Congress the emergency guidelines or amendments promulgated under this section, and shall set an effective date for those guidelines or amendments not earlier than 30 days after their submission to Congress.

AMENDMENT NO. 1628

(Purpose: To prohibit false advertising or misuse of a name to indicate the United States Marshals Service)

Mr. SESSIONS. Mr. President, I send an amendment to the desk on behalf of Mr. LEAHY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. LEAHY, proposes an amendment numbered 1628.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . FALSE ADVERTISING OR MISUSE OF NAME TO INDICATE UNITED STATES MARSHALS SERVICE.

Section 709 of title 18, United States Code, is amended by inserting after the thirteenth undesignated paragraph the following:

"Whoever, except with the written permission of the Director of the United States Marshals Service, knowingly uses the words 'United States Marshals Service', 'U.S. Marshals Service', 'United States Marshal', 'U.S. Marshal', 'U.S.M.S.' or any colorable imitation of any such words, or the likeness of the United States Marshals Service badge, logo, or insignia on any item of apparel, in connection with any advertisement, circular, book, pamphlet, software, or other publication, or any play, motion picture, broadcast, telecast, or other production, in a manner that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the United States Marshals Service, or to convey the impression that such advertisement, circular, book, pamphlet, software, or other publication, or such play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the United States Marshals Service;".

Mr. LEAHY. Mr. President, I am glad to support this measure with my amendment to prevent the misuse of the name and likeness of the U.S. Marshals Service.

The U.S. Marshals Service is the Nation's oldest Federal law enforcement agency. Since 1789, U.S. marshals have served the country through a variety of vital law enforcement activities, such as the protection of Federal judicial officials, the apprehension of Federal fugitives, and the transportation of Federal prisoners. Today, approximately 4,000 deputy U.S. marshals and career employees perform these important services across the Nation. I receive frequent reports about the day-to-day activities of the Service from Vermont's U.S. marshal, Jack Rouille, who has been a model public servant and has been a linchpin of coordination for Federal and local law enforcement agencies in Vermont.

The amendment I have offered will assist the Marshals Service by amending 18 U.S.C. 709—the part of the U.S. Code that deals with misuse of names to indicate Federal agencies—to include the Marshals Service among the Federal agencies whose name and likeness are protected from imitation on items of apparel or in connection with any commercial enterprise.

At present, the name and likeness of many other Federal law enforcement agencies are protected under law. For instance, the name and likeness of the Federal Bureau of Investigation [FBI], Secret Service, and Drug Enforcement Agency [DEA] are protected under 18 u.S.C. 709. Moreover, the name and likeness of several non-law enforcement agencies are protected under law. For example, the name and likeness of the Federal Deposit Insurance Corporation, the National Credit Union, the Federal Home Loan Bank, the Overseas Private Investment Corporation, and the U.S. Mint, to name a few, are protected under 18 U.S.C. 709.

The lack of protection for the Marshals Service has generated serious security concerns. At a minimum, the public may be falsely lead to believe that the Marshals Service approves or endorses an unauthorized product. Even more problematic is the possibility that unauthorized individuals may wear apparel to look like marshals to effectuate criminal purposes or to gain undesired access to secured areas such as courtrooms or witness security facilities.

Recent cases highlight the need for this amendment:

In 1994, an individual dressed in full marshal "swat team" apparel and in possession of a loaded weapon made a series of presentations to a group of students at a local high school in Virginia.

An organization known as the United States Marshals and Peace Officers Association of America markets home security systems. Its advertisements use a replica of the Marshals Service badge, implying government endorsement of the organization and its product. The organization is not endorsed or authorized by the Marshals Service.

A Texas company offers bullet-resistant panels as an alternative home protection system. The company advertises that these bullet-proof panels are approved by the Marshals Service. This product is not officially endorsed by the Marshals Service.

While the amendment that I am introducing would protect the Marshals Service against these illegitimate uses of its name and likeness, the amendment is purposely limited in its scope. Specifically, this amendment would not prevent the use of the name or likeness in those instances where the use would not be reasonably calculated to convey the impression that either, first, the wearer of the item of apparel with the name or likeness is acting pursuant to legal authority; or, second, the use is approved, endorsed, or authorized by the Marshals Service.

Thus, for example, there was a case brought before the Patent Office Trademark Trial and Appeal Board in 1971 in which a French clothing manufacturer used the initials FBI in conjunction with the words "Fabrication Bril International" on clothing. The Trial and

Appeal Board ruled that the law did not create an absolute prohibition against the use of the initials FBI, but was applicable only in those cases in which the initials were used in a manner reasonably calculated to convey a mistaken impression that the item of clothing was approved, endorsed, or authorized by the FBI. In that case, the Board ruled, there was little chance that anyone would think that the clothing was approved, endorsed, or authorized by the FBI, hence there was no violation of the statute.

In a case of political satire, the use of the Marshals Service name or likeness would almost always be permissible. In such instances, there would be little chance that any reasonable person would think that the satirist was acting pursuant to legal authority. This amendment should not interfere with the Capitol Steps or other satirists. As the court stated in Cliff Notes versus Bantam Doubleday Dell Pub. Group in 1989, trademark law courts have uniformly ruled that noncommercial parodies and satires do not infringe legitimate trademarks because there is little chance of confusion as to sponsorship.

Allowing unauthorized individuals to pose as Marshals Service officials or allowing unauthorized individuals to use the name in a manner that mistakenly conveys the impression that the use is sanctioned by the Marshals Service is an affront to those who legitimately and nobly serve under its banner and wear its badge. For this reason, I am delighted that the Senate has accepted this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1628) was agreed to.

AMENDMENT NO. 1629

(Purpose: To combat telemarketing fraud through reasonable disclosure of certain records for telemarketing investigations)

Mr. SESSIONS. Mr. President, I send an amendment to the desk on behalf of Mr. HARKIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. HARKIN, proposes an amendment numbered 1629.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . DISCLOSURE OF CERTAIN RECORDS FOR INVESTIGATIONS OF TELEMARKETING FRAUD.

Section 2703(c)(1)(B) of title 18, United States Code, is amended—

(1) by striking out "or" at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following:

"(iv) submits a formal written request relevant to law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is in section 2325 of this title.".

Mr. HARKIN. Mr. President, Every year thousands of Americans are victimized by fraudulent telemarketing promotions. And, unfortunately, these scam artists prey most often on our senior citizens. The losses every year are estimated to be in the billions of dollars. My amendment will help law enforcement to more effectively combat these abuses.

Today, it's all to easy for telemarketing rip-off artists to profit from the current system. How do these rip-offs occur? Advertisements regarding sweepstakes, contests, loans, credit reports and other promotions appear in newspapers, magazines, and other direct mail and telephone solicitations. The operators of many of these phoney promotions set up telephone boiler rooms for a few months in which a number of phones are operated to receive calls responding to their ads. They steal thousands—even millions—of dollars from innocent victims and then they simply disappear. They take the money and run—moving on to another location to start all over again.

Here's just one example. Not too long ago, 30,000 Iowans received postcards from an organization calling itself Sweepstakes International, Inc. The postcard enticed recipients to call a 900-number and they were charged $9.95 on their phone bill.

Based on a Postal Service investigation, civil action was initiated in U.S. District Court in Iowa. As a result, the promotion was halted and $1.7 million was frozen. This represented just one and a half month's revenue from the scam!

My amendment will protect telemarketing victims by providing law enforcement the authority to more quickly obtain the name, address, and physical location of businesses suspected of telemarketing fraud. Phone companies would have to provide law enforcement officials ONLY the name, address and physical location of a telemarketing business holding a phone number if the officials submitted a formal written request for this information relevant to a legitimate law enforcement investigation. It will make it easier for officers to identify and locate these operations. This is similar to the procedure that is already in place for post office box investigations.

Mr. President, it is necessary to crack down on serious consumer fraud. With this change, we will have many more successful efforts to shut down these rip-off artists like several recent cases in my home state of Iowa.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1629) was agreed to.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be considered read the third time, and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (H.R. 1847), as amended, was considered read the third time, and passed.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1998

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate receives House Joint Resolution 104 regarding continuing funding for the Government, that the joint resolution be considered read a third time and passed, the motion to reconsider be laid upon the table, and Senator ENZI be authorized to sign enrolled legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

A joint resolution (H.J. Res. 104) making further continuing appropriations for the fiscal year 1998, and for other purposes.

The PRESIDING OFFICER. The joint resolution is passed. The joint resolution (H.J. Res. 104) was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 2513

Mr. SESSIONS. Mr. President, I understand that H.R. 2513 is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2513) to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives, and for other purposes.

Mr. SESSIONS. I now ask for its second reading, and object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

SENIOR CITIZEN HOME EQUITY PROTECTION ACT

Mr. SESSIONS. President, I ask the Chair lay before the Senate a message

from the House of Representatives on (S. 562) to amend section 255 of the National Housing Act of to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 562) entitled "An Act to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Housing Programs Extension Act of 1997".

TITLE I—SENIOR CITIZEN HOME EQUITY PROTECTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Senior Citizen Home Equity Protection Act".

SEC. 102. DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.

Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and";

(2) in paragraph (9)(F), by striking "and";

(3) in paragraph (10), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services.".

SEC. 103. IMPLEMENTATION.

(a) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by section 102 in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under subsection (b).

(b) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by section 102. Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section).

TITLE II—TEMPORARY EXTENSION OF PUBLIC HOUSING AND SECTION 8 RENTAL ASSISTANCE PROVISIONS

SEC. 201. PUBLIC HOUSING CEILING RENTS AND INCOME ADJUSTMENTS AND PREFERENCES FOR ASSISTED HOUSING.

Section 402(f) of The Balanced Budget Downpayment Act, I (42 U.S.C. 1437aa note) is amended by striking "and 1997" and inserting ", 1997, and 1998".

SEC. 202. PUBLIC HOUSING DEMOLITION AND DISPOSITION.

Section 1002(d) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995 (42 U.S.C. 1437c note) is amended by striking "September 30, 1997" and inserting "September 30, 1998".

SEC. 203. PUBLIC HOUSING FUNDING FLEXIBILITY AND MIXED-FINANCE DEVELOPMENTS.

Section 201(a)(2) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134)) (42 U.S.C. 1437l note) is amended by striking "fiscal year 1997" and inserting "fiscal year 1998".

SEC. 204. MINIMUM RENTS.

Section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 40) is amended in the matter preceding paragraph (1) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998".

SEC. 205. PROVISIONS RELATING TO SECTION 8 RENTAL ASSISTANCE PROGRAM.

(a) TAKE-ONE-TAKE-ALL, NOTICE REQUIREMENTS, AND ENDLESS LEASE PROVISIONS.—Section 203(d) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134)) (42 U.S.C. 1437f note) is amended by striking "and 1997" and inserting ", 1997, and 1998".

(b) FAIR MARKET RENTALS.—The first sentence of section 403(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 43) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998".

TITLE III—REAUTHORIZATION OF FEDERALLY ASSISTED MULTIFAMILY RENTAL HOUSING PROVISIONS

SEC. 301. MULTIFAMILY HOUSING FINANCE PILOT PROGRAMS.

Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (b)(5), by inserting before the period at the end of the first sentence the following: ", and not more than an additional 15,000 units during fiscal year 1998"; and

(2) in the first sentence of subsection (c)(4)—

(A) by striking "and" and inserting a comma; and

(B) by inserting before the period at the end the following: ", and not more than an additional 15,000 units during fiscal year 1998".

SEC. 302. HUD DISPOSITION OF MULTIFAMILY HOUSING.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended by inserting after "owned by the Secretary" the following: ", including the provision of grants and loans from the General Insurance Fund for the necessary costs of rehabilitation or demolition,".

SEC. 303. MULTIFAMILY MORTGAGE AUCTIONS.

Section 221(g)(4)(C) of the National Housing Act (12 U.S.C. 1715l(g)(4)(C)) is amended—

(1) in the first sentence of clause (viii), by striking "September 30, 1996" and inserting "December 31, 2005"; and

(2) by adding at the end the following new clauses:

"(ix) Subject to the limitation in clause (x), the costs of any multifamily auctions under this subparagraph occurring during any fiscal year shall be paid from amounts in the General Insurance Fund established under section 519.

"(x) This authority of the Secretary to conduct multifamily auctions under this subparagraph shall be effective for any fiscal year only to the extent or in such amounts that amounts in the General Insurance Fund are or have been approved in appropriation Acts for costs of such auctions occurring during such fiscal year.".

SEC. 304. INTEREST REDUCTION PAYMENTS IN CONNECTION WITH SALES OF SECTION 236 MORTGAGES HELD BY HUD.

Section 236 of the National Housing Act (12 U.S.C. 1715z–1) is amended—

(1) in the first sentence of subsection (b), by inserting before the colon at the end of the first proviso the following: "and when the mortgage is assigned or otherwise transferred to a subsequent holder or purchaser (including any successors and assignees)"; and

(2) in subsection (c)—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end the following new paragraphs:

"(2)(A) The Secretary may continue to make interest reduction payments to the holder or purchaser (including any successors and assignees) of a mortgage formerly held by the Secretary upon such terms and conditions as the Secretary may determine. In exercising the authority under the preceding sentence, upon cancellation of any contract for such interest reduction payments as a result of foreclosure or transfer of a deed in lieu of foreclosure, any amounts of budget authority which would have been available for such contract, absent cancellation, shall remain available for the project for the balance of the term of the original mortgage upon such terms and conditions as the Secretary may determine.

"(B) The Secretary may exercise the authority to make payments under this paragraph (i) only with respect to mortgage loans under this section which, at the time of the Secretary's assignment or other transfer, have a total amount of unpaid principal obligation of not more than $92,000,000, and (ii) only to the extent or in such amounts as are or have been provided in advance in appropriation Acts.

"(3) Notwithstanding subsection (i)(2) or any other provision of law, in connection with the sale of mortgages held by the Secretary, the Secretary may establish appropriate terms and conditions, based on section 42 of the Internal Revenue Code of 1986 or another appropriate standard, for determining eligibility for occupancy in the project and rental charges.".

SEC. 305. ASSIGNMENT OF REGULATORY AGREEMENTS IN CONNECTION WITH SALES OF MORTGAGES HELD BY HUD.

Section 203(k) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(k)) is amended by adding at the end the following new paragraph:

"(7) ASSIGNMENT OF REGULATORY AGREEMENT IN CONNECTION WITH SALE OF MORTGAGES.—Notwithstanding any other provision of law, and upon such terms and conditions as the Secretary may prescribe, the Secretary may, in connection with the sale of mortgages held by the Secretary, provide for the assumption of all rights and responsibilities under the regulatory agreement executed by or for the benefit of the Secretary. Such assumption shall further provide for the regulatory agreement to be so assumed by any successor or assignee of the initial assuming entity. Such regulatory agreement shall continue to be binding upon the mortgagor and its successors and assignees.".

TITLE IV—REAUTHORIZATION OF RURAL HOUSING PROGRAMS

SEC. 401. HOUSING IN UNDERSERVED AREAS PROGRAM.

The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997, 1998, and 1999".

SEC. 402. HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES AND OTHER LOW-INCOME PERSONS AND FAMILIES.

(a) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

(b) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997, 1998, and 1999".

SEC. 403. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (q), by striking paragraph (2) and inserting the following:

"(2) ANNUAL LIMITATION ON AMOUNT OF LOAN GUARANTEE.—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such amount as may be provided in appropriation Acts for such fiscal year.";

(2) by striking subsection (t) and inserting the following:

"(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1998 and 1999 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year."; and

(3) in subsection (u), by striking "1996" and inserting "1999".

TITLE V—REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PROGRAM

SEC. 501. PROGRAM EXPIRATION.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 502. BORROWING AUTHORITY.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 503. EMERGENCY IMPLEMENTATION OF PROGRAM.

Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking "September 30, 1996" and inserting "September 30, 1999".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS FOR STUDIES.

Subsection (c) of section 1376 of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)) is amended to read as follows:

"(c) For studies under this title, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999, which shall remain available until expended.".

Amend the title so as to read: "An Act to provide for the temporary extension of certain programs relating to public housing, to reauthorize certain programs relating to housing assistance, and to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, and for other purposes.".

AMENDMENT NO. 1630

Mr. SESSIONS. Mr. President, I move that the Senate concur in the amendments of the House with a further amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. D'AMATO, proposes an amendment numbered 1630.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. D'AMATO. Mr. President, I rise to support immediate passage of the "Senior Citizen Home Equity Protection Act" (S. 562). This legislation contains essential provisions which are urgently required to protect our senior citizens from further exploitation by fraudulent operators who are manipulating the Department of Housing and Urban Development's (HUD) home equity conversion mortgage program. The bill also contains a number of housing and flood insurance program reauthorizations and technical corrections which are needed to ensure the effective and efficient continuation of existing programs.

The Senior Citizen Home Equity Protection Act, which I introduced on April 10, 1997, was originally passed by the Senate on April 25, 1997. It seeks to prevent unscrupulous middlemen, posing as "estate planners", from taking advantage of seniors by charging unnecessary and excessive fees to assist them in obtaining a home equity conversion mortgage. These predators have charged elderly homeowners fees ranging from 6 to 12 percent of the loan amount. Hundreds of very low-income seniors have been manipulated into paying several thousand dollars in return for ministerial and often meaningless services. HUD provides information on reverse mortgages at no charge.

These abuses must be halted at once. This bill provides two important safeguards to stop such exploitation. First, it provides a requirement that the mortgagor has received a full disclosure of all costs of obtaining the mortgage, including any costs of estate planning, financial advice or other related services. Second, it clarifies that the HUD Secretary has authority to impose restrictions to ensure that the mortgagor is not charged any unnecessary or excessive costs for obtaining a reverse mortgage.

This legislation also provides temporary extensions of certain public and assisted housing policy reforms which have been previously extended in VA-HUD appropriations legislation since Fiscal Year 1996. An owner's right to prepay a Federal Housing Administration-insured multifamily mortgage, subject to certain conditions, is clarified.

The bill reauthorizes several federally assisted multifamily rental housing programs under the jurisdiction of HUD and the Rural Housing Service of the Department of Agriculture. Such extensions will assure that much needed rental programs for low-income families continue in an uninterrupted fashion. The National Flood Insurance Program, which is vital for our homeowners residing in floodplain and coastal areas, is also reauthorized.

Last fall, Congress passed the Native American Housing Assistance and Self-Determination Act of 1996. The legislation presented before you today makes technical and conforming changes to ensure the effective implementation of that Act.

I would like to commend Senator Connie MACK, Chairman of the Banking Committee's Subcommittee on Housing Opportunity and Community Development, for his leadership in the development of this legislation. I applaud Senator MACK, Ranking Minority Member Paul SARBANES and Subcommittee Ranking Minority Member John KERRY for their fine stewardship of housing and community development programs under the Banking Committee's jurisdiction.

Mr. President, S. 562 should be law by now. By delaying action on the bill for 5 months, the House of Representatives has left our senior citizens unprotected and vulnerable to predatory practices—and for no reason other than to engage in parliamentary gamesmanship. Mr. President, I cannot condone this delay. I urge the House of Representatives to pass this bill, which now contains additional provisions the House has insisted upon. There is no opposition to this bill to my knowledge.

I respectfully urge the Senate and the House of Representatives to grant passage of this bill before adjournment. It is imperative that we ensure that our nation's most vulnerable homeowners are no longer victimized. Without final passage of this bill, our very low-income elderly homeowners may continue to be preyed upon. I ask for immediate support of this vital legislation.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

50 STATES COMMEMORATIVE COIN PROGRAM ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of calendar No. 244, S. 1128.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1228) to provide a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to insert the part printed in italic:

S. 1228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "50 States Commemorative Coin Program Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is appropriate and timely—

(A) to honor the unique Federal republic of 50 States that comprise the United States; and

(B) to promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography, and the rich diversity of the national heritage;

(2) the circulating coinage of the United States has not been modernized during the 25-year period preceding the date of enactment of this Act;

(3) a circulating commemorative 25-cent coin program could produce earnings of $110,000,000 from the sale of silver proof coins and sets over the 10-year period of issuance, and would produce indirect earnings of an estimated $2,600,000,000 to $5,100,000,000 to the United States Treasury, money that will replace borrowing to fund the national debt to at least that extent; and

(4) it is appropriate to launch a commemorative circulating coin program that encourages young people and their families to collect memorable tokens of all of the States for the face value of the coins.

SEC. 3. ISSUANCE OF REDESIGNED QUARTER DOLLARS OVER 10-YEAR PERIOD COMMEMORATING EACH OF THE 50 STATES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (k) the following new subsection:

"(l) REDESIGN AND ISSUANCE OF QUARTER DOLLAR IN COMMEMORATION OF EACH OF THE 50 STATES.—

"(1) REDESIGN BEGINNING IN 1999.—

"(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), quarter dollar coins issued during the 10-year period beginning in 1999, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the 50 States.

"(B) TRANSITION PROVISION.—Notwithstanding subparagraph (A), the Secretary may continue to mint and issue quarter dollars in 1999 which bear the design in effect before the redesign required under this subsection and an inscription of the year '1998' as required to ensure a smooth transition into the 10-year program under this subsection.

"(2) SINGLE STATE DESIGNS.—The design on the reverse side of each quarter dollar issued during the 10-year period referred to in paragraph (1) shall be emblematic of 1 of the 50 States.

"(3) ISSUANCE OF COINS COMMEMORATING 5 STATES DURING EACH OF THE 10 YEARS.—

"(A) IN GENERAL.—The designs for the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1) shall be emblematic of 5 States selected in the order in which such States ratified the Constitution of the United States or were admitted into the Union, as the case may be.

"(B) NUMBER OF EACH OF 5 COIN DESIGNS IN EACH YEAR.—Of the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1), the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the 5 designs selected for such year.

"(4) SELECTION OF DESIGN.—

"(A) IN GENERAL.—Each of the 50 designs required under this subsection for quarter dollars shall be—

"(i) selected by the Secretary after consultation with—

"(I) the Governor of the State being commemorated, or such other State officials or group as the State may designate for such purpose; and

"(II) the Commission of Fine Arts; and

"(ii) reviewed by the Citizens Commemorative Coin Advisory Committee.

"(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

"(C) PARTICIPATION.—The Secretary may include participation by State officials, artists from the States, engravers of the United States Mint, and members of the general public.

"(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

"(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

"(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(6) ISSUANCE.—

"(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

"(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

"(7) APPLICATION IN EVENT OF THE ADMISSION OF ADDITIONAL STATES.—If any additional State is admitted into the Union before the end of the 10-year period referred to in paragraph (1), the Secretary of the Treasury may issue quarter dollar coins, in accordance with this subsection, with a design which is emblematic of such State during any 1 year of such 10-year period, in addition to the quarter dollar coins issued during such year in accordance with paragraph (3)(A).".

AMENDMENT NO. 1631

(Purpose: To make a series of amendments)

Mr. SESSIONS. Mr. President, Senators D'AMATO and SARBANES have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS), for Mr. D'AMATO for himself and Mr. SARBANES, proposes an amendment numbered 1631.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, strike lines 4 through 10.

At the appropriate place, insert the following:

SEC. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to evidence any intention to eliminate or to limit the printing or circulation of United States currency in the $1 denomination.

Mr. BOND. With respect to the Manager's Amendment, I would like to ask the Senator to clarify his intent. As I understand the amendment regarding the dollar coin language, it is your intent, as chairman of the committee, and it is the intent of the Banking Committee that S. 1228, as amended, will not in any way restrict the continued printing and circulation of the dollar bill.

Mr. D'AMATO. That is correct. Moreover, when S. 1228, as amended, is adopted, this will similarly indicate the intent of Congress that the dollar bill shall continue to be printed and shall remain in circulation.

Mr. THOMPSON. There is a provision in the amended version of S. 1228 that I feel needs clarification. In setting the design parameters for the new dollar coin, the legislation makes clear that the coin should be golden in color, have a distinctive edge, and include other features to ensure that the coin is not confused with any existing coins. The last design parameter within the legislation states that the coin should have anticounterfeiting properties of coinage in circulation at the time of the bill's enactment. I ask the Senator, is this provision intended to require the Mint to use clad coin technology in the new dollar coin?

Mr. GRAMS. No, that provision is intended to be descriptive. The Mint is instructed to utilize anticounterfeiting technology.

Mr. COATS. I thank Senator GRAMS for his answer. Is this provision intended to limit the Mint's choice of technology in the development of the dollar coin? For instance, could the Mint choose a plated coin rather than a clad coin?

Mr. GRAMS. This provision is not intended to limit the U.S. Mint's use of technology or approach to design. We intend for the Mint to develop a dollar coin that meets the needs of the public and is not subject to counterfeiting. If

the Mint believes that a plated coin will offer the best approach to meeting its needs, then a plated coin could be developed.

Mr. FRIST. Thus, it is not the Committee's intention to limit the Mint's flexibility, to require a certain coin technology or to limit competition among potential suppliers of coin blanks?

Mr. GRAMS. The Senator from Tennessee has stated the situation exactly. The Committee is directing the Mint to develop the best possible dollar coin. We have not sought to limit the Mint or require a clad coin.

Mr. FRIST. I thank the Senator for his answer.

Ms. MOSELEY-BRAUN. Mr. President, I am very pleased that the one dollar coin bill is a part of this legislation. I have long been a supporter of legislation authorizing the production of a new dollar coin, and was an original cosponsor of the dollar coin bill, which became part of this coin legislation.

Changing the currency or the coinage of the United States always involves an element of controversy. After all, virtually everyone uses money—every day. Americans are familiar with our currency and coinage, and they understandably and justifiably have opinions on whether to change it. There are a number of reasons, however, why this change is necessary.

Unfortunately, today's dollar is not worth what it once was. In fact, the dollar's value has declined by over a factor of four in just the last 35 years. When I was a teenager, you could get a hamburger, fries and a small coke at McDonald's for 42 cents. Now the cost is over $2. You could get a Chicago Tribune and a Chicago Sun-Times for 10 cents. Now the Tribune costs 50 cents and the Sun-Times 35 cents. I could go on and on, but the point is simple—inflation has made the dollar worth less than a quarter was when John F. Kennedy was President of the United States.

Perhaps the most telling illustration of the erosion of value of our currency and coinage is the fact that so many stores now have a "penny" dish in front of their cash registers—inviting their customers to take a penny or two or leave a penny or two to make their transactions come out to the nearest nickel. It is that kind of change in the value of money that led Great Britain to replace the one-pound note with a one-pound coin. And it is that fact that led Canada to replace its one-dollar bill with a one-dollar coin.

These foreign countries, and many others, understood that they needed to update their currency and coinage to fit present-day economic realities—and that need is no less real in this country. That is why I cosponsored this legislation, because I believe that updating our money to reflect current economic realities is long overdue. I think we should act carefully. I think the coin must be designed carefully. We need to learn from past mistakes, but we should not let those past mistakes keep us from taking the action that is necessary now.

Secondly, in many instances, a dollar coin would be more practical than a paper note. I'm sure we've all had a run-in with a balky dollar bill changer, one that simply won't take our dollar for a subway ride or a soft drink, no matter how many times we straighten the dollar.

Finally, the use of a dollar coin would save money. For example, the Chicago Transit Authority would save over $2 million annually, because coins are easier and less expensive to process than bills. Many manufacturers that serve the vending industry and coin-operated industry would also save money because it is less expensive to retrofit machines to accept dollar coins, than to add a dollar bill changer to machines.

However, the dollar coin we have currently, known as the "Susan B. Anthony," lacks sufficient public acceptance to make it effective. This coin too closely resembles the quarter in appearance and texture. Moreover, according to the Mint, the supply of these coins is decreasing, and more would have to be minted within the next few years if the coin were not replaced. This legislation calls for the replacement of the Susan B. Anthony coin with a coin that is golden in color and smooth edged so that it is more easily differentiated from the quarter.

The Susan B. Anthony coin is, unfortunately, the only American currency in circulation that honors the achievements of a woman. Since the Susan B. Anthony coin will no longer be widely circulated, it is only appropriate that the design of this new coin depict a woman or women of historical significance. To that end, I believe that the new coin should depict the images of Sojourner Truth, Elizabeth Cady Stanton, Lucretia Mott and Susan B. Anthony. These four women were staunch abolitionists, and fought for equal rights for women. It is largely through their efforts that women have opportunities for higher education, the right to control their own property and children, the right to hold public office and the right to vote.

Three of these women, Elizabeth Cady Stanton, Lucretia Mott, and Susan B. Anthony, have been honored with a statue in the Capitol. This statue, however, was carved in 1921, and failed to include Sojourner Truth, the great abolitionist, feminist and preacher. This coin provides an excellent opportunity to recognize the contributions of Sojourner Truth, along with her fellow women's rights advocates.

Sojourner Truth was born into slavery in 1797 in New York State. Freed in 1827 under the New York State Emancipation Act, she spent the next 53 years preaching and lecturing about God, abolition and women's rights.

Sojourner Truth was an advocate of women's rights. She consistently supported equality among all people. In 1851, Sojourner Truth spoke at a Women's Rights Convention in Akron, Ohio. Despite widely voiced concerns by many of the white women in attendance that they did not want an African American speaking, potentially confusing and tarnishing their cause, Sojourner Truth rose to respond to male preachers who were denouncing women's rights based on the inherent frailty of women:

I want to say a few words about this matter. I am a woman's rights. I have as much muscle as any man and can do as much work as any man. I have plowed and reaped and husked and chopped and mowed, and can any man do more than that? I have heard much about the sexes being equal; I can carry as much as any man, and can eat as much, too, if I can get it. I am as strong as any man that is now . . . Why, children, if you have woman's rights, give it to her and you will feel better. You will have your own rights, and they won't be so much trouble . . .

She inspired the Convention and women's rights advocates as she did all of her audiences.

Sojourner Truth dedicated her life to achieving equality. She considered herself to be on a sojourn to tell the truth, a sojourn directed by God. It would be a fitting tribute to Sojourner Truth and to the truth which she preached, to honor her by depicting her image on the dollar coin, along with her fellow women's rights crusaders, Elizabeth Cady Stanton, Lucretia Mott, and Susan B. Anthony.

Along with a number of my colleagues on the Senate Banking Committee, I filed additional views with the committee report of this legislation, indicating our support for the four suffragettes. We also intend to make our views known to Secretary Rubin, who has the authority to select the design of the coin. I urge my colleagues to support this effort to ensure that the mistake made in 1921 is rectified and that Sojourner Truth can take her rightful place with the other suffragettes who fought for equal rights for all Americans.

AMENDMENT NO. 1632

(Purpose: To make an amendment relating to coinage.)

Mr. SESSIONS. Mr. President, I understand that Senator COATS has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama Mr. SESSIONS, for Mr. COATS, proposes an amendment numbered 1632.

On Page 8, line 11, strike "clad".

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendments be agreed to, the committee

amendment be agreed to, the bill be considered read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1631 and 1632) were agreed to.

The committee amendment was agreed to.

The bill (S. 1228), as amended, was passed, as follows:

S. 1228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "50 States Commemorative Coin Program Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is appropriate and timely—

(A) to honor the unique Federal republic of 50 States that comprise the United States; and

(B) to promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography, and the rich diversity of the national heritage;

(2) the circulating coinage of the United States has not been modernized during the 25-year period preceding the date of enactment of this Act;

(3) a circulating commemorative 25-cent coin program could produce earnings of $110,000,000 from the sale of silver proof coins and sets over the 10-year period of issuance, and would produce indirect earnings of an estimated $2,600,000,000 to $5,100,000,000 to the United States Treasury, money that will replace borrowing to fund the national debt to at least that extent; and

(4) it is appropriate to launch a commemorative circulating coin program that encourages young people and their families to collect memorable tokens of all of the States for the face value of the coins.

SEC. 3. ISSUANCE OF REDESIGNED QUARTER DOLLARS OVER 10-YEAR PERIOD COMMEMORATING EACH OF THE 50 STATES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (k) the following new subsection:

"(l) REDESIGN AND ISSUANCE OF QUARTER DOLLAR IN COMMEMORATION OF EACH OF THE 50 STATES.—

"(1) REDESIGN BEGINNING IN 1999.—

"(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), quarter dollar coins issued during the 10-year period beginning in 1999, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the 50 States.

"(B) TRANSITION PROVISION.—Notwithstanding subparagraph (A), the Secretary may continue to mint and issue quarter dollars in 1999 which bear the design in effect before the redesign required under this subsection and an inscription of the year '1998' as required to ensure a smooth transition into the 10-year program under this subsection.

"(2) SINGLE STATE DESIGNS.—The design on the reverse side of each quarter dollar issued during the 10-year period referred to in paragraph (1) shall be emblematic of 1 of the 50 States.

"(3) ISSUANCE OF COINS COMMEMORATING 5 STATES DURING EACH OF THE 10 YEARS.—

"(A) IN GENERAL.—The designs for the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1) shall be emblematic of 5 States selected in the order in which such States ratified the Constitution of the United States or were admitted into the Union, as the case may be.

"(B) NUMBER OF EACH OF 5 COIN DESIGNS IN EACH YEAR.—Of the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1), the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the 5 designs selected for such year.

"(4) SELECTION OF DESIGN.—

"(A) IN GENERAL.—Each of the 50 designs required under this subsection for quarter dollars shall be—

"(i) selected by the Secretary after consultation with—

"(I) the Governor of the State being commemorated, or such other State officials or group as the State may designate for such purpose; and

"(II) the Commission of Fine Arts; and

"(ii) reviewed by the Citizens Commemorative Coin Advisory Committee.

"(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

"(C) PARTICIPATION.—The Secretary may include participation by State officials, artists from the States, engravers of the United States Mint, and members of the general public.

"(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

"(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

"(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(6) ISSUANCE.—

"(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

"(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

"(7) APPLICATION IN EVENT OF THE ADMISSION OF ADDITIONAL STATES.—If any additional State is admitted into the Union before the end of the 10-year period referred to in paragraph (1), the Secretary of the Treasury may issue quarter dollar coins, in accordance with this subsection, with a design which is emblematic of such State during any 1 year of such 10-year period, in addition to the quarter dollar coins issued during such year in accordance with paragraph (3)(A).".

SEC. 4. UNITED STATES DOLLAR COINS.

(a) SHORT TITLE.—This section may be cited as the "United States $1 Coin Act of 1997".

(b) WEIGHT.—Section 5112(a)(1) of title 31, United States Code, is amended by striking "and weighs 8.1 grams".

(c) COLOR AND CONTENT.—Section 5112(b) of title 31, United States Code, is amended—

(1) in the first sentence, by striking "dollar,"; and

(2) by inserting after the fourth sentence the following: "The dollar coin shall be golden in color, have a distinctive edge, have tactile and visual features that make the denomination of the coin readily discernible, be minted and fabricated in the United States, and have similar metallic, anti-counterfeiting properties as United States clad coinage in circulation on the date of enactment of the United States $1 Coin Act of 1997.".

(d) DESIGN.—Section 5112(d)(1) of title 31, United States Code, is amended by striking the fifth and sixth sentences and inserting the following: "The Secretary of the Treasury, in consultation with the Congress, shall select appropriate designs for the obverse and reverse sides of the dollar coin.".

(e) PRODUCTION OF NEW DOLLAR COINS.—

(1) IN GENERAL.—Upon the depletion of the Government's supply (as of the date of enactment of this Act) of $1 coins bearing the likeness of Susan B. Anthony, the Secretary of the Treasury shall place into circulation $1 coins that comply with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by this section.

(2) AUTHORITY OF SECRETARY TO CONTINUE PRODUCTION.—If the supply of $1 coins bearing the likeness of Susan B. Anthony is depleted before production has begun of $1 coins which bear a design which complies with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by this section, the Secretary of the Treasury may continue to mint and issue $1 coins bearing the likeness of Susan B. Anthony in accordance with that section 5112 (as in effect on the day before the date of enactment of this Act) until such time as production begins.

(3) NUMISMATIC SETS.—The Secretary may include such $1 coins in any numismatic set produced by the United States Mint before the date on which the $1 coins authorized by this section are placed in circulation.

(f) MARKETING PROGRAM.—

(1) IN GENERAL.—Before placing into circulation $1 coins authorized under this section, the Secretary of the Treasury shall adopt a program to promote the use of such coins by commercial enterprises, mass transit authorities, and Federal, State, and local government agencies.

(2) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study on the progress of the marketing program adopted in accordance with paragraph (1).

(3) REPORT.—Not later than March 31, 2001, the Secretary of the Treasury shall submit a report to the Congress on the results of the study conducted pursuant to paragraph (2).

SEC. 5. FIRST FLIGHT COMMEMORATIVE COINS.

(a) COIN SPECIFICATIONS.—

(1) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this section referred

to as the "Secretary") shall mint and issue the following coins:

(A) $10 GOLD COINS.—Not more than 100,000 $10 coins, each of which shall—

(i) weigh 16.718 grams;

(ii) have a diameter of 1.06 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) $1 SILVER COINS.—Not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(C) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins each of which shall—

(i) weigh 11.34 grams;

(ii) have a diameter of 1.205 inches; and

(iii) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this section shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) SOURCES OF BULLION.—The Secretary shall obtain gold and silver for minting coins under this section pursuant to the authority of the Secretary under other provisions of law, including authority relating to the use of silver stockpiles established under the Strategic and Critical Materials Stockpiling Act, as applicable.

(d) DESIGN OF COINS.—

(1) DESIGN REQUIREMENTS.—

(A) IN GENERAL.—The design of the coins minted under this section shall be emblematic of the first flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

(B) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this section there shall be—

(i) a designation of the value of the coin;

(ii) an inscription of the year "2003"; and

(iii) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(2) SELECTION.—The design for the coins minted under this section shall be—

(A) selected by the Secretary after consultation with the Board of Directors of the First Flight Foundation and the Commission of Fine Arts; and

(B) reviewed by the Citizens Commemorative Coin Advisory Committee.

(e) PERIOD FOR ISSUANCE OF COINS.—The Secretary may issue coins minted under this section only during the period beginning on August 1, 2003, and ending on July 31, 2004.

(f) SALE OF COINS.—

(1) SALE PRICE.—The coins issued under this section shall be sold by the Secretary at a price equal to the sum of—

(A) the face value of the coins;

(B) the surcharge provided in paragraph (4) with respect to such coins; and

(C) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(2) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this section at a reasonable discount.

(3) PREPAID ORDERS.—

(A) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this section before the issuance of such coins.

(B) DISCOUNT.—Sale prices with respect to prepaid orders under subparagraph (A) shall be at a reasonable discount.

(4) SURCHARGES.—All sales shall include a surcharge of—

(A) $35 per coin for the $10 coin;

(B) $10 per coin for the $1 coin; and

(C) $1 per coin for the half dollar coin.

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to evidence any intention to eliminate or to limit the printing or circulatiion of United States currency in the $1 demonination.

(g) GENERAL WAIVER OF PROCUREMENT REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(2) EQUAL EMPLOYMENT OPPORTUNITY.—Paragraph (1) does not relieve any person entering into a contract under the authority of this section from complying with any law relating to equal employment opportunity.

(h) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this subsection shall be considered to be numismatic items.

(i) DISTRIBUTION OF SURCHARGES.—

(1) IN GENERAL.—Subject to section 5134 of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this section shall be promptly paid by the Secretary to the First Flight Foundation for the purposes of—

(A) repairing, refurbishing, and maintaining the Wright Brothers Monument on the Outer Banks of North Carolina; and

(B) expanding (or, if necessary, replacing) and maintaining the visitor center and other facilities at the Wright Brothers National Memorial Park on the Outer Banks of North Carolina, including providing educational programs and exhibits for visitors.

(2) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the First Flight Foundation as may be related to the expenditures of amounts paid under paragraph (1).

(j) FINANCIAL ASSURANCES.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this section will not result in any net cost to the United States Government.

ORDERS FOR MONDAY, NOVEMBER 10, 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Monday, November 10. I further ask that on Monday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate proceed to a period of morning business for not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow the Senate will be in a period of morning business until 10:30 a.m.

Following morning business, the Senate intends to consider and complete action on the following:

The fast-track bill, if passed by the House; additional motions, if necessary, with respect to the omnibus appropriations bills; and any Legislative or Executive Calendar items cleared for action.

Therefore, Members can anticipate rollcall votes during Monday's session of the Senate. However, I would not expect votes before 11 a.m.

Mr. FORD. Mr. President, as the acting leader laid out at the beginning, at 10:30, following morning business, what do you expect to go to next? Would there be any time limitations on the fast-track? If it is here.

Mr. SESSIONS. I say to the distinguished Senator from Kentucky that, of course, it has to get here first.

Mr. FORD. I understand.

Mr. SESSIONS. If it does, this unanimous consent request says we will move to the fast-track bill, if passed by the House. Additional motions, if necessary, with respect to the omnibus appropriations bill, and any Legislative or Executive Calendar items cleared for action.

Mr. FORD. I am sure this has been agreed to. This has all been cleared.

Mr. SESSIONS. I thank the Senator from Kentucky.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:50 p.m., adjourned until Monday, November 10, 1997, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 9, 1997:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

ROBERT H. BEATTY, JR., OF WEST VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 30, 1998.

EXECUTIVE OFFICE OF THE PRESIDENT

ARTHUR BIENENSTOCK, OF CALIFORNIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

DEPARTMENT OF COMMERCE

RAYMOND G. KAMMER, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

DEPARTMENT OF THE INTERIOR

KEVIN GOVER, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

UNITED STATES POSTAL SERVICE

ERNESTA BALLARD, OF ALASKA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2005.

FEDERAL LABOR RELATIONS AUTHORITY

DALE CABANISS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM EXPIRING JULY 29, 2002.

MERIT SYSTEMS PROTECTION BOARD

SUSANNE T. MARSHALL, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2004.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

WILLIAM R. FERRIS, OF MISSISSIPPI, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS.

OFFICE OF PERSONNEL MANAGEMENT

JANICE R. LACHANCE, OF MAINE, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF FOUR YEARS.

THE JUDICIARY

FRANK C. DAMRELL, JR., OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA.

MARTIN J. JENKINS, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

A. RICHARD CAPUTO, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA.

HOUSE OF REPRESENTATIVES—*Sunday, November 9, 1997*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mrs. EMERSON].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 9, 1997.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of St. Francis:

Lord, make us instruments of Your peace.
Where there is hatred, let us sow love;
where there is injury, pardon;
where there is discord, union;
where there is doubt, faith;
where there is despair, hope;
where there is darkness, light;
where there is sadness, joy.
Grant that we may not so much seek
to be consoled as to console;
to be understood as to understand;
to be loved as to love.
For it is in giving that we receive;
it is in pardoning that we are pardoned; and
it is in dying that we are born to eternal life. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1, further proceedings on this question are postponed.

The point of order is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York [Mr. MCNULTY] come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code;

H.R. 1787. An act to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants;

H.R. 2731. An act for the relief of Roy Desmond Moser; and

H.R. 2732. An act for the relief of John Andre Chalot.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 497. An act to repeal the Federal charter of Group Hospitalization and Medical Services, Inc., and for other purposes; and

H.R. 867. An act to promote the adoption of children in foster care.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1026) "An act to reauthorize the Export-Import Bank of the United States."

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 508. An act to provide for the relief of Mai Hoa "Jasmin" Salehi;

S. 759. An act to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity;

S. 857. An act for the relief of Roma Salobrit;

S. 1193. An act to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes;

S. 1258. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act;

S. 1304. An act for the relief of Belinda McGregor;

S. 1347. An act to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city;

S. 1487. An act to establish a National Voluntary Mutual Reunion Registry;

S. Con. Res. 58. Concurrent resolution expressing the concern of Congress over Russia's newly passed religion law; and

S. Con. Res. 66. Concurrent resolution to correct the enrollment of S. 399.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. SOLOMON. Madam Speaker, I would like to announce the intentions to call up the following bills under suspension today:

S. 714, Homeless Veterans;
S. 1139, Small Business;
H.R. 1129, Microcredit;
H. Con. Res. 22, Scientology;
H. Con. Res. 239, Expo 2000;
H. Res. 245, Elections in Sahara;
H. Con. Res. 156, Afghanistan Women;
H.R. 1377, SAVER Act;
H.R. 2920, Immigration Deadline;
S. 1231, U.S. Fire Administration;
H.R. 112, Stanislaus County;
H.R. 1805, Auburn Indian Restoration;
H.R. 2402, Water-Related Technical Corrections;
H.R. 2283, Arches National Park;
S. 669, Jimmy Carter Historic Site;
H.R. 2834, Cleveland Airport Transfer;
H.R. 2626, Pilot Records Improvement;
H.R. 849, Uniform Relocation;
H.R. 2476, Foreign Irline Family; and
H.R. 1502 James Foreman Courthouse.

Mr. TRAFICANT. Madam Speaker, reserving the right to object.

The SPEAKER pro tempore. The gentleman from New York is only making an announcement pursuant to House Resolution 305.

Mr. SOLOMON. Madam Speaker, if I might continue:

H.R. 861, Adoption;
S. 1026, Ex-Im Bank Conference Report;
H.R. 2472, EPCA; and
The FDA Commerce Report.

And one final bill, Madam Speaker, and one final bill, S. 1258.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members on each side for 1 minutes. There will be ten 1-minutes on each side.

LET US STICK TO THE DECLARATION OF INDEPENDENCE

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Madam Speaker, last week President Clinton told the voters of Virginia, the ones who supported repealing the car tax, that they were selfish.

Well, excuse me, Mr. President, but maybe you have forgotten what the Declaration of Independence says. It says that all men are created equal and they have certain inalienable rights, and among those rights are life, liberty, and the pursuit of happiness.

I find it remarkable that anyone would not notice that liberty and the pursuit of happiness both apply to the idea of who gets to decide what to do with their money. That is really the point. This is not a question of selfishness, but whether and who will decide how to spend their money.

Conservatives emphasize that people are the best judge of how their money should be spent, whereas liberals tend to think that politicians are a superior judge of how and where the money should be spent, especially if they, the liberals, are positively excited about spending the people's money to carry out social engineering plans.

As for me, I think I will stick with the original intent of the American Declaration of Independence.

STAND UP FOR AMERICA: DEFEAT FAST TRACK

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, since the passage of NAFTA, NAFTA has contributed to numerous workplace, economic and environmental problems, including an increase in the import of contaminated food, downward pressure on United States wages, employer threats to move to Mexico, and a skyrocketing trade deficit.

Fast-track has failed to address any of those problems. First of all, with respect to our trade deficit growth and the loss of jobs, fast-track takes no action on that, no improvement, fails to address it.

Second, there is pressure to lower U.S. wages, and there is lowering of wages going on in this country in manufacturing because of NAFTA. Fast-track fails to address that.

Third, since NAFTA, we have had employer threats to move to NAFTA partner countries. The fast-track agreement fails to take action on that and fails to address it.

Unless we address these critical problems in fast-track, the NAFTA problems will spread like a virus through North America and the world. We need higher standards for our wages, for our workers and for our countries. Stand up for America; defeat fast-track.

TRIBUTE TO MAJOR GENERAL LANSFORD E. TRAPP

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Madam Speaker, today I rise to pay tribute to Maj. Gen. Lansford Trapp. Most know General Trapp as the director of the Air Force's Legislative Liaison Office. I know the general as a fellow South Dakotan and a fine soldier.

The good news is that General Trapp has been selected as the next commander of the 12th Air Force. The bad news is that Congress is losing a great legislative liaison, not to mention another fine person from the Rushmore State.

Through the past 28 years, General Trapp has served in the Air Force with honor and distinction. He is a command pilot with over 3,000 flying hours. In Southeast Asia he flew over 700 combat hours and later commanded our air wing in Panama during Operation Just Cause. He has held 5 commanding positions, which is a real tribute to his leadership capabilities.

I would like to think that General Trapp's dedication to service and loyalty to his troops was instilled as a boy growing up in South Dakota. It was there where he attended South Dakota State on a ROTC scholarship, and where his parents and family still reside. I think he is also a product of the U.S. Air Force. The combination has produced an excellent commander that our Nation can be proud of.

I can think of no person more qualified to lead and care for our men and women than Gen. Lanny Trapp. To him, his wife Nancy and daughter Bethany, we wish God's blessing and Godspeed.

NEW TRADE POLICY FOR ALL AMERICANS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, the proponents of fast track would have us believe today's legislative battle is about whether or not the United States will trade. This is not about a battle between protection as free traders, but rather a struggle over the conditions of that trade and who will benefit from that trade. On one side, the President, the entire administration, the Republican leadership, and a fleet of corporate CEO's who have actually been given office space right downstairs in the Capitol in violation of the House rules.

On our side, 80 percent of the Democrats and a small group of Republicans. We think it is time to overhaul our failing trade policy, a policy that has brought $160 billion trade deficits, exported jobs, driven down wages, weakened our environmental and food safety laws, all in the name of free trade. A policy that undermines our values to encourage a race to the bottom; enriching a few multinational corporations and their CEO's at the expense of the majority of American workers and communities.

"No" to the threats, "no" to the silent promises, "no" to the legal campaign bribery, "no" to fast track, and "yes" to the beginnings of a new trade policy that benefits all Americans.

TIME FOR IRS REFORM

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Madam Speaker, the American people recently saw the IRS on trial. They saw a parade of witnesses come before the Congress to testify about the naked abuse of power over at the Internal Revenue Service. We saw current and former IRS agents who had to testify in secret because they feared for their lives. We saw ordinary citizens, taxpayers, who talked about how an audit turned their entire lives upside down, with some of them suffering great financial loss that will never be recovered. We saw a government agency totally out of control, lacking accountability, an agency where one is guilty until proven innocent.

Madam Speaker, the IRS needs radical reform. This House has taken great steps to begin that process, and we look forward to the other body and the White House to join us in this effort to reform the Internal Revenue Service, which is an agency of intimidation rather than enforcement.

STRAIGHT TALK ABOUT FAST TRACK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, let us tell it like it is. The last fast track traded Ma Bell for Taco Bell. Today's fast track will trade more American jobs and dollars and factories to

all of Central America for a '48 Ford pickup truck, two loads of pinto beans and three ballplayers to be named later. Beam me up.

In addition, I predict we will get another 25 tons of heroin, another 35 tons of cocaine, and a lot more economic development in the form of prisons, I say to my colleagues. Let us have a little straight talk. "This dog don't hunt. Pull this turkey."

I yield back the balance of any jobs we have left.

FOREIGN OPERATIONS APPROPRIATION CONFERENCE REPORT

(Mr. PAUL asked and was given permission to address the House for 1 minute.)

Mr. PAUL. Madam Speaker, I rise to point out to the House a piece of legislation that I am sure will be passed tonight or in the morning in the wee hours when a lot of people are not paying much attention, and that is the foreign operations appropriations conference report.

I would like to point out that buried in this report is a $3.5 billion new program called the new agreements to borrow, further funding for the IMF. These are the funds that will be used to bail out Third World nations and also bail out bankers and industries that have invested in these nations such as in Mexico or Indonesia.

This is considered not to be expensive because of our special accounting procedure here, it is not on budget. It is supposed to be for free. But let me call my colleagues' attention to this: new agreements to borrow, IMF, new funding in the foreign operations bill report. This is inflationary, it is detrimental to the dollar, and it is subsidizing foreign interests as well as special banking and industrial interests here.

□ 1415

AMERICA NEEDS RECIPROCITY, NOT DUPLICITY, IN TRADE

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Madam Speaker, the supporters of fast track never discuss the massive trade imbalance which grows every year, never. This reflects job loss in America. The supporters are good, very good, at denigrating organized labor's efforts to defeat fast track. Organized labor has a vested interest. The jobs of members in various unions and the jobs in nonunion workplaces are at stake.

Why is their effort a special interest, and the expenditures of millions by multinational corporations simply "in the best interests of the American economy?" How can some Members of this House who vehemently defend the sovereignty of our Nation with foreign powers now surrender the oversight of the trade deal implementation to the World Trade Organization?

The WTO has just ruled in favor of Costa Rica and India on textile matters. What are we doing for our own sovereignty? Why sell us out again? Reciprocity, Mr. President, reciprocity, Mr. Speaker, not duplicity. Vote "no" on fast track.

COALGATE IN UTAH

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, today I rise to inform my Members about Coalgate; no, not the toothpaste or the university, but another campaign scandal. In the heat of the 1996 campaign, President Clinton created the Grand Staircase-Escalante National Monument in Utah, which consisted of more than 1.7 million acres of land, an area larger than the State of Delaware.

The White House claims this monument was needed to protect one of the most pristine areas in America. However, I would contend that 62 billion tons of low-sulfur coal reserve was the real reason for this designation. The Lippo Group, very large donors of the President's campaign, had a large financial stake in this monument, because clean Utah coal would have competed with the imported coal from Indonesia.

It is a sad day when the President would deny schoolchildren in Utah the tax revenues of $1.5 billion in coal or the royalties, to protect foreign interests and promote his own self-serving ambition. Madam Speaker, the definition of greed has truly been revealed to the American people. They deserve the truth.

PUT PEOPLE FIRST: VOTE "NO" ON FAST TRACK

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Madam Speaker, the strategy of those of us opposing the present fast track proposal is not "America last," but putting people first. This is not mainly about the power of interest groups, but the power of issues.

In the last decade, more and more of U.S. trade has been with nations with low wages and tightly controlled labor and other markets, and with lax environmental conditions. Indeed, our imports from these nations like China, India, Brazil, Mexico rose by 25 percent in the last decade, and as an administration official said yesterday, 50 percent of all United States trade will be with these nations in the near future, increasingly changing from footwear to higher-tech ware.

Instead of moving forward towards new rules of competition to meet new patterns of expanding trade, the present fast track proposal goes backwards, limiting the President's authority in important areas of labor markets and the environment. There were no such limitations on Presidents Carter, Reagan, or Bush.

This fast-track proposal is wrong. Vote "no" and let us go back and do it right.

END IRS PRACTICE OF MEETING QUOTAS

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Madam Speaker, I just cannot get over the shocking news about the IRS. It turns out that the IRS is not as bad as we thought. It is even worse. It turns out that when our friendly IRS agent appears at our door for an audit, he is not thinking about giving us a fair shake. He was not sent off from headquarters with instructions to do justice, no more, no less. No, of the things that is uppermost in his mind, the thing upon which his promotions will depend, is how much money he can extract from the poor taxpayer who is getting audited.

God help you if your friendly IRS agent is having a little trouble this month making his quota of fines. If you catch him a little behind in making his revenue quota, if his boss put a little pressure on his agents in the last weekly meeting, you may not want to expect to survive your audit without having to fork over money that you do not even have.

Madam Speaker, while the President and his friends at the Treasury Department are defending the evil ways of the IRS, this Congress is going to pass real change and put an end to this absolutely outrageous practice over at the IRS.

TRIBUTE TO HARRY M. ROSENFELD

(Mr. MCNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNULTY. Madam Speaker, I rise to pay tribute to Harry M. Rosenfeld, the editor-at-large of the Albany Times Union and one of this Nation's most highly respected journalists. Harry, who was one of my constituents, has enjoyed a long and illustrious career. He came to this country as an immigrant, was educated at Syracuse University, served his Nation proudly during the Korean war, and

embarked on a career in newspaper work. He served as foreign editor of the New York Herald Tribune and then moved to the Washington Post, where he directed the coverage of the Watergate story that earned the Post a much-deserved Pulitzer Prize.

In 1979, Mr. Rosenfeld came to New York's capital district of serve as editor-in-chief of the Albany Times Union and Knickerbocker News. During his tenure as editor, the newspaper won countless awards for general excellence and community service.

Because of Harry Rosenfeld's commitment to honest courageous reporting as the foundation of responsible journalism, he leaves his community a better place.

Harry retired from journalism last week. For nearly half a century he has served as the living embodiment of the loftiest principles of his profession. In his community and in his industry, he enjoys a well-earned reputation for integrity and undying devotion to the highest standards of his craft. I am proud to salute my friend Harry for his distinguished journalistic service to the cause of democracy. Thanks, Harry.

SUPPORT RADIO FREE ASIA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, today the House will debate H.R. 2232, which will increase funding for Radio Free Asia and the Voice of America broadcasting into China. By passing this bill, we will then have continuous broadcasting to China in multiple dialects and languages.

Currently, only a few hours are broadcast and in only two languages. The increased funds will allow millions of Chinese citizens to hear the truth about their own country and the world around them. Listening to the words of truth, of freedom, of respect for human rights, of democracy is fundamental to making correct decisions.

There is no free press in China. Voice of America and Radio Free Asia tell the truth of today's news without the bias, the distortion, the lies of the Chinese propaganda machine. Our broadcast will serve as a surrogate free press in the dictators' Republic of China.

I know these broadcasts can be successful. Radio Marti, which is listened to by millions in my native homeland of Cuba, has been promoting justice and freedom, the hallmarks of our great country. Castro has tried and tried to jam its signal, but he has failed. An informed citizenry is needed for true political and economic freedom. Support Radio Free Asia today.

VOTE NO ON THE UPCOMING FAST TRACK BILL

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Madam Speaker, we have heard numerous stories of dozens of deals between President Clinton and Speaker GINGRICH to ram fast-track legislation through this Congress. The killer deal was the very first deal the White House cut.

Instead of working with Democrats on positive legislation that looked to the future, the White House cozied up to the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Texas [Mr. ARCHER] on a deal that betrays our values and our historic commitment to working American families and the environment.

The Archer-Gingrich bill not surprisingly would make the Republican hostility to labor and environment the U.S. agenda in international trade negotiations, a global race to the bottom. The Archer-Gingrich bill is a fast-track to the past, not to the future.

The vast majority of Democrats, 80 percent of them, oppose the Archer-Gingrich bill because we want sensible agreements that incorporate our values as Democrats, values such as clean air and clean water, values such as safe food, values such as worker rights and human rights.

As Democrats, we can do better. Vote no on the Gingrich-Archer fast-track bill.

THE LEGACY OF THIS ADMINISTRATION

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, we have really got to hand it to this administration. This is the first administration in history that has combined distinguishing characteristics and no controlling legal authority into a legal defense that the media are actually taking seriously, and then spends half the day talking about their legacy. Somehow, I think the legacy that they are likely to leave is not going to be the same legacy they have in mind.

Let us face it, when key witnesses keep turning up either dead, unwilling to testify, or hiding out in foreign countries, I do not think this is simply a question of partisan politics, despite the view repeated endlessly on ABC, NBC, and CBS that investigations into the 1996 Presidential campaign are much ado about nothing.

If there is nothing to hide, then I ask my fair-minded friends at ABC, NBC, and CBS, why are over 50 witnesses with critical information, why have they either fled the country or taken the fifth? The only scandal bigger than the Clinton-Gore campaign is the way the media have covered it since all these outrageous campaign finance violations have come to light. This, too, will be part of the legacy.

CONGRESS MUST MAINTAIN ITS INTEGRITY UP TO THE END OF THE SESSION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, as we bring this session of our responsibilities to the American people during this time of legislative activity to an end, I would ask this Congress to maintain its integrity.

There is a great deal of debate about legislation that is to be voted on and discussed this day, but I think that our Republican friends and certainly Democrats should understand that there are certain issues that need to be maintained separately from these discussions.

There is no doubt that sampling in the taking of the census in the year 2000 has been documented as the most accurate way of counting every human being. The homeless, people who are unhoused, poor people, rich people, black people, Hispanic people, Anglo people, Asian people, anyone in this country needs to be counted in this Nation. So let us not play with the census.

Let us not play with the basic rights of women across the world to family plan and preserve their families.

Let us not play with the Haitians, who are the only group who are not being allowed to stay in this country to apply for their citizenship.

Maintain the integrity of this Congress, and allow these issues to go forward on their own merits. The census must have sampling, family planning must exist, and leave the Haitians alone so they, too, have the rights of everybody else.

EDUCATION WOULD CHANGE IF WE HAD SCHOOL CHOICE

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Madam Speaker, there are schools in America that turn out more criminals than young people that will go out to attend college. Would Members like a choice if their child was attending that school? I believe they would.

Madam Speaker, wealthy Americans and many Congressmen and Senators make choices every day, and our President and Vice President, they send their child to the school of their choice. Many middle-class Americans choose where they live so their children can attend a school that they know is a good school. But what about poor Americans who are stuck in a bad neighborhood with a bad school?

Eighty percent of the schools in America are good and delivering a good product. Recently we had a bill that would allow choice for the poorest of Americans. What are the Democrats in the educational establishment afraid of, that it might work? We would have a chance to change education, and education would change, if we had choice. Bad schools would close, and the children would have a chance to go to a good school.

CALLING FOR BALANCED TRADE AGREEMENTS WHICH CONTAIN PROTECTIONS FOR WORKERS AND THE ENVIRONMENT

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Madam Speaker, since NAFTA we have converted a $2 billion trade surplus with Mexico to a $20 billion trade deficit. In 65 percent of union organizing elections, employers have threatened to move to Mexico or to another foreign country if workers have chosen the advantages of collective bargaining.

Working people have gotten almost none of the benefits of our expanding economy, as real wages for the middle class have remained static and, for lower-income workers, have actually declined. NAFTA and fast track quite properly protect American investors who invest abroad and protect intellectual property rights, but they do not protect labor and environmental rights. They are imbalanced.

We must have balanced trade agreements that protect not only investments and intellectual property, but also labor and environmental standards if trade is to serve all our people, and if our expanding trade is not to serve as a tool to be used to deny a fair share of our economic gains from filtering down to working people and to the middle class. Reject the fast track agreement as imbalanced.

□ 1430

INVESTIGATION OF 1996 PRESIDENTIAL CAMPAIGN

(Mr. TIAHRT asked and was given permission to address the House for 1 minute.)

Mr. TIAHRT. Madam Speaker, investigations into crimes that may have been committed during the 1996 Presidential campaign are about a lot more than taking foreign money. They are a lot more than just the effort to secretly get around the rules that everyone else had to follow and then worry about explaining the misdeeds after the election.

No, Madam Speaker, the liberal media attempts to downplay this scandal. These investigations are also about compromising national security, about selling out American foreign policy to the highest bidder and acting in complicity with the Communist Government of China to subvert the democratic process in the United States.

I believe that I am correct, Madam Speaker, that both Democrats and Republicans would agree that these charges are truly alarming. In fact, all Americans who believe in democracy, who believe that America should decide who should rule over America and who believe that secret money laundering operations represent political corruption at its most disgraceful, all believe that we must find out the truth about these scandals. Democracy demands it.

IN TRIBUTE TO THE LATE CLARA BOSWELL

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Madam Speaker, in less than an hour, legions of families and friends will gather in the historic town of Edenton, North Carolina, to mourn the death and celebrate the life of one of my staff members, Clara Boswell. This devoted mother and grandmother and former principal passed suddenly, without notice, on Thursday night.

Clara's life was personified by her two favorite symbols, the butterfly and the hat. While the grief of those who will gather is heavy, I know they will be comforted by acclaiming the life and celebrating the life of Clara.

I am confident she has left a lasting impression on those who came to know her, and the principles that guided her will now serve as guideposts for those she leaves behind. Like the butterfly, she brought a free spirit, bright colors, in every place she functioned. And like the hat, she brought peace and protection to everyone she encountered.

She has been called to rest and to reside in the place of total peace. God's finger has gently touched her, and she now sleeps. May God comfort and help her family and friends to hold on to treasured yesterdays and to reach out with courage and hope to tomorrow, knowing that their beloved is with God.

Clara has labored long. She served well. She has made a difference. She loved the butterfly. She had a free spirit. Today we put her to rest.

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA

Mr. GEPHARDT. Madam Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 318) pursuant to rule IX and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 318

Whereas, the election contest concerning the 46th District of California should be dismissed as there is no credible evidence to show that the outcome of the election is different than the election of Congresswoman Loretta Sanchez.

Whereas, State of California authorities should continue an investigation into any questionable registration activities; and

Whereas, the Committee on House Oversight should examine voter registration procedures; and now therefore be it

Resolved, That the contest in the 46th District of California is dismissed.

THE SPEAKER PRO TEMPORE (Mrs. EMERSON). The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. BOEHNER

Mr. BOEHNER. Madam Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Ohio [Mr. BOEHNER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 218, nays 194, answered "present" 1, not voting 20, as follows:

[Roll No. 622]

YEAS—218

Aderholt	Coble	Gilchrest
Archer	Coburn	Gilman
Armey	Collins	Goodlatte
Bachus	Combest	Goodling
Baker	Cook	Goss
Ballenger	Cooksey	Graham
Barr	Cox	Granger
Barrett (NE)	Crane	Greenwood
Bartlett	Crapo	Gutknecht
Barton	Cunningham	Hansen
Bass	Davis (VA)	Hastert
Bateman	Deal	Hastings (WA)
Bereuter	DeLay	Hayworth
Bilbray	Diaz-Balart	Hefley
Bilirakis	Dickey	Herger
Bliley	Doolittle	Hill
Blunt	Dreier	Hilleary
Boehlert	Duncan	Hobson
Boehner	Dunn	Horn
Bonilla	Ehlers	Hostettler
Brady	Ehrlich	Houghton
Bryant	Emerson	Hulshof
Bunning	English	Hunter
Burr	Ensign	Hutchinson
Burton	Everett	Hyde
Buyer	Ewing	Inglis
Callahan	Fawell	Istook
Calvert	Foley	Jenkins
Camp	Fossella	Johnson (CT)
Campbell	Fowler	Johnson, Sam
Canady	Fox	Jones
Cannon	Franks (NJ)	Kasich
Castle	Frelinghuysen	Kelly
Chabot	Gallegly	Kim
Chambliss	Ganske	King (NY)
Chenoweth	Gekas	Kingston
Christensen	Gibbons	Knollenberg

Kolbe	Pappas	Shays
LaHood	Parker	Shimkus
Largent	Paul	Shuster
Latham	Paxon	Skeen
LaTourette	Pease	Smith (MI)
Lazio	Peterson (PA)	Smith (NJ)
Leach	Petri	Smith (OR)
Lewis (CA)	Pickering	Smith (TX)
Lewis (KY)	Pitts	Smith, Linda
Linder	Pombo	Snowbarger
Livingston	Porter	Solomon
LoBiondo	Portman	Souder
Lucas	Pryce (OH)	Spence
Manzullo	Quinn	Stump
Martinez	Radanovich	Sununu
McCollum	Ramstad	Talent
McCrery	Redmond	Tauzin
McDade	Regula	Thomas
McHugh	Riggs	Thornberry
McInnis	Rogan	Thune
McIntosh	Rogers	Tiahrt
McKeon	Rohrabacher	Traficant
Metcalf	Ros-Lehtinen	Upton
Mica	Roukema	Walsh
Miller (FL)	Royce	Watkins
Moran (KS)	Ryun	Watts (OK)
Morella	Salmon	Weldon (FL)
Myrick	Sanford	Weldon (PA)
Nethercutt	Saxton	Weller
Neumann	Scarborough	White
Ney	Schaefer, Dan	Whitfield
Northup	Schaffer, Bob	Wicker
Norwood	Sensenbrenner	Wolf
Nussle	Sessions	Young (AK)
Oxley	Shadegg	Young (FL)
Packard	Shaw	

NAYS—194

Abercrombie	Ford	McHale
Allen	Frank (MA)	McIntyre
Andrews	Frost	McKinney
Baesler	Furse	McNulty
Baldacci	Gejdenson	Meehan
Barcia	Gephardt	Meek
Barrett (WI)	Goode	Menendez
Becerra	Gordon	Millender-McDonald
Bentsen	Green	Miller (CA)
Berman	Gutierrez	Minge
Berry	Hall (OH)	Mink
Bishop	Hall (TX)	Moakley
Blagojevich	Hamilton	Mollohan
Blumenauer	Harman	Moran (VA)
Bonior	Hastings (FL)	Murtha
Borski	Hefner	Nadler
Boswell	Hilliard	Neal
Boucher	Hinchey	Oberstar
Boyd	Hinojosa	Obey
Brown (CA)	Holden	Olver
Brown (FL)	Hooley	Ortiz
Brown (OH)	Hoyer	Owens
Cardin	Jackson (IL)	Pallone
Carson	Jackson-Lee (TX)	Pascrell
Clay	Jefferson	Pastor
Clayton	John	Payne
Clement	Johnson (WI)	Pelosi
Clyburn	Johnson, E. B.	Peterson (MN)
Costello	Kanjorski	Pickett
Coyne	Kaptur	Pomeroy
Cramer	Kennedy (MA)	Poshard
Cummings	Kennedy (RI)	Price (NC)
Danner	Kennelly	Rahall
Davis (FL)	Kildee	Rangel
Davis (IL)	Kilpatrick	Reyes
DeFazio	Kind (WI)	Rivers
DeGette	Klink	Rodriguez
Delahunt	Kucinich	Roemer
DeLauro	LaFalce	Rothman
Dellums	Lampson	Roybal-Allard
Deutsch	Lantos	Rush
Dicks	Levin	Sabo
Dingell	Lewis (GA)	Sanchez
Dixon	Lipinski	Sanders
Doggett	Lofgren	Sandlin
Dooley	Lowey	Sawyer
Doyle	Luther	Scott
Edwards	Maloney (CT)	Serrano
Engel	Maloney (NY)	Sherman
Eshoo	Manton	Sisisky
Etheridge	Markey	Skaggs
Evans	Mascara	Skelton
Farr	Matsui	Slaughter
Fattah	McCarthy (MO)	Smith, Adam
Fazio	McCarthy (NY)	Snyder
Filner	McGovern	Spratt
Forbes		

Stabenow	Thurman	Watt (NC)
Stark	Tierney	Waxman
Stenholm	Torres	Wexler
Strickland	Towns	Weygand
Stupak	Turner	Wise
Tanner	Velázquez	Woolsey
Tauscher	Vento	Wynn
Taylor (MS)	Visclosky	
Thompson	Waters	

ANSWERED "PRESENT"—1

Wamp

NOT VOTING—20

Ackerman	Gillmor	Schiff
Bono	Gonzalez	Schumer
Condit	Hoekstra	Stearns
Conyers	Kleczka	Stokes
Cubin	Klug	Taylor (NC)
Flake	McDermott	Yates
Foglietta	Riley	

□ 1454

Ms. PELOSI and Mr. MURTHA changed their vote from "yea" to "nay."

Mr. SHAYS and Mr. McDADE changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CORRECTION OF ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. BEREUTER. Madam Speaker, earlier today when announcing motions to suspend the rules, an incorrect number was announced for the adoption bill. The correct number is H.R. 867, not H.R. 861.

RADIO FREE ASIA ACT OF 1997

Mr. ROYCE. Madam Speaker, pursuant to House Resolution 302 and as the designee of the chairman of the Committee on Internal Relations, I call up the bill (H.R. 2232) to provide for increased international broadcasting activities to China, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. EMERSON). The bill is considered read for amendment.

The text of H.R. 2232 is as follows:

H.R. 2232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radio Free Asia Act of 1997".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Government of the People's Republic of China systematically controls the flow of information to the Chinese people.

(2) The Government of the People's Republic of China demonstrated that maintaining its monopoly on political power is a higher priority than economic development by announcing in January 1996 that its official news agency Xinhua, will supervise wire services selling economic information, including Dow Jones-Telerate, Bloomberg, and Reuters Business, and in announcing in February of 1996 the "Interim Internet Management Rules", which have the effect of censoring computer networks.

(3) Under the May 30, 1997, order of Premier Li Peng, all organizations that engage in business activities related to international computer networking must now apply for a license, increasing still further government control over access to the internet.

(4) Both Radio Free Asia and the Voice of America, as a surrogate for a free press in the People's Republic of China, provide an invaluable source of uncensored information to the Chinese people, including objective and authoritative news of in-country and regional events, as well as accurate news about the United States and its policies.

(5) Radio Free Asia currently broadcasts only 5 hours a day in the Mandarin dialect and 2 hours a day in Tibetan.

(6) Voice of America currently broadcasts only 10 hours a day in Mandarin and 3½ hours a day in Tibetan.

. (7) Radio Free Asia and the Voice of America should develop 24-hour-a-day service in Mandarin, Cantonese, and Tibetan, as well as further broadcasting capability in the dialects spoken in Xinjiang and other regions of the People's Republic of China.

(8) Radio Free Asia and Voice of America, in working toward continuously broadcasting the People's Republic of China in multiple languages, have the capability to immediately establish 24-hour-a-day Mandarin broadcasting to that nation by staggering the hours of Radio Free Asia and the Voice of America.

(9) Simultaneous broadcasting on Voice of America radio and Worldnet television 7 days a week in Mandarin are also important and needed capabilities.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR INCREASED FUNDING FOR RADIO FREE ASIA AND VOICE OF AMERICA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING TO CHINA.—In addition to such sums as are otherwise authorized to be appropriated for "International Broadcasting Activities" for fiscal years 1998 and 1999, there are authorized to be appropriated for "International Broadcasting Activities" $46,900,000 for fiscal years 1998 and $31,200,000 for fiscal year 1999, which shall be available only for broadcasting to China.

(b) LIMITATIONS.—

(1) RADIO FREE ASIA.—

(A) Of the funds authorized to be appropriated under subsection (a) $26,900,000 is authorized to be appropriated for fiscal year 1998 and $21,200,000 is authorized to be appropriated for fiscal year 1999 for Radio Free Asia.

(B) Of the funds under subparagraph (A), $1,200,000 is authorized to be appropriated for each such fiscal year for additional personnel to staff Cantonese language broadcasting.

(C) Of the funds under subparagraph (A) authorized to be appropriated for fiscal year 1998, $900,000 is authorized to be appropriated for additional advanced editing equipment.

(2) 1998.—

(A) Of the funds under subsection (a) authorized to be appropriated for fiscal year 1998, $11,800,000 is authorized to be appropriated for capital expenditures for the purchase and construction of transmission facilities.

(B) Of the funds under subsection (a) authorized to be appropriated for fiscal year

1998, $3,000,000 is authorized to be appropriated to facilitate the timely augmentation of transmitters at Tinian, Marshall Islands.

(c) ALLOCATION.—Of the amounts authorized to be appropriated under subsection (a), the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

SEC. 4. REPORTING REQUIREMENT.

Not later than 90 days after the date of enactment of this Act, in consultation with the Board of Broadcasting Governors, the President shall prepare and transmit to Congress a report on a plan to achieve continuous broadcasting of Radio Free Asia and Voice of America to the People's Republic of China in multiple major dialects and languages.

SEC. 5. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS FOR MIGRATION AND REFUGEE ASSISTANCE.

Notwithstanding any other provision of law, such amounts as are authorized to be appropriated for "Migration and Refugee Assistance" for fiscal year 1998 shall be reduced by $21,900,000 and for fiscal year 1999 shall be reduced by $6,200,000.

The SPEAKER pro tempore. Pursuant to House Resolution 302, the committee amendment in the nature of a substitute printed in the bill is adopted.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2232

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SECTION 1. SHORT TITLE.

This Act may be cited as the "Radio Free Asia Act of 1997".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Government of the People's Republic of China systematically controls the flow of information to the Chinese people.

(2) The Government of the People's Republic of China demonstrated that maintaining its monopoly on political power is a higher priority than economic development by announcing in January 1996 that its official news agency Xinhua, will supervise wire services selling economic information, including Dow Jones-Telerate, Bloomberg, and Reuters Business, and in announcing in February of 1996 the "Interim Internet Management Rules", which have the effect of censoring computer networks.

(3) Under the May 30, 1997, order of Premier Li Peng, all organizations that engage in business activities related to international computer networking must now apply for a license, increasing still further government control over access to the internet.

(4) Both Radio Free Asia and the Voice of America, as a surrogate for a free press in the People's Republic of China, provide an invaluable source of uncensored information to the Chinese people, including objective and authoritative news of in-country and regional events, as well as accurate news about the United States and its policies.

(5) Radio Free Asia currently broadcasts only 5 hours a day in the Mandarin dialect and 2 hours a day in Tibetan.

(6) Voice of America currently broadcasts only 10 hours a day in Mandarin and 3½ hours a day in Tibetan.

(7) Radio Free Asia and Voice of America should develop 24-hour-a-day service in Mandarin, Cantonese, and Tibetan, as well as further broadcasting capability in the dialects spoken in the People's Republic of China.

(8) Radio Free Asia and Voice of America, in working toward continuously broadcasting to the People's Republic of China in multiple languages, have the capability to immediately establish 24-hour-a-day Mandarin broadcasting to that nation by staggering the hours of Radio Free Asia and Voice of America.

(9) Simultaneous broadcasting on Voice of America radio and Worldnet television 7 days a week in Mandarin are also important and needed capabilities.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR INCREASED FUNDING FOR RADIO FREE ASIA AND VOICE OF AMERICA BROADCASTING TO CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR RADIO FREE ASIA—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Radio Free Asia" $30,000,000 for fiscal year 1998 and $22,000,000 for fiscal year 1999.

(2) LIMITATIONS.—

(A) Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, $8,000,000 is authorized to be appropriated for one-time capital costs.

(B) Of the funds under paragraph (1), $700,000 is authorized to be appropriated for each such fiscal year for additional personnel to staff Cantonese language broadcasting.

(b) AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING TO CHINA AND NORTH KOREA.—In addition to such sums as are otherwise authorized to be appropriated for "International Broadcasting Activities" for fiscal years 1998 and 1999, there are authorized to be appropriated for "International Broadcasting Activities" $10,000,000 for fiscal year 1998 and $7,000,000 for fiscal year 1999, which shall be available only for enhanced Voice of America broadcasting to China and North Korea.

(c) AUTHORIZATION OF APPROPRIATIONS FOR RADIO CONSTRUCTION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated for "Radio Construction" for fiscal years 1998 and 1999, there are authorized to be appropriated for "Radio Construction" $10,000,000 for fiscal year 1998 and $3,000,000 for fiscal year 1999, which shall be available only for construction in support of enhanced broadcasting to China.

(2) LIMITATION.—Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, $3,000,000 is authorized to be appropriated to facilitate the timely augmentation of transmitters at Tinian, the Commonwealth of the Northern Mariana Islands.

(d) ALLOCATION.—Of the amounts authorized to be appropriated for "International Broadcasting Activities", the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(e) ALLOCATION OF FUNDS FOR NORTH KOREA.—Of the funds under subsection (b), $2,000,000 is authorized to be appropriated for each fiscal year for additional personnel and broadcasting targeted at North Korea.

SEC. 4. REPORTING REQUIREMENT.

Not later than 90 days after the date of enactment of this Act, in consultation with the Board of Broadcasting Governors, the President shall prepare and transmit to Congress a report on a plan to achieve continuous broadcasting of Radio Free Asia and Voice of America to the People's Republic of China in multiple major dialects and languages.

SEC. 5. UTILIZATION OF UNITED STATES INTERNATIONAL BROADCASTING SERVICES FOR PUBLIC SERVICE ANNOUNCEMENTS REGARDING FUGITIVES FROM UNITED STATES JUSTICE.

United States international broadcasting services, particularly the Voice of America, shall produce and broadcast public service announcements, by radio, television, and Internet, regarding fugitives from the criminal justice system of the United States, including cases of international child abduction.

The SPEAKER pro tempore. Pursuant to House Resolution 302, the gentleman from California [Mr. ROYCE] and the gentleman from Indiana [Mr. HAMILTON] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. ROYCE].

GENERAL LEAVE

Mr. ROYCE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, for the last few days, the House of Representatives has been debating policy for the most important bilateral relationship the United States has, and that is our relationship with the People's Republic of China. We have heard different views on how we should deal with this emerging power. It has been a good debate, a healthy debate for us to have. I have supported the initiatives that are part of that policy for freedom in China package, because together they contribute to a well-crafted China policy, a policy which positions the United States to stand up forcefully for our values and protect our national security. For certain our relationship with China is not easy. It will be the most challenging relationship we face in the next century. Moving forward, we must have principles to guide this relationship. For one, in all our dealings with the Beijing regime, it is essential that we do not shy away from our values. This means calling the Chinese leadership on democracy and on human rights, spotlighting the organ harvesting many Members have spoken against on this floor, and acting when we can. Standing up for our values also means promoting the free flow of uncensored information, which is the lifeblood of our values that Americans cherish and wish for the Chinese people.

□ 1500

That is why I am proud to be the author of the Radio Free Asia Act of 1997.

Everyone here has heard of Radio Free Europe; that is our effort which was so effective during the cold war in bringing information to those stuck behind the Iron Curtain. At that time we told the people of Eastern Europe what was happening in their own countries, but it was not really us telling them. It was the voices of Hungarians and Czechs and Poles broadcast on Radio Free Europe, telling their fellow countrymen about the politics and other developments in their home countries, and through this surrogate broadcasting Hungarians and Czechs and Poles and others were able to learn about human rights abuses and repression in their own countries and to ask why.

This information transmitted through the airwaves was tremendously effective in bringing about the demise of totalitarian regimes in these countries. How do we know that?

Lech Walesa of Poland and Vaclav Havel and Alexander Dubcek of Czechoslovakia, men who pulled the foundation out from communism, have said that Radio Free Europe did more than anything else to change those Communist regimes of Eastern Europe. It is clear, information is deadly to dictators. The Chinese people deserve no less of an effort from us.

Radio Free Asia has been up and running, breaking official silence in Asia for over a year now. It is patterned after Radio Free Europe. Radio Free Asia targets countries where Asians are unable to hear about developments in their own country, unable to hear about what is happening in their own capitals and even in their own cities and towns. Some 95 percent of Radio Free Asia's programing focuses on people and events within that targeted country. So while no Lech Walesa has emerged in China, I believe Radio Free Asia is one of the most powerful tools we have for promoting democracy and promoting human rights in China.

This bill will provide the means to broadcast 24 hours a day into China and Tibet and to expand broadcasting in North Korea. This round-the-clock broadcasting in Mandarin, Cantonese, Tibetan, and other dialects will be an invaluable source of uncensored information for the Chinese people, information they otherwise would be denied.

What do the Chinese people hear on Radio Free Asia? Weekly commentators, a discussion of topical issues with Chinese journalists. They hear China In Perspective, which deals with a range of issues, including the Chinese media; politics in the media; Tibet Today, a discussion of current issues in Tibet; "Voices of Current Party Members", which is a weekly discussion with current party members hosted by a former editor of the People's Daily; and they have their own "Crossfire" show that they hear as well.

That sounds like pretty standard news and information, right? But it is not standard in a totalitarian country. And so the Beijing regime has complained. A Chinese Foreign Ministry spokesman recently denounced Radio Free Asia, saying it was using freedom of speech as an excuse to interfere in China's internal affairs. Freedom of speech and interference in internal affairs, and the Chinese Government has punished those caught listening to Radio Free Asia.

It also has tried to shut out these broadcasts through jamming. This jamming is not too effective though, and it will be less effective after the new transmitter approved by the Radio Free Asia Act of 1997 is built.

The fact is that there is no denying Radio Free Asia. Just look at this map of China. Each orange dot on this map represents a significant cluster of letters received by Radio Free Asia's Chinese listeners. Up and running only a little over a year, Radio Free Asia has received hundreds of these letters, many of them from students, which indicate that young people are listening as well, and let me just read sections of two.

This is from a worker in a labor union written this past September. He says, "every day in the past 8 months, 2 hours of my day belong to Radio Free Asia, which brings a fresh spring breeze to the stifling and repressed China and lets us see the hope for a free and democratic China."

Another letter written 2 months ago, quote: "Like most of my Chinese countrymen, I did not know what press freedom was and what human rights were, did not even know that Taiwan called itself the Republic of China and that the Dalai Lama even was awarded the Nobel Peace Prize. Then I bought a radio set, which made me hunger knowledge as I never have before."

I cannot imagine more powerful words, and I have nothing to add to those words.

Madam Speaker, I reserve the balance of my time.

Mr. HAMILTON. Madam Speaker, I yield myself such time as I may consume.

I rise in support of the bill. The bill authorizes $30 million for Radio Free Asia for fiscal year 1998, $22 million for fiscal year 1999. It authorizes an additional $10 million for enhanced VOA broadcasting in China and North Korea for fiscal year 1998, and $7 million for the same purpose in fiscal year 1999. The bill also authorizes an additional $10 million in fiscal year 1998 and $3 million for fiscal year 1999 for radio construction in support of enhanced broadcasting to China.

The bill requires that within 90 days the President and the Board of Broadcasting Governors submit to the Congress a plan to achieve 24-hour broadcasting of Radio Free Asia and Voice of America to China in multiple dialects and languages.

The authorization funding for Radio Free Asia in this bill is identical to that provided in the State Department authorization conference language, so in a sense this is an issue that has already been agreed upon. There is additional authorization here for Voice of America broadcasting in China and North Korea and for radio construction that represents an increase in authorization levels from the State Department authorization conference language or the Commerce-Justice-State conference contemplated funding levels.

Insofar as I know, the administration has no objection to this bill. It did have some problems with the original bill. I think they have been addressed in the markup of the bill.

I totally agree with the sponsors of the bill that the promotion through Radio Free Asia of democracy and human rights is an extremely important element of U.S. foreign policy and one that we should support. I urge then the support for the bill.

Madam Speaker, I reserve the balance of my time.

Mr. ROYCE. Madam Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I am pleased to rise in support of H.R. 2322 sponsored by the gentleman from California [Mr. ROYCE]. This measure is an important enhancement to our international broadcasting to Asia.

Broadcasting to Asia, and particularly to China, is vital to the spread and support of democracy and the freedom of expression. I fully support the measure to expand broadcast capabilities of Radio Free Asia and the Voice of America through additional funding for personnel, for transmitters and for other broadcast requirements.

I commend the gentleman from California [Mr. ROYCE], the distinguished chairman of our Committee on International Relations Subcommittee on Africa for his foresight in drafting this bill. This additional funding that is supported by the Speaker and the President will increase the opportunity for the peoples living under communism in Asia to hear news and other programing untainted by State news services. Mr. ROYCE's worthy proposal will increase transmissions in Mandarin, Cantonese, Tibetan languages and other dialects. It is hoped that when we work with the Senate in conference on this proposal, we will not forget to add the Uygers in East Turkestan.

I commend the gentleman and urge our colleagues to support this measure.

Mr. HAMILTON. Madam Speaker, I reserve the balance of my time.

Mr. ROYCE. Madam Speaker, I yield 3½ minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER], chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Madam Speaker, I would like to begin with an announcement. As some of the Members know, the Speaker appointed a bipartisan task force on the Hong Kong transition, were to give a quarterly report, and I want my colleagues to know that the first quarterly report or a summary thereof will be in the CONGRESSIONAL RECORD for today.

Madam Speaker, this legislation is very important. I rise in strong support of it and commend my distinguished colleague, the gentleman from California [Mr. ROYCE], for introducing this legislation. Madam Speaker, as mentioned this legislation authorizes appropriations specifically for broadcasting to China and North Korea and construction of broadcasting facilities. The purpose of this is to enhance America's ability to broadcast, increase the number of languages and dialects in which Radio Free Asia can broadcast.

As the chairman of the subcommittee, my colleagues might be interested in knowing that in order to assure that accurate, timely, uncensored news and information gets to China, Vietnam, Burma, Cambodia, North Korea and the rest of East Asia, that it is important to support the activities of Radio Free Asia and the Voice of America. Radio Free Asia can provide news to those who otherwise cannot obtain it because many of the governments in the region systematically control the flow of information to their own citizens.

Currently United States broadcasting in Chinese dialects totals only 7.5 hours daily by Radio Free Asia and 13 hours daily by Voice of America. This will permit expansion of broadcasting to 24 hours per day in Mandarin Chinese, plus expanded broadcasting in Cantonese, Tibetan, and other dialects. The combined Voice of America and Radio Free Asia broadcast to the region will provide listeners with a full-service broadcast covering local, national and international news, together with U.S. news and discussion of foreign policy. This would be the first around-the-clock broadcasting in Mandarin to China by any nation.

This resolution would also support one-time expenditures required to ensure reliable transmission of broadcasts to listeners in China and North Korea. This includes the purchase, modification, and operation of a transmission station in Saipan. Actually I think it is Tinian, an United States territory currently providing the strongest broadcast signal to China. The transmitter would also give Radio Free Asia a permanent transmission site, something it now lacks. The increased funds will also go to augment relay stations that carry the message on to China and other Asian countries.

Madam Speaker, in a world where Chinese military and diplomatic influence is growing, it is useful to remember the lessons of Radio Free Europe. Diplomats may have dismissed those broadcasts, but ordinary people listened. Eventually it was these ordinary people who were able to change those Communist systems.

The people of Asia who live under authoritarian regimes deserve no less of a commitment from the United States. If we are serious about spreading the voice of democracy to China, Vietnam, Cambodia, North Korea, Burma, and other authoritarian States in East Asia, this legislation assures that the message of democracy reaches the broadest possible audience.

In conclusion, Madam Speaker, this Member again would like to commend the distinguished gentleman from California [Mr. ROYCE] for his dedication and assistance in making this important increase in funding for Radio Free Asia and the Voice of America. It is an initiative which this Member has advocated in the House Committee on International Relations and elsewhere, and I thank this gentleman for bringing it to fruition.

Mr. HAMILTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Madam Speaker, I thank my good friend and fellow Hoosier from Indiana for yielding this time to me, and I rise in strong support of this legislation.

I think this legislation has been explained very well by Members on both the Republican and the Democratic side. This bill authorizes $30 million for Radio Free Asia for fiscal year 1998 and $22 million for fiscal year 1999. As importantly, the bill authorizes an additional 10 million for enhanced VOA broadcasting in China and in North Korea for fiscal year 1998 and 7 million for the same purpose for fiscal year 1999.

As we have talked, Madam Speaker, this past week about American values, about human rights, about putting emphasis on these kinds of things in our very important bilateral relationship between the United States and China, this bill, I think, is at the crux of many of the things that the United States stands for.

□ 1515

We have engaged, I think, the past 2 weeks, when Jiang Zemin visited this country, in what the President has very appropriately called constructive engagement.

Now, there are some in this body that feel like we should not engage with the Chinese. I personally strongly support the President's constructive engagement. That means that you sit down and listen to one another, you meet with one another, and, at times, you strongly disagree with one another.

There is no better example, and I say to my colleagues on constructive engagement, there is no better example of this than when the President was having a press conference with Jiang Zemin last week and a reporter asked them about Tiananmen Square. And Jiang Zemin said they did, in fact, what they had to do to restore economic and social stability.

And then the President had his turn, and the President very forcefully said, "I disagree, and you did the wrong thing. You did not do what was just, you did not stand up for human rights, and you will continue to be isolated in the world if you engage like that."

That is constructive engagement. I think in the most important bilateral relationship that our two countries will engage in, the Chinese and the American people in the next 20 and 30 and 50 years, the President's policy is right on the mark.

Now, I also think that we have engaged in some very constructive votes this past week. I personally have voted to stop the coerced abortions, and I applaud this body for that. I have voted to more prominently monitor human rights, and I applaud this body for that. I encourage more religious freedom in China. I think that these are the kinds of things we need to engage in with the Chinese, constructive engagement, and not destructive rhetoric.

I applaud the author of this bill, and I strongly encourage my colleagues to support it.

Mr. ROYCE. Madam Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Madam Speaker, I certainly thank the gentleman from California for yielding me time.

Madam Speaker, as we bring this China package to a close, I would just once again like to thank all of these people who helped make this happen, the gentleman from California [Mr. COX], the gentleman from New York [Mr. GILMAN], the gentleman from New Jersey [Mr. SMITH], the gentlewoman from California [Ms. PELOSI], the gentleman from Missouri [Mr. GEPHARDT] on the other side of the aisle, and all of the rest of the Members and staff who have been so committed on this for such a long time.

This has been a grueling process, yes, it has; several days on the floor, and months, even years of work, by the people that I have just mentioned.

But for those who are fatigued, and I certainly am, we must remember, what we endure is nothing compared to what the people of China have endured on a daily basis, every single day throughout the 48-year reign of the Communists in that unfortunate country,

and they are the reason we have been here for the past several days with this very, very vital legislation, for we all know that when the people of China are free, America and China will develop a long-lasting friendship, and that is the way it ought to be, based on respect, based on trust and the mutual interests of 1.5 billion people.

That is why it is fitting that we end this process with the gentleman from California [Mr. ROYCE], and I commend the gentleman from California [Mr. ROYCE] on this bill to enhance the capabilities of Radio Free Asia and the Voice of America to broadcast the truth to the Chinese people.

Madam Speaker, few things could be more heartening than to hear the stories from the victims of Communist repression in the former Soviet Union about how Radio Liberty about how Radio Free Europe and the Voice of America kept their hopes alive, gave them a beacon of hope during their darkest hours behind that Iron Curtain, and now they are free. Awareness of the truth and the knowledge that someone else really cared about them kept these people going under the worst of circumstances.

Madam Speaker, this is real engagement, engagement with the people of China, not with those Communist thugs who repress them, who imprison them, who beat them and give them a bad name abroad with their missile diplomacy and rogue activities. And we all know what we have been talking about for the last 3 weeks.

Radio Free Asia and the Voice of America are underfunded. They are only broadcasting a few hours a day and only a couple of dialects. This bill rectifies that by giving $50 million for this year alone.

Madam Speaker, if the Committee on Appropriations sees fit to provide this money, and we all here will see they will, I can even suggest a perfect offset. Thursday night, this House approved my bill to oppose the World Bank's soft loans to the Communist Government of China by an overwhelming majority.

In 1996, the World Bank loaned about $500 million to these thugs in Beijing. Since the United States owns about 15 percent of the World Bank, that means American taxpayers directly gave the Communist dictators in Beijing $75 million of the taxpayers' money in interest-free, 35-year loans, and a 30-year grace period. We can put an end to that.

Madam Speaker, I thank the gentleman for yielding me this time. And this is perhaps the fitting end to these 10 bills that we have brought on this floor. The gentleman is to be commended. Let us come over here and vote unanimously for this vital piece of legislation.

Mr. ROYCE. Madam Speaker, I yield 2½ minutes to my colleague, the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Madam Speaker, I rise in strong support of this amendment and Radio Free Asia. I would like to compliment the gentleman from California [Mr. ROYCE], my colleague and fellow Orange Countian, who has done so much over the years on this issue. He has made it real.

Ed, congratulations for a job well done.

There would not be a Radio Free Asia in the works and heading toward going on the air if it was not for the fact that the gentleman from California [Mr. ROYCE] put in so much time and effort on this commendable piece of legislation.

During the cold war, we must remember that it was not our weapons and technology alone that won the day and ushered the world into a new era of peace and prosperity. And peace and prosperity is yet to prevail, but we have more opportunities for that than we have had during my entire lifetime.

While the courage of the Armed Forces and their technological edge was certainly an imperative that we needed during the cold war, our commitment to Radio Free Europe, the Voice of America, and Radio Liberty kept alive the flame of freedom in the hearts of people who were oppressed from the Balkans to the Baltics. This flame was in the hearts of America's greatest allies.

Our greatest allies in the cold war were those people who lived in Communist countries. And when they knew that we did not forget them, the flame lived on and eventually that conflagration brought down the Communist empire. With communism we were able to destroy the wills of the leadership by mustering support among the people they repressed.

The Good Book tells us that the truth will make you free. Today, with the Soviet collapse, it is our turn now; we must turn to finish the job. We must show the people of Asia that we have as great a commitment to their freedom as we had to the people of Europe.

Radio Free Asia will affirm to the good people throughout Asia that we are on their side, and they need this message when they can only see U.S. corporations exploiting their cheap labor, exploiting their environmental laws that permit corporations to come in and exploit the environment. When they see these, they need to be reaffirmed.

The people of Asia need a confirmation that we are on their side, and that is what Radio Free Asia will do. The Ughyurs, for example, in East Turkmenistan, now live under the heel of the Communist dictatorship in Beijing. We need to broadcast to those and other people, whether they be in Burma, Vietnam, or elsewhere, we believe in freedom, and if we hold firm to our principles in the United States of America, those principles of our Founding Fathers, we will finish the job of ending the cold war, and indeed the world will have a new era of peace and prosperity and freedom.

Mr. HAMILTON. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. I, too, rise this afternoon to give my appreciation for the author of this legislation and as well the ranking member of this committee for coming together around a very instructive and creative opportunity for us to recognize and to commemorate, if you will, the results of Radio Free Europe.

I can almost say to this House, need I say any more, all of us who have grown up in the World War era are aware of the impact of Radio Free Europe. In fact, it became the symbol of freedom. And as we listened ourselves, hearing about stories and reports on Radio Free Europe, needless to say, those voices that were being heard were impacting on smaller ears, younger people, people who thought that freedom now could be a reality for them.

Why not Radio Free Asia? In the time of child labor, religious persecution, and the denial of free thought, in one of the biggest markets in this world, do we not have the responsibility to say that economics is important but the free thought of those who live under those systems has to be of primary importance to those of us who claim capitalism on the economic side but freedom of thought and religion on the social justice side?

Yes, many of us have supported most favored nation and we recognize through our corporate community that Southeast Asia is an attractive market. But can we stand by while the dollars flow in and out, while the markets increase, and yet there are people in these nations who cannot gather in their homes to worship their God?

There are people in these nations who cannot think freely for themselves to worship as they desire. And, yes, there are those who have been called to claim the message of whatever faith they believe in who cannot speak.

Radio Free Asia has to exist. We must use it responsibly, however. It cannot be accusatory. It cannot be threatening. It should not be where it is decisive. We simply have to let them hear the truth. We simply have to have them hear the voices of reason. We simply have to have those voices of free thought who can speak about the issues in a free and thoughtful manner be projected on those younger ears, those ears of those who have not heard.

I think Radio Free Asia will tell the real story. Once you hear and once you understand, then you will act. That is what this whole opportunity for Radio

Free Asia will generate, and that is a hearing and understanding and an acting.

Madam Speaker, I would simply say that the dollar is not the almighty dollar as some of us have heard it claimed. It must be balanced with the freedom of speech and understanding, the freedom of religion, the freedom of thought. And out of that comes a real appreciation for where you live, and the value of the dollar diminishes when you have freedom for all.

I thank the author of the bill and encourage all of my colleagues to vote for this very timely legislation.

Mr. ROYCE. Madam Speaker, I yield 2 minutes to my colleague, the gentleman from Arizona, [Mr. SALMON], who speaks Mandarin and has spent time in China,.

Mr. SALMON. Madam Speaker, I thank the gentleman for introducing this badly needed piece of legislation. In fact, I do not think I am alone in believing that this alone will probably go further than almost anything else that we have done this week or probably this year.

Mr. Rohrabacher made a comment, in fact quoted my favorite scripture from the New Testament, when he said, you shall know the truth and the truth shall make you free. Unfortunately, in China the truth does not find a way of filtering itself down to the common people on a daily basis.

I saw some footage last week when President Jiang Zemin visited these United States about the coverage in China, and it is interesting, because as we know, in watching our media, when Mr. Jiang went from place to place, there were numerous protests regarding various policies, regarding policies regarding Tibet, regarding policies dealing with religious worship, regarding policies dealing with forced abortion. In fact, it was a very mixed bag of reviews. Most of the stops that he made had very, very angry people.

But none of that was filtered down to the common citizens in China. They never heard that information. They think everything is hunky-dory and we all love the guy.

That kind of information has to get down to the people so they do not give way to despondency, so they can keep some hope, some courage, that freedom is very much alive here in this country and we are still plugging for them.

When we continue with MFN, which a majority of Members in this body supported, sometimes I wonder if they get a mixed message, a wrong message. Many of us who support MFN also care deeply about human rights. We don't believe it is OK to turn a deaf ear to the human misery and suffering going on in China. We believe it is time for tough talk.

As the gentleman from Indiana [Mr. ROEMER] said, the President made some very tough statements last week, as he should have. That needs to be filtered town to the rank and file. They need to know that we care; they need to know we are with them, that we believe in freedom and that we believe it will happen if we persevere. That is what constructive engagement is all about.

Congratulations, Mr. ROYCE. This bill is going to go a long way to providing truth for the Chinese people.

Mr. ROYCE. Madam Speaker, I yield 2¼ minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

□ 1530

Mr. HUTCHINSON. Madam Speaker, I rise in strong support of H.R. 2232, and I want to express my appreciation to the gentleman from California for his leadership on this very important issue.

As a new Member of Congress, I believe this legislation involves one of the most important issues we have dealt with. My colleagues might ask why is that the case, and it is because it involves the fundamental issues of freedom and liberty.

I think about my father, who is now deceased, but when wartime came around, he was past draft age, he had 4 children, he did not need to go, but he went to serve in our Armed Forces. Why did he go, as so many others went? Because it was not necessarily what was happening in America, but it was about what America stood for; it was about liberty, it was about freedom, it was about supporting that voice around the world.

I think it is what America stands for. Today, the Voice of America, Radio Free Asia, needs to be strengthened in China. Madam Speaker, $10 million for the Voice of America, $20 million for Radio Free Asia. It is money well spent.

I think about Tiananmen Square and the images that that portrayed across America of those Chinese students, in their way, standing for freedom and speaking against a repressive regime. What can we do to help them?

Well, there are some things that we can do in these bills that we have passed, and China sanction legislation represents that. But there is one thing that government cannot stop and that is the Voice of America, it is the voice of freedom, the voice of liberty. Truth, truth cannot be shut out. If we can get that message in, then we can encourage those people who are still being repressed; we can raise the voice and awareness of democracy.

There is a temptation in America today that we should withdraw from world affairs, that we do not need to be concerned with what happens in China, and I reject that argument. I believe that we still need to be the leader of the free world. As Alexander Solzhenitsyn said, who is the Russian dissident who spent years in the gulag, "If America does not lead the free world, then the free world will not have a leader."

This is a small burden to pay for the price of liberty. We should support it enthusiastically. I urge my colleagues to support it.

Mr. HAMILTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Madam Speaker, I thank the gentleman from Indiana for his graciousness in yielding me this time. I commend him and the gentleman from California [Mr. ROYCE] for their tremendous leadership in bringing this bill to the floor of the House of Representatives.

Madam Speaker, when we complete this series, we will have passed nine very significant bills designed to effect change in China. While I am biased on this matter, I believe this is the best of the nine, and I believe that because I think it has more potential than any of the others in really providing for change in Chinese society.

We know this because of the record of Radio Liberty and Radio Free Europe during the cold war. Madam Speaker, surrogate radios are not propaganda, they are the beaming of truth and ideas and news into censored societies, societies where those ideas from outside are not permitted. And under Radio Free Asia, the concepts of freedom, of democracy, of free enterprise, of the rule of law, of an independent judiciary, the very values that we as Americans believe in so deeply, are reaching their way today into closed societies in Asia.

The ideas of Jefferson and Lincoln, the ideas that cannot be heard there, the ideas of their own people in believing in these values are getting through, and this legislation will cause that to be ramped up 3 times what we are doing today, and will affect not only China, but Burma, Vietnam, Tibet, North Korea, Laos, places where autocratic regimes hold sway.

Madam Speaker, this is cost-effective legislation and $40 million will provide for construction of new antennae and broadcasting facilities and the broadcasts themselves. Through Voice of America and Radio Free Asia, and let me say, Madam Speaker, that Voice of America is equally important in doing a marvelous job for this country all across this world. It is simply a different approach than the surrogate radios. Both are needed. We will be able to broadcast 24 hours a day in Mandarin, more broadcasts in Cantonese. This is exactly what we need to be doing.

Madam Speaker, 3 years ago myself and Helen Bentley conceived Radio Free Asia. Senator BIDEN picked up this matter over in the Senate and came aboard, and we passed legislation into law, and today Dick Richter and his very able staff are making a real difference in that part of the world.

The concept of beaming truth and uncensored news and information and ideas and values will change these closed societies, will make a difference in the lives of the Chinese people and the people of Burma and Vietnam and other places in Europe. They will do so at a much less cost than any other approach, and with tremendous effectiveness. I commend the gentleman from California [Mr. ROYCE]; I commend the gentleman from New York [Mr. GILMAN]; the gentleman from Indiana [Mr. HAMILTON]; the gentleman from Nebraska [Mr. BEREUTER]. All of them have provided tremendous leadership in making this happen.

This is extremely important legislation that will make a true difference in this world, and I commend it to all Members.

Mr. ROYCE. Madam Speaker, I yield 4 minutes to the distinguished gentleman from California [Mr. COX], chairman of the Policy Committee, a colleague who has spearheaded the Policy for Freedom package.

Mr. COX of California. Madam Speaker, I would like to thank especially the gentleman from California [Mr. ROYCE]. I want to commend the sponsor of this vital bill, my colleague from California, the chairman of the Committee on International Relations Subcommittee on Africa, for his leading role in policymaking. Prior to his committee chairmanship on the Subcommittee on Africa, he was the vice chairman of the Subcommittee on Asia and the Pacific. He went with the Speaker of the House this year to the People's Republic of China, to Taiwan and to Hong Kong, and today, after literally years of work, he is bringing to us this bill which is rightly praised by his colleagues on both sides of the aisle.

Radio Free Asia builds on Justice Louis Brandeis' great axiom of civil liberties, that sunshine is the best disinfectant. That is what this is all about. That is what in fact makes our system so wonderfully resilient.

Driving to the Capitol on a recent day, listening to our local news radio station, WTOP, I heard no fewer than 3 separate China Moments, China Moments paid for by government-owned firms in the People's Republic of China. They lionized President Jiang Zemin. They hyped Communist rule in China. They propagandized in the best Madison Avenue style that money can buy, and I listened to it, because I am an American.

The Government of the People's Republic of China can talk directly to us as Americans whenever they wish to do so, through their own magazines, which they do in this country, through the Internet, through talking heads on television and via authentic, unbiased, competitive news media in our country. Information, not just in America, but in the world, is the oxygen of freedom, and at the same time, censorship is the staff of life for a dictatorship. The People's Republic of China's Government knows this full well, and as a result, control and suppression of information is of paramount priority for them.

The PRC's oligarchy controls all newspapers, all radio, all television, through suffocating direct ownership or, just as stifling, censorship and regulation. It controls informal flows of information through the pervasive use of wiretapping, informants and surveillance, and it is even building an infrastructure so that the state in the 21st century can control the Internet. It is now seeking to jam broadcasts of Radio Free Asia and the Voice of America, an issue that our leadership raised directly with President Jiang when he was here in the Capitol just days ago.

The bill of the gentleman from California [Mr. ROYCE]) is going to allow 24-hour-a-day broadcasts of Radio Free Asia in Mandarin, Cantonese and Tibetan as well as broadcasting in other major dialects. It will allow the creation of a Cantonese Language Service with 16 journalists. I strongly commend this bill which will let sunlight shine into every corner of China.

When Jiang Zemin visited the United States of America, he went to visit the Liberty Bell, and he read the Biblical verse on the Liberty Bell that reads: "Proclaim liberty throughout the land unto all the inhabitants thereof." That is what Radio Free Asia will do in Communist China.

Let freedom ring across the length and breadth of China, Madam Speaker. Pass this bill.

Mr. HAMILTON. Madam Speaker, I yield back the balance of my time.

Mr. ROYCE. Madam Speaker, I want to thank our colleague, the gentleman from California [Mr. COX] and his able staff, and I would like to thank the gentleman from Illinois [Mr. PORTER], who promoted Radio Free Asia over the years. A tremendous amount of work has gone into this effort. We have had a long and thorough debate throughout the last few days. There have been differences, but the Chinese people are yearning for information; not propaganda, but unbiased information, that is all. So I hope bolstering Radio Free Asia is something we can all support. This program has the opportunity to provide more than 1.4 billion, one-fourth of the world's population, with a daily dose of truth.

I would like to close my time by reading one last letter Radio Free Asia received from one of its Chinese listeners. "Congratulations on the first anniversary of your Mandarin broadcasts. I am one of your listeners writing to offer my thanks and congratulations. You have worked so hard and during this last year you have won some great victories. Here is hoping that your station in the future will gain a foothold in Asia and the world, and not fear cruelty and inhumanity."

Madam Speaker, in closing, let me yield 3 minutes to my distinguished colleague, the gentlewoman from San Francisco, CA [Ms. PELOSI]).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding me this time. I intend to yield back so that he can close, because he has worked so hard on this issue. But I will take a little bit of the time, if I may.

I thank my colleague the gentleman from California [Mr. ROYCE] for his leadership in bringing this important bill to the floor. It is appropriate that this piece of legislation be the last in this series of China bills, because it is a banner issue that we treat the people in Asia, Radio Free Asia in Asia and in China the way we conducted our approach to people in Eastern Europe throughout the cold war.

The gentleman from California [Mr. COX] was instrumental in putting a package together which had great consensus in this body. There were some of us who thought we could do more, but my colleague can prove us wrong by making these bills long, and then making these issues policy.

The leadership of the gentleman from California [Mr. COX] and the gentleman from California [Mr. ROYCE] and the gentleman from New York [Mr. GILMAN] and others enabled us to call to the attention of our colleagues and to our country the concerns that we have about the United States-China relationship. Most certainly we believe in engagement, but it must be effective engagement, that instead of contributing to an increased trade deficit and proliferation of weapons of mass destruction with impunity and ignoring of the repression in China, instead, that effective engagement would make the world safer, the trade fairer, and people freer. And Radio Free Asia, the Radio Free Asia part of this package is further to the point of making people freer.

So many people have told us, and I know that my colleagues have addressed this, that in the course of the cold war their consolation was Radio Free Europe, that people in the outside world had not forgotten them, that we did respect their aspirations to live in a freer society. It was true then in Europe, it is true now for Asia, and we reject the notion that democratic freedoms and individual human rights are Western values. Indeed, they are universal values written on the hearts of men. The people in China who aspire for a freer China have quoted Thomas Jefferson, really quoted Thomas Jefferson. They have lived his words, not mocked them, as President Jiang did when he came here.

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They have fought, risked their personal lives, the security of their families, and, indeed, their lives for principles that we as a country have advocated.

We say that promoting democratic values is a cornerstone of our foreign policy. If indeed it is in the world, it must be also in China. Radio Free Asia is the mechanism for us to give some encouragement to those who take such risks for freedom. Those people are the legitimate heirs of our Founding Fathers. For that reason, I commend my colleague for his leadership.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, for the sake of freedom in China and throughout Asia, I urge my colleagues to support H.R. 2232, as amended, the Radio Free Asia Act of 1997.

Mr. KIM. Madam Speaker, I rise in strong support of H.R. 2232, a bill to authorize additional funds for Voice of America broadcasts in Chinese and Korean.

As a young boy growing up in Seoul during the Communist invasion, I can remember huddling around the radio with my family listening to these Voice of America broadcasts. In occupied Seoul, VOA was a prime source of news and inspiration in desperate times by providing timely and accurate news, unfiltered by our North Korean oppressors.

Today, North Korea is the most isolated, closed society in the world. The Communist regime maintains tight control of the dissemination of information within North Korea. Our VOA broadcasts are the people's lifeline to outside news and information, and otherwise available.

Several weeks ago, I had the opportunity to meet with two North Korean defectors who were visiting Washington. They told of how North Koreans—desperate for real news from the outside world—risk their lives to listen to VOA broadcasts. If found by North Korean authorities, they face certain execution on the spot. Yet thousands surround secret, miniature radios listening to our VOA broadcasts.

Madam Speaker, VOA broadcasts to China and North Korea provide those people with their primary source of accurate news and information about events in their country and around the world.

I urge my colleagues to support this bill.

Mrs. LINDA SMITH of Washington. Madam Speaker, I rise today in support of H.R. 2232, the Radio Free Asia Act authored by Congressman ED ROYCE. I believe this legislation is one of the most important pieces of the China package that the House of Representatives has been considering this week because it gives people hope. It is the most tangible way for the Chinese people to learn about the democratic rule of law, human rights, and current events around the world. It will also audibly demonstrate the aspirations of the American people to have a positive relationship with China as we enter the 21st century.

The Radio Free Asia Act is a direct counterpoint to the oppressive policies of the Chinese Government. The lack of a free flow of information within China makes it all the more important that the broadcasts of Voice of America and Radio Free Asia are heard loud and clear. While the government of China can stifle their own press and attempt to jam our broadcasts, by increasing the number of hours on the air as well as the variety of dialects, a message of hope and freedom will be heard by countless millions.

My colleague, Congressman FRANK WOLF, recently came back from a trip to Tibet and he reported that the broadcasts of Radio Free Asia were a great source of encouragement to the Tibetan population. The least that we can do is to ensure that these broadcasts continue by providing the necessary funds to sustain and increase these broadcasts.

I urge my colleagues to join me in passing the Radio Free Asia Act.

Mr. ROYCE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 302, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROYCE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5(b) of rule I, further proceedings on this matter are postponed.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOR REMAINDER OF FIRST SESSION OF 105TH CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 9, 1997.

I hereby designate the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions for the remainder of the first session of the One Hundred Fifth Congress.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The Speaker pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed.

Washington, DC, November 4, 1997.

Hon. NEWT GINGRICH,
Speaker, United States House of Representatives, Capitol Building, Washington, DC.

DEAR SPEAKER GINGRICH: On Wednesday, October 29, 1997, the Committee on Transportation and Infrastructure, pursuant to 40 U.S.C. §606, approved fifteen resolutions authorizing appropriations for federal buildings and leased space. Please find enclosed copies of these resolutions.

With warm regards, I remain,

Sincerely,

BUD SHUSTER,
Chairman.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later today.

VETERANS' BENEFITS ACT OF 1997

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 714) to extend and improve the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs, to extend certain authorities of the Secretary of Veterans Affairs relating to services for homeless veterans, to extend certain other authorities of the Secretary, and for other purposes, as amended.

The Clerk read as follows:

S. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EQUAL EMPLOYMENT OPPORTUNITY PROCESS IN THE DEPARTMENT OF VETERANS AFFAIRS

Sec. 101. Equal employment responsibilities.
Sec. 102. Discrimination complaint adjudication authority.
Sec. 103. Assessment and review of Department of Veterans Affairs employment discrimination complaint resolution system.

TITLE II—EXTENSION AND IMPROVEMENT OF AUTHORITIES

Sec. 201. Native American Veteran Housing Loan Program.
Sec. 202. Treatment and rehabilitation for seriously mentally ill and homeless veterans.
Sec. 203. Extension of certain authorities relating to homeless veterans.

Sec. 204. Annual report on assistance to homeless veterans.
Sec. 205. Expansion of authority for enhanced-use leases of Department of Veterans Affairs real property.
Sec. 206. Permanent authority to furnish noninstitutional alternatives to nursing home care.
Sec. 207. Extension of Health Professional Scholarship Program.
Sec. 208. Policy on breast cancer mammography.
Sec. 209. Persian Gulf War veterans.
Sec. 210. Presidential report on preparations for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction.

TITLE III—MAJOR MEDICAL FACILITY PROJECTS CONSTRUCTION AUTHORIZATION

Sec. 301. Authorization of major medical facility projects.
Sec. 302. Authorization of major medical facility leases.
Sec. 303. Authorization of appropriations.

TITLE IV—TECHNICAL AND CLARIFYING AMENDMENTS

Sec. 401. Technical amendments.
Sec. 402. Clarification of certain health care authorities.
Sec. 403. Correction of name of medical center.
Sec. 404. Improvement to spina bifida benefits for children of Vietnam veterans.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EQUAL EMPLOYMENT OPPORTUNITY PROCESS IN THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 101. EQUAL EMPLOYMENT RESPONSIBILITIES.

(a) IN GENERAL.—(1) Chapter 5 is amended by inserting at the end of subchapter I the following new section:

"§ 516. Equal employment responsibilities

"(a) The Secretary shall provide that the employment discrimination complaint resolution system within the Department be established and administered so as to encourage timely and fair resolution of concerns and complaints. The Secretary shall take steps to ensure that the system is administered in an objective, fair, and effective manner and in a manner that is perceived by employees and other interested parties as being objective, fair, and effective.

"(b) The Secretary shall provide—

"(1) that employees responsible for counseling functions associated with employment discrimination and for receiving, investigating, and processing complaints of employment discrimination shall be supervised in those functions by, and report to, an Assistant Secretary or a Deputy Assistant Secretary for complaint resolution management; and

"(2) that employees performing employment discrimination complaint resolution functions at a facility of the Department shall not be subject to the authority, direction, and control of the Director of the facility with respect to those functions.

"(c) The Secretary shall ensure that all employees of the Department receive adequate education and training for the purposes of this section and section 319 of this title.

"(d) The Secretary shall, when appropriate, impose disciplinary measures, as authorized by law, in the case of employees of the Department who engage in unlawful employment discrimination, including retaliation against an employee asserting rights under an equal employment opportunity law.

"(e)(1)(A) Not later than 30 days after the end of each calendar quarter, the Assistant Secretary for Human Resources and Administration shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report summarizing the employment discrimination complaints filed against the individuals referred to in paragraph (2) during such quarter.

"(B) Subparagraph (A) shall apply in the case of complaints filed against individuals on the basis of such individuals' personal conduct and shall not apply in the case of complaints filed solely on the basis of such individuals' positions as officials of the Department.

"(2) Paragraph (1) applies to the following officers and employees of the Department:

"(A) The Secretary.

"(B) The Deputy Secretary of Veterans Affairs.

"(C) The Under Secretary for Health and the Under Secretary for Benefits.

"(D) Each Assistant Secretary of Veterans Affairs and each Deputy Assistant Secretary of Veterans Affairs.

"(E) The Director of the National Cemetery System.

"(F) The General Counsel of the Department.

"(G) The Chairman of the Board of Veterans' Appeals.

"(H) The Chairman of the Board of Contract Appeals of the Department.

"(I) The director and the chief of staff of each medical center of the Department.

"(J) The director of each Veterans Integrated Services Network.

"(K) The director of each regional office of the Department.

"(L) Each program director of the Central Office of the Department.

"(3) Each report under this subsection—

"(A) may not disclose information which identifies the individuals filing, or the individuals who are the subject of, the complaints concerned or the facilities at which the discrimination identified in such complaints is alleged to have occurred;

"(B) shall summarize such complaints by type and by equal employment opportunity field office area in which filed; and

"(C) shall include copies of such complaints, with the information described in subparagraph (A) redacted.

"(4) Not later than April 1 each year, the Assistant Secretary shall submit to the committees referred to in paragraph (1)(A) a report on the complaints covered by paragraph (1) during the preceding year, including the number of such complaints filed during that year and the status and resolution of the investigation of such complaints.

"(f) The Secretary shall ensure that an employee of the Department who seeks counseling relating to employment discrimination may elect to receive such counseling from an employee of the Department who carries out equal employment opportunity counseling functions on a full-time basis rather than from an employee of the Department who carries out such functions on a part-time basis.

"(g) The number of employees of the Department whose duties include equal employment opportunity counseling functions as well as other, unrelated functions may not exceed 40 full-time equivalent employees. Any such employee may be assigned equal employment opportunity counseling functions only at Department facilities in remote geographic locations (as determined by the Secretary). The Secretary may waive the limitation in the preceding sentence in specific cases.

"(h) The provisions of this section shall be implemented in a manner consistent with procedures applicable under regulations prescribed by the Equal Employment Opportunity Commission.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 515 the following new item:

"516. Equal employment responsibilities.".

(b) REPORTS.—(1) The Secretary of Veterans Affairs shall submit to Congress reports on the implementation and operation of the equal employment opportunity system within the Department of Veterans Affairs. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000.

(2) The first report under paragraph (1) shall set forth the actions taken by the Secretary to implement section 516 of title 38, United States Code, as added by subsection (a), and other actions taken by the Secretary in relation to the equal employment opportunity system within the Department of Veterans Affairs.

(3) The subsequent reports under paragraph (1) shall set forth, for each equal employment opportunity field office of the Department and for the Department as a whole, the following:

(A) Any information to supplement the information submitted in the report under paragraph (2) that the Secretary considers appropriate.

(B) The number of requests for counseling relating to employment discrimination received during the one-year period ending on the date of the report concerned.

(C) The number of employment discrimination complaints received during such period.

(D) The status of each complaint described in subparagraph (C), including whether or not the complaint was resolved and, if resolved, whether the employee concerned sought review of the resolution by the Equal Employment Opportunity Commission or by Federal court.

(E) The number of employment discrimination complaints that were settled during such period, including—

(i) the type of such complaints; and

(ii) the terms of settlement (including any settlement amount) of each such complaint.

(c) EFFECTIVE DATE.—Section 516 of title 38, United States Code, as added by subsection (a), shall take effect 90 days after the date of enactment of this Act. Subsection (e) of that section shall take effect with respect to the first quarter of calendar year 1998.

SEC. 102. DISCRIMINATION COMPLAINT ADJUDICATION AUTHORITY.

(a) IN GENERAL.—(1) Chapter 3 is amended by adding at the end the following new section:

"§ 319. Office of Employment Discrimination Complaint Adjudication

"(a)(1) There is in the Department an Office of Employment Discrimination Complaint Adjudication. There is at the head of the Office a Director.

"(2) The Director shall be a career appointee in the Senior Executive Service.

"(3) The Director reports directly to the Secretary or the Deputy Secretary concerning matters within the responsibility of the Office.

"(b)(1) The Director is responsible for making the final agency decision within the Department on the merits of any employment discrimination complaint filed by an employee, or an applicant for employment, with the Department. The Director shall make such decisions in an impartial and objective manner.

"(2) No person may make any ex parte communication to the Director or to any employee of the Office with respect to a matter on which the Director has responsibility for making a final agency decision.

"(c) Whenever the Director has reason to believe that there has been retaliation against an employee by reason of the employee asserting rights under an equal employment opportunity law, the Director shall report the suspected retaliatory action directly to the Secretary or Deputy Secretary, who shall take appropriate action thereon.

"(d)(1) The Office shall employ a sufficient number of attorneys and other personnel as are necessary to carry out the functions of the Office. Attorneys shall be compensated at a level commensurate with attorneys employed by the Office of the General Counsel.

"(2) The Secretary shall ensure that the Director is furnished sufficient resources in addition to personnel under paragraph (1) to enable the Director to carry out the functions of the Office in a timely manner.

"(3) The Secretary shall ensure that any performance appraisal of the Director of the Office of Employment Discrimination Complaint Adjudication or of any employee of the Office does not take into consideration the record of the Director or employee in deciding cases for or against the Department.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"319. Office of Employment Discrimination Complaint Adjudication.".

(b) REPORTS ON IMPLEMENTATION.—The Director of the Office of Employment Discrimination Complaint Adjudication of the Department of Veterans Affairs (established by section 319 of title 38, United States Code, as added by subsection (a)) shall submit to the Secretary of Veterans Affairs and to Congress reports on the implementation and the operation of that office. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000.

(c) EFFECTIVE DATE.—Section 319 of title 38, United States Code, as added by subsection (a), shall take effect 90 days after the date of enactment of this Act.

SEC. 103. ASSESSMENT AND REVIEW OF DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION COMPLAINT RESOLUTION SYSTEM.

(a) AGREEMENT FOR ASSESSMENT AND REVIEW.—(1) The Secretary of Veterans Affairs shall seek to enter into an agreement with a qualified private entity under which agreement the entity shall carry out the assessment described in subsection (b) and the review described in subsection (c).

(2) The Secretary shall include in the agreement provisions necessary to ensure that the entity carries out its responsibilities under the agreement (including the exercise of its judgments concerning the assessment and review) in a manner free of influence from any source, including the officials and employees of the Department of Veterans Affairs.

(3) The Secretary may not enter into the agreement until 15 days after the date on which the Secretary notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the entity with which the Secretary proposes to enter into the agreement.

(b) INITIAL ASSESSMENT OF SYSTEM.—(1) Under the agreement under subsection (a), the entity shall conduct an assessment of the employment discrimination complaint resolution system administered within the Department of Veterans Affairs, including the extent to which the system meets the objectives set forth in section 516(a) of title 38, United States Code, as added by section 101. The assessment shall include a comprehensive description of the system as of the time of the assessment.

(2) Under the agreement, the entity shall submit the assessment to the committees referred to in subsection (a)(3) and to the Secretary not later than June 1, 1998.

(c) REVIEW OF ADMINISTRATION OF SYSTEM.—(1) Under the agreement under subsection (a), the entity shall monitor and review the administration by the Secretary of the employment discrimination complaint resolution system administered within the Department.

(2) Under the agreement, the entity shall submit to the committees referred to in subsection (a)(3) and to the Secretary a report on the results of the review under paragraph (1) not later than June 1, 1999. The report shall include an assessment of the administration of the system, including the extent to which the system meets the objectives referred to in subsection (b)(1), and the effectiveness of the following:

(A) Programs to train and maintain a cadre of individuals who are competent to investigate claims relating to employment discrimination.

(B) Programs to train and maintain a cadre of individuals who are competent to provide counseling to individuals who submit such claims.

(C) Programs to provide education and training to Department employees regarding their rights and obligations under the equal employment opportunity laws.

(D) Programs to oversee the administration of the system.

(E) Programs to evaluate the effectiveness of the system in meeting its objectives.

(F) Other programs, procedures, or activities of the Department relating to the equal employment opportunity laws, including any alternative dispute resolution procedures and informal dispute resolution and settlement procedures.

(G) Any disciplinary measures imposed by the Secretary on employees determined to have violated the equal employment opportunity laws in preventing or deterring violations of such laws by other employees of the Department.

TITLE II—EXTENSION AND IMPROVEMENT OF AUTHORITIES

SEC. 201. NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM.

(a) EXTENSION OF PILOT PROGRAM.—Section 3761(c) is amended by striking out "September 30, 1997" and inserting in lieu thereof "December 31, 2001".

(b) OUTREACH.—Section 3762(i) is amended—

(1) by inserting "(1)" after "(i)";

(2) by inserting ", in consultation with tribal organizations (including the National Congress of American Indians and the National American Indian Housing Council)," after "The Secretary shall";

(3) by striking out "tribal organizations and"; and

(4) by adding at the end the following:

"(2) Activities under the outreach program shall include the following:

"(A) Attending conferences and conventions conducted by the National Congress of American Indians in order to work with the National Congress in providing information and training to tribal organizations and Native American veterans regarding the availability of housing benefits under the pilot program and in assisting such organizations and veterans in participating in the pilot program.

"(B) Attending conferences and conventions conducted by the National American Indian Housing Council in order to work with the Housing Council in providing information and training to tribal organizations and tribal housing entities regarding the availability of such benefits.

"(C) Attending conferences and conventions conducted by the Department of Hawaiian Homelands in order to work with the Department of Hawaiian Homelands in providing information and training to tribal housing entities in Hawaii regarding the availability of such benefits.

"(D) Producing and disseminating information to tribal governments, tribal veterans service organizations, and tribal organizations regarding the availability of such benefits.

"(E) Assisting tribal organizations and Native American veterans in participating in the pilot program.

"(F) Outstationing loan guarantee specialists in tribal facilities on a part-time basis if requested by the tribal government.".

(c) ANNUAL REPORTS.—Section 3762 is further amended by adding at the end the following new subsection:

"(j) Not later than February 1 of each year through 2002, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report relating to the implementation of the pilot program under this subchapter during the fiscal year preceding the date of the report. Each such report shall include the following:

"(1) The Secretary's exercise during such fiscal year of the authority provided under subsection (c)(1)(B) to make loans exceeding the maximum loan amount.

"(2) The appraisals performed for the Secretary during such fiscal year under the authority of subsection (d)(2), including a description of—

"(A) the manner in which such appraisals were performed;

"(B) the qualifications of the appraisers who performed such appraisals; and

"(C) the actions taken by the Secretary with respect to such appraisals to protect the interests of veterans and the United States.

"(3) The outreach activities undertaken under subsection (i) during such fiscal year, including—

"(A) a description of such activities on a region-by-region basis; and

"(B) an assessment of the effectiveness of such activities in encouraging the participation of Native American veterans in the pilot program.

"(4) The pool of Native American veterans who are eligible for participation in the pilot program, including—

"(A) a description and analysis of the pool, including income demographics;

"(B) a description and assessment of the impediments, if any, to full participation in the pilot program of the Native American veterans in the pool; and

"(C) the impact of low-cost housing programs operated by the Department of Housing and Urban Development and other Federal or State agencies on the demand for direct loans under this section.

"(5) The Secretary's recommendations, if any, for additional legislation regarding the pilot program.".

SEC. 202. TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) CODIFICATION AND REVISION OF PROGRAMS.—Chapter 17 is amended by adding at the end the following new subchapter:

"SUBCHAPTER VII—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

"§ 1771. General treatment

"(a) In providing care and services under section 1710 of this title to veterans suffering from serious mental illness, including veterans who are homeless, the Secretary may provide (directly or in conjunction with a governmental or other entity)—

"(1) outreach services;

"(2) care, treatment, and rehabilitative services (directly or by contract in community-based treatment facilities, including halfway houses); and

"(3) therapeutic transitional housing assistance under section 1772 of this title, in conjunction with work therapy under subsection (a) or (b) of section 1718 of this title and outpatient care.

"(b) The authority of the Secretary under subsection (a) expires on December 31, 2001.

"§ 1772. Therapeutic housing

"(a) The Secretary, in connection with the conduct of compensated work therapy programs, may operate residences and facilities as therapeutic housing.

"(b) The Secretary may use such procurement procedures for the purchase, lease, or other acquisition of residential housing for purposes of this section as the Secretary considers appropriate to expedite the opening and operation of transitional housing and to protect the interests of the United States.

"(c) A residence or other facility may be operated as transitional housing for veterans described in paragraphs (1) and (2) of section 1710(a) of this title under the following conditions:

"(1) Only veterans described in those paragraphs and a house manager may reside in the residence or facility.

"(2) Each resident, other than the house manager, shall be required to make payments that contribute to covering the expenses of board and the operational costs of the residence or facility for the period of residence in such housing.

"(3) In order to foster the therapeutic and rehabilitative objectives of such housing (A) residents shall be prohibited from using alcohol or any controlled substance or item, (B) any resident violating that prohibition may be expelled from the residence or facility, and (C) each resident shall agree to undergo drug testing or such other measures as the Secretary shall prescribe to ensure compliance with that prohibition.

"(4) In the establishment and operation of housing under this section, the Secretary shall consult with appropriate representatives of the community in which the housing is established and shall comply with zoning requirements, building permit requirements, and other similar requirements applicable to other real property used for similar purposes in the community.

"(5) The residence or facility shall meet State and community fire and safety requirements applicable to other real property used for similar purposes in the community in which the transitional housing is located, but fire and safety requirements applicable to buildings of the Federal Government shall not apply to such property.

"(d) The Secretary shall prescribe the qualifications for house managers for transitional housing units operated under this section. The Secretary may provide for free room and subsistence for a house manager in addition to, or instead of payment of, a fee for the services provided by the manager.

"(e)(1) The Secretary may operate as transitional housing under this section—

"(A) any suitable residential property acquired by the Secretary as the result of a default on a loan made, guaranteed, or insured under chapter 37 of this title;

"(B) any suitable space in a facility under the jurisdiction of the Secretary that is no longer being used (i) to provide acute hospital care, or (ii) as housing for medical center employees; and

"(C) any other suitable residential property purchased, leased, or otherwise acquired by the Secretary.

"(2) In the case of any property referred to in paragraph (1)(A), the Secretary shall—

"(A) transfer administrative jurisdiction over such property within the Department from the Veterans Benefits Administration to the Veterans Health Administration; and

"(B) transfer from the General Post Fund to the Loan Guaranty Revolving Fund under chapter 37 of this title an amount (not to exceed the amount the Secretary paid for the property) representing the amount the Secretary considers could be obtained by sale of such property to a nonprofit organization or a State for use as a shelter for homeless veterans.

"(3) In the case of any residential property obtained by the Secretary from the Department of Housing and Urban Development under this section, the amount paid by the Secretary to that Department for that property may not exceed the amount that the Secretary of Housing and Urban Development would charge for the sale of that property to a nonprofit organization or a State for use as a shelter for homeless persons. Funds for such charge shall be derived from the General Post Fund.

"(f) The Secretary shall prescribe—

"(1) a procedure for establishing reasonable payment rates for persons residing in transitional housing; and

"(2) appropriate limits on the period for which such persons may reside in transitional housing.

"(g) The Secretary may dispose of any property acquired for the purpose of this section. The proceeds of any such disposal shall be credited to the General Post Fund.

"(h) Funds received by the Department under this section shall be deposited in the General Post Fund. The Secretary may distribute out of the fund such amounts as necessary for the acquisition, management, maintenance, and disposition of real property for the purpose of carrying out such program. The Secretary shall manage the operation of this section so as to ensure that expenditures under this subsection for any fiscal year shall not exceed by more than $500,000 proceeds credited to the General Post Fund under this section. The operation of the program and funds received shall be separately accounted for, and shall be stated in the documents accompanying the President's budget for each fiscal year.

"§ 1773. Additional services at certain locations

"(a) Subject to the availability of appropriations, the Secretary shall operate a program under this section to expand and improve the provision of benefits and services by the Department to homeless veterans.

"(b) The program shall include the establishment of not fewer than eight programs (in addition to any existing programs providing similar services) at sites under the jurisdiction of the Secretary to be centers for the provision of comprehensive services to homeless veterans. The services to be provided at each site shall include a comprehensive and coordinated array of those specialized services which may be provided under existing law.

"(c) The program shall include the services of such employees of the Veterans Benefits Administration as the Secretary determines appropriate at sites under the jurisdiction of the Secretary at which services are provided to homeless veterans.

"(d) The program under this section shall terminate on December 31, 2001.

"§ 1774. Coordination with other agencies and organizations

"(a) In assisting homeless veterans, the Secretary shall coordinate with, and may provide services authorized under this title in conjunction with, State and local governments, other appropriate departments and agencies of the Federal Government, and nongovernmental organizations.

"(b)(1) The Secretary shall require the director of each medical center or the director of each regional benefits office to make an assessment of the needs of homeless veterans living within the area served by the medical center or regional office, as the case may be.

"(2) Each such assessment shall be made in coordination with representatives of State and local governments, other appropriate departments and agencies of the Federal Government, and nongovernmental organizations that have experience working with homeless persons in that area.

"(3) Each such assessment shall identify the needs of homeless veterans with respect to the following:

"(A) Health care.

"(B) Education and training.

"(C) Employment.

"(D) Shelter.

"(E) Counseling.

"(F) Outreach services.

"(4) Each assessment shall also indicate the extent to which the needs referred to in paragraph (3) are being met adequately by the programs of the Department, of other departments and agencies of the Federal Government, of State and local governments, and of nongovernmental organizations.

"(5) Each assessment shall be carried out in accordance with uniform procedures and guidelines prescribed by the Secretary.

"(c) In furtherance of subsection (a), the Secretary shall require the director of each medical center and the director of each regional benefits office, in coordination with representatives of State and local governments, other Federal officials, and nongovernmental organizations that have experience working with homeless persons in the areas served by such facility or office, to—

"(1) develop a list of all public and private programs that provide assistance to homeless persons or homeless veterans in the area

concerned, together with a description of the services offered by those programs;

"(2) seek to encourage the development by the representatives of such entities, in coordination with the director, of a plan to coordinate among such public and private programs the provision of services to homeless veterans;

"(3) take appropriate action to meet, to the maximum extent practicable through existing programs and available resources, the needs of homeless veterans that are identified in the assessment conducted under subsection (b); and

"(4) attempt to inform homeless veterans whose needs the director cannot meet under paragraph (3) of the services available to such veterans within the area served by such center or office.".

(b) CONFORMING AMENDMENTS.—(1) Section 1720A is amended—

(A) by striking out subsections (a), (e), (f), and (g); and

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(2) The heading of such section is amended to read as follows:

"§ 1720A. Treatment and rehabilitative services for persons with drug or alcohol dependency".

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 7 of Public Law 102–54 (38 U.S.C. 1718 note).

(2) Section 107 of the Veterans' Medical Programs Amendments of 1992 (38 U.S.C. 527 note).

(3) Section 2 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note).

(4) Section 115 of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note).

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 17 is amended—

(1) by striking out the item relating to section 1720A and inserting in lieu thereof the following:

"1720A. Treatment and rehabilitative services for persons with drug or alcohol dependency."; and

(2) by adding at the end the following:

"SUBCHAPTER VII—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

"1771. General treatment.
"1772. Therapeutic housing.
"1773. Additional services at certain locations.
"1774. Coordination with other agencies and organizations.".

SEC. 203. EXTENSION OF CERTAIN AUTHORITIES RELATING TO HOMELESS VETERANS.

(a) AGREEMENTS FOR HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 3735(c) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1999".

(b) EXTENSION OF HOMELESS VETERANS COMPREHENSIVE SERVICE GRANT PROGRAM.—Section 3(a)(2) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1999".

(c) HOMELESS VETERANS' REINTEGRATION PROJECTS.—The Stewart B. McKinney Homeless Assistance Act is amended as follows:

(1) Section 738(e)(1) (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following new subparagraph:

"(G) $10,000,000 for fiscal year 1999.".

(2) Section 741 (42 U.S.C. 11450) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1999".

SEC. 204. ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS.

Section 1001 of the Veterans' Benefits Improvements Act of 1994 (38 U.S.C. 7721 note) is amended—

(1) in subsection (a)(2)—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new subparagraphs:

"(D) evaluate the effectiveness of the programs of the Department (including residential work-therapy programs, programs combining outreach, community-based residential treatment, and case-management, and contract care programs for alcohol and drug-dependence or abuse disabilities) in providing assistance to homeless veterans; and

"(E) evaluate the effectiveness of programs established by recipients of grants under section 3 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note), and describe the experience of such recipients in applying for and receiving grants from the Secretary of Housing and Urban Development to serve primarily homeless persons who are veterans."; and

(2) by striking out subsection (b).

SEC. 205. EXPANSION OF AUTHORITY FOR ENHANCED-USE LEASES OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY.

(a) FOUR-YEAR EXTENSION OF AUTHORITY.—Section 8169 is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 2001".

(b) REPEAL OF LIMITATION ON NUMBER OF AGREEMENTS.—(1) Section 8168 is repealed.

(2) The table of sections at the beginning of chapter 81 is amended by striking out the item relating to section 8168.

SEC. 206. PERMANENT AUTHORITY TO FURNISH NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.

(a) PERMANENT AUTHORITY.—Subsection (a) of section 1720C is amended by striking out "During" and all that follows through "furnishing of" and inserting in lieu thereof "The Secretary may furnish".

(b) CONFORMING AMENDMENTS.—(1) Subsections (b)(1) and (d) of such section are amended by striking out "pilot".

(2) The heading for such section is amended to read as follows:

"§ 1720C. Noninstitutional alternatives to nursing home care".

(3) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"1720C. Noninstitutional alternatives to nursing home care.".

SEC. 207. EXTENSION OF HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.

(a) EXTENSION.—Section 7618 is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1998".

(b) SUBMISSION OF OVERDUE REPORT.—The Secretary of Veterans Affairs shall submit to Congress not later than 180 days after the date of the enactment of this Act the report evaluating the operation of the health professional scholarship program required to be submitted not later than March 31, 1997, under section 202(b) of Public Law 104–110 (110 Stat. 770).

SEC. 208. POLICY ON BREAST CANCER MAMMOGRAPHY.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

"§ 7322. Breast cancer mammography policy

"(a) The Under Secretary for Health shall develop a national policy for the Veterans Health Administration on mammography screening for veterans.

"(b) The policy developed under subsection (a) shall—

"(1) specify standards of mammography screening;

"(2) provide recommendations with respect to screening, and the frequency of screening, for—

"(A) women veterans who are over the age of 39; and

"(B) veterans, without regard to age, who have clinical symptoms, risk factors, or family history of breast cancer; and

"(3) provide for clinician discretion.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7321 the following new item:

"7322. Breast cancer mammography policy.".

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall develop the national policy on mammography screening required by section 7322 of title 38, United States Code, as added by subsection (a), and shall furnish such policy in a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 60 days after the date of the enactment of this Act. Such policy shall not take effect before the expiration of 30 days after the date of its submission to those committees.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the policy developed under section 7322 of title 38, United States Code, as added by subsection (a), shall be in accordance with the guidelines endorsed by the Secretary of Health and Human Services and the Director of the National Institutes of Health.

SEC. 209. PERSIAN GULF WAR VETERANS.

(a) CRITERIA FOR PRIORITY HEALTH CARE.—(1) Subsection (a)(2)(F) of section 1710 is amended by striking out "environmental hazard" and inserting in lieu thereof "other conditions".

(2) Subsection (e)(1)(C) of such section is amended—

(A) by striking out "the Secretary finds may have been exposed while serving" and inserting in lieu thereof "served";

(B) by striking out "to a toxic substance or environmental hazard"; and

(C) by striking out "exposure" and inserting in lieu thereof "service".

(3) Subsection (e)(2)(B) of such section is amended by striking out "an exposure" and inserting in lieu thereof "the service".

(b) DEMONSTRATION PROJECTS FOR TREATMENT OF PERSIAN GULF ILLNESS.—(1) The Secretary of Veterans Affairs shall carry out a program of demonstration projects to test new approaches to treating, and improving the satisfaction with such treatment of, Persian Gulf veterans who suffer from undiagnosed and ill-defined disabilities. The program shall be established not later than July 1, 1998, and shall be carried out at up to 10 geographically dispersed medical centers of the Department of Veterans Affairs.

(2) At least one of each of the following models shall be used at no less than two of the demonstration projects:

(A) A specialized clinic which serves Persian Gulf veterans.

(B) Multidisciplinary treatment aimed at managing symptoms.

(C) Use of case managers.

(3) A demonstration project under this subsection may be undertaken in conjunction with another funding entity, including agreements under section 8111 of title 38, United States Code.

(4) The Secretary shall make available from appropriated funds (which have been retained for contingent funding) $5,000,000 to carry out the demonstrations projects.

(5) The Secretary may not approve a medical center as a location for a demonstration project under this subsection unless a peer review panel has determined that the proposal submitted by that medical center is among those proposals that have met the highest competitive standards of clinical merit and the Secretary has determined that the facility has the ability to—

(A) attract the participation of clinicians of outstanding caliber and innovation to the project; and

(B) effectively evaluate the activities of the project.

(6) In determining which medical centers to select as locations for demonstration projects under this subsection, the Secretary shall give special priority to medical centers that have demonstrated a capability to compete successfully for extramural funding support for research into the effectiveness and cost-effectiveness of the care provided under the demonstration project.

SEC. 210. PRESIDENTIAL REPORT ON PREPARATIONS FOR A NATIONAL RESPONSE TO MEDICAL EMERGENCIES ARISING FROM THE TERRORIST USE OF WEAPONS OF MASS DESTRUCTION.

(a) REPORT.—(1) Not later than March 1, 1998, the President shall submit to Congress a report on the plans, preparations, and capability of the Federal Government and State and local governments for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction. The report shall be submitted in unclassified form, but may include a classified annex.

(2) The report should be prepared in consultation with the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Director of the Federal Emergency Management Agency, and the head of any other department or agency of the Federal Government that may be involved in responding to such emergencies. The President shall designate a lead agency for purposes of the preparation of the report.

(b) CONTENTS.—The report shall include the following:

(1) A description of the steps taken by the Federal Government to plan and prepare for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction.

(2) A description of the laws and agreements governing the responsibilities of the various departments and agencies of the Federal Government, and of State and local governments, for the response to such emergencies, and an assessment of the interrelationship of such responsibilities under such laws and agreements.

(3) Recommendations, if any, for the simplification or improvement of such responsibilities.

(4) An assessment of the current level of preparedness for such response of all departments and agencies of the Federal Government and State and local governments that are responsible for such response.

(5) A current inventory of the existing medical assets from all sources which can be made available for such response.

(6) Recommendations, if any, for the improved or enhanced use of the resources of the Federal Government and State and local governments for such response.

(7) The name of the official or office of the Federal Government designated to coordinate the response of the Federal Government to such emergencies.

(8) A description of the lines of authority between the departments and agencies of the Federal Government to be involved in the response of the Federal Government to such emergencies.

(9) A description of the roles of each department and agency of the Federal Government to be involved in the preparations for, and implementation of, the response of the Federal Government to such emergencies.

(10) The estimated costs of each department and agency of the Federal Government to prepare for and carry out its role as described under paragraph (9).

(11) A description of the steps, if any, being taken to create a funding mechanism for the response of the Federal Government to such emergencies.

TITLE III—MAJOR MEDICAL FACILITY PROJECTS CONSTRUCTION AUTHORIZATION

SEC. 301. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Seismic corrections at the Department of Veterans Affairs medical center in Memphis, Tennessee, in an amount not to exceed $34,600,000.

(2) Seismic corrections and clinical and other improvements to the McClellan Hospital at Mather Field, Sacramento, California, in an amount not to exceed $48,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1998 that remain available for obligation.

(3) Outpatient improvements at Mare Island, Vallejo, California, and Martinez, California, in a total amount not to exceed $7,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1998 that remain available for obligation.

SEC. 302. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of an information management field office, Birmingham, Alabama, in an amount not to exceed $595,000.

(2) Lease of a satellite outpatient clinic, Jacksonville, Florida, in an amount not to exceed $3,095,000.

(3) Lease of a satellite outpatient clinic, Boston, Massachusetts, in an amount not to exceed $5,215,000.

(4) Lease of a satellite outpatient clinic, Canton, Ohio, in an amount not to exceed $2,115,000.

(5) Lease of a satellite outpatient clinic, Portland, Oregon, in an amount not to exceed $1,919,000.

(6) Lease of a satellite outpatient clinic, Tulsa, Oklahoma, in an amount not to exceed $2,112,000.

(7) Lease of an information resources management field office, Salt Lake City, in an amount not to exceed $652,000.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1998—

(1) for the Construction, Major Projects, account, $34,600,000 for the project authorized in section 301(1); and

(2) for the Medical Care account, $15,703,000 for the leases authorized in section 302.

(b) LIMITATION.—The projects authorized in section 301 may only be carried out using—

(1) funds appropriated for fiscal year 1998 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1998 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1998 for a category of activity not specific to a project.

TITLE IV—TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS.

(a) PLOT ALLOWANCE FOR DEATHS IN DEPARTMENT FACILITIES.—Section 2303(a)(2)(A) is amended by striking out "a Department facility (as defined in section 1701(4) of this title)" and inserting in lieu thereof "a facility of the Department (as defined in section 1701(3) of this title)".

(b) EDUCATIONAL ASSISTANCE ALLOWANCE FOR CERTAIN INDIVIDUALS PURSUING COOPERATIVE PROGRAMS.—Section 3015(e)(1) is amended—

(1) by striking out "(1) Subject to paragraph (2)" and inserting in lieu thereof "(1)(A) Except as provided in subparagraph (B) of this paragraph and subject to paragraph (2)"; and

(2) by adding at the end the following:

"(B) Notwithstanding subparagraph (A) of this paragraph, in the case of an individual described in that subparagraph who is pursuing a cooperative program on or after October 9, 1996, the rate of the basic educational assistance allowance applicable to such individual under this chapter shall be increased by the amount equal to one-half of the educational assistance allowance that would be applicable to such individual for pursuit of full-time institutional training under chapter 34 (as of the time the assistance under this chapter is provided and based on the rates in effect on December 31, 1989) if such chapter were in effect.".

(c) ELIGIBILITY OF CERTAIN VEAP PARTICIPANTS TO ENROLL IN MONTGOMERY GI BILL.—Section 3018C(a) is amended—

(1) in paragraph (1), by striking out "the date of the enactment of the Veterans' Benefits Improvements Act of 1996" and inserting in lieu thereof "October 9, 1996,";

(2) in paragraph (4), by striking out "during the one-year period specified" and inserting in lieu thereof "after the date on which the individual makes the election described"; and

(3) in paragraph (5), by striking out "the date of the enactment of the Veterans' Benefits Improvements Act of 1996" and inserting in lieu thereof "October 9, 1996".

(d) ENROLLMENT IN OPEN CIRCUIT TELEVISION COURSES.—Section 3680A(a)(4) is amended by inserting "(including open circuit television)" after "independent study program" the second place it appears.

(e) ENROLLMENT IN CERTAIN COURSES.—Section 3680A(g) is amended by striking out "subsections (e) and (f)" and inserting in lieu thereof "subsections (e) and (f)(1)".

(f) CERTAIN BENEFITS FOR SURVIVING SPOUSES.—Section 5310(b)(2) is amended by striking out "under this paragraph" in the

first sentence and inserting in lieu thereof "under paragraph (1)".

SEC. 402. CLARIFICATION OF CERTAIN HEALTH CARE AUTHORITIES.

(a) ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL SERVICES.—Section 1710(a)(2)(B) is amended by striking out "compensable".

(b) HOME HEALTH SERVICES.—Section 1717(a) is amended—

(1) in paragraph (1), by striking out "veteran's disability" and inserting in lieu thereof "veteran"; and

(2) in paragraph (2)(B), by striking out "section 1710(a)(2)" and inserting in lieu thereof "section 1710(a)".

(c) AUTHORITY TO TRANSFER VETERANS RECEIVING OUTPATIENT CARE TO NON-DEPARTMENT NURSING HOMES.—Section 1720(a)(1)(A)(i) is amended by striking out "hospital care, nursing home care, or domiciliary care" and inserting in lieu thereof "care".

(d) ACQUISITION OF COMMERCIAL HEALTH CARE RESOURCES.—Section 8153(a)(3)(A) is amended by inserting "(including any Executive order, circular, or other administrative policy)" after "law or regulation".

(e) COMPETITION IN PROCUREMENT OF COMMERCIAL HEALTH CARE RESOURCES.—Section 8153(a)(3)(B)(ii) is amended in the second sentence by inserting ", as appropriate," after "all responsible sources".

SEC. 403. CORRECTION OF NAME OF MEDICAL CENTER.

The facility of the Department of Veterans Affairs in Columbia, South Carolina, known as the Wm. Jennings Bryan Dorn Veterans' Hospital shall hereafter be known and designated as the "Wm. Jennings Bryan Dorn Department of Veterans Affairs Medical Center". Any reference to that facility in any law, regulation, document, map, record, or other paper of the United States shall be deemed to be a reference to the Wm. Jennings Bryan Dorn Department of Veterans Affairs Medical Center.

SEC. 404. IMPROVEMENT TO SPINA BIFIDA BENEFITS FOR CHILDREN OF VIETNAM VETERANS.

(a) DEFINITIONS.—The text of section 1801 is amended to read as follows:

"For the purposes of this chapter—

"(1) The term 'child', with respect to a Vietnam veteran, means a natural child of a Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the Vietnam veteran first entered the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

"(2) The term 'Vietnam veteran' means an individual who performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, without regard to the characterization of the individual's service.".

(b) APPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—(1) Section 1806 is amended to read as follows:

"§ 1806. Applicability of certain administrative provisions

"The provisions of sections 5101(c), 5110(a), (b)(2), (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title shall be deemed to apply to benefits under this chapter in the same manner in which they apply to veterans' disability compensation.".

(2) The item relating to section 1806 in the table of sections at the beginning of chapter 18 is amended to read as follows:

"1806. Applicability of certain administrative provisions.".

(c) AMENDMENTS TO VOCATIONAL REHABILITATION PROVISIONS.—Section 1804 is amended—

(1) in subsection (b), by striking out "shall be designed" and all that follows and inserting in lieu thereof the following: "shall—

"(1) be designed in consultation with the child in order to meet the child's individual needs;

"(2) be set forth in an individualized written plan of vocational rehabilitation; and

"(3) be designed and developed before the date specified in subsection (d)(3) so as to permit the beginning of the program as of the date specified in that subsection.";

(2) in subsection (c)(1)(B), by striking out "institution of higher education" and inserting in lieu thereof "institution of higher learning"; and

(3) by adding at the end of subsection (d) the following new paragraph:

"(3) A vocational training program under this section may begin on the child's 18th birthday, or on the successful completion of the child's secondary schooling, whichever first occurs, except that, if the child is above the age of compulsory school attendance under applicable State law and the Secretary determines that the child's best interests will be served thereby, the vocational training program may begin before the child's 18th birthday.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] each will control 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 714, the Senate bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the House amendments to S. 714 represent a compromise between the House and Senate veterans' affairs committees on several measures considered by both sides this year. It requires the VA to develop new treatment programs for Persian Gulf war veterans, and clarifies that any Persian war veteran with an illness that could be due to service in the gulf is eligible for VA care.

The bill extends and streamlines laws under which the VA provides cares to homeless veterans and veterans who suffer from chronic mental illness. The bill authorizes funds for major medical facility projects, including funds to carry out seismic corrections projects at two VA medical centers.

The bill also creates a new process for resolving complaints of sexual harassment and employment discrimination at the VA. This process will be independent and free from undue influence from VA managers.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 714, as amended. Madam Speaker, this agreement includes provisions to clarify, extend, and enhance measures to address homelessness among this Nation's veterans. The provisions before us today will allow the VA to continue to offer a range of programs to homeless veterans. Together these programs comprise a comprehensive increase that meets veterans' needs for health care, substance abuse treatment, vocational rehab work, and shelter. In addition, this measure extends the homeless veterans reintegration project administered by the Department of Labor and authorizes $10 million for this important program for fiscal year 1999.

This measure also permanently authorizes the VA to provide noninstitutional long-term care programs. Many veterans want to live at home as long as possible. Good noninstitutional programs can make this a reality. Under this authority the VA can provide cost-effective programs like home care, home aides, and adult day care to more veterans.

An important change in the eligibility of VA health care for the Persian Gulf veterans is included in this measure. Eligibility will now be based on a veteran's service, rather than actual exposure to a specific agent or environmental hazard.

Authority is also provided for the VA to create 10 model Persian Gulf veterans' treatment programs. Seven years has been too long to wait to meet the health care needs of our Persian Gulf veterans. I encourage the VA to develop centers of excellence and innovation for treatment of Persian Gulf symptoms related to their exposure.

The measure also requires the VA to establish a strong and comprehensive policy for mammography screening. The policy will specifically address women veterans over the age of 39 and any other veterans with clinical symptoms or risk factors that will allow physicians and patients to decide how long screening is necessary.

Two clarifying amendments are also included that should be mentioned. The first would clarify that children of Vietnam veterans who are born with spina bifida are eligible for the programs provided by the VA for such children, regardless of the character of the discharge of the child's Vietnam veteran parent. Additionally, the VA is to develop a child's vocational training program prior to the child's eligibility to begin participation in that program.

This measure also extends for 4 years the authority provided in the Native American Veterans Housing Loan Pilot

Program. This important program provides direct loans to Native American veterans who reside on trust lands to build or purchase homes on those lands.

I am pleased that the Department of Veterans Affairs Employment Discrimination Prevention Act of 1997 is included in this bill. This is timely, and important legislation to reform the equal employment opportunity process at the VA is long overdue. By removing the EEO process from the facility where the discrimination allegedly occurred, this bill limits the ability of heavy-handed facility directors to unfairly influence the process in a discrimination complaint by requiring that such complaints be handled mostly by full-time, well-trained investigators at the regional EEO field office level. This bill brings greater independence and professionalism to the process.

By removing the final decision-making process from the VA's Office of General Counsel, this bill eliminates the obvious conflict of interest that exists today, when the General Counsel's Office is expected to be an advocate for the Department on one hand, and to decide the merits of a complaint against the Department on another hand.

Madam Speaker, I do want to thank the gentleman from Arizona, the chairman of the committee, for his continuing efforts on behalf of our Nation's veterans. This is the end of our first year of working together with the gentleman from Arizona [Chairman STUMP], and we have had a great experience dealing with him, and but also with his subcommittee chairs, CLIFF STEARNS, JACK QUINN and TERRY EVERETT. I thank them for work on behalf of our Nation's veterans.

I want to thank my equivalent subcommittee ranking members, the gentleman from Illinois, [LUIS GUTIERREZ], the gentleman from California, [BOB FILNER], and the gentleman from South Carolina, [JAMES CLYBURN], for their excellent commitment to our veterans.

Madam Speaker, I rise in support of S. 714, as amended. As amended, S. 714 contains provisions of major importance to our Nation's veterans. It deserves the support of every Member of the House.

A number of the provisions in the measure now before us have already been approved by the House in legislation reported earlier this year by the Committee on Veterans' Affairs. I will not review every provision in this legislation, but will highlight several of the provisions of particular importance.

The Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act of 1997 is long overdue. The VA's efforts to eradicate harassment in the workplace have met with little, if any, success since I chaired the first oversight hearings on this issue back in 1992. In the 103d Congress, I cosponsored a bill much like the legislation we are considering today which overwhelmingly passed the House, but received no action in the Senate. At that time, the VA believed a proposed Governmentwide reform of the Federal EEO process was in the works, and there was no need to pass legislation to address what most would agree was a very serious problem at the Department.

Nearly 5 years later, the long-promised Governmentwide reform has never come, and the VA's "zero tolerance" policy on sexual harassment has proven ineffective if not abysmal. That's why passage by both bodies of Congress of this timely and important legislation to reform the equal employment opportunity process at the VA is critically important.

By removing the EEO complaint process from the facility where the discrimination allegedly occurred, this bill limits the ability of heavy-handed facility directors to unfairly influence the processing of discrimination complaints; by requiring that such complaints be handled by mostly full-time, well-trained investigators at regional EEO field offices, this bill brings greater independence and professionalism to the process. And by removing the final agency decision-making authority from the VA's Office of General Counsel, this bill eliminates the obvious conflict-of-interest that exists today when the general counsel's office is expected to be an advocate for the Department on the one hand, and to decide the merits of a complaint against the Department on the other.

I want to applaud Chairman EVERETT for his willingness to work with JIM CLYBURN and me to put together a bill that will greatly improve the processing of discrimination complaints at the VA. I also want to thank Senators ARLEN SPECTER, BOB GRAHAM, JAY ROCKEFELLER, LAUCH FAIRCLOTH, and TIM HUTCHINSON for working with us in the House to put together a bill we can all be proud of. I also want to commend the Department of Veterans Affairs for their willingness to work with the committees on language to a bill that I know the VA doesn't love, but that most people—even within the VA—would agree they need.

By enacting this legislation, Congress will help put VA back on the path toward restoring employee trust in the EEO process and eradicating discrimination in the workplace. Our veterans and VA employees deserve no less.

A number of the provisions in the House amendment to S. 714 are derived from H.R. 2206, a bill the House already approved. These provisions include measures to clarify, extend, and enhance measures to address homelessness. On any given night in America one-third of those living on the streets are veterans—many of them are my peers from the Vietnam era. I find this hard to live with—both as a veteran and as an American citizen—and I believe the provisions included in the House amendment provide a greater opportunity to respond to this problem. These provisions will allow VA to continue to offer a range of programs to homeless veterans. Together these programs comprise a comprehensive network that meets veterans' needs for health care, substance abuse treatment, vocational rehabilitation, work, and shelter.

Additionally, the House amendment permanently authorizes VA to provide noninstitutional long-term care programs. Many veterans want to live at home as long as possible—good noninstitutional programs can make this a reality. I encourage VA to take full advantage of this permanent authority to provide cost-effective programs like home care, home aides, and adult day health care to more veterans.

The measure before the House also includes an important change in the eligibility for VA health care for Persian Gulf war veterans. The language makes eligibility for such services contingent upon veterans' service rather than their actual exposure to a specific agent or environmental hazard. The change is significant as it offers veterans, whose illnesses remain undiagnosed, the benefit of the doubt. Until science enables VA to link specific agents with their health consequences, suffering veterans will have the ability to access VA services to treat their special health care needs.

It also offers a provision to create 10 model Persian Gulf veterans' treatment programs in VA. Seven years has been too long to wait to meet the health care needs of these men and women. I am hopeful using this grant approach for funding will allow VA to develop some real centers of excellence and innovation for treatment of veterans' symptoms related to their gulf war deployment.

This measure will also extend authority for VA's Health Professional Scholarship Program for another year, but it will require VA to submit a report on the program's effectiveness in the first 6 months after enactment.

The measure requires VA to establish a strong and comprehensive policy for mammogram screening. The policy will specifically address women veterans over the age of 39 and other veterans with clinical symptoms or risk factors, but will allow physicians and patients to decide how often screening is necessary.

Madam Speaker, I am very pleased that the compromise measure we are now considering includes provision which extends the homeless veterans reintegration project [HVRP] administered by the Department of Labor and authorizes $10 million for the program. There is virtually no disagreement that one-third of the homeless men in this country are veterans—and that approximately 60 percent of those individuals are veterans of the Vietnam era. This means, Mr. Chairman, that every night, in this great country of ours, more than 280,000 veterans are sleeping on America's streets or in homeless shelters.

Since 1987, HVRP, a modest, cost-effective program designed to help homeless veterans reenter and succeed in the job market, has proven its worth. More than 41,000 homeless veterans have received help and support from the community-based organizations funded under HVRP, and many were placed in jobs at a cost of less than $1,500 per veteran. Few Government programs can claim to have achieved so much with so little.

Earlier this year, the Veterans' Affairs Committee voted unanimously to fund HVRP. Republicans and Democrats alike came together to show their support for the men and women who have served honorably in our Nation's Armed Forces. Additionally, I was very pleased when the House unanimously approved an amendment I offered for myself and my distinguished colleague from California,

Mr. FILNER, to the Labor, Health and Human Services Appropriation to increase HVRP funding, and I look forward to working with my colleagues on the Labor Appropriations Committee next year to ensure that HVRP is fully funded in fiscal year 1999.

Included in the House amendment to S. 714 are two clarifying amendments which deserve mention. First, the compromise would clarify that children of Vietnam veterans who are born with spina bifida are eligible for the programs provided by the VA for such children regardless of the character of discharge of the child's Vietnam veteran parent. Additionally, the agreement would clarify that VA assessment, evaluation, counseling, and the development of a child's vocational training program must begin at a time which will enable the child to begin participation in that program upon successful completion of secondary schooling or on the child's 18th birthday. These provisions are important to fair and effective implementation of the new spina bifida legislation, and I am pleased they are a part of this compromise measure.

Established under section 8 of Public Law 102–547, the Native American Veteran Housing Loan Pilot Program, administered by the Department of Veterans Affairs [VA], provides direct home loans to native American veterans who reside on trust lands to build or purchase homes on those lands. Previously, native American veterans who resided on trust lands were unable to qualify for VA home loan benefits. The authority for this program expired on September 30, 1997, and I strongly support the 4-year extension of the program included in the compromise agreement.

Under the pilot program, VA can make a loan to a native American veteran for a home on trust lands only if VA had entered into a memorandum of understanding [MOU] with the Tribal entity that had jurisdiction over the trust land. Since the establishment of the program in 1992, VA has entered into 47 such MOU's and 164 loans have been made to native American veterans for the purchase, construction, or improvement of dwellings on trust land. Negotiations continue with hundreds of other tribes to establish memorandums of understanding and more than 90 individual loan applications are pending.

Although the numbers of native Americans who have taken advantage of the loan opportunities available under this program are smaller than expected, new outreach and reporting requirements included in the compromise agreement should result in an increased understanding of the program among Native Americans and thus increased participation.

The legislation we bring to the floor today also includes provisions from H.R. 2571, VA medical care major construction and lease authorizations for fiscal year 1998, another bill the House passed in October. This bill accommodates the administration's construction spending priorities as well as those projects for which appropriations have already been made.

The major construction projects require modest funding, but are critical to providing access to veterans in areas where their needs cannot be met or in maintaining patient safety in existing facilities which are deficient in conforming to seismic code. I am also pleased with the emphasis this bill places on outpatient projects and development of information resources management centers.

Leasing, rather than building, to meet VA's needs is also a move in the right direction. VA has sometimes been criticized for using "bricks and mortar" to meet its space requirements while facilities in the community stand vacant. The leases this bill authorizes are a more flexible means by which VA can provide the capacity it needs today, but may not need tomorrow.

Enhanced-use leases are a relatively new venture for VA, but they have proven to be a cost-effective means of providing programs to VA beneficiaries VA could not otherwise afford. The measure we offer today repeals limitations on the number of projects VA can enter in any given year or under current authority.

Enhanced-use leases allow VA to offer lessees land or space to operate programs that ensure discounted benefits for VA, its beneficiaries or its employees over the terms of the lease. Space has been offered for a diverse range of services including child-care that benefits VA employees, co-generation projects, research facilities, and patient services.

I urge my colleagues from both sides of the aisle to join me in support of the provisions to improve health care and benefits for America's veterans that we bring to the floor today. As we approach Veterans Day 1997, this legislation will serve as a part of the appropriate recognition we pay to the men and women who have served our Nation in uniform. This legislation will honor their service and sacrifice and be a tangible expression of our continuing commitment to care for those who have borne the battle, and their survivors and dependents.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. EVERETT], the chairman of the subcommittee.

Mr. EVERETT. Madam Speaker, I rise in strong support of S. 714, as amended, the Veterans Benefits Act of 1997.

Madam Speaker, I particularly want to address title I of the bill, which is derived from H.R. 1703, the Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act.

I introduced H.R. 1703 on May 22, 1997, and the House passed it on October 6, 1997. Title I represents a compromise agreement with the Senate on H.R. 1703 and S. 801, the Senate companion bill. I certainly recommend the results to my colleagues. The Senate drew much of the bill from the text of H.R. 1703, and the compromise is entirely consistent with the intent of the House bill.

Legislation to address the VA sexual harassment discrimination problems has been a very long time coming, since 1993, as a matter of fact. I am pleased with title I. I particularly want to thank Chairman STUMP for making it a priority for the Committee on Veterans' Affairs. I also want to thank the gentleman from Illinois [Mr. EVANS] from the committee, the gentleman from South Carolina [Mr. CLYBURN], ranking Democrat on the Subcommittee on Oversight and Investigations, for their original cosponsorship of H.R. 1703 and the leading roles they have played in the development of this important legislation. Also, the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Indiana [Mr. BUYER] were original cosponsors of H.R. 1703 and have been active in these provisions every step of the way.

Of course, without our Senate colleagues we would have no bill today. I want to commend Chairman SPECTER of the Senate Committee on Veterans' Affairs and Senator ROCKEFELLER, the ranking Democrat, for their hard work and cooperation in making this legislation possible today.

Madam Speaker, title I is for the loyal, dedicated employees of the VA who care for and serve our veterans. Some of them do not have the workplace environment of fairness and respect they deserve. I am optimistic these provisions, along with changes already occurring at the VA, will result in greatly improved employment confidence in the VA's ability to address sexual harassment and other discrimination problems.

This is good and much-needed legislation. I urge my colleagues to act favorably on S. 714, as amended.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. FILNER], a member of the committee.

Mr. FILNER. Madam Speaker, I rise in strong support of the Veterans Benefits Act of 1997, S. 714, as amended. Veterans' programs and benefits will be enhanced as a result of enactment of this legislation.

I am particularly pleased that this legislation includes provisions which clarify eligibility for and implementation of the new program that provides benefits for the children of Vietnam veterans who are born with spina bifida. This very important program is in the early days of implementation, and we must ensure that the Veterans Administration is administering the benefits provided in this program in accordance with the intent of Congress.

Madam Speaker, I also want to point out the extension of the Native American Veteran Housing Loan Pilot Program included in section 201 of this bill. Under this program, native Americans who live on trust lands can receive direct loans to build, purchase, or renovate a home.

Prior to the enactment of this program as a pilot 5 years ago, these native American veterans were not eligible for VA home loan assistance. Although this direct loan program has been generally successful, we have been somewhat disappointed in the number

of native Americans who have taken advantage of the loans available under this program.

I believe that the outreach and reporting requirements included in S. 714 will significantly increase participation and enable the VA to more effectively administer this program.

Also included in this bill is a requirement that the VA develop a national policy on mammography screening for women veterans. All of us know that the incidence of breast cancer among American women has reached near epidemic levels. Our women veterans are no less at risk than our female civilians.

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We also know that critical to the management of this disease is early detection, and mammography is an important weapon in the fight against breast cancer. I want women veterans who have served in the Armed Forces on our behalf to have the same high level of access to mammography screening that I would want for members of my own family. Section 208 of this bill will ensure that access.

Madam Speaker, S. 714 is an excellent bill, and it is fitting that this legislation be approved just before Veterans Day. I urge my colleagues to demonstrate their support for America's veterans by voting for S. 714.

Mr. STUMP. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. QUINN], the chairman of the Subcommittee on Veterans Benefits.

Mr. QUINN. Mr. Speaker, I join my good friend, the gentleman from California [Mr. FILNER], in making note that Veterans Day, of course, is only a few days away, and it is appropriate that we come here together today to make improvements to several veterans' benefits programs.

I would like to take my time this afternoon, Mr. Speaker, to address the sections of S. 714 that fall within the jurisdiction of our Subcommittee on Veterans Benefits. I first would like to acknowledge the subcommittee ranking member, the gentleman from California [Mr. FILNER], and the bipartisan spirit in which he helped craft this bill. Without the strong cooperation of both sides of the aisle, I do not think we would be able to present these improvements to our veterans' benefits.

Section 201 of S. 714 continues VA's authority to provide direct loans to Native Americans through the year 2001. This program offers the opportunity to Native American veterans living on tribal trust land to purchase a home that they might not otherwise be able to acquire. The program requires the VA to conclude a memorandum of understanding with tribal governments that, among other things, gives the VA access to the property in case of foreclosure, thus protecting the interests of the taxpayer.

The bill would add specific outreach requirements such as participation in Native American conferences and outstationing loan guaranty specialists in tribal facilities only on a part-time basis. The bill also adds new reporting requirements so that Congress may gain a better understanding of the outcomes of the program.

Section 203 makes changes to several homeless programs, including an extension of the VA's authority through December 31, 1999, to sell, lease, or donate foreclosed VA property to nonprofit organizations or State and local governments for the purpose of providing housing for our homeless veterans.

It also extends the Department of Labor's authority to operate the Homeless Veterans Reintegration Project through 1999 and continues to authorize $10 million per year for the same program. This program is a grant program administered by the Veterans Employment and Training Service and is designed to work with community-based organizations who focus on providing employment services to unemployed, homeless veterans.

Since its inception in 1988, through and up till 1995, the program has served almost 42,000 homeless veterans, placing nearly 19,000 in jobs. This is an accomplishment for a program that has traditionally been funded only at about $2 or $3 million per year.

Also, section 401 makes several technical and clarifying amendments to burial and educational benefits.

Finally, Mr. Speaker, section 404 of the bill also makes clarifying changes to the spina bifida legislation that was passed during the late hours of our 104th Congress. This new section further defines eligibility by establishing January 9, 1962, as the earliest date on which a veteran's service in Vietnam would qualify a child for these benefits. That date conforms to the date on which United States forces began using defoliants in Vietnam.

The bill also further specifies the age at which the Secretary may provide vocational training as graduation from high school or the child's 18th birthday, whichever occurs first. It also requires that a vocational plan must be developed in time for the child to begin training when authorized.

Mr. Speaker, these provisions add to what is already the most complete program for veterans' benefits in the world. It is the right thing to do. I urge all our colleagues to support S. 714, as amended.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. CLYBURN], a member of the committee.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from Illinois [Mr. EVANS], the ranking subcommittee member, for yielding me the time.

Mr. Speaker, I rise today in strong support of the Department of Veterans Affairs Employment Discrimination Prevention Act. This legislation is contained in S. 714, the compromise agreement which is before us today.

This year's Subcommittee on Veterans Oversight hearings have demonstrated the extremely sensitive and serious problem of sexual harassment within the Department of Veterans Affairs. The legislation we are considering today meets these glaring problems head-on.

The gentleman from Illinois [Mr. EVANS] and I were original cosponsors of similar legislation back in 1993. At that time, we were told that changes were in the works regarding the EEO process at VA and throughout the Federal Government and that there was no need for this legislation. This expected Government-wide solution never happened. The Senate never acted on the bill we passed in 1993. And here we are today, almost 5 years later, dealing with the sexual harassment problems that continue to fester at the VA.

It is a tribute to the leadership of the Subcommittee on Oversight chairman, the gentleman from Alabama [Mr. EVERETT], and I thank him for recognizing the continuing need for legislation to improve the EEO process at the VA. Without his commitment to this issue, it is likely that we would not be on the floor today considering final passage of this significant EEO reform legislation.

It is also a tribute to the VA that it has finally recognized its EEO process is seriously flawed and that it has independently proposed administrative changes that draw in large part from the bill we introduced earlier this year.

The VA's proposal did not go far enough, however, and that is why we need to approve this legislation today. By voting in favor of this bill, we in Congress will be doing our part to bring professionalism and independence to the EEO process at the VA and to help restore the faith and trust in the process that has been so lacking over the past few years.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. COOKSEY], a former flight surgeon and member of the committee.

Mr. COOKSEY. Mr. Speaker, I rise in support of the House amendments to S. 714 and to comment specifically on one provision of this legislation.

Our colleagues in the other body pressed for the inclusion of language which would have established in law specific medical practice criteria for VA clinicians. As a physician and as a legislator, I strongly believe that, as a matter of public policy, we should not attempt to legislate how medicine is practiced. While this bill expresses a sense of the Congress regarding a VA policy, that expression does not bind the VA.

I commend the chairman for following that wise course in this measure, and I urge my colleagues to support it.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I rise today in strong support of the bill to extend the Native American Veterans Housing Loan Program and for other purposes.

In July I introduced H.R. 2317, the House companion bill to S. 714. I am pleased that we are able to take up the Senate's version today. I would like to thank the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] and the staff of the Committee on Veterans' Affairs for working hard to strike the compromise which made it possible to take up this bill on the floor today. I would especially like to thank Debra Wada of Senator AKAKA's staff and Jill Cochran of the Committee on Veterans' Affairs for their hard work on improving benefits for native American veterans.

In 1992, the Native American Veterans' Home Loan Equity Act was enacted to establish and implement a pilot program to make direct housing loans to aid native American, Indian, Alaska or Hawaii Native or Pacific islander, veterans in purchasing, constructing, or improving dwellings on trust lands.

The Department of Veterans Affairs has successfully entered into agreements to provide direct loans to members of 46 Indian tribes and Pacific island groups. The VA is in negotiation with hundreds of other tribes to establish memorandums of understanding which would make this program available to those tribes. It is important that we extend this program to allow those native American tribes who are still in negotiations with the VA to have a chance to apply for these loans.

Through June of 1997, 164 loans were made to both Pacific islanders and native American veterans, with 90 applications pending. To date none of those loans issued has been foreclosed. This is an extremely successful program and is the only program available for this group of veterans who live on trust lands to finance homes for their families. The Department of Veterans Affairs supports the extension of this program.

Therefore, Mr. Speaker, the main issue here is equity. Native American veterans have a right to the same benefits available to other veterans. I urge my colleagues to support this important legislation.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS], chairman of the Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank the gentleman from Arizona [Mr. STUMP], the distinguished chairman of the Committee on Veterans' Affairs.

Mr. Speaker, as we take up this bill just 2 days before Veterans Day, we are in a very concrete way underscoring our commitment to veterans. Among its key provisions, these amendments to S. 714 provide important direction to the Department of Veterans Affairs to address what we believe is a glaring problem, the need to improve the care VA provides to Persian Gulf veterans.

Our committee has held what the American Legion 2 months ago described as "the most comprehensive and important hearings on Gulf War veterans since the end of the Gulf War." This legislation stems from those hearings and would require VA to take a new approach, beginning with creating and funding demonstration programs. This should lead VA to develop new, improved models for treating veterans with undiagnosed or ill-defined conditions.

The bill would also clarify that Persian Gulf veterans are eligible for care of any condition which may be due to their service in the gulf, whether or not it can be linked to toxic substances or environmental hazards.

These amendments would also extend many expiring programs, including VA's authority to provide noninstitutional services to the elderly and needed assistance for homeless veterans.

Mr. Speaker, the legislation also provides needed authorization for VA medical facility construction and leasing initiatives for fiscal year 1998. For these and many other reasons, I support this bill. This is an excellent bill, and I urge all the Members to support it.

Mr. Speaker, I include the following statement for the RECORD:

Mr. Speaker, as we take up this bill just 2 days before Veterans Day, we are in a very concrete way underscoring our commitment to veterans.

Among its key provisions, these amendments to S. 714 provide important direction to the Department of Veterans Affairs to address what is both one of the most glaring problems in the area of veterans affairs, and the most pressing problem facing many Persian Gulf war veterans—the need for effective health care. In wrestling with this problem, our committee has held what the American Legion 2 months ago described as "the most comprehensive and important hearings on Gulf War veterans since the end of the Gulf War." Our findings and resultant legislation have frankly not commanded the attention associated with still speculative questions regarding toxic chemical exposures. We have found that VA treatment, particularly of veterans with hard to diagnose problems, has been uneven from facility to facility. Too often, veterans have fallen through the cracks, and complex cases have not received coordinated care. VA's primary care system appears ill-suited to help the many veterans who suffer from ill-defined, multiple-system health problems. Lack of understanding of the illnesses affecting Persian Gulf war veterans has fueled a perception in many veterans that VA clinicians lack empathy for their conditions. This legislation would begin to remedy the kinds of problems Persian Gulf veterans and independent observers have highlighted about the treatment these veterans have, and in some cases have not, received.

This legislation would require VA to take a new approach in caring for these veterans, beginning with creating and funding demonstration programs to test new approaches to treating Persian Gulf veterans with undiagnosed or ill-defined conditions. Among the approaches VA is to develop under the bill are the use of case managers to oversee all facets of the veteran's care, establishment of specialized clinics serving only Persian Gulf veterans, and the use of multidisciplinary treatment aimed at symptom management. The bill would also expand VA law regarding Persian Gulf veterans' eligibility for care to clarify that such veterans are eligible for care of any condition which may be due to their service in the gulf, whether or not such condition may be attributable to toxic substances or environmental hazards.

Our amendments to S. 714 would also extend a number of expiring health care programs on which our veterans depend. I am very pleased that the bill includes provisions I authored which give VA ongoing authority to provide noninstitutional care and services to the elderly, and which extend, streamline, and improve VA programs serving veterans who are chronically mentally ill and the homeless. This legislation gives VA the tools it needs to serve this population, as well as to work in partnership with communities to help eradicate veteran homelessness. I am pleased that, increasingly, VA is expanding its partnership activities in this and other areas. In that regard, this bill would also enable VA to develop more beneficial public/private partnerships. In adopting provisions passed by the House in April, this measure would allow VA to expand an effective program of leasing unused property for development of facilities such as assistive living facilities, day care centers, and other uses that can benefit veterans or the medical centers that serve them.

The legislation also provides needed authorization for a limited number of VA medical facility construction and leasing initiatives for fiscal year 1998.

I am pleased at what we have accomplished for our veterans in this legislation. I would acknowledge that a number of House-passed provisions on which the Senate had held no hearing are not included in this measure. These provisions include sections 7 and 8 of H.R. 2206. Section 7 would have provided a needed exemption of VA research personnel from an existing policy aimed at reducing the number of VA personnel in certain employment grades. While our committee has not objected to efforts to reduce the numbers of middle management positions in the VA, the failure to exempt researchers is particularly shortsighted and damaging to a program so integral to VA's health care mission. We strongly urge that the Department adopt an exemption, and not wait for us to enact this provision next session. The enactment of section 8 of H.R. 2206 would have ruled out future legislative efforts to open the Federal supply schedule on pharmaceuticals. The committee recognizes, however, that in repealing section 1555 of the

Federal Acquisition Streamlining Act of 1994 this year, Congress has, as a matter of law, effectively rejected as ill-advised the concept of opening the Federal supply schedule to cooperative purchasing.

Overall, this is an excellent bill. I urge Members to support it.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

I want to thank everybody who has worked on making this legislation happen, particularly the committee's staff. On our side, I would like to recognize the contribution of Mike Durishin, Jill Cochran, Mary Ellen McCarthy, Susan Edgerton, Sandra McClellan, Adam Sachs, Debbie Smith, Beth Kilken, and Tom O'Donnell. They have been of great assistance to us, particularly me in my first year in this position as ranking Democratic member, and we appreciate their time and energy.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Arizona [Mr. STUMP] for yielding me the time.

Mr. Speaker, I rise in strong support of S. 714, the Homeless Veterans Act. I commend the gentleman from Arizona [Mr. STUMP], the distinguished chairman of the Committee on Veterans' Affairs, and the gentleman from New York [Mr. QUINN], the chairman of the Subcommittee on Veterans' Benefits, for bringing this measure to the floor before this session adjourns.

This bill reauthorizes a pilot program which permits the VA to make direct housing loans to native American veterans through December 2003, which extends the authority of the VA to enter into enhanced-use leases through December 31, 1999. Such leases permit the VA to have the ability to use underutilized property through leases with private and public entities.

Moreover, this legislation also extends for 2 years the VA's authority to operate a health professional scholarship program as well as to provide noninstitutional alternatives to veterans' nursing home care and also provides funding for spina bifida cases, which need a great deal of attention.

Accordingly, I urge our colleagues to join in supporting this important legislation which will significantly aid our veterans.

Mr. EVANS. Mr. Speaker, I yield whatever time I have remaining for purposes of control to the gentleman from Arizona [Mr. STUMP], the chairman of the full committee.

Mr. STUMP. Mr. Speaker, I thank the gentleman from Illinois [Mr. EVANS] for yielding me the time.

I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

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Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of this legislation and to say that, sadly, when it comes to the diagnosis and treatment and research for gulf war veterans, we find the Federal Government has too often had a tin ear and a cold heart and frankly a very closed mind. I do not view this as a political problem or a challenge that rests with one party, Republican or Democrat. Sadly, the Veterans Administration, the Department of Defense, the Central Intelligence Agency, and even the Food and Drug Administration have not been responsive to our veterans.

As the Chair of a panel that did 11 hearings and made recommendations on this issue, one of the key components is that we ultimately need, in my judgment, to bring research out of the control of the DOD and VA and give it to an agency that will begin to focus more on the chemical components of the myriad of illnesses that affect our veterans.

I urge both the Committee on Veterans' Affairs and the Committee on National Security to put even more focus on this. I know that the President's commission has come out with some recommendations. The Subcommittee on Human Resources of the Committee on Government Reform and Oversight has come out with some recommendations. I think we are at a point where we clearly need to recognize that our troops are not being properly diagnosed, they are not being effectively treated, and they are not being fairly compensated. But I think we are at a point where we are starting to see that change. I know that with the help of the gentleman from Arizona [Mr. STUMP] and the help of the gentleman from Illinois [Mr. EVANS], we are going to see renewed energy in this area. I think this bill is a start in that process and for that, I am grateful. I thank both gentlemen.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BUYER], a member of the committee, and also the chairman of the Subcommittee on Military Personnel of the Committee on National Security.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me this time. Let me congratulate the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] for their work on this bill. I would like to discuss section 103 of this bill. I am disappointed that coming out of the conference with the House and the Senate, the language that the House adopted has in fact been changed. We were seeking to have an independent commission to review what I find to be the very poor culture that is in the Nation's second largest agency, that of the VA. There is not any Member of this House that has taken on the issue of race and gender that I have over the past year with what occurred at Aberdeen in sexual misconduct in the military. The gentlewoman from California [Ms. HARMAN], the gentlewoman from Florida [Mrs. FOWLER] and I have traveled the world to our military bases and looked at those issues on gender and race relations. We have taken on the systems and subsystems in the military, and we have been very aggressive.

When we turned our eyes upon the VA itself, we began to see a culture problem within the VA, a system whereby the victims were being revictimized through the Office of General Counsel. We saw individuals in their leadership kind of give a wink and a nod to a hostile workplace. Let me congratulate the gentleman from Alabama [Mr. EVERETT] and the gentleman from Arizona [Mr. STUMP] for taking these issues right on and the gentleman from South Carolina [Mr. CLYBURN] on the oversight.

Why I was seeking to have an independent commission is I wanted it stripped completely out of the hands of the VA because of my lack of trust in those who are doing the oversight in the VA itself. I recognize in the language in here, they have been very careful to make sure that there is some insurance here. We are asking the Secretary to have an agreement to make sure that the entity carries out its responsibilities and exercises judgments concerning the assessments in a manner free of any influence. That means I do not want to hear anything over the next year that the VA somehow is scrubbing the contractor or getting some kind of review or pressures. If that is going to happen, I am going to be pretty upset. Because I know what happens when we do independent contracting with the Pentagon. The Pentagon today will ask us an issue and it is politically sensitive and they begin to control and manipulate the contractor. I want to make sure that we have a work environment in the VA that is free of these hostilities. I want to make sure that we have a system there that stops the revictimizing of the victim because it is very difficult for us to actually measure how does that impact upon the care to the veteran itself.

Let me congratulate the gentleman from Arizona [Mr. STUMP], because the gentleman from Arizona [Mr. STUMP], the gentleman from Illinois [Mr. EVANS] and others, want to make sure that we have a good system. I hope and I pray that what has been worked out here is, in fact, going to meet the ends for which the gentleman from Arizona and I both want. My message for coming here to the well today is that I will be watching and I know the gentleman from Arizona will, too, over the contract. I will be watching the VA just

like the gentleman from Alabama [Mr. EVERETT] has done on the oversight to make sure that there are no manipulations whatsoever with the contractor and that the assessment that is done is completely independent, because if they do not, we are coming down on them hard.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman for his kind remarks.

Mr. Speaker, I would like to thank Senator SPECTER, Senator ROCKEFELLER and the staff of the Senate Veterans' Affairs Committee for their hard work in reaching an agreement on this bill.

I also want to thank the members of the House Committee on Veterans' Affairs who participated in the development of this legislation with the Senate. The gentleman from Illinois [Mr. EVANS], the ranking member, has been very cooperative through this entire process. The gentleman from Alabama [Mr. EVERETT], the gentleman from Florida [Mr. STEARNS], and the gentleman from New York [Mr. QUINN], the subcommittee chairmen; the gentleman from South Carolina [Mr. CLYBURN], the gentleman from Illinois [Mr. GUTIERREZ], and the gentleman from California [Mr. FILNER], the ranking members, also put in a great deal of time to move this committee's agenda.

I especially want to thank the gentleman from Louisiana [Mr. COOKSEY] and the gentleman from Arkansas [Mr. SNYDER]. Both are physicians and both are members of this committee. We have indeed been very fortunate to have them. They were especially helpful in negotiations with the Senate.

I would like to thank the staff of the House Committee on Veterans' Affairs for their diligent work on behalf of America's veterans. Three staff members will be leaving us this year: Ira Greenspan, Allison Clarke, and Sloan Rappoport.

On behalf of all committee members, I want to express our deepest appreciation for all their hard work and efforts and wish them the very best in their future endeavors.

Mr. Speaker, I include for the RECORD a detailed joint explanatory statement of the provisions considered during our deliberations on this measure.

JOINT EXPLANATORY STATEMENT FOR S. 714, THE PROPOSED "VETERANS BENEFITS ACT OF 1997"

S. 714, the proposed "Veterans Benefits Act of 1997" reflects a compromise agreement the Senate and House of Representatives Committees on Veterans' Affairs have reached on a number of bills considered in the Senate and House during the 105th Congress, including H.R. 1092, passed by the House on April 16, 1997, H.R. 1703, passed by the House on October 6, 1997, H.R. 2206, passed by the House on October 6, 1997, H.R. 2571, passed by the House on October 6, 1997, S. 714, passed by the Senate on November 5, 1997, S. 986, ordered reported by the Senate Committee on October 7, 1997, S. 801, ordered reported by the Senate Committee on October 7, 1997, and S. 999, ordered reported by the Senate Committee on October 7, 1997.

The Committees on Veterans' Affairs have prepared the following explanation of S. 714 (hereinafter referred to as the compromise agreement). Differences between the provisions contained in the compromise agreement and the related provisions in the bills listed above are noted in this document, except for clerical corrections and conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

VA EMPLOYMENT DISCRIMINATION RESOLUTION AND ADJUDICATION

Current law

Within the statutory framework of title VII, United States Code, the Equal Employment Opportunity (EEO) complaint process for the Department of Veterans Affairs (VA) is governed by federal regulations and Equal Employment Opportunity Commission (EEOC) directives applicable to all federal agencies. The EEO program at VA is under the direction of the Deputy Assistant Secretary for Equal Opportunity, who reports to the Assistant Secretary for Human Resources and Administration.

The complaint process begins when a VA employee contacts a facility EEO counselor. That counselor is appointed by the facility director who is the EEO Officer for the facility and the custodian of the complaint process. Counseling allows an opportunity for informal resolution of a complaint at the local level. Most EEO counselors perform EEO duties in addition to unrelated VA responsibilities, and all EEO counselors report to the facility director. On receipt of a formal complaint, VA must advise the complainant that it is required to conduct a complete and fair investigation within 180 days. The notice also advises the complainant of the right to appeal the final decision to the EEOC. The facility director (EEO Officer) accepts formal complaints and refers those believed to be procedurally defective (about 25 percent a year) to the Office of General Counsel (OGC) for legal review. If any part of the complaint is accepted, the OGC advises the facility and requests the appointment of an EEO investigator to the case. The investigator provides a Report of Investigation to both the complainant and the EEO Officer.

The agency and complainant may settle the complaint at any point in the EEO process. If a settlement is not reached after the Report of Investigation has been received, the complainant may request either a final agency decision from VA without a hearing, or a hearing by an EEOC Administrative Judge and then a final agency decision. If the complainant is dissatisfied with the agency's final decision, he or she may appeal it to the EEOC Office of Federal Operations. The final step in the complaint process is a title VII civil action in Federal district court. The complainant has the right to file a civil action against the agency any time after 180 days have passed since the filing of a formal complaint with the EEOC Office of Federal Operations. Once in Federal Court, the complaint leaves the EEO administrative complaint system.

House bill

Section 2 of H.R. 1703 would direct the Secretary to establish a new VA employment discrimination complaint resolution system whose employees would be supervised by and report to an Assistant Secretary or Deputy Assistant Secretary for complaint resolution management. A new Office of Resolution Management (ORM) would be supported by district managers, field offices, full time EEO counselors and investigators, and 40 FTEE collateral duty counselors. In addition, the ORM would be authorized to make certain final agency decisions on procedural issues.

Section 3 of H.R. 1703 would establish a VA Office of Employment Discrimination Complaint Adjudication (OEDCA). The bill would transfer final agency decision authority on substantive issues from the Office of the General Counsel to OEDCA. The OEDCA, located in VA Central Office, would be a quasi-independent complaint adjudication unit. The Director of the OEDCA would report directly to the Secretary or Deputy Secretary. In addition to its complaint adjudication responsibilities, the OEDCA would be responsible for creating an efficient and effective complaint tracking system.

Section 4 of H.R. 1703 would provide an effective date of 90 days after enactment of this Act.

Section 5 of H.R. 1703 would establish an independent panel to review EEO and sexual harassment procedures within VA. The panel would be composed of six members—three appointed jointly by the chairman and ranking member of the House Committee on Veterans' Affairs, and three appointed jointly by the chairman and ranking member of the Senate Committee on Veterans' Affairs.

Senate bill

Section 2 of S. 801 would establish a structural component for the Office of Resource Management (ORM) which is identical to section 2 of H.R. 1703. Additionally, section 2 of S. 801 would require the VA Office of Inspector General to investigate allegations of discrimination against all GS–15s and above, and report to Congress and the Secretary. Section 2 would also require the Secretary to ensure that complainants may elect to consult with full-time EEO employees or part-time EEO employees. Section 2 would contain more specific reporting requirements including information on counseling relating to employment discrimination, the number and type of employment discrimination complaints, the status of such complaints, and the terms of any settlement.

Section 3 of S. 801 is identical to section 3 of H.R. 1703.

Section 4 of S. 801 would require the Secretary to contract with a private entity to assess VA's discrimination complaint resolution system. The assessment would include a study of the effectiveness of the training and maintenance of groups of VA employees assigned to investigate claims and provide counseling; the education and training of VA employees regarding their rights and obligations under EEO laws; the use of alternative dispute resolution procedures and settlements in resolving EEO complaints; and other programs, procedures or activities of VA relating to the EEO laws.

Section 5 of S. 801 is identical to section 4 of H.R. 1703.

Compromise agreement

Section 101 follows section 2 of the House bill except that it requires VA to transmit a quarterly notice to the Committees on Veterans' Affairs of the House and Senate which summarizes each employment discrimination complaint filed in the preceding quarter against certain high ranking VA employees. The notice will not include the name of the individual who filed the complaint or name of the individual against whom the complaint is filed. The notice will summarize the

nature of the allegations and identify the VA EEO regional field office at which the complaint was filed. The notice will also include a redacted copy of the complaint of employment discrimination and any attachments. Section 101 also requires the Secretary to ensure that complainants may elect to consult with fulltime EEO employees or part-time EEO employees. Section 101 contains the expanded reporting requirements included in the Senate bill.

Section 102 follows section 3 of the House bill.

Section 103 follows section 4 of the Senate bill, with an additional requirement that the Secretary ensure the independence of the private entity conducting the assessment of VA's employment discrimination complaint resolution system.

NATIVE AMERICAN HOME LOAN PROGRAM

Current law

Subchapter V of chapter 37, title 38, United States Code, authorizes the Secretary of the Department of Veterans Affairs (VA) to conduct a pilot program making direct loans to Native Americans to purchase, construct, renovate, or refinance homes on trust land. The Secretary is required to enter into a memorandum of understanding (MOU) with the various tribal governments prior to making any such loans. The MOU must give the Secretary access to the property for any purpose such as appraisal or monitoring of construction in connection with the loan. Tribal governments must agree to assist with the implementation in a responsible and prudent manner.

The maximum loan amount is $80,000 unless the Secretary determines that local housing costs justify a higher amount. The Secretary is required to establish appropriate credit underwriting standards which give consideration to the purpose of the program. The Secretary is also required to conduct an outreach program to educate tribal organizations and Native American veterans about the program. The program expired September 30, 1997.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 1 of S. 714 would extend the authority to carry out this program through December 31, 2003, and add provisions regarding specific outreach requirements. These include consulting about the housing needs of Native Americans with the National Congress of American Indians, the National American Indian Housing Council and the Department of Hawaiian Homelands, as well as distributing information to tribal organizations. The bill also requires an annual report by February 1 of each year detailing the operations of the program, outreach activities and an analysis of the pool of Native American veterans who are eligible for participation in the program.

Compromise agreement

Section 201 includes the Senate provisions with added outreach and reporting requirements and extends VA's program authority to December 31, 2001.

TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

Current law

Current law includes several provisions which authorize specific VA programs to assist homeless veterans and to contract for residential care for homeless veterans, mentally ill veterans, and veterans suffering from substance abuse or dependence.

Section 1720A of title 38, United States Code, permits the Secretary to contract for care, treatment, and rehabilitative services in various treatment facilities—subject to a review of the quality and effectiveness of its programs—for eligible veterans suffering from alcohol or drug dependence or abuse disabilities.

The Secretary is also given the authority to work in consultation with the Secretary of Labor and the Director of the Office of Personnel Management to urge federal agencies and appropriate private companies to provide employment opportunities to those veterans who have completed such programs.

Under this section of law, the Secretary is directed to provide referral services to noneligible veterans who seek alcohol or drug dependence assistance.

The authority to furnish such care expires after December 31, 1997.

The Secretary was also tasked with conducting ongoing clinical evaluations of drug and alcohol abuse treatment to veterans, and to report to Congress on the findings.

Section 115 of Public Law 100–322 (as extended through subsequent laws) authorizes the VA to conduct a pilot program to provide care, treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to eligible homeless veterans suffering from chronic mental illness disabilities. This program is set to expire on December 31, 1998.

Section 7 of Public Law 102–54 authorizes the Secretary to carry out a compensated work therapy and transitional housing demonstration program, which expires on December 31, 1997.

Section 107 of the Veterans' Medical Programs Amendments of 1992 requires the Secretary to (1) assess all programs developed by VA facilities which have been designed and established to assist homeless veterans; and (2) to the maximum extent practicable, seek to replicate at other VA facilities those programs which have as a goal the rehabilitation of homeless veterans. It also requires directors of VA medical centers and regional benefits offices, in coordination with non-VA organizations with experience working with local homeless persons, to develop lists of all programs assisting homeless persons and encourages the cooperative development of a local plan for coordinating services for homeless veterans. The law also requires VA medical center directors and regional office directors to meet, to the maximum extent feasible through existing programs and available resources, the identified needs of homeless veterans and attempt to inform homeless veterans whose needs cannot be met of services available in the area.

Section 2 of the Homeless Veterans Comprehensive Service Programs Act of 1992 requires the Secretary to establish and operate, through September 30, 1997, a pilot program to expand and improve the provision of benefits and services by the Department of Veterans Affairs to homeless veterans. VA is authorized to operate up to eight demonstration programs, and each site shall include a comprehensive and coordinated array of specialized services.

House bill

Section 2(a) of H.R. 2206 would consolidate, extend and revise, in part, Department of Veterans Affairs progams which serve veterans who are homeless or suffer from chronic mental illness or substance abuse or dependence. It would amend chapter 17 to title 38, United States Code, by adding a new subchapter entitled "Treatment and Rehabilitation for Seriously Mentally Ill and Homeless Veterans."

New section 1771 would authorize the Secretary to provide outreach services; care, treatment, and rehabilitative services; and therapeutic transitional housing assistance to veterans suffering from serious mental illness, including veterans who are homeless.

New section 1772 would authorize the Secretary, in conjunction with operating compensated work therapy programs, to operate residences and facilities as therapeutic housing. The provision would give the Secretary latitude to purchase, lease, or otherwise acquire residential housing in such a way as to best expedite the opening and operation of transitional housing. Such housing would be subject to requirements specified in the bill, to include a requirement that only eligible veterans and a house manager may live at a residence; veterans residents would be required to make payments that contribute to covering their board and the operating costs of the facility. Furthermore, residents would be prohibited from drinking or taking drugs and would be subject to drug testing. Any resident in violation of this policy could be expelled. All zoning, building permit, and other similar community requirements—as well as State and community fire and safety requirements—would be applicable. The measure would authorize the Secretary to set reasonable payment rates for residents, limit the duration of each veteran's residence, and establish qualifications for the house manager. The Secretary would have broad authority in selecting property to be established as transitional housing. The Secretary could consider any suitable defaulted residential property, any suitable space within a facility already under the Department's jurisdiction but no longer in use, and any other property acquired by the Department. The measure makes specific provision for the transfer of defaulted property from the Veterans Benefits Administration as well as obtaining property from the Department of Housing and Urban Development. The Secretary may dispose of any property acquired for this purpose and funds obtained by such a sale would go to the General Post Fund. Section 1772 would also provide that payments received by the VA under this section be deposited in the General Post Fund. The measure would require the Secretary to manage the program so that expenditures for any fiscal year do not exceed by more than $500,000 proceeds credited to the General Post Fund under this section. Operating funds and receipts would be accounted for separately and would each be stated in the President's budget for each fiscal year.

New section 1773 would direct the Department, subject to the availability of appropriations, to operate no fewer than eight comprehensive-services centers to assist homeless veterans.

New section 1774 would, subject to available funding, require VA, in assisting homeless veterans, to coordinate, and permit the Department to provide authorize services in conjunction with other agencies of State, local, and Federal government, and nongovernmental organizations. It would also require VA facility directors to assess and identify local homeless veterans, needs and the adequacy of existing programs to meet those needs, and take appropriate action, to the extent practicable to meet those needs. Such assessments are to identify homeless veterans' needs in the areas of health care,

education and training, employment, shelter, counseling, and outreach services. Each assessment is also to comment on the adequacy of current VA programs with regards to these needs. This section would also require local VA officials to work with other governmental entities and homeless advocacy groups to develop a list of programs designed to assist homeless persons and homeless veterans in the area; provide outreach to the developers of local homeless programs to coordinate the provision of services to homeless veterans; attempt to identify and meet the needs of homeless veterans; and inform the homeless veteran population in the area whose needs cannot be met by the VA director of services available to such veterans in the community.

Senate bill

Section 2(a) of S. 714 would extend the VA's authority under section 1720A of title 38, United States Code, to treat and rehabilitate veterans with alcohol or drug dependence or abuse disabilities through December 31, 1999.

Section 2(c) of S. 714 would extend the VA's authority to provide community-based care to homeless veterans under the Veterans' Benefits and Services Act of 1988 through December 31, 1999.

Section 2(d) of S. 714 would extend the VA's Compensated Work Therapy and Therapeutic Transitional Housing demonstration program under Public Law 102–54 through December 31, 1999.

Section 2(e) of S. 714 would amend the Homeless Veterans Comprehensive Service Programs Act of 1992 to extend through September 30, 1999 (1) VA's authority to operate comprehensive service centers to assist homeless veterans, (2) VA's authority to make grants and to assist homeless veterans, and (3) the authorization of appropriations for that Act.

Compromise agreement

Section 202 generally follows the House bill, except that the program authorities would include a sunset date of December 31, 2001.

SALE OR LEASE OF VA PROPERTIES TO HOMELESS PROVIDERS

Current law

Section 3735 of title 38, United States Code, authorizes the Secretary of the VA to sell, lease or donate foreclosed VA properties to nonprofit organizations or a State or political subdivision of a State for the purpose of assisting homeless veterans and their families in acquiring shelter. Properties eligible for transfer under this program are those not likely to be sold at a price that would reduce the VA's liability on the property. Providers must comply with all zoning codes and agree to use the property to shelter primarily homeless veterans and their families. The Secretary may make loans on such properties at below-market rates and may waive all fees required under section 3729 of title 38, United States Code. The program expires December 31, 1997.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 2 of S. 714 would extend the authority to carry out this program through December 31, 1999.

Compromise agreement

Section 203(a) includes the Senate provision.

EXTENSION OF HOMELESS VETERANS COMPREHENSIVE SERVICE GRANT PROGRAM

Current law

Section 3 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 USC section 7721 note) authorizes the Secretary to establish and operate a grant program to assist eligible entities in establishing new programs to furnish outreach, rehabilitative services, vocational counseling and training, and transitional housing assistance to homeless veterans. This program expired on September 30, 1997 and limited the Department to providing grants for no more that 25 service centers and no more than 20 programs which incorporate the procurement of vans for use in outreach to, and transportation for, homeless veterans to carry out the intention of the law.

House bill

Section 3 of H.R. 2206 would extend VA's authority to make such grants to September 30, 1999 and would strike the limitation on the number of grants which may be awarded for specified purposes.

Senate bill

Section 2(e)(2) of S. 714 would extend the grant program until September 30, 1999.

Compromise agreement

Section 203(b) follows the Senate bill.

HOMELESS VETERANS REINTEGRATION PROJECT

Current law

The Stewart B. McKinney Homeless Assistance Act (title 42, section 11448(e)(1)) authorizes the Department of Labor to provide grants to community based organizations focusing on returning homeless veterans to the work force. The program is administered by the Veterans Employment and Training Service. From 1988 through 1996, the program served over 41,000 homeless veterans, placing over 18,000 in jobs. The program expires December 31, 1997.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 4(e) of S. 714 would amend the Stewart B. McKinney Homeless Assistance Act (title 42, section 11448(e)(1) to extend the expiration date of the Homeless Veterans Reintegration Project to December 31, 1999, and authorize expenditures up to $10,000,000 per year.

Compromise agreement

Section 203(c) includes the Senate provision.

ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS

Current law

Section 1001 of the Veterans Benefits Improvements Act of 1994 (38 USC section 7721 notes) requires that the Secretary, by April 15 of each year, submit to the Committees a report on the activities of the VA's homeless programs. The annual report is to include the number of homeless veterans provided assistance under VA programs, the cost of providing these programs, and any other information the Secretary deems appropriate.

House bill

Section 4 of H.R. 2206 would expand the scope of this reporting requirement. It would require the VA to report on its evaluation of the effectiveness of its programs relating to residential work therapy, outreach, community-based residential treatment, and case management, as well as contract care programs for alcohol and drug dependence or abuse disabilities. Further, it would require the Secretary to evaluate and report on the effectiveness of programs established through grants awarded under the Homeless Veterans Comprehensive Service Grant Program.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 204 follows the House bill.

ENHANCED-USE LEASES OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY

Current law

Under section 8169 of title 38, United States Code, the Secretary's authority to enter into enhanced-use leases of Department of Veterans Affairs real property expires after December 31, 1997.

Section 8168 of title 38, United States Code, limits the number of enhanced-use leases (other than leases for child care centers) which the Secretary may execute to 20, and sets a 10-project cap on such leases during any one fiscal year.

House bill

Section 101 of H.R. 1052 would extend the Secretary's authority to enter into such leases to December 31, 2002 and would repeal the limits on the number of enhanced-use leases which the Secretary may execute.

Senate bill

Section 3 of S. 714 would change the limit from 20 to 40 and extend the program until December 31, 1999.

Compromise agreement

Section 205 generally follows the House bill except that the program would expire on December 31, 2001.

NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE

Current law

Section 1720C of title 38, United States Code, authorizes the Secretary to conduct a pilot program for the furnishing of medical, rehabilitative and health-related services in noninstitutional settings for eligible veterans for nursing home care. This provision authorizes VA services through December 31, 1997.

House bill

Section 5 of H.R. 2206 would provide ongoing authority for this program.

Senate bill

Section 4 of S. 714 would extend the program through December 31, 1999.

Compromise agreement

Section 206 follows the House bill.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Current law

Section 7611 of title 38, United States Code, authorizes the Department to institute the Department of Veterans Affairs Health Professional Scholarship Program, which gives students the opportunity to receive VA health care scholarships in exchange for a specified period of employment in VA after graduation. In authorizing an extension of that program through December 31, 1997, Congress in section 202 of Public Law 104–110 required the Department to evaluate the efficacy of the program and compare its costs and benefits with alternative approaches to ensure adequate recruitment and retention of health professionals. The Department failed to carry out that report requirement.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 4(b) of H.R. 714 would extend the program through December 31, 1999.

Compromise agreement

Section 207 would extend the program to December 31, 1998 and would also require that the Department report to Congress within six months in accordance with the requirement in Public Law 104–110.

MAMMOGRAPHY STANDARDS

Current law

Section 106(a)(2) of the Veterans Health Care Act of 1992 (38 USC 1710 note) provides that the Department may provide breast examinations and mammography to women veterans.

House bill

The House bill contains no comparable provision.

Senate bill

S. 999 would specify that the Department follow the recommendations of the American Cancer Society regarding the frequency of screening mammograms for women in specific age groups.

Compromise agreement

Section 208 would require the VA's Under Secretary for Health to develop a national policy for the VHA with respect to mammography standards for veterans. Such a policy would specify standards of mammography screening and include recommendations on screening for women over the age of 39 and veterans with clinical symptoms, risk factors or family history of breast cancer. The section would also provide for clinician discretion on this matter. Additionally, the section includes a section (c) Sense of the Congress, that the policy adopted by VHA in sections (a) and (b) shall be in accordance with the guidelines endorsed by the Secretary of Health and Human Services and the Director of the National Institutes of Health.

PERSIAN GULF WAR VETERANS

Current law

Section 703 of Public Law 102–585, as amended, directs the VA to provide a health examination (including any appropriate diagnostic tests), consultation, and counseling with respect to the results of such an examination to any Persian Gulf War veteran who requests such an examination. Such examination findings are also to be included in a Persian Gulf War Veterans health registry, to be maintained by the VA.

Section 1710(e)(1)(c) of title 38, United States Code, provides eligibility for care, through December 31, 1998, to any veteran of the Persian Gulf War who may have been exposed to a toxic substance or environmental hazard during such service for any condition which may be associated with such exposure.

House bill

Section 6(a) of H.R. 2206 would specify that Persian Gulf veterans shall be verbally counseled on the results of health examinations carried out under section 703 of Public Law 102–582, as amended.

Section 6(b) of H.R. 2206 would clarify that a Persian Gulf veteran is eligible for VA health care for any condition—not just for exposure of a toxic substance or environmental hazard—which may be associated with service in the Gulf.

Section 6(c) of H.R. 2206 would direct the Secretary to carry out a program of demonstration projects designed to test innovative approaches to treating Persian Gulf veterans at up to 10 VA medical centers across the country. Three treatment models—a specialized Persian Gulf clinic, a multidisciplinary treatment program aimed at managing symptoms, and the use of case managers—would be used at at least two demonstration sites. The Secretary is required to provide $5 million in appropriated funds for use in carrying out these projects. Before a location has been designated as a demonstration site, a peer review panel must determine the efficacy of the selection, using as its criteria the facility's ability to attract outstanding and innovative physicians to the project and to effectively evaluate the activities of the project.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

Section 209 follows the House bill except that it does not include Section 6(a), which contains a provision relating to VA counseling of Persian Gulf veterans.

REPORT ON MEDICAL EMERGENCIES ARISING FROM TERRORISM

House bill

The House bill contains no provision changing current law.

Senate bill

Section 432 of S. 986 requires the President by March 1, 1998, to submit to Congress a report on plans, preparations and the capability of all levels of government to respond nationally to medical emergencies arising from the terrorist use of weapons of mass destruction. The report is to be prepared in consultation with specified departments and agencies of the Federal government, and the President is to designate a lead agency for purposes of preparing the report. The section specifies matters to be included in such report, including a description of steps taken to prepare to respond to such emergencies; a description of existing obligations, roles, and lines of authority within government for such a situation; an assessment of current level of preparedness and listing of existing medical assets available to respond; and estimated costs of government agencies and departments to prepare for and carry out their respective roles.

Compromise agreement

Section 210 follows the Senate bill.

CONSTRUCTION AUTHORIZATION

AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS

Current law

Section 8104(a)(2) of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project unless funds for that project have been specifically authorized by law.

House bill

Section 1(1) of H.R. 2571 would authorize the Secretary to carry out a seismic corrections project at the Memphis VA Medical Center in an amount not to exceed $34.6 million.

Section 1(2) of H.R. 2571 would authorize the Secretary to make seismic corrections and other improvements at the McClellan Hospital in Sacramento, California using up to $48 million in previously appropriated funds.

Section 1(3) of H.R. 2571 would authorize the Secretary to carry out outpatient improvement projects with already-appropriated funds at facilities in Mare Island, Vallejo, California and Martinez, California in an amount not to exceed $7 million.

Senate bill

Section 201 of S. 986 contains provisions substantively similar to section 1(1) of H.R. 2571.

S. 986 contains no comparable provision to sections 1(2) and 1(3) of H.R. 2571.

Compromise agreement

Section 301 follows the House bill.

AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES

Current law

Section 8104(a)(2) of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility lease unless funds for that lease have been specifically authorized by law.

House bill

Section 2 of H.R. 2571 would authorize the Secretary to carry out the following leases of satellite outpatient clinics: Jacksonville, FL, $3.095 million; Boston, MA, $5.215 million; Canton, OH, $2.115 million; Portland, OR, $1.919 million; and Tulsa, OK, $2.112 million.

Section 2 of H.R. 2571 would authorize the Secretary to carry out the following leases of information resources management field offices: Birmingham, AL, $595,000; and Salt Lake City, UT, $652,000.

Senate bill

Section 202 of S. 986 contains provisions identical to section 2 of H.R. 2571, except that the lease for the satellite outpatient clinic in Canton, OH is authorized for $735,000.

Compromise agreement

Section 302 follows the House bill.

AUTHORIZATION OF APPROPRIATIONS

Current law

Section 8104(a)(2) of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility lease unless funds for that project or lease have been specifically authorized by law.

House bill

Section 3(a)(1) of H.R. 2571 would authorize to be appropriated to the Department of Veterans Affairs for fiscal year 1998 $34.6 million for the Construction, Major Projects account to be used for major medical facility projects.

Section 3(a)(2) of H.R. 2571 would authorize to be appropriated to the Department of Veterans Affairs for fiscal year 1998 $15.703 million for the Medical Care account to be used for major medical facility leases.

Section 3(b) of H.R. 2571 would limit the authorized projects to be carried out using only (1) specifically authorized major construction funds appropriated for fiscal year 1998; (2) funds appropriated for Construction, Major Projects before fiscal year 1998 that remain available for obligation; and (3) funds appropriated for Construction, Major Projects, for fiscal year 1998 for a category of activity not specific to the project.

Senate bill

Section 203(a) of S. 986 would authorize appropriations for Fiscal Years 1998 and 1999. It would authorize a $34.6 million appropriation for the Construction, Major Projects account

and a $14.323 million appropriation for the Medical Care account.

Section 203(b) differs from section 3(b) of H.R. 2571 only in that both fiscal years 1998 and 1999 are included.

Compromise agreement

Section 303 follows the House bill.

CLARIFICATION ON ELIGIBILITY FOR HEALTH CARE

Current law

In amendments to section 1710 in Public Law 104–262, Congress provided, in pertinent part, that VA "shall" (subject to available appropriations) furnish hospital care and medical services to a veteran "who has a compensable service-connected disability" (38 U.S.C. section 1710(a)(2)(A). Section 1710(a)(2)(B) of title 38, United States Code, reflects similar terminology in providing for care of any veteran discharged or released for active service "for a compensable' disability".

House bill

The House bill contains no provision changing current law.

Senate bill

Section 412(a) of S. 986 would strike the word compensable from section 1710(a)(2)(B), as amended by P.L. 104–262.

Compromise agreement

Section 402(a) follows the Senate provision.

HOME IMPROVEMENTS

Current Law

A technical amendment in the Veterans' Health Care Eligibility Reform Act of 1996 was construed by the Department as having had the effect of limiting to so-called "category A" veterans' eligibility for VA payments for home improvements and structural alterations. Higher-income ("category C") veterans, who had been eligible for a one-time $1200 benefit under prior law, were deemed ineligible under the change

House bill

Section 9(a) of H.R. 2206 would amend section 1717(a)(2)(B) of title 38, United States Code, to clarify that category C veterans under VA treatment are eligible for the one-time $1200 home improvement/structural alteration benefit.

Senate bill

Section 412(b) of S. 986 contains a similar provision.

Compromise agreement

Section 402(b) follows the Senate bill.

TRANSFERS TO COMMUNITY NURSING HOMES

Current law

Under section 1720 of title 38, United States Code, VA may only transfer to, and provide for care in, a community nursing home, veterans who have received VA inpatient care. Existing law makes no provision for such transfer and placement on the part of a veteran who, in the course of VA provision of ambulatory treatment, is found to need nursing home care.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 412(c) of S. 986 would strike the limitation in section 1720 of title 38, United States Code, which restricts VA transfers and placements into community nursing homes to veterans receiving inpatient care, and would authorize such needed placements for any veteran under care in a VA facility.

Compromise agreement

Section 402(c) follows the Senate provision.

SHARING OF HEALTH-CARE RESOURCES: PURCHASING

Current law

Under section 8153 of title 38, United States Code, VA may enter into agreements with any entity to buy health care resources. Where VA proposes to obtain such resources from an affiliated institution or organization, it may do so, under section 8153(a)(3)(A), "without regard to any law or regulation" requiring competition. VA may also procure such resources from a source other than an affiliated entity under simplified procedures aimed at promoting competition to the maximum extent practicable; such "simplified procedures . . . shall permit all responsible sources to submit a bid. . . ." (38 USC section 8153(a)(3)(B)).

House bill

The House bill contains no provision changing current law.

Senate bill

Section 412(d) of S. 986 would amend section 8153(a)(3)(A) to clarify that purchases of resources from an affiliated entity are exempt from otherwise applicable requirements for competition not only in law or regulation but also in any Executive order, circular, or other administration policy. Section 412(e) of S. 986 would amend section 8153(a)(3)(B) to clarify that VA may reasonably limit the number of sources sought for bids under its authority to employ simplified procedures.

Compromise agreement

Sections 402(d) and 502(e) follow the Senate provision

HOSPITAL REFERENCE

Current law

The VA medical facility in Columbia, South Carolina is named the "Wm. Jennings Bryan Dorn Veterans' Hospital".

House bill

Section 9(b) of H.R. 2206 would redesignate this facility as the "Wm. Jennings Bryan Dorn Department of Veterans Affairs Medical Center".

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 403 follows the House bill.

Current law

SPINA BIFIDA

Current law

Chapter 18 of title 38, United States Code, authorizes the Secretary to provide medical care, compensation, and vocational training benefits for Vietnam veterans' children who are conceived following service in Vietnam and are born with spina bifida. The veteran must have been discharged under conditions other than dishonorable. Compensation in the amounts of $200, $700, and $1,200 is based on the severity of the disability. Children are eligible for up to 24 months of vocational training generally following completion of high school.

House bill

The House bill contains no provision changing current law.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 404 includes technical and clarifying amendments to chapter 18 title 38, United States Code, including a provision to provide benefits regardless of the veteran's type of discharge.

COMPENSATION AND PENSION MEDICAL EXAMINATIONS

Current law

Physicians employed by the Veterans Health Administration may conduct disability examinations of veterans who have applied for VA monetary benefits. Section 504 of Public Law 104–272 authorizes VA to conduct a pilot program involving use of physicians who provide such examinations under contract arrangements. VA is to report on its experience under such program by October 1999.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 411 of S. 986 would add a new section 7704 to title 38, United States Code, which would authorize the Under Secretary for Benefits to reimburse the Under Secretary for Health for costs incurred in providing disability examinations.

Compromise agreement

The compromise bill contains no provision on this subject.

PERSONNEL POLICY

Current law

Section 711 of title 38, United States Code, requires the Secretary to report to Congress and delay for a specified period any systematic reduction in grade of employees engaged in direct patient care or who are professional employees and computer specialists.

House bill

Section 7 of H.R. 2206 would amend section 7425 of title 38, United States Code, to provide that Veterans Health Administration employees in positions involving the provision (or supervision) of patient care or the conduct of research are not subject to any reduction (required by law or Executive branch policy) in the number of percentage of employees or personnel positions within specified pay grades.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

The compromise bill contains no provision relating to this subject.

PURCHASES OF PHARMACEUTICAL PRODUCTS

Current law

The Federal Government, primarily through the General Services Administration, negotiates and awards contracts for products and services through federal supply schedules. The Government issues solicitations, receives offers from prospective vendors, negotiates with them on product and service prices, and award contracts. Such contracts give vendors the right to sell goods and services to the government during the period that the contract is in effect; federal agencies order products and services directly from a vendor and pay the vendor directly. Congress, by law, has authorized a variety of other entities, including certain Indian tribal governments, to make purchases from the federal supply schedule. The General Services Administration, which has responsibility for managing the federal supply schedules, has delegated responsibility for managing a number of such schedules, including the schedule for pharmaceuticals, to the Department of Veterans Affairs.

House bill

Section 8 of H.R. 2206 would amend section 8125 of title 38, United States Code, to provide that, notwithstanding any other provision of law, any product listed on the pharmaceutical Federal Supply Schedule may only be procured from that schedule by or for the federal government or any other entity specified in federal law or regulation as of July 1, 1997.

Senate bill

The Senate bill contains no similar provisions.

Compromise agreement

The compromise bill contains no provision relating to this subject.

PARKING FEES

Current law

Section 8109(d)(1) requires the collection of parking fees (other than from veterans and volunteers) at VA health care facilities under specified circumstances.

House bill

The House bill contains no provision changing current law.

Senate bill

S. 309 would prohibit the collection of parking fees at VA parking facilities used in connection with a medical facility which is operated jointly under a health care resources sharing agreement with the Department of Defense.

Compromise agreement

The compromise bill contains no provision relating to this subject.

SHARING OF HEALTH-CARE RESOURCES: SELLING

Current law

Under section 8153 of title 38, United States Code, VA may enter into agreements with any entity to sell health care resources. Section 8153(e) requires, as a precondition to VA's furnishing services to nonveterans under section, that VA make certain findings, including a determination "that veterans will receive priority under such an arrangement".

House bill

The House bill contains no provision changing current law.

Senate bill

Section 412(f) of S. 986 would amend section 8153(a)(3)(B) to strike the language regarding veterans receiving a priority under such an arrangement and substitute language to require a determination that "care to veterans will not be diminished as a result of such an arrangement".

Compromise agreement

The compromise bill contains no provision on this subject.

CONSOLIDATION OF HOUSING LOAN REVOLVING FUNDS

Current law

Chapter 37 of title 38, United States Code, establishes the Direct Loan Revolving Fund, the Loan Guaranty Revolving Fund, and the Guaranty and Indemnity Fund at the Department of the Treasury for deposits and disbursements related to veterans' home loan guaranty and direct home loan programs.

House bill

The House bill contains no provision changing current law.

Senate bill

The Senate bill also contains no provision changing current law.

Compromise agreement

The compromise bill contains no provision on this subject.

RECOUPMENT OF SPECIAL SEPARATION INCENTIVES

Current law

Section 1174 of title 10 authorizes the Secretary of Defense to pay a special separation bonus to active duty service members who have served between six and 20 years. Separation pay is based on length of service and base pay at the time of separation. This pay is subject to taxation.

Section 1174(h) of title 10 and section 5304 of title 38 requires the Secretary of Veterans Affairs to offset the amount of compensation paid to a veteran due to service connected disability by an amount equal to special separation incentives. Section 653 of Public Law 104–201 limited VA's recoupment on special separation incentives made on or after September 30, 1996 to the net amount after taxes.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 431 of S. 986 would amend chapter 53 of title 38, to add a new provision limiting recoupment for any compensation paid after December 5, 1991 to 75 percent of the special separation pay.

Compromise agreement

The compromise bill contains no provision on this subject.

ENHANCE STATE CEMETERY GRANT PROGRAM

Current law

Chapter 24 of title 38, United States Code, authorizes the Secretary of Veterans Affairs to provide grants to States to establish new veterans' cemeteries or to expand or improve existing veterans' cemeteries owned by the State. Under this authority, VA may grant up to 50 percent of the cost of the land and improvements to that land. If the State owns the land at the time of the grant, the value of the land may be counted for up to 50 percent of the State's contribution.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 421 of S. 986 contains provisions to increase the VA share of the project costs for state veterans' cemeteries funded under the grant program. This provision would authorize the Secretary to grant up to 100 percent of the cost of improvements to the land to be purchased and up to 100 percent of the initial equipment costs. For existing cemeteries, the Secretary would be authorized to grant up to 100 percent of the cost of the improvements made to any additional land purchased for expansion or 100 percent of the cost of improvements to existing cemetery land.

Compromise agreement

The compromise bill contains no provision relating this subject.

Mr. EVANS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I rise in support of Senate bill 714, the Homeless Veterans Act.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume. In closing, let me just say, as others have, that we will be observing Veterans Day here in just of couple of days to honor all those who have served this Nation. I urge my colleagues to support this bill because it will provide meaningful and necessary improvements in many VA programs which serve our Nation's veterans.

Mr. TOWNS. Mr. Speaker, I am pleased to join my colleagues in supporting S. 714, a bill to extend the Native American Veterans Housing Loan Program. During my tenure as chairman of the Government Operations Subcommittee on Human Resources and Intergovernmental Relations, it was brought to my attention by several tribal governments, including the Navajo Nation, that their members had not been able to take advantage of this housing loan program. At that time, Veterans Administration Secretary, Jesse Brown, supported the extension of this program in order to make it available to a much larger number of native American veterans. While administration support for this program is certainly welcomed and it is vital to ensuring that the program is fully implemented, today, we have an opportunity to strengthen the housing loan program for native Ameican veterans by giving it a legislative authorization until the year 2003.

In addition, Mr. Speaker, I join with my subcommittee chairman, the gentleman from Connecticut, CHRIS SHAYS, in praising the addition, in this bill, or authority for the Department to provide noninstitutional alternatives to nursing home care. Under the auspices of the House Government Reform and Oversight Subcommittee on Human Resources, Chairman SHAYS and I have been involved in numerous hearings related to the illnesses suffered by our Gulf War veterans. One of the critical elements in improving the quality of life for veterans suffering from these illnesses has been their ability to receive health care services outside of the traditional V.A. hospital and nursing home setting. Hopefully, this authority will enable the Department to provide not only alternative forms of treatment for our Nation's veterans but to also open up new avenues for research that were heretofore unavailable.

Mr. Speaker, S. 714 provides new authority to the V.A. I believe these programs will enhance V.A. housing programs for native American veterans and improve the quality of home care treatment for our veterans. I would urge my colleagues to join us in supporting this measure.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my support for S. 714, extending and improving the Native American Veteran Housing Loan Pilot Program, Homeless Veterans Programs, and other authorities of the Secretary of Veterans Affairs.

The Native American Veteran Housing Loan Pilot Program authorizes the Secretary of Veterans Affairs to make direct housing loans to qualified Native American Veterans. S. 714 will extend the authority of this program for an additional six years, until December 2003.

The bill contains a provision that would be of particular interest to a portion of my constituency in Hawaii, Native Hawaiian Veterans. The bill extends authority of outreach activities under the Native American Veteran Housing

Loan Pilot Program to conferences and conventions conducted by the Department of Hawaiian Homelands. This provision authorizes needed assistance in educating Native Hawaiian Veterans of the availability of these special direct housing loans.

S. 714 also extends the authorization of a number of valuable veterans health care activities and activities that serve the homeless veterans including: Noninstitutional Alternatives to Nursing Home Care Pilot Program; Health Professional Scholarship Program; Drug and alcohol abuse and dependence programs; Housing assistance for Homeless Veterans; Community-Based Residential Care for Homeless Chronically Mentally Ill Veterans; A Demonstration Program of Compensated Work Therapy; Services and Assistance to Homeless Veterans; and Homeless Veterans' Reintegration Projects.

These programs will help provide for the many needs of our veteran population.

Passage of legislation extending such important veterans programs would be a proper way to begin a week of honoring our Veterans and I urge the immediate passage of S. 714.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATHAM). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the Senate bill, S. 714, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An Act to amend title 38, United States Code, to revise, extend, and improve programs for veterans.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. TALENT. Mr. Speaker, earlier today it was announced that the Committee on Transportation and Infrastructure would bring to the floor H.R. 2834, Cleveland Airport Transfer. It is now expected that the committee will bring up the Senate version, S. 1347.

SMALL BUSINESS REAUTHORIZATION ACT OF 1997

Mr. TALENT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendment to the Senate bill, S. 1139, to reauthorize the programs of the Small Business Administration, and for other purposes.

The Clerk read as follows:

Senate amendment to House amendment:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Reauthorization Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorizations.

TITLE II—FINANCIAL ASSISTANCE

Subtitle A—Microloan Program

Sec. 201. Microloan program.
Sec. 202. Welfare-to-work microloan initiative.

Subtitle B—Small Business Investment Company Program

Sec. 211. 5-year commitments for SBICs at option of Administrator.
Sec. 212. Underserved areas.
Sec. 213. Private capital.
Sec. 214. Fees.
Sec. 215. Small business investment company program reform.
Sec. 216. Examination fees.

Subtitle C—Certified Development Company Program

Sec. 221. Loans for plant acquisition, construction, conversion, and expansion.
Sec. 222. Development company debentures.
Sec. 223. Premier certified lenders program.

Subtitle D—Miscellaneous Provisions

Sec. 231. Background check of loan applicants.
Sec. 232. Report on increased lender approval, servicing, foreclosure, liquidation, and litigation of section 7(a) loans.
Sec. 233. Completion of planning for loan monitoring system.

TITLE III—WOMEN'S BUSINESS ENTERPRISES

Sec. 301. Interagency committee participation.
Sec. 302. Reports.
Sec. 303. Council duties.
Sec. 304. Council membership.
Sec. 305. Authorization of appropriations.
Sec. 306. National Women's Business Council procurement project.
Sec. 307. Studies and other research.
Sec. 308. Women's business centers.

TITLE IV—COMPETITIVENESS PROGRAM AND PROCUREMENT OPPORTUNITIES

Subtitle A—Small Business Competitiveness Program

Sec. 401. Program term.
Sec. 402. Monitoring agency performance.
Sec. 403. Reports to Congress.
Sec. 404. Small business participation in dredging.
Sec. 405. Technical amendments.

Subtitle B—Small Business Procurement Opportunities Program

Sec. 411. Contract bundling.
Sec. 412. Definition of contract bundling.
Sec. 413. Assessing proposed contract bundling.
Sec. 414. Reporting of bundled contract opportunities.
Sec. 415. Evaluating subcontract participation in awarding contracts.
Sec. 416. Improved notice of subcontracting opportunities.
Sec. 417. Deadlines for issuance of regulations.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Small Business Technology Transfer program.
Sec. 502. Small Business Development Centers.
Sec. 503. Pilot preferred surety bond guarantee program extension.
Sec. 504. Extension of cosponsorship authority.
Sec. 505. Asset sales.
Sec. 506. Small business export promotion.
Sec. 507. Defense Loan and Technical Assistance program.
Sec. 508. Very small business concerns.
Sec. 509. Trade assistance program for small business concerns adversely affected by NAFTA.

TITLE VI—HUBZONE PROGRAM

Sec. 601. Short title.
Sec. 602. Historically underutilized business zones.
Sec. 603. Technical and conforming amendments to the Small Business Act.
Sec. 604. Other technical and conforming amendments.
Sec. 605. Regulations.
Sec. 606. Report.
Sec. 607. Authorization of appropriations.

TITLE VII—SERVICE DISABLED VETERANS

Sec. 701. Purposes.
Sec. 702. Definitions.
Sec. 703. Report by Small Business Administration.
Sec. 704. Information collection.
Sec. 705. State of small business report.
Sec. 706. Loans to veterans.
Sec. 707. Entrepreneurial training, counseling, and management assistance.
Sec. 708. Grants for eligible veterans' outreach programs.
Sec. 709. Outreach for eligible veterans.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Administration" means the Small Business Administration;

(2) the term "Administrator" means the Administrator of the Small Business Administration;

(3) the term "Committees" means the Committees on Small Business of the House of Representatives and the Senate; and

(4) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1997.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking subsections (c) through (q) and inserting the following:

"(c) FISCAL YEAR 1998.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 1998:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $40,000,000 in technical assistance grants, as provided in section 7(m); and

"(ii) $60,000,000 in direct loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $16,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $12,000,000,000 in general business loans as provided in section 7(a);

"(ii) $3,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $700,000,000 in purchases of participating securities; and

"(ii) $600,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,000,000; and

"(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), $15,000,000, to remain available until expended.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 1998 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 1998—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(d) FISCAL YEAR 1999.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 1999:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $40,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $60,000,000 in direct loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $17,540,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $13,000,000,000 in general business loans as provided in section 7(a);

"(ii) $3,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $800,000,000 in purchases of participating securities; and

"(ii) $700,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,500,000; and

"(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $15,000,000, to remain available until expended.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 1999 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 1999—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(e) FISCAL YEAR 2000.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2000:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $40,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $20,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $14,500,000,000 in general business loans as provided in section 7(a);

"(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $900,000,000 in purchases of participating securities; and

"(ii) $800,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $5,000,000; and

"(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $15,000,000, to remain available until expended.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2000 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 2000—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.".

TITLE II—FINANCIAL ASSISTANCE

Subtitle A—Microloan Program

SEC. 201. MICROLOAN PROGRAM.

(a) LOAN LIMITS.—Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended by striking "$2,500,000" and inserting "$3,500,000".

(b) LOAN LOSS RESERVE FUND.—Section 7(m)(3)(D) of the Small Business Act (15 U.S.C. 636(m)(3)(D)) is amended by striking clauses (i) and (ii), and inserting the following:

"(i) during the initial 5 years of the intermediary's participation in the program under this subsection, at a level equal to not more than 15 percent of the outstanding balance of the notes receivable owed to the intermediary; and

"(ii) in each year of participation thereafter, at a level equal to not more than the greater of—

"(I) 2 times an amount reflecting the total losses of the intermediary as a result of participation in the program under this subsection, as determined by the Administrator on a case-by-case basis; or

"(II) 10 percent of the outstanding balance of the notes receivable owed to the intermediary.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in the subsection heading, by striking "DEMONSTRATION";

(2) by striking "Demonstration" each place that term appears;

(3) by striking "demonstration" each place that term appears; and

(4) in paragraph (12), by striking "during fiscal years 1995 through 1997" and inserting "during fiscal years 1998 through 2000".

(d) TECHNICAL ASSISTANCE GRANTS.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (4)(E)—

(A) by striking "Each intermediary" and inserting the following:

"(i) IN GENERAL.—Each intermediary";

(B) by striking "15" and inserting "25"; and

(C) by adding at the end the following:

"(ii) TECHNICAL ASSISTANCE.—An intermediary may expend not more than 25 percent of the funds received under paragraph (1)(B)(ii) to enter into third party contracts for the provision of technical assistance."; and

(2) in paragraph (5)(A)—

(A) by striking "in each of the 5 years of the demonstration program established under this subsection,"; and

(B) by striking "for terms of up to 5 years" and inserting "annually".

SEC. 202. WELFARE-TO-WORK MICROLOAN INITIATIVE.

(a) INITIATIVE.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iv) to establish a welfare-to-work microloan initiative, which shall be administered by the Administration, in order to test the feasibility of supplementing the technical assistance grants provided under clauses (ii) and (iii) of subparagraph (B) to individuals who are receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or under any comparable State funded means tested program of assistance for low-income individuals, in order to adequately assist those individuals in—

''(I) establishing small businesses; and

''(II) eliminating their dependence on that assistance.'';

(2) in paragraph (4), by adding at the end the following:

''(F) SUPPLEMENTAL GRANT.—

''(i) IN GENERAL.—The Administration may accept any funds transferred to the Administration from other departments or agencies of the Federal Government to make grants in accordance with this subparagraph and section 202(b) of the Small Business Reauthorization Act of 1997 to participating intermediaries and technical assistance providers under paragraph (5), for use in accordance with clause (iii) to provide additional technical assistance and related services to recipients of assistance under a State program described in paragraph (1)(A)(iv) at the time they initially apply for assistance under this subparagraph.

''(ii) ELIGIBLE RECIPIENTS; GRANT AMOUNTS.—In making grants under this subparagraph, the Administration may select, from among participating intermediaries and technical assistance providers described in clause (i), not more than 20 grantees in fiscal year 1998, not more than 25 grantees in fiscal year 1999, and not more than 30 grantees in fiscal year 2000, each of whom may receive a grant under this subparagraph in an amount not to exceed $200,000 per year.

''(iii) USE OF GRANT AMOUNTS.—Grants under this subparagraph—

''(I) are in addition to other grants provided under this subsection and shall not require the contribution of matching amounts as a condition of eligibility; and

''(II) may be used by a grantee—

''(aa) to pay or reimburse a portion of child care and transportation costs of recipients of assistance described in clause (i), to the extent such costs are not otherwise paid by State block grants under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) or under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

''(bb) for marketing, management, and technical assistance to recipients of assistance described in clause (i).

''(iv) MEMORANDUM OF UNDERSTANDING.—Prior to accepting any transfer of funds under clause (i) from a department or agency of the Federal Government, the Administration shall enter into a Memorandum of Understanding with the department or agency, which shall—

''(I) specify the terms and conditions of the grants under this subparagraph; and

''(II) provide for appropriate monitoring of expenditures by each grantee under this subparagraph and each recipient of assistance described in clause (i) who receives assistance from a grantee under this subparagraph, in order to ensure compliance with this subparagraph by those grantees and recipients of assistance.'';

(3) in paragraph (6), by adding at the end the following:

''(E) ESTABLISHMENT OF CHILD CARE OR TRANSPORTATION BUSINESSES.—In addition to other eligible small businesses concerns, borrowers under any program under this subsection may include individuals who will use the loan proceeds to establish for-profit or nonprofit child care establishments or businesses providing for-profit transportation services.'';

(4) in paragraph (9)—

(A) by striking the paragraph designation and paragraph heading and inserting the following:

''(9) GRANTS FOR MANAGEMENT, MARKETING, TECHNICAL ASSISTANCE, AND RELATED SERVICES.—''; and

(B) by adding at the end the following:

''(C) WELFARE-TO-WORK MICROLOAN INITIATIVE.—Of amounts made available to carry out the welfare-to-work microloan initiative under paragraph (1)(A)(iv) in any fiscal year, the Administration may use not more than 5 percent to provide technical assistance, either directly or through contractors, to welfare-to-work microloan initiative grantees, to ensure that, as grantees, they have the knowledge, skills, and understanding of microlending and welfare-to-work transition, and other related issues, to operate a successful welfare-to-work microloan initiative.''; and

(5) by adding at the end the following:

''(13) EVALUATION OF WELFARE-TO-WORK MICROLOAN INITIATIVE.—On January 31, 1999, and annually thereafter, the Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on any monies distributed pursuant to paragraph (4)(F).''.

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—No funds are authorized to be appropriated or otherwise provided to carry out the grant program under section 7(m)(4)(F) of the Small Business Act (15 U.S.C. 636(m)(4)(F)) (as added by this section), except by transfer from another department or agency of the Federal Government to the Administration in accordance with this subsection.

(2) LIMITATION ON AMOUNTS.—The total amount transferred to the Administration from other departments and agencies of the Federal Government to carry out the grant program under section 7(m)(4)(F) of the Small Business Act (15 U.S.C. 636(m)(4)(F)) (as added by this section) shall not exceed—

(A) $3,000,000 for fiscal year 1998;

(B) $4,000,000 for fiscal year 1999; and

(C) $5,000,000 for fiscal year 2000.

Subtitle B—Small Business Investment Company Program

SEC. 211. 5-YEAR COMMITMENTS FOR SBICs AT OPTION OF ADMINISTRATOR.

Section 20(a)(2) of the Small Business Act (15 U.S.C. 631 note) is amended in the last sentence by striking ''the following fiscal year'' and inserting ''any 1 or more of the 4 subsequent fiscal years''.

SEC. 212. UNDERSERVED AREAS.

Section 301(c)(4)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 681(c)(4)(B)) is amended to read as follows:

''(B) LEVERAGE.—An applicant licensed pursuant to the exception provided in this paragraph shall not be eligible to receive leverage as a licensee until the applicant satisfies the requirements of section 302(a), unless the applicant—

''(i) files an application for a license not later than 180 days after the date of enactment of the Small Business Reauthorization Act of 1997;

''(ii) is located in a State that is not served by a licensee; and

''(iii) agrees to be limited to 1 tier of leverage available under section 302(b), until the applicant meets the requirements of section 302(a).''.

SEC. 213. PRIVATE CAPITAL.

Section 103(9)(B)(iii) of the Small Business Investment Act of 1958 (15 U.S.C. 662(9)(B)(iii)) is amended—

(1) by redesignating subclauses (I) and (II) as subclauses (II) and (III), respectively; and

(2) by inserting before subclause (II) (as redesignated) the following:

''(I) funds obtained from the business revenues (excluding any governmental appropriation) of any federally chartered or government-sponsored corporation established prior to October 1, 1987;''.

SEC. 214. FEES.

Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended by adding at the end the following:

''(e) FEES.—

''(1) IN GENERAL.—The Administration may prescribe fees to be paid by each applicant for a license to operate as a small business investment company under this Act.

''(2) USE OF AMOUNTS.—Fees collected under this subsection—

''(A) shall be deposited in the account for salaries and expenses of the Administration; and

''(B) are authorized to be appropriated solely to cover the costs of licensing examinations.''.

SEC. 215. SMALL BUSINESS INVESTMENT COMPANY PROGRAM REFORM.

(a) BANK INVESTMENTS.—Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended by striking ''1956,'' and all that follows before the period and inserting the following: ''1956, any national bank, or any member bank of the Federal Reserve System or nonmember insured bank to the extent permitted under applicable State law, may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event shall the total amount of such investments of any such bank exceed 5 percent of the capital and surplus of the bank''.

(b) INDEXING FOR LEVERAGE.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by adding at the end the following:

''(D)(i) The dollar amounts in subparagraphs (A), (B), and (C) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

''(ii) The initial adjustments made under this subparagraph after the date of enactment of the Small Business Reauthorization Act of 1997 shall reflect only increases from March 31, 1993.''; and

(B) by striking paragraph (4) and inserting the following:

''(4) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the aggregate amount of outstanding leverage issued to any company or companies that are commonly controlled (as determined by the Administrator) may not exceed $90,000,000, as adjusted annually for increases in the Consumer Price Index.

''(B) EXCEPTIONS.—The Administrator may, on a case-by-case basis—

''(i) approve an amount of leverage that exceeds the amount described in subparagraph (A) for companies under common control; and

''(ii) impose such additional terms and conditions as the Administrator determines to be appropriate to minimize the risk of loss to the Administration in the event of default.

''(C) APPLICABILITY OF OTHER PROVISIONS.—Any leverage that is issued to a company or companies commonly controlled in an amount that exceeds $90,000,000, whether as a result of an increase in the Consumer Price Index or a decision of the Administrator, is subject to subsection (d).''; and

(2) by striking subsection (d) and inserting the following:

''(d) REQUIRED CERTIFICATIONS.—

''(1) IN GENERAL.—The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing—

''(A) for licensees with leverage less than or equal to $90,000,000, that not less than 20 percent of the licensee's aggregate dollar amount of financings will be provided to smaller enterprises; and

''(B) for licensees with leverage in excess of $90,000,000, that, in addition to satisfying the requirements of subparagraph (A), 100 percent of the licensee's aggregate dollar amount of financings made in whole or in part with leverage in excess of $90,000,000 will be provided to smaller enterprises (as defined in section 103(12)).

''(2) MULTIPLE LICENSEES.—Multiple licensees under common control (as determined by the Administrator) shall be considered to be a single licensee for purposes of determining both the applicability of and compliance with the investment percentage requirements of this subsection.''.

(c) TAX DISTRIBUTIONS.—Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended by adding at the end the following: ''A company may also elect to make a distribution under this paragraph at the end of any calendar quarter based on a quarterly estimate of the maximum tax liability. If a company makes 1 or more quarterly distributions for a calendar year, and the aggregate amount of those distributions exceeds the maximum amount that the company could have distributed based on a single annual computation, any subsequent distribution by the company under this paragraph shall be reduced by an amount equal to the excess amount distributed.''.

(d) LEVERAGE FEE.—Section 303(i) of the Small Business Investment Act of 1958 (15 U.S.C. 683(i)) is amended by striking '', payable upon'' and all that follows before the period and inserting the following: ''in the following manner: 1 percent upon the date on which the Administration enters into any commitment for such leverage with the licensee, and the balance of 2 percent (or 3 percent if no commitment has been entered into by the Administration) on the date on which the leverage is drawn by the licensee''.

(e) PERIODIC ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking ''three months'' and inserting ''6 months''.

SEC. 216. EXAMINATION FEES.

Section 310(b) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(b)) is amended by inserting after the first sentence the following: ''Fees collected under this subsection shall be deposited in the account for salaries and expenses of the Administration, and are authorized to be appropriated solely to cover the costs of examinations and other program oversight activities.''.

Subtitle C—Certified Development Company Program

SEC. 221. LOANS FOR PLANT ACQUISITION, CONSTRUCTION, CONVERSION, AND EXPANSION.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) USE OF PROCEEDS.—The proceeds of any such loan shall be used solely by the borrower to assist 1 or more identifiable small business concerns and for a sound business purpose approved by the Administration.'';

(2) in paragraph (3), by adding at the end the following:

''(D) SELLER FINANCING.—Seller-provided financing may be used to meet the requirements of subparagraph (B), if the seller subordinates the interest of the seller in the property to the debenture guaranteed by the Administration.

''(E) COLLATERALIZATION.—The collateral provided by the small business concern shall generally include a subordinate lien position on the property being financed under this title, and is only 1 of the factors to be evaluated in the credit determination. Additional collateral shall be required only if the Administration determines, on a case by case basis, that additional security is necessary to protect the interest of the Government.''; and

(3) by adding at the end the following:

''(5) LIMITATION ON LEASING.—In addition to any portion of the project permitted to be leased under paragraph (4), not to exceed 20 percent of the project may be leased by the assisted small business to 1 or more other tenants, if the assisted small business occupies permanently and uses not less than a total of 60 percent of the space in the project after the execution of any leases authorized under this section.''.

SEC. 222. DEVELOPMENT COMPANY DEBENTURES.

Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7), by striking subparagraph (A) and inserting the following:

''(A) assesses and collects a fee, which shall be payable by the borrower, in an amount established annually by the Administration, which amount shall not exceed the lesser of—

''(i) 0.9375 percent per year of the outstanding balance of the loan; and

''(ii) the minimum amount necessary to reduce the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this Act to zero; and''; and

(2) in subsection (f), by striking ''1997'' and inserting ''2000''.

SEC. 223. PREMIER CERTIFIED LENDERS PROGRAM.

(a) IN GENERAL.—Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking ''not more than 15'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''if such company'';

(ii) by striking subparagraphs (A) and (B) and inserting the following:

''(A) if the company is an active certified development company in good standing and has been an active participant in the accredited lenders program during the entire 12-month period preceding the date on which the company submits an application under paragraph (1), except that the Administration may waive this requirement if the company is qualified to participate in the accredited lenders program;

''(B) if the company has a history of—

''(i) submitting to the Administration adequately analyzed debenture guarantee application packages; and

''(ii) of properly closing section 504 loans and servicing its loan portfolio;'';

(iii) in subparagraph (C)—

(I) by inserting ''if the company'' after ''(C)''; and

(II) by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) the Administrator determines, with respect to the company, that the loss reserve established in accordance with subsection (c)(2) is sufficient for the company to meet its obligations to protect the Federal Government from risk of loss.''; and

(B) by adding at the end the following:

''(3) APPLICABILITY OF CRITERIA AFTER DESIGNATION.—The Administrator may revoke the designation of a certified development company as a premier certified lender under this section at any time, if the Administrator determines that the certified development company does not meet any requirement described in subparagraphs (A) through (D) of paragraph (2).'';

(3) by striking subsection (c) and inserting the following:

''(c) LOSS RESERVE.—

''(1) ESTABLISHMENT.—A company designated as a premier certified lender shall establish a loss reserve for financing approved pursuant to this section.

''(2) AMOUNT.—The amount of each loss reserve established under paragraph (1) shall be 10 percent of the amount of the company's exposure, as determined under subsection (b)(2)(C).

''(3) ASSETS.—Each loss reserve established under paragraph (1) shall be comprised of—

''(A) segregated funds on deposit in an account or accounts with a federally insured depository institution or institutions selected by the company, subject to a collateral assignment in favor of, and in a format acceptable to, the Administration;

''(B) irrevocable letter or letters of credit, with a collateral assignment in favor of, and a commercially reasonable format acceptable to, the Administration; or

''(C) any combination of the assets described in subparagraphs (A) and (B).

''(4) CONTRIBUTIONS.—The company shall make contributions to the loss reserve, either cash or letters of credit as provided above, in the following amounts and at the following intervals:

''(A) 50 percent when a debenture is closed.

''(B) 25 percent additional not later than 1 year after a debenture is closed.

''(C) 25 percent additional not later than 2 years after a debenture is closed.

''(5) REPLENISHMENT.—If a loss has been sustained by the Administration, any portion of the loss reserve, and other funds provided by the premier company as necessary, may be used to reimburse the Administration for the premier company's 10 percent share of the loss as provided in subsection (b)(2)(C). If the company utilizes the reserve, within 30 days it shall replace an equivalent amount of funds.

''(6) DISBURSEMENTS.—The Administration shall allow the certified development company to withdraw from the loss reserve amounts attributable to any debenture that has been repaid.'';

(4) in subsection (d)(1), by striking ''to approve loans'' and inserting ''to approve, authorize, close, service, foreclose, litigate (except that the Administration may monitor the conduct of any such litigation to which a premier certified lender is a party), and liquidate loans'';

(5) in subsection (f), by striking ''State or local'' and inserting ''certified'';

(6) in subsection (g), by striking the subsection heading and inserting the following:

''(g) EFFECT OF SUSPENSION OR REVOCATION.—'';

(7) by striking subsection (h) and inserting the following:

''(h) PROGRAM GOALS.—Each certified development company participating in the program under this section shall establish a goal of processing a minimum of not less than 50 percent of the loan applications for assistance under section 504 pursuant to the program authorized under this section.''; and

(8) in subsection (i), by striking ''other lenders'' and inserting ''other lenders, specifically comparing default rates and recovery rates on liquidations''.

(b) REGULATIONS.—The Administrator shall—

(1) not later than 150 days after the date of enactment of this Act, promulgate regulations to carry out the amendments made by subsection (a); and

(2) not later than 180 days after the date of enactment of this Act, issue program guidelines and fully implement the amendments made by subsection (a).

(c) PROGRAM EXTENSION.—Section 217(b) of the Small Business Reauthorization and Amendments Act of 1994 (15 U.S.C. 697e note) is amended by striking "October 1, 1997" and inserting "October 1, 2000".

Subtitle D—Miscellaneous Provisions

SEC. 231. BACKGROUND CHECK OF LOAN APPLICANTS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking "(a) The Administration" and inserting the following:

"(a) LOANS TO SMALL BUSINESS CONCERNS; ALLOWABLE PURPOSES; QUALIFIED BUSINESS; RESTRICTIONS AND LIMITATIONS.—The Administration"; and

(2) in paragraph (1)—

(A) by striking "(1) No financial" and inserting the following:

"(1) IN GENERAL.—

"(A) CREDIT ELSEWHERE.—No financial"; and

(B) by adding at the end the following:

"(B) BACKGROUND CHECKS.—Prior to the approval of any loan made pursuant to this subsection, or section 503 of the Small Business Investment Act of 1958, the Administrator may verify the applicant's criminal background, or lack thereof, through the best available means, including, if possible, use of the National Crime Information Center computer system at the Federal Bureau of Investigation.".

SEC. 232. REPORT ON INCREASED LENDER APPROVAL, SERVICING, FORECLOSURE, LIQUIDATION, AND LITIGATION OF SECTION 7(a) LOANS.

(a) IN GENERAL.—

(1) SUBMISSION.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to the Committees a report on action taken and planned for future reliance on private sector lender resources to originate, approve, close, service, liquidate, foreclose, and litigate loans made under section 7(a) of the Small Business Act.

(2) CONTENTS.—The report under this subsection shall address administrative and other steps necessary to achieve the results described in paragraph (1), including—

(A) streamlining the process for approving lenders and standardizing requirements;

(B) establishing uniform reporting requirements using on-line automated capabilities to the maximum extent feasible;

(C) reducing paperwork through automation, simplified forms, or incorporation of lender's forms;

(D) providing uniform standards for approval, closing, servicing, foreclosure, and liquidation;

(E) promulgating new regulations or amending existing ones;

(F) establishing a timetable for implementing the plan for reliance on private sector lenders;

(G) implementing organizational changes at SBA; and

(H) estimating the annual savings that would occur as a result of implementation.

(b) CONSULTATION.—In preparing the report under subsection (a), the Administrator shall consult with, among others—

(1) borrowers and lenders under section 7(a) of the Small Business Act;

(2) small businesses that are potential program participants under section 7(a) of the Small Business Act;

(3) financial institutions that are potential program lenders under section 7(a) of the Small Business Act; and

(4) representative industry associations.

SEC. 233. COMPLETION OF PLANNING FOR LOAN MONITORING SYSTEM.

(a) IN GENERAL.—The Administrator shall perform and complete the planning needed to serve as the basis for funding the development and implementation of the computerized loan monitoring system, including—

(1) fully defining the system requirement using on-line, automated capabilities to the extent feasible;

(2) identifying all data inputs and outputs necessary for timely report generation;

(3) benchmark loan monitoring business processes and systems against comparable industry processes and, if appropriate, simplify or redefine work processes based on these benchmarks;

(4) determine data quality standards and control systems for ensuring information accuracy;

(5) identify an acquisition strategy and work increments to completion;

(6) analyze the benefits and costs of alternatives and use to demonstrate the advantage of the final project;

(7) ensure that the proposed information system is consistent with the agency's information architecture; and

(8) estimate the cost to system completion, identifying the essential cost element.

(b) REPORT.—

(1) IN GENERAL.—On the date that is 6 months after the date of enactment of this Act, the Administrator shall submit a report on the progress of the Administrator in carrying out subsection (a) to—

(A) the Committees; and

(B) the Comptroller General of the United States.

(2) EVALUATION.—Not later than 28 days after receipt of the report under paragraph (1)(B), the Comptroller General of the United States shall—

(A) prepare a written evaluation of the report for compliance with subsection (a); and

(B) submit the evaluation to the Committees.

(3) LIMITATION.—None of the funds provided for the purchase of the loan monitoring system may be obligated or expended until 45 days after the date on which the Committees and the Comptroller General of the United States receive the report under paragraph (1).

TITLE III—WOMEN'S BUSINESS ENTERPRISES

SEC. 301. INTERAGENCY COMMITTEE PARTICIPATION.

Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking "and Amendments Act of 1994" and inserting "Act of 1997"; and

(B) by inserting before the final period ", and who shall report directly to the head of the agency on the status of the activities of the Interagency Committee";

(2) in subsection (a)(2)(B), by inserting before the final period the following: "and shall report directly to the Administrator on the status of the activities on the Interagency Committee and shall serve as the Interagency Committee Liaison to the National Women's Business Council established under section 405"; and

(3) in subsection (b), by striking "and Amendments Act of 1994" and inserting "Act of 1997".

SEC. 302. REPORTS.

Section 404 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by inserting ", through the Small Business Administration," after "transmit";

(2) by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in paragraph (1), as redesignated, by inserting before the semicolon the following: ", including a verbatim report on the status of progress of the Interagency Committee in meeting its responsibilities and duties under section 402(a)".

SEC. 303. COUNCIL DUTIES.

Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (c), by inserting after "Administrator" the following: "(through the Assistant Administrator of the Office of Women's Business Ownership)"; and

(2) in subsection (d)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(6) not later than 90 days after the last day of each fiscal year, submit to the President and to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report containing—

"(A) a detailed description of the activities of the council, including a status report on the Council's progress toward meeting its duties outlined in subsections (a) and (d) of section 406;

"(B) the findings, conclusions, and recommendations of the Council; and

"(C) the Council's recommendations for such legislation and administrative actions as the Council considers appropriate to promote the development of small business concerns owned and controlled by women.

"(e) FORM OF TRANSMITTAL.—The information included in each report under subsection (d) that is described in subparagraphs (A) through (C) of subsection (d)(6), shall be reported verbatim, together with any separate additional, concurring, or dissenting views of the Administrator.".

SEC. 304. COUNCIL MEMBERSHIP.

Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by striking "and Amendments Act of 1994" and inserting "Act of 1997";

(2) in subsection (b)—

(A) by striking "and Amendments Act of 1994" and inserting "Act of 1997";

(B) by inserting after "the Administrator shall" the following: ", after receiving the recommendations of the Chairman and the Ranking Member of the Committees on Small Business of the House of Representatives and the Senate,";

(C) by striking "9" and inserting "14";

(D) in paragraph (1), by striking "2" and inserting "4";

(E) in paragraph (2), by striking "2" and inserting "4"; and

(F) in paragraph (3)—

(i) by striking "5" and inserting "6";

(ii) by striking "national"; and

(iii) by inserting ", including representatives of women's business center sites" before the period at the end;

(3) in subsection (c), by inserting "(including both urban and rural areas)" after "geographic";

(4) by striking subsection (d) and inserting the following:

"(d) TERMS.—Each member of the Council shall be appointed for a term of 3 years, except that, of the initial members appointed to the Council—

"(1) 2 members appointed under subsection (b)(1) shall be appointed for a term of 1 year;

"(2) 2 members appointed under subsection (b)(2) shall be appointed for a term of 1 year; and

"(3) each member appointed under subsection (b)(3) shall be appointed for a term of 2 years."; and

(5) by striking subsection (f) and inserting the following:

"(f) VACANCIES.—

"(1) IN GENERAL.—A vacancy on the Council shall be filled not later than 30 days after the

date on which the vacancy occurs, in the manner in which the original appointment was made, and shall be subject to any conditions that applied to the original appointment.

''(2) UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.''.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

''SEC. 411. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $600,000, for each of fiscal years 1998 through 2000, of which $200,000 shall be available in each fiscal year to carry out sections 409 and 410.

''(b) BUDGET REVIEW.—No amount made available under this section for any fiscal year may be obligated or expended by the Council before the date on which the Council reviews and approves the operating budget of the Council to carry out the responsibilities of the Council for that fiscal year.''.

SEC. 306. NATIONAL WOMEN'S BUSINESS COUNCIL PROCUREMENT PROJECT.

The Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by inserting after section 408 the following:

''SEC. 409. NATIONAL WOMEN'S BUSINESS COUNCIL PROCUREMENT PROJECT.

''(a) FEDERAL PROCUREMENT STUDY.—

''(1) IN GENERAL.—During the first fiscal year for which amounts are made available to carry out this section, the Council shall conduct a study on the award of Federal prime contracts and subcontracts to women-owned businesses, which study shall include—

''(A) an analysis of data collected by Federal agencies on contract awards to women-owned businesses;

''(B) a determination of the degree to which individual Federal agencies are in compliance with the 5 percent women-owned business procurement goal established by section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1));

''(C) a determination of the types and amounts of Federal contracts characteristically awarded to women-owned businesses; and

''(D) other relevant information relating to participation of women-owned businesses in Federal procurement.

''(2) SUBMISSION OF RESULTS.—Not later than 12 months after initiating the study under paragraph (1), the Council shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to the President, the results of the study conducted under paragraph (1).

''(b) BEST PRACTICES REPORT.—Not later than 18 months after initiating the study under subsection (a)(1), the Council shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to the President, a report, which shall include—

''(1) an analysis of the most successful practices in attracting women-owned businesses as prime contractors and subcontractors by—

''(A) Federal agencies (as supported by findings from the study required under subsection (a)(1)) in Federal procurement awards; and

''(B) the private sector; and

''(2) recommendations for policy changes in Federal procurement practices, including an increase in the Federal procurement goal for women-owned businesses, in order to maximize the number of women-owned businesses performing Federal contracts.

''(c) CONTRACT AUTHORITY.—In conducting any study or other research under this section, the Council may contract with 1 or more public or private entities.''.

SEC. 307. STUDIES AND OTHER RESEARCH.

The Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by inserting after section 409 (as added by section 306 of this title) the following:

''SEC. 410. STUDIES AND OTHER RESEARCH.

''(a) IN GENERAL.—To the extent that it does not delay submission of the report under section 409(b), the Council may also conduct such studies and other research relating to the award of Federal prime contracts and subcontracts to women-owned businesses, or to issues relating to access to credit and investment capital by women entrepreneurs, as the Council determines to be appropriate.

''(b) CONTRACT AUTHORITY.—In conducting any study or other research under this section, the Council may contract with 1 or more public or private entities.''.

SEC. 308. WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended to read as follows:

''SEC. 29. WOMEN'S BUSINESS CENTER PROGRAM.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Assistant Administrator' means the Assistant Administrator of the Office of Women's Business Ownership established under subsection (g);

''(2) the term 'small business concern owned and controlled by women', either startup or existing, includes any small business concern—

''(A) that is not less than 51 percent owned by 1 or more women; and

''(B) the management and daily business operations of which are controlled by 1 or more women; and

''(3) the term 'women's business center site' means the location of—

''(A) a women's business center; or

''(B) 1 or more women's business centers, established in conjunction with another women's business center in another location within a State or region—

''(i) that reach a distinct population that would otherwise not be served;

''(ii) whose services are targeted to women; and

''(iii) whose scope, function, and activities are similar to those of the primary women's business center or centers in conjunction with which it was established.

''(b) AUTHORITY.—The Administration may provide financial assistance to private organizations to conduct 5-year projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

''(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

''(2) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

''(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

''(c) CONDITIONS OF PARTICIPATION.—

''(1) NON-FEDERAL CONTRIBUTIONS.—As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

''(A) in the first and second years, 1 non-Federal dollar for each 2 Federal dollars;

''(B) in the third and fourth years, 1 non-Federal dollar for each Federal dollar; and

''(C) in the fifth year, 2 non-Federal dollars for each Federal dollar.

''(2) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than one-half of the non-Federal sector matching assistance may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

''(3) FORM OF FEDERAL CONTRIBUTIONS.—The financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

''(4) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—If any recipient of assistance fails to obtain the required non-Federal contribution during any project, it shall not be eligible thereafter for advance disbursements pursuant to paragraph (3) during the remainder of that project, or for any other project for which it is or may be funded by the Administration, and prior to approving assistance to such organization for any other projects, the Administration shall specifically determine whether the Administration believes that the recipient will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

''(d) CONTRACT AUTHORITY.—A women's business center may enter into a contract with a Federal department or agency to provide specific assistance to women and other underserved small business concerns. Performance of such contract should not hinder the women's business centers in carrying out the terms of the grant received by the women's business centers from the Administration.

''(e) SUBMISSION OF 5-YEAR PLAN.—Each applicant organization initially shall submit a 5-year plan to the Administration on proposed fundraising and training activities, and a recipient organization may receive financial assistance under this program for a maximum of 5 years per women's business center site.

''(f) CRITERIA.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration. The criteria shall include—

''(1) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of women business owners or potential owners;

''(2) the present ability of the applicant to commence a project within a minimum amount of time;

''(3) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

''(4) the location for the women's business center site proposed by the applicant.

''(g) OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—

''(1) ESTABLISHMENT.—There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises (as defined in section 408 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note)). The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.

''(2) ASSISTANT ADMINISTRATOR OF THE OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—

''(A) QUALIFICATION.—The position of Assistant Administrator shall be a Senior Executive Service position under section 3132(a)(2) of title 5, United States Code. The Assistant Administrator shall serve as a noncareer appointee (as defined in section 3132(a)(7) of that title).

''(B) RESPONSIBILITIES AND DUTIES.—

''(i) RESPONSIBILITIES.—The responsibilities of the Assistant Administrator shall be to administer the programs and services of the Office of Women's Business Ownership established to assist women entrepreneurs in the areas of—

''(I) starting and operating a small business;

''(II) development of management and technical skills;

''(III) seeking Federal procurement opportunities; and

''(IV) increasing the opportunity for access to capital.

''(ii) DUTIES.—The Assistant Administrator shall—

''(I) administer and manage the Women's Business Center program;

''(II) recommend the annual administrative and program budgets for the Office of Women's Business Ownership (including the budget for the Women's Business Center program);

''(III) establish appropriate funding levels therefore;

''(IV) review the annual budgets submitted by each applicant for the Women's Business Center program;

''(V) select applicants to participate in the program under this section;

''(VI) implement this section;

''(VII) maintain a clearinghouse to provide for the dissemination and exchange of information between women's business centers;

''(VIII) serve as the vice chairperson of the Interagency Committee on Women's Business Enterprise;

''(IX) serve as liaison for the National Women's Business Council; and

''(X) advise the Administrator on appointments to the Women's Business Council.

''(C) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Assistant Administrator shall confer with and seek the advice of the Administration officials in areas served by the women's business centers.

''(h) PROGRAM EXAMINATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Small Business Reauthorization Act of 1997, the Administrator shall develop and implement an annual programmatic and financial examination of each women's business center established pursuant to this section.

''(2) EXTENSION OF CONTRACTS.—In extending or renewing a contract with a women's business center, the Administrator shall consider the results of the examination conducted under paragraph (1).

''(i) CONTRACT AUTHORITY.—The authority of the Administrator to enter into contracts shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts. After the Administrator has entered into a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate, or fail to renew or extend any such contract unless the Administrator provides the applicant with written notification setting forth the reasons therefore and affords the applicant an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

''(j) REPORT.—The Administrator shall prepare and submit an annual report to the Committees on Small Business of the House of Representatives and the Senate on the effectiveness of all projects conducted under the authority of this section. Such report shall provide information concerning—

''(1) the number of individuals receiving assistance;

''(2) the number of startup business concerns formed;

''(3) the gross receipts of assisted concerns;

''(4) increases or decreases in profits of assisted concerns; and

''(5) the employment increases or decreases of assisted concerns.

''(k) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated $8,000,000 for each fiscal year to carry out the projects authorized under this section, of which, for fiscal year 1998, not more than 5 percent may be used for administrative expenses related to the program under this section.

''(2) USE OF AMOUNTS.—Amounts made available under this subsection for fiscal year 1999, and each fiscal year thereafter, may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

''(3) EXPEDITED ACQUISITION.—Notwithstanding any other provision of law, the Administrator, acting through the Assistant Administrator, may use such expedited acquisition methods as the Administrator determines to be appropriate to carry out this section, except that the Administrator shall ensure that all small business sources are provided a reasonable opportunity to submit proposals.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), any organization conducting a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) (as in effect on the day before the effective date of this Act) on September 30, 1997, may request an extension of the term of that project to a total term of 5 years. If such an extension is made, the organization shall receive financial assistance in accordance with section 29(c) of the Small Business Act (as amended by this section) subject to procedures established by the Administrator, in coordination with the Assistant Administrator of the Office of Women's Business Ownership established under section 29 of the Small Business Act (15 U.S.C. 656) (as amended by this section).

(2) TERMS OF ASSISTANCE FOR CERTAIN ORGANIZATIONS.—Any organization operating in the third year of a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) (as in effect on the day before the effective date of this Act) on September 30, 1997, may request an extension of the term of that project to a total term of 5 years. If such an extension is made, during the fourth and fifth years of the project, the organization shall receive financial assistance in accordance with section 29(c)(1)(C) of the Small Business Act (as amended by this section) subject to procedures established by the Administrator, in coordination with the Assistant Administrator of the Office of Women's Business Ownership established under section 29 of the Small Business Act (15 U.S.C. 656) (as amended by this section).

TITLE IV—COMPETITIVENESS PROGRAM AND PROCUREMENT OPPORTUNITIES

Subtitle A—Small Business Competitiveness Program

SEC. 401. PROGRAM TERM.

Section 711(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking '', and terminate on September 30, 1997''.

SEC. 402. MONITORING AGENCY PERFORMANCE.

Section 712(d)(1) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended to read as follows:

''(1) Participating agencies shall monitor the attainment of their small business participation goals on an annual basis. An annual review by each participating agency shall be completed not later than January 31 of each year, based on the data for the preceding fiscal year, from October 1 through September 30.''.

SEC. 403. REPORTS TO CONGRESS.

Section 716(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking ''1996'' and inserting ''2000'';

(2) by striking ''for Federal Procurement Policy'' and inserting ''of the Small Business Administration''; and

(3) by striking ''Government Operations'' and inserting ''Government Reform and Oversight''.

SEC. 404. SMALL BUSINESS PARTICIPATION IN DREDGING.

Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking ''and terminating on September 30, 1997''.

SEC. 405. TECHNICAL AMENDMENTS.

Section 717 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by inserting ''or North American Industrial Classification Code'' after ''standard industrial classification code'' each place it appears; and

(2) by inserting ''or North American Industrial Classification Codes'' after ''standard industrial classification codes'' each place it appears.

Subtitle B—Small Business Procurement Opportunities Program

SEC. 411. CONTRACT BUNDLING.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following:

''(j) CONTRACT BUNDLING.—In complying with the statement of congressional policy expressed in subsection (a), relating to fostering the participation of small business concerns in the contracting opportunities of the Government, each Federal agency, to the maximum extent practicable, shall—

''(1) comply with congressional intent to foster the participation of small business concerns as prime contractors, subcontractors, and suppliers;

''(2) structure its contracting requirements to facilitate competition by and among small business concerns, taking all reasonable steps to eliminate obstacles to their participation; and

''(3) avoid unnecessary and unjustified bundling of contract requirements that precludes small business participation in procurements as prime contractors.''.

SEC. 412. DEFINITION OF CONTRACT BUNDLING.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—In this Act:

''(1) BUNDLED CONTRACT.—The term 'bundled contract' means a contract that is entered into to meet requirements that are consolidated in a bundling of contract requirements.

''(2) BUNDLING OF CONTRACT REQUIREMENTS.—The term 'bundling of contract requirements' means consolidating 2 or more procurement requirements for goods or services previously provided or performed under separate smaller contracts into a solicitation of offers for a single contract that is likely to be unsuitable for award to a small-business concern due to—

''(A) the diversity, size, or specialized nature of the elements of the performance specified;

''(B) the aggregate dollar value of the anticipated award;

"(C) the geographical dispersion of the contract performance sites; or

"(D) any combination of the factors described in subparagraphs (A), (B), and (C).

"(3) SEPARATE SMALLER CONTRACT.—The term 'separate smaller contract', with respect to a bundling of contract requirements, means a contract that has been performed by 1 or more small business concerns or was suitable for award to 1 or more small business concerns.".

SEC. 413. ASSESSING PROPOSED CONTRACT BUNDLING.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by inserting after subsection (d) the following:

"(e) PROCUREMENT STRATEGIES; CONTRACT BUNDLING.—

"(1) IN GENERAL.—To the maximum extent practicable, procurement strategies used by the various agencies having contracting authority shall facilitate the maximum participation of small business concerns as prime contractors, subcontractors, and suppliers.

"(2) MARKET RESEARCH.—

"(A) IN GENERAL.—Before proceeding with an acquisition strategy that could lead to a contract containing consolidated procurement requirements, the head of an agency shall conduct market research to determine whether consolidation of the requirements is necessary and justified.

"(B) FACTORS.—For purposes of subparagraph (A), consolidation of the requirements may be determined as being necessary and justified if, as compared to the benefits that would be derived from contracting to meet those requirements if not consolidated, the Federal Government would derive from the consolidation measurably substantial benefits, including any combination of benefits that, in combination, are measurably substantial. Benefits described in the preceding sentence may include the following:

"(i) Cost savings.

"(ii) Quality improvements.

"(iii) Reduction in acquisition cycle times.

"(iv) Better terms and conditions.

"(v) Any other benefits.

"(C) REDUCTION OF COSTS NOT DETERMINATIVE.—The reduction of administrative or personnel costs alone shall not be a justification for bundling of contract requirements unless the cost savings are expected to be substantial in relation to the dollar value of the procurement requirements to be consolidated.

"(3) STRATEGY SPECIFICATIONS.—If the head of a contracting agency determines that a proposed procurement strategy for a procurement involves a substantial bundling of contract requirements, the proposed procurement strategy shall—

"(A) identify specifically the benefits anticipated to be derived from the bundling of contract requirements;

"(B) set forth an assessment of the specific impediments to participation by small business concerns as prime contractors that result from the bundling of contract requirements and specify actions designed to maximize small business participation as subcontractors (including suppliers) at various tiers under the contract or contracts that are awarded to meet the requirements; and

"(C) include a specific determination that the anticipated benefits of the proposed bundled contract justify its use.

"(4) CONTRACT TEAMING.—In the case of a solicitation of offers for a bundled contract that is issued by the head of an agency, a small-business concern may submit an offer that provides for use of a particular team of subcontractors for the performance of the contract. The head of the agency shall evaluate the offer in the same manner as other offers, with due consideration to the capabilities of all of the proposed subcontractors. If a small business concern teams under this paragraph, it shall not affect its status as a small business concern for any other purpose.".

(b) ADMINISTRATION REVIEW.—Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended in the third sentence—

(1) by inserting "or the solicitation involves an unnecessary or unjustified bundling of contract requirements, as determined by the Administration," after "discrete construction projects,";

(2) by striking "or (4)" and inserting "(4)"; and

(3) by inserting before the period at the end of the sentence the following: ", or (5) why the agency has determined that the bundled contract (as defined in section 3(o)) is necessary and justified".

(c) RESPONSIBILITIES OF AGENCY SMALL BUSINESS ADVOCATES.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) identify proposed solicitations that involve significant bundling of contract requirements, and work with the agency acquisition officials and the Administration to revise the procurement strategies for such proposed solicitations where appropriate to increase the probability of participation by small businesses as prime contractors, or to facilitate small business participation as subcontractors and suppliers, if a solicitation for a bundled contract is to be issued;".

SEC. 414. REPORTING OF BUNDLED CONTRACT OPPORTUNITIES.

(a) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect data regarding bundling of contract requirements when the contracting officer anticipates that the resulting contract price, including all options, is expected to exceed $5,000,000. The data shall reflect a determination made by the contracting officer regarding whether a particular solicitation constitutes a contract bundling.

(b) DEFINITIONS.—In this section, the term "bundling of contract requirements" has the meaning given that term in section 3(o) of the Small Business Act (15 U.S.C. 632(o)) (as added by section 412 of this subtitle).

SEC. 415. EVALUATING SUBCONTRACT PARTICIPATION IN AWARDING CONTRACTS.

Section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)) is amended by adding at the end the following:

"(G) The following factors shall be designated by the Federal agency as significant factors for purposes of evaluating offers for a bundled contract where the head of the agency determines that the contract offers a significant opportunity for subcontracting:

"(i) A factor that is based on the rate provided under the subcontracting plan for small business participation in the performance of the contract.

"(ii) For the evaluation of past performance of an offeror, a factor that is based on the extent to which the offeror attained applicable goals for small business participation in the performance of contracts.".

SEC. 416. IMPROVED NOTICE OF SUBCONTRACTING OPPORTUNITIES.

(a) USE OF THE COMMERCE BUSINESS DAILY AUTHORIZED.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

"(k) NOTICES OF SUBCONTRACTING OPPORTUNITIES.—

"(1) IN GENERAL.—Notices of subcontracting opportunities may be submitted for publication in the Commerce Business Daily by—

"(A) a business concern awarded a contract by an executive agency subject to subsection (e)(1)(C); and

"(B) a business concern that is a subcontractor or supplier (at any tier) to such contractor having a subcontracting opportunity in excess of $10,000.

"(2) CONTENT OF NOTICE.—The notice of a subcontracting opportunity shall include—

"(A) a description of the business opportunity that is comparable to the description specified in paragraphs (1), (2), (3), and (4) of subsection (f); and

"(B) the due date for receipt of offers.".

(b) REGULATIONS REQUIRED.—The Federal Acquisition Regulation shall be amended to provide uniform implementation of the amendments made by this section.

(c) CONFORMING AMENDMENT.—Section 8(e)(1)(C) of the Small Business Act (15 U.S.C. 637(e)(1)(C)) is amended by striking "$25,000" each place that term appears and inserting "$100,000".

SEC. 417. DEADLINES FOR ISSUANCE OF REGULATIONS.

(a) PROPOSED REGULATIONS.—Proposed amendments to the Federal Acquisition Regulation or proposed Small Business Administration regulations under this subtitle and the amendments made by this subtitle shall be published not later than 120 days after the date of enactment of this Act for the purpose of obtaining public comment pursuant to section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b), or chapter 5 of title 5, United States Code, as appropriate. The public shall be afforded not less than 60 days to submit comments.

(b) FINAL REGULATIONS.—Final regulations shall be published not later than 270 days after the date of enactment of this Act. The effective date for such final regulations shall be not less than 30 days after the date of publication.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) REQUIRED EXPENDITURES.—Section 9(n) of the Small Business Act (15 U.S.C. 638(n)) is amended by striking paragraph (1) and inserting the following:

"(1) REQUIRED EXPENDITURE AMOUNTS.—With respect to fiscal years 1998, 1999, 2000, and 2001, each Federal agency that has an extramural budget for research, or research and development, in excess of $1,000,000,000 for that fiscal year, is authorized to expend with small business concerns not less than 0.15 percent of that extramural budget specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.".

(b) REPORTS AND OUTREACH.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (o)—

(i) by redesignating paragraphs (8) through (11) as paragraphs (10) through (13), respectively; and

(ii) by inserting after paragraph (7) the following:

"(8) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its STTR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives;

"(9) collect such data from awardees as is necessary to assess STTR program outputs and outcomes;";

(B) in subsection (e)(4)(A), by striking ''(ii)''; and

(C) by adding at the end the following:

''(s) OUTREACH.—

''(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State—

''(A) if the total value of contracts awarded to the State during fiscal year 1995 under this section was less than $5,000,000; and

''(B) that certifies to the Administration described in paragraph (2) that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

''(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for fiscal year 1998, 1999, 2000, or 2001 the Administrator may expend with eligible States not more than $2,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

''(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

''(A) shall be equal to twice the total amount of matching funds from non-Federal sources provided by the State; and

''(B) shall not exceed $100,000.

''(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

''(A) the establishment of quantifiable performance goals, including goals relating to—

''(i) the number of program awards under this section made to small business concerns in the State; and

''(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

''(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

''(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.

''(t) INCLUSION IN STRATEGIC PLANS.—Program information relating to the SBIR and STTR programs shall be included by each Federal agency in any update or revision required of the Federal agency under section 306(b) of title 5, United States Code.''.

(2) REPEAL.—Effective October 1, 2001, section 9(s) of the Small Business Act (as added by paragraph (1) of this subsection) is repealed.

SEC. 502. SMALL BUSINESS DEVELOPMENT CENTERS.

(a) IN GENERAL.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) in paragraph (1)—

(A) by inserting ''any women's business center operating pursuant to section 29,'' after ''credit or finance corporation,'';

(B) by inserting ''or a women's business center operating pursuant to section 29'' after ''other than an institution of higher education''; and

(C) by inserting ''and women's business centers operating pursuant to section 29'' after ''utilize institutions of higher education'';

(2) in paragraph (3)—

(A) by striking '', but with'' and all that follows through ''parties.'' and inserting the following: ''for the delivery of programs and services to the small business community. Such programs and services shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, pursuant to an executed cooperative agreement between the Small Business Development Center applicant and the Administration.''; and

(B) by adding at the end the following:

''(C) On an annual basis, the Small Business Development Center shall review and coordinate public and private partnerships and cosponsorships with the Administration for the purpose of more efficiently leveraging available resources on a National and a State basis.'';

(3) in paragraph (4)(C)—

(A) by striking clause (i) and inserting the following:

''(i) IN GENERAL.—

''(I) GRANT AMOUNT.—Subject to subclauses (II) and (III), the amount of a grant received by a State under this section shall be equal to the greater of $500,000, or the sum of—

''(aa) the State's pro rata share of the national program, based upon the population of the State as compared to the total population of the United States; and

''(bb) $300,000 in fiscal year 1998, $400,000 in fiscal year 1999, and $500,000 in each fiscal year thereafter.

''(II) PRO RATA REDUCTIONS.—If the amount made available to carry out this section for any fiscal year is insufficient to carry out subclause (I)(bb), the Administration shall make pro rata reductions in the amounts otherwise payable to States under subclause (I)(bb).

''(III) MATCHING REQUIREMENT.—The amount of a grant received by a State under this section shall not exceed the amount of matching funds from sources other than the Federal Government provided by the State under subparagraph (A).''; and

(B) in clause (iii), by striking ''(iii)'' and all that follows through ''1997.'' and inserting the following:

''(iii) NATIONAL PROGRAM.—There are authorized to be appropriated to carry out the national program under this section—

''(I) $85,000,000 for fiscal year 1998;

''(II) $90,000,000 for fiscal year 1999; and

''(III) $95,000,000 for fiscal year 2000 and each fiscal year thereafter.''; and

(4) in paragraph (6)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the comma at the end and inserting ''; and''; and

(C) inserting after subparagraph (B) the following:

''(C) with outreach, development, and enhancement of minority-owned small business startups or expansions, HUBZone small business concerns, veteran-owned small business startups or expansions, and women-owned small business startups or expansions, in communities impacted by base closings or military or corporate downsizing, or in rural or underserved communities;''.

(b) SBDC SERVICES.—Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''businesses;'' and inserting ''businesses, including—

''(i) working with individuals to increase awareness of basic credit practices and credit requirements;

''(ii) working with individuals to development business plans, financial packages, credit applications, and contract proposals;

''(iii) working with the Administration to develop and provide informational tools for use in working with individuals on pre-business startup planning, existing business expansion, and export planning; and

''(iv) working with individuals referred by the local offices of the Administration and Administration participating lenders;'';

(B) in each of subparagraphs (B), (C), (D), (E), (F), (G), (M), (N), (O), (Q), and (R) by moving each margin 2 ems to the left; and

(C) in subparagraph (C), by inserting ''and the Administration'' after ''Center'';

(2) in paragraph (5)—

(A) by moving the margin 2 ems to the right;

(B) by striking ''paragraph (a)(1)'' and inserting ''subsection (a)(1)'';

(C) by striking ''which ever'' and inserting ''whichever''; and

(D) by striking ''last,'' and inserting ''last,'';

(3) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(4) in paragraph (3), in the undesignated material following subparagraph (R), by striking ''A small'' and inserting the following:

''(4) A small''.

(c) COMPETITIVE AWARDS.—Section 21(l) of the Small Business Act (15 U.S.C. 648(l)) is amended by adding at the end the following: ''If any contract or cooperative agreement under this section with an entity that is covered by this section is not renewed or extended, any award of a successor contract or cooperative agreement under this section to another entity shall be made on a competitive basis.''.

(d) PROHIBITION ON CERTAIN FEES.—Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

''(m) PROHIBITION ON CERTAIN FEES.—A small business development center shall not impose or otherwise collect a fee or other compensation in connection with the provision of counseling services under this section.''.

SEC. 503. PILOT PREFERRED SURETY BOND GUARANTEE PROGRAM EXTENSION.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking ''September 30, 1997'' and inserting ''September 30, 2000''.

SEC. 504. EXTENSION OF COSPONSORSHIP AUTHORITY.

Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note) is amended by striking ''September 30, 1997'' and inserting ''September 30, 2000''.

SEC. 505. ASSET SALES.

In connection with the Administration's implementation of a program to sell to the private sector loans and other assets held by the Administration, the Administration shall provide to the Committees a copy of the draft and final plans describing the sale and the anticipated benefits resulting from such sale.

SEC. 506. SMALL BUSINESS EXPORT PROMOTION.

(a) IN GENERAL.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (Q), by striking ''and'' at the end;

(2) in subparagraph (R), by striking the period at the end and inserting ''; and''; and

(3) by inserting after subparagraph (R) the following:

''(S) providing small business owners with access to a wide variety of export-related information by establishing on-line computer linkages between small business development centers and an international trade data information network with ties to the Export Assistance Center program.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 21(c)(3)(S) of the Small Business Act (15 U.S.C. 648(c)(3)(S)), as added by this section, $1,500,000 for each fiscal years 1998 and 1999.

SEC. 507. DEFENSE LOAN AND TECHNICAL ASSISTANCE PROGRAM.

(a) DELTA PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Administrator may administer the Defense Loan and Technical Assistance program in accordance with the authority and requirements of this section.

(2) EXPIRATION OF AUTHORITY.—The authority of the Administrator to carry out the DELTA program under paragraph (1) shall terminate when the funds referred to in subsection (g)(1) have been expended.

(3) DELTA PROGRAM DEFINED.—In this section, the terms "Defense Loan and Technical Assistance program" and "DELTA program" mean the Defense Loan and Technical Assistance program that has been established by a memorandum of understanding entered into by the Administrator and the Secretary of Defense on June 26, 1995.

(b) ASSISTANCE.—

(1) AUTHORITY.—Under the DELTA program, the Administrator may assist small business concerns that are economically dependent on defense expenditures to acquire dual-use capabilities.

(2) FORMS OF ASSISTANCE.—Forms of assistance authorized under paragraph (1) are as follows:

(A) LOAN GUARANTEES.—Loan guarantees under the terms and conditions specified under this section and other applicable law.

(B) NONFINANCIAL ASSISTANCE.—Other forms of assistance that are not financial.

(c) ADMINISTRATION OF PROGRAM.—In the administration of the DELTA program under this section, the Administrator shall—

(1) process applications for DELTA program loan guarantees;

(2) guarantee repayment of the resulting loans in accordance with this section; and

(3) take such other actions as are necessary to administer the program.

(d) SELECTION AND ELIGIBILITY REQUIREMENTS FOR DELTA LOAN GUARANTEES.—

(1) IN GENERAL.—The selection criteria and eligibility requirements set forth in this subsection shall be applied in the selection of small business concerns to receive loan guarantees under the DELTA program.

(2) SELECTION CRITERIA.—The criteria used for the selection of a small business concern to receive a loan guarantee under this section are as follows:

(A) The selection criteria established under the memorandum of understanding referred to in subsection (a)(3).

(B) The extent to which the loans to be guaranteed would support the retention of defense workers whose employment would otherwise be permanently or temporarily terminated as a result of reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(C) The extent to which the loans to be guaranteed would stimulate job creation and new economic activities in communities most adversely affected by reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(D) The extent to which the loans to be guaranteed would be used to acquire (or permit the use of other funds to acquire) capital equipment to modernize or expand the facilities of the borrower to enable the borrower to remain in the national technology and industrial base available to the Department of Defense.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a loan guarantee under the DELTA program, a borrower must demonstrate to the satisfaction of the Administrator that, during any 1 of the 5 preceding operating years of the borrower, not less than 25 percent of the value of the borrower's sales were derived from—

(A) contracts with the Department of Defense or the defense-related activities of the Department of Energy; or

(B) subcontracts in support of defense-related prime contracts.

(e) MAXIMUM AMOUNT OF LOAN PRINCIPAL.—With respect to each borrower, the maximum amount of loan principal for which the Administrator may provide a guarantee under this section during a fiscal year may not exceed $1,250,000.

(f) LOAN GUARANTY RATE.—The maximum allowable guarantee percentage for loans guaranteed under this section may not exceed 80 percent.

(g) FUNDING.—

(1) IN GENERAL.—The funds that have been made available for loan guarantees under the DELTA program and have been transferred from the Department of Defense to the Small Business Administration before the date of the enactment of this Act shall be used for carrying out the DELTA program under this section.

(2) CONTINUED AVAILABILITY OF EXISTING FUNDS.—The funds made available under the second proviso under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" in Public Law 103-335 (108 Stat. 2613) shall be available until expended—

(A) to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued under this section; and

(B) to cover the reasonable costs of the administration of the loan guarantees.

SEC. 508. VERY SMALL BUSINESS CONCERNS.

Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 644 note) is amended by striking "September 30, 1998" and inserting "September 30, 2000".

SEC. 509. TRADE ASSISTANCE PROGRAM FOR SMALL BUSINESS CONCERNS ADVERSELY AFFECTED BY NAFTA.

The Administrator shall coordinate Federal assistance in order to provide counseling to small business concerns adversely affected by the North American Free Trade Agreement.

TITLE VI—HUBZONE PROGRAM

SEC. 601. SHORT TITLE.

This title may be cited as the "HUBZone Act of 1997".

SEC. 602. HISTORICALLY UNDERUTILIZED BUSINESS ZONES.

(a) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) (as amended by section 412 of this Act) is amended by adding at the end the following:

"(p) DEFINITIONS RELATING TO HUBZONES.—In this Act:

"(1) HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—The term 'historically underutilized business zone' means any area located within 1 or more—

"(A) qualified census tracts;

"(B) qualified nonmetropolitan counties; or

"(C) lands within the external boundaries of an Indian reservation.

"(2) HUBZONE.—The term 'HUBZone' means a historically underutilized business zone.

"(3) HUBZONE SMALL BUSINESS CONCERN.—The term 'HUBZone small business concern' means a small business concern—

"(A) that is owned and controlled by 1 or more persons, each of whom is a United States citizen; and

"(B) the principal office of which is located in a HUBZone; or

"(4) QUALIFIED AREAS.—

"(A) QUALIFIED CENSUS TRACT.—The term 'qualified census tract' has the meaning given that term in section 42(d)(5)(C)(ii)(I) of the Internal Revenue Code of 1986.

"(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term 'qualified nonmetropolitan county' means any county—

"(i) that, based on the most recent data available from the Bureau of the Census of the Department of Commerce—

"(I) is not located in a metropolitan statistical area (as defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986); and

"(II) in which the median household income is less than 80 percent of the nonmetropolitan State median household income; or

"(ii) that, based on the most recent data available from the Secretary of Labor, has an unemployment rate that is not less than 140 percent of the statewide average unemployment rate for the State in which the county is located.

"(5) QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—

"(A) IN GENERAL.—A HUBZone small business concern is 'qualified', if—

"(i) the small business concern has certified in writing to the Administrator (or the Administrator otherwise determines, based on information submitted to the Administrator by the small business concern, or based on certification procedures, which shall be established by the Administration by regulation) that—

"(I) it is a HUBZone small business concern;

"(II) not less than 35 percent of the employees of the small business concern reside in a HUBZone, and the small business concern will attempt to maintain this employment percentage during the performance of any contract awarded to the small business concern on the basis of a preference provided under section 31(b); and

"(III) with respect to any subcontract entered into by the small business concern pursuant to a contract awarded to the small business concern under section 31, the small business concern will ensure that—

"(aa) in the case of a contract for services (except construction), not less than 50 percent of the cost of contract performance incurred for personnel will be expended for its employees or for employees of other HUBZone small business concerns; and

"(bb) in the case of a contract for procurement of supplies (other than procurement from a regular dealer in such supplies), not less than 50 percent of the cost of manufacturing the supplies (not including the cost of materials) will be incurred in connection with the performance of the contract in a HUBZone by 1 or more HUBZone small business concerns; and

"(ii) no certification made or information provided by the small business concern under clause (i) has been, in accordance with the procedures established under section 31(c)(1)—

"(I) successfully challenged by an interested party; or

"(II) otherwise determined by the Administrator to be materially false.

"(B) CHANGE IN PERCENTAGES.—The Administrator may utilize a percentage other than the percentage specified in under item (aa) or (bb) of subparagraph (A)(i)(III), if the Administrator determines that such action is necessary to reflect conventional industry practices among small business concerns that are below the numerical size standard for businesses in that industry category.

"(C) CONSTRUCTION AND OTHER CONTRACTS.—The Administrator shall promulgate final regulations imposing requirements that are similar to those specified in subclauses (IV) and (V) of subparagraph (A)(i) on contracts for general and specialty construction, and on contracts for any other industry category that would not otherwise be subject to those requirements. The percentage applicable to any such requirement shall be determined in accordance with subparagraph (B).

"(D) LIST OF QUALIFIED SMALL BUSINESS CONCERNS.—The Administrator shall establish and maintain a list of qualified HUBZone small business concerns, which list shall, to the extent practicable—

"(i) include the name, address, and type of business with respect to each such small business concern;

"(ii) be updated by the Administrator not less than annually; and

"(iii) be provided upon request to any Federal agency or other entity.".

(b) FEDERAL CONTRACTING.—

(1) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(A) by redesignating section 31 as section 32; and

(B) by inserting after section 30 the following:

"SEC. 31. HUBZONE PROGRAM.

"(a) IN GENERAL.—There is established within the Administration a program to be carried out by the Administrator to provide for Federal contracting assistance to qualified HUBZone small business concerns in accordance with this section.

"(b) ELIGIBLE CONTRACTS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'contracting officer' has the meaning given that term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5)); and

"(B) the term 'full and open competition' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(2) AUTHORITY OF CONTRACTING OFFICER.—Notwithstanding any other provision of law—

"(A) a contracting officer may award sole source contracts under this section to any qualified HUBZone small business concern, if—

"(i) the qualified HUBZone small business concern is determined to be a responsible contractor with respect to performance of such contract opportunity, and the contracting officer does not have a reasonable expectation that 2 or more qualified HUBZone small business concerns will submit offers for the contracting opportunity;

"(ii) the anticipated award price of the contract (including options) will not exceed—

"(I) $5,000,000, in the case of a contract opportunity assigned a standard industrial classification code for manufacturing; or

"(II) $3,000,000, in the case of all other contract opportunities; and

"(iii) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price;

"(B) a contract opportunity shall be awarded pursuant to this section on the basis of competition restricted to qualified HUBZone small business concerns if the contracting officer has a reasonable expectation that not less than 2 qualified HUBZone small business concerns will submit offers and that the award can be made at a fair market price; and

"(C) not later than 5 days from the date the Administration is notified of a procurement officer's decision not to award a contract opportunity under this section to a qualified HUBZone small business concern, the Administrator may notify the contracting officer of the intent to appeal the contracting officer's decision, and within 15 days of such date the Administrator may file a written request for reconsideration of the contracting officer's decision with the Secretary of the department or agency head.

"(3) PRICE EVALUATION PREFERENCE IN FULL AND OPEN COMPETITIONS.—In any case in which a contract is to be awarded on the basis of full and open competition, the price offered by a qualified HUBZone small business concern shall be deemed as being lower than the price offered by another offeror (other than another small business concern), if the price offered by the qualified HUBZone small business concern is not more than 10 percent higher than the price offered by the otherwise lowest, responsive, and responsible offeror.

"(4) RELATIONSHIP TO OTHER CONTRACTING PREFERENCES.—A procurement may not be made from a source on the basis of a preference provided in paragraph (2) or (3), if the procurement would otherwise be made from a different source under section 4124 or 4125 of title 18, United States Code, or the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

"(c) ENFORCEMENT; PENALTIES.—

"(1) VERIFICATION OF ELIGIBILITY.—In carrying out this section, the Administrator shall establish procedures relating to—

"(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this section (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under section 3(p)(5)); and

"(B) verification by the Administrator of the accuracy of any certification made or information provided to the Administration by a small business concern under section 3(p)(5).

"(2) EXAMINATIONS.—The procedures established under paragraph (1) may provide for program examinations (including random program examinations) by the Administrator of any small business concern making a certification or providing information to the Administrator under section 3(p)(5).

"(3) PROVISION OF DATA.—Upon the request of the Administrator, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Interior (or the Assistant Secretary for Indian Affairs), shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.

"(4) PENALTIES.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a 'HUBZone small business concern' for purposes of this section, shall be subject to—

"(A) section 1001 of title 18, United States Code; and

"(B) sections 3729 through 3733 of title 31, United States Code.".

(2) INITIAL LIMITED APPLICABILITY.—During the period beginning on the date of enactment of this Act and ending on September 30, 2000, section 31 of the Small Business Act (as added by paragraph (1) of this subsection) shall apply only to procurements by—

(A) the Department of Defense;

(B) the Department of Agriculture;

(C) the Department of Health and Human Services;

(D) the Department of Transportation;

(E) the Department of Energy;

(F) the Department of Housing and Urban Development;

(G) the Environmental Protection Agency;

(H) the National Aeronautics and Space Administration;

(I) the General Services Administration; and

(J) the Department of Veterans Affairs.

SEC. 603. TECHNICAL AND CONFORMING AMENDMENTS TO THE SMALL BUSINESS ACT.

(a) PERFORMANCE OF CONTRACTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ",, small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals"; and

(B) in the second sentence, by inserting "qualified HUBZone small business concerns," after "small business concerns,";

(2) in paragraph (3)—

(A) by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears; and

(B) by adding at the end the following:

"(F) In this contract, the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act.";

(3) in paragraph (4)(E), by striking "small business concerns and" and inserting "small business concerns, qualified HUBZone small business concerns, and";

(4) in paragraph (6), by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears; and

(5) in paragraph (10), by inserting "qualified HUBZone small business concerns," after "small business concerns,".

(b) AWARDS OF CONTRACTS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (g)(1)—

(A) by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears;

(B) in the second sentence, by striking "20 percent" and inserting "23 percent"; and

(C) by inserting after the second sentence the following: "The Governmentwide goal for participation by qualified HUBZone small business concerns shall be established at not less than 1 percent of the total value of all prime contract awards for fiscal year 1999, not less than 1.5 percent of the total value of all prime contract awards for fiscal year 2000, not less than 2 percent of the total value of all prime contract awards for fiscal year 2001, not less than 2.5 percent of the total value of all prime contract awards for fiscal year 2002, and not less than 3 percent of the total value of all prime contract awards for fiscal year 2003 and each fiscal year thereafter.";

(2) in subsection (g)(2)—

(A) in the first sentence, by striking ",, by small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals";

(B) in the second sentence, by inserting "qualified HUBZone small business concerns," after "small business concerns,"; and

(C) in the fourth sentence, by striking "by small business concerns owned and controlled by socially and economically disadvantaged individuals and participation by small business concerns owned and controlled by women" and inserting "by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women"; and

(3) in subsection (h), by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears.

(c) OFFENSES AND PENALTIES.—Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)(1)—

(A) by inserting ", a 'qualified HUBZone small business concern'," after "'small business concern',"; and

(B) in subparagraph (A), by striking "section 9 or 15" and inserting "section 9, 15, or 31"; and

(2) in subsection (e), by inserting ", a 'HUBZone small business concern'," after "'small business concern',".

SEC. 604. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting before the semicolon the following: ", and qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)"; and

(2) in subsection (f)(1), by inserting "or as a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)" after "(as described in subsection (a))".

(b) FEDERAL HOME LOAN BANK ACT.—Section 21A(b)(13) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(13)) is amended—

(1) by striking "concerns and small" and inserting "concerns, small"; and

(2) by inserting ", and qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)" after "disadvantaged individuals".

(c) SMALL BUSINESS ECONOMIC POLICY ACT OF 1980.—Section 303(e) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(e)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act).".

(d) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 411(c)(3)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(3)(B)) is amended by inserting before the semicolon the following: ", or to a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)".

(e) TITLE 31, UNITED STATES CODE.—

(1) CONTRACTS FOR COLLECTION SERVICES.—Section 3718(b) of title 31, United States Code, is amended—

(A) in paragraph (1)(B), by inserting "and law firms that are qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)" after "disadvantaged individuals"; and

(B) in paragraph (3)—

(i) in the first sentence, by inserting before the period "and law firms that are qualified HUBZone small business concerns";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act.".

(2) PAYMENTS TO LOCAL GOVERNMENTS.—Section 6701(f) of title 31, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) qualified HUBZone small business concerns."; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(3) REGULATIONS.—Section 7505(c) of title 31, United States Code, is amended by striking "small business concerns and" and inserting "small business concerns, qualified HUBZone small business concerns, and".

(f) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—

(1) ENUMERATION OF INCLUDED FUNCTIONS.—Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)) is amended—

(A) in paragraph (11), by inserting "qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)," after "small businesses,"; and

(B) in paragraph (12), by inserting "qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(o))," after "small businesses,".

(2) PROCUREMENT DATA.—Section 502 of the Women's Business Ownership Act of 1988 (41 U.S.C. 417a) is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting "the number of qualified HUBZone small business concerns," after "Procurement Policy"; and

(ii) by inserting a comma after "women"; and

(B) in subsection (b), by inserting after "section 204 of this Act" the following: ", and the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o))".

(g) ENERGY POLICY ACT OF 1992.—Section 3021 of the Energy Policy Act of 1992 (42 U.S.C. 13556) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "or";

(B) in paragraph (3), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(4) qualified HUBZone small business concerns."; and

(2) in subsection (b), by adding at the end the following:

"(3) The term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(h) TITLE 49, UNITED STATES CODE.—

(1) PROJECT GRANT APPLICATION APPROVAL CONDITIONED ON ASSURANCES ABOUT AIRPORT OPERATION.—Section 47107(e) of title 49, United States Code, is amended—

(A) in paragraph (1), by inserting before the period "or qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)";

(B) in paragraph (4)(B), by inserting before the period "or as a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)"; and

(C) in paragraph (6), by inserting "or a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)" after "disadvantaged individual".

(2) MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.—Section 47113 of title 49, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking the period at the end and inserting a semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(3) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o))."; and

(B) in subsection (b), by inserting before the period "or qualified HUBZone small business concerns".

SEC. 605. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register such final regulations as may be necessary to carry out this title and the amendments made by this title.

(b) FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date on which final regulations are published under subsection (a), the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation in order to ensure consistency between the Federal Acquisition Regulation, this title and the amendments made by this title, and the final regulations published under subsection (a).

SEC. 606. REPORT.

Not later than March 1, 2002, the Administrator shall submit to the Committees a report on the implementation of the HUBZone program established under section 31 of the Small Business Act (as added by section 602(b) of this title) and the degree to which the HUBZone program has resulted in increased employment opportunities and an increased level of investment in HUBZones (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as added by section 602(a) of this title).

SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) (as amended by section 101 of this Act) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 1998.";

(2) in subsection (d), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 1999."; and

(3) in subsection (e), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 2000.".

TITLE VII—SERVICE DISABLED VETERANS

SEC. 701. PURPOSES.

The purposes of this title are—

(1) to foster enhanced entrepreneurship among eligible veterans by providing increased opportunities;

(2) to vigorously promote the legitimate interests of small business concerns owned and controlled by eligible veterans; and

(3) to ensure that those concerns receive fair consideration in purchases made by the Federal Government.

SEC. 702. DEFINITIONS.

In this title:

(1) ELIGIBLE VETERAN.—The term "eligible veteran" means a disabled veteran (as defined in section 4211(3) of title 38, United States Code).

(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY ELIGIBLE VETERANS.—The term "small business concern owned and controlled by eligible veterans" means a small business concern (as defined in section 3 of the Small Business Act)—

(A) that is at least 51 percent owned by 1 or more eligible veterans, or in the case of a publicly owned business, at least 51 percent of the stock of which is owned by 1 or more eligible veterans; and

(B) whose management and daily business operations are controlled by eligible veterans.

SEC. 703. REPORT BY SMALL BUSINESS ADMINISTRATION.

(a) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Administrator shall conduct a comprehensive study

and submit to the Committees a final report containing findings and recommendations of the Administrator on—

(A) the needs of small business concerns owned and controlled by eligible veterans;

(B) the availability and utilization of Administration programs by small business concerns owned and controlled by eligible veterans;

(C) the percentage, and dollar value, of Federal contracts awarded to small business concerns owned and controlled by eligible veterans in the preceding 5 fiscal years; and

(D) methods to improve Administration and other agency programs to serve the needs of small business concerns owned and controlled by eligible veterans.

(2) CONTENTS.—The report under paragraph (1) shall include recommendations to Congress concerning the need for legislation and recommendations to the Office of Management and Budget, relevant offices within the Administration, and the Department of Veterans Affairs.

(b) CONDUCT OF STUDY.—In carrying out subsection (a), the Administrator—

(1) may conduct surveys of small business concerns owned and controlled by eligible veterans and service disabled veterans, including those who have sought financial assistance or other services from the Administration;

(2) shall consult with the appropriate committees of Congress, relevant groups and organizations in the nonprofit sector, and Federal or State government agencies; and

(3) shall have access to any information within other Federal agencies that pertains to such veterans and their small businesses, unless such access is specifically prohibited by law.

SEC. 704. INFORMATION COLLECTION.

After the date of issuance of the report required by section 703(a), the Secretary of Veterans Affairs shall, in consultation with the Assistant Secretary for Veterans' Employment and Training and the Administrator, engage in efforts each fiscal year to identify small business concerns owned and controlled by eligible veterans in the United States. The Secretary shall inform each small business concern identified under this section that information on Federal procurement is available from the Administrator.

SEC. 705. STATE OF SMALL BUSINESS REPORT.

Section 303(b) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(b)) is amended by striking "and female-owned businesses" and inserting ", female-owned, and veteran-owned businesses".

SEC. 706. LOANS TO VETERANS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by inserting after paragraph (7) the following:

"(8) The Administration may make loans under this subsection to small business concerns owned and controlled by disabled veterans (as defined in section 4211(3) of title 38, United States Code).".

SEC. 707. ENTREPRENEURIAL TRAINING, COUNSELING, AND MANAGEMENT ASSISTANCE.

The Administrator shall take such actions as may be necessary to ensure that small business concerns owned and controlled by eligible veterans have access to programs established under the Small Business Act that provide entrepreneurial training, business development assistance, counseling, and management assistance to small business concerns, including, among others, the Small Business Development Center program and the Service Corps of Retired Executives (SCORE) program.

SEC. 708. GRANTS FOR ELIGIBLE VETERANS' OUTREACH PROGRAMS.

Section 8(b) of the Small Business Act (15 U.S.C. 637(b)) is amended—

(1) in paragraph (15), by striking "and" at the end;

(2) in the first paragraph designated as paragraph (16), by striking the period at the end and inserting "; and"; and

(3) by striking the second paragraph designated as paragraph (16) and inserting the following:

"(17) to make grants to, and enter into contracts and cooperative agreements with, educational institutions, private businesses, veterans' nonprofit community-based organizations, and Federal, State, and local departments and agencies for the establishment and implementation of outreach programs for disabled veterans (as defined in section 4211(3) of title 38, United States Code).".

SEC. 709. OUTREACH FOR ELIGIBLE VETERANS.

The Administrator, the Secretary of Veterans Affairs, and the Assistant Secretary of Labor for Veterans' Employment and Training, shall develop and implement a program of comprehensive outreach to assist eligible veterans, which program shall include business training and management assistance, employment and relocation counseling, and dissemination of information on veterans' benefits and veterans' entitlements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. TALENT] and the gentleman from New York [Mr. LAFALCE] each will control 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the primary purpose of this legislation is to reauthorize the Small Business Administration and the programs which that agency oversees pursuant to the Small Business Act and the Small Business Investment Act. This reauthorization covers fiscal years 1998, 1999 and 2000. Except for a couple of new provisions added by the other body, this legislation is identical to H.R. 2261, which this House passed under suspension of the rules by a vote of 397 to 17 just 6 weeks ago.

We regularly reauthorize the bulk of the programs contained in this legislation for 3-year periods. The programs contained in this legislation include the financial programs of the SBA, the 7(a) general business loan guarantee program, the section 504 Certified Development Company program, the Microloan program, and the Small Business Investment Company program.

This legislation also changes and improves various programs, specifically modifying the section 504 Preferred Certified Lender Program, the SBIC program, the Women's Business Center program and the SBDC program. The SBA also provides hundreds of millions of dollars in vital disaster assistance to small businesses and homeowners every year, and this legislation reauthorizes that assistance.

Title VII of the measure before us is the result of the collective work of multiple committees and individual Members. It contains a number of provisions which are designed to assist the Federal Government in better serving service-disabled veterans and small businesses owned by service-disabled veterans. These provisions are the products of bipartisan efforts by myself and the gentleman from New York [Mr. LAFALCE], our committee's ranking member, working together with the chairman of the Committee on Rules and the chairman of the Committee on Veterans' Affairs.

Section 501 of this legislation is also the product of a bipartisan and multi-committee effort both here and in the Senate. It contains most of the features of H.R. 2429, as reported by the Committee on Science, and is a 4-year reauthorization of the pilot Small Business Technology Transfer Program.

As I said earlier, Mr. Speaker, the legislation before us today has some additional components that were added since we passed it here in the House in late September. These additional elements have been added as a result of collaborative and bipartisan efforts between the House and the Senate and, in fact, have involved the collective work of multiple committees from both Houses working in conjunction with representatives of the administration.

Title VI of this legislation establishes the HUBZone program, which will provide incentives to businesses that locate in and employ residents from economically distressed areas, thereby targeting inner cities and rural communities that have low household incomes, high unemployment and whose communities have suffered from a lack of investment.

Subtitle (b) of title IV of this legislation is another component which was added to this legislation by the Senate and addresses the important small business procurement issue of contract bundling. This provision is the result of lengthy negotiations, involving several Senate and House committees and the administration.

Finally, section 507 of this legislation addresses the Defense Loan and Technical Assistance Program, or DELTA program, and is of great importance to numerous small businesses located in areas that have been adversely impacted as a result of the closing of military installations.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1139, the Small Business Reauthorization Act of 1997.

Mr. Speaker, this legislation includes the requisite authorization for programs administered by the Small Business Administration for fiscal year 1998 and the two ensuing years. It also includes important program changes for a number of the SBA programs.

Specifically, it includes proposals for women's business development, which I advocated in separate legislation, such as making the women's business development a permanent program and increasing it to 5 years in lieu of the existing 3-year program.

It also enhances the operation of the 504 program, also known as the certified development company or CDC program, which I authored in 1980. It makes needed improvements to allow implementation of the premier lenders program, which allows SBA to delegate loan making, servicing and liquidation functions to the best CDC's. Without this delegation of authority, which results in large reductions in SBA employee time demands, this program would grind to a halt, as would the 7(a) program without its similar delegation of authority, for SBA simply does not have sufficient personnel to make and service loans today. We depend on participating lenders to serve this function under SBA guidelines and oversight.

But I would be remiss in my responsibilities as the ranking Democrat on the Committee on Small Business if I did not point out that this bill is not without concern. At Senate insistence, it includes a new program to assist economically distressed areas by channeling Federal contracting to them. Under this laudable concept, the distressed areas, called HUBZones, would receive major amounts of Federal contract dollars if the small business contractors unemployment base includes 35 percent of its workforce from these HUBZones. Further, it would increase the small business contracting goal from 20 to 23 percent, a provision I strongly favor.

I am very pleased to note that we were able to secure a major, major change from the version originally passed by the other body. The earlier version would have permitted contracts to be taken from an existing program which assists minorities and women, the 8(a) program.

□ 1630

We were successful in insisting that that provision be dropped totally. The Senate insisted on all the other provisions in the HUBZone title with very little change. I resisted that, too, until specifically prevailed upon by the Small Business Administration.

Inclusion of this HUBZone concept as a permanent program without the customary trial provisions and other safeguards caused a number of Members of Congress to raise strong concerns, particularly because of the possibility of adverse impact on the 8(a) contracting program. Now, this is the most important program operated by the Federal Government to facilitate the growth and development of minority small businesses. Any proposals which might place this program in jeopardy naturally cause concern to those Members who place a high priority on the development of minority small business.

We tried very hard to get a deletion of the entire HUBZone proposal even after they had deleted every single reference to 8(a). The HUBZone proposal is still maintained in the bill, but fortunately it confers considerable discretion on the Administrator of the SBA who will implement. After extensive discussions with Administrator Aida Alvarez, she sent me a very forceful letter explaining the administration's support for the reauthorization bill now under consideration and pledging that SBA will not permit the implementation of the HUBZone's program to negatively affect the 8(a) program. I will include Miss Alvarez' strong letter of support for the authorization bill in the RECORD for any Member who is interested.

The letter referred to is as follows:

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, D.C., November 8, 1997.

Hon. JOHN J. LAFALCE,
U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE LAFALCE: The Administration supports realization of the programs of the Small Business Administration and supports House passage of S. 1139. The bill reauthorizes small business loans which assist tens of thousands of small businesses each year and contribute to the vitality of economy. This bill recognizes the importance of women and service disabled veteran entrepreneurs. And, it makes permanent SBA's Microloan Program which helps those entrepreneurs who need very small amounts of credit. We need this legislation to ensure that we can continue to properly serve our small business customers.

Some Members have raised concerns about the HUBZones provisions in the authorization bill. Please note that unlike earlier versions of the reauthorization bill, the new version of the bill before the House has removed the harmful provisions that would have affected the current preference for 8(a) in the Defense Federal Acquisition Regulations (DFAR), and my ability to appeal contracting actions that might affect 8(a).

I can assure you that SBA will not permit the implementation of the HUBZones program to negatively affect the 8(a) program. As you know, I am a strong supporter of the 8(a) program.

Moreover, the bill will increase the federal procurement goal for small business from 20 to 23 percent—increasing opportunities for all small businesses including 8(a). With this overall increase in federal contracting dollars for small businesses there will be room for an increase in 8(a) contracts and I intend to pursue increases in 8(a) contracts aggressively.

In the SBA's strategic plan I have committed to increasing overall procurement for small disadvantaged businesses from 5.5 percent to 7 percent of all federal procurement by the year 2000. Enactment of HUBZones will not affect these goals.

It is my intention to increase 8(a) procurement as a percentage of total federal procurement. Presently, 3.2 percent of all federal procurement dollars go to the 8(a) program. Recently proposed rule changes will allow increased flexibility in small business teaming and joint ventures, and create a new mentor-protégé program. I also intend to increase 8(a) contracts through a more aggressive goaling posture with other federal agencies and through the full implementation of the new on-line PRO-Net procurement system. Enactment of HUBZones will not affect these strategies.

The bill allows federal contractors to utilize a sole source contracting vehicle to access HUBZones companies. However, we do not believe that this provision will necessarily affect 8(a) firms. In fact, federal contracting officers may be more likely to shift competitive contracting dollars to HUBZones because of the relative ease in a sole source vehicle rather than to shift these contracts from 8(a), where the ease of procurement is already in place. In fact, 8(a) firms are exactly the kinds of firms that would most likely take advantage of the new HUBZones sole source authority—especially after they have left the 8(a) program. However, I can assure the Members of the Small Business Committee that we will take whatever steps are necessary in the rulemaking process to ensure that the new sole source provisions for HUBZones do not negatively affect 8(a). And, I will closely monitor the sole source authority when used for HUBZones. Should it be determined that there is a negative effect on 8(a), I will use my authority to appeal contracts to protect 8(a) firms.

I share your concern that SBA may not have sufficient resources to implement the HUBZones over the next several years. While the final appropriations bill has not yet been enacted, we anticipate that the appropriations bill will include enough resources to write the regulations and implement the program in the first year. As presently proposed, the SBA does not have adequate resources for full implementation of the HUBZones program. I will not increase our risks nor sacrifice the effectiveness of SBA's other programs by shifting resources from these programs to HUBZones. We will evaluate future resource needs after we have analyzed the full on-going costs of the program and provide the Congress with an estimate of these needs in our budget submission.

I will keep the Small Business Committees informed of any issues that may arise during the rulemaking process and provide the Committees with quarterly reports until the program is fully implemented. We will also continue to consult closely with the 8(a) business community during this period. After implementation, I will monitor federal procurement contracting patterns and the use of the sole source provisions for HUBZones. I will report to the Small Business Committees on a semi-annual basis about trends in federal procurement activity for small businesses and on the use of sole source contracts. As we monitor HUBZones implementation, SBA will also pursue regulatory changes within the Administration to further protect 8(a) if necessary. You also have my firm commitment that I will seek legislative changes if we identify any adverse impact on the 8(a) program as a result of this monitoring.

Finally, because the bill retains my appeal authority on behalf of 8(a), I will continue to intervene in the future, if there are any specific instances of a federal agency trying to move a contract from the 8(a) program to HUBZones.

Thank you for your consideration.

Sincerely,

AIDA ALVAREZ,
Administrator.

Mr. Speaker, I reserve the balance of my time.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Speaker, I thank the gentleman from Missouri [Mr. TALENT] for yielding me time.

I rise today in strong support of S. 1139, the Small Business Programs Reauthorization and Amendments Act of

1997. This important legislation will reauthorize the lending programs of the SBA, allowing our Nation's small businesses to continue access to capital.

We are all aware of the important role that small businesses play in maintaining the economic strength of the United States. They create the vast majority of new jobs, provide countless new technological innovations, and drive economic growth in our country, and unfortunately there is often insufficient capital available for entrepreneurs to use to start up new businesses or for current small business owners to expand existing ones. This is the void that the Small Business Administration's loan guarantee programs often fill. Without passage of this important legislation, this valuable service would be threatened. Our Nation's small businesses, and indeed our economy, would suffer as a result.

The gentleman from Missouri [Mr. TALENT] and the gentleman from New York [Mr. LAFALCE] have worked very closely to put together a bipartisan bill that deserves the backing of every Member of this House. I urge my colleagues to support the small business community and support S. 1139.

Mr. LAFALCE. Mr. Speaker, I yield 3¼ minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, today we will pass this Small Business Administration reauthorization bill which provides valuable resources to a number of vital programs. While I have worked hard in support of those programs, I rise today to address some elements of the bill that I believe require further discussion.

The House Committee on Small Business, under the effective leadership of the gentleman from Missouri [Mr. TALENT] and the ranking Democrat, the gentleman from New York [Mr. LAFALCE], worked very hard to report out a bill that would have helped small business. Unfortunately we are not considering the product of our committee's work today. Instead we are considering a bill from the other body that creates a multibillion-dollar, I repeat multibillion-dollar, contracting program.

This proposal called HUBZones was never introduced in the House. This unstudied and untested program has not even had one hearing, not in the Committee on Small Business, the Committee on Banking and Financial Services, the Committee on Education and the Workforce, or the Committee on National Security, all of which would have jurisdiction over the HUB's provisions. Because of this failure to properly examine this program, I have my concerns about this proposal.

This program raises many serious questions. How will HUBZones work? What kind of jobs will it create? What kind of small businesses will it benefit? How will we measure its effectiveness? How will it work with already established programs such as empowerment zones and enterprise community? The effect of this legislation will be felt by the entire small business community.

As the ranking member of the Subcommittee on Empowerment of the Committee on Small Business, I have a responsibility to bring community and economic development to our disadvantaged areas. I represent one of the first districts in this country. I know the barriers that entrepreneurs from my district and others like it must overcome. SBA already addresses these needs through a variety of programs, which raises the question of why we need another program when funding is so scarce. If the SBA is forced to spread out its resources to implement HUBZones, it will jeopardize the operations of many successful small business assistance programs.

Mr. Speaker, at this point I yield to the gentleman from New York [Mr. LAFALCE], the ranking member, and the chairman of the committee, the gentleman from Missouri [Mr. TALENT], to provide assurances that the 8(a) program will not be harmed by these new HUBZone proposals.

Mr. LAFALCE. First of all, I want to praise the gentlewoman for the outstanding work she has done on the Committee on Small Business, particularly as the ranking Democrat on the Subcommittee on Empowerment, and for the work she has done in refining the perspective of the Small Business Administration on this.

As the gentlewoman knows, the bill as originally passed by the Senate would have adversely impacted the 8(a) program as it would have changed existing law to reduce the authority of the SBA over placement of contracts within the program. That was stricken at our absolute insistence.

I have also received a very strong letter in support of the bill from Administrator Alvarez. Her letter, which I have inserted in the RECORD, provides assurance that SBA will not permit the implementation of the HUBZones Program to negatively affect the 8(a) program based upon the continuation of current 8(a) authority unchanged and the administrator's assurances. I believe the HUBZone Program can and will be implemented in a manner that will not harm 8(a) and actually might help those firms and other minority firms.

The SPEAKER pro tempore. The time of the gentlewoman from New York [Ms. VELÁZQUEZ] has expired.

Mr. TALENT. Mr. Speaker, I yield myself 30 seconds in which just to say that that is also my understanding, and I have said from the beginning, that I did not want this bill to affect the 8(a) program, and as far as I am concerned, it is out of this bill, it is not mentioned in this bill; and that the HUBZone bill is designed to provide a little bit of an additional boost to procurement to businesses that locate in these disadvantaged areas and hire these individuals.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH], a member of the committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, this legislation before the House today provides valuable support for a growing American economy. The programs that are reauthorized under Senate bill 1139 play a limited, but beneficial, role in promoting the most dynamic sector of the American economy, and that is small business.

Mr. Speaker, recent experience with domestic job creation is consistent. Two-thirds of the new jobs created in America are created by small employers. Small business is a critical source of economic expansion across the country whether in inner cities, developing suburbs, or rural areas. The entrepreneurship of small employers is a critical source of economic opportunity and growth in communities throughout America. Today millions of small firms and risk-taking individuals are building the economy of the next century, the economy that our children will inherit and will provide their link to the American dream.

The programs under the Small Business Administration that we are reauthorizing today will not by themselves create the American economy of the future; however by linking small businesses to sources of credit and technical assistance, the SBA has the potential to nurture entrepreneurship and promote more successful business starts and expansions.

Mr. Speaker, I strongly support the enactment of this legislation. While this Congress continues to have an aggressive agenda of encouraging small business growth through regulatory reform and tax relief, this legislation guarantees the continuation of limited, targeted, programmatic support for small businesses by the Federal Government.

As a member of the Committee on Small Business, I am acutely aware that the SBA still has a long way to go to realize its potential as a strong advocate and clearinghouse for the small business community. Nevertheless, it is important that we continue the agency's successful programs, such as the Small Business Development Centers in order to encourage job creation and job retention in the most dynamic and competitive sector of America's economy.

Mr. LAFALCE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. SISISKY], the next most senior member on the Democratic side of the aisle of the Committee on Small Business.

Mr. SISISKY. Mr. Speaker, I rise in support of S. 1139.

Mr. Speaker, I am pleased to be able to support this reauthorization bill.

Along with other Members, I did have serious concerns about some of its provisions. But those concerns have now been addressed, at least to my satisfaction.

The legislation we have before us may have some flaws, but overall it is a very good bill and I believe it must be passed.

Many Members had legitimate concerns and strong feelings about the HUB Zones Program, in particular.

The bill passed by the House a little over month ago contained absolutely no reference to HUB Zones. The Small Business Committee held no hearings on HUB Zones. We had no chance to examine this concept closely, let alone make improvements.

The House had no role at all in the design of this program. This troubles me, and I don't think it's a very good way to legislate.

But on the whole, this is a very good bill. It reauthorizes the SBA loan programs that are the life blood of many small businesses in this country.

We know there is tremendous demand from small business for these programs.

We know that this financing meets a need that would otherwise go unmet. And we know how important financing is to small businesses, who make such an enormous contribution to economic growth and to job creation in this country.

For this reason alone, I think we have little choice but to pass this authorization bill.

S. 1139 also reauthorizes other successful programs and makes a number of program improvements that cannot be put off any longer.

I won't go into all the details, but there are several I'd like to single out. This bill makes permanent the Microloan Program, which assists the smallest of small businesses. It recognizes the importance of disabled veteran entrepreneurs.

The provisions on contract bundling should help small businesses better compete for Federal procurement opportunities. And one of SBA's most successful programs—the Women's Business Centers—is expanded.

I strongly urge my colleagues to vote for this bill. We need to work on both sides of the aisle—and with the administration—to see that it is implemented in a way that meets the needs of America's small business.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, let me begin by thanking the chairman and the ranking member of the committee for their hard work on this bill and also for addressing the potential conflict with respect to the 8(a) program and the HUBZone program. I am assured based on their comments that the 8(a) program remains intact and is not threatened by this new program.

I am very pleased to support S. 1139 because I think it is critical to the advancement of small business. Small business, as is often stated, is the engine for growth in this country. It generates over 50 percent of the gross national product. It generates more than half of all new jobs. Small businesses also account for the employment of minorities and women and our young people. We need to promote the advancement of small business.

I am particularly impressed with this bill because it contains language that restricts the practice of bundling. I had legislation on this issue because it arose out of the White House Conference on Small Business in which small businessmen said bundling, that is, the consolidation of Federal contracts, represents a threat to our survival. Right now eight major companies get more Federal Government business than all small businesses combined. The Federal Government does about $200 billion in contracting, so my colleagues can see this is a very important matter. This bill has language which would restrict the practice of bundling, require Government agencies to justify the use of this type of consolidation.

The bill has also other attractive features. I think it is very important that this bill continues the microlending program. Now, $50,000 or $100,000 or $25,000 might not seem like a lot, but to a small businessman just starting out, to an entrepreneur, that is very important. We need to continue this program. The bill does that.

It also increases the goal for small business contracting from 20 percent to 23 percent. That is not a tremendous amount, but it is a significant amount. That could result in additional $4 billion in Government contracts available to the small business community. This, too, is an important improvement in the bill.

I believe the bill addresses our concerns about HUBZones, creates new programs and maintains important programs for our small business community. I urge its adoption.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentleman, the chairman of the Committee on Small Business, for yielding the time to me, and, Mr. Speaker, I rise in support of S. 1139, the Small Business Administration reauthorization.

□ 1645

Included in this bill is the majority of H.R. 2429, the Small Business Technology Transfer Program Reauthorization Act, which was reported out of the Committee on Science's Subcommittee on Technology as well as the full Committee on Science. My comments will focus on that aspect of the bill, although the bill in its totality is very meritorious.

STTR is an important tech transfer program that has made over 800 awards totaling over $115 million since its inception in 1994. Nearly $5 million of those have gone to Maryland small businesses, just as an example. The STTR program expired on September 30 of this year, and this bill will reauthorize STTR at its current set-aside level to fiscal year 2001.

In addition, S. 1139 makes the following changes to the STTR program. First, the bill requires agencies participating in STTR to include STTR in their annual performance plans, as required by the Results Act. This provision will ensure that each agency defines its goals along with providing metrics to assist in evaluating those goals.

In concert with the performance plan, the bill requires each agency participating in the STTR and SBIR programs to include those programs in their strategic plan updates also required under the Results Act.

Second, S. 1139 contains an outreach program for States which receive less than $5 million in awards in fiscal year 1995. This outreach program is designed to increase participation among small businesses in States that have traditionally received few STTR and SBIR awards. It is not meant to mandate that States previously underrepresented by the programs receive an increase in the number of dollar value awards, but, instead, the provision should simply increase the number and quality of applications for STTR and SBIR.

Third, S. 1139 requires agencies to collect data that will provide Congress with information on the STTR program to assist in the measurement of the program outputs and outcomes. Like the Results Act language, this provision should help ensure the program is performing in the most effective manner possible.

I want to thank the gentleman from Wisconsin [Mr. SENSENBRENNER]; the ranking member, the gentleman from California [Mr. BROWN]; and the ranking member of my subcommittee, the Subcommittee on Technology, the gentleman from Tennessee [Mr. GORDON], for their support; and, indeed, my hearty commendation and thanks to the Committee on Small Business chairman, the gentleman from Missouri [Mr. TALENT], and the ranking member, the gentleman from New York [Mr. LAFALCE]; and the gentleman from Maryland [Mr. BARTLETT], who serves on both committees.

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC, November 6, 1997.

Hon. F. JAMES SENSENBRENNER,
Chairman, Committee on Science, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Section 9(b)(7) of the Small Business Act requires that the Administrator of the Small Business Administration report to the House and Senate Small Business Committees at least annually on the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs of the Federal agencies. Because of your interest in small business participation in the Nation's research and development efforts, I am happy

to send this report to the House Committee on Science when I furnish it to the Committee on Small Business.

I appreciate your interest in small business research and development and look forward to any comments you may have on our report.

Sincerely,

AIDA ALVAREZ,
Administrator.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to support this legislation to reauthorize programs of the Small Business Administration, but with some reluctance. While I firmly believe in the mission of the SBA, certain provisions in this bill are somewhat contentious.

Funding for HUBZones is one such issue. While I certainly support the concept of spurring economic development in depressed urban and rural areas, I agree with the gentleman from New York [Mr. LAFALCE] that it would be better to have a clearer idea about the ramifications of this multibillion-dollar contracting program before it is approved.

However, I will support this package, because we should not hold up funding for other important activities of the SBA, and the gradual phase-in approach which was planned for HUBZone implementation should allow for sufficient monitoring of its effectiveness and impact on other SBA initiatives.

The goal of the SBA is to help small business owners reach their potential by providing various resources, such as loans and training. This assistance is especially important to rural communities, such as those in my congressional district, that have seen severe economic downturns over the last decade. A failure to fund these activities could reverse many positive trends.

Recent years have seen a dramatic increase in the success of women and minority-owned small businesses, and the SBA has had a significant role in this development. Failure to pass this bill would adversely affect the National Women's Business Council and would eliminate funding for 18 women's business centers, preventing thousands of women from getting necessary business training.

The Small Business Technology Transfer Program, which directs Federal R&D money to researchers, inventors, and small business people to develop the best ideas at our universities and research centers, this successful program not only gives necessary help to small businesses but helps university personnel have a hand in further developing their ideas while remaining on campus. It also would not be reauthorized.

The Preferred Surety Bond Program, which provides hundreds of millions of dollars in surety bonds to small construction companies, would also cease to operate.

For these reasons and others, we must act now to ensure that the good work of the SBA is not impeded. I urge my colleagues to vote for this legislation.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Speaker, I rise today in support of the Small Business Reauthorization Act of 1997 and to commend the gentleman from Missouri [Mr. TALENT] and former chairman and now ranking member, the gentleman from New York [Mr. LAFALCE], for their devotion to the small business community and this bill.

This bill, obviously, is the underpinning on which many of the Small Business Administration programs are reauthorized. I would like the opportunity to talk at great length about many of the wonderful programs at SBA, but I will limit my remarks to the extension of the Defense Loan and Technical Assistance Program, which is commonly referred to as DELTA.

An important program that dealt with the unfortunate loss of business for many defense-dependent businesses over the last decade, the DELTA program is an important undertaking. I appreciate that the committee has sought to reauthorize not only the DELTA program, but to expand it, so that the many small businesses that could benefit, because they have had at least 25 percent of their earnings in the last 5 years dependent on defense business, as they seek to make the transition from defense-dependent businesses to other commercial applications, the DELTA program is instrumental in helping them make that kind of a transition.

It is important to understand also that the Small Business Administration is one of the few agencies or departments in the Government that almost pays for itself, helping budding entrepreneurs and small businessmen and women, who are the underpinning of the American economy. This agency does a tremendous job, and I appreciate the committee's special attention to this DELTA program.

As a former SBA regional administrator, I saw firsthand the important work that is undertaken by SBA. I appreciate the committee's work in making sure that this is a bipartisan bill, one that seeks to enhance the good work done by the Small Business Administration.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. DAVIS], an extremely valuable contributor to the Committee on Small Business and the formation of this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the reauthorization of the SBA bill, but I also want to commend and congratulate the gentleman from Missouri, Chairman TALENT, and the gentleman from New York, Mr. LAFALCE, the ranking member, for their exemplary leadership in bringing this legislation to the floor.

I also want to acknowledge the strong presence of the gentlewoman from New York [Ms. VELÁZQUEZ] in making sure that the 8(a) procurement program is protected at all costs.

I also would extend my appreciation to Administrator Alvarez for her sensitivity and professionalism and hard work to make sure that areas of conflict were worked out.

But I am most pleased because this legislation, in addition to all of those excellent programs that we have already heard about, the micro lending program, the 8(a) program, the 504 program, all of them are excellent. But in addition, we now have a new concept, something called HUBZones, which are designed to bring additional resources to hard-pressed, severely depressed urban and rural communities throughout America, areas that, no matter what is said, none of the other programs has been able to do as much as there is that is needed to be done.

So I am hoping that with this new addition, we will see additional improvements, additional resources. It is a great program, and I am very pleased to lend my support to it and ask that all Members vote in favor of it.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to one of the most distinguished freshmen members of the Committee on Small Business, the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Speaker, I want to thank the gentleman from New York, our ranking member [Mr. LAFALCE], for his generosity and our chairman for the great work the two of them have done. I think if anyone could look at our committee and what they do, they would see this great bipartisan effort that I think really does serve not only the Members very well, but also the people of the country.

I am here to support Senate version 1139 because I think this is good for my State of Rhode Island, the small State of Rhode Island, but also good for other businesses throughout this country.

This bill authorizes SBA and its programs which will provide access to capital and services that might not be available to many of the small businesses throughout this great country.

I am a former small business owner, and I remember when I started my business in the basement of my house 15 years ago. I went down to the SBA because I knew I was a good landscape architect, I knew I could provide the services that were necessary, but I thought maybe I could extend my market area into maybe some Federal programs.

So I went down there 15 years ago, and when I came back, they had piled me down with literature and propaganda that most small business owners cannot even take the time to read, and I immediately threw it in the basket. My first impression of the SBA was a very negative one.

That is not so today. Today in Rhode Island, the SBA has done tremendous deeds to improve the small business climate of our State. Just over the last 3 years, they have more than doubled the number of loans in the 504 and the 7(a) program. Indeed, they have also done some things that we did not think were possible. Loans and assistance to minorities and to veterans and to women have more than doubled and tripled. Indeed, over one-third of all the loans given out in the State of Rhode Island are to these three groups.

The impact of small business to Rhode Island's economy cannot be overstated. In our State, over 97 percent of all the businesses are small businesses. Along with the loan programs, though, SBA provides services to assist business owners in becoming or remaining successful.

Once a loan has been given to a business, they make sure and follow through like caseworkers to be sure that businesses are fulfilling their obligation and doing well.

I also want to raise some concern that my colleagues have raised already about the HUB program. The HUBZone program is very similar to what we in many States call enterprise zones.

HUBZones and enterprise zones can have a very dark side. People can play shell games within enterprise zones, and in our State of Rhode Island they did just that. Businesses from outside of the enterprise zone moved in. They simply laid off other workers and hired them back and got the tax benefits and the contracts that were provided for people within the enterprise zone.

My concern is that under this provision of HUBZone, that we may indeed have the same kind of problems that we in Rhode Island had. Continued oversight and vigilance about this HUBZone program is extremely necessary. I know all of my colleagues are looking to Administrator Alvarez to be sure that she does not diminish the 8(a) program and sacrifice moneys because of the HUB program. I support this legislation and ask my colleagues to do the same.

Mr. Speaker, I rise in support of S. 1139, a bill to reauthorize small business programs. First, I would like to thank Chairman TALENT and Mr. LAFALCE for their leadership and for producing a bill that will undoubtedly benefit all small businesses. This bill reauthorizes the Small Business Administration and its programs which provide access to capital and services that might not otherwise be available to small business owners.

To highlight the SBA's importance, I would like to showcase what the SBA is doing in my district, in Rhode Island. Over the past 4 years there have been significant increases in the number of Small Business Administration loans awarded. In fact, the number of loans has more than doubled. In 1993, there were 115 approved loans totaling $32.6 million, in 1996, there were 292 loans totaling $53.3 million.

In particular, there have been dramatic improvements in access to capital for women, minorities, and veterans in my district. In 1993, there were 8 loans to minorities, 17 to women and 14 to veterans. In 1996, we had 16 loans to minorities, 40 to women and 46 to veterans. Nearly 35 percent of all approved SBA loans in Rhode Island, are going to these three groups.

I must express some concern over one provision in this bill. The HUBZone provision included in this bill did not come before the House Small Business committee, and we did not have the opportunity to hold hearings or study the program and its potential impact on small businesses in our districts. I am concerned that there may be the unintended consequence of negatively impacting minority small businesses and 8(a) firms. It is my hope that we will be able to work with the SBA and small business groups to ensure that we continue to expand opportunities for minorities.

I cannot overstate the importance of small business on Rhode Island's economy. Approximately 97 percent of all businesses in Rhode Island are classified as small businesses. These companies employ thousands of Rhode Islanders and provide the economic foundation of my State and our country. Small businesses play a vital role in job creation and provide endless opportunities for our citizens.

Along with the financial programs, the SBA provides services to assist business owners in becoming or remaining successful. Once a business has a loan we must make sure that the business stays healthy and profitable enough to repay that loan. Services provided by programs such as Small Business Development Centers, Service Corps of Retired Entrepreneurs, Business Information Centers, Minority Enterprise Development program, and Women's Business Enterprise program supply information and counseling services to business owners. These services are invaluable to the smallest businesses who do not have the budgets to hire high-priced consultants.

We, as leaders, must do all we can to foster and encourage the development and growth of small businesses and this bill moves us in that direction. This bill will allow us to continue to support existing small businesses and encourage the development of new ones, both in Rhode Island and across the country. I urge my colleagues to support it.

Mr. TALENT. Mr. Speaker, I am happy to yield 3 minutes to our last speaker on this side of the aisle, the gentleman from Montana [Mr. HILL], an outstanding member of the committee.

Mr. HILL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of Senate bill 1139, the Small Business Reauthorization Act of 1997, and I would like to first thank the gentleman from Missouri Chairman TALENT and the gentleman from New York Ranking Member LAFALCE, and especially the staff for their hard work in getting this important legislation to the floor and getting it passed. Without their tireless dedication and commitment to America's small businesses and the people who work in those small businesses, this vital authorization would not today be a reality.

Mr. Speaker, small businesses fuel our Nation's economy, and the role of Congress is an appropriate role, should be to support and encourage entrepreneurship.

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I believe that this bill achieves this objective. We must continue to promote our economic growth throughout States like mine, Montana, by helping make them more competitive within markets and outside the United States.

I do want to point out two provisions in this bill that are extremely important to Montana. The first is the Small Business Technology Transfer program that earlier speakers talked about. I was especially pleased to see that my amendment was in the final bill. This provision will assist those 23 States that together receive fewer total SBA small business innovation research awards than the fifth-ranking State by itself. It will help our States receive more awards.

States like Montana have large numbers of small research and development businesses, and many of these businesses lack the resources for competing for small business innovation research grants. With my amendment, the playing field will be leveled by giving assistance to these businesses in applying for these awards while establishing performance goals to them.

Second is a provision in the Small Business Investment Company that addresses underserved areas like Montana. Montana is one of the few States that has never had a licensed Small Business Investment Company. With this provision, it will enable Montana to apply and hopefully qualify for this much-needed license. Approximately 98 percent of Montana's businesses are considered small businesses by definition. As a matter of fact, Mr. Speaker, 95 percent of the people in Montana work for a business that employs less than 50 employees. An SBAC license in the State of Montana will provide the necessary capital to fuel Montana's small business and small business growth.

Mr. Speaker, I urge my colleagues to vote for this bill.

Mr. Speaker, I rise today in strong support of S. 1139, the Small Business Reauthorization Act of 1997. I first would like to thank Chairman TALENT, Ranking Member LAFALCE and especially the staff, for their hard work in getting this very important legislation to the floor. Without their tireless dedication and commitment to America's small businesses,

this vital authorization would not have become a reality.

Mr. Speaker, small businesses fuel our Nation's economy. The role of Congress should be to support and encourage entrepreneurship. And I believe that this bill achieves this objective. We must continue to promote economic growth throughout States like Montana, making them competitive in markets within and outside the United States.

I would like to point out two provisions in the bill that are extremely important to Montana. First is the Small Business Technology Transfer program. I was especially pleased to see that my amendment was in the final bill. This provision will assist those 23 States that together receive fewer total Small Business Innovation Research [SBIR] awards than the fifth ranking State by itself. States like Montana have large numbers of small Research and Development businesses, and many of these businesses lack the resources to compete for SBIR awards. With my amendment, the playing field will be leveled by giving assistance to these businesses in applying for the awards, while establishing performance goals.

Second is a provision in the Small Business Investment Company [SBIC] that addresses underserved areas like Montana. Montana is one of the few States that have never had a licensed SBIC. With this provision, it will enable Montana to apply and hopefully qualify for this much needed license. Approximately 98 percent of Montana's businesses are considered small businesses by definition, and an SBIC in the State will provide the necessary capital to fuel Montana's small businesses.

Mr. Speaker, I urge my colleagues to vote for the bill.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BENTSEN], perhaps the House's most knowledgeable Member on questions of securitization.

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is late in the session. We are talking about the SBA reauthorization. It is like the great American philosopher who said it is deja vu all over again, and now we are once again trying to get to the issue of what is going to happen with securitization.

It was a year ago that the Committee on Small Business in both the House and the other body attempted to deal with this issue. We saw some language that was never passed, and now we have the Small Business Administration also trying to deal with this issue.

This all began in part because of an attempt on the part of both committees to try and level the playing field between banks and nonbanks in the securitization of the unguaranteed portion of 7(a) loans, which I think all of us support and does create capital. But there have been attempts, I think, to rigidly try and define the structure of that securitization which could, in fact, reduce the amount of capital that is available. I would like to engage in a brief colloquy with the ranking member and the chairman, if I might.

It is my understanding that the current bill we are considering today includes no language instructing SBA on how to define any credit test to securitization. My concern continues to be that the SBA may come up with a definition which is too rigid, on the one hand, which tries to have a one-size-fits-all for both banks and nonbanks, and confuses market concentration with creditworthiness, which is what I believe both the ranking member and the chairman's intent was when we looked at this issue in the last Congress.

Mr. LAFALCE. Mr. Speaker, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from New York.

Mr. LAFALCE. I concur with the remarks of the gentleman from Texas completely.

Mr. TALENT. Mr. Speaker, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from Missouri.

Mr. TALENT. Mr. Speaker, I do also, and certainly would hope that the agency will move toward as much securitization as financial soundness permits. That is what the committee has been working to accomplish.

Mr. BENTSEN. Mr. Speaker, I thank the chairman and ranking member.

I rise in support of the bill, and I appreciate the hard work that they have done.

Mr. LAFALCE. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member and the chairman for the very strong support of small businesses.

Let me say that I rise to support this authorization act because of the Microloan Program, the supporting of the National Women's Business Council Program, and as well the fact that we are not disturbing the 8(a) programs that help create jobs in America. Let me compliment my own small business regional office and Mr. Wilson, and I hope that we will continue to stand on the side of small businesses.

Mr. TALENT. Mr. Speaker, I would be happy to yield if the gentleman wants a little more time. I yield 1 minute to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I would like to take this time to thank the chairman of our committee, the gentleman from Missouri [Mr. TALENT], for all of the kindnesses that he has shown me in his position. He has proven himself to be an excellent chairman, certainly one that has been a pleasure for me to work with. He has the ability to be both gentle, cooperative and firm all at the same time, and I am sure that he is going to go on to great things in life, not only in the House of Representatives, but perhaps even higher.

I also want to extol our staff. My tremendous staff, both Tom Powers, Jeanne Roslanowick and others, but also the majority staff. They have tremendous expertise and dedication; they have worked together as one staff in order to produce the best possible bill, regardless of politics, regardless of partisanship. So it has been a pleasure for me to work with all of them on this reauthorization bill.

Mr. TALENT. Mr. Speaker, in closing, I yield myself such time as I may consume.

I want to echo the remarks of the gentleman from New York [Mr. LAFALCE], except in reverse. It has been a great pleasure this year to work with him. We all know that the gentleman knows how to be firm; he also does know how to be, and has been consistently, cooperative, and I have been very grateful to him for that.

Also, I want to recognize the great depth of his knowledge in this field. We are passing, I hope and believe today, yet another reauthorization bill, and it will reflect yet again his great influence and his great expertise in this area.

I want to thank also the members on both sides of the committee. The House has heard many of them today, and I am proud to chair a committee with so many committed and dedicated individuals.

Mr. Speaker, this legislation is the product of bipartisan and bicameral efforts to reauthorize the Small Business Administration through fiscal year 2000. It reflects the efforts of many individuals and committees and their staffs. I would like to thank the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the Committee on Science; and the gentleman from California [Mr. BROWN], his ranking member, for their work on H.R. 2429, which has in large part become section 501 of this legislation. I would also like to express my appreciation to their staff who worked on this.

I would also like to thank the gentleman from Arizona [Mr. STUMP], the chairman of the Committee on Veterans' Affairs, and the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, along with their staffs, for their help in working on title VII of this legislation. As I have already said, I want to extend my thanks and appreciation to the gentleman from New York [Mr. LAFALCE], the committee's ranking member, for his help in crafting this legislation.

Finally, I would like to acknowledge the Committee on Small Business staff who worked on this bill: Emily Murphy, Mary McKenzie, Kiki Kless, Paul Denham, Charles "Tee" Rowe, and Harry Katrichis for the majority, and Jeanne Roslanowick, Steve McSpadden and Tom Powers for the minority.

I urge my colleagues, in closing, to vote for this important piece of legislation.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to express my concerns regarding S.

1139, the Small Business Authorization Act. I will vote for this bill because it is essential for the continuation of programs which assist small businesses in this country. However, I have serious concerns regarding a specific provision included by the Senate, which could impact the current 8(a) program for minority- and women-owned businesses.

S. 1139 establishes a new program to increase access to Federal contracts for small businesses in economically distressed areas. While the goal of this new HUBZone program seems laudable enough, I have strong reservations regarding its potential impact on the existing and successful 8(a) program for minority- and women-owned businesses.

It is no secret that many in the majority want to get rid of the 8(a) program and other forms of affirmative action. I fear that the establishment of these HUBZones is a backdoor attempt to weaken 8(a) and affirmative action.

The 8(a) program is specifically targeted to assist businesses owned by minorities and women, which have historically had difficulty in obtaining contracts and subcontracts from the Federal Government. The new HUBZone program would be open to all small businesses within these zones, not just those which are disadvantaged in any way. And these businesses within the HUBZones will compete with the 8(a) businesses for the limited number of Federal contracts.

Also of concern is that under this provision Federal agencies would be allowed to use sole-source contracts in HUBZones which cuts out the competitive nature of Federal contracting altogether, and further erodes opportunities for 8(a) businesses.

The Senate has failed to provide enough funding for the administration of this new program. The Congressional Budget Office estimates that $12 million is needed annually to implement the HUBZone program. The bill provides only $1.2 million. This raises concerns regarding adequate oversight and evaluation of this new program. If we are to accurately assess whether this new program is affecting the 8(a) program we need to have the appropriate monitoring systems in place. The lack of funding causes concerns in this regard.

Mr. Speaker, I have discussed these concerns with the Administrator of the Small Business Administration, who assured me that the Administration will closely monitor this new program and its impact on the 8(a) program. She also indicated that in administering the HUBZone program, they would take steps necessary to assure that 8(a) was not adversely impacted.

Mr. Speaker, had this bill come up under regular order, and not under the expedited suspension procedures we would have had the opportunity to address many of our concerns through the amendment process. As we are in the last 2 days of the congressional session this year, I understand the need to utilize expedited procedures to assure that critical small business programs are funded.

Therefore, I will support this bill. I note for the RECORD that I will watch closely the development of this program and monitor its impact on the 8(a) minority- and women-owned business program.

Mr. TALENT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Missouri [Mr. TALENT] that the House suspend the rules and concur in the Senate amendment to the House amendment to S. 1139.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1139, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MICROCREDIT FOR SELF-RELIANCE ACT OF 1997

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1129) to establish a program to provide assistance for programs of credit and other assistance for microenterprises in developing countries, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microcredit for Self-Reliance Act of 1997".

SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.

The Congress makes the following findings and declarations:

(1) More than 1,000,000,000 people in the developing world are living in severe poverty.

(2) According to the United Nations Children's Fund (UNICEF), mortality for children under the age of 5 averages 100 child deaths per thousand for all developing countries, with nearly double that rate in the poorest countries.

(3) Nearly 35,000 children die each day from largely preventable malnutrition and disease.

(4)(A) Women in poverty generally have larger work loads, and less access to educational and economic opportunities than their male counterparts.

(B) Directly aiding the poorest of the poor, especially women, in the developing world has a positive effect not only on family incomes, but also on child nutrition, health and education, as women in particular reinvest income in their families.

(5)(A) The poor in the developing world, particularly women, generally lack stable employment and social safety nets.

(B) Many turn to self-employment to generate a substantial portion of their livelihood.

(C) These poor entrepreneurs are often trapped in poverty because they cannot obtain credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities.

(D) Many of the poor are forced to pay interest rates as high as 10 percent per day to money lenders.

(6)(A) On February 2–4, 1997, a global microcredit summit was held in Washington, District of Columbia, to launch a plan to expand access to credit for self-employment and other financial and business services to 100,000,000 of the world's poorest families, especially the women of those families, by 2005.

(B) With five to a family, achieving this goal will mean that the benefits of microcredit will thereby reach nearly half of the world's more than 1,000,000,000 absolute poor.

(7)(A) The poor are able to expand their incomes and their businesses dramatically when they can access loans at reasonable interest rates.

(B) Through the development of self-sustaining microcredit programs, poor people themselves can lead the fight against hunger and poverty.

(8)(A) Nongovernmental organizations such as the Grameen Bank, Accion International, and the Foundation for International Community Assistance (FINCA) have been successful in lending directly to the very poor.

(B) These institutions generate repayment rates averaging 95 percent or higher, demonstrating the bankability of the poorest.

(C) International organizations such as the International Fund for Agricultural Development (IFAD) and the United Nations Development Program (UNDP) have demonstrated success in supporting microcredit programs.

(9)(A) Microcredit institutions not only reduce poverty, but also reduce the dependency on foreign assistance.

(B) Interest income on a credit portfolio can be used to pay recurring institutional costs, assuring the long-term sustainability of development assistance.

(10) Microcredit institutions leverage foreign assistance resources because loans are recycled, generating new benefits to program participants.

(11) The development of sustainable microcredit institutions which provide credit and training, and mobilize domestic savings, are critical components to a global strategy of poverty reduction and broad based economic development.

(12)(A) In 1994, the United States Agency for International Development launched a microenterprise initiative in partnership with the Congress.

(B) The initiative committed to expanding funding for the microenterprise programs of the Agency, and set a goal that, by the end of fiscal year 1996, half of all microenterprise resources would support programs and institutions providing credit to the poorest, with loans under $300.

(C) In order to achieve the goal of the microcredit summit, increased investment in microcredit institutions serving the poorest will be critical.

(13) Providing the United States share of the global investment needed to achieve the goal of the microcredit summit will require only a small increase in United States funding for international microcredit programs, with an increased focus on institutions serving the poorest.

(14)(A) In order to reach tens of millions of the poorest with microcredit, it is crucial to expand and replicate successful microcredit institutions.

(B) These institutions need assistance in developing their institutional capacity to expand their services and tap commercial sources of capital.

(15) Nongovernmental organizations have demonstrated competence in developing networks of local microcredit institutions so that they reach large numbers of the very poor, and achieve financial sustainability.

(16) Recognizing that the United States Agency for International Development has developed very effective partnerships with nongovernmental organizations, and that the Agency will have fewer missions to carry out its work, the Agency should place priority on investing in these nongovernmental network institutions through the central funding mechanisms of the Agency.

(17) By expanding and replicating successful microcredit institutions, it should be possible to create a global infrastructure to provide financial services to the world's poorest families.

(18)(A) The United States Agency for International Development can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector.

(B) The United States Agency for International Development should seek to improve coordination of donor efforts at the operational level to promote the use of best practices in the provision of financial services to the poor and to ensure that adequate institutional capacity is developed.

(19) Through expanded support for microcredit, especially credit for the poorest, the United States Agency for International Development can continue to play a leadership role in the global effort to expand financial services and opportunity to 100,000,000 of the poorest families on the planet.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide for the continuation and expansion of the commitment of the United States Agency for International Development to the development of microenterprise institutions;

(2) to make microenterprise development the centerpiece of the overall economic growth strategy of the United States Agency for International Development;

(3) to support and develop the capacity of United States and indigenous nongovernmental organization intermediaries to provide credit, savings, and training services to microentrepreneurs;

(4) to increase the amount of assistance devoted to credit activities designed to reach the poorest sector in developing countries, and to improve the access of the poorest, particularly women, to microenterprise credit in developing countries; and

(5) to encourage the United States Agency for International Development to provide global leadership in promoting microenterprise for the poorest among bilateral and multilateral donors.

SEC. 4. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:

"SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

"(a) FINDINGS AND POLICY.—The Congress finds and declares that—

"(1) the development of micro- and small enterprise, including cooperatives, is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system;

"(2) it is, therefore, in the best interests of the United States to assist the development of the private sector in developing countries and to engage the United States private sector in that process;

"(3) the support of private enterprise can be served by programs providing credit, training, and technical assistance for the benefit of micro- and small enterprises; and

"(4) programs that provide credit, training, and technical assistance to private institutions can serve as a valuable complement to grant assistance provided for the purpose of benefiting micro- and small private enterprise.

"(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

"(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

"(2) training programs for lenders in order to enable them to better meet the credit needs of micro- and small entrepreneurs; and

"(3) training programs for micro- and small entrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.

"(c) ELIGIBILITY CRITERIA.—The Administrator of the United States Agency for International Development shall establish criteria for determining which entities described in subsection (b) are eligible to carry out activities, with respect to microenterprises, assisted under this section. Such criteria may include the following:

"(1) The extent to which the recipients of credit from the entity do not have access to the local formal financial sector.

"(2) The extent to which the recipients of credit from the entity are among the poorest people in the country.

"(3) The extent to which the entity is oriented toward working directly with poor women.

"(4) The extent to which the entity recovers its cost of lending to the poor.

"(5) The extent to which the entity implements a plan to become financially sustainable.".

SEC. 5. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

"SEC. 129. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

"(a) AUTHORIZATION.—(1) In carrying out this part, the Administrator of the United States Agency for International Development is authorized to provide grant assistance for programs of credit and other assistance for microenterprises in developing countries.

"(2) Assistance authorized under paragraph (1) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—

"(A) United States and indigenous private and voluntary organizations;

"(B) United States and indigenous credit unions and cooperative organizations; or

"(C) other indigenous governmental and nongovernmental organizations.

"(3) Approximately one-half of the credit assistance authorized under paragraph (1) shall be used for poverty lending programs, including the poverty lending portion of mixed programs. Such programs—

"(A) shall meet the needs of the very poor members of society, particularly poor women; and

"(B) should provide loans of $300 or less in 1995 United States dollars to such poor members of society.

"(4) The Administrator should continue support for mechanisms that—

"(A) provide technical support for field missions;

"(B) strengthen the institutional development of the intermediary organizations described in paragraph (2); and

"(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations.

"(b) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (a)(1), the Administrator shall establish a monitoring system that—

"(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

"(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance; and

"(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women.".

SEC. 6. MULTILATERAL COOPERATION WITH THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT.

(a) FINDINGS.—The Congress finds the following:

(1)(A) The International Fund for Agricultural Development ("IFAD") has as its mission serving the poorest of the poor in rural areas.

(B) IFAD has had two decades of experience in assisting the economic development of the rural poor.

(2) IFAD has been a significant supporter of microenterprise and other microfinance activities for the rural poor almost since its inception and it was the first international institution to assist the Grameen Bank.

(3) IFAD can make a significant contribution to developing a global network of sustainable microenterprise and other microfinance institutions which serve the very poor through support for nongovernmental organizations and other community-based microcredit institutions.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the United States Agency for International Development, in carrying out sections 108 and 129 of the Foreign Assistance Act of 1961, as added by sections 4 and 5 of this Act, respectively, shall seek to cooperate with IFAD in order to compliment and expand the activities of IFAD, especially with respect to institutional development; and

(2) the United States should continue to support and contribute to the activities of IFAD, especially activities related to microenterprise and microfinance, including the Microfinance Capacity Building Grant Initiative.

SEC. 7. UNITED NATIONS DEVELOPMENT PROGRAM'S MICROSTART PROGRAM.

It is the sense of the Congress that—

(1) the Microstart Program established by the United Nations Development Program (UNDP) represents an important new initiative; and

(2) the President should instruct the United States representative to the United Nations to use the voice and vote of the United States to support the Microstart Program of the United Nations Development Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Connecticut [Mr. GEJDENSON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1129, the Microcredit for Self-Reliance Act of 1997, was introduced last March by a distinguished member of our committee, the gentleman from New York [Mr. HOUGHTON], along with the gentleman from Ohio [Mr. HALL]. The bill is an impressive work that has gained over 90 cosponsors from both sides of the aisle. I want to thank the gentleman from New York [Mr. HOUGHTON] and the gentleman from Ohio [Mr. HALL] for their work on this important issue. They have become the best allies of my colleague from Connecticut [Mr. GEJDENSON] and myself on our work to promote microenterprise development.

Mr. Speaker, over the years many of us have become aware of Dr. Yunus's Grameen Bank and the 98 percent repayment rate that his bank has received for loans to the poorest of the poor who never had any prior access to credit. Microenterprise lending has now become widespread throughout the world, helping people lift themselves out of poverty. This example has now hit home where microcredit activities are lifting Americans out of poverty in cities such as Boston, New York, and Los Angeles. I especially commend the gentlewoman from Florida [Ms. ROS-LEHTINEN] for her work on this issue.

Two years ago the gentleman from Connecticut [Mr. GEJDENSON] and I joined together to pass the Microenterprise Act. After weeks of negotiations, we were finally able to hammer out an agreement acceptable to the administration, to Congress, and to outside groups, including Results and the Microenterprise Coalition. That bill passed the House with flying colors, but regrettably was held up in the Senate by 1 Senator who linked the bill to extraneous issues.

Today the gentleman from Connecticut [Mr. GEJDENSON] and I are asking the House to pass this bill once again and to work with our colleagues in the Senate to seek its adoption in the other body.

In committee, we amended the initial bill to delete any earmarks and inserted the text of the Microenterprise Act that enjoys the support of both the administration and the Senate Committee on Foreign Affairs, and while the gentleman from Connecticut [Mr. GEJDENSON] and I would want AID to spend more money on microenterprise activities, we recognize at this late date that we have to work with the administration in order to get a bill hotlined in the Senate and signed by the President. We were pleased to welcome the First Lady to our Committee on International Relations just this past summer to rededicate ourselves to AID's microenterprise initiative.

In summary, the bill before us does a number of important things. It underscores microenterprise activities as one of the most important parts of our development assistance programs. It rewrites a long defunct section of the Foreign Assistance Act to govern microenterprise credits. These credits should focus on the poor, especially on women. It adds a section to the Foreign Assistance Act governing microenterprise grants. It clearly states that one-half of the credit assistance should be provided in loans of $300 or less and requires AID to report back to us on just how they are reaching the poorest of the poor.

Finally, it commends other leading micro-finance organizations like the International Fund for Agricultural Development and the United Nations Development Program for taking the multilateral lead in the microcredit world. Earlier this year, we came together at the Microcredit Summit in Washington, the first summit ever organized by an NGO. At that time, we dedicated ourselves to providing credit to half the world's poor in the next decade. AID's funding for microcredit is currently falling short of that goal, and we are hoping that this bill will help reenergize their efforts and ours to foster this important program.

In sum, I urge the adoption of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. HALL], the author of the legislation, a gentleman who has put in a great effort, not just here today, but through the years in the area of the poor and the needy.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Connecticut [Mr. GEJDENSON], for his very kind remarks and certainly his leadership on the committee and his work on microenterprise; the gentleman from New York [Mr. GILMAN], for his work for many years now; and the gentleman from Tennessee [Mr. CLEMENT] for his great support, the gentlewoman from Florida [Mrs. ROS-LETHINEN] for her tremendous support on the subcommittee, and certainly the gentleman from New York [Mr. HOUGHTON], the chief sponsor of the bill. He has shown great leadership on the bill. He is a real fighter for programs, as all of these Members of Congress are. They are certainly fighters that help the poor to help themselves, and there is no better example of such assistance than microcredit programs.

I am a firm believer that if we invest in the poor through programs such as microcredit and basic education, child survival types of activities and rural development, if we help the poor to gain access to the marketplace and share in the benefits of economic growth, the returns will justify such investments many times over. In terms of political, economic and social stability, they will reap the benefits.

□ 1715

The bill before us today represents a significant compromise from our original proposal. It is certainly not everything we wanted, and in my view, we have much more work to do.

The initial purpose of H.R. 1129 was to show support for a firm U.S. commitment to the 1997 microcredit summit goal of reaching 100 million of the world's poorest families, especially the women of those families. The goal is widely supported by the administration, the World Bank and other financial institutions, and many, many world leaders who pledged their support at the microcredit summit.

Not long ago the First Lady came up to the Hill to help kick off USAID's renewed commitment to its microenterprise initiative. In that spirit our bill called for a greater investment of our foreign aid dollars in microcredit projects. The unfortunate irony is that despite all of this broad, resounding support, funding is being cut in this area. Only $120 million was requested for microcredit programs in fiscal year 1998, down from $140 million in 1997.

I fully understand that cuts in development assistance have made tough choices necessary, but many of us have fought hard against further cuts in development assistance. I would hope that we have reached a point where such cuts have finally bottomed out.

I would also emphasize that during the period from fiscal year 1988 through fiscal year 1991, we had a legislative earmark for microcredit programs in place. In my view, if an earmark is what it takes to maintain adequate funding levels for this important program, and the evidence clearly supports that position in this case, then it ought to be reinstated.

I also regret that provisions calling for stronger U.S. support for rural microcredit programs implemented by IFAD were dropped from the bill. IFAD

is a small but effective agency focused uniquely on combatting rural poverty and hunger at the grassroots level.

Despite its shortcomings this bill does, nonetheless, lay important groundwork for future strengthening of these programs. It retains small but important gains for microcredit programs. So even though I think we can and should be doing more in this area, this bill marks an important step forward for microcredit programs.

I certainly urge my colleagues to support it, and I want to thank the committee for moving on this bill.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York [Mr. HOUGHTON], a member of our committee.

Mr. HOUGHTON. Mr. Speaker, I would like to stand in strong support of H.R. 1129. It is the right bill, it is the right time. It is not enough money, but it is as good as we could possibly do under the circumstances. I think the direction is absolutely solid, right on. It complements the USAID program. I do not think there is any question about that. I believe there is no opposition to that.

Mr. Speaker I would like to, if I could, just mention several names of people: Obviously, the gentleman from Ohio, Mr. HALL, has been a tremendous sponsor of this; and the gentleman from Connecticut, Mr. GEJDENSON, and my chairman; the gentleman from New York, Mr. GILMAN, the gentleman from Indiana, LEE HAMILTON, the gentlewoman from Florida, Ms. ILEANA ROS-LEHTINEN, the gentleman from Texas, Mr. DICK ARMEY, for letting us bring this thing to the floor.

I would also like to mention several other individuals: The gentleman from Colorado Mr. DAN SCHAEFER, the gentleman from California, Mr. ESTEBAN TORRES, the gentleman from New York, Mr. JIM WALSH, the gentleman from Hawaii, Mr. NEIL ABERCROMBIE, the gentleman from North Carolina, Mr. MEL WATT, the gentleman from Kentucky, Mr. RON LEWIS, the gentleman from Michigan, Mr. DAVE BONIOR, the gentleman from Alaska, Mr. DON YOUNG, the gentleman from Washington, Mr. JIM MCDERMOTT, the gentleman from Ohio, Mr. STEVE CHABOT, the gentleman from Vermont, Mr. BERNIE SANDERS. Members can see we have a real spectrum of people in support here.

Also there is an important outside group called RESULTS, particularly Jo Ann Carter and Leila Nimatallah, who really have promoted this bill along and have had a great deal to do with the microcredit summit.

Mr. Speaker, very briefly, this original bill increased the amount of money for USAID. That was not possible because of the budget restrictions. It was pared down. Now we have a lesser amount of money. The new version of the bill does not provide any additional funds for this program.

But what the bill does is to instruct the people at USAID to the best of their ability to ensure that half of these moneys go to people who are requiring $300 or less, think of it, $300 or less, to start little businesses; really, the poorest of the poor, as the chairman has mentioned. It is an absolutely great idea.

The concept that Mr. Yousef in Bangladesh started is something I think that really could have enormous impact in the rest of the world. We also have monitoring positions here, and we are going to watch the implementation of the program so it does not get out of hand.

So very briefly, Mr. Speaker, since so much already has been said about this, I urge my colleagues to support this bill today. It is a truly bipartisan measure.

Mr. GEJDENSON. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I thank the gentleman from Connecticut for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 1129, the Microcredit for Self-Reliance Act of 1997. In particular, I would like to thank my friends and colleagues, the gentleman from New York, Mr. AMO HOUGHTON, and also the gentleman from Ohio, Mr. TONY HALL, for seeing that the issue of microfinance and microcredit receives congressional attention. I am a cosponsor of this bill, and very supportive of microcredit and the aim of thoughtfully assisting the poor who wish to help themselves.

Microcredit is a responsible and effective tool in fighting poverty. I have heard a number of stories that tell of the successes of microcredit. One of many examples is that of a woman in Bangladesh whose husband had died. Without any income, she was forced to sell all of her possessions to feed her little girl. She was forced to go from shack to shack, begging to sleep on the dirt floors of those who were barely better off than she.

A microcredit representative came to her village and told her that she could get a loan to help her improve her position; imagine that, a woman who had lost her husband, lost all of her possessions, so poor that she was forced to beg to live on floors of her neighbors.

This woman is told that she can have a loan; not a big loan, a loan that was under $40. How powerful and empowering is someone saying, I have faith in you and we are going to give you a chance. The microcredit representative in her community helped her develop a business plan. She purchased a hen. She would keep some of the eggs for her daughter and herself, and sell the rest. Soon she was able to pay off the loan and buy some goats. Now she has a small farm and home, all of this from a $40 loan. She was begging to live on dirt floors, and because someone was willing to give her a small loan, she was able to become a strong contributing member of her society.

There are many stories like this that have been shared by others already today. How can we not feel good and want to encourage programs such as this? In hearings on this issue, my colleagues on the Committee on International Relations were very accepting and positive in their discussions of the Houghton-Hall bill.

Ironically, USAID assistance to microcredit for fiscal year 1998 is $20 million less than it was in fiscal year 1994, despite the effectiveness of microcredit programs, with loan repayments of over 90 percent. It seems that the logical step would be an increase, rather than a decrease, of our earmarks for microcredit. We must work to guarantee that these recommendations be understood as a legislative distinction intended to reach those at the very bottom of the economic ladder, thereby ensuring we sufficiently reach those with the greatest need.

Having said that, I will support the Gilman compromise bill, noting that it is a beginning. More needs to be done to expand and protect effective microcredit funding. I look forward to working with my colleagues in microcredit initiatives as we work to creatively find ways to assist those with the greatest need.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER], the chairman of our committee.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York for yielding me the time.

Mr. Speaker, I want to speak in strong support of the Houghton resolution. I think it is very important in many ways. I know I first became familiar with the kind of microenterprise work when FINCA came to the Hill and talked about their work in the Central Andes countries. We knew, of course, about the Gramine Bank and its wonderful work.

The amount of money that really makes a difference, a very small loan, usually very rapidly repaid, can really turn around a person and a family's life. I think we ought to be spending more of our resources here. It is a big bargain.

I commend the gentleman for his effort, and all of the people who have supported this legislation which the gentleman from New York [Mr. HOUGHTON] generously listed, and the many Members who are very supportive of this legislation. I urge its strong support.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say a few words myself, obviously to commend the participants, the chairman of the committee, the gentleman from

New York [Mr. HOUGHTON] and the gentleman from Ohio [Mr. HALL], and others who have been involved in this; also, the First Lady, for coming here to renew our commitment to microenterprise loans, and clearly Mr. Atwood, who has done a spectacular job with this program. Without Mr. Atwood's help on this and leadership, we would not be where we are today.

I would like to take one moment to tell a family story. My family came to this country in 1950. My parents had survived Hitler and Stalin. I was born in a refugee camp run by the United Nations in Germany. We got to New York in October 1949. My father spent a little time in New York and in Boston, the family did, and he wanted to work for himself.

There was an organization called the Gmeeloos Hessed that gave no-interest loans under the assumption that when you made it, you paid it back and kicked in a little for the next folks. That enabled us to buy the dairy farm that my family still lives on.

When we look around globally, there is probably no program that this country has ever been involved in that has really had the kind of positive impact in so many ways, not just for the individuals who get the loan, but what we find is many of these loans, like from the Gramine Bank, end up going to women, with a repayment rate far higher than loans that go to people in very high incomes. The repayment rate here is above 90 percent.

What we find is oftentimes these women end up bringing their husbands into the business because they need assistance, and as a result of that they end up decreasing the surplus of day laborers, which means everybody in the village does a little better.

So again, Mr. Speaker, I would say to the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New York [Mr. HOUGHTON], and all our friends on both sides of the aisle, this is a great program. It is something that we as Americans can be very proud of that we continue to do this.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the kind gentleman from Connecticut for yielding time to me. I know his passion. I appreciate the leadership of the chairman of the committee, the gentleman from New York [Mr. GILMAN], on this issue as well.

Mr. Speaker, let me talk from personal experience, for I think today being a day that many Americans gather to worship, there is a parable, if you will, that is somewhat similar to a discussion that many have about how we help those who help themselves. Certainly there is the issue of how Jesus fed the multitude at the mountain, taking a couple of fishes and loaves of bread and multiplying it into serving a multitude of people.

There is also a phenomenon that says, it is better to teach someone how to fish than to give them the fish.

□ 1730

This is what this program represents. These microloans are a statement of self-reliance. They are, in fact, a strong response to individuals in the international arena being able to help themselves. In particular, I have seen these loans work in places like Africa, where the women, who have traditionally been the market women in Africa, have used a lot of these microloans to in fact engage in enhancing and encouraging their business.

Microenterprises are very small, informally organized businesses. Other than those that grow crops, often microenterprises employ just one person, the owner-operator, or microentrepreneur. In some lower income countries, however, microenterprises employ a third or more of the labor. The Microenterprise Program is targeted at businesses run by employing the poor, and it helps them by increasing their income and their assets. It raises their skills and productivity, and it helps them form organizations.

It is interesting, the kinds of businesses around which these microenterprises can actually exist. They can sell, for example, one product. They can be a soda selling entity in a little booth with cups and sodas, and out of that they can raise and help to build their families. It only takes one particular product that they might be selling.

In so doing, let me say that we help to have an impact on the foreign aid we have to give. We help to have an impact on the growing economies of these countries. We also help to have an impact on their self-reliance and their feeling about themselves. The programs receiving USAID funding incorporate the following principles: The commitment of significant outreach of services, continued focus on women and the very poor, the very backbone of these nations. Many of these women are heads of households and also are the basic structure of the family. The microcredit does erase poverty. And for those who are aware of the hunger around the world, we recognize that that is one the best solutions, is to provide the independence that is needed.

I want to compliment this program, as well, for what it provides to women, the access to credit. And as well as it gives them access to credit, it helps them educate women in nations like India, in nations like Southeast Asia, as well as those in Africa and other parts of the world.

It has been well documented that educated women have fewer children and more time between births and, therefore, fewer health problems and healthier children. I would certainly say that this is a right direction.

I thank my colleagues for their leadership, and I urge my colleagues as well to vote for H.R. 1129.

Mr. Speaker, I rise today in strong support of H.R. 1129, the Microcredit for Self-Reliance Act. H.R. 1129 grants express authority to the United States Agency for International Development [USAID] to provide grants and loans in support of microenterprise programs in developing countries. The legislation directs that approximately one-half of the grant assistance provided under the USAID's program be used by poverty lending programs to the very poor, particularly poor women, under which loans of $300 or less are provided. I especially would like to thank Mr. Hall of Ohio for his authorship and leadership on this very important bill.

Microenterprises are very small, informally organized businesses, other than those that grow crops. Often microenterprises employ just one person, the owner-operator or "microentrepreneur." In some lower-income countries, however, microenterprises employ a third or more of the labor force.

Importantly, the Microenterprise program is targeted at businesses run by and employing the poor. The Microcredit programs seeks to help the poor increase their income and assets, raise their skills and productivity, and form organizations that facilitate their more effective participation in society. In so doing, programs receiving USAID funding incorporate the following principles: a commitment to significant outreach of services, a continued focus on women and the very poor, a striving for sustainability and financial self-sufficiency, an adherence to rigorous performance standards, a sharing of information on best practices, and a fostering of innovation in programs.

Microcredit is a poverty eradication program. It is a program that provides opportunity and independence to the poor and to impoverished women in particular. In fact, more then 90 percent of microcredit loans have gone to women. Providing women access to microcredit enables them to open their own businesses and in so doing helps to build independence in male-dominated cultures.

Access to microcredit helps to educate women. It raises their income and, thus, that of their families. It has been well-documented that educated women have fewer children, have more time between births, and, therefore, have fewer health problems and have healthier children.

I urge my colleagues to vote for H.R. 1129 and in so doing, signal their support for this important program that does so much to empower women and improve the quality of life for impoverished families around the world.

Mr. PAYNE. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATHAM). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 1129, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF CONGRESS WITH RESPECT TO GERMAN GOVERNMENT'S DISCRIMINATION AGAINST MEMBERS OF MINORITY RELIGIOUS GROUPS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 22) expressing the sense of the Congress with respect to the discrimination by the German Government against members of minority religious groups, particularly the continued and increasing discrimination by the German Government against performers, entertainers, and other artists from the United States associated with Scientology, as amended.

The Clerk read as follows:

H. CON. RES. 22

Whereas since World War II, Germany has been a friend and ally of the United States;

Whereas German government discrimination against members of minority religious groups, particularly against United States citizens, has the potential to harm the relationship between Germany and the United States;

Whereas artists from the United States associated with certain religious minorities have been denied the opportunity to perform, have been the subjects of boycotts, and have been the victims of a widespread and well-documented pattern and practice of discrimination by German Federal, State, local, and party officials;

Whereas the 1993, 1994, 1995, and 1996 United States Department of State Country Reports on Human Rights in Germany all noted government discrimination against members of the Church of Scientology in Germany;

Whereas the German State of Baden-Wuerttemberg barred Chic Corea, the Grammy Award-winning American jazz pianist, from performing his music during the World Athletics Championship in 1993, and in 1996 the State of Bavaria declared its intention to bar Mr. Corea from all future performances at State sponsored events solely because he is a member of the Church of Scientology;

Whereas the Young Union of the Christian Democratic Union and the Social Democratic Party orchestrated boycotts of the movies "Phenomenon" and "Mission Impossible" solely because the lead actors, Americans John Travolta and Tom Cruise, are members of the Church of Scientology;

Whereas members of the Young Union of the Christian Democratic Union disrupted a 1993 performance by the American folk music group Golden Bough by storming the stage solely because the musicians are members of the Church of Scientology;

Whereas the Evangelical Christian Church of Cologne, led by an American clergyman, Dr. Terry Jones, had its tax-exempt status revoked by the German government with the reason being that the church benefits to society were of "no spiritual, cultural, or material value";

Whereas the German government is constitutionally obligated to remain neutral on religious matters, yet has violated this neutrality by supporting and distributing information to the general public that gives the impression that "sect-experts", who are only critical of all but the major churches, are in a position to provide the public with fair, objective, and politically neutral information about minority religions;

Whereas the Jehovah's Witnesses' application for recognition as a corporation under public law, which would have put them on equal legal status with the Catholic and Protestant churches, was denied by the Federal Administrative Court because the church's doctrine of political neutrality was considered to be antidemocratic;

Whereas government officials and "sect-experts" are using the decision denying the Jehovah's Witnesses recognition as a corporation under public law as a justification for discriminatory acts against the Jehovah's Witnesses, despite the fact that a constitutional complaint is still pending before the German Constitutional Court;

Whereas adherents of the Muslim faith have reported that they are routinely subject to police violence and intimidation because of their ethnic and religious affiliation;

Whereas the 1994 and 1995 Reports to the Human Rights Commission of the United Nations on the application of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief by the Special Rapporteur for Religious Intolerance criticized Germany for restricting the religious liberty of certain minority religious groups;

Whereas Germany, as a signatory to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Accords, is obliged to refrain from religious discrimination and to foster a climate of tolerance; and

Whereas Germany's policy of discrimination against minority religions violates German obligations under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Accords: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) continues to hold Germany responsible for protecting the rights of United States citizens who are living, performing, doing business, or traveling in Germany, in a manner consistent with Germany's obligations under international agreements to which Germany is a signatory;

(2) deplores the actions and statements of Federal, State, local, and party officials in Germany which have fostered an atmosphere of intolerance toward certain minority religious groups;

(3) expresses concern that artists from the United States who are members of minority religious groups continue to experience German government discrimination;

(4) urges the German government to take the action necessary to protect the rights guaranteed to members of minority religious groups by international covenants to which Germany is a signatory; and

(5) calls upon the President of the United States—

(A) to assert the concern of the United States Government regarding German government discrimination against members of minority religious groups;

(B) to emphasize that the United States regards the human rights practices of the Government of Germany, particularly its treatment of American citizens who are living, performing, doing business, or traveling in Germany, as a significant factor in the United States Government's relations with the Government of Germany; and

(C) to encourage other governments to appeal to the Government of Germany, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the rights of foreign citizens and members of minority religious groups in Germany.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from New Jersey [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

PARLIAMENTARY INQUIRY

Mr. BEREUTER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BEREUTER. Mr. Speaker, I would like to inquire whether the gentleman from New Jersey [Mr. PAYNE] is in opposition to the resolution.

The SPEAKER pro tempore. Is the gentleman from New Jersey [Mr. PAYNE] in opposition to the resolution?

Mr. PAYNE. Mr. Speaker, I am in support of the resolution.

Mr. BEREUTER. Then, Mr. Speaker, I would claim the time in opposition to the resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and gentleman from Nebraska [Mr. BEREUTER] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

PARLIAMENTARY INQUIRY

Mr. PAYNE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PAYNE. Mr. Speaker, my inquiry is if Mr. GILMAN would give half of his time for those who are in favor of the amendment.

Mr. GILMAN. Mr. Speaker, I will be pleased to yield appropriate time to the gentleman from New Jersey.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey [Mr. PAYNE] will control 10 minutes.

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this measure and include extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, while I do not take pleasure in bringing this resolution to the floor criticizing Germany,

we must be frank with our friends. And when repeated treaties have failed and the matter is serious enough, we must not hesitate in speaking frankly and on the record.

Mr. Speaker, the fact is that the German public officials have displayed an unfortunate record of speech and action against minority religions, action that, in my opinion, amounts to discrimination and violation of German obligations under international law.

This resolution calls attention of the public to those actions, calls upon Germany to change its behavior, and asks the President to take appropriate action. I will not belabor these issues and will provide a longer statement under leave to revise and extend my remarks.

Mr. Speaker, the gentleman from New Jersey [Mr. PAYNE] is sponsor to this resolution, as well as the gentleman from Arizona [Mr. SALMON] and the gentleman from Ohio [Mr. NEY], each of whom has taken a great interest in this legislation and are deserving of our commendation. The resolution has been considerably broadened and softened in the course of its consideration in the committee. And Members may refer to the amendment now at the desk, copies of which are available on the floor.

Mr. GILMAN. Mr. Speaker, I first became aware of the problem of religious minorities in Germany well over a year ago when I had the opportunity to visit with American citizens about the problems that their coreligionists had in Germany.

I have had the opportunity to discuss this on several occasions with German Government officials. I have raised this issue in the context of my profound respect for Germany as a friend of the United States. More than a friend, it has become an especially close ally and, in addition, a country that has done a great deal in recent years to protect and uphold human rights around the world. This matter may distress our German friends. But we must be frank with friends.

The German Government perceives Scientology and certain other religious minorities as dangerous or not valuable to their society and as not having the right to the same privileges as other religions. I am sympathetic with German concerns that its history requires that its society be vigilantly protected against totalitarianism. We are all too familiar with how small organizations can grow into important threats to human rights and world peace.

Let me be clear. I have criticized some of the tactics of the Church of Scientology in its public relations campaign against Germany. The use of Nazi imagery by the church or its supporters to characterize the present Government of Germany is improper and unacceptable. But we cannot allow our distaste for some of the tactics of Scientology's supporters to undermine our concern about individual rights if we believe they are violated.

The fact is that healthy democracies such as Germany have potent weapons against groups when they take actions that actually threaten their societies. Democracies need not and ought not to discriminate against people based on matters of conscience or affiliation.

I am particularly concerned when discrimination against individuals on religious ground is encouraged. While some public officials may have an honest belief in the truth of their accusations, the political process can encourage politicians to engage in scapegoating and playing to public prejudices for partisan gain. This can, as we know—as Germans above all know—end in tragedy.

In this connection, I am dismayed with regard to some of the remarks that have been reported to have been uttered by German officials responsible for the protection of the Constitution.

For example, in the course of an interview printed on October 13 of this year in Die Welt, ostensibly devoted to discussing anti-Western, extremist trends within Islam, Peter Frisch, head of the German Federal Office of the Protection of the Constitution, stated that "there are several tens of thousands of Muslims in Germany who are converts from Christianity. There is one Islamic center that has expressly issued instructions to marry German women. The women would then convert to Islam and their children should be brought up accordingly." This sort of irrelevant, hatemongering rhetoric is unbecoming of an official charged with safeguarding human rights. This is the same official, by the way, who is today investigating Scientology.

During the period leading up to the consideration of this resolution in committee, and thereafter, there have been accusations that the German Government has been denied the opportunity to make its case. I would note that it is not the normal practice of our committee to call foreign ambassadors as witnesses and there was no request from the German Ambassador to be heard. I moreover note that I have discussed Scientology with the German Ambassador; the sponsors of this resolution may wish to address the accusation by the German Ambassador that they are unwilling to meet with him. Such an accusation was denied on the record at our committee markup.

Further, I note that the German Ambassador was invited by Senator D'AMATO from New York to appear or send a representative of the German Government to a hearing of the Commission on Security and Cooperation in Europe, which he chairs. The German Ambassador declined because a German Government official could not in principle appear before the Commission. I will include in the RECORD a copy of Senator D'AMATO's letter dated November 6, to me on this issue, and the German Ambassador's letter to me on the resolution, dated September 16, 1997.

The Department of State has worked on the problems of Scientologists and other minority religions in Germany and has done a good job in fostering the American perspective. But this dialog has gone on for some time and has had few positive results.

We hope that adopting this resolution, which has been modified considerably since its introduction, would indicate to our German friends that there is widespread support for the position that the Department has been taking and would spur a reconsideration in Germany of the policies that the resolution addresses.

Mr. Speaker, I urge my colleagues to support the amended resolution.

THE AMBASSADOR OF THE
FEDERAL REPUBLIC OF GERMANY,
October 29, 1997.

Hon. BENJAMIN GILMAN,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you about H. Con. Res. 22 concerning alleged discrimination by the German Government against members of minority religious groups. The draft resolution I have seen contains allegations against the German federal and state governments which are entirely unfounded and absurd, and I emphatically reject them.

As you know, Germany is a free country in which religious freedom is guaranteed under the constitution and thus sacrosanct. Indeed, this fact was clearly confirmed in the latest United States Department of State Country Report on Human Rights. Furthermore, I would like to add that no artist from the United States associated with certain religious minorities has been denied the right to perform in Germany.

I have enclosed information about the Scientology organization and the Cologne Christian Community, which speaks for itself. If you review it carefully, you will find that the German authorities have not disturbed the practice of religious freedom. Rather, on the contrary, there are increasing indications that the Scientology organization uses totalitarian and thus unconstitutional means to oppress its members and their families.

Germany is a close and trusted U.S. ally. If the current draft resolution were to come before your committee and to the floor of the House of Representatives for a vote, such a move would be incomprehensible to my government, the German Parliament, and the German public. Moreover, it would be inconsistent with the excellent status of our bilateral relations and, indeed, could harm them.

I would be very grateful if you could take these concerns into account in deciding how to proceed. In the past months, I have attempted several times to arrange an appointment with the co-sponsors of an earlier draft of this resolution in order to explain the German position on the Scientology organization.

Regrettably, the Congressional members did not wish to meet with me on this matter. It therefore goes without saying that I would be happy to discuss this matter with you anytime.

I will send a copy of this letter to the House ranking minority member on the International Relations Committee, Congressman Lee Hamilton.

Sincerely,

JÜRGAN CHROBOG.

NONPAPER

It cannot be said that the *Christliche Gemeinde Köln*—the Cologne Christian Community—is being persecuted or discriminated against by public institutions. Freedom of belief is fully and unconditionally guaranteed in Germany. The members of the *Christliche Gemeinde Köln* also are free to practice their belief.

NONPROFIT STATUS

As in the United States, religious communities in Germany must supply specific proof that they are nonprofit organizations in order to become tax exempt. After a thorough review of the *Christliche Gemeinde Köln*, the German tax authorities have found that the conditions under which the sect was originally recognized as a nonprofit organization no longer exist. For this reason, the

Christliche Gemeinde Köln will be assessed from now on, as are other noncharitable organizations.

The *Christliche Gemeinde Köln* has appealed this decision. A judgment by the Tax Court is still pending in this appeal.

DISMISSALS OF MEMBERS OF THE CHRISTLICHE GEMEINDE KÖLN

The German Government does not yet have any relevant information concerning the legal background of the dismissals. It therefore cannot take a position on the discrimination charges at this time.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
November 6, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Following your Committee's mark-up of H. Con. Res. 22 concerning German discrimination against individuals holding minority religions or beliefs, I noted that the German Federal Minister for Foreign Affairs, Klaus Kinkel, has reportedly said that the German Ambassador to the United States, Jürgen Chrobog, has offered to explain the German position to Congress, but ". . . he has had no chance to do this." ("Kinkel Rejects American Critique: 'No Persecution of Religious Minorities in Germany,'" in the Frankfurter Allgemeine Zeitung (National), November 3, 1997.) This assertion is false.

I have attached for your information a copy of a letter of invitation sent to Ambassador Chrobog on August 25, 1997. The relevant portion of the letter reads as follows: "I write today to invite a representative of the Federal Republic of Germany to testify at a public hearing of the Commission to be held at 10:00 a.m. on Thursday, September 18, 1997, in room SDG–50 of the Dirksen Senate Office Building. The subject of the hearing will be 'Emerging Intolerance in the Federal Republic of Germany.' It will focus on official policies and actions directed at members of minority ethnic groups and minority religions and beliefs contrary to the Federal Republic's international obligations."

Commission staff engaged in repeated telephonic conversations with officials at the Embassy of the Federal Republic of Germany to ascertain whether the German government would provide a witness at the hearing. At no time did any German official indicate that a witness would be provided.

After reviewing the problem of religious intolerance, I decided to broaden the scope of the hearing and accordingly changed its title to "Religious Intolerance in Europe Today," so that the Commission could better address the Europe-wide nature of the problem. On September 9, 1997 my Chief of Staff sent Ambassador Chrobog's deputy, Mr. Thomas Matussek, a note explaining the change in scope and indicating that no official German witness was needed.

On September 16, 1997, Ambassador Chrobog wrote to the Commission saying that ". . . an official representative of Germany cannot, on principle, testify before the Commission." Since the Commission is an independent agency of the United States government, duly authorized by law, a clarification of the principle invoked by Ambassador Chrobog would be in order to determine if it would be possible for an official of the Federal Republic of Germany to speak on the record in public before any U.S. government body.

The Ambassador's letter enclosed a background paper outlining the German government's official position on the subject. By telephone, the Embassy asked that this paper be made available to Commissioners. I agreed to do that and copies of the Ambassador's letter and attached information were placed on the dais at the hearing for the use of Commissioners.

In addition, the German Embassy requested that the paper enclosed with the Ambassador's letter be included in the hearing record. I have also agreed to do that. When the hearing record is published, it will contain all of the documents I have attached to this letter.

I provide you with this detailed record of the Commission's interactions with the Federal Republic of Germany's official representatives so that you may accurately respond to the allegation that official German views have not had the opportunity to be presented to the House or Senate on this subject. The opportunity was offered, and, unlike the ambassadors and official representatives of candidate NATO member states who appeared, testified, and responded to questions at Commission hearings on that subject during the spring of 1997, the German position was that they would not provide a witness. I have responded positively to their request that their written views be made available. In addition, staff level contacts have continued as the Commission seeks information.

Without attempting to discuss all of the problems in the official German position on this issue, I want to highlight the fact that Principle VII of the Final Act of the Conference on Security and Cooperation in Europe (the "Helsinki Accords," to which the Federal Republic of Germany is a party), provides, in pertinent part, that ". . . the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience." The repeatedly asserted official German position that Scientology is not a "religion" does not meet Germany's international human rights obligations. Whether or not Scientology is a religion is irrelevant in this case, because "belief" is a broader term than "religion," and Germany's official policy toward Scientology ignores the fact that "belief" is a protected category under the Helsinki Accords. Note that Principle VII is phrased in the disjunctive, religion or belief, and that Germany's policy toward Scientology is, we believe, in violation of this critically important principle.

I appreciate this opportunity to assist you in dealing with this matter, and look forward to continuing to work with you on issues of mutual concern.

Sincerely,

ALFONSE D'AMATO, U.S.S.,
Chairman.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
August 25, 1997.

His Excellency JÜRGEN CHROBOG,
Ambassador, Embassy of the Federal Republic of Germany, Washington, DC.

DEAR MR. AMBASSADOR: I write today to invite a representative of the Federal Republic of Germany to testify at a public hearing of the Commission to be held at 10:00 am on Thursday, September 18, 1997, in room SDG–50 of the Dirksen Senate Office Building. The subject of the hearing will be "Emerging Intolerance in the Federal Republic of Germany." It will focus on official policies and actions directed at members of minority ethnic groups and minority religions and beliefs contrary to the Federal Republic's international obligations.

The Commission is also inviting an official witness from the Executive Branch to present the official United States position on these matters as reflected in the Department of State's "Country Reports on Human Rights Practices for 1996," and other official statements.

While detailed plans for the hearing's organization are not yet final, I anticipate having three panels of witnesses; a first panel of official witnesses; a second panel of non-governmental organization and academic experts; and a third panel of publicly prominent Scientologists who have had experience with German policies on the Church of Scientology and its adherents. The third panel is occasioned in particular because of the Council of Ministers' decision to place the Church of Scientology "under observation" by the Federal Office for the Protection of the Constitution and coordinate state bodies.

I appreciate your kind attention to this request and express the hope that you or someone else who can speak with authority and credibility on Germany's approach to these problems can testify to present the Federal Republic's official position with the accuracy and clarity it deserves.

In order to help Members prepare for the hearing, the Commission requests that you provide 75 copies of your written testimony at least one day prior to the hearing. Oral presentations should be approximately 7–10 minutes in length. If your desire, you may provide additional written material for inclusion in the hearing record.

I look forward to working with you on this and other issues of common concern.

Sincerely,

ALFONSE D'AMATO, U.S.S.,
Chairman.

THE AMBASSADOR OF THE FEDERAL REPUBLIC OF GERMANY,
September 16, 1997.

Senator ALFONSE D'AMATO,
Chairman, Commission on Security and Cooperation in Europe, Washington, DC.

DEAR SENATOR D'AMATO: Thank you very much for your letter dated August 25, inviting a representative of the Federal Republic of Germany to testify at the public hearing "Emerging Intolerance in the Federal Republic of Germany," to be held by the Commission on Security and Cooperation in Europe on September 18. I am also aware that my deputy, Mr. Thomas Matussek, has received a letter, dated September 9, from Mr. Hathaway, Chief of Staff of the Commission on Security and Cooperation in Europe, explaining that the scope of the hearing has now been changed.

Please understand that an official representative of Germany cannot, on principle, testify before the Commission. As you may know, I have proposed on several occasions to meet individually with various Members of Congress to explain Germany's approach to the Scientology organization. While none of your colleagues expressed an interest in an exchange of views, I would be glad to renew my offer.

In the meantime, I enclose a background paper outlining the German position on the Scientology organization. The Commission staff has already been supplied with a copy.

Sincerely,

JÜRGEN CHROBOG.

SCIENTOLOGY AND GERMANY

Since October 1996 the Church of Scientology has waged an aggressive campaign

against Germany. Using full-page ads in the New York Times and the Washington Post, the Scientology organization has compared the treatment of Scientologists in present-day Germany with that of the Jews under the Nazi regime. This is not only a distortion of the facts, but also an insult to the victims of the Holocaust. Officials in Germany and the U.S. have repeatedly spoken out against this blatant misuse of the Holocaust. Ignatz Bubis, Germany's top Jewish leader, denounced the comparison as "false" and most recently, State Department spokesman Nicholas Burns at a press briefing on June 6, 1997 said:

"Germany needs to be protected, the German Government and the German leadership need to be protected from this wild charge made by the Church of Scientology in the U.S. that somehow the treatment of Scientology in Germany can or should be compared to the treatment of Jews who had to live, and who ultimately perished, under Nazi rule in the 1930s. This wildly inaccurate comparison is most unfair to Chancellor Kohl and to his government and to regional governments and city governments throughout Germany. It has been made consistently by supporters of Scientology here in the United States, and by Scientologists themselves. I do want to disassociate the U.S. Government from this campaign. We reject this campaign. It is most unfair to Germany and to Germans in general".

After having conducted thorough studies on the Scientology organization, the Federal Government has come to the conclusion that the organization's pseudo-scientific courses can seriously jeopardize individuals' mental and physical health and that it exploits its members. Expert testimony and credible reports have confirmed that membership can lead to psychological and physical dependency, to financial ruin and even to suicide.

In addition, there are indications that Scientology poses a threat to Germany's basic political principles.

Because of its experiences during the Nazi regime, Germany feels a special responsibility to monitor the development of any extreme group within its borders. German society is particularly alert towards radicalism of any kind and has set stiff standards for itself when dealing with aggressive, extreme groups—even when the groups are small in number.

Every citizen in Germany has the right to challenge the legality of government decisions which affect him or her, in an independent court. The Scientology organization has made ample use of its right to go to court in Germany and will continue to do so. Up until now, no court has found that the basic and human rights of Scientology members have been violated.

IS SCIENTOLOGY A THREAT?

According to a decision of March 22, 1995, by the Federal Labor Court, Scientology utilizes "inhuman and totalitarian practices." Often members are separated from their families and friends. The organization is structured so as to make the individual psychologically and financially dependent on a Scientology system. There are cases of the Scientology organization using this system of control and assertion of absolute authority to exercise undue influence in certain economic sectors—particularly in personnel and management training—causing serious harm to some individuals.

In response to the growing number of letters from concerned parents and family members, particularly from those with relatives in Scientology, the German Parliament (Bundestag) established an investigative commission which will present a report on the activities of "sects and psychocults" in the course of the year 1997.

In the United States, two legal cases involving Scientology support the German Federal Government's concerns about the organization. In the early 1980s, 11 top Scientologists were convicted in the United States for plotting to plant spies in federal agencies, break into government offices and bug at least one IRS meeting. Referring to Scientology's battle with the IRS for tax-exempt status, The New York Times in a front-page article published March 9, 1997 "found that the (tax) exemption followed a series of unusual internal IRS actions that came after an extraordinary campaign orchestrated by Scientology against the agency and people who work there. Among the findings . . . were these: Scientology's lawyers hired private investigators to dig into the private lives of IRS officials and to conduct surveillance operations to uncover potential vulnerabilities." In 1994, the U.S. Supreme Court upheld a California court's finding of substantial evidence that Scientology practices took place in a coercive environment and rejected Scientology's claims that the practices were protected under religious freedom guaranties.

In other countries, too, the Scientology organization is increasingly seen with great concern. In France, a government commission led by Prime Minister Juppé, and charged with monitoring the activities of sects, convened its first meeting in mid-November 1996. On November 22, 1996, in Lyon, several leading Scientologists were found guilty of involuntary manslaughter and fraud in a case where methods taught by Scientology were found to have driven a person to suicide.

In Italy during December 1996, an Italian court ordered jail terms for 29 Scientologists found guilty of "criminal association."

In Greece, a judge declared in January 1997 that an Athens Scientology group was illegal after ruling that the group had used false pretenses to obtain an operating license.

IS SCIENTOLOGY A BONA-FIDE RELIGION?

In its ads and writings, the Scientology organization claims it is internationally recognized as a religion, except in Germany. This is false.

Among the countries that do not consider Scientology a religion are Belgium, France, Germany, Great Britain, Ireland, Italy, Luxembourg, and Spain, as well as Israel and Mexico.

In the United States, the Scientology organization did in fact receive tax-exempt status as a religious congregation in 1993—after a decades-long, contentious battle with the IRS.

In Germany, it is possible for organizations undertaking non-profit activities to be exempt from taxation. Up until now, attempts by the Scientology organization to obtain such status have failed. Two of the highest German courts recently dealt with cases involving the Scientology organization. The Federal Labor Court (Bundesarbeitsgericht) in its above mentioned decision on March 22, 1995, also ruled, that the Scientology branch in Hamburg was not a religious congregation, but clearly a commercial enterprise. In its decision, the court quotes one of L. Ron Hubbard's instructions "make money, make more money—make other people produce so as to make money" and concludes that Scientology purports to be a "church" merely as a cover to pursue its economic interests.

The Federal Administrative Court (Bundesverwaltungsgericht) confirmed decisions by lower administrative courts that the Scientology organization has to register its economic activities as a business with the relevant authorities (decision of February 16, 1995).

Also in France, the Scientology organization is neither a religion nor a non-profit institution. The organization's Paris head office was closed in early 1996 for not paying back taxes.

In Great Britain, the Scientology organization has been rebuffed repeatedly by the Charity Commission which insisted as recently as 1995 that the organization could not be considered a religion under British law and could, therefore, not enjoy any tax-exempt status.

FEDERAL AND REGIONAL ACTION TAKEN AGAINST THE SCIENTOLOGISTS IN GERMANY

On June 6, 1997, Federal and State Ministers of the Interior agreed to place the Scientology organization under surveillance. The Ministers have established that several activities of the Scientology organization may operate contrary to democratic principles and therefore warrants a formal investigation by the Office for the Protection of the Constitution (Verfassungschutz). The investigation will focus on the structure of the organization and not on individual members. Concrete details regarding the extent of the investigation are not available at this time, but more information will be disclosed following the investigation's first year. Referring to the investigation, Manfred Kanther, Federal Minister of the Interior, said on June 6, 1997: "The year's surveillance will establish whether the organization is simply an unpleasant group, a criminal organization or an association with anti-constitutional aims."

Some of the German states have taken steps to protect their citizens against Scientology:

As of November 1, 1996, all applicants for admission to Bavarian public service and Bavarian public service employees must indicate whether they belong to the Scientology organization. Membership in Scientology alone does not automatically exclude individuals from public service.

THE SCIENTOLOGY PUBLIC RELATIONS CAMPAIGN AGAINST GERMANY

The Scientology organization has financed several highly visible public relations campaigns directed against the Federal Republic of Germany in American publications. Among the papers that have carried full-page ads in the last couple of years are the New York Times, the Washington Post and the International Herald Tribune. In addition, the International Herald Tribune published a controversial open letter to German Chancellor Helmut Kohl.

The Scientology organization has also distributed pamphlets such as "The Rise of Hatred and Violence in Germany," reiterating its allegations.

The open letter to Chancellor Kohl, written by a Hollywood lawyer with famous Scientology clients, appeared in early 1997 in the International Herald Tribune. The letter repeated Scientology organization assertions against Germany and was signed by 34 American celebrities. "Disgraceful and irresponsible" is how Michel Friedman, a member of the Central Council of Jews in Germany, described the letter. He added: "It's totally off the mark. Today, we have a democracy and a state based on the rule of law."

Following the letter, the U.S. State Department again criticized the Scientologists'

public relations campaign, saying, "we have advised the Scientology community not to run those ads because the German government is a democratic government and it governs a free people. And it is simply outrageous to compare the current Germany leadership to the Nazi-era leadership. We've told the Scientologists this, and in this sense we share the outrage of many Germans to see their government compared to the Nazis."

ARE THE CASES IN THE ADS TRUE?

The Scientologists' repeated allegations that artists belonging to Scientology are being discriminated against in Germany are false. Freedom of artistic expression is guaranteed in Article 5(3) of the German Basic Law (Germany's Constitution), thus artists are free to perform or exhibit in Germany anywhere they please.

Jazz pianist Chick Corea performed in Germany as recently as March 24, 1996, during the 27th International Jazz Week held in Burghausen, an event which received approximately $10,000 in funding from the Bavarian Ministry of Culture.

"Mission Impossible," starring Tom Cruise, was a hit in Germany, grossing $23.6 million.

Likewise, the Scientologists' claim that a teacher who taught near the city of Hannover was fired for her beliefs is untrue. The woman was not fired, though she repeatedly violated school regulations by using the classroom to recruit students and their parents to Scientology. After multiple warnings, the woman was transferred from classroom to administrative duties to prevent further violations.

Contrary to allegations that Scientologists' children have been prevented from attending school, all children in Germany, including Scientologists', are legally required to attend school. If a Scientologist's child is not enrolled in a German school, it can only be that the parent has pulled the child out.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume and rise in strong opposition to the legislation.

Mr. Speaker, this legislation came to the House Committee on International Relations with very little notice. It was on the agenda one morning. We have no Europe and Middle East subcommittee, and this legislation is one more argument why we should have so that bad and defective legislation, which in my judgment this is, can be vetted by the subcommittee, reworked, or stopped at that point before it comes to the House floor.

I think this legislation, if the Members of the body were fully familiar with it, would be voted down. We are taking it up in the last hours of the Congress. I am very concerned about the kind of message that it will send.

What we do on this body does matter when it comes to statements on foreign policy. We may consider it to be a very lightly relevant issue at times. But I will tell my colleagues, across the oceans when other countries look at what we do, they take it very seriously. So we have to be very careful.

The Ambassador from Germany to the United States has weighed in with about as strong a letter as I have seen, refuting some of the arguments that have been made by proponents of the legislation. He contends he did not have an opportunity to meet with the Members who were sponsoring it. That has been argued about in the committee, as I understand it.

But I think one important point would be this: This comes down, as I understand it, to a matter of taxation with respect to what we would say in English would be the Cologne Christian community, because they, in Germany, do not consider Scientology to be a religion. Therefore, they tax it. But Germany is not alone in that respect. So does Belgium, France, the United Kingdom, Ireland, Italy, Luxembourg, Spain, and Europe, plus Israel and Mexico. And those are just the countries that I know about.

So it seems to me to bring this legislation here aiming it at Germany, which was at first at least almost exclusively a Scientology-oriented legislation, now been broadened with an amendment to change it, I think is inappropriate. It is unbalanced. It is damaging to our relations with Germany. And there is no real cause for us to be considering this kind of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a sponsor of this bill expressing disapproval of religious discrimination by the German Government, I want to thank my colleagues on both sides of the aisle who have joined in supporting a very basic, democratic right, freedom of religion.

This bipartisan resolution was approved by the full Committee on International Relations after performing artists associated with religious minorities were denied the opportunity to perform in Germany and were also kept out of the political process. As our resolution states, the German Government is constitutionally obligated to remain neutral on religious matters, but it has violated this neutrality.

The United States, as the leader of the free world and champion of democracy around the globe, has an obligation to take a stand whenever we see basic religious rights being restricted, whether their religious affiliation is Muslim, Christian, Jewish, or any other faith. Performing artists from the United States have been denied the right to perform in Germany based on their personal spiritual beliefs.

When our citizens visit and work abroad, they should be able to live in peace without the fear of religious intolerance or mistreatment by the host government. In turn, when individuals visit the United States or decide to live here, they have a right to be able to worship freely and join any organization or group they choose to. These are good-faith gestures. Discrimination against a person because of his or her personal beliefs is always objectionable.

Congress should stand up and say that we strongly disprove of religious intolerance. Germany is a friend, has been a friend for some time, an ally of the United States, and we want that relationship to remain strong and mutually beneficial. That is why we are calling on the German Government to respect the fundamental rights of every citizen of a democracy, the right to enjoy religious freedom.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Speaker, I thank the gentleman from Nebraska [Mr. BEREUTER] for yielding me the time.

I rise in strong opposition to this resolution. This resolution was acted upon without a public hearing and without a committee report and should, at the very least, be further considered by the committee. The sweeping allegations in the resolution are based upon a handful of alleged events that in no way support the allegations. This is serious business.

Germany is one of our Nation's staunchest and most dependable allies. The only purpose this resolution will serve is to create ill will and less friendly relations with a steadfast friend. America needs the full and enthusiastic support of strong and dependable nations like Germany. If it is to be successful in carrying out its mandate of world leadership, we should not be petty and elevate every issue to embarrassing confrontation.

When folks on one side of the street start throwing rocks, it is not long before folks on the other side start throwing them back. This resolution is bad for our country. I urge Members to reject it.

Mr. GILMAN. Mr. Speaker, can you tell me how much time we have consumed?

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] has 8½ minutes remaining. The gentleman from Nebraska [Mr. BEREUTER] has 16½ minutes remaining. The gentleman from New Jersey [Mr. PAYNE] has 8 minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. SALMON], a member of our committee.

Mr. SALMON. Mr. Speaker, this is a wonderful opportunity for us to reaffirm what we stand for here in this country, whether or not we stand for the ability of Americans, wherever they live, whether it be in this country, whether it be Germany, Italy, wherever, to worship according to the dictates of their own conscience.

I have heard my colleagues say that this was not given an adequate hearing. Let me tell them that I serve on

the committee dealing with security and cooperation in Eastern Europe. We had a full day of testimony and hearings regarding incident after incident of persecution in Germany of minority religions.

I have heard it also referred to as the Scientology bill. Let me tell my colleagues, Mr. Speaker, it is much broader than that. I had folks from the Jehovah's Witness religion, folks from other Christian religions, Muslims, come into my office and tell me some of the horrors that they have had to endure regarding religious persecution in Germany. It is much more than just a taxation issue.

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When we talk about American citizens being blacklisted or blackballed and boycotted simply because of their religion, not allowed to go abroad and perform simply because of their religious persuasion, that is something that ought to give us great concern. Furthermore, I have heard some of my colleagues on this floor in a whisper, I do not think anybody wants to go forth publicly and say anything this ludicrous, but I have heard some Members say behind the scenes, "Wait a minute, this is Scientology, they aren't Christian, or they aren't one of the mainstream religions." I doubt anybody would say something that foolish in the light of day because frankly, Mr. Speaker, that is what this country began about, it was about religious freedom, religious tolerance. That is why a band of people came to this country initially, so that they could flee religious persecution. If we do not stand for the protection of that, regardless of whether or not it is a minority religion, then we stand for nothing. Let me also point out that virtually every religion, yes, even Christianity, which I am proud to be a believer in, started as a minority religion.

From that time on, people were persecuted for their beliefs. Whether they are killed, whether they are blackballed, whether they are thrown out of the country, whatever persecution exists, we have a responsibility in our Government to stand up and be counted. If we cannot do that, if we cannot speak harshly to our allies who are our friends, if we cannot be plain spoken and honest with them, how can we be plain spoken and honest with our enemies?

Last week we debated 8 bills decrying China for its violations on human rights. I have heard some say that, "Gosh, we didn't have any officials from Germany come and testify before our committee. Therefore, how can we give this serious credence?" I have served on the Committee on International Relations for 3 years and I do not recall a public official from any of the governments that we have done resolutions on ever coming in and testifying before that committee.

Frankly, this is all a smoke screen. Let us stand up and be counted. Let us stand for what we profess to believe in, that is, religious tolerance.

Mr. BEREUTER. Mr. Speaker, just for clarification I would indicate that the Committee on International Relations did not have hearings on this. The Helsinki Commission organization in this body did, but not the Committee on International Relations.

Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. CAMPBELL], a member of the committee.

Mr. CAMPBELL. Mr. Speaker, how quick we are to condemn and how quick we are to neglect the advice of scripture to be sure about what may be in our own eye before we go and criticize what we find in another's. But this is particularly difficult when the criticism is against a friend and when we have not given that friend the opportunity to be heard.

Let me be very explicit. We, the House of Representatives, the Committee on International Relations, has not given Germany the opportunity to be heard. There is an allegation that Senator D'AMATO might have invited German witnesses, they might have refused. I understand that is a give and take in that particular context. I understand that at one point Senator D'AMATO's chief of staff said that a German witness was not going to be needed after all. But the point about our committee and our House is that we are today condemning a friend, an ally of the United States and we have not had the common courtesy to ask Germany to send a representative to our committee to answer the charges. That is no way to treat a friend and ally.

These are very strong charges. Let me quote from the resolution. We believe that Germany has "fostered an atmosphere of intolerance toward certain minority religious groups."

Given the history of Germany, these are very painful words. These are words that we should not be saying lightly. Yet we do without having heard from our friends. We claim that the German Government has engaged in discrimination and we use the word several times in the resolution.

First of all, the pain and the process are emphasized in my remarks, the pain that we inflict on a friend and the imprecision of the process. But note as well that this really does not deal with the high concerns that the sponsors wish to suggest. It seems to concern itself at least as much with tax-exempt status in Germany, as to which we would not welcome German interference in our country.

I conclude by saying this: To the German Government and to our friends around the world who watch what we do today, please understand this is not the overwhelming majority. Understand what we do today in the final minutes of a session coming to a conclusion is not the thoughtful expression of a majority of this House, in my view. It was a voice vote in the committee. It will probably be a voice vote again. Please note that we are not addressing you in the terms that this resolution appears to say, that we are better friends than that.

Mr. PAYNE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

Mr. Speaker, House Concurrent Resolution 22 is about preserving religious freedom, plain and simple. I learned the depth of this problem when I was introduced to the hardships faced by scientologists in Germany. Early in my congressional career about 5 years ago, I met with Chick Corea the renowned jazz pianist and learned that he had been barred from public performances in Germany. He was set to go, he had performances all lined up. All of a sudden he was not granted a visa to go into Germany even though most of his performances had already been for the most part sold out. At the time I was able to work with a number of my colleagues and we put letters together and sent them off to the German government protesting such actions.

Back in 1941, President Franklin D. Roosevelt said in the future days which we seek to make secure, we look forward to a world founded upon 4 essential human freedoms. Those freedoms he listed were freedom of speech, of expression, of being free from want, and freedom from fear. He also told us of the freedom of every person to worship God in his own way everywhere in the world. I mention that because just yesterday, if Members read the New York Times, there was an article that said a Federal immigration court judge in Tampa, Florida, granted asylum to a German citizen who was a member of the Church of Scientology. Her asylum claim was based on the fact that she would be subjected to religious persecution had she returned to Germany.

Many of my constituents, as I suspect many of your constituents, are members of religious minority groups like the Church of Scientology. This resolution calls for protecting their rights if and when they spend time in Germany. They deserve this protection. German citizens themselves who are members of minority religious groups deserve religious freedom as well.

As Members cast their vote on House Concurrent Resolution 22, remember the words of President Roosevelt listing religious freedom as one of the four essential human freedoms. As he said, freedom of every person to worship God

in his own way everywhere in the world. Today is one of those future days that President Roosevelt spoke of. Today we should be standing together to say aye to House Concurrent Resolution 22.

Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON], a member of the committee.

Mr. HOUGHTON. Mr. Speaker, I feel very uncomfortable supporting this measure. I do not know whether the actions of the German Government in relationship to the Church of Scientology are right or wrong. I have a sense, and this is probably presumptuous for me to say, had I been given the decision to make, I might have made it a little differently. But that is not the issue. The issue is whether we do not look just a bit pompous sitting back here with all our many moral problems in this country, to pass judgment on a nation, our friend, which is wrestling with something which we ourselves and other nations of this world are wrestling with. This is not a Martin Niemoller issue. Please let us withhold judgment. I would not support this measure.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Speaker, I rise in support of this resolution, as amended, and ask for bipartisan support. This issue is something pretty basic for all Americans, about basic American principles and values of freedom and religion. I think we all wonder sometimes and think back to why the Founding Fathers and Mothers came to our Nation. One of the reasons was and is because we practice tolerance and freedom of religion, and they came here, our ancestors, to avoid religious persecution. It is a pretty basic value for all of us. Germany is our ally. It is a first world country. It should be leading the way in religious tolerance. But unfortunately, American citizens today are being denied the ability to do business in Germany because of their religious faith. Whether Members agree with the values and the teachings of Islam, or Jehovah's Witnesses, or Charismatic Christians or the Church of Scientology, these individuals are being persecuted today. That is why this resolution is important. The President should be discussing this issue because he should be speaking in behalf of Americans who are suffering persecution. Congress must speak. I ask for bipartisan support. I urge a "yes" vote.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I rise in strong opposition to this resolution. If there is discrimination then it should be pointed out, but it should be pointed out in all the places it might occur. But here efforts are being made to single out Germany. I rise in opposition because there are differing views about some of the specific allegations. One of the performers that has been mentioned here has played in Germany as recently as last year at a function that received funding from the State of Bavaria. The movies that have supposedly been boycotted indeed have been shown and have been hits in Germany, financial successes.

I rise in opposition because if we are talking about the Church of Scientology. Our own country did not grant tax-exempt status to that church until 1993. Indeed, there is a long list of nations, Belgium, France, Germany, Great Britain, Ireland, Israel, Italy, Luxembourg, Mexico, Spain that presently decline to grant that same status.

I rise in opposition because France, Italy, and Greece recently have taken actions which could be considered as discrimination in the sense they had made rulings against this Church of Scientology, and yet this resolution does not mention them.

Finally, because in a statement by Michael Friedman of the Central Council of Jews in Germany, responding to many of the charges made, he writes, "They are totally off the mark. Today we have a democracy in Germany and a state based on rule of law."

The sponsors have heightened awareness about alleged discrimination in many places, but let us not single out an ally with relatively unsubstantiated charges. Instead, let us engage and talk to each other as the true friends we are. There are American men and women in Bosnia today side by side with German men and women holding up an important part of our European responsibilities. Germany works with us in so many different ways. Let us recognize that and vote this resolution down, at the same time urging that discrimination everywhere be pointed out and that we deal with it together.

Mr. PAYNE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support for religious freedom and ask my colleagues to support House Concurrent Resolution 22.

Mr. Speaker, I rise in support of House Concurrent Resolution 22, which declares that the Congress holds Germany responsible for protecting the rights of United States citizens who are living, doing business, or traveling in Germany and deplores the actions of certain government officials in Germany which have fostered an atmosphere of intolerance toward certain minority religious groups.

This country was founded on the principles of freedom of religion, and in over 200 years of history we have not only survived but thrived.

This resolutions calls for the President to assert the concern of the United States Government against such discrimination; to emphasize that the United States regards the human rights practices of the German Government as a significant factor in the relationship between the two countries; and to encourage other governments to appeal to the Government of Germany in efforts to protect the rights of foreign citizens and members of minority religious groups in Germany.

Germany is a signatory to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki accords, and is therefore obliged to refrain from religious discrimination and to foster a climate of tolerance.

It is important for the Congress to make its views known with regards to human rights by our adversaries, but especially by our allies. Religious freedom should be a basic right of all people regardless of their faith or nationality.

I would hope that the people of Germany will take note of the peaceful diverse religious community that exists here in this country and would reframe from discouraging religious diversity in their own nation.

I urge my colleagues to join me in support of this resolution.

Thank you.

Mr. PAYNE. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Mr. Speaker, when I first came to this Congress in October of 1991, I was approached about trying to do something with this issue. I have to tell Members since then to today, things have gotten worse for the people not only who are in Germany but also for the Americans that travel to Germany.

Mr. Speaker, the issue is, if you are for human rights, you should be for this resolution. If you are against religious persecution, you should be for this resolution. If you are against the persecution of Christians in China, you should be for this resolution. Mr. Speaker, there is concern for many of us in this country and we are supporting this resolution in a bilingual nature, because we want to show our concern that we do not want history to repeat itself in Germany.

Mr. PAYNE. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding me the time.

Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. LATHAM). The gentleman from New York [Mr. GILMAN] has 9 minutes remaining and the gentleman from Nebraska [Mr. BEREUTER] has 11 minutes remaining.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I am troubled and puzzled and disappointed that the House tonight has decided to take up this resolution with regard to the Church of Scientology in Germany when the House has decided not to

bring up the Freedom from Religious Persecution Act, a bill that I sponsored along with 96 other Members of the House. While we are debating this resolution tonight, millions of Christians in Tibet, Buddhists in Tibet, Buddhists, Ahmadis in other countries, the Baha'is in Iran, Muslims in China and people of other faith are being brutalized, killed, raped, tortured and maimed because of their beliefs, and yet the House does not deal with this issue and they deal with this issue with regard to this resolution.

□ 1800

There is real life slavery. In Sudan tonight they are going into slave markets and taking people out, and the House does not deal with that issue, but yet it deals with this issue.

In Egypt Coptic Christians are being persecuted today as we now speak. The House does not deal with that issue, but it deals with this issue.

In closing, I am troubled and puzzled and very disappointed. If we are going to take up this resolution tonight, we basically are saying these other issues should be taken care of, and they are not being taken care of.

Mr. Speaker, I am troubled and disappointed that the House of Representatives has decided to take up the resolution on the Scientologists in Germany when the House has decided not to bring up the Freedom from Religious Persecution Act, a bill I sponsored with Senator ARLEN SPECTER.

The Freedom from Religious Persecution Act has over 96 bipartisan cosponsors and deals with persecution against people of all faiths in all countries around the world.

While we are debating this resolution today, millions of Christians, Tibetan Buddhists, Ahmadis, Bahai's, Muslims and other people of faith are being brutalized—killed, raped, tortured, and maimed—because of their religious belief and practice. Why won't the House speak out for them in this first session of the 105th Congress.

In China, Catholic bishops and priests are in jail and being tortured. Protestant pastors and laypeople are in jail and being tortured. Tibetan Buddhist monks and nuns are in jail and being tortured and killed. In Xinjiang Province in Northwest China, Muslim Uighurs are being persecuted.

In Sudan, 1.2 million people from the South, who are predominately Christians and animists, have died in the decade-old conflict. There is crucifixion taking place in the Nuba Mountains. Christian women and children are kidnapped and sold into slavery.

I have submitted for the record excerpts from a recent trip report of Christian Solidarity International, an international humanitarian organization with vast experience in Sudan. On their recent trip, CSI representative talked to dozens of women and children and heard of their ordeal. They talked with slave traders and visited slave markets.

One woman, a 20-year old mother, told of her ordeal when she was enslaved in May, 1997. She told CSI

I was sitting in my compound early in the morning when armed men on horseback surrounded my home. they came without warning. I did not try to run away because there was no escape. One of the raiders lashed me and took me away with my child. As we left, I could see the raiders looting everything I owned, and setting my home on fire. I was taken to another village for some hours and was then forced to carry sorghum on my head. When I could walk no further, my captor, took my child and tied her on a horse. [My captor] often insulted me, calling me "slave" and he would beat me with a stick. He accused me of being lazy and refusing to obey orders. He used me as a concubine.

Real life slavery of Christians in Sudan. 1.2 million people have died. But the House of Representatives will not speak out for them today.

In Egypt, Coptic Christians are killed, forced to pay "protection money" to local thugs, harassed and sometimes imprisoned.

In Pakistan, Christian villages have been burned, devastating the lives of tens of thousands. Ahmadi Muslims are being persecuted.

In Vietnam, Christians and Buddhists are being persecuted.

And there are many other examples around the world. Why will this Congress not take up the Freedom from Religious Persecution Act—a bill that would cut off foreign aid to governments that kill, rape, torture, enslave or engage in other gross acts of violence against religious believers. We should speak out for these religious believers today.

There was a promise by the speaker to 40 religious leaders in August that the bill would be a "must do" item. He said "this is one of the top priorities of this Republican Congress."

Why take up this resolution to help Scientologists in Germany, *but not* bring up a bill that would help millions of people of faith in dozens of other countries around the world?

The Freedom from Religious Persecution Act is supported by the groups representing the vast majority of America's religious believers. It is supported by the Southern Baptist Convention, the National Association of Evangelicals, the Union of American Hebrew Congregations, the U.S. Catholic Bishop's Conference and the International Campaign for Tibet among others.

It is also supported by the American Coptic Association, the Assyrian National Congress, the Catholic Alliance, Christian Coalition, Evangelicals for Social Action, Family Research Council, Iranian Christians International, National Jewish Coalition, Union of American Hebrew Congregations, Pakistani-American Christian Association, World Lebanese Organization, World Maronite Union-USA, and the South Sudan Community of the U.S.

In May, over 90 religious leaders wrote to House leadership endorsing the measure and I submit that letter in the record. I also submit recent letters from the U.S. Catholic Bishops Conference and Rabbi David Saperstein, Director of the Religious Action Center for Reform Judaism in support of the bill.

When he met with the religious leaders in August, Speaker Gingrich said "As Speaker of the House, I will continue to use my bully pulpit to speak out for those who are unable to speak for themselves." Mr. Speaker, please use that bully pulpit and your extraordinary power as Speaker of the House to bring up the Freedom from Religious Persecution Act early in the next session.

It's puzzling and it's disappointing that this resolution is being brought up but the Freedom from Religious Persecution Act is not.

DRAFT PRELIMINARY REPORT: VISIT TO NORTH-EASTERN BAHR EL GHAZAL, SUDAN

OCTOBER 8–12, 1997

Slavery in Sudan

The primary objective of this visit was to develop CSI's work to combat contemporary slavery in Sudan.

CSI had received various unconfirmed reports of the practice of slavery on early visits to Sudan. But it was not until we visited Nyamlell in Aweil West County briefly in May 1995 that we discovered slavery as a flourishing and widespread institution. We learnt that on March 25 1995 the Popular Defense Forces (PDF) of Sudan's ruling National Islamic Front (NIF) regime attacked Nyamlell, killing 82 civilians, enslaving 282 women and children; burning dwellings and looting cattle and grain.

Since then, CSI has returned 8 times to this area and has visited other locations in northern Bahr El Ghazal, such as Malwal Akon in Aweil East County and Turalei in Gogrial County, to obtain further data on slavery. During these fact-finding missions, we have interviewed slaves, slave traders, PDF officers and the families of people who are still enslaved. We have accumulated an abundance of evidence to prove beyond doubt that chattel slavery thrives in these parts of Sudan and that the NIF regime actively encourages it. See reports of CSI visits to Sudan: May–June 1995; August 1995; October 1995; April–May 1996; June 1996, October–November 1996, March 1997 and June 1997. The evidence obtained during this visit amplifies our previous findings about the pattern of the slave trade.

Interviews with some of the newly redeemed slaves give an indication of their experiences during enslavement.

(i) Ayen Deng Ding from Akek Rot near Marial Bai. Her village was attacked 4 years ago. When the raiders came, she was in her home with her 10-year old daughter Ajok Garang. She saw the horses coming and started to run but she and her little girl were caught by a horseman. She was beaten (she showed us scars on her arms), tied with a rope and taken North to Abu Matarik, where she was handed over to another man. She was separated from her daughter, but they were nearby. When the trader came to negotiate her release, she told him about her daughter and he managed to secure her release also.

During her 4 years of slavery, she was treated very badly: subjected to beatings while caring for the cattle; she also had to cook, fetch water, carry firewood, wash clothes and work in the garden. She was not given enough food—only leftovers—and was constantly hungry.

She saw other slaves being beaten, 4 of whom died—3 men and 1 woman. She was raped repeatedly on the forced march north, but her owner only raped her once.

I lost hope I would ever see my home again, but I just prayed to God. I was so happy when I saw the trader coming, I began to dare to hope. But many other slaves are still left behind.

She now has only her daughter left; her husband was killed in the raid. She has gone to live with relatives, but she also lives with the fear that the raiders will come again. She asked us to convey this message:

We are so happy now we are feeling free. Thank you for what you have done for us.

The problem remains and there are still people left behind as slaves, but we are comforted because when we saw you we felt you care for us very much. When we arrived here, we were so relieved and happy we could meet in a secure environment, to engage in politically legitimate activities which are banned by the NIF in the North.

Expectations had been raised during previous visits of Umma Party representatives and disappointment was expressed over the delay in fulfilling them.

Several more Arabs expressed similar sentiments, which can be summarized in the words of two of their spokesmen:

We are the supporters of the Umma Party. We are Ansars, not NIF. We are rivals of the NIF, but the leaders of the Umma Party have been unseen and unheard for a long time. This has enabled the NIF to recruit our people.

NIF Recruitment Policies: Another spokesman claimed that the training and arming of Arab citizens by the NIF over 4 or 5 years has been very intensive. But after receiving the messages from the Umma Party leadership, this has slowed down, although there are still bad elements in society who are tempted by greed still to participate in the raids. Because of their difficulty in recruiting raiders, the NIF are now recruiting school children from about 15 years of age to fight in the PDF. So-called "co-ordinators" from the regular Army are used to round up children from schools. There are many children now at the military headquarters at Daien. Airplanes come to take the children away and they are never seen again. All tribes in Darfur are affected. It is Omer El Bashir who gives orders for the rounding up of children. The ones who actually do it are the Security forces and the police, but they are just obeying orders.

Living Conditions in Darfur: These are very, very bad in Nyala, Daien and other towns. We have no choice but to migrate. Nomads and everyone else are badly affected. A 20-litre barrel of fresh drinking water is £3,000 (Sudanese pounds), a portion of bread is £250 (SP), 2cc of penicillin cost £4,000 (SP), while the maximum pay a labourer or clerk is £20–25,000 (SP) per month. A consultation with a doctor, just for diagnoses, not for treatment costs £20,000 (SP).

Here is proof that life in Darfur is unbearable: I am an old man and I had to walk through water for 7 days carrying heavy loads to trade with the Dinka—this shows just how bad conditions are in Darfur.

The meeting concluded with a final message from Ali Mahmoud Dudein: Recruitment to the PDF has diminished, because of CSI's work to promote peace and reconciliation. The NIF can still recruit, but not like before.

We camped overnight at Manyiel.

FRIDAY, OCTOBER 10

We walked on from Manyiel to Majak Bai, the village we visited in June, shortly after it had suffered from a major raid (CSI field trip report of June 1997). During that raid, the school was burnt to the ground. On this occasion we met the headteacher again, Aguek Manjok. He described the situation: there had been 300 children in the school but some disappeared as a result of the raid. During the attack, everything was burnt: the building, all the books and every piece of equipment: there was absolutely nothing left.

They now urgently need teaching resources for their curriculum of English, Maths, Geography, History, Science, Hygiene and Religious Education, with text books to cover levels P1–8. At present, he said, we can only teach what is in our minds and that is not enough.

There is also a need for help to send people for teacher training. There is a centre for Aweil West County in Majong Akon.

NB. The need for professional education/updating was repeated many times. One specific request, which we would support, was made by Simon Kuot, the nurse/medical coordinator based at Nyamlell. We have seen him at work and been very impressed by the standard of professional competence he displays (e.g. treating the serious casualties from the raids). His area of responsibility is very large and makes many professional demands. We hope it will be possible for to dance. Although we were beaten and humiliated and though there are still problems here, like shortages of medicines, these are not real problems—we can cope with those. We are so happy to be back.

(ii) Abuk Atak from Panlang near Marial Bai. 3 years ago her village was attacked and she was beaten by an Arab with a gun during the raid. She had her 18-month old daughter with her, but lost her in the raid and has never seen her again. After being taken North, she was sold to Anur Mohammed in Abu Matarik in Southern Darfur. She was raped every day, sometimes many times, by different people; if she did not submit voluntarily, she was beaten. Clearly embarrassed by talking about her ordeals, fidgeting anxiously with dead leaves, she said she had been subjected to circumcision. But she would talk about it because "I can't deny the facts. We were subjected to torture and suffering and I can't deny our humiliation."

She never thought she would be able to come home again and during those 3 years she lost all hope. But now she is home, she said: We were left with nothing after the raids; we lost our homes, our crops were burnt, our cattle stolen, we have not even any clothes . . . but there is no problem which we cannot endure.

(iii) Acol Bak, aged 12 from Panlang, who assured us at the outset that she was not afraid to talk about her experiences. 4 years ago she was at home in the early morning; Arabs suddenly appeared and she was surrounded by horses. He mother managed to escape but she and her elder brother were caught and taken to Gross near Abu Matarik. She doesn't know what happened to her brother. On the walk North she was forced to carry looted property on her head; they were given no water and could only drink from muddy puddles; neither were they given any food during the 3-day forced march. She was beaten and her right arm was broken. She was forced to do housework from morning until night and beaten by all the family if she ever complained of tiredness. She had to sleep outside with no bedding, just trying to keep warm by a fire. One month after her arrival in her owner's home, an old woman came to circumcise her. She was told that unless she was circumcised she would not be a human being; she would be just "like a dog". She knew other girls who had also been circumcised.

She said she was very, very happy to be home again and for the people who brought her back. She is living only with her mother as her father had been killed in the raid and her brother has not been found.

(iv) Acol Anei Bak from Panlang was caught by surprise when the enemy attacked her village 4 years ago, when she was about 8 years old. Her brother, aged about 12, was caught at the same time and she does not know what happened to him. She was taken to Pielel, near Nyala, where she was sold to a man called Amsal Abrahaman. She was forced to help to care for the 5 children in the family, especially with washing them, and to look after cattle and horses. The children were very unfriendly and would not speak to her. She was circumcised, and told that this was being done to her because the owner wanted her to be an Arab.

(v) Ayen Ding Yel from Akek Rot near Marial Bai was captured in May this year. She showed us her foot which was injured when a horse trod on it during the raid; she was also shot and showed us the scar caused by the bullet which injured her left knee. She was initially left behind, after she was injured, but then another Arab put her on his horse and took her to Abu Matarik. She was badly treated and beaten whenever she asked for food. Her owner asked her why she needed food—saying she did not deserve food. She said she never dreamt that she would be free again and that her mother was overjoyed to see her yesterday.

(vi) Nyibol Yel Akuei is a 20-year old mother. Three of her children have starved to death. Her only surviving child is a one-year-old daughter, Abuk. The mother and daughter were enslaved during the PDF raid on Majak Bai on May 16, 1997. Nyibol explained what had happened to them: I was sitting in my compound early in the morning when armed men on horseback surrounded my home. They came without any warning. I did not try to run away because there was no escape. One of the raiders lashed me and took me away with my child. As we left, I could see the raiders looting everything I owned, and setting my home on fire. I was taken to another village for some hours and then was forced to carry sorghum on my head. When I got tired and could not walk further, my captor, Mahmoud Abaker, took my child and tied her on a horse. I walked for seven days to Abu Matarik. There, I had to work from 6:00 a.m. to 6:00 pm. My jobs were to carry water from the pump, clean the compound and wash clothing. Mahoud Abaker often insulted me, calling me "slave" and he would beat me with a stick. He accused me of being lazy and refusing to obey orders. He also used me as a concubine. Mahmoud Abaker told me that I should practice Muslim prayers. I had trouble praying in Arabic, so they gave me some training. Abuk was renamed Miriam. I was not allowed to go far from the compound. Mahmoud Abaker may have had other slaves at his cattle camp, but I never saw them. He had no other slaves in the compound. One day, I was told to leave the compound with a trader. I was afraid to go. They told me I would go back to southern Sudan. I didn't believe them, but went anyway. I was very happy to see you and to find that you spoke nicely to us and are not going to do something terrible to us. My husband is now away trying to find food. When he comes back we will find a new place to live.

(vii) 11-year-old War Weng is also from Majak Bai. He was enslaved in 1994 when he was fishing with his father. A group of raiders came and snatched him, while his father managed to run away. He recalled his life as both the chattel slave of a master and a inmate in a radical Islamic youth indoctrination centre: I was taken to Daien by Musa Osman. My jobs there were to clear cattle dung and take the calves to the river. I received only left-overs to eat and sour milk to drink. After a year or so, I was taken from Musa Osman to a big camp in the town where you can see the light even at night. There were big lights over the compound. There were a lot of boys in this compound.

All of them were Dinka boys. We all were given uniforms. This compound was run by the Salsabil organisation. (War Weng was wearing a uniform with the Salsabil logo). Every morning we would wake up early and gather in one place to pray. Then we were taught the Koran for the rest of the morning. At about mid-day we were given food and allowed to rest. From 3:00 until the evening there was more learning. The most important teacher there was Abdel Rahman. None of us were allowed to speak Dinka. We had to speak Arabic all the time. I was beaten for speaking Dinka with my friends. One day, one of the teachers told me and three others to go to the river with a man and his horses. I thought he was going to take us to a new master. Instead he brought us back home. I did not like the camp. It is very good to be back here. Now I am not beaten. I expect to go back to my father. He has already visited me one and given me some food.

(viii) Atoc Diing is about 11 or 12 years old. She was enslaved during the raid on Majak Bai last May. She recounted:

We heard gunfire early in the morning. My Mother said run quickly. We ran towards the river. When we got there, we found Arabs all around us. We couldn't run anymore. My Mother stopped and started to cry. One of the raiders came towards us and beat my mother. She fell down. I was taken away and put on horseback. I was taken from place to place before we reached Abu Matarik. There, my captor, Ali Abdullah sold me to another. After four days, I was sold again to another man. His name was Mohammed. He took me to his home in the small village of Gumbilai, near Abu Matarik. I had to fetch water and firewood, and clean. They gave me milk to drink everyday, but some days they gave me no food at all. The young sons of Mohammed were very rough with me. They would beat me, and they tried to have sex with me. But they did not succeed. Mohammed has many slaves. Most of them were in the cattle camp. He has three female slaves at his house. Now that I am back, I will go to live with my sister. My father is dead, and my mother went North to look for me and has not yet returned.

Interview with casualty of the PDF's May 1997 raid on Majak Bai, the 28-year-old mother, Adel Lake. She was evacuated by CSI to the ICRC hospital in Lokichokio in Kenya last June. The ICRC was not able to evacuate her because the NIF regime has suspended its operations inside Sudan since November 1996. This has meant that thousands of casualties have died slowly, painfully and needlessly from easily treatable wounds. Adel Lake returned to Bahr El Ghazal with her health restored while we were there. She told us:

When the enemy came we were in our tukul. We heard gunshots. I picked up my twin one-month-old babies and ran away to hide. I could not also carry my three-year-old son, Wek Wol, and he was left behind. I hid in the bushes together with my sister-in-law and some other people. The Arab soldiers spotted us and started firing their guns. Everything was in a mess and confused. I was shot in the leg and lost consciousness. When I regained consciousness, I could not walk. The bullet had badly fractured my thigh. I was horrified to find that my tukul had been burnt down, and that my son, who had remained inside, had been burnt alive. I also discovered that my sister-in-law had been shot dead. I was weak and sick for many weeks after being shot. I was in a lot of pain and could not look after my babies by myself. I did not believe that help would come. I thought I would never get better. When you came and found me in my bed I felt very happy and believed that you would do something to help me. At the hospital, they made my leg better. The wound and fracture is healed, but I still feel some pain. Please give my greetings to all of those who helped me.

SATURDAY, OCTOBER 11, DEPARTED NYAMLELL AND ARRIVED IN MALWAL AKON; INTERVIEWS WITH EX-SLAVES

(i) Mabior Aguik Deng From Kurwech, near Warawar, aged about 12, was taken when he was much younger and sold to an owner called Mohammed. He was forced to work as a cattle herder; given very little food; had to sleep under a plastic sheet at night. The worst thing about being a slave was being taken away from his family and not seeing them for such a long time. He was saved by a trader and returned to his home in September.

(ii) Mahid Kuot Mou from the village of Kurwech. When the PDF came with their horses, he tried to hide but was caught and bound and forced to go 'footing' for many days, during which they were given very little food and water. He was sold to another owner whose name was Abdullah. He was forced to look after cattle, and lashed if he made any mistakes. He had to sleep under a plastic sheet at night and given only sorghum to eat. He was beaten with bamboo sticks which was very painful. He was given the name of Mohammed. He also had to collect the water. When he went out to collect the water, the local boys were very cruel to him. They used to force him to crawl and rode on his back, calling him a horse. When he was returned by the trader, some relatives recognized him and took him home. They were very, very happy to see him and celebrated his return by killing a chicken.

(iii) Yak Mawien Yak from the village of Rum Marial. When he heard the enemy coming, he ran away to hid with his father but his father was killed. Looking down at the ground, he spoke reluctantly about this:

The enemy slaughtered my father with knives. They took me to the horses after beating me. During the beating they asked me where other people were and I said there was only my father around. We spent two days walking to the Arab area and the owner of the horses kept me and made me work for him.

The raider who killed his father and took him with him said: I am now you father and now you are my enemy; so if you do not take my advice and come with me I will kill you; otherwise you can become my son.

He slept in the same shelters as the goats and sheep, he was only given uncooked sorghum to eat; one day another local boy attacked him with a knife and wounded him (he showed us his scar); a small girl came to help him. If his owner shouted for him and he did not hear him, the owner would beat him with a stick, calling him stupid. He was forced to walk long distances to collect water and to pound grain. He was given the name of Mahmoud after being forced to pray in a mosque. All slaves are forced to go and pray in a mosque, he said. He was away from home for seven years and almost forgot about his own family. But, he said, with a very big smile, he is very, very happy to be back with them.

(iv) Yak Deng Yak from the village of Warawar. His family's original herd of cattle had been stolen by Arab raiders, and the family was in such difficult circumstances that he was going with his mother to seek help from the UN in Meiram. On the Meiram. On the way they were captured in an ambush by Arab raiders. He was separated from his mother and taken to an Arab village. A girl used to steal 'good food' for him. When the people saw that the girl was friendly with him they sent him to work in the field where he had to cultivate ground nuts and to sleep on his own. He was given sorghum and water and some days he was beaten with a stick. His owner was called Ibrahim, who forced him to attend the mosque; if he did not 'do properly' in the mosque he was beaten. He has been away from home for four years until an Arab came and bought him. His mother was also in the same area and recruiting our men into the PDF. But that was now over one year ago. We want to have more frequent contact with our leaders in the Umma Party. Please convey our warmest greetings to Sayeed Sadiq El Mahdi and Mubarak El Fadil.

INTERNATIONAL CAMPAIGN FOR TIBET,
May 6, 1997.

Hon. ARLEN SPECTER,
Hon. FRANK R. WOLF,
U.S. Congress.

DEAR SENATOR SPECTER AND REPRESENTATIVE WOLF: I write to thank you for your joint initiative in the Congress to address the absence of religious freedom in Tibet and elsewhere in the world, "The Freedom from Religious Persecution Act of 1997."

When the Chinese army entered Tibet in 1950 to "liberate" the people from a lamaist theocracy and to install a socialist atheistic state in its place, the primary target for eradication was the Tibetan Buddhist culture. More than six thousand monasteries, the great learning centers of a religious tradition that spanned much of Asia and repositories of precious scriptures and artifacts were razed to the ground. Monks and nuns were forced to disavow their faith and undertake acts of unspeakable cruelty. Those who could escape their oppressors risked their lives crossing the frozen passes of the Himalayas in flight to freedom in exile.

Today in Tibet, monks and nuns are still targeted as agents of the old regime. Communist cadres have taken the place of learned geshes, doctors of theology, in the monastic schooling of young novices, and the Chinese propaganda machine continues to spew out vituperative attacks against His Holiness the Dalai Lama. Nonetheless, the Tibetan people cling to their faith, for it is inextricably linked to their very identity as Tibetans.

I believe that the Congress will support your legislation because Americans, through succeeding generations, have been guided by a deep sense of spirituality, tolerance for their neighbors, and faith in fundamental human rights. The International Campaign for Tibet looks forward to working with your staff to move this legislation to successful passage.

Sincerely,

LODI G. GYARI,
President.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

Hon. RICHARD GEPHARDT,
House Minority Leader,
Washington, DC.

Hon. TRENT LOTT,
Senate Majority Leader,
Washington, DC.

Hon. THOMAS DASCHLE,
Senate Minority Leader,
Washington, DC.

DEAR SPEAKER GINGRICH, SENATORS LOTT AND DASCHLE, AND REPRESENTATIVE GEPHARDT: Millions of Americans—of differing religious, ethnic and political persuasions—are coalescing behind a Movement of Conscience against religious persecution overseas,

The recently concluded MFN vote was but an opening chapter of that Movement, one we believe central to America's character and vital national interests. All Americans are shocked by the official Chinese newspaper dispatch that first noted how churches "played an important role in the change [in Eastern Europe]" and then urged that "[i]f China does not want such a scene to be repeated in its land, it must strangle the baby while it is still in the manger." The anti-faith persecutions of China's regime have followed the above script and similarly abhorrent persecutions are being committed by other regimes elsewhere in the world.

We urge Congress to take comprehensive action that will impose prohibitive costs on countries involved in widespread and ongoing persecutions of vulnerable communities of faith. As such we strongly urge support for the following consensus principles:

Legislation should be directed against the regimes formally condemned by the 104th Congress for anti-faith persecutions, and should contain mechanisms to deal with all regimes engaged in such conduct;

Hearings on such omnibus anti-religious persecution legislation should begin no later than September, 1997; and

Floor action on such legislation should take place by early November, since the Day of Prayer for the Persecuted church will be conducted in tens of thousands of American churches on November 6, 1997.

We believe that the above principles will send the strongest possible signal to all regimes now operating as if hunting licenses were in effect against vulnerable communities of faith. We believe that these principles will avoid piecemeal treatment of the issues raised by today's growing Movement of Conscience against worldwide anti-religious persecution. We believe that the principles will ensure that the world hears the cries of persecuted Christians and other believers in China and in Vietnam, Saudi Arabia, Egypt, Pakistan, Iran, Indonesia and other like countries—and hears as well the cries now rising from the unspeakable actions taking place in Sudan. Finally, we believe that the principles will unite all Americans behind a national policy based on universally recognized rights and freedoms.

In this regard, we believe that the Wolf-Specter bill provides the framework around which the coming debate should occur. We note the broad, bipartisan support enjoyed by the Wolf-Specter bill, and believe that its provisions would have a powerful effect in curbing today's persecutions. We wish to make clear that some of the bill's provisions may need to be strengthened, and many of us may work to do so. At the same time, we write to make clear that the critical need for omnibus legislation requires that any legislation pertaining to global religious persecution should be incorporated into the Wolf-Specter hearing process and framework.

We would greatly appreciate your joint assurances that hearings and committee votes on Wolf-Specter will be scheduled so as to permit full debate and action on it before the end of the year.

Each of us has made it a matter of conscience to Shatter the Silence that in the past has sadly accompanied the persecution of believers around the world. Doing so, and joining in campaigns of education, action and prayer on behalf of the residents of today's gulags of faith, is for us a matter of simple justice we are determined and honorbound to make happen.

We pray and believe that you and all Members of Congress will help lead this historic effort, doing so with the same force and unity that made the Jackson-Vanik legislation and the campaign against Soviet anti-Semitism the force it became for the freedom of all.

We look forward to meeting with you at your earliest convenience to discuss these matters.

Don Argue, Ed.D., President, National Association of Evangelicals, Member, State Department Advisory Committee on Religious Liberty Abroad; William L. Armstrong, Former Senator; Joel Belz, World Magazine; Chaplain Curt Bowers, Director, Chaplaincy Ministries, Church of the Nazarene; Dr. Paul F. Bubna, President, The Christian and Missionary Alliance; Dr. Joseph Aldrich, Multnomah School of the Bible; Gary L. Bauer, President, Family Research Council; William Bennett, Empower America; Dr. William R. Bright, Founder, Campus Crusade for Christ International; Dr. Tony Campolo, Eastern College; Chuck Colson, Chairman of the Board, Prison Fellowship Ministries; The Rev. John Eby, National Coordinator, American Baptist Evangelicals; Rabbi Yechiel Eckstein, Founder/President, International Fellowship of Christians and Jews; Dr. David Englehard, General Secretary, Christian Reformed Church; Rev. Jeff Farmer, General Superintendent, Open Bible Standard Churches; Dr. James C. Dobson, Founder, Focus on the Family; The Rev. Janet Roberts Echols, Great Commission Alliance; Dr. Thomas D. Elliff, President, Southern Baptist Convention; Rev. Bernard J. Evans, General Overseer, Elim Fellowship; Dr. Edward L. Foggs, General Secretary, Leadership Council, Church of God, Anderson, IN; Rev. Cecil Johnson, General Overseer, Church of God, Mountain Assembly; Mrs. Diane Knippers, President, Institute on Religion and Democracy; James M. Kushiner, Executive Director, Fellowship of St. James; Dr. Richard D. Land, Chairman/Christian Life Commission, Southern Baptist Convention; Dr. Don Lyon, Senior Pastor, Faith Center, Rockford, IL, Board Member, National Association of Evangelicals; Dr. D. James Kennedy, Senior Pastor, Coral Ridge Presbyterian Church; Rev. Richard W. Kohl, Presiding Bishop, Evangelical Congregational Church; Mrs. Beverly LaHaye, Chairman and Founder, Concerned Women for America; William C. Larson, Executive Minister, Iowa Baptist Conference; Rev. Stephen Macchia, President, Vision New England; Dr. Kevin W. Mannoia, Bishop, Free Methodist Church of North America; Steven McFarland, Director, Center for Law and Religious Freedom, Christian Legal Society; Rev. Dr. Daniel Mercaldo, Senior Pastor, Gateway Cathedral, New York; Dr. John P. Moran, President, Missionary Church, Inc.; Dr. Marlin Mull, General Director of Evangelism and Growth, The Wesleyan Church; Mr. Martin J. Mawyer, President, Christian Action Network; Bishop George D. McKinney, Saint Stephen's Cogic; Dr. Juan Carlos Miranda, President, Hispanic Educational Association; Mr. Pedro C. Moreno, Attorney, International Coordinator, The Rutherford Institute; Mr. William J. Murray, Chairman, Religious Freedom Coalition; Dr. Richard John Neuhaus, President, The Institute on Religion and Public Life; Michael Novak, George Frederick Jewett Chair in Religion and Public Policy, American Enterprise Institute; Mr. Ralph Reed, Jr.; Rev. David E. Ross, Executive Director, Advent Christian General Conference; Rev. Michael Scanlan, T.O.R., President, Franciscan University of Steubenville; Mr. Frank Nicodem, Sr., Executive Vice President, Christian Association of Primetimers; Lenox G. Palin, Pastor, Calvary Bible Church, Neenah, WI, Board Member, National Association of Evangelicals; Fr. Keith Roderick, Secretary General, Coalition for the Defense of Human Rights Under Islamization; David Runnion-Bareford, Executive Director, Biblical Witness Fellowship, Confessing Movement Within the United Church of Christ; Bishop Ray A. Seilhamer, Bishop, Church of United Brethren in Christ.

Rev. Louis P. Sheldon, Traditional Values Coalition; Ronald J. Sider, President, Evangelicals for Social Action; Bishop Chester M. Smith, General Superintendent, Congregational Holiness Church, Inc; Rev. Steven L. Snyder, President, International Christian Concern; Marc D. Stern, Co-Director, Commission on Law and Social Action, American Jewish Congress; L. Faye Short, Director, RENEW Network; Dr. Robert L. Simonds, President, Citizens for Excellence in Education; Ken Smitherman, LL.D., President, Association of Christian Schools International; The Rt. Rev. James M. Stanton, Bishop, Episcopal Diocese of Dallas, Texas, President, American Anglican Council; Dr. Jack Stone, General Secretary, Church of the Nazarenc; Rev. Mr. Keith A. Fournier, Esq, President, Catholic Alliance; Robert P. George, Department of Politics, Princeton University; Scott M. Gibson, President, American Baptist Evangelicals; Mr. Jerry Goodman, Founding Executive Director, National Conference on Soviet Jewry; Cheryl Halpern, National Chairman, National Jewish Coalition; Mrs. Diana L. Gee, General Director, Dept. Of Women's Ministries, Pentecostal Church of God; Dwight L. Gibson, North American Director, World Evangelical Fellowship; Anne Giminez, Co-Pastor, Rock Church, Virginia Beach, VA, Board Member, National Association of Evangelicals, Lodi G. Gyari, President, International Campaign for Tibet; Rev. William J. Hamel, President, Evangelical Free Church of America; The

Rev. Walter W. Hannum, Founder, The Episcopal Church Missionary Community; Dr. James Henry, Senior Pastor, First Baptist Church, Orlando, FL, Former President, Southern Baptist Convention, Member, State Department Advisory Committee on Religious Liberty Abroad; Donald Hodel, Christian Coalition; Rev. Clyde M. Hughes, General Oversecr, International Pentecostal Church of Christ; Bradley P. Jacob, Associate Dean, Geneva School of Law; Dr. Jack W. Hayford, Senior Pastor, Church on the Way; Professor Russell Hittinger, Warren Chair of Catholic Studies, The University of Tulsa; Warren L. Hoffman, General Secretary, Brethren in Christ Church; Ray H. Hughes, Chairman, Pentecostal World Conference; Dr. B. Edgar Johnson, Northwest Nazarene College; Dr. Joseph M. Stowell III, President, Moody Bible Institute; Thomas E. Trask, General Superintendent, General Council of the Assemblies of God; Dr. R. Lamar Vest, First Assistant General Overseer, Church of Good, Cleveland, TN; Rev. Jack W. Wease, General Superintendent, Evangelical Methodist Church; Bishop Donald W. Wuerl, Diocese of Pittsburgh; Mr. Joseph Tkach, President, Worldwide Church of God; Rev. Albert Vander Meer, Synod Minister, Synod of Mid-America, Reformed Church in America; Commissioner Robert A. Watson, National Commander, The Salvation Army; The Rev. Todd H. Wetzel, Executive Director, Episcopalians United; Rev. Wayne L. Yarnell, Executive Director, Primitive Methodist Church in the USA; Dr. Ravi Zacharias, Founder, Ravi Zacharias International Ministries.

TESTIMONY OF TSULTRIM DOLMA, VICTIM OF RELIGIOUS PERSECUTION

My name is Tsultrim Dolma. I am 28 years old. I am one of the one thousand Tibetan refugees who came to the United States through the Tibetan Resettlement Program, authorized by the United States Congress in 1991.

I never imagined that I would someday testify before you esteemed gentlemen and gentleladies. Now that I am here, I feel it is both a privilege and responsibility to tell you about my experiences—among the thousands of Tibetans who flee into exile, very few have their stories heard.

I am not an educated person, I don't know about politics. But I do know what it is to live under Chinese rule. And I know, although I was born after the Chinese came into Tibet, that Tibet is different than China.

I have asked my friend Dorje Dolma to read the rest of my testimony because my English is not very good.

I was born in Pelbar Dzong, Tibet, near Chamdo which prior to the Chinese invasion in 1949 was the easternmost administrative center of the Dalai Lama's government. For as long as I can remember, I yearned to become a nun. It was difficult for me to pursue my studies because the nunnery near my village had been completely destroyed during the Cultural Revolution.

I took my nun's vow at age 17 and, soon after, left my home with a small group of villagers to make the customary pilgrimage to Lhasa, the capital and spiritual center of Tibet, and a month's journey from my home. Once there was able to join the Chupsang nunnery on the outskirts of the city.

In Lhasa it was unavoidable to feel the tension due to the large differences between the Tibetans and Chinese living there, and within a year, on October 1, 1987, China's National Day, I experienced at first hand the consequences of that tension.

On that day, monks from Sera and Nechung Monasteries peacefully demonstrated for the release of their imprisoned brothers. Hundreds of Tibetans gathered around in support. Public Security Bureau Police moved through the crowd videotaping demonstrators. Then, unexpectedly, opened fire on the crowd. The Tibetans responded by throwing stones at the cameras, but a number of monks were arrested and dragged to the Police station.

I joined a large group that converged on the station. We heard gun shots from the rooftop and tried to get inside, but the police fired down into the crowd. Many Tibetans were killed and many other badly injured. Outraged at the massacre, some Tibetans set fire to the building. I watched as Venerable Jampa Tenzin the caretaker of the Jokhang Temple, led a charge into the building to try to free the monks. When he emerged about ten minutes later, his arms were badly burned and had long pieces of skin peeling off. Two young novice monks came out with him and were also badly burned. Soon afterwards, Jampa Tenzin was arrested and detained at Sangyip Prison where he is known to have undergone severe ill-treatment.

The Great Monlam Prayer Festival which occurred the following spring was the next occasion for major protest. Chinese authorities had ordered the monks of all of Lhasa's monasteries to attend, as they had invited journalists from many different countries to film the ceremony as an example of religious freedom in Tibet. The monks of Sera, Drepung, Ganden and Nechung decided to boycott the ceremony, but were forced to attend at gun point. Under guard, the monks made the traditional circumambulation around the Jokhang, Lhasa's central cathedral.

After completing the ceremony, those monks joined together in calling out loudly to Tibetan officials working for the Chinese government who were watching the ceremony from a stage next to the Jokhang. They demanded the release of the highly revered incarnate lama, Yulo Dawa Tsering, who had been arrested some months before and of whom nothing had been heard. One of the official's bodyguards then fired at the demonstrators, killing one Tibetan. A riot ensued and the army proceeded to fire into the crowd. Soldiers chased a large number of monks into the Jokhang and clubbed 30 of them to death.

Eighteen lay Tibetans were also killed in the cathedral. Twelve other monks were shot. Two monks were strangled to death, and an additional eight lay Tibetans were killed outside the cathedral. The news of the deaths spread throughout the city.

After we saw the terror and turmoil in the streets, some nuns from my Ani Gompa and I decided to demonstrate in order to support our heroic brothers and sisters in Lhasa, particularly the monks who had been arrested and are in prison and whose cases even now have not been settled. On April 16, about six weeks after the massacre during Monlam, four of us demonstrated for their release and the release of women and children. We felt the Chinese were trying to destroy all the patriotic Tibetans in prison by maltreating them. The Chinese government has publicized that there is freedom of religion in Tibet, but in fact, the genuine pursuit of our religion is a forbidden freedom. So many difficult restrictions are placed on those entering monastic life, and spies are planted everywhere.

My sister nuns and I were joined by two nuns from Gari Gompa and we were all six arrested in the Barkhor while shouting out demands. As we stood on the holy walk of Barkhor, we were approached by eight Chinese soldiers who spread out and grabbed us. Two soldiers took me roughly by the arms, twisting my hands behind by back. Two of the nuns, Tenzin Wangmo and Gyaltsen Lochoe, were put in a Chinese police jeep and driven away. The rest of us were thrown into a truck and taken to the main section of Gutsa prison, about three miles east of Lhasa.

When we arrived, we were separated and taken into various rooms. I was pushed into a room where one male and one female guard were waiting. They removed the belt which held my nuns robe and it fell down as they searched my pockets. While I was searched, the guards slapped me hard repeatedly and yanked roughly on my nose and ears.

After the search, I was led outside to another building where two different male and female guards waited to begin the interrogation. "What did you say in the Barkhor? Why did you say it?" The cell contained a variety of torture implements: lok-gyug, electric cattle prods, and metal rods. I was kicked and fiercely beaten as I was interrogated until mid-day, and then pulled to my feet and taken to the prison courtyard where I saw the three other nuns from Chupsang.

We were made to stand in four directions. I was near the door so that every Chinese soldier who passed by would kick me in passing. Our hands were uncuffed and we were told to stand with our hands against the wall as six policemen took each one in turn, held us down and beat us with electric prods and a small, broken chair and kicked us. Gyaltsen Lochoe was kicked in the face. I was kicked in the chest so hard that I could hardly breath. We were told to raise our hands in the air, but it was not possible to stay in that position and we kept falling down. As soon as I fell, someone would come and force me up. We were constantly questioned regarding who else was involved in arranging the demonstration.

All during the interrogation, we were not allowed to fasten our belts and so our robes kept slipping off. We would constantly try to lift them and adjust them. I tried to think of what I could possibly say to answer the questions. "How did you choose that day? Who was behind you?" I could only see feet. Many different pairs of feet approaching us through the day. We were repeatedly kicked and beaten. "The Americans are helping you! Where are they now? They will never help you! Because you have opposed communism, you are going to die!"

After some hours had passed, a large dog with pointed ears and black and white spots was brought in, led on a heavy chain. The police tried to force us to run, but we simply did not have the strength. The dog looked at us with interest, but did not approach.

Finally, as sunset approached, we were handcuffed and taken into a building and made to walk through the hallway two by two. Here and there were small groups of Chinese soldiers on both sides of the corridor. As we passed, we were punched and kicked, slapped and pulled hard by the ears. My cell, measuring five feet by five feet, was empty except for a slop basin and small bucket. That night, I quickly passed out on the cold cement floor.

The following morning, I was taken to a room where three police were seated behind a table. On its surface was an assortment of rifles, electric prods and iron rods. I was told "Look down!" Throughout my detention, I was never allowed to look straight at their faces. While answering I had to look to the side or face down.

One of them asked me "Why did you demonstrate? Why are you asking yourself for torture and beatings?" My knees began to shake. I told them: "Many monks, nuns and lay people have been arrested, but we know Tibet belongs to the Tibetans. You say there is freedom of religion, but there is no genuine freedom!" My answer angered them and the three got up from behind the table, picking up various implements. One picked up an electric rod and hit me with it. I fell down.

They shouted at me to stand, but I couldn't and so one pulled up my robe and the other man inserted the instrument into my vagina. The shock and the pain were horrible. He repeated this action several times and also struck other parts of my body. Later the others made me stand and hit me with sticks and kicked me. Several times I fell to the floor. They would then force the prod inside of me and pull me up to repeat the beatings.

For some reason I began to think of a precious herb that grows in Tibet called Yartsa Gunbu. Tibetans believe it is a cross between the kingdoms of plants and animals because during the summer it gives the appearance of being a worm. This medicine herb is quite rare. In my region, the Chinese force a monthly quota on each monk and nun which consists of thousands and thousands of such plants. I shouted out: "Before 1959, it was considered a sin for monks to pick the Yartsa Gunbu! It was a sin, and you have forced them to do it!"

I remained in detention for more than four months. For the first month, I was beaten every morning during the interrogations. For the first several days, different levels of authorities came to my cell. At first I was afraid but as time went by and I thought about the monks, and other men and women who were imprisoned, many of whom had families to worry about, I began to realize I had nothing to lose. My parents could lead their lives by themselves.

I was continuously terrified of possible sexual molestation. But as the days went by, that did not occur. Sitting in my cell, I would remind myself that I was there because I had spoken on behalf of the people of Tibet and I felt proud that I had accomplished a goal and was able to say what I thought was right.

In Gutsa prison in the summer of 1988, there were all together about 32 nuns and lay women. All the women were kept in the ward for political prisoners. During that time, one of the nuns, Sonam Chodon, was sexually molested.

Fifteen days after my release from prison on August 4, 1988, a Tibetan approached me and asked if my sister nuns and I would like to talk to a British journalist who was secretly making a documentary in Tibet. We all felt to appear in the interview without hiding our faces was the best way to make a contribution. The ultimate truth would soon be known so there was no need to hide. We had truth as our defense.

After our release from prison, we were formally expelled from Chupsang by the Chinese authorities and sent back to our villages. We were not allowed to wear nuns robes and were forbidden to take part in religious activities. We were not allowed to talk freely with other villagers. I was forced to attend nightly re-education meetings during which the topic of conversation often came around to me as "a member of the small splittist Dalai clique which is trying to separate the motherland." I was so depressed and confused.

I never told my parents what had happened in prison. When word came of the British documentary in which I took part, everyone began to discuss it. Most Tibetans thought I was quite brave, but some collaborators insulted me. It soon seemed as if arrest was imminent. I began to fear for my parents' safety and so decided to flee to the only place I could think of—Lhasa—to appeal again to Chupsang nunnery for re-admission.

After arriving in Lhasa, I set out for the hour's walk to Chupsang. I found a Chinese police office has been set up at the nunnery. I was told to register at the office and, while there, was told re-admission was not possible. I realized that the police officer there would arrest me if I stayed. Greatly discouraged, I set out to make my way back to Lhasa.

Just below the nunnery there is a Chinese police compound the Tibetans call Sera Shol Gyakhang. As I passed, I saw three Chinese soldiers on bicycles. They followed me a short distance before I was stopped. One of them took off his coat and shirt and then tied the shirt around my face, and shoved the sleeves in my mouth to stop me from crying and yelling. I was raped by the three on the outer boundary of the compound. After doing that bad thing to me, they just ran away.

I remained in Lhasa for two months under the care of local Tibetans. As expected, the release of the documentary caused an uproar with the Chinese authorities. My sister nuns tried to disguise themselves and wore their hair a little longer. I had lost all hope of continuing to live in Tibet under so many obstructions and restrictions and the ever present possibility of re-arrest. Even if I could stay, the Chinese would forbid me to study and I feared them in many other bad ways. I began to think of His Holiness the Dalai Lama in India. At that time, I didn't know there were so many other Tibetans living there as well, but I thought if only I could reach him, if I could only once see his face..."

Another nun and I heard of some Tibetan nomads who were taking medicines to the remote areas and traveling to Mount Kailash in a truck. From there we joined a group of 15 Tibetans to travel to the Nepalese border. In December 1990, I reached northern India.

When I first met His Holiness, I could not stop crying. He asked, "Where do you want to go? Do you want to go to school?" He patted my face gently. I could not say anything. I could only cry as I felt the reality of his presence. It was not a dream. In Tibet so many long to see him. At the same time, I felt an overwhelming sadness. Because I was raped, I felt I could no longer be a nun. I had been spoiled. The trunk of our religious vows is to have a pure life. When that was destroyed, I felt guilty to be in a nunnery with other nuns who were really very pure. If I stayed in the nunnery, it would be as if a drop of blood had been introduced into the ocean of milk.

I have been asked by esteemed persons such as yourselves what makes Tibetan nuns, many very young, so brave in their support of the Tibetan cause. I say that it is from seeing the suffering of our people. What I did was just a small thing. As a nun, I sacrificed my family and the worldly life, so for a real practitioner it doesn't matter if you die for the cause of truth. His Holiness the Dalai Lama teaches us to be patient, tolerant and compassionate. Tibetans believe in the law of Karma, cause and effect. In order to do something to try to stop the cycle of bad effect, we try to raise our voices on behalf of the just cause of Tibet. Thank you.

EVANGELICALS FOR SOCIAL ACTION,
Wynnewood, PA, October 21,1997.

Congressman BEN GILMAN,
Chairman, House International Relations Committee, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN GILMAN:, We write to convey our strong support for the Wolf-Specter bill on religious persecution which is before your committee.

We write as progressive Christians long identified with struggles for economic and racial justice. As people who supported U.S. sanctions against South Africa because of apartheid, we endorse the application of almost identical measures against Sudan.

We find it both false and highly offensive that some are seeking to portray the Wolf-Specter bill as a "Religious Right" agenda. Our support for and belief that the Wolf-Specter bill is urgently needed gives the lie to such nonsense.

Aware that this bill was drafted to be moderate in its reach, scope and process we urge you to pass it without further compromise.

Sincerely,

RONALD J. SIDER,
President.

Other Signers: Richard Mouw, President, Fuller Theological Seminary.

DEPARTMENT OF SOCIAL
DEVELOPMENT AND WORLD PEACE,
Washington, DC, October 22, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, House International Relations Committee, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: As director of the U.S. Catholic Bishops' Office of International Justice and Peace. I write to renew our support for the Freedom from Religious Persecution Act of 1997 (H.R. 2431), based on changes agreed to by the sponsors. We very much welcome this legislation with these changes and hope it can be the basis for a focused and effective U.S. policy on religious persecution.

In testimony before the International Relations Committee last month, we outlined the U.S. Bishops' teaching and action on religious freedom, and offered our general support to an earlier version of this bill. The bill, and the wider campaign of which it is a part is a welcome effort to raise the consciousness of the American public about persecution of Christians and members of other religious communities in many countries, and to make religious freedom a top priority of the United States Government.

The freedom from Religious Persecution Act rightly links U.S. aid to a country's performance on religious liberty, a linkage that the U.S. bishops have long urged for the full range of fundamental human rights. The fact that it singles out only egregious acts of religious persecution does not create a hierarchy of human rights any more than it creates a hierarchy of religious freedoms. It simply offers a practical corrective to U.S. policy in one area where that is much needed. While the bill focuses on religious freedom, its practical benefit would be to end U.S. aid given directly to governments that, in most cases, are abusing not just religious

rights but a whole range of basic human rights.

The bill would also improve reporting on religious liberty by the State Department and strengthened training of foreign service and immigration officers, which, given our experience in these areas, seem well justified. Finally, the bill would restore some vital procedural safeguards for those seeking asylum from persecution on account of their religion, safeguards that we urge be restored for those claiming persecution on the grounds of race, nationality, membership in a particular social group, or political opinion.

In our testimony we identified several areas in which the bill might be improved. Since then, we understand that several changes, consistent with our proposals, have been made or agreed to by the sponsors.

Two critical changes were made in the Amendment to H.R. 2431, as reported by the Subcommittee on International Operations and Human Rights: broadened coverage to include victims of persecution of all religious groups in all countries; and a broadened humanitarian exemption to include development and related kinds of aid.

Our understanding, based on discussions with the sponsors, is that further changes will be made to the bill, including: a broadened presidential waiver that would cover situations when a waiver would be necessary to meet the purposes of the act; the addition of opportunities for public comment; and changes in the multilateral development aid language to exempt IDA programs which directly aid the poor.

In addition, we strongly support the continued inclusion of provisions that would end military aid, financing and sales to a sanctioned country.

The changes made so far do not address our concerns over the immigration provisions of the bill, which we understand will be dealt with in the Judiciary Committee. As noted in our testimony before your committee, we welcome the effort to expand protection for refugees fleeing religious persecution, but believe such protections could be further strengthened and should be available to the other four categories of persecuted persons. Short of including the safeguards for these other categories of asylum seekers, our continued support for this legislation is dependent upon retaining the minimum protections contained in the Amendment to H.R. 2431, as reported by the Subcommittee.

The bill, with the changes proposed by the sponsors, addresses a serious problem in a serious way. We hope it will provide a framework for bi-partisan action in this Congress to increase U.S. attention and action on religious liberty. The bill is not, nor does it purport to be, a solution to all violations of religious liberty around the world. It does, however, offer an effective and reasonable tool for raising the curtain on a too-often ignored problem, combating the most blatant forms of religious persecution, and helping to improve the situation of millions who suffer simply because of their religious beliefs.

We are committed to continue to work to see that a focused and effective bill will emerge from the Congress, a bill that will serve as the framework for a serious and sustained U.S. policy on religious persecution. The U.S. Catholic bishops have long worked to protect religious liberty not only for our fellow Catholics, but for all believers. We urge the International Relations Committee to adopt the bill, with the changes proposed by the sponsors, as a major step forward in this urgent effort.

Sincerely yours,

REV. DREW CHRISTIANSEN, S.J.,
Director, U.S. Catholic Conference.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
Washington, DC, October 24, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, House International Relations Committee, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Union of American Hebrew Congregations and the Central Conference of American Rabbis, which represent 1.5 million Reform Jews and 1,800 Reform rabbis in North America, I write to express support for the Freedom From Religious Persecution Act of 1997 (H.R. 2431).

We have been horrified by stories of religious minorities suffering brutal persecution at the hands of governments and local authorities. Tibetans are ruthlessly punished by the Chinese for simply owning a picture of their spiritual leader, the Dalai Lama; the Islamic government in Sudan commits atrocities against its Christian population including torture, rape and murder; and in Egypt, the Coptic Christian minority has been the target of Islamic fundamentalist violence. We cannot turn our back against innocent people whose sole "crime" is the expression of their deepest religious beliefs. Having so often been the victim of persecution, it is our duty and obligation as part of the Jewish community to not only speak out against the persecution of other religious groups around the world, but to take affirmative steps to prevent such persecution in the future.

As committed as we are to combating religious persecution, the legislation as it was originally introduced was problematic for us. We appreciate your willingness to work with us in responding to our concerns regarding the legislation, and we are pleased that we are now able to support the bill. The current version of the bill addresses our most pressing issues by: broadening the religious persecution definition to include all religious groups; moving the monitoring office from the White House to the State Department; providing a presidential waiver for sanctions when they would endanger the persecuted group; exempting humanitarian and development aid; and tightening the sanctions language to limit the export ban. (We understand that additional changes in the refugee section may be proposed, either in advance of the markup or by amendment at the markup itself, and we may be supportive of those provisions as well.)

We look forward to working with you for the swift enactment of this legislation

Sincerely,

RABBI DAVID SAPERSTEIN,
Director.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. BLUNT], a member of the committee.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding this time to me. I rise in opposition to the bill, and I do that reluctantly because of my great respect for the chairman, but I think it would be wrong to pass this legislation through this House and to do it in this atmosphere. We need more time to look at this.

But more importantly, I would like to refer back to my colleague from Virginia's [Mr. WOLF] comments. There is surely religious persecution in the world today. This may even be part of it. But to pass this legislation to single out this kind of religious persecution in the face of what we know is happening all over the world turns our back on people who are in prison tonight, turns our back on people who are in slave camps tonight, turns our back on people whose lives have been given up over the issue of taxation.

Now it could very well be, Mr. Speaker, that we should get to taxation as an issue we are concerned about, but we should not address that first. We should not address that at the expense of these other issues. We need to look at persecution, we need to look at it realistically, we need to look at it all over the world, and we need to address those cases first that are worse, not those cases that are about whether somebody is allowed to perform in a tax-exempt atmosphere or not, whether somebody's movie is boycotted in another country or not, boycotting would seem to me to be a pretty specific freedom of speech right that we would defend in America, or whether or not somebody pays taxes as a church in another country or not before we deal with people whose lives are in danger all over the world, people in Sudan, Buddhists in Tibet, Christians in Shanghai. We need to deal with those issues first.

I urge my colleagues not to vote for this resolution.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Speaker, I really respect the folks that have gotten up to speak in opposition. I believe that they believe very strongly in their position, and we cannot criticize somebody for speaking their beliefs. That is what this is all about. But I am flabbergasted at those who might suggest that since there is other persecution, religious persecution, going on in the world that we should not start with this.

Mr. Speaker, frankly I am pretty appalled to hear that kind of language because there is religious persecution going on in the world, and we have to start somewhere. Here we have an opportunity to stand up and reaffirm what this country is all about, and I am very, very dismayed that some have picked up on this taxation comment. This is simply a sense of Congress. It was one of the examples used of many.

We are not asking Germany to change their taxation policies. We would be as offended if they did that to us. We are simply using many, many examples whereby minority religions, again this is much broader than Scientology, are persecuted in Germany. We are asking for them to reaffirm a position, simply to reaffirm their position

which their Constitution states, and that is that they endorse religious tolerance in the country of Germany.

Yes, they are an ally, and yes we treasure that relationship, but we ought to be able to go to them and tell them the things which trouble us.

I was talking with the gentleman from Ohio [Mr. NEY], and he pointed out in the paper this morning that there was a German citizen who was just granted asylum in this country because of religious persecution in Germany. Yes, that is right, granted asylum in this country because of religious persecution in Germany. We have got to do all that we can to stop that.

And again, I want to reaffirm it is much more than taxation. That was simply one of the ideas that we enumerated in the many ideas or the many examples of religious intolerance in Germany. Let us get beyond that. Let us read the bill, because it is much broader than that, and let us practice what we preach and stand for religious tolerance across the globe.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am opposed to this resolution, and I think that I am as sensitive to the issue of persecution as anyone. I believe I am the leader in minority group membership in the House, claiming two myself, and I am going to vote against this resolution.

I would not vote for a resolution that approved of the way Germany is dealing with the Scientologists and others, but I do not believe a case has been made to do the very, very solemn act of having this House of Representatives single them out for condemnation. There are a lot of things in this world of which we disapprove, and I think the gentleman from Virginia quite correctly pointed out that if we were going to make a list of practices worthy of condemnation in this great democratic institution, even those critical of Germany's treatment of Scientologists would put it much lower on the list than practices that have gone unmentioned here. So there is a disproportion.

Secondly, and I understand from my friend from Arizona that is in the resolution, my colleagues cannot disclaim it, they also have in the resolution a specific example that people in the youth wing of two political parties boycotted movies. Well, I do not always like people who boycott movies, but are we going to have a resolution condemning the Baptists for condemning Disney? I mean, to intermingle genuine religious persecution with a decision by private individuals to boycott a movie is a mistake. It is also inappropriate.

Also I do think we should practice what we preach, but I do not think we should preach what we do not practice. If we are going to look at people who are engaging in inappropriate religious persecution, I think the Governor of Alabama would be on my list. I think people who are atheists and agnostics in parts of Alabama are under assault and having their constitutional rights impinged by the Governor of Alabama.

The fact is that Germany is overall a very democratic nation. It is not perfect. There are not a lot of perfect countries around. But to single out Germany this way while other countries that have far worse patterns of abuse are ignored, to intermingle legitimate efforts like a boycott by political parties with actual persecution and to ignore some of the problems we have ourselves is wholly inappropriate.

So, Mr. Speaker, I do not think this resolution ought to pass.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Massachusetts for his strong statement.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise today in opposition to this resolution mainly because I have experienced a discussion over a period of time as a member of the Congressional study group on Germany with German members of Parliament about the issue, particularly of persecution of Scientologists and those reports we have had.

I recall going over there earlier this year and engaging in quite a lengthy discussion with several of their members over this matter, and I have examined the paperwork and the documents and the press accounts and so on, and I am not here today to be able to talk about every instance of allegation of somebody being persecuted with respect to a particular religion, but with respect to the Scientologists in particular I am unconvinced that the Germans are in any way persecuting them.

Germany has a different kind of system for recognizing religions over there than we do, and I do not necessarily agree with that, but they have a system in which there is not tithing like we have. They collect the taxes from the people, the contributions, if my colleagues will, to the churches, and apportion them out to the various churches that are recognized, if my colleagues will, by the government. I do not, again like I say, necessarily agree with that, but the fact that they do not think that Scientology merits their giving them this status and the, quote, persecution that people perceive occurring simply because they are not recognized for purposes under the German Government's auspices to practice religion is not a reason to have this resolution out here today.

The truth of the matter is that Scientologists are perceived over there, rightly or wrongly, and some have said that here in this country, I do not know if it is right or wrong, as having persecuted some of their own members. There are those who I have heard over the years allege that it is difficult to ever quit the Church of Scientology. There are parents that have complained their children have been held in against their will. There are all kinds of arguments like that.

But I was hearing in Germany, again I do not know the merits of them, but that is what the German Government believes. It is not just an issue of taxation. They do not think that this group, that is the Scientologists, are truly deserving of their recognition. It is not a matter of are they Christian, are they Buddhists, are they whatever, it is a matter of the way they behaved in Germany and their belief that they are not indeed entitled to this recognition.

So I would urge a defeat of this resolution. It is very, very damaging to our relationship with Germany.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Florida for his strong statement.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. OXLEY] the chairman of the German American study group.

Mr. OXLEY. Mr. Speaker, I also rise in opposition to this, I think, well-intentioned effort, but what is really the purpose behind this resolution? Is it to embarrass the German Government? Is it to embarrass the German people? What will ultimately come out of passage of this resolution? I frankly fail to see what good it would do.

As the gentleman from Nebraska [Mr. BEREUTER] indicated, I am the chairman this year of the congressional study group on Germany and have had numerous discussions with our colleagues from the Bundestag particularly and also with the German Ambassador about this very sensitive issue.

I was concerned, frankly, when I looked at a copy of the letter from the German Ambassador to the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], in which he indicates that he had offered to have a discussion with those who would support this amendment, and as near as I can tell, and this was dated October 29, has had no opportunity whatsoever to tell the German side of the story on this matter. I find that frankly appalling when Germany is one of our staunchest allies and ones who have a great deal at stake in our success in Europe, expanding NATO, expanding trade relations and the like. And so instead of trying to stick a needle in the eye of the Germans, it seems to me we ought to be more helpful in trying to come to understand what these problems are.

I find the language in this resolution quite strong, particularly when it talks

about a German fostering an atmosphere of intolerance toward certain minority religious groups. Then it goes on to say the resolution expresses concerns that artists from the United States, members of minority religious groups, continue to experience German Government discrimination. Now, I fail to see how the German government is somehow behind these boycotts of certain movies. There may be particular political groups, but as the gentleman from Massachusetts [Mr. FRANK] said, that happens all the time over here.

So I would say to our friends, let us defeat this resolution and look toward a more positive attitude as we relate to our strong allies such as Germany.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr, Speaker, I understand the other side has a closing statement, and so I will conclude the opposition to the resolution, and I do rise and continue my strong opposition to the resolution.

Germany is a free country in which religious freedom is guaranteed under the Constitution and thus sacrosanct. The U.S. State Department country report on human rights clearly confirms this in its most recent report.

I would add that I think we need to be reminded every time that what we do as a body expressing our views on foreign policy is taken very seriously. This resolution is not balanced. It singles out Germany for a variety of practices, particularly those related to Scientology where their position is no different than seven or eight other European countries and several other countries outside the European Continent.

□ 1815

This is a troubling situation for them. It is a matter that is pending currently in their tax court. But I think it is important we not have Tom Cruise or John Travolta setting foreign policy in this country, and I think that is a driving factor behind this legislation. It is very unfortunate. I urge my colleagues to oppose the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. Ney], who will give our concluding remarks.

Mr. NEY. Mr. Speaker, it is probably pretty good we are coming down to the closure, because now we are coming down to the ridiculous, to mention that Tom Cruise and John Travolta are setting foreign policy. John Travolta and Tom Cruise and Ann Archer and Chick Corea are fortunate enough to have a celebrity status that can bring attention to the issue of discrimination, not alleged, not taxation, but discrimination.

So I am glad that their intent is not to set foreign policy, but they have given of their time to set forth a cause that is very, very important to those who cannot be on this floor to speak or, to those who do not have celebrity status, to be able to be heard, not only here, but in Germany.

This is not about taxation. Let me tell you about support, as far as people saying this does not have support. Things do not get lightly here to the floor. This was not introduced yesterday. This has been around. It has support, because Democrats and Republicans have voiced that they want this on the floor tonight, Mr. Speaker. They want the people of this country and the people around the world to understand this issue, Mr. Speaker.

And the fact that now our Government has gone a step further and has officially granted asylum, do you know how hard it is to get asylum? Our Government stated yesterday, it was in the Washington Post today, that asylum has been granted to a German citizen because they dared to be something different, of a different religion, than us. That is how far this has gone.

Painful words, someone said. It is a shame we are to the point of what someone may consider painful words. The reason we have painful words is because there have been painful deeds, not something someone has made up, but posters that say "no thank you" to a play on the word of "sect," of minority religions.

It goes a little beyond that. Those official sanction posters that have a fly swatter to swat at those pesky little minority members of a religion. It has gone to the point of not someone saying, let's not watch a movie, but of a government that has told citizens of the United States that you in fact shall not perform in the country of Germany because you are a different religion that we just simply do not like that is the type of thing that has occurred.

I went to Germany. We tried to talk about this and got the fist pounding that, we will not talk about it. As far as primary sponsors, I would ask any of my colleagues if either side of the aisle sitting on the floor of this House tonight, Mr. Speaker, if anybody from the German Embassy called them, because I have been out front on this issue for religious freedom for minorities, and we haven't had any calls, and I did a quick check, and nobody I know of supporting this has had any type of call in fact.

All we know is in the press. Today in Germany, they just said, as a matter of fact, an official of the German Government simply said this will not be brought up by the U.S. Congress until after January maybe to be discussed, because I guess they set our foreign policy now.

So no matter how good an ally, the real shame tonight is the fact that they have not wanted to communicate on this issue. The fact is, they continue to want to choose who in fact from this country can go to their country, who in fact they will put under surveillance because they simply do not like the type of religion they are.

These are Americans we are talking about. We are not out to destroy the relationship of our country, but we are talking about standing up for the rights of our own American citizens. That is what this is about tonight.

We cannot turn our back any longer on this issue. It has been mentioned about the other religions, about the Baha'is. It has been mentioned about persecution of people around the world. I am sorry other things have not hit the floor. I am not saying they are not important. I believe that we should stand up for persecution around the world. We have done it in some votes, obviously, with Chinese resolutions.

But just because those resolutions didn't hit the floor of this House tonight does not mean this is not any more important.

So this is not something fabricated, this is not something we are anti-German and we just wanted to bring this up tonight because we didn't have anything to do. These are serious true incidents that have happened over and over and over. Members of Congress have stated their feelings about this and tried the diplomatic route over and over and over. And, yes, this does have support, and that is how this did end up on the floor of this House tonight.

This is about standing up, no matter what you think of another religion, for American citizens' rights, and if the Democrat or the Republican Party dared, dared, on the registration forms in the United States to say, "Are you a Catholic or not?" or, "Are you a Protestant, or are you a Muslim, or are you a Jew?" if that dared to happen in this country, do you know what type of outcry there would be? On the forms, it happens over there about certain religions only: Are you a member or not?

It does exist; it is real; we need to stand up.

In closing, I am a Roman Catholic of German background tonight that stands on the floor simply saying, in fact, we have to stand up for religious freedom tonight. Our country was found that way. They didn't say bring in your tired, your poor, and the religion that we choose that can come here. This is so basic to American principles that everybody should voice their support of this.

I urge the bipartisan support of standing up tonight, not to slap at another country, but to stand up tonight for religious freedom.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 22, as amended.

The question was taken; and on a division (demanded by Mr. BEREUTER) there were—ayes 3, noes 12.

Mr. SALMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPO 2000

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 139) expressing the sense of Congress that the U.S. Government should fully participate in EXPO 2000 in the year 2000, in Hannover, Germany, and should encourage the academic community and the private sector in the United States to support this worthwhile undertaking.

The Clerk read as follows:

H. CON. RES. 139

Whereas Germany has invited nations, international and non-governmental organizations, and individuals from around the world to participate in EXPO 2000, a global town hall meeting to be hosted in the year 2000, in Hannover, Germany, for the purpose providing a forum for worldwide dialogue on the challenges, goals, and solutions for the sustainable development of mankind in the 21st century;

Whereas the theme of EXPO 2000 is "Humankind-Nature-Technology";

Whereas EXPO 2000 will take place in the heart of the newly unified, free, and democratic Europe;

Whereas Germany has established a stable democracy and a pluralistic society in the heart of Europe;

Whereas more than 40,000,000 people in the United States can trace their ancestry to Germany, and in 1983 the United States and Germany celebrated the Tri-Centennial of immigration of Germans into the United States;

Whereas Germany has been a close political and military ally of the United States for nearly five decades and has been a driving force with respect to the political, monetary, and economic integration of Europe;

Whereas the United States, as a leading political, intellectual, and economic power, maintains a strong interest in the worldwide strengthening of political freedom and human rights, open market economies, and technological advancement throughout the world; and

Whereas the United States is eager to share with the global community the vast and promising public and private efforts being made to prepare for the next century; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the United States—

(1) should fully participate in EXPO 2000, a global town hall meeting to be hosted in the year 2000, in Hannover, Germany, for the purpose of providing a forum for worldwide dialogue on the challenges, goals, and solutions for the sustainable development of mankind in the 21st century; and

(2) should encourage the academic community and the private sector in the United States to support this worthwhile undertaking.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from New Jersey [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 139.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 3 years Germany will be hosting EXPO 2000, a World's Fair to mark the new millennium. The timing and the location of this event could hardly be more appropriate. Hannover, Germany, is the center of a new Europe.

Europe, as we all know, is in the center of major changes. By the year 2000, there will be at least three new members of NATO and also new members in the EU. Europe is rapidly unifying, and EXPO 2000 represents a showcase to demonstrate that change. To date, 143 nations have agreed to participate.

I would note that President Clinton noted on August 15 that the United States was accepting the German invitation to participate in EXPO 2000 and encouraged private industry to do so. In this respect, it is similar to resolutions that the Congress has approved in the past regarding U.S. participation in the EXPO in Lisbon.

House Concurrent Resolution 139 comes to the Committee from the Congressional German-American Study Group. The cosponsors include the former chairmen on both sides of the aisle; the gentleman from Indiana [Mr. HAMILTON], the current German-American Study Group chairman; the gentleman from Ohio [Mr. OXLEY]; and the gentleman from Virginia [Mr. PICKETT], who is currently the vice chairman and will be the chairman next year.

I would also tell my colleagues that two distinguished members of the other body are also active in similar kinds of efforts.

The resolution recognizes the value of EXPO 2000 and expresses our support for private sector support.

I think in looking at the resolution, one of the most interesting things is the theme of this conference. It is to encourage sustainable development of mankind in the 21st century. I think it is important, therefore, that we participate in this effort to establish a worldwide dialogue on the challenges, goals, and solutions for the sustainable development of mankind in the 21st century.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], for bringing this resolution to the floor, and I commend the gentleman from Nebraska [Mr. BEREUTER] for his sponsorship of it.

EXPO 2000 is a World's Fair in Hannover, Germany, to usher in the new millennium. One hundred forty-three countries have already announced their participation. It will take place in the heart of the newly unified free and democratic Europe, as we move forward to the new European Community where the borders will drop and the continent will be united.

This will be a very important forum. This forum will focus the attention of states, international and nongovernmental organizations, and individuals from around the world on the key challenges for a sustainable development of mankind for the next century.

This is an important event, Mr. Speaker, and the United States should fully participate in it. The resolution emphasizes private funding for that participation. Academics and business leaders from the United States will have a great deal to offer to this important discussion on sustainable development of mankind in the 21st century.

Mr. Speaker, I believe the Congress is right to encourage those leaders to actively participate in this important dialogue. This is a good resolution, Mr. Speaker, and I urge my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I want to thank our colleague, the gentleman from Nebraska [Mr. BEREUTER], for taking the initiative to introduce this resolution calling our attention to the upcoming World Exposition that is going to be held in Hannover, Germany, in the year 2000. Such expositions provide an excellent opportunity for our citizens to showcase the goods and services that have helped contribute to our national greatness.

EXPO 2000 will focus on the theme of sustainable development. While that concept has come to mean many things to different people, this resolution, by highlighting the principles of political freedom, human rights, and the free market, establishes the appropriate framework for the involvement of our Nation.

I believe our Government should strongly encourage our talented academic community and our private sector, the most productive in the world, to actively participate in this trade exposition. The amendment we made in committee made it clear that the Government's role is solely one of encouraging efforts in the private sector to participate, and no government funds would be spent.

□ 1830

Accordingly, I urge our colleagues to fully support this resolution.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of this resolution and thank the committee for bringing it to the floor. As a former chair of the Congressional Study Group on Germany, I can tell my colleagues that when we visited Germany just two years ago, I know that one of the first questions I asked was how is the United States participating in Hannover 2000, and what is the United States role going to be? If we are a world power and we are an economic power, then we have to be fully involved in these significant economic events.

Let me also urge each Member to go back and talk to your State Department of Development or Commerce, or whatever it is, to find out the balance of trade with Germany and the European nations and they will find out that one of the fastest growing areas, both in investment and in exports that is selling United States goods to another nation is in Germany. So, once again, this is an excellent opportunity, as the people from both sides of the aisle have pointed out, to showcase our products to the world, not just Germany where it is being held, of course, but to the world.

So if I had my way, I would actually have us participating more than we probably are in terms of taxpayers possibly being involved as well, but the important thing is that the private sector fully be involved, that we send a message that the United States is fully committed, and that we encourage the fullest amount of U.S. participation.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from West Virginia for that outstanding statement.

It is now my pleasure to yield such time as he may consume to the distinguished gentleman from Ohio [Mr. OXLEY], who I consider to be, along with myself, a primary sponsor of this legislation. As I mentioned earlier in the debate, he is chairman of the German-American Study Group.

Mr. OXLEY. Mr. Speaker, before I begin my remarks, let me thank the gentleman from Nebraska [Mr. BEREUTER] for bringing this Expo 2000 resolution to the floor today and for his leadership in the Committee on International Relations on these important issues.

As the gentleman from Nebraska indicated, I am Chairman of the Congressional Study Group on Germany for 1997. I am proud to rise in support of this resolution. The resolution provides an important congressional endorsement of Expo 2000 and, as an original cosponsor, I am hopeful that my colleagues will support this resolution.

The Expo, to be held in Hannover, Germany, will provide an important opportunity for the international community to discuss solutions to problems we will be facing in the 21st century, including global climate change, sources of energy, population growth, and development. Given America's leading position in the development of technology and our problem-solving capabilities, I applaud the President's announcement of American participation in the Expo 2000. This resolution will provide another voice of support to American academic and private sector involvement in the Expo.

Given the dramatic progress this Congress has made in balancing the budget and promoting fiscal responsibility, I think it is important to note that no Federal funds will be used to support American participation in this Expo. While this was the clear intention of the resolution when introduced, I applaud the gentleman from New York [Mr. GILMAN] for introducing an amendment in the committee process that makes this absolutely clear.

Finally, Mr. Speaker, I would like to take this opportunity to express my appreciation and thanks to all of the Bundestag colleagues I have gotten to know over the past year. I believe that German-American relations provide an important cornerstone of stability in Europe. American participation in Expo 2000 will further this relationship, and I urge my colleagues to support House Concurrent Resolution 139.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Speaker, I thank the gentleman for yielding me this time. I also want to thank the gentleman from Nebraska [Mr. BEREUTER] for sponsoring this resolution.

It is very important that we participate in this worldwide event. Just recently we have seen the effect of what happens in our own country when economic conditions change in Asia, and we have also heard a great deal recently about global warming and what our country should do in the world environment as far as global warming is concerned.

It is very appropriate that we encourage through our government the academic community and the private sector to participate in Expo 2000. This is a very eloquent and far-reaching event that is going to be held in Hannover, Germany in the year 2000 for worldwide dialogue on the challenges, goals and solutions for the sustainable development of mankind in the 21st century. This fits in with our economic objectives, it fits in with our environmental objectives, and it fits in with our commitment to the world community, and I urge everyone to support this resolution.

Mr. PAYNE. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I strongly urge my colleagues to support this resolution, to support Expo 2000 in Hannover, Germany.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nebraska [Mr. Bereuter] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 139.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 830) "An Act To amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules in this series.

Pursuant to clause 5 of rule 1, the Chair will now put the question on H.R. 2232, by the yeas and nays; H.R. 1129, by the yeas and nays; House Concurrent Resolution 22, by the yeas and nays; and House Concurrent Resolution 139, by the yeas and nays.

RADIO FREE ASIA ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 2232, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 21, not voting 11, as follows:

[Roll No. 623]

YEAS—401

Abercrombie	DeGette	Hooley
Ackerman	Delahunt	Horn
Aderholt	DeLauro	Hostettler
Allen	DeLay	Houghton
Andrews	Dellums	Hoyer
Archer	Deutsch	Hulshof
Armey	Diaz-Balart	Hunter
Bachus	Dickey	Hutchinson
Baesler	Dicks	Hyde
Baker	Dingell	Inglis
Baldacci	Dixon	Istook
Ballenger	Doggett	Jackson (IL)
Barcia	Dooley	Jackson-Lee (TX)
Barr	Doolittle	Jefferson
Barrett (NE)	Doyle	Jenkins
Barrett (WI)	Dreier	John
Bartlett	Dunn	Johnson (CT)
Barton	Edwards	Johnson (WI)
Bass	Ehlers	Johnson, E. B.
Bateman	Ehrlich	Jones
Becerra	Emerson	Kanjorski
Bentsen	Engel	Kaptur
Bereuter	English	Kasich
Berman	Ensign	Kelly
Berry	Eshoo	Kennedy (MA)
Bilbray	Etheridge	Kennedy (RI)
Bilirakis	Evans	Kennelly
Bishop	Everett	Kildee
Blagojevich	Ewing	Kilpatrick
Bliley	Farr	Kim
Blumenauer	Fawell	Kind (WI)
Blunt	Fazio	King (NY)
Boehlert	Filner	Kingston
Boehner	Flake	Kleczka
Bonior	Foglietta	Klink
Bono	Foley	Knollenberg
Borski	Forbes	Kolbe
Boswell	Ford	Kucinich
Boucher	Fossella	LaFalce
Boyd	Fowler	LaHood
Brady	Fox	Lampson
Brown (CA)	Frank (MA)	Lantos
Brown (FL)	Franks (NJ)	Largent
Brown (OH)	Frelinghuysen	Latham
Bryant	Frost	LaTourette
Bunning	Furse	Lazio
Burr	Gallegly	Leach
Burton	Ganske	Levin
Buyer	Gejdenson	Lewis (CA)
Callahan	Gekas	Lewis (GA)
Calvert	Gephardt	Lewis (KY)
Camp	Gibbons	Linder
Campbell	Gilchrest	Lipinski
Canady	Gilman	Livingston
Cannon	Goode	LoBiondo
Cardin	Goodlatte	Lofgren
Carson	Goodling	Lowey
Castle	Gordon	Lucas
Chambliss	Goss	Luther
Chenoweth	Graham	Maloney (CT)
Christensen	Granger	Maloney (NY)
Clayton	Green	Manton
Clement	Greenwood	Manzullo
Clyburn	Gutierrez	Markey
Coble	Gutknecht	Martinez
Coburn	Hall (OH)	Mascara
Collins	Hall (TX)	Matsui
Combest	Hamilton	McCarthy (MO)
Condit	Hansen	McCarthy (NY)
Conyers	Harman	McCollum
Cook	Hastert	McCrery
Cooksey	Hastings (FL)	McDade
Costello	Hastings (WA)	McGovern
Cox	Hayworth	McHale
Coyne	Hefley	McHugh
Cramer	Hefner	McInnis
Crane	Herger	McIntosh
Crapo	Hill	McIntyre
Cummings	Hilleary	McKeon
Cunningham	Hilliard	McKinney
Danner	Hinchey	McNulty
Davis (FL)	Hinojosa	Meehan
Davis (IL)	Hobson	Meek
Davis (VA)	Hoekstra	Menendez
Deal	Holden	Metcalf
Mica	Rahall	Spratt
Millender-McDonald	Ramstad	Stabenow
Miller (CA)	Redmond	Stark
Miller (FL)	Regula	Stearns
Minge	Reyes	Stenholm
Mink	Riggs	Strickland
Moakley	Rivers	Stump
Moran (KS)	Rodriguez	Stupak
Moran (VA)	Roemer	Sununu
Morella	Rogan	Talent
Murtha	Rogers	Tanner
Myrick	Rohrabacher	Tauscher
Nadler	Ros-Lehtinen	Tauzin
Neal	Rothman	Taylor (MS)
Nethercutt	Roybal-Allard	Thomas
Ney	Royce	Thompson
Northup	Rush	Thornberry
Norwood	Ryun	Thune
Nussle	Sabo	Thurman
Oberstar	Salmon	Tiahrt
Olver	Sanchez	Tierney
Ortiz	Sandlin	Torres
Owens	Sawyer	Towns
Oxley	Saxton	Traficant
Packard	Scarborough	Turner
Pallone	Schaefer, Dan	Upton
Pappas	Schaffer, Bob	Vento
Parker	Schumer	Visclosky
Pascrell	Scott	Walsh
Pastor	Sessions	Wamp
Paxon	Shadegg	Waters
Payne	Shaw	Watkins
Pease	Shays	Watts (OK)
Pelosi	Sherman	Waxman
Peterson (MN)	Shimkus	Weldon (FL)
Peterson (PA)	Sisisky	Weldon (PA)
Petri	Skaggs	Weller
Pickering	Skeen	Wexler
Pitts	Skelton	Weygand
Pombo	Smith (MI)	White
Pomeroy	Smith (NJ)	Whitfield
Porter	Smith (OR)	Wicker
Portman	Smith (TX)	Wise
Poshard	Smith, Adam	Wolf
Price (NC)	Smith, Linda	Woolsey
Pryce (OH)	Snowbarger	Wynn
Quinn	Snyder	Young (AK)
Radanovich	Solomon	Young (FL)
	Souder	
	Spence	

NAYS—21

Bonilla	Neumann	Sensenbrenner
Chabot	Obey	Serrano
Clay	Paul	Shuster
DeFazio	Pickett	Slaughter
Duncan	Rangel	Stokes
Fattah	Sanders	Velázquez
Mollohan	Sanford	Watt (NC)

NOT VOTING—11

Cubin	Klug	Schiff
Gillmor	McDermott	Taylor (NC)
Gonzalez	Riley	Yates
Johnson, Sam	Roukema	

□ 1859

Mr. SERRANO and Mr. FATTAH changed their vote from "yea" to "nay."

Messrs. JOHN, YOUNG of Alaska, MILLER of California, and DINGELL changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1900

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

MICROCREDIT FOR SELF-RELIANCE ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1129, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 1129, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 21, not voting 19, as follows:

[Roll No. 624]

YEAS—393

Abercrombie	Condit	Frelinghuysen
Ackerman	Conyers	Frost
Aderholt	Cook	Furse
Allen	Cooksey	Gallegly
Andrews	Costello	Ganske
Archer	Cox	Gejdenson
Armey	Coyne	Gekas
Bachus	Cramer	Gephardt
Baesler	Crane	Gibbons
Baker	Crapo	Gilchrest
Baldacci	Cummings	Gilman
Ballenger	Cunningham	Goodlatte
Barcia	Danner	Goodling
Barrett (NE)	Davis (FL)	Gordon
Barrett (WI)	Davis (IL)	Goss
Bartlett	Davis (VA)	Graham
Bass	DeFazio	Granger
Bateman	DeGette	Green
Becerra	Delahunt	Greenwood
Bentsen	DeLauro	Gutierrez
Bereuter	DeLay	Gutknecht
Berman	Dellums	Hall (OH)
Berry	Deutsch	Hall (TX)
Bilbray	Diaz-Balart	Hamilton
Bilirakis	Dickey	Hansen
Bishop	Dicks	Harman
Blagojevich	Dingell	Hastert
Bliley	Dixon	Hastings (FL)
Blumenauer	Doggett	Hastings (WA)
Blunt	Dooley	Hayworth
Boehlert	Doolittle	Hefner
Boehner	Doyle	Herger
Bonior	Dreier	Hilleary
Borski	Duncan	Hilliard
Boswell	Dunn	Hinchey
Boucher	Edwards	Hinojosa
Brady	Ehlers	Hobson
Brown (CA)	Ehrlich	Hoekstra
Brown (FL)	Emerson	Holden
Bryant	Engel	Hooley
Bunning	English	Horn
Burr	Ensign	Hostettler
Burton	Eshoo	Houghton
Buyer	Etheridge	Hoyer
Callahan	Evans	Hulshof
Calvert	Everett	Hunter
Camp	Ewing	Hutchinson
Campbell	Farr	Hyde
Canady	Fattah	Inglis
Cannon	Fawell	Istook
Cardin	Fazio	Jackson (IL)
Carson	Filner	Jackson-Lee (TX)
Castle	Flake	Jefferson
Chabot	Foglietta	John
Chambliss	Foley	Johnson (CT)
Christensen	Forbes	Johnson (WI)
Clay	Ford	Johnson, E. B.
Clayton	Fossella	Johnson, Sam
Clement	Fowler	Jones
Clyburn	Fox	Kanjorski
Coburn	Frank (MA)	Kaptur
Combest	Franks (NJ)	

Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)

NAYS—21

Barr
Barton
Bonilla
Chenoweth
Coble
Collins
Deal
Goode
Hefley
Hill
Paul
Pombo
Scarborough
Sessions
Shadegg
Spence
Stearns
Stump
Taylor (MS)
Traficant
Young (FL)

NOT VOTING—19

Bono
Boyd
Brown (OH)
Cubin
Gillmor
Gonzalez
Jenkins
Kennedy (RI)
Klug
McDermott
Metcalf
Oxley
Pickering
Riley
Roukema
Salmon
Schiff
Taylor (NC)
Yates

□ 1908

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BONO. Mr. Speaker, on rollcall No. 624, on a motion to suspend the Rules and pass H.R. 1129, the Microcredit for Self-Reliance Act, I am not recorded. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, earlier in the evening, I was unavoidably detained and missed rollcall No. 624, which was H.R. 1129.

Mr. Speaker, had I voted on that, I would have voted yes.

EXPRESSING SENSE OF CONGRESS WITH RESPECT TO GERMAN GOVERNMENT'S DISCRIMINATION AGAINST MEMBERS OF MINORITY RELIGIOUS GROUPS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 22, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 22, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 101, nays 318, answered "present" 4, not voting 10, as follows:

[Roll No. 625]

YEAS—101

Abercrombie
Andrews
Becerra
Bilbray
Bilirakis
Bishop
Bonior
Bono
Brown (FL)
Calvert
Carson
Chabot
Christensen
Clay
Clayton
Clyburn
Conyers
Cox
Cummings
Cunningham
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Doolittle
Dreier
Engel
Ensign
Fattah
Flake
Foley
Ford
Fox
Frost
Gejdenson
Gephardt
Gilman
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hilliard
Horn
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kelly
Kennelly
Kildee
Kilpatrick
Kim
LaTourette
Lewis (CA)
Maloney (CT)
Maloney (NY)
Martinez
McIntosh
McKinney
Meek
Menendez
Metcalf
Millender-McDonald
Ney
Owens
Pallone
Pappas
Pastor
Payne
Portman
Pryce (OH)
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Rush
Salmon
Sanford
Scarborough
Schaffer, Bob
Sherman
Slaughter
Stokes
Thompson
Tiahrt
Torres
Towns
Waters
Watt (NC)
Weller
Wexler
Wicker
Wynn

NAYS—318

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Danner
Davis (FL)
Deal
DeFazio
DeLay
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Foglietta
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hunter
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Parker
Pascrell
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Rogers
Roybal-Allard
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)

Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tierney
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

ANSWERED "PRESENT"—4

Cardin
English
Hoyer
Kucinich

NOT VOTING—10

Cubin
Gillmor
Gonzalez
Klug
McDermott
Pickering
Riley
Roukema
Schiff
Yates

□ 1918

Mr. HERGER changed his vote from "yea" to "nay."

Mrs. MEEK of Florida, Mr. CALVERT, and Mrs. KELLY changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PICKERING. Mr. Speaker, on rollcall Nos. 624 and 625, I was unavoidably detained. Had I been present, I would have voted "yes" on rollcall 624 and "no" on rollcall 625.

EXPO 2000

The SPEAKER pro tempore (Mr. PETRI). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 139, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 139, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 16, as follows:

[Roll No. 626]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

Barr
Jackson-Lee (TX)

NOT VOTING—16

Armey
Cubin
DeLay
Edwards
Emerson
Gillmor
Gonzalez
Klug
McDermott
Portman
Riley
Roukema
Schiff
Smith, Linda
Whitfield
Yates

□ 1926

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "A concurrent resolution expressing the sense of Congress that the United States should fully participate in EXPO 2000 in the year 2000, in Hannover, Germany, and should encourage the academic community and the private sector in the United States to support this worthwhile undertaking.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. LINDA SMITH of Washington. Mr. Speaker, on rollcall No. 626, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, I missed the vote on rollcall No. 626, the sense of Congress regarding U.S. participation in EXPO 2000 in Hannover, Germany. Had I been present, I would have voted "yes."

□ 1930

FURTHER CONTINUING APPROPRIATIONS, 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 104) making further continuing appropriations for the fiscal year 1998, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Reserving the right to object, Mr. Speaker, under my reservation it is my understanding that the gentleman is attempting to bring to the House a 1-day CR. I would like to ask a number of questions so that all Members might understand where we are at and where we expect to be about 2 days from now.

Could I first inquire if the gentleman could inform Members what the expected schedule is tonight?

Mr. LIVINGSTON. Mr. Speaker will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, the Majority Leader does not appear to be on the floor, and I am not prepared to address the entire schedule. I do know that it is the intent of the leadership to bring up the fast track some time tonight, and the appropriations bills that remain have to be taken up. Included among them are the Commerce-Justice-State bill, which is being conferenced, as the gentleman knows, simultaneously with the activities on the floor. The District of Columbia bill, which passed the House, is being entertained by the Senate, and the foreign operations bill is pending, having been fully conferenced, and is awaiting the decision to move forward with many issues, among them being the U.N. population planning issue.

Mr. OBEY. Further reserving the right to object, Mr. Speaker, and I really do not want to object, but my leadership on this side of the aisle has asked that we try to elicit some understanding of what the schedule is tonight. Members have a right to know what the expectation is about when fast track is going to be taken up, they have a right to know whether further legislation will be taken up after fast track tonight, and they also have a right to know whether we are intending to be here tomorrow, whether Members will, in fact, be able to get back for Veterans Day or not, whether there are going to be further conferences tonight.

Mr. Speaker, I would ask is there not someone from the leadership on the gentleman's side of the aisle who can tell us what the story is, because, frankly, I have had two or three Members over here who are indicating they are inclined to object to consideration of the CR without that information.

Mr. LIVINGSTON. Would the gentleman yield further?

Mr. OBEY. Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I certainly share the gentleman's zeal to end the process and to finish this session of the 105th Congress, and I know that Members have lots of things that they would like to do and simply to return to home.

However, I might add that if the gentleman objects, the fact is that we will not have a continuing resolution to keep the Government in operation after midnight tonight, and certain Government activities will close down.

Mr. OBEY. Mr. Speaker, if I could reclaim my time under the reservation, let me simply say that is not so. The question is not whether we object. The question is whether somebody can take 5 minutes to tell us. I mean, the motion can be renewed at any time, but, frankly, the gentleman from Louisiana and I are totally in the dark about what is happening, I think every other Member here is totally in the dark about what is happening, and I think Members have some right to know what the situation is. And so I would again ask whether anyone from the gentleman's leadership can tell us what the plans are for tonight, for tomorrow and for Veterans Day.

Mr. LIVINGSTON. Would the gentleman yield further?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I am advised and would explain to the gentleman that the intent of the House is to go ahead and continue along a very long list of suspensions, and that eventually we will get to the vote on the fast track legislation. The gentleman knows that that vote is going to be very close, and so I would expect that when people on all sides of the Capitol feel that they have exhausted their opportunity to discuss it with Members, that they will bring it up. But in the meantime we have these suspensions, and I would be happy to read them to the gentleman, but I do not think that is necessary.

But let me point out that all we are attempting to do at this point is to provide for a 24-hour extension so that Government will not close down after midnight tonight. That is a 1-day extension with all of the conditions which were included in the previous continuing resolution which we passed 2 days ago. It is a simple 1-day extension.

I hope, I sincerely hope, that at the conclusion of that 24 hours, we will be able to go home and we will not have to have any more CRs. But I cannot assure the gentleman of anything at this point.

Mr. OBEY. Again under any reservation let me simply say I, too, hope that we can finish in 24 hours, but, frankly, I do not approach this like I am a permanent president of an optimist club, and it just seems to me that we have massive confusion here.

Let me ask the gentleman, does the gentleman know how many bridges the administration has given away today to try to pick up votes?

Mr. LIVINGSTON. This gentleman does not have sufficient fingers to count.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I think today was roads, highways, not bridges today.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield further?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would point out to the gentleman that currently signed into law in the 1998 appropriations cycle is the military construction bill, the legislative branch bill, the Defense bill, the Treasury bill, the energy and water bill, the VA/HUD bill and the Transportation bill.

Cleared for the President, and sitting on his desk and awaiting his signature are the Interior and the Agriculture bill, and just a couple days ago we passed the Labor-Health bill with an overwhelming margin, and we would expect him to sign that.

Remaining are three appropriations bills: foreign operations, Commerce-Justice, and District of Columbia. They are pending in the process, and I fully expect and hope that within the next 24 hours we are going to be able to take up those bills and pass them and send them to the President, and he is going to sign them into law. It is my expectation that if we are so lucky, after this, the expiration of this 24-hour continuing resolution, we would be able to go back and do the things among our constituents that we have planned.

Mr. OBEY. Again under my reservation of objection, Mr. Speaker, let me simply explain to the Members what I understand is happening with respect to one of the appropriation bills.

The State-Justice bill has a number of contentious items. Frankly, right now, although there is language which apparently may meet with the approval of the administration, we have a meeting going on right now with a number of lawyers to try to decipher what that language is and to see whether or not we can work our way to agreement on that. If we can, I would grant that there is the possibility of going to conference tonight without a

lot of problems on the State-Justice bill.

But we still have confusion about the other two bills.

Let me ask, does the gentleman know of any other so-called compromise language which is circulating with respect to Mexico City? There are rumors rampant about different language being floated by the administration, by somebody else. Has the gentleman been given any language that would effect the Mexico City provisions of the foreign operations bill?

Mr. LIVINGSTON. If the gentleman would yield further, the only language that I know about is the language that was sent to the Senate, and I am told that the Senate has some language of their own which they are sending back to us. But beyond those two sets of language, I know of none.

Mr. OBEY. Could the gentleman further tell us, under my reservation of objection, what are the plans for handling the D.C. appropriations bill?

Mr. LIVINGSTON. Mr. Speaker, it was our intent to receive some notification from the Senate in handling the D.C. bill individually; however, it looks as if the Senate is currently acting on a proposal that might join all three bills and send it back to us. We would expect that if that is the case, we would receive it sometime tonight and that we would act on either a joint bill, sometimes known as an omnibus bill, which would include all three appropriations bills, or we would handle each of them individually.

I would tell the gentleman it would be my preference if we can conclude the Commerce-Justice-State, conference, then we can take that up this evening, or tomorrow.

Mr. OBEY. If I can just, under my reservation of objection again, note that I am informed that so far staff has found at least 50 mistakes in the Senate version of the State-Justice-Commerce bill as it was sent over here. I am not saying that by way of criticizing, I am saying that by way of alerting Members to the fact that it is essential that we have enough time to read out those bills at a staff level, and perhaps Members of the leadership who have not served as committee chairs do not sufficiently appreciate the need to make certain that we have these things right before we proceed.

But my concern is that a lot of Members want to know whether they should cancel their Veterans Day plans. If they are going to be back in their districts for Veterans Day, they are going to have to leave here Monday. We are being told that people should expect to be here Monday, and I think, frankly, I doubt very much that a 1-day CR is going to be enough, and I would ask why we have not just proceeded with a CR that is 4 or 5 days so that Members would have some clarity about what is going to happen on Veterans Day.

Mr. LIVINGSTON. Mr. Speaker, the gentleman has explained that he is not a member of the optimist club, and I have to tell the gentleman that I am an eternal optimist and that it is my hope that all of our business can, in fact, be concluded by at least this time tomorrow night and that Members will be back in their districts by Tuesday. But obviously in view of the uncertainty of the bills before us, it is impossible to give the gentleman a guarantee.

Mr. OBEY. Mr. Speaker, I guess under my reservation of objection again, I guess I would simply say that this is not the most organized way to end the session that I have ever seen, and I would simply ask that before any actions are taken with respect to any of the three appropriation bills, that both our leadership and the ranking members on each of those subcommittees be given ample time so that whatever changes might be contemplated by the minority to the greatest extent possible can be cleared with our side so that we do not run into some last-minute blowups.

Mr. Speaker, we are not going to elicit any information.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I just wanted to assure the gentleman that it is my intention that not only our joint leaderships, but that the gentleman and I and the respective subcommittee chairmen from both the majority and the ranking minority members have full opportunity to review all proposals before they hit the floor and that the staff has adequate time to read it and make sure that mistakes are not made.

The fact is that the committees are working, and especially, I think, the Committee on Appropriations in this instance is working as expeditiously and efficiently as is absolutely possible under rather uncertain conditions, and I am proud of the job we are doing, I am just not able to give the gentleman any guarantees about the ultimate schedule.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Again, further reserving the right to object, Mr. Speaker, I yield to the gentleman.

Mr. ROGERS. Mr. Speaker, the gentleman from Wisconsin and the chairman of the committee is correct. Just on the Commerce-State-Justice bill it will take 12 or 13 hours of staff time just to read through, to proofread, that one bill.

□ 1945

So we need a lot of lead time. We have been trying to pre-read the portions that are more or less agreed to. But even in spite of that, it is going to take that long a period of time, just to read on the one bill.

Mr. OBEY. Mr. Speaker, continuing my reservation, let me simply make this point, I think we have terrific staff on the Committee on Appropriations. But as good as they are, they are likely to make some significant mistakes if they are reading out these bills when they have been strung out through night after night with virtually no rest.

It seems to me that if there is not a reasonable expectation that we can finish, that we ought to recognize that so that Members can get some sleep. My observation is that this place usually works better and the Members get along better with each other when their tails are not dragging, and everybody's are, as far as I can see right now, and certainly the staff.

Mr. Speaker, we are not going to get any more information, but what we have been told so far is that the fast-track legislation is going to come up sometime tonight, that we may or may not be moving ahead with other appropriation bills, and, if we do move ahead with them, they may or may not be in an omnibus form, and we do not really have any idea at this point how long it is going to take to read out these bills or to bring them to the Congress in a form which is safe for Members to vote on.

Under those circumstances, I would simply say I am dubious that a one-day CR is going to solve anything.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The text of House Joint Resolution 104 is as follows:

H.J. RES. 104

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(3) of Public Law 105–46 is further amended by striking "November 9, 1997" and inserting in lieu thereof "November 10, 1997", and each provision amended by sections 122 and 123 of such public law shall be applied as if "November 10, 1997" was substituted for "October 23, 1997".

The SPEAKER pro tempore (Mr. PETRI). Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 830, FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 830) to amend the Federal Food, Drug and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous remarks on the conference report on S. 830.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we stand on the verge of medical advances that will revolutionize the quality of health care in America, and today we make the promise of better medicines and treatments a reality for millions of Americans. The bipartisan conference agreement reached earlier this afternoon to modernize the FDA is a victory for American patients.

After almost 3 years of work by the Committee on Commerce, we have delivered a piece of legislation that will do more to help patients than any legislation passed in decades. When we first discussed the need to modernize the FDA in 1995, we knew that outdated rules were slowing down the vital work of the agency and that patients were the ones who were suffering. Vital new medicines and medical devices were not getting to the patients who needed them quickly enough.

As I said back then, it is not right that American patients are having to go overseas to get the care they need to stay alive. Congress had to act. Our FDA reform team conducted the most extensive legislative outreach in recent memory. Literally thousands of hours were devoted to reaching out to all corners of the country. Our goal then was to achieve a balanced legislation, legislation that the President would be eager to sign.

Today we have fulfilled our objectives. This agreement will result in a better and more efficient FDA. It will enhance the safety of the medicines we take and the medical devices we use and the foods we feed our children. Medicines will be approved faster, medical devices will get to people sooner, and those with life-threatening diseases will have access to the best experimental new drugs that science can provide. That is important, because when you are sick, when you are suffering, every minute counts.

Some of my colleagues deserve special praise and thanks. Their work on this issue has been tireless, and the credit for this legislation belongs to them. The members of our FDA reform team, the chairman of our Subcommittee on Health and Environment, the gentleman from Florida [Mr. BILIRAKIS], along with the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from North Carolina [Mr. BURR], the gentleman from Texas [Mr. BARTON], and the gentleman from Kentucky [Mr. WHITFIELD].

I also want to reach across the aisle to thank our friends, the gentlewoman from California [Ms. ESHOO], the gentleman from New York [Mr. TOWNS], and the gentleman from Texas [Mr. HALL], and all our ranking members, the gentleman from Michigan [Mr. DINGELL] and the gentleman from Ohio [Mr. BROWN], for their invaluable contributions to this effort. And to our colleagues over in the Senate, Senators JEFFORDS and KENNEDY.

I also want to thank my committee staff, Howard Cohen, Eric Berger, and Roger Currie, as well as the personal staffs of the FDA reform team, Patti DeLoache with the gentleman from Florida [Mr. BILIRAKIS], Mora Guarducci with the gentleman from Pennsylvania [Mr. GREENWOOD], Alyson Neuman with the gentleman from North Carolina [Mr. BURR], Beth Hall with the gentleman from Texas [Mr. BARTON], Pete Bizzozero with the gentleman from Wisconsin [Mr. KLUG], and Tim Taylor with the gentleman from Kentucky [Mr. WHITFIELD].

I would also like to extend my gratitude to the able and hard-working legislative counsels who helped craft this measure: David Meade, Pete Goodloe, and Liz Aldridge.

Finally, I would like to express my sincere gratitude for the hard work and dedication of minority counsel Kay Holcombe. She is leaving us at the end of this session, and, believe me, she will be greatly missed, not just by the gentleman from Michigan [Mr. DINGELL] but by this chairman as well.

They should all be proud of a job very well done. The American people thank them, and so do I.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, from the beginning, our goal in reforming Food and Drug has been to benefit patients and people. We can talk about a lot of things, but when we get right down to it, the question is keeping people safe, seeing to it that foods, drugs, cosmetics, devices and other things which are regulated by Food and Drug which are absolutely essential to the life of people are safe and that they come quickly to market.

The bill does a number of things. First, it reauthorizes the Prescription Drug User Fee Act. This is a program that has given FDA the resources needed to approve drugs in a way that none of us would have anticipated 10 years ago. Today, new drugs are reviewed by FDA in a year or less. Drugs essential for people with serious and life-threatening illnesses are reviewed in 6 months or less. This is enormous progress.

The bill authorizes a clinical trials data bank that would be established through the National Library of Medicine at NIH. Patients with serious illnesses will be able to get critical information about experimental therapies being tested in clinical trials.

The bill codifies a number of procedures that FDA developed over the years to expand access to experimental drugs and medical devices to people with serious illnesses and emergency situations through so-called expanded access protocols.

Market incentives are included in this bill to encourage companies to produce pediatric studies of drugs, so that the labeling of these products will be useful to pediatricians. Today, most of these drugs prescribed for children have no proper pediatric label. The bill remedies this situation. I expect the FDA will use this new authority carefully to avoid detrimental impact on the availability of generic drugs.

The medical device provisions of the legislation have been the most controversial and difficult. I am pleased that the conference report includes provisions based on a careful consideration of two goals: Expediting the availability of new, sophisticated products; and protecting patients from medical devices that are either unsafe or not effective.

The bill gives the FDA the ability to streamline its evaluation of medical devices, but without compromising its ability to make absolutely sure that the products are safe, that they work the way they are supposed to be, and are labeled properly.

I am also pleased the conference report retains two significant provisions from the House bill. One makes certain FDA will not be forced to approve a product the agency knows the manufacturer cannot make according to good manufacturing practices. The second ensures that FDA can evaluate all aspects of a new medical device, not just the ones that the manufacturer chooses to include in the label.

I am concerned, Mr. Speaker, that while we are busy reforming the Food and Drug Administration, we put a number of burdens on the agency and that the potential to interfere with the review and approval of new products is real. I am also concerned that the speed which is required may have an element of risk for the consuming public for patients and for people involved in health care.

Mr. Speaker, I want to commend and thank my good friend and colleague,

the gentleman from Virginia [Mr. BLILEY], for his excellent work on this important legislation and for his leadership in what has been a truly bipartisan effort.

In addition, the work of the subcommittee chairman, the gentleman from Florida [Mr. BILIRAKIS], was essential to the success of the effort, as were the labors of the gentlewoman from California [Ms. ESHOO], the gentleman from Texas [Mr. BARTON], the gentleman from California [Mr. WAXMAN], the gentleman from Ohio [Mr. BROWN], the gentleman from Pennsylvania [Mr. KLINK], the gentleman from North Carolina [Mr. BURR], the gentleman from Pennsylvania [Mr. GREENWOOD], and the gentleman from Kentucky [Mr. WHITFIELD].

Our Senate colleagues, Senators JEFFORDS, KENNEDY, and COATS worked very hard.

The staff of the committee, Howard Cohen, Eric Berger, Roger Currie, and the staff of the conferees, Kevin Brennan, Paul Kim, Emmett O'Keefe, Pattie DeLoache, Alyson Neuman, Beth Hall, Mora Guarducci, and Tim Taylor were valuable and important in the accomplishments of this legislation, as were the tireless efforts of David Meade and Peter Goodloe of House Legislative Counsel and Elizabeth Aldrich of Senate Legislative Counsel.

I want to refer to the work done by my dear friend and our valuable staff member, Kay Holcombe, who will be leaving us at the end of this year. Simply put, without her labors, we would not have achieved the consensus FDA bill that we have before us today. It took a great deal of effort on her part, her unquestioned integrity, her considerable intelligence, her extensive expertise, and her legislative tenacity to help us get to the point where we are.

The legislation is a fitting capstone to the labors of all who have participated, but especially to Kay's distinguished career in public service and her 4 years with the staff of the Democratic part of the committee. Her retirement is a loss to all.

This is a fine piece of legislation. I urge my colleagues to support it.

Mr. BLILEY. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. BILIRAKIS], the very able chairman of the Subcommittee on Health and Environment of the Committee on Commerce,

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise, of course, in support of the conference report. As chairman of the subcommittee of jurisdiction, I believe the conference report represents our best effort in many years to improve the health and safety of all Americans.

In short, this comprehensive law will chart a new course in public protection, allowing the Government to fulfill its obligation to protect the public health without undue delay, while ensuring that we preserve the economic incentives inherent in our free market system. Although it has taken many months, indeed, many years of hard work, this legislation represents a bipartisan effort to work through our political differences and resolve contentious issues.

Over the last 3 years, Mr. Speaker, the Committee on Commerce and my Subcommittee on Health and Environment in particular have produced a number of landmark bills which have enjoyed support from both sides of the aisle.

Last year, for example, the Subcommittee on Health and Environment produced the innovative Food Quality Protection Act and legislation to substantially improve the operation of the Safe Drinking Water Act. In addition, my subcommittee crafted a health insurance portability act to make basic reforms to the health insurance system and worked on the Balanced Budget Act of 1997 to include the new children's health care program and important reforms to the Medicare and Medicaid programs.

□ 2000

We also reauthorized the Ryan White Act, thus authorizing Federal dollars to States for HIV education, prevention and health service programs. I am very proud of these important accomplishments, particularly because they were done in a bipartisan way.

The foundation of the present FDA bill was developed during the last Congress, and from the beginning, our effort has been an open process, open to anyone interested in FDA reform. Our committee conducted 17 separate formal hearings on FDA reform and FDA-related issues. This represents 72 hours, 44 minutes, and 2,094 pages of testimony.

There are many who deserve credit for bringing this legislation to the floor today, several Committee on Commerce members in particular: The gentleman from Pennsylvania [Mr. GREENWOOD]; the gentleman from North Carolina [Mr. BURR]; the gentleman from Texas [Mr. BARTON]; the gentleman from Wisconsin [Mr. KLUG]; the gentleman from Kentucky [Mr. WHITFIELD]; the gentleman from Ohio [Mr. BROWN]; the gentlewoman from California [Ms. ESHOO]; the gentleman from California [Mr. WAXMAN]; the gentleman from Pennsylvania [Mr. KLINK]; the gentleman from Texas [Mr. HALL]; the gentleman from New York [Mr. TOWNS], along with our personal staffs who have dedicated many long hours to this bill. However, it was the leadership and direction, of course, of the gentleman from Virginia [Mr. BLILEY], our full committee chairman, and the gentleman from Michigan [Mr. DINGELL], our ranking minority member, which enabled us to bring the consensus bill before the House today. At the beginning of this Congress the chairman of the full committee made it clear that he wanted action to FDA legislation and his determination to see this through has been a guiding force in our deliberations.

In addition, the cooperation of both HHS Secretary Donna Shalala and Acting FDA Commissioner Dr. Michael Friedman during this process enabled us to achieve our ultimate goal of creating thoughtful and practical FDA reform legislation which will be signed into law, I trust, by the President this year.

Finally, I want to acknowledge and thank the most important people, the committee staff on both sides of the aisle, for their dedication and hard work in crafting this important legislation, especially Howard Cohen, Kay Holcombe, who is leaving us, and, boy, are we going to miss her; Rodger Currie, Eric Berger, David Meade, Pete Goodloe and Pattie DeLoache of my personal staff.

I am proud of this legislation, Mr. Speaker. It will reduce the overregulation of research-based businesses while greatly improving the lives of millions of Americans. I believe we have done our work and done it well. I urge my colleagues to support this conference.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, today the House considers the conference report on the reform of the Food and Drug Administration. The debate on FDA reform progressed from irrational and unfounded accusations about FDA's regulation of medical products to much more rational discussions about how to modify this agency's regulatory policies and procedures in a way that will ease unnecessary regulation without reducing essential protections of public health.

I want to commend the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL], the ranking member, and the gentleman from Florida [Mr. BILIRAKIS], chairman of the subcommittee, for their diligence in holding the House conferees together on issues that this body believed in. I want to commend the tireless work of our staffs, particularly Kay Holcombe and Howard Cohen.

This was not an easy task, particularly in light of the tremendous differences of opinion about what constitutes "unnecessary regulation." To make the system more accessible to consumers, it was necessary to draw a line between creating reasonable public processes and overburdening the FDA with administrative duties that take time away from the most important functions of getting safe and effective new products to market as quickly as possible.

Many argue that FDA reform is essential, because new and improved products were not reaching American consumers quickly enough. The facts simply did not bear this out. The FDA's Center for Devices literally overhauled its operations and dramatically improved its review time for new products. We reached a compromise where critics of this process and the medical device industry can be comfortable.

Perhaps the most important provision included in this legislation is the reauthorization of the Prescription Drug User Fee program. This program has provided the resources that FDA needed to make it the world leader in the review and approval of new drugs. If there were one single reason for Congress to pass this bill today, drug user fees is that reason.

Some of us may not be completely satisfied with the reforms of FDA regulation of generic drugs. I believe, however, that the debate led to some very much needed improvements. While these products are not the so-called miracle drugs we read about in headlines, generic drugs are critically important, because they provide options for physicians and for patients that often are less expensive than brand name products. Generic drugs literally save billions of dollars in health care costs, much of those savings occurring to the Federal Government through Medicaid, Veterans and Department of Defense facilities. In addition, savings in drug costs are important especially for senior citizens who obviously purchase the largest percentage of prescription drugs.

Mr. Speaker, I was especially pleased that a number of issues raised by Democratic members of the subcommittee, chaired by the gentleman from Florida [Mr. BILIRAKIS], were addressed in this legislation. I appreciate the willingness of the bill's sponsors, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Florida [Mr. BILIRAKIS], to engage in these negotiations, and they were able to hold the House position during this conference.

Mr. Speaker, FDA is a remarkably effective agency. I have never been persuaded that massive changes in law were needed to correct some dreadful problem lurking under the surface.

I ask my colleagues to pass the conference report.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BURR].

Mr. BURR of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, today we take a historic step towards the future of health care in America. Today we will vote on the conference report for the Food and Drug Administration modernization legislation, originally H.R. 1411 in the House, and now S. 830.

FDA modernization is not radical, it is responsible. It is not senseless, it is safe. For thousands of patients and their families, the FDA has become a cold, inhuman and indifferent bureaucracy with a lagging drug and medical approval process and a culture of unresponsiveness and disconnect. The FDA has become an obstacle in some American families in the hope for new treatments. The FDA, regulating 25 cents of every dollar in the U.S. economy, affects every American family.

This legislation will prepare the agency for technology and medical breakthroughs for the 21st century. This legislation provides hope from the corner store pharmacist who wants to provide the best medication possible to his customers, to the hospital passionately fighting against an outbreak of an antibiotic-resistant bacteria strain, to the rural doctor who desperately seeks medication to treat patients, to the terminally ill cancer patient who has no medical option left in the struggle against a devastating disease.

This legislation in fact puts a human face on the Food and Drug Administration. By infusing common business sense into the daily operation of FDA, we will enable the agency to approve safe drugs more efficiently and to reduce skyrocketing costs of research and development that is bogged down in bureaucratic red tape.

I want to thank the gentleman from Virginia [Mr. BLILEY], the chairman of the committee, Chairman JEFFORDS in the Senate, the gentleman from Florida [Mr. BILIRAKIS], the gentleman from Michigan [Mr. DINGELL], the FDA Reform Task Force, the committee staff, my staff and the Senate staff who literally spent hundreds of hours working on this very important legislation that I believe deserves the support of our entire House membership.

Today we celebrate hope and life. This legislation would not be possible without hundreds of patients who brought their personal stories to Washington. Unfortunately, many of those patients did not live to see this day.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Speaker, I thank the gentleman from Michigan [Mr. DINGELL] for yielding me this time.

This evening I rise in strong support of the conference report, and I urge my colleagues to support it as well. Let me start out by acknowledging the leadership, and without the leadership of the gentleman from Virginia [Mr. BLILEY], our committee chairman, the gentleman from Florida [Mr. BILIRAKIS], our subcommittee chairman, and certainly the gentleman from Michigan [Mr. DINGELL], our ranking member, and the gentleman from Ohio [Mr. BROWN] of the subcommittee, and all of the Members from my side of the aisle as well as the majority, we would not come to this moment.

Like all conference reports, it represents a compromise. Nonetheless, the agreement is entirely consistent with the bill which passed the House by a voice vote last month. That is highly unusual for a bill of such substance and such importance to come to the floor and be passed by a voice vote. I am proud of the role that I was able to play in this.

The FDA, I believe, will be a better agency because of this legislation. Drugs and medical devices will get to patients sooner without any reduction in the safety and the effectiveness of these products.

I am particularly pleased that a compromise was reached among the conferees on a provision allowing for accredited third parties to review medical devices, and that the House held its position with regard to the labeling of devices. Had the House not insisted on this language, this conference report would have been vetoed, and all of our hard work would have been lost.

I hope, Mr. Speaker, that my colleagues appreciate the tremendous bipartisan, bicameral support that went into bringing this conference report to the House today. The list of people to thank is far too long to mention here, but there is one, because I think if there were a subset title to this bill, it would be the Kay Holcombe Act of 1997. The tributes that have been paid to her are well-deserved and she should receive the gratitude and the applause of the American people, because they are the ones that we really went to the table for, and were it not for her professionalism, her patience, her hard work, we would not have arrived at this moment.

I salute everyone that was a part of this, and if there is anyone on either side of the aisle that thinks that there are not unending opportunities to seize in the Congress, they are wrong. I found one with my colleagues, and one of them seated on the other side of the aisle, JOE BARTON, my partner on the medical device bill, many thought that with the two of us being partners that it could not be done. It was done, we come to this moment, and I urge my colleagues to support the conference report. It is good for the American people, and we are proud of the effort.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time.

Mr. Speaker, most of us go through life being blessed with good health for ourselves and our loved ones, but as Members of Congress, we have all been literally begged by parents of sick children and our very ill adult patients themselves to try to help them work through the regulatory nightmare that is the current FDA review process.

When the bill before us becomes law, that nightmare will be no more. Instead of confrontation, we will have consultation and cooperation between the FDA, patient groups, researchers, and manufacturers. Instead of needless bureaucracy, we will have streamlined procedures for bringing the most comprehensive new medical devices and drugs to market as soon as is safely possible.

In the medical device section of the bill that the gentlewoman from California [Ms. ESHOO] and I cosponsored together in the House, we have a very practical third-party review process, we have a dispute resolution procedure that will allow researchers and manufacturers to work out their differences with the FDA reviewers; we have a reclassification of the existing device section that will let a lot of devices that are now class 3 be class 1 or class 2. Very importantly, we have an expanded and reformed use for humanitarian medical devices that will bring some of these experimental devices as quickly as possible to the market.

I must thank the gentlewoman from California [Ms. ESHOO], who has just been a one-man band in trying to force compromise and get me to back down when I really did not want to. She has done excellent in that. The staff level, in addition to the other staffers, I would like to thank Bill Bates of the office of the gentlewoman from California [Ms. ESHOO], Alan Sloboddin of the committee oversight staff, and Beth Hall of my staff, who have all done yeoman's work.

This is not a perfect bill, but it is a great start. I am going to use the oversight chairmanship to oversee implementation, and I hope that we pass this unanimously this evening. It is good for the American public.

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Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, my congratulations to the gentleman from Virginia, Chairman BLILEY, and the gentleman from Florida, Mr. BILIRAKIS, and our Democratic leaders, the gentleman from Michigan, Mr. DINGELL, and the gentleman from Ohio, Mr. SHERROD BROWN, for producing the Food and Drug Administration Modernization Act, which marks the successful end of a long 3-year process. I do not agree with some of the provisions in this bill, and I certainly would have written it differently, but I do support it today.

I have no difficulty in supporting this legislation in large part because Chairman BLILEY developed a process where all Members could participate, their views could be heard, and compromises could be reached. That kind of leadership is harder than some might think, because there is always pressure to be partisan and to get what one side and only one side wants. But if we are going to ever pass legislation into law, we have to recognize that it needs to be done on a bipartisan basis, and we have to have a process where we try to find common ground.

I want to express my appreciation to our chairman for his leadership. I do have some reservations about the scope of many of the provisions in this legislation, particularly when it comes to the off-label promotion of drug and devices and third-party review of devices. But I want to point out that these are experimental provisions with sunsets which will allow us to critically reexamine their public health consequences.

I applaud very strongly the reauthorization of the Prescription Drug User Fee Act, which I was proud to have authored. It has been very successful and has allowed the FDA to speed the approval of drugs.

There are a number of other provisions that we ought to take note of because they will directly benefit many patients. The requirement that drug companies report on their fulfillment of postmarketing studies fills an important gap in ensuring that critical information is reaching patients. The clinical data base will create new opportunities for patients to have greater access to comprehensive information about experimental therapies for serious and life-threatening diseases. It is my expectation that companies will work with the FDA in this enterprise in the same cooperative spirit in which it is enacted.

The pediatric drug provision complements the FDA's recent regulations, and provides targeted incentives to improve the quality of health care for infants and children. Although I had reservations regarding the need to provide additional market exclusivity following the proposal of the regulations, there may still be limited situations in which this provision will encourage new clinical research to establish the safety and effectiveness of drugs for children.

The provision requiring notice of discontinuance of the manufacture of lifesaving drugs will ensure that patients receive time to find alternatives to medicines which will no longer be available. Instead of having to make medically sensitive decisions in haste, they will have 6 month's notice of a company's decision which could have tremendous implications for their health. Only a company with "good cause" will be permitted to end distribution or manufacture of its drug with less than 6 months notice, and in that event, the FDA will be able to determine the accuracy of this claim through records and documentation.

The preemption of state laws regarding over-the-counter drugs and cosmetics has been resolved in an important compromise, under which the FDA is granted new enforcement authority over OTC drugs, the states are not preempted with respect to cosmetic safety, and preemption of cosmetic packaging and labeling only occurs where the FDA has taken action on specific and narrow questions. Most importantly, this provision does nothing to affect California's Proposition 65, an innovative state initiative that has helped reduce Californians' exposure to toxic hazards.

This bill is a far cry from the proposals first floated three years ago which ran roughshod over consumer protections, supplanted our own product approvals with those of other countries, and weakened crucial statutory guarantees of safety, effectiveness and quality. The reason for this striking difference was the persistent skepticism of American consumers, who understood that it is the FDA which ensures that our food is safe and our medicines are safe and effective.

This was made clear by the Patients' Coalition, which represents a hundred patient and consumer organizations and hundreds of thousands of patients. For three years, the Coalition has vigorously opposed extreme and controversial proposals for FDA deregulation. Today, this bill will receive bipartisan support because of the Coalition's unremitting vigilance and hard work in defeating efforts to weaken public health protections through FDA "reforms."

Given the extraordinary success of PDUFA, it makes sense for Congress to apply user fees to other areas of FDA jurisdiction, including medical devices. Enacting such fees, modeled on authorized, additive user fees under PDUFA and not upon the unauthorized "sham" fees frequently proposed by OMB, would bring similar efficiencies to the device approval process.

Regrettably, this legislation does not do so. Instead, it enacts substantial new burdens on the FDA and, in particular, the Center for Devices and Radiological Health. I am deeply concerned that unrealistic deadlines and dozens of new mandates will slow the tremendous progress that has been made in speeding device approvals. It remains to be seen whether we will inadvertently divert limited staff, time and resources from the FDA's most important business—ensuring that our food supply is the safest in the world and that drugs and devices are safe and effective.

I want to recognize the important work of the staffs on both sides of the aisle in developing this legislation. Without them it would have been impossible for us. I want to compliment as well those in the Senate who played such an active role, and all of my colleagues who have played an important role, in developing this legislation.

I especially want to recognize the dedication and hard work of Kay

Holcombe, our Commerce Committee staff, and the work of Howard Cohen, Eric Berger and Rodger Currie, the Majority committee staff, on this legislation. I would also emphasize the tireless work by the professionals at the FDA, including Bill Schultz, Peggy Dotzell and Diane Thompson, and the representatives of the Patients Coalition, Scott Sanders, Michael Langen, Maura Kealey and Tim Westmoreland.

I complement Chairman BLILEY and Congressman DINGELL of the Commerce Committee, and Chairman JEFFORDS and Senator KENNEDY of the Senate Labor and Human Resources Committee, for their hard work and join my colleagues in supporting this important legislation.

Mr. BLILEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I just want to thank the very kind and generous remarks of the gentleman from California [Mr. WAXMAN]. I hope that not too many of my people down in Richmond were watching. It might have an adverse affect on me in the next election. But again, I thank him very much, and I have enjoyed working with him.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD], whose work played a great part in bringing this legislation to us this evening.

Mr. GREENWOOD. I thank the chairman for yielding, Mr. Speaker, and I thank him also for the opportunity to chair this task force.

When Chairman BLILEY asked me to chair the task force on the FDA reform, I did not know a whole lot about the FDA, not more than most people did, but I learned an awful lot. One of the things that I learned is that we are approaching what I think will be a golden age of medicine. We are making such incredible breakthroughs right now in biotechnology and genetic engineering, in pharmacology, in the development of high-tech medical devices, that I believe that we are going to give the next generation in the next century, as well as many of us, opportunities to defeat diseases that have plagued mankind for a very long time, and be able to relieve people from their suffering from these diseases.

But central to this promise is the role of the Food and Drug Administration. The Food and Drug Administration exists for the very critical job of making certain that all of these miracle cures, all of these devices and drugs, are both safe and effective.

The problem we discovered is that the agency had become bureaucratic, and the law that governs it had become antiquated and was not keeping up with this modern age of miracle cures. We set about the role of seeing if we could make the FDA work more efficiently, bring these cures to those who are suffering more rapidly, while still maintaining the golden standard of safety and efficacy.

I also learned of some very human situations. I learned that I had a constituent whose name is Shelbie Oppenheimer. She is a hero to me. She is a 30-year-old woman who at the age of 28 was running a day care center and discovered that she had ALS, Lou Gehrig's disease. It is a progressive, fatal neuromuscular disorder that attacks nerve cells and pathways in the brain and spinal cord.

There is no cure for it, but there is a new medication that can delay the onset of the disease and slow its progress. My constituent, Shelbie Oppenheimer, and her husband, Jeff Oppenheimer, desperately want her to have access to this medication. Mr. Speaker, it is my hope that this legislation gives Shelbie Oppenheimer the extra time and the extra hope that this new medication will provide her.

I would like, Mr. Speaker, to dedicate this bill to Shelbie Oppenheimer and to all of the other Shelbie Oppenheimers around the country who are waiting for the Congress to reengineer the FDA so that it can approve these new miracle cures for them more rapidly.

I am also pleased that the legislation that I had introduced separately, the better pharmaceuticals for children bill, has been incorporated into this reform package, so we can bring the miracles of modern medicine not only to adults, but to the children who up until this time were not the subject of trials.

I would like to thank all of my colleagues and the chairman, the gentleman from North Carolina [Mr. BURR], the gentleman from Texas [Mr. BARTON], the gentleman from Wisconsin [Mr. KLUG], and the gentleman from Kentucky [Mr. WHITFIELD], for their assistance, and certainly echo the comments of those who have praised our very, very able staff.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, the conference report before us has been the product of hard work, tough negotiations, and true bipartisanship. The result is a well-crafted bill that will reauthorize the Prescription Drug User Fee Act, and enact common-sense Food and Drug Administration reform.

I want to congratulate the chairman and the ranking member and the professional staff of the committee on both sides of the aisle, particularly Kay Holcombe, for their work on this very successful piece of legislation.

Pursuant to the bill, patients will have access to safe new drugs, treatment, and equipment faster than before; businesses will be able to save their customers money without sacrificing safety; and the FDA will be able to focus more time and money on regulating medical treatments instead of pushing paper. I think it is a win for everyone.

Mr. Speaker, I just wanted to mention a few provisions of the bill that I am particularly concerned with, concerning the drug provisions. I am particularly pleased with the inclusion of a bipartisan amendment that would provide for notification when a company terminates a product which could cause severe harm to a patient because of its discontinuance.

To allay industry concerns, I ask that there would be included in the bill a good cause waiver that allows the FDA to waive the time requirement. I understand that the provision has been slightly modified in conference in that companies have to certify to the FDA that these good cause waiver requirements are met. This provision still represents good citizenship by the sole-manufacturers of medical products, and I believe that the conference report compromise is a good one.

In addition, two amendments concerning mercury were incorporated into this bill. One of them requires the FDA to restudy the impact of a form of organic mercury in nasal sprays on the brain, and the second provision provides for a study that would examine the sale of mercury as a drug or for other home use. These are both good government provisions. I appreciate the work of the committee for including them in the conference report.

On the device side, I wanted to congratulate the gentlewoman from California [Ms. ESHOO] and the gentleman from Texas [Mr. BARTON] for their ability to find common ground with the FDA and the industry on many issues. While third-party review may not be the panacea, freeing up the FDA's limited resources to review and approve high-risk devices is the next best thing, especially without greater resources being devoted to the FDA directly.

Finally, I am very pleased that language was included, the House language, to ensure that this legislation does not hinder the FDA's authority to reduce teen smoking. We are going to be dealing with the issue of teen smoking and tobacco in general in the committee. I know we are going to start having hearings on it next week. I think it was important and sound policy that this provision be included.

I just want to urge adoption of this conference report. I know that the committee and the staff and all have worked very hard on this. I think it is a very successful bill that will be passed into law and signed by the President.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS], a member of the committee.

Mr. STEARNS. Mr. Speaker, I am here to support the FDA reform bill, and to compliment the chairman and ranking member, and, of course, the subcommittee chairman, the gentleman from Florida [Mr. BILIRAKIS],

who is a colleague. But I am disappointed that this legislation lacks a provision preventing the FDA from going forward with its proposed plan to ban certain metered-dose inhalers.

I have introduced legislation, and myself and other colleagues have worked hard to try and lobby the conference. We were not successful. The FDA is proposing to ban metered-dose inhalers containing chlorofluorocarbons sooner than America agreed to in the Montreal Protocol. I am going to reach out to both sides to see if we can pass a standing piece of legislation, because CFC damage is there, it hurts the ozone layer, but, frankly, we need to phase it out and not move abruptly.

The Federal Government allows the use of CFCs for bear repellant and wasp and hornet sprays, yet the FDA wants to take away medicines for metered-dose inhalers because they have CFCs. Are killing bugs and chasing away bears really more important than the health of our children? I do not think so. Next session, Mr. Speaker, let us keep the FDA from banning these inhalers until safe and effective alternatives are developed.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank my colleagues who have been speaking out on this issue, most notably the gentleman from Florida, Mr. CLIFF STEARNS, who just spoke. Asthma kills roughly 5,000 people every year. There are over 30 million Americans who depend on those metered-dose inhalers, such as the one I have in my pocket, in order to relieve themselves of the terror of being gripped with asthma.

What the FDA has proposed is they have proposed phasing out these metered-dose inhalers because of their CFC content. CFC content in metered-dose inhalers contributes less than 1 percent of the chlorofluorocarbons in the atmosphere, yet the FDA would like us to believe that by banning these inhalers, we will get about complying with the Montreal Protocol and achieving a reduction in chlorofluorocarbons.

As my colleague, the gentleman from Florida, Mr. CLIFF STEARNS, said, this is all while the EPA has yet to ban refrigeration and air conditioning, which contributes 58,000 tons of CFC's, things such as solvent applications, red pepper bear repellant, lubricant coatings, and foam blown with CFC's used in coaxial cables.

The point I am going to make is we are going after less than 1 percent of the CFC's in the atmosphere by banning these metered-dose inhalers when we have not taken into full account the public health impact on asthmatics all across the country who depend on these metered-dose inhalers in order to relieve them from their asthma.

I can tell the Members, I have four different inhalers. I think there is only one of them that has a non-CFC component. We should not be rushing to ban these inhalers without fully testing and evaluating the impact of those non-CFC inhalers, so we do not adversely impact the public health of our people.

I want to thank the gentleman from Michigan [Mr. DINGELL] and the gentleman from Virginia, Chairman BLILEY, for agreeing to a bill that will address this issue in the upcoming year.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. Mr. Speaker, I thank the gentleman for yielding time to me. I want to give special thanks to the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL] for the leadership they have provided. I rise in strong support of this conference report of FDA reform legislation as it relates to medical devices, prescription drugs, and food.

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The food provisions of the final version of this bill reflect closely the hard work of the House in addressing the need for fine-tuning the Nutrition Labeling and Education Act of 1990. Clearly, much more needs to be done before we can assert that our Nation's food laws have been completely reformed. However, this is a responsible down payment of food reform that we can expect to benefit public health.

I want to commend those Members and staff on both sides of the aisle who worked so diligently as we were successful in passing this legislation overwhelmingly. I would urge all Members of the House to support this conference report.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, the gentleman from Virginia [Mr. BLILEY], the chairman, and the gentleman from Michigan [Mr. DINGELL], the ranking member, should be very proud of this legislation.

FDA reform is certainly one of the most important pieces of legislation to pass in this session. I know from testimony in my own home county, Montgomery, Pennsylvania, we had hearings regarding the fact that many people waiting for a cure, a vaccine, whether they have ALS, or cancer, or AIDS or epilepsy, up until now, it took $5 million and 15 years for many of our drug companies to get approval from FDA.

This legislation will hasten the available market for miracle cures going from lab to the patient without bureaucratic delay. It will speed up that approval time. Independent agencies will be able to do the testing. This will be a lifesaving procedure because of this legislation's adoption.

I also want to thank the gentleman from Florida [Mr. BILIRAKIS], the gentleman from North Carolina [Mr. BURR], the gentleman from Pennsylvania [Mr. GREENWOOD], and the gentleman from Texas [Mr. BARTON] for all of their leadership on this issue, because Americans, in a bipartisan fashion, want to have the drugs that are available for them to live longer and to live better. And the same applies, of course, to medical devices and biologics. I appreciate the support of every Member of this entire House to support this FDA reform.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY], a member of the committee.

Mr. BILBRAY. Mr. Speaker, I have the privilege of representing the 49th District of the State of California, San Diego, which has one of the largest concentrations of pharmaceutical companies in the world, but also has more biotech industries in the area than anywhere else in the world, including a combination of Britain and Japan combined.

Mr. Speaker, I like this bill, and I think my constituents will appreciate this bill, not because of those industries, but because of what it does for consumers.

The fact is, Mr. Speaker, there are two ways of hurting a patient. One is to give them inappropriate treatment. But the other, and sadly all too common way of hurting a patient, is not to provide appropriate treatment and to deny that appropriate treatment to people who are ill.

One of the problems we have had in the past is that there have been medication and treatment that have been denied the American consumer that have been available all over the world. This bill is a progressive, well balanced bill that will finally now improve the situation to allow the American consumer to have what they need desperately: safe, effective drugs, as soon as possible. I appreciate the support for the bill.

Mr. DINGELL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we are witnessing an extraordinary event in this Congress and, indeed, almost in any Congress. In the closing days of the session, with the usual tensions and mischief that exist, we are finding great enthusiasm on a very fine piece of legislation which started out rather under a dark star and which, through some remarkable cooperation, has come to the point where we have not only agreement but firm agreement on a good bill, something which is going to help manufacturers, help the economy, to help the consumers and patients. It is going to help the medical profession, it is going to make Americans safer, and it is going it see to it that good drugs, safe and efficacious, come more quickly to the marketplace.

It is also going to see to it that the other responsibilities of the Food and Drug Administration are conducted in a more efficient and speedy fashion. It shows what real bipartisanship can do when Members of Congress on both sides of the aisle get together and when there can be the kind of cooperation and goodwill there was in the conduct of this particular negotiation.

The result is a fine piece of legislation, one which will benefit the country, one which will benefit the industry, one which will make for better government, and one which will do something else, and that is to protect the consumer and see to it that we get to the American people the best drugs in the fastest and safest and the most assured fashion. I urge my colleagues to support the bill.

I want to commend my colleague, the gentleman from Virginia [Mr. BLILEY], for his fine leadership in this matter. And I want to express my personal thanks and that of the Members on this side of the aisle to Kay Holcombe for the superb job that she has done in preparing this piece of legislation for consideration today. I also am grateful to Secretary Shalala, Dr. Friedman, and the excellent FDA staff for their assistance.

Mr. Speaker, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from Michigan [Mr. DINGELL] for his kind words. Without his help, we would not be here.

Mr. Speaker, I yield the balance of our time to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, my congratulations to all who have been involved with this bill.

As a physician, I am very proud to be in favor of this bill. This bill will help bring new and better drugs and medical devices to the market. It will also help older drugs be better used. There are many off-label uses of older drugs that are beneficial to our constituents, like aspirin to prevent heart attacks; 80 to 90 percent of cancer treatment is off-label. In fact, for some diseases, off-label treatment is a standard of care.

Section 7 of H.R. 1411 improves to help public health by increasing the amount of accurate, balanced, scientific information that is available to physicians and other health care professionals. This has been an important compromise between the administration, the FDA, and a bipartisan Congress.

Secretary Shalala said the language that we have agreed to will give the FDA the opportunity to review new information in advance of its dissemination to ensure that it is accurate and balanced. This provision is supported by the AMA, the American Cancer Society, the National Multiple Sclerosis Society, and many other groups who know that greater dissemination of scientific information means better care for patients.

Please vote for this bill.

Mr. WHITFIELD. Mr. Speaker, thanks are owed to several Members for their leading role in the development of the food provisions of this bill. Special thanks must be given to Chairman BLILEY, ranking minority member DINGELL, as well as Messrs. TOWNS, HALL, GANKSE, and of course, the author of the food reform legislation in the last Congress, Mr. KLUG. Praise is also due to the exceptional work of committee counsel, Eric Berger, as well as James Derderian and to staff of members of the committee including Tim Taylor of my staff, Brenda Pillors, Grace Warren, and Jon Traub. Special note should be made of the work of Kay Holcombe, who has served the Commerce Committee and Public Health as a whole with extraordinary professionalism of many years.

The food provision of the final version of this bill reflects closely the hard work of the House in addressing the need for fine tuning of The Nutrition Labeling and Education Act of 1990 [NLEA]. Clearly, much more needs to be done before we can assert that our Nation's food law has been reformed. However, this is a responsible down payment of food reform that we may reasonably expect to benefit public health.

A compelling problem that is addressed by this legislation is the Food and Drug Administration blocking truthful, nonmisleading information from American consumers. As a matter of public health, this has prevented, either by prohibition or excessive delay, consumers from receiving important information about the nutritional content or health benefits of various foods. This problem also takes the form of an abridgement of the first amendment rights of persons who seek to make truthful, nonmisleading statements about a food. FDA has an absolute duty to act within statutory time frames for action on petitions for claims. The failure to do so would constitute a violation of first amendment rights of petitioners. Particularly given the vulnerability of petitioners to retaliation from the FDA, the courts are urged to be expansive in issues of standing in suits regarding failure by the agency to take timely action.

Specifically, the conferees have brought forth a bill that addresses these issues by providing a maximum review time for final action on petitions for claims, including a requirement that the Secretary report on any instances where final action is not taken within the 540 day review period so that the committees of jurisdiction may be promptly informed of a breakdown in the regulatory scheme. Also, special streamlined review mechanisms are provided for health or content claims that are based on the conclusions of authoritative scientific bodies, such as the National Academy of Sciences. The Secretary is granted authority to make proposed rules effective immediately as an exceptional tool to assure that the FDA's duty to pre-approve claims can be met without delay that undermines the regulatory scheme or threatens the first amendment right of petitioners. Unnecessary requirements regarding referral statements that accompany certain nutrient content claims have been eliminated under the bill. And, in a matter where both food safety and first amendment rights have been jeopardized by heavy handed regulatory requirements, an important provision of the bill addresses the labeling of foods treated by irradiation.

To implement the irradiation amendment, FDA is to expeditiously conduct a rulemaking to revise its current irradiation disclosure requirement. The current requirements of the rule, a "Treated with Radiation" or "Treated by Irradiation" statement, accompanied by the international radura symbol, make clear that the process has been used. However, it is equally clear that this requirement has had the perverse effect of discouraging many consumers from purchasing food that has been made safer by this process. The conferees are concerned that the current disclosure requirement may be perceived as a warning and that it may raise common but inappropriate anxieties about radiation technologies. FDA should use the new rulemaking to assure that disclosures are only required as necessary to inform consumers of a material fact regarding the food. FDA's 1986 preamble to its final rule regarding irradiation disclosure well explained the general rule regarding disclosure of material facts and how that rule relates to food that has been irradiated:

> In this case, the standard for misbranding under sections 403(a) and 201(n) of the act is whether the changes brought about by the safe use of irradiation are material facts in light of the representations made, including the failure to reveal material facts, about such foods. Irradiation may not change the food visually so that in the absence of a statement that a food has been irradiated, the implied representation to consumers is that the food has not been processed.
>
> The Agency recognizes, however, that the irradiation of one ingredient in a multiple ingredient food is a different situation, because such a food has obviously been processed. Consumers would not expect it to look, smell, or taste the same as fresh or unprocessed food, or have the same holding qualities. Therefore, FDA advises that the retail labeling requirement applies only to food that has been irradiated when that food has been sold as such (first generation food), not to food that contains an irradiated ingredient (second generation food) but that has not itself been irradiated.

Thus, FDA determined that disclosure is required to convey to consumers the material fact that the food is not fresh or unprocessed. Given the fresh appearance of food treated by irradiation, FDA determined that the omission of such a disclosure would cause a false or misleading presentation of the food. FDA has authority in this regard only to prevent false or misleading presentation of the food. FDA would exceed its authority if it were to prohibit a truthful, nonmisleading presentation of the food. In any situations where FDA determines that an irradiation disclosure remains necessary, it is obliged to achieve that objective in a minimally burdensome manner. Disclosure statements may only be required where presentation of the food would be false or misleading absent a disclosure statement. Statements different from the current disclosure requirement would suffice if they inform consumers of the material fact that is basis for the disclosure requirement. FDA is obliged to permit disclosure of the material fact through any

statements that are not false or misleading. Moreover, the conferees expect FDA to take pains to assure that where disclosure is appropriately required, such required statements not give rise to consumer confusion that could inhibit use of this pathogen reducing technology. It would be unacceptable for FDA to justify a disclosure requirement that may cause consumer confusion with the excuse that the confusion may be corrected by a proper consumer education program. On its face, such an approach creates burdens that inhibit the use of this technology and, as a consequence, food safety.

The conferees strongly support the consumer right to know. The act contemplates that right being addressed through a vast array of truthful, nonmisleading voluntary label statements, as well as required disclosure of material facts that are not obvious in the presentation of a food. With respect to food that has been irradiated, this legislation does not limit FDA's existing authority to require disclosure nor does it forbid use of the international radura symbol as one of the means of making such a disclosure. The conferees expect FDA to continue to require necessary disclosures to prevent consumers from being misled about any material fact about a food.

Also in the area of labeling, I am disappointed to note that the Senate conferees would not accept the elimination of antiquated and bizarre provisions of the Food, Drug and Cosmetic Act that apply only to margarine. It is a sad measure of our food regulatory system when industries seek competitive advantage over one another through the imposition and maintenance of absurdly burdensome requirements such as these.

I am pleased to report that the conferees have agreed to direction for FDA to take final action within 60 days on the petition to permit the irradiation of beef. This petition has been pending in FDA for over 3 years, despite the requirement that FDA act on such petitions within 6 months. Also, the bill includes reforms in the review of food labeling packaging materials that should assist FDA in expediting appropriate approval of both these materials and, through greater efficiency of operation, all food additive petitions.

I urge my colleagues to vote for the conference report so that we may make this down payment on food law reform.

Mr. TOWNS. Mr. Speaker, I join my colleagues in applauding the scheduling of the conference report on S. 830, legislation to reform the Food and Drug Administration, prior to our adjournment of the 1st session of the 105th Congress. This bill is the culmination of 2 years of hard bipartisan work by the Commerce Committee to modernize procedures that the Food and Drug Administration uses to approve drugs, devices and food products. Once again, Mr. Chairman, the Commerce Committee under the able leadership of our chairman, Mr. BLILEY, and our ranking member, Mr. DINGELL, have demonstrated that we have the ability to develop comprehensive legislative responses to critical public policy questions. I also want to especially acknowledge the efforts of our subcommittee chairman, Mr. BILIRAKIS and our ranking subcommittee member, Mr. BROWN, for the willingness to guide the deliberations on this bill in a bipartisan fashion.

Without the modernizing steps that have been incorporated in this legislation today, the FDA would continue to be seen as a barrier to new innovative therapies and products. The bill before us today represents a careful balance between a new, streamlined process and consumer protections against harmful products. These innovations in the way the FDA will do business from now on makes the approval of drugs and devices a more predictable process.

Finally, Mr. Speaker, I am most pleased about the provisions in this bill which relate to food products. I had the wonderful experience of working closely on these issues in a bipartisan fashion with the gentleman from Kentucky [Mr. WHITFIELD], the gentleman from Wisconsin [Mr. KLUG], the gentleman from Pennsylvania [Mr. GREENWOOD], and the gentleman from Texas [Mr. HALL]. While some argued that food reforms were too controversial to include in this bill, my colleagues and I never stopped believing that we could craft reasonable and meaningful food reforms that would be acceptable to the industry, FDA, and consumers alike. With the able assistance of our committee counsels on both sides of the aisle, Eric Berger and Kay Holcombe, the measure incorporated in S. 830 accomplish this goal. The food issues in this bill build on the success of the Nutrition Labeling and Education Act and they represent a modest downpayment on more significant food law reforms, including the question of national uniformity.

Mr. Speaker, I join my colleagues from the Commerce Committee in urging the immediate passage of this legislation.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of the Conference Report on comprehensive legislation to reform the Food and Drug Administration [FDA]. And I thank Chairman BLILEY and the others who worked so hard to bring this important Conference Report to the floor for passage before Congress adjourns for the year.

Reforming the FDA's approval process has been a major goal of mine since I first came to Congress in 1991. In fact, in an effort to educate House members about the need for reform for medical devices, Representative Tim Valentine and I founded the bipartisan House Medical Technology Caucus, which I now chair with Representative ANNA ESHOO.

As we all know, it now takes 15 years and $350 million to get the average new drug from the laboratory to the patient. The average time for the FDA to approve a medical device has increased from 415 days in 1990 to 773 in 1995—even though the FDA is currently required by law to take no longer than 180 days to approve new devices.

This is precisely why I became an original cosponsor of the medical device section of this reform package. The medical device provisions will save lives, improve health and create jobs in the United States by getting medical devices to market faster.

I also strongly support the sections in the bill to reauthorize the Prescription Drug User Fee Act [PDUFA] and reform the approval process for pharmaceuticals and animal drugs.

Mr. Speaker, these reforms passed today will force the FDA to get its act together so life-saving devices and drugs will get to people who need them as expeditiously and safely as possible.

The health care consumers, medical device and pharmaceutical companies of America deserve nothing less!

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and agree to the conference report on S. 830.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

SENSE OF HOUSE IN SUPPORT OF FREE AND FAIR REFERENDUM ON SELF-DETERMINATION FOR PEOPLE OF WESTERN SAHARA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 245) expressing the sense of the House of Representatives in support of a free and fair referendum on self-determination for the people of Western Sahara, as amended.

The Clerk read as follows:

H. RES. 245

Whereas United Nations Secretary General Kofi Annan appointed former United States Secretary of State James Baker III as his Personal Envoy for Western Sahara to end the prevailing referendum stalemate;

Whereas talks between the Kingdom of Morocco and the Front for the Liberation of Saguia el Hamra and Rio de Oro (also known as the Polisario Front) mediated by Mr. Baker have achieved agreement on ways to end the referendum stalemate;

Whereas the end of the stalemate over the Western Sahara referendum would allow for the release of civilian political prisoners and prisoners of war held by Morocco and the Polisario Front; and

Whereas the United States supports the holding of a free, fair, and transparent referendum on self-determination for the people of Western Sahara: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its full support to former United States Secretary of State James Baker III in his mission as Personal Envoy of the United Nations Secretary General for the Western Sahara;

(2) expresses its support for a referendum on self-determination for the people of Western Sahara that should meet the following criteria:

(A) free, fair, and transparent and held in the presence of international and domestic observers and international media without administrative or military pressure or interference;

(B) only genuine Sahrawis, as identified in the method agreed to by both sides, will take part in the referendum voting; and

(C) the result, once certified by the United Nations, is accepted by both sides;

(3) encourages the release of civilian political prisoners and prisoners of war held by Morocco and the Polisario Front at the earliest possible date; and

(4) requests the administration to fully support former United States Secretary of State James Baker III in his mission of organizing a free, fair, and transparent referendum on self-determination for the people

of Western Sahara without military or administrative constraints.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROYCE] and the gentleman from California [Mr. MENENDEZ] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROYCE].

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

This resolution expresses the support of the House of Representatives for the so-far successful negotiations between the Kingdom of Morocco and the Polisario Front, who have made the tough decision to peacefully work out their differences on the conduct of a referendum on self-determination for Western Sahara. The negotiations have been guided by former Secretary of State James Baker, now serving as the Special Envoy of the U.N. Secretary General for Western Sahara.

Secretary Baker's diplomacy have broken a 6-year stalemate on referendum negotiations. While no date has been set for balloting, we appear to be closer to fair and free referendum for Western Sahara than at any time in the last two decades. This conflict, which has often seemed intractable, has not received the attention it deserves. This is now changing with Secretary Baker's engagement, as well as with the attention that Congress is now paying to this issue.

This resolution not only praises the efforts of Secretary Baker but it puts the House on record as supporting a free, fair, and transparent referendum. At this sensitive point in the process, such a nonpartisan expression of support is valuable. Mr. Baker said in a Washington news conference last week that this resolution provides a much needed boost to a referendum process he referred to as the ''last opportunity for peace'' in Western Sahara.

Years of fighting between Morocco, the Polisario Front, and Mauritania have claimed thousands of lives and created hundreds of thousands of refugees. The equitable ending of this conflict is important to the United States. Morocco is a longstanding American ally, and continued turmoil in the region is contrary to United States interests.

The breakthrough achieved by Secretary Baker is important. That is why we need to take proper notice of it. It is time to show all parties that the United States is watching and cares. I urge my colleagues to support this balanced resolution as a sign of congressional support for the significant advance that has taken place toward resolving this longstanding conflict.

Mr. Speaker, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 245, expressing the sense of the House in support of a free and fair referendum on self-determination for the people of Western Sahara.

Mr. Speaker, I think we owe a great deal of gratitude to former Secretary of State James Baker for his service as Special Envoy. Clearly, it was his intervention which brought an end to the referendum impasse and which has allowed for an opportunity for peace in the region.

For too long, the situation in the Western Sahara has been left unresolved, and for too long it has caused tension in the region and within the African continent. It is crucial at this juncture that the U.S. Government and the Congress put their weight behind the plan negotiated by former Secretary Baker. There is only a small window of opportunity to implement the agreement, which itself remains quite fragile. If we bypass this opportunity by our inattention or if we allow either side to renege on the commitments made in Houston, we will be responsible for foregoing an opportunity for long-term peace in the region. That is not a cost we can afford, and it is a small price to pay for peace and democracy.

The Houston plan has at long last found a resolution which is acceptable to both the Moroccan Government and the Polisario Front. The referendum, which will be held next December, will grant the Sahrawi people their long-awaited right to self-determination, the same right enjoyed by free people throughout the world.

Sahrawi President Abdelaziz has given his word that he will stand by and respect the people's decision regardless of the outcome as long as the referendum is free and fair and allows only Sahrawis to vote. The Sahrawi people have been left in limbo due to political considerations rather than any really legal dispute.

In 1975, the International Court of Justice declared that there is no establishment of any legal ties of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco. Now the Sahrawi people will have the opportunity to decide for themselves their political future, be it independence or incorporation into Morocco. It is their choice.

I want to thank the gentleman from California [Mr. ROYCE] for his leadership in bringing the resolution before the House and for sponsoring it. I am proud to be an original cosponsor. And I also want to again congratulate former Secretary Baker for his tremendous efforts. He has been and we expect will continue to be crucial to the success of this ultimate endeavor.

Mr. Speaker, I reserve the balance of my time.

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Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I want to thank the distinguished gentleman from California [Mr. ROYCE], the chairman of our Subcommittee on Africa, for introducing this resolution and for his outstanding leadership on this very difficult issue. The purpose of this resolution is to highlight the significant efforts of former Secretary of State James Baker in advancing a peaceful solution to the question of Western Sahara. Due to the leadership by the gentleman from California [Mr. ROYCE], this resolution has moved forward in a consensus manner. We have worked closely with both sides on the Western Sahara question and with Secretary Baker and all parties find that the resolution is agreeable.

Accordingly, Mr. Speaker, I urge our Members to support this excellent resolution.

Mr. MENENDEZ. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. PAYNE], a member of the Subcommittee on Africa.

Mr. PAYNE. Mr. Speaker, let me first commend the gentleman from California [Mr. ROYCE], the chairman of the Subcommittee on Africa, and the gentleman from New Jersey [Mr. MENENDEZ], the ranking member, for the outstanding work that they have done on this resolution. The Western Sahara has been a point of contention for some time now. The final outcome for this former Spanish colony will be historic and a momentous occasion. It will set a precedent for many other issues of self-determination throughout the world, such as Cyprus and Northern Ireland. This is a major accomplishment. We should commend the former Secretary of State James Baker, the Polisario Front and representatives of Morocco for coming to the table to decide on a referendum on the future of this disputed territory. The referendum originally scheduled for January 1992 is to decide whether Western Sahara should be incorporated into Morocco or become an independent nation as many of the Sahrawi people have fought for for many years. I am glad to see the culmination of the identification process which first started in 1984. I also want to congratulate the Secretary-General of the United Nations Kofi Annan for his role in urging negotiations in this region. Let me say that I think that now the playing field has

been leveled, where all will have access to the media, to the press, and that international observers will be able to participate in the proceedings. All of these very important issues have been worked out. This is a step in the right direction.

As we see democracy spreading throughout the continent of Africa, where only a few countries are left in dispute at this time, I think that it is good to see another nation coming to the front where the question which has long besieged them and has been a problem may be finally worked out. Once again I urge my colleagues to support this resolution.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume. In closing, let me commend the gentleman from New Jersey [Mr. MENENDEZ], the ranking member of the Subcommittee on Africa, who has worked with us on this resolution. We have worked together on several measures throughout the year. I would also like to commend Special Envoy James Baker for his work. Morocco is a longtime ally and the United States has been improving relations with Algeria, which supports the Polisario Front.

The issue of self-determination for Western Sahara poses a danger of instability for the northwest African region. The issue must be resolved so that the likelihood of long-term problems there is diminished. Peace in Western Sahara will allow for economic development and democratization in the region and could be a beneficial example for other nations in North Africa and the Middle East. That is the purpose of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. MENENDEZ. Mr. Speaker, I urge my colleagues to adopt the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAZIO of New York). The question is on the motion offered by the gentleman from California [Mr. ROYCE] that the House suspend the rules and agree to the resolution, House Resolution 245, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, A bill of the House of the following title:

H.R. 2607. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced, that the Senate insists upon its amendments to the bill (H.R. 2607) "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for the purposes.", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. COCHRAN, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. BOXER, to be the conferees on the part of the Senate.

EXPRESSING CONCERN FOR HUMAN RIGHTS IN AFGHANISTAN

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 156) expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country, as amended.

The Clerk read as follows:

H. CON. RES. 156

Whereas Congress recognizes that the legacy of civil conflict in Afghanistan during the last 17 years has had a devastating effect on the civilian population in that country, killing 2,000,000 people and displacing more than 7,000,000, and has had a particularly negative impact on the rights and security of women and girls;

Whereas the Department of State's Country Reports on Human Practices for 1996 states: "Serious human rights violations continue to occur [. . .] political killings, torture, rape, arbitrary detention, looting, abductions and kidnappings for ransom were committed by armed units, local commanders and rogue individuals.";

Whereas the Afghan combatants are responsible for numerous abhorrent human rights abuses, including the rape, sexual abuse, torture, abduction, and persecution of women and girls;

Whereas drug proliferation has increased in Afghanistan;

Whereas Congress is disturbed by the upsurge of reported human rights abuses in Afghanistan, including extreme restrictions placed on women and girls;

Whereas safe haven has been provided to suspected terrorists and terrorist camps may be allowed to operate in Afghanistan;

Whereas Afghanistan is a sovereign nation and must work to solve its internal disputes; and

Whereas Afghanistan and the United States recognize international human rights conventions, such as the Universal Declaration on Human Rights, which espouse respect for basic human rights of all individuals without regard to race, religion, ethnicity, or gender: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. DECLARATION OF POLICY.

The Congress hereby—

(1) deplores the violations of international humanitarian law in Afghanistan and raises concern over the reported cases of stoning, public executions, and street beatings;

(2) condemns the targeted discrimination against women and girls and expresses deep concern regarding the prohibition of employment and education for women and girls;

(3) urges the Taliban and all other parties in Afghanistan to cease providing safe haven to suspected terrorists or permitting Afghan territory to be used for terrorist training; and

(4) takes note of the continued armed conflict in Afghanistan, affirms the need for peace negotiations and expresses hope that the Afghan parties will agree to a cease-fire throughout the country.

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of Congress that the President—

(1) should continue to monitor the human rights situation in Afghanistan and should call for adherence by all factions in Afghanistan to international humanitarian law;

(2) should call for an end to the systematic discrimination and harassment of women and girls in Afghanistan;

(3) should encourage efforts to procure a durable peace in Afghanistan and should support the efforts of the United Nations Special Envoy Secretary General Lakhdar Brahimi to assist in brokering a peaceful resolution to years of conflict;

(4) should call upon all countries with influence to use their influence on the contending factions to end the fighting and come to the negotiating table, abide by internationally recognized norms of behavior, cease human rights violations, end provision of safe haven to terrorists and close terrorist training camps, and reverse discriminatory policies against women and girls;

(5) should call upon all nations to cease providing financial assistance, arms, and other kinds of support to the militaries or political organizations of any factions in Afghanistan; and

(6) should support efforts by Afghan individuals to establish a cessation of hostilities and a transitional mulitparty government leading to freedom, respect for human rights, and free and fair elections.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROHRABACHER] and the gentleman from Minnesota [Mr. LUTHER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations and someone who has given us great inspiration to stand up for the higher ideals that America stands for.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time. Mr. Speaker, I want to commend the sponsors of this resolution, the gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. BERMAN], the gentleman from California [Mr. ROHRABACHER], and especially the gentlewoman from New York [Mrs. MALONEY] for her excellent work in crafting this proposal.

The deterioration of human rights in Afghanistan, especially its impact on women, is very distressing. Large areas

of Afghanistan that are now under the Taliban rule are being run by men whose thinking is medieval. Regrettably, the State Department has done little to end the fighting that has led to the current problems in Afghanistan.

Two weeks ago, the gentleman from California [Mr. ROHRABACHER] did what the State Department could not or cared not to do. He brought together in Istanbul almost all of the leaders in the different Afghan groups so that some sort of a national reconciliation process could begin. The gentleman from California then arranged for them to come to Washington so that our Committee on International Relations could meet with them to learn firsthand about that historic productive meeting.

House Concurrent Resolution 156 will assist us in the peace process. I urge my colleagues to support this resolution. I want to commend the gentleman from California [Mr. ROHRABACHER] for his continuing efforts in trying to bring peace to Afghanistan.

Mr. ROHRABACHER. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, more than a million Afghans died and 5 million became refugees during the battle that was a turning point in the Cold War. They brought down the Soviet empire. Their courage and sacrifice reaped a harvest of peace and plenty for the Western world. However, in Afghanistan, the war never ended. The social and political fabric of that ancient culture remains in chaos. People today in Afghanistan are dying from both violence and starvation. House Concurrent Resolution 156 introduced by the gentlewoman from New York [Mrs. MALONEY] urges the President to, No. 1, monitor and condemn ongoing violations of human rights caused by the fanatical Taliban movement who controls about two-thirds of the country as well as abuses by the other factions and other militias. It especially calls attention to the brutal and systematic discrimination that the Taliban have imposed on women and children in Afghanistan.

In addition, this bill requests that the President should call upon the government of Pakistan to suspend military and political support of the Taliban and to use its influence with the Taliban to end the abuses that we have been describing tonight. It urges the President to support international efforts intended to create a peaceful resolution to the ongoing conflict in Afghanistan that would ultimately include free and fair elections and the return of human and civil rights for all the people of Afghanistan. Stability in Afghanistan is the key to peace and prosperity in Central Asia. The extremists of the Taliban movement are responsible for the ongoing suffering of the Afghan people, and they pose a great threat of fundamentalist violence in neighboring countries, especially in Pakistan, and their extremism permits Iran to have a greater role in the region.

The Taliban currently provides a haven for terrorists such as Ben Ladin of Saudi Arabia, and the training of terrorist organizations now operating in Egypt, the Balkans and the Philippines. According to both the United Nations and the United States Drug Enforcement Agency, they have turned Afghanistan into the world's leading opium producer. The Taliban's war effort is funded by opium profits. According to the United States and international sources, almost all the opium production and processing being conducted in Afghanistan is in the provinces controlled by the Taliban, especially near their stronghold in Kandahar. According to the United Nations Drug Control Program, in 1997, Afghanistan produced a record 3,000 tons of opium. That is a 25 percent increase over the 1996 production. In 1996, the Taliban imposed 10 percent tax on all opium produced in Afghanistan which, according to experts of the United States Drug Enforcement Agency and the CIA, amounts to at least $100 million. That is drug money that they are making which comes straight from the drug producers to the pockets of the Taliban.

During the last 10 years, I have had extensive discussions with all factions of Afghanistan as well as ordinary Afghan citizens. Although not spelled out in this legislation before us, I believe it is time for this administration to support recent resolutions by Afghans of all ethnic groups that emphasize that the key to ending the conflict in Afghanistan is the return of King Zahir Shah. As the symbolic head of an interim government, Zahir Shah could remake civil government, form a coalition government of national unity which would represent all factions. This reconciliation government would be responsible to prepare national democratic elections in which the people of Afghanistan would choose their own leaders and democracy.

I can assure my colleagues tonight the people of Afghanistan are not fanatics, but they are devout in their religious faith. Most Muslims are embarrassed by the Taliban. But if we would help the true believers in Islam in Afghanistan regain a democratic government, it would lead to peace and it would lead to a restoration of human rights. King Zahir Shah offers that alternative.

Although it is not in this resolution, we hope that the President would follow through and do what he can to bring peace and democracy, which are synonymous in Afghanistan.

House Concurrent resolution 156 urges the President to support the internal Afghan peace process. It is especially timely, as Secretary of State Madeleine Albright will be departing for South Asia next week, that she express a new administration policy that would compel all neighboring countries involved in supporting the Taliban to immediately stop.

Mr. Speaker, we owe a tremendous debt to the people of Afghanistan. It was not our mighty armies in Europe that stopped the Soviet empire from expanding. It was not our missiles, it was not the great expenditure of defense. Yes, they were necessary at the time in order to deter war with the Soviet empire. But it was a group of Muslims on the plains of Afghanistan that courageously stood up and said, you will not impose your atheistic system on us, you will not dominate our country, and with great courage and dying in the hundreds of thousands stood firm against Soviet aggression and broke the will of the Soviet bosses to conquer the world. We owe a great deal to these heroic people. It is sad and tragic that fanatics have taken over their country. It is time for the United States to reach out and do what we can to promote democracy and human rights in Afghanistan. We owe it to them not to forget them. If we do, if we forget the chaos that continues and the bloodshed and we refuse to pay our debt to the people of Afghanistan, in the end it will come back and hurt us. There will be no stability in Central Asia as long as the chaos and killing continues in Afghanistan.

Mr. Speaker, I reserve the balance of my time.

Mr. LUTHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Mrs. MALONEY], the original sponsor of the resolution.

□ 2100

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank the gentleman from New York [Mr. GILMAN] for bringing this legislation forward under the suspension calendar, and I thank the gentleman from California [Mr. ROHRABACHER] for his leadership not only on this legislation, but really his ongoing efforts for many years to bring peace and democracy to Afghanistan.

A woman living in Afghanistan may not work, attend school, be photographed, or appear in public without a garment covering their entire body. They must wear a mesh mask over their eyes, they must not speak directly to a man. Certainly there is no possibility of a woman speaking out against these human rights abuses in a public forum as I am now.

That is why we must speak for them, and that is why we must pass this resolution which condemns the continued deterioration of women's rights in that country.

More than a year ago the Taliban, a fundamentalist Islamic militia group, overthrew the government of Afghanistan. Women and young girls have borne the brunt of that takeover. The Taliban has not just stripped women of their human rights, they have made women targets for criminal abuse.

Just 2 months ago, a 16-year-old girl was stoned to death because she was traveling with a man who was not a member of her family. Just last week, one of my constituents, who is a refugee from Afghanistan, told me that her 13-year-old niece was shot dead in the street for going to school. Women are routinely raped and abused. They are persecuted for the smallest infraction; for example, allowing their ankles to be exposed or appearing in a photograph.

Women cannot receive proper emergency medical care. I read recently of the case of one woman who had been severely burned. She was refused treatment because it was against the Taliban law for her to remove her clothing for treatment.

Women are not permitted to work. At one time women made up a large part of the work force. Now many hospitals and schools are closed for lack of employees. The war in Afghanistan has left many women widows. If they cannot work, how are they to support themselves and their children? Many are starving to death.

Perhaps the abuse that makes me the most sad is the idea that young girls, young women, are not permitted to go to school. What does it say about the future of this country? How can women recover from years of abuse and forced ignorance?

I urge my colleagues to vote for House Resolution 156. We must speak out for these women who are being so horribly abused because they cannot speak out for themselves.

I would also like to add my words of encouragement to Madeleine Albright, who will be traveling to this region and encouraging other surrounding countries to speak out against the Taliban.

Mr. LUTHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this resolution, and I urge its speedy adoption this evening.

This resolution represents a constructive effort to deal with a very serious problem. Afghanistan and its people have suffered through foreign invasions, civil war and widespread human rights abuses virtually nonstop for nearly 20 years. Today outrageous human rights violations continue to occur, especially against the women and girls of that country. We in America must take every opportunity we have to deal with that and to put an end to those abuses of human dignity and international law.

The Afghan people who so courageously fought a key battle or conflict in the cold war deserve to live a life of peace without the kind of abuse that is occurring today. I therefore urge the Members of this body to support this resolution which simply restates the simple truth of what is occurring there today and makes us and our country stand with the people against these abuses.

Mr. Speaker, I yield back the remainder of my time.

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore (Mr. LAZIO of New York). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Finally in closing, Mr. Speaker, I am pleased that we have this resolution tonight, and I would hope that those governments in Central Asia and around Afghanistan focus on what we are trying to do in the United States tonight. Tonight we are taking the first steps towards reinvolving ourselves in a part of the world that the United States walked away from 10 years ago.

When the Soviet Union was finally defeated in Afghanistan and the last Soviet tanks went across the bridge back into what was then the Soviet Union, the United States breathed a sigh of relief, and we believed that the fighting there would be over very quickly and shortly. Instead, as I mentioned in my opening remarks, the war in Afghanistan which brought peace and prosperity to the Western world, continues in Afghanistan. Today we spend $100 billion a year less on defense because these scraggly, ill-equipped, brave and courageous men in Afghanistan stood up to Soviet tanks and air power, and because they did, the Soviet role to keep control of what they held in the Soviet empire and to expand that empire was broken.

Yes, today we are able to spend those hundreds of billions of dollars, hundreds of billions of dollars that we are not spending on defense, we are able to bring that out of our deficit spending. We are able to spend that on education, we are able to spend that on making our own lives, an infrastructure, making the lives of our country better so that our children live better lives.

But what has happened in Afghanistan during that time period as we have enjoyed this era of goodwill in the United States? What has happened there, as the gentlewoman from New York [Mrs. MALONEY] has suggested, a horrible darkness of oppression has come down on half of their population. Women in Afghanistan are oppressed and treated just as, and I hate to use this example, but the fact is the Taliban are to the women of Afghanistan and the women of the world what Hitler was to the Jews of the world in the 1930's. The Taliban and their philosophy would rally people to repress women and children in their society. We heard examples of that tonight.

What else is happening in Afghanistan? Every day a child, if not many children, are blown to bits, their legs are blown off because of landmines that are planted by the millions, and many of those landmines came from the United States of America. Many of them were given by us to the various factions during the war to defeat the Russians. But yet those children are still being blown apart, and chaos still rules the day.

In Afghanistan the Taliban militias still fight northern power groups that do not agree with their brand of Islam and refuse to be dominated by a Pushtu versus a Tajik, and the killing goes on and on. It goes on for one reason, because we in the United States, the new superpower that supposedly is going to be the force for power and good in this world, have totally walked away from these people to whom we owe so much, people who permitted us to be spending tens of billions of dollars on our education rather than on defense, people who helped bring down the Soviet empire, thus making it no longer necessary for us to spend money on missiles so we could spend it instead on health care and education and infrastructure and bringing down our level of deficit spending.

This resolution tonight underscores that America will no longer close our eyes, that this Congress is no longer closing its eyes to the repression of women and children in Afghanistan, the killing and the maiming of children in Afghanistan, the ongoing chaos.

No. 1, that is the moral position to take, and that is what this resolution says; but, No. 2, let us remember the practical end of it. And I found a funny thing in my years in public service: When we do something, when we ignore the moral course of action, we also are going down a road of something that is not practical. There is a relationship between a practical policy and a moral policy. If we walk away from these people and let them fend for themselves with this brutality and tyranny, with maiming of their children and the repression of their women, what will happen? The chaos will continue in Afghanistan, and I can assure all of my friends here today, all of my friends here today, that Central Asia, which should become an intricate part of the economic system of the world will eventually be engulfed in that same chaos.

Pakistan, who has been a pillar, a pillar of stability in South Asia, our friend will go under, because if we permit the fanaticism of the Taliban to go

on, it will bring down Pakistan just as billions of dollars of drug money going into the hands of narcoterrorists in Afghanistan, in a chaotic Afghanistan, will eventually wreak havoc in the United States. It has already caused the lives of American servicemen and people to be lost. A terrorist trained in Afghanistan helped blow up a building which housed our military people in Saudi Arabia. There was an assassination attempt on the Pope. They found out that the terrorist who was going to assassinate the Pope was trained in Afghanistan.

We cannot let this go on, because not only is it immoral to let this go on, but practically speaking, if we do it, it will come back and hurt us.

There are many ways that we can try to reach peace. Having been involved in this process, I believe King Zahir Shah, the king in exile, who is a moderate leader of his people, a moderate Muslim leader, a devout Muslim, but not a fanatic, will bring back sanity to his country. Zahir Shah has pledged to his people to restore civil government, rebuild the infrastructure and create the basis for democratic elections. And in democratic elections I believe the courage and the honor of the Afghan people will come out over the fanaticism of the Taliban. I have no doubt about that.

And I would like to close with a short story. Many people in this body do not know right after I was elected what I did. Many of my friends and colleagues after they got elected the very first time took off and went golfing or went swimming or went hiking and just got away from it all because the first election is usually the hardest election for this body. I made a pledge to my friends in Afghanistan, because I worked with them when I worked in the White House, that when I left, when I left the White House, if I had a chance and if the battle in Afghanistan was still going on, that I would join them in their struggle.

So I had 2 months between the time that I was elected and the time that I would be sworn in as a Congressman, and I knew that that was the only time that I would be free again like that for the rest of my life, or at least the rest of my time when I would be elected in Congress. So I disappeared, and I ended up with a mujahedin unit in Afghanistan fighting in the battle of Jalalabad, which was then under siege. And as I hiked toward this battle, which was one of the most strenuous hikes, I might add, that I have ever made in my entire life, and it was just beyond any endurance that I could ever do today, but a young Afghan boy, it was a full moon, and the artillery shells were exploding in the distance and lighting up the skies, and it was about 15 mujahedin with me armed with AK–47s and RPGs, just lightly armed, and a young boy who was probably 17 years old ran up besides me, AK–47 slung over his shoulder, and said, "You come from America."

And I said, "Yes."

He said, "You are in politics in America."

And I said, "Yes, I am."

He said, "Are you a donkey or an elephant?"

Here is a young man, 17 years old, fighting for his country, fighting for our country, fighting for the people of the West, fighting for his religion, a brave and courageous young man, and I said "What do you want to do when this is all over?"

□ 2115

He says "I want to build things. I would like to be an architect."

I do not know if that young man survived the battle. I do not know if he did or not. But I know if he is given his chance, he will rebuild his country. I know he is a brave and courageous young person who believed so much in the United States that he knew the symbols of our political structure. He wanted democracy for his own country, but when the Soviets were defeated, we walked away.

Let us reestablish this commitment to the Afghan people, at the very least, to reach out and provide some leadership, to help them attain their own democracy, and, if they obtain democracy, perhaps through some support and guidance from their former king, it will be just as their struggle against communism, a benefit to us as well.

So tonight that is what this resolution is all about. I would ask my colleagues to join me in taking this moral stand and repaying this sacred debt to the people of Afghanistan.

The SPEAKER pro tempore (Mr. LAZIO of New York). All time has expired.

The question is on the motion offered by the gentleman from California [Mr. ROHRABACHER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 156, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SAVINGS ARE VITAL TO EVERYONE'S RETIREMENT ACT OF 1997

Mr. FAWELL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1377) to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Savings Are Vital to Everyone's Retirement Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) The impending retirement of the baby boom generation will severely strain our already overburdened entitlement system, necessitating increased reliance on pension and other personal savings.

(2) Studies have found that less than a third of Americans have even tried to calculate how much they will need to have saved by retirement, and that less than 20 percent are very confident they will have enough money to live comfortably throughout their retirement.

(3) A leading obstacle to expanding retirement savings is the simple fact that far too many Americans—particularly the young—are either unaware of, or without the knowledge and resources necessary to take advantage of, the extensive benefits offered by our retirement savings system.

(b) PURPOSE.—It is the purpose of this Act—

(1) to advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

(2) to provide for a periodic, bipartisan national retirement savings summit in conjunction with the White House to elevate the issue of savings to national prominence; and

(3) to initiate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy.

SEC. 3. OUTREACH BY THE DEPARTMENT OF LABOR.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

"OUTREACH TO PROMOTE RETIREMENT INCOME SAVINGS

"SEC. 516. (a) IN GENERAL.—The Secretary shall maintain an ongoing program of outreach to the public designed to effectively promote retirement income savings by the public.

"(b) METHODS.—The Secretary shall carry out the requirements of subsection (a) by means which shall ensure effective communication to the public, including publication of public service announcements, public meetings, creation of educational materials, and establishment of a site on the Internet.

"(c) INFORMATION TO BE MADE AVAILABLE.—The information to be made available by the Secretary as part of the program of outreach required under subsection (a) shall include the following:

"(1) a description of the vehicles currently available to individuals and employers for creating and maintaining retirement income savings, specifically including information explaining to employers, in simple terms, the characteristics and operation of the different retirement savings vehicles, including the steps to establish each such vehicle, and

"(2) information regarding matters relevant to establishing retirement income savings, such as—

"(A) the forms of retirement income savings,

"(B) the concept of compound interest,

"(C) the importance of commencing savings early in life,

"(D) savings principles,

"(E) the importance of prudence and diversification in investing,

"(F) the importance of the timing of investments, and

"(G) the impact on retirement savings of life's uncertainties, such as living beyond one's life expectancy.

"(d) ESTABLISHMENT OF SITE ON THE INTERNET.—The Secretary shall establish a permanent

site on the Internet concerning retirement income savings. The site shall contain at least the following information:

"(1) a means for individuals to calculate their estimated retirement savings needs, based on their retirement income goal as a percentage of their preretirement income;

"(2) a description in simple terms of the common types of retirement income savings arrangements available to both individuals and employers (specifically including small employers), including information on the amount of money that can be placed into a given vehicle, the tax treatment of the money, the amount of accumulation possible through different typical investment options and interest rate projections, and a directory of resources of more descriptive information;

"(3) materials explaining to employers in simple terms, the characteristics and operation of the different retirement savings arrangements for their workers and what the basic legal requirements are under this Act and the Internal Revenue Code of 1986, including the steps to establish each such arrangement;

"(4) copies of all educational materials developed by the Department of Labor, and by other Federal agencies in consultation with such Department, to promote retirement income savings by workers and employers; and

"(5) links to other sites maintained on the Internet by governmental agencies and nonprofit organizations that provide additional detail on retirement income savings arrangements and related topics on savings or investing.

"(e) COORDINATION.—The Secretary shall coordinate the outreach program under this section with similar efforts undertaken by other public and private entities.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 514 the following new items:

"Sec. 515. Delinquent contributions.
"Sec. 516. Outreach to promote retirement income savings.".

SEC. 4. NATIONAL SUMMIT ON RETIREMENT SAVINGS.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 3 of this Act, is amended by adding at the end the following new section:

"NATIONAL SUMMIT ON RETIREMENT SAVINGS

"SEC. 517. (a) AUTHORITY TO CALL SUMMIT.—Not later than July 15, 1998, the President shall convene a National Summit on Retirement Income Savings at the White House, to be cohosted by the President and the Speaker and the Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate. Such a National Summit shall be convened thereafter in 2001 and 2005 on or after September 1 of each year involved. Such a National Summit shall—

"(1) advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

"(2) facilitate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy;

"(3) develop recommendations for additional research, reforms, and actions in the field of private pensions and individual retirement savings; and

"(4) disseminate the report of, and information obtained by, the National Summit and exhibit materials and works of the National Summit.

"(b) PLANNING AND DIRECTION.—The National Summit shall be planned and conducted under the direction of the Secretary, in consultation with, and with the assistance of, the heads of such other Federal departments and agencies as the President may designate. Such assistance may include the assignment of personnel. The Secretary shall, in planning and conducting the National Summit, consult with the congressional leaders specified in subsection (e)(2). The Secretary shall also, in carrying out the Secretary's duties under this subsection, consult and coordinate with at least one organization made up of private sector businesses and associations partnered with Government entities to promote long-term financial security in retirement through savings.

"(c) PURPOSE OF NATIONAL SUMMIT.—The purpose of the National Summit shall be—

"(1) to increase the public awareness of the value of personal savings for retirement;

"(2) to advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

"(3) to facilitate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy;

"(4) to identify the problems workers have in setting aside adequate savings for retirement;

"(5) to identify the barriers which employers, especially small employers, face in assisting their workers in accumulating retirement savings;

"(6) to examine the impact and effectiveness of individual employers to promote personal savings for retirement among their workers and to promote participation in company savings options;

"(7) to examine the impact and effectiveness of government programs at the Federal, State, and local levels to educate the public about, and to encourage, retirement income savings;

"(8) to develop such specific and comprehensive recommendations for the legislative and executive branches of the Government and for private sector action as may be appropriate for promoting private pensions and individual retirement savings; and

"(9) to develop recommendations for the coordination of Federal, State, and local retirement income savings initiatives among the Federal, State, and local levels of government and for the coordination of such initiatives.

"(d) SCOPE OF NATIONAL SUMMIT.—The scope of the National Summit shall consist of issues relating to individual and employer-based retirement savings and shall not include issues relating to the old-age, survivors, and disability insurance program under title II of the Social Security Act.

"(e) NATIONAL SUMMIT PARTICIPANTS.—

"(1) IN GENERAL.—To carry out the purposes of the National Summit, the National Summit shall bring together—

"(A) professionals and other individuals working in the fields of employee benefits and retirement savings;

"(B) Members of Congress and officials in the executive branch;

"(C) representatives of State and local governments;

"(D) representatives of private sector institutions, including individual employers, concerned about promoting the issue of retirement savings and facilitating savings among American workers; and

"(E) representatives of the general public.

"(2) STATUTORILY REQUIRED PARTICIPATION.—The participants in the National Summit shall include the following individuals or their designees:

"(A) the Speaker and the Minority Leader of the House of Representatives;

"(B) the Majority Leader and the Minority Leader of the Senate;

"(C) the Chairman and ranking Member of the Committee on Education and the Workforce of the House of Representatives;

"(D) the Chairman and ranking Member of the Committee on Labor and Human Resources of the Senate;

"(E) the Chairman and ranking Member of the Special Committee on Aging of the Senate;

"(F) the Chairman and ranking Member of the Subcommittees on Labor, Health and Human Services, and Education of the Senate and House of Representatives; and

"(G) the parties referred to in subsection (b).

"(3) ADDITIONAL PARTICIPANTS.—

"(A) IN GENERAL.—There shall be not more than 200 additional participants. Of such additional participants—

"(i) one-half shall be appointed by the President, in consultation with the elected leaders of the President's party in Congress (either the Speaker of the House of Representatives or the Minority Leader of the House of Representatives, and either the Majority Leader or the Minority Leader of the Senate; and

"(ii) one-half shall be appointed by the elected leaders of Congress of the party to which the President does not belong (one-half of that allotment to be appointed by either the Speaker of the House of Representatives or the Minority Leader of the House of Representatives, and one-half of that allotment to be appointed by either the Majority Leader or the Minority Leader of the Senate).

"(B) APPOINTMENT REQUIREMENTS.—The additional participants described in subparagraph (A) shall be—

"(i) appointed not later than January 31, 1998;

"(ii) selected without regard to political affiliation or past partisan activity; and

"(iii) representative of the diversity of thought in the fields of employee benefits and retirement income savings.

"(4) PRESIDING OFFICERS.—The National Summit shall be presided over equally by representatives of the executive and legislative branches.

"(f) NATIONAL SUMMIT ADMINISTRATION.—

"(1) ADMINISTRATION.—In administering this section, the Secretary shall—

"(A) request the cooperation and assistance of such other Federal departments and agencies and other parties referred to in subsection (b) as may be appropriate in the carrying out of this section;

"(B) furnish all reasonable assistance to State agencies, area agencies, and other appropriate organizations to enable them to organize and conduct conferences in conjunction with the National Summit;

"(C) make available for public comment a proposed agenda for the National Summit that reflects to the greatest extent possible the purposes for the National Summit set out in this section;

"(D) prepare and make available background materials for the use of participants in the National Summit that the Secretary considers necessary; and

"(E) appoint and fix the pay of such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) DUTIES.—The Secretary shall, in carrying out the responsibilities and functions of the Secretary under this section, and as part of the National Summit, ensure that—

"(A) the National Summit shall be conducted in a manner that ensures broad participation of Federal, State, and local agencies and private organizations, professionals, and others involved in retirement income savings and provides a strong basis for assistance to be provided under paragraph (1)(B);

"(B) the agenda prepared under paragraph (1)(C) for the National Summit is published in the Federal Register; and

"(C) the personnel appointed under paragraph (1)(E) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities.

"(3) NONAPPLICATION OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Summit.

"(g) REPORT.—The Secretary shall prepare a report describing the activities of the National Summit and shall submit the report to the President, the Speaker and Minority Leader of the House of Representatives, the Majority and Minority Leaders of the Senate, and the chief executive officers of the States not later than 90 days after the date on which the National Summit is adjourned.

"(h) DEFINITION.—For purposes of this section, the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated for fiscal years beginning on or after October 1, 1997, such sums as are necessary to carry out this section.

"(2) AUTHORIZATION TO ACCEPT PRIVATE CONTRIBUTIONS.—In order to facilitate the National Summit as a public-private partnership, the Secretary may accept private contributions, in the form of money, supplies, or services, to defray the costs of the National Summit.

"(j) FINANCIAL OBLIGATION FOR FISCAL YEAR 1998.—The financial obligation for the Department of Labor for fiscal year 1998 shall not exceed the lesser of—

"(1) one-half of the costs of the National Summit; or

"(2) $250,000.

The private sector organization described in subsection (b) and contracted with by the Secretary shall be obligated for the balance of the cost of the National Summit.

"(k) CONTRACTS.—The Secretary may enter into contracts to carry out the Secretary's responsibilities under this section. The Secretary shall enter into a contract on a sole-source basis to ensure the timely completion of the National Summit in fiscal year 1998.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act, as amended by section 3 of this Act, is amended by inserting after the item relating to section 516 the following new item:

"Sec. 517. National Summit on Retirement Savings.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FAWELL] and the gentleman from New Jersey [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I am very pleased to join with my colleague, the gentleman from New Jersey [Mr. PAYNE], the ranking Democrat on the Subcommittee on Employer-Employee Relations, as well as many other Democrats and Republicans across the political spectrum, in sponsoring the SAVER Act. H.R. 1377 represents bipartisan legislation addressing a critical national problem, the lack of individual retirement savings.

I do want to make special mention of the fact that the gentleman from New Jersey [Mr. PAYNE] has been very cooperative. We have worked together in good bipartisan fashion, and I do very much appreciate the gentleman from New Jersey and the fine work that he has put in on this legislation. Without the gentleman, there simply would not be any such legislation.

The SAVER Act was initially passed by the House back in May. On November 7, the Senate passed SAVER with minor modifications made to secure the support of the Department of Labor. I would like to thank Senate sponsor Senator CHARLES GRASSLEY, the chairman of the Committee on Aging, for his efforts in guiding this legislation through the other chamber.

The SAVER Act is truly a bipartisan initiative, supported not only by the Department of Labor, but also by a diverse group of organizations, from the U.S. Chamber of Commerce to the American Association of Retired Persons.

Mr. Speaker, America faces a ticking demographic time bomb that requires increased retirement savings. The Savings are Vital to Everyone's Retirement Act, or the SAVER Act, is the first step in defusing the retirement time bomb. The SAVER Act initiates projects to educate American workers about retirement savings and convenes a national summit on retirement savings at the White House.

Through this bill, we facilitate a public-private partnership to educate the public on this serious and underreported national problem. Workers need to know the importance of saving for the future and of saving as early in life as possible.

As a survey released this year by the Employee Benefit Research Institute, known as EBRI, reveals, there is a lot of work to be done. Less than one-third of Americans have even tried to calculate how much they need to have saved by retirement. Furthermore, less than 20 percent are very confident they will be able to have enough money to live comfortably throughout their retirement. The lack of adequate retirement savings will only become a more pressing problem as the baby-boomers begin to retire.

Far too few Americans, particularly the young, have either the knowledge or the resources necessary to take advantage of the extensive benefits offered by our retirement savings system. We know the old adage that you feed someone for life by teaching them to fish. We need to apply this principle to retirement savings.

The same EBRI survey found while only a quarter of workers express confidence in their ability to map out a savings strategy, an encouraging 50 percent said they would stick to a plan, if they only had one.

We have to find ways to get the information and the skills out to the workers of America to harness this latent energy. The SAVER Act directs the Department of Labor to maintain an ongoing program of education and outreach to the public through public service announcements, public meetings, creation of educational materials, and establishment of a site on the Internet.

The information to be made available will include a means for individuals to calculate their estimated retirement savings needs, a plain English description of the common types of retirement savings arrangements currently available to both individuals and employers, and an explanation for employers, hopefully in simple terms, of how to establish different retirement savings arrangements for their workers.

The SAVER Act also convenes a national summit on retirement savings at the White House, cohosted by the executive and the legislative branches, to be held by July 15, 1998, and again in the year 2001, and again in the year 2005. The national summit would advance the public's knowledge and understanding of retirement savings and facilitate the development of a broad-based public education program, identify the barriers which hinder workers from setting aside adequate savings for retirement and impede employers, especially small employers, from assisting workers in accumulating retirement savings, and develop specific recommendations for legislative, executive, and private sector actions to promote retirement savings among American workers.

Mr. Speaker, the national summit would bring together experts in the field of employee benefits and retirement savings, key leaders of government, and interested parties from the private sector and the general public. The delegates would be selected by the congressional leadership and the President and would represent the diversity of thought in the field without regard to their political affiliation.

The national summit would be a public-private partnership receiving substantial funding from private sector contributions. I hope that the SAVER Act can be a first step in a truly bipartisan effort to reverse the long course of neglect of this vital issue and help American workers better prepare for a comfortable and a secure retirement.

I urge my colleagues to vote for passage of the SAVER Act and vote to help defuse the retirement time bomb.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank you for this opportunity to speak to the importance of the SAVER Act. I think it will provide a big first step towards greater awareness about retirement security for all Americans.

I wish to commend Chairman FAWELL for his effort to bring to the attention

of all of us this very important issue that affects millions of Americans. This legislation has been skillfully moved through our subcommittee and the full committee, and I appreciate the chairman for his fine work on this very important piece of legislation.

I would also like to commend Senator JOHN BREAUX from Louisiana who also worked on the other side of the House.

The retirement clock is running out, as has been mentioned by the chairman, for millions of Americans and their families. After a lifetime of hard work and contributing to and building our society, millions of older Americans have retired and are not prepared for it. We have always heard that the future belongs to those who are prepared for it. Many of our older Americans are not and will not be. They cannot afford to pay their bills.

While we have worked closely with the administration to make gains in strengthening protection for plan participants in the last 4 years, we still have miles to go in ensuring retirement security for the American work force.

Half of all older Americans have incomes of less than $11,300. This is because their incomes are primarily drawn from Social Security, which on average pays $8,460 to retired workers. That is less than today's minimum wage. Very little of their income comes from individual savings. A very alarming picture painted by the statistics is that many of the people we need to reach out to are women and minorities. As you know, there is a direct correlation between pension adequacy and the wages that workers receive. This is because many employers base their pension benefits on the worker's wages.

This is true with respect to defined contributions and defined benefit plans, including 401(k) plans. A very disturbing image forms when we begin to think about the retirement security of low-wage workers, particularly women and minorities. Many of these workers will never receive a pension. We know that less than half of all working women are covered by a pension. Those who are fortunate enough to be covered by a plan can expect to receive lower benefits in retirement because their wages were lower during the time they were working.

A recent study noted an alarming trend in private pension coverage among African American and Latino people. This study suggests that many minority workers will become strictly dependent on Social Security and have a shrinking chance to enjoy financially comfortable retirements.

Moreover, the report shows that the percentage of blacks covered by private pensions of all types plummeted from 45.1 percent in 1979 to 33.8 percent in 1993, only one-third of the population, while the Latino coverage fell from 37.7 percent to 24.6 percent, less than 25 percent, during that same period.

I am hopeful the SAVER Act will be successful in reaching these workers. Many of them live in my district, but let me point out, they do not all live in my district, they live in your hometowns too. They may even be your friends or members of your family. Millions of people will not have any significant retirement income beyond Social Security, which makes the Federal program even more critical, especially at a time when its fiscal future is being questioned.

While the baby-boom generation is on the eve of retirement, this statistical snapshot of the next generation of retirees is fueling the current debate about Social Security. I believe the provisions in the SAVER Act will provide more opportunities to better educate and prepare Americans for their retirement. Today, Mr. Chairman, I hope that this is the beginning of developing real solutions to problems that affect real people.

Mr. Speaker, I reserve the balance of my time.

Mr. FAWELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we are here today to an address in a bipartisan fashion the real demographic time bomb that faces the American work force, and I thank the gentleman from Illinois, our chairman [Mr. FAWELL], and the gentleman from New Jersey, the ranking member [Mr. PAYNE], for bringing this legislation before us.

Workers are not saving adequately for their retirement, and this problem will only become more profound as the baby-boom generation continues to age. It does not take a mathematician to recognize that in the future retiring Americans will have to rely less on Social Security and more on pensions and other personal savings.

□ 2130

Diffusing the retirement time bomb requires immediate action. Educating American workers is the critical first step. Savings are vital to everyone's Retirement Act of 1997, the SAVER Act is that step.

The SAVER Act initiates projects to educate American workers about retirement savings and convenes a national summit on retirement savings. I am pleased to join with my colleagues from across the aisle, both in this body and in the other body, to support this important initiative.

I am also pleased by the support of organizations representing the older Americans, the business community and the financial community behind this public-private partnership.

Far too few workers, especially the young, understand the importance of saving for retirement. Many small businesses are confused as to how to set up some of the new retirement saving vehicles created by Congress, or they do not know how to go about encouraging their workers to take advantage of them.

The SAVER Act creates a statutory mandate for the Department of Labor to help inform American workers about retirement savings, to give them the tools they need to take advantage of the many existing benefits of our retirement system. The SAVER Act also hopes to focus greater public awareness on the lack of retirement savings by convening a national summit at the White House. The summit would be a bipartisan undertaking of both the executive and legislative branches and bring together employee benefit experts from throughout the country.

The SAVER Act seeks to enlist business and other concerned private groups as equal partners in this undertaking and looks to them to pick up their share of the tab as well. Ultimately, we all have a stake in the success of this project. Continuing to educate our workers is not only crucial to Americans having successful careers, it is also vital to ensuring they have secure retirements.

Mr. Speaker, I would also like to take this opportunity to say thank you to a longtime aide of mine who will be leaving the Committee on Education and the Workforce in the next few weeks. Randy Johnson has overseen, as our Workforce Policy Coordinator, all of the business, labor and workplace issues that have come before our committee since we have been in the majority. And for more than half a decade before that, he served as our labor counsel while we were in the minority.

Randy has been interested in labor issues since law school, when he researched the United Mine Workers contract negotiations. His ability to understand the negotiation process has served as well. Having worked in the Department of Labor before was a real plus for us. Both when we were in the minority and now, Randy has known how to stay true to his principles and yet accomplish our goals of reforming the American workplace. He has a keen understanding of the issues, an astute sense of timing, and a determination to achieve success. I and the rest of our majority Members could not have asked for a better staff member to lead the charge.

I will miss his quiet determination, his strong convictions to our Republican principles, and his hours and hours of dedication to advancing our agenda. We all wish him well and remind him he cannot come up and try to influence members of the committee for 1 year.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 4 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. FAWELL], the chairman, and the gentleman from New Jersey [Mr. PAYNE], ranking member, for their work on this legislation. I am proud to be its cosponsor, and I think that as we enact this bill, we will be making a very positive contribution to what truly is one of our growing national matters of urgency: Retirement savings.

We are embarking, as we know, on an important debate on Social Security, but regardless of wherever that debate may take us, one thing is crystal clear. We have to save more. We have got to save more. Our savings rate is one-half of what it was in the post-World War II through 1980 period of time. If we think about the worker to retiree ratio, 42 workers per Social Security retiree in the 1940s, heading to 3 workers per retiree in 20 years, 2 workers per retiree in 30 years. It is just so clear, we have to save more.

Add in longevity. Unlike the 1930s, when Social Security came on line, now workers live, on average, 17 years longer in retirement than they did at that time. We have to save more. We will not be able to publicly fund our way out of this one. It is going to require a significant measure of personal responsibility for us all, and that is why this bill is so important.

A critical part of helping people achieve their goal of economic security in retirement is getting them on track with a savings plan to get them there, and let us face it. We can all use some help in that regard.

Education is a critical part of helping people understand the steps they must take now so that they have a secure retirement tomorrow. We know that in the workplace where there are work-based retirement savings plans and educational programs occurring in that place of employment, people attend, they respond, and it improves their savings program significantly. The problem is, less than half of all workers have work-based retirement savings plan, a goal we must work on. But in addition, we must, like this bill accomplishes, get the savings programs out to those not necessarily learning about savings at their workplace. This is going to advance retirement savings for everyone.

Charge the Labor Department to continue their good work. It will help us reach those that are not learning about retirement savings in their place of employment; it will charge the Labor Department to continue the work they are already advancing in education relative to retirement savings; it will convene the White House summits which will focus national attention on this critical issue.

Mr. Speaker, in closing, I again want to thank the ranking member and the chairman. The chairman has indicated he will not be seeking reelection. His contributions, as those of us who know, who have served with him, will continue long after his presence is in this Chamber, and I would like to think that passing his legislation tonight will put on track an important course of education, leaving the chairman's imprint on our very positive step forward in the goal of retirement savings.

Mr. FAWELL. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from North Dakota [Mr. POMEROY] for his fine comments and his contributions in the area of pensions.

I do want to say also, just briefly, the gentleman from Pennsylvania [Mr. GOODLING] mentioned Randy Johnson, who is actually seated right behind me here. We have worked together for quite a number of years, and this gentleman is in charge of the areas of labor law, which is something that puts a lot of people to sleep. We need a good lawyer with a good mind to keep track of all of the ins and outs of that area, and Randy has done that dutifully, and then going over into health care, the ERISA statute, which really puts people to sleep, and then into the pension area of the ERISA law.

All of this is very, very vital stuff, and when we have the kind of staff people like Randy Johnson, who, unfortunately, has been picked off by a head hunter, so he will be around in the Washington area. I think maybe after a year is over he probably is going to be coming back and visiting us and saying some things. I believe it is not out of order to say he is going with the National Chamber of Commerce, so we will probably be seeing him around and we wish him nothing but the very, very best. It was a great occasion, and I myself will be retiring. I trust that I have made retirement plans that I can cover those years of retirement.

Mr. Speaker, I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, let me thank my friend the gentleman from New Jersey [Mr. PAYNE] for yielding me this time.

I want to congratulate the gentleman from Illinois [Mr. FAWELL] and the gentleman from New Jersey [Mr. PAYNE] for bringing forward this bill. I think the title really says it all. The title: "Savings Are Vital to Everyone's Retirement."

For two decades we have seen America see savings rates lag far behind the industrial nations of this world. This is very troublesome to all of us as we look at the economic growth of our Nation. In the last couple of years we have seen an encouraging sign, and that is the budget deficit of this country has gotten smaller, and the deficit was one of the major problems contributing to the low savings rates of our Nation. Low savings rates also present major problems for families looking ahead to retirement.

In recent years, many of us in Congress have worked on a bipartisan basis on creating new incentives to encourage Americans to save. I saw my friend the gentleman from Ohio [Mr. PORTMAN] on the floor a little bit earlier. He has worked on issues with me. We need to do more to encourage retirement savings in this Nation. We have to reverse the trend of less funds being put aside for retirement.

Those efforts have included major pension simplification legislation, including the creation of simple accounts to help small businesses create pension plans, and expansions of IRA accounts. While these legislative initiatives have begun to show benefits in expanding pension coverage and retirement savings, we must do more.

The backbone of our national retirement policy is the Social Security system. But the Social Security system in the long term has significant shortfalls in its funding. We must preserve the viability of Social Security, while encouraging Americans to augment their retirement savings outside of that program. The bill before us will help raise the visibility of this critical issue.

Under Secretary Hermann and former Secretary Reich, the Department of Labor has expanded its efforts to protect retirement savings of working Americans and to increase public awareness of the need to make adequate provisions for a secure retirement.

H.R. 1377 will strengthen those efforts by requiring a national summit on retirement savings to be held at the White House, which will provide the impetus for a full-blown national discussion on retirement policies.

Again, I commend the gentleman from Illinois [Mr. FAWELL], and I commend the gentleman from New Jersey [Mr. PAYNE]. This is important legislation, and I encourage my colleagues to support it.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume to say that I would like to once again thank the chairman for this very important legislation.

As a whole, Americans are motivated to set aside for their retirement. However, they are uninformed and uneducated in many instances about their options. Furthermore, many Americans nearing retirement are worried about whether or not the benefits they have been promised will be there when they retire. Corporate mergers and downsizing to meet the bottom line by encouraging early retirement

among older workers may compromise the integrity of these promised benefits. This is especially true among minority and women workers. Improving awareness and education is a good first step in reconciling the need of social insurance, providing social protection with individual responsibility.

Again, I applaud the gentleman from Illinois [Mr. FAWELL] for his leadership on this issue, and I look forward to working with him to provide retirement security for all Americans and their families. I too would like to wish him well in his retirement from this House for much of the outstanding work that he has done, and I urge my colleagues to support H.R. 1377, Savings Are Vital to Everyone's Retirement Act.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAZIO). All time has expired.

The question is on the motion offered by the gentleman from Illinois [Mr. FAWELL] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1377.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the matter just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 104. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1502. An act entitled the "District of Columbia Student Opportunity Scholarship Act of 1997".

□ 2145

UNITED STATES FIRE ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1231) to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

The Clerk read as follows:

S. 1231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Fire Administration Authorization Act for Fiscal Years 1998 and 1999".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

"(G) $29,664,000 for the fiscal year ending September 30, 1998; and

"(H) $30,554,000 for the fiscal year ending September 30, 1999.".

SEC. 3. SUCCESSOR FIRE SAFETY STANDARDS.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(1) in section 29(a)(1), by inserting "or any successor standard to that standard" after "Association Standard 74";

(2) in section 29(a)(2), by inserting ", or any successor standard to that standard" before ", whichever is appropriate,";

(3) in section 29(b)(2), by inserting ", or any successor standard to that standard" after "Association Standard 13 or 13–R";

(4) in section 31(c)(2)(B)(i), by inserting "or any successor standard to that standard" after "Life Safety Code)"; and

(5) in section 31(c)(2)(B)(ii), by inserting "or any successor standard to that standard" after "Association Standard 101".

SEC. 4. TERMINATION OR PRIVATIZATION OF FUNCTIONS.

(a) IN GENERAL.—Not later than 60 days before the termination or transfer to a private sector person or entity of any significant function of the United States Fire Administration, as described in subsection (b), the Administrator of the United States Fire Administration shall transmit to Congress a report providing notice of that termination or transfer.

(b) COVERED TERMINATIONS AND TRANSFERS.—For purposes of subsection (a), a termination or transfer to a person or entity described in that subsection shall be considered to be a termination or transfer of a significant function of the United States Fire Administration if the termination or transfer—

(1) relates to a function of the Administration that requires the expenditure of more than 5 percent of the total amount of funds made available by appropriations to the Administration; or

(2) involves the termination of more than 5 percent of the employees of the Administration.

SEC. 5. NOTICE.

(a) MAJOR REORGANIZATION DEFINED.—With respect to the United States Fire Administration, the term "major reorganization" means any reorganization of the Administration that involves the reassignment of more than 25 percent of the employees of the Administration.

(b) NOTICE OF REPROGRAMMING.—If any funds appropriated pursuant to the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the Senate and the House of Representatives, notice of that action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(c) NOTICE OF REORGANIZATION.—Not later than 15 days before any major reorganization of any program, project, or activity of the United States Fire Administration, the Administrator of the United States Fire Administration shall provide notice to the Committees on Science and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

SEC. 6. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 rapidly approaching, it is the sense of Congress that the Administrator of the United States Fire Administration should—

(1) give high priority to correcting all 2-digit date-related problems in the computer systems of the United States Fire Administration to ensure that those systems continue to operate effectively in the year 2000 and in subsequent years;

(2) as soon as practicable after the date of enactment of this Act, assess the extent of the risk to the operations of the United States Fire Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving compliance for all of the mission-critical systems of the system by the year 2000; and

(3) develop contingency plans for those systems that the United States Fire Administration is unable to correct by the year 2000.

SEC. 7. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator, means the Administrator of the United States Fire Administration.

(2) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(3) SCHOOL.—The term "school" means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that the Administrator should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS—

(A) IN GENERAL—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall prepare and submit to the President a report that meets the requirements of this paragraph. The President shall submit that report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Administrator under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 8. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the United States Fire Administration (referred to in this section as the "Administrator") shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report that meets the requirements of this section.

(b) CONTENTS OF REPORT.—The report under this section shall—

(1) examine the risks to firefighters in suppressing fires caused by burning tires;

(2) address any risks that are uniquely attributable to fires described in paragraph (1), including any risks relating to—

(A) exposure to toxic substances (as that term is defined by the Administrator);

(B) personal protection;

(C) the duration of those fires; and

(D) site hazards associated with those fires;

(3) identify any special training that may be necessary for firefighters to suppress those fires; and

(4) assess how the training referred to in paragraph (3) may be provided by the United States Fire Administration.

The SPEAKER pro tempore (Mr. LAZIO of New York). Pursuant to the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Michigan [Mr. BARCIA] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1231.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate bill 1231, an act to authorize appropriations for the United States Fire Administration for the fiscal years 1998 and 1999, is nearly identical to H.R. 1272, a bill favorably reported by voice vote by the Committee on Science on April 16, 1997, and which was later passed by the full House by voice vote on April 23, 1997.

Senate bill 1231 is the result not only of a bipartisan effort, but also a bicameral effort to craft legislation that is in the national interest. This bill reauthorizes the programs and activities of the United States Fire Administration, a small but important organization within the Federal Emergency Management Agency.

The U.S. Fire Administration was created by Congress in 1974 in response to a report by the President's National Commission on Fire Prevention and Control entitled America Burning, which presented a dismal assessment of the Nation's fire problem. The report found that nearly 12,000 lives were lost to fire annually in this country. In addition, fire was found responsible for more than 300,000 injuries and over $3 billion of economic losses annually.

Congress reacted to the report by declaring a Federal role for reducing fire losses, and created the United States Fire Administration and the National Fire Academy. The U.S. Fire Administration provides vital assistance to the Nation's fire and emergency services communities which helps them to save lives and property. The Fire Administration is able to perform this service through four primary missions: First, fire service training; second, fire-related data collection and analysis; third, public education and awareness; and fourth, research and technology development.

The National Fire Academy provides management-level training and education to fire and emergency service personnel and fire protection and control activities. The Fire Academy, located in Emmitsburg, Maryland, trains tens of thousands of fire and emergency personnel a year through its on- and off-campus programs.

Annually during budget authorization hearings held by the Committee on Science, witnesses from the volunteer and paid fire services as well as emergency services have testified as to the important and indispensable role the U.S. Fire Administration and the National Fire Academy play in their ability to perform their job.

Senate 1231 establishes funding levels sufficient to preserve all the missions and functions of the Fire Administration and the Academy. Specifically, this bill authorizes just over $29.6 million for the Fire Administration's fiscal 1998 budget, and just over $30.5 million for fiscal year 1999. These Senate-approved authorization levels are slightly higher, $64,000 and $54,000 respectively, than the previously approved House authorizations.

I believe this 3-percent increase is justified and necessary in order to ensure that the agency can continue its current mission activities, as well as to perform a new and important counterterrorism training function. The Fire Administration's new mission, counterterrorism training for emergency response personnel, arose from the enactment of the Antiterrorism and Effective Death Penalty Act passed last year by Congress and signed by the President.

Counterterrorism training for first responders is an appropriate function of the Fire Administration, as it is frequently local fire and emergency departments who are first on the scene not only to battle fires, but also to react to acts of terrorism, such as the bombings in Oklahoma City and the World Trade Center in New York. In addition, counterterrorism training complements and supplements many of the traditional first responder training programs currently offered through the Academy.

The other sections of S. 1231 include, first, technical changes to fire protection standards; second, a provision requiring that the administrator inform Congress in advance of any effort to privatize or terminate agency activities; third, a requirement that reprogramming notices required by the Committee on Appropriations committees must also be provided to the authorizing committees; and fourth, a sense of Congress resolution emphasizing that planning should begin immediately to assess and correct any computer systems affected by the year 2000 date-related software problem; fifth, a provision allowing the Administrator to donate excess Federal computer equipment to schools; and sixth, a requirement that no later than 180 days after the enactment of this bill, the Fire Administration submit a report to Congress examining the risks faced by firefighters in suppressing tire fires. This report was also added by the Senate, and we agree as to its need.

Mr. Speaker, I applaud the efforts of the U.S. Fire Administration and the National Fire Academy, and I believe this bill is a reflection of strong bipartisan support for these agencies and will enable them to continue their missions and to accomplish their goals.

In closing, I want to thank the gentleman from New Mexico [Mr. SCHIFF], chairman of the subcommittee, and the gentleman from Michigan [Mr. BARCIA], the ranking member of the Subcommittee on Basic Research, for their hard work on this legislation, as well as the full committee's ranking member, the gentleman from California [Mr. BROWN].

Mr. Speaker, I reserve the balance of my time.

Mr. BARCIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I begin my remarks on Senate 1231, I want to say what a pleasure and privilege it has been to work with Chairman SENSENBRENNER and the acting subcommittee chairman, and I want to commend them for, again, their bipartisan effort at producing in the House version of this legislation what is a great step forward in terms of expanding the education for firefighters and first responders of emergency situations so we can best cope not only with those typical disasters that occur around the country, but also the new focus on counterterrorism and associated efforts to control that new threat to the Nation.

Mr. Speaker, I rise in support of S. 1231, which authorizes appropriations for the U.S. Fire Administration. This bill was developed in consultation with the Committee on Science and contains acceptable amendments to House Resolution 1272, the House-passed Fire Administration authorization bill.

The U.S. Fire Administration deserves the support of Congress because

its mission is important to the safety of every American, and because it is an agency widely acknowledged to be doing its job well. It was created, as the distinguished chairman just mentioned, by the Federal Fire Prevention and Control Act of 1974 in response to a growing awareness that the high loss of life and destruction of property due to fire was a national problem that could be ameliorated by focused and coordinated education, training, and research efforts.

During the past 25 years, significant progress has been made through programs of the Fire Administration to increase public awareness of fire safety measures, to improve the effectiveness of fire and emergency services, and to spur the wider use of home fire safety devices.

Much has been accomplished by the Fire Administration, but the record of fire death rates and property loss in the Nation reveals that much remains to be done. I believe this bill will give the Fire Administration the resources needed to allow it to continue to excel.

S. 1231 will not support just another bureaucratic program. The very small expenditure of funds provided by the Fire Administration will be used to improve the skills of firefighters and emergency response personnel, to increase public awareness of fire safety, and to improve the equipment available for suppressing fires and protecting firefighters.

In short, the program, sponsored by the Fire Administration, will increase the level of excellence of a national service that is critical to every one of us. The Fire Administration has long enjoyed the bipartisan support of Congress because of the recognition of its vital mission to increase public safety.

I would like to commend the majority members of the Committee on Science once again for working in a bipartisan way with the minority to develop the House companion bill to S. 1231. Mr. Speaker, I fully support S. 1231, and recommend the measure to the House for its favorable consideration.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAZIO of New York). The question is on the motion offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] that the House suspend the rules and pass the Senate bill, S. 1231.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

STANISLAUS COUNTY, CA, LAND CONVEYANCE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 112) to provide for the conveyance of certain property from the United States to Stanislaus County, California.

The Clerk read as follows:

H.R. 112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF PROPERTY.

As soon as practicable after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration (in this Act referred to as "NASA") shall convey to Stanislaus County, California, all right, title, and interest of the United States in and to the property described in section 2.

SEC. 2. PROPERTY DESCRIBED.

The property to be conveyed pursuant to section 1 is—

(1) the approximately 1528 acres of land in Stanislaus County, California, known as the NASA Ames Research Center, Crows Landing Facility (formerly known as the Naval Auxiliary Landing Field, Crows Landing);

(2) all improvements on the land described in paragraph (1); and

(3) any other Federal property that is—

(A) under the jurisdiction of NASA;

(B) located on the land described in paragraph (1); and

(C) designated by NASA to be transferred to Stanislaus County, California.

SEC. 3. TERMS.

(a) CONSIDERATION.—The conveyance required by section 1 shall be without consideration other than that required by this section.

(b) ENVIRONMENTAL REMEDIATION.—(1) Notwithstanding any other provision of law, the conveyance required by section 1 shall not relieve any Federal agency of any responsibility under law for any environmental remediation of soil, groundwater, or surface water.

(2) Any remediation of contamination, other than that described in paragraph (1), within or related to structures or fixtures on the property described in section 2 shall be subject to negotiation to the extent permitted by law.

(c) RETAINED RIGHT OF USE.—NASA shall retain the right to use for aviation activities, without consideration and on other terms and conditions mutually acceptable to NASA and Stanislaus County, California, the property described in section 2.

(d) RELINQUISHMENT OF LEGISLATIVE JURISDICTION.—NASA shall relinquish, to the State of California, legislative jurisdiction over the property conveyed pursuant to section 1—

(1) by filing a notice of relinquishment with the Governor of California, which shall take effect upon acceptance thereof; or

(2) in any other manner prescribed by the laws of California.

(e) ADDITIONAL TERMS.—The Administrator of NASA may negotiate additional terms to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Alabama [Mr. CRAMER] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 112.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the same version of this bill passed this House last year under suspension of the rules. H.R. 112 requires the Administrator of NASA to convey to Stanislaus County, California, the property known as the NASA Ames Research Center, Crows Landing Facility. Under this bill NASA shall retain the right to use this property for aviation activities.

In March of this year, NASA conducted a review of its field activities to identify potential closures which would reduce operational costs. As a result of this effort, NASA decided to cease operations at the NASA Crows Landing Facility in order to lower overhead burdens and eliminate operations costs.

This excess Federal property is ideal for use by Stanislaus County for economic development. It is a win-win arrangement for the Federal Government and the local government of California, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CRAMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also would like to rise in support of H.R. 112. I thank the chairman of the committee for making sure that this important piece of legislation made it to the floor here at the concluding hours.

This is a noncontroversial measure, as the chairman has indicated. It simply allows the Administrator of NASA to transfer this land to the Stanislaus County, California, government there. The land had been previously owned by the Navy and then transferred to NASA. NASA indicates that it has no further use for this particular parcel, except that it would like to reserve the right to use it for aviation purposes. H.R. 112 does allow the NASA Administrator to preserve that right, and as well, to review to see that there are any other interests that would be in the best interests of the government.

So I agree with the chairman, this is a win-win situation for the Federal Government, for the county government there in California, and I urge Members to suspend the rules and pass H.R. 112.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr.

SENSENBRENNER] that the House suspend the rules and pass the bill, H.R. 112.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 2200

AUBURN INDIAN RESTORATION AMENDMENT ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1805) to amend the Auburn Indian Restoration Act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and for other purposes.

The Clerk read as follows:

H.R. 1805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Auburn Indian Restoration Amendment Act".

SEC. 2. RESTRICTIONS ON GAMING.

Section 202 of the Auburn Indian Restoration Act (25 U.S.C. 1300l) is amended by adding at the end the following new subsection:

"(g) GAMING.—

"(1) Class II and class III gaming activities shall be lawful only on one parcel of land, which shall be taken into in trust for the Tribe pursuant to section 204(a)(1), but only if—

"(A) prior to the time such parcel is taken into trust, the Tribe and the local government of the political jurisdiction in which the parcel is located have entered into a compact as required by section 204(e);

"(B) the gaming facility and related infrastructure on such parcel of land are located at least 2 miles from any church, school, or residence which was constructed in a residential zone and which existed on the date of the introduction to the House of Representatives of the Auburn Indian Restoration Amendment Act (June 5, 1997);

"(C) such parcel of land is specifically taken into trust for class II and class III gaming activities; and

"(D) such parcel of land is not part of the land identified in section 204(b).

"(2) If the State of California finds that class III gaming activities have been established in violation of the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land held in trust for the Tribe, the State may institute an action in a court of competent jurisdiction for injunctive relief to enjoin all class II and class III gaming activities. If a court of competent jurisdiction determines, by a preponderance of the evidence, that Class III gaming activity has been established in violation of the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land held in trust for the Tribe, all Class II and Class III gaming activities shall be unlawful on land held in trust for the Tribe and any such activities may be enjoined by such court. The Tribe shall not raise sovereign immunity as a defense to any such action or to the enforcement or execution of a judgment resulting from such action.

"(3) Except as provided herein, nothing in this Act shall negate or diminish in any way the Tribe's obligation to comply with all provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).".

SEC. 3. RESTRICTIONS ON LAND TO BE HELD IN TRUST.

(a) LANDS TO BE TAKEN INTO TRUST.—Section 204(a) of the Auburn Indian Restoration Act (25 U.S.C. 1300l–2) is amended to read as follows:

"(a) LANDS TO BE TAKEN INTO TRUST.—(1) Upon request of the tribe, the Secretary shall accept forthwith for the benefit of the Tribe any real property located in Placer County, California, if—

"(A) the property is conveyed or otherwise transferred to the Secretary;

"(B) at the time of the conveyance or transfer pursuant to subparagraph (A), there are no adverse legal claims on such property, including outstanding liens, mortgages, or taxes owed; and

"(C) prior to the Secretary accepting the property the Tribe was in compliance with section 202(g)(1) and 202(g)(3), and subsections (d) and (e) of this section.

"(2) The Secretary may accept, subject to the provisions of this Act, any additional acreage in the Tribe's service area pursuant to the authority of the Secretary, for nongaming related activities or nonresidential purposes under the Act of June 18, 1934 (25 U.S.C. 461 et seq.), provided that the primary function of such additional acreage shall not be the furtherance of gaming activities.".

(b) USE OF LAND TAKEN INTO TRUST FOR NONGAMING PURPOSES.—Section 204 of the Auburn Indian Restoration Act (25 U.S.C. 1300l–2) is amended by adding at the end the following new subsections:

"(d) USE OF LAND TAKEN INTO TRUST FOR NONGAMING PURPOSES.—(1) A parcel of real property taken into trust for the Tribe pursuant to the provisions of section 204(a) (1) or (2), for purposes other than class II or class III gaming activities, may only be used and developed in a manner consistent with and in compliance with all general and community plans and zoning ordinances of the local government of the political jurisdiction in which the land to be taken into trust is located which are in effect at the time that the land is taken into trust, and any other provisions agreed to in the compact required by subsection (e).

"(2)(A) In addition to the former trust lands referred to in subsection (b), the Tribe may acquire one parcel of land for residential purposes pursuant to section 204 (a)(1) and (d)(1).

"(B) Any additional real property taken into trust for the Tribe for residential purposes pursuant to section 204 (a)(2) and (d)(1) shall be contiguous to the initial parcel.

"(C) Except as provided in subsection (b), the Secretary shall not take any real property into trust for residential purposes for individual members of the Tribe.

"(e) COMPACT REQUIRED.—(1) After the date of the enactment of the Auburn Indian Restoration Amendment Act, the Secretary shall not take any land into trust for the Tribe until the Tribe and the local government of the political jurisdiction in which the land to be taken into trust is located have entered into a written compact, which the parties shall negotiate in good faith and in a timely manner, and which shall include provisions relating to—

"(A) location and permissible use of the land to be taken into trust;

"(B) an agreed upon environmental study which provides for the mitigation of any environmental impacts of the proposed development and uses of the land to be taken into trust, and that any mitigation required shall be similar in scope and content to that which would be required of other non-tribal applicants in the local government of the political jurisdiction;

"(C) law enforcement jurisdictional responsibilities and other public services to be provided on the land, consistent with other Federal laws, including any reasonable compensation to the local government of the political jurisdiction for the services and impacts;

"(D) the impact of the removal of the land from the tax rolls;

"(E) building and design standards for any structures proposed to be built on the land, including provisions that such structures shall be built in accordance with standards similar in scope and content to those required of non-tribal applicants in the local jurisdiction; and

"(F) such additional matters as the parties may agree.

"(2) The local government of the political jurisdiction in which the land to be taken into trust is located shall—

"(A) provide notice of the Tribe's proposal and the terms of the local compact to the public, the State, and the governing bodies of any other local governments in Placer County, California;

"(B) provide the recipients of the notice given under subparagraph (A) with a period of 45 days in which to provide comments; and

"(C) take comments provided under subparagraph (B) into consideration and address them before entering into a local compact.

"(3) The Tribe and the local jurisdiction shall negotiate the compact required by this subsection in good faith.

"(f) BINDING ARBITRATION.—(1) If a dispute arises regarding—

"(A) the non-compliance of the Tribe or the local jurisdiction with subsection (e)(3);

"(B) the terms of a compact negotiated pursuant to subsection (e); or

"(C) the alleged violation of a compact negotiated pursuant to subsection (e), the Tribe or the local government of the political jurisdiction in which the real property relevant to the dispute is located may submit the dispute to binding arbitration under the United States Arbitration Act (9 U.S.C. 1 et seq.). The Tribe shall not raise sovereign immunity as a defense to arbitration or the enforcement of any arbitration award or any judgment based thereon, and all parties expressly agree to comply with such awards and judgments.

"(2) If the Tribe or the local government of the political jurisdiction in which the real property relevant to the dispute is located elects to submit a dispute to arbitration pursuant to paragraph (1), an arbitration board shall be established to conduct the arbitration and shall consist of—

"(A) one independent member selected by the Tribe;

"(B) one independent member selected by the local government of the political jurisdiction in which the land relevant to the dispute is located; and

"(C) one member selected by the members selected pursuant to subparagraphs (A) and (B). If the members selected pursuant to subparagraphs (A) and (B) are unable to agree upon a third member within 20 days after selection of the other members, the presiding judge of the Placer County Superior Court shall select the third member.

"(3) The costs of an arbitration proceeding under this subsection, not including attorneys' fees, shall be awarded to the prevailing

party in the arbitration as determined by the arbitration board.

"(4) The decision of the arbitration board shall be final and implemented subject only to judicial review as provided for in the United States Arbitration Act (9 U.S.C. 1 et seq.).

"(g) TERMS ENFORCEABLE.—The terms of subsections (d) and (e) are specifically enforceable in a court of competent jurisdiction by the Tribe and the local government of the political jurisdiction in which the land relevant to a dispute is located against the other. The Tribe shall not raise its sovereign immunity as a defense to such an action or the enforcement or execution of any judgment resulting from such action.".

SEC. 4. DEFINITIONS.

Section 208 of the Auburn Indian Restoration Act (25 U.S.C. 1300l–6) is amended by adding at the end the following new paragraphs:

"(8) The term 'class II gaming' has the meaning given that term in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

"(9) The term 'class III gaming' has the meaning given that term in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).".

The SPEAKER pro tempore (Mr. LAZIO of New York). Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1805, the proposed Auburn Indian Restoration Act, would impose various State and local limitations, zoning requirements, and restrictions on gaming activities of the United Auburn Indian Community. It would also impose certain restrictions on lands to be taken into trust for the community for gaming as well as nongaming purposes.

The chairperson of the United Auburn Indian Community, Jessica Tavers, in a letter to me dated September 15, 1997, stated that, "United Auburn Indian Community has thoroughly reviewed H.R. 1805 and wishes to inform the committee that we have no opposition to this bill. Indeed, we believe that the measure sets fair standards and a workable mechanism for the resolution of any differences between the tribe and Placer County, where the tribe resides."

I urge my colleagues, Mr. Speaker, to support this legislation. I move that the bill be passed.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 1805.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WATER-RELATED TECHNICAL CORRECTIONS ACT OF 1997

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2402) to make technical and clarifying amendments to improve the management of water-related facilities in the Western United States, as amended.

The Clerk read as follows:

H.R. 2402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water-Related Technical Corrections Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reduction of waiting period for obligation of funds provided under Reclamation Safety of Dams Act of 1978.
Sec. 3. Albuquerque Metropolitan Area Reclamation and Reuse Project.
Sec. 4. Phoenix Metropolitan Water Reclamation and Reuse Project.
Sec. 5. Refund of certain amounts received under Reclamation Reform Act of 1982.
Sec. 6. Extension of periods for repayments for Nueces River reclamation project and Canadian River reclamation project, Texas.
Sec. 7. Solano Project Water.
Sec. 8. Use of distribution system of Canadian River reclamation project, Texas, to transport nonproject water.
Sec. 9. Olivenhain Water Storage Project loan guarantee.
Sec. 10. Fish passage and protective facilities, Rogue River Basin, Oregon.

SEC. 2. REDUCTION OF WAITING PERIOD FOR OBLIGATION OF FUNDS PROVIDED UNDER RECLAMATION SAFETY OF DAMS ACT OF 1978.

Section 5 of the Reclamation Safety of Dams Act of 1978 (92 Stat. 2471; 43 U.S.C. 509) is amended by striking "sixty days" and all that follows through "day certain)" and inserting "30 calendar days".

SEC. 3. ALBUQUERQUE METROPOLITAN AREA RECLAMATION AND REUSE PROJECT.

Section 1621 of the Reclamation Projects Authorization and Adjustment Act of 1992, as added by section 2(a)(2) of the Reclamation Recycling and Water Conservation Act of 1996 (110 Stat. 3292; 43 U.S.C. 390h–12g), is amended—

(1) in the heading by striking "**STUDY**" and inserting "**PROJECT**"; and

(2) in subsection (a)—

(A) by inserting "the planning, design, and construction of" after "participate in";

(B) by striking "Study" and inserting "Project"; and

(C) by inserting "and nonpotable surface water" after "impaired groundwater".

SEC. 4. PHOENIX METROPOLITAN WATER RECLAMATION AND REUSE PROJECT.

Section 1608 of the Reclamation Projects Authorization and Adjustment Act of 1992 (106 Stat. 4666; 43 U.S.C. 390h–6) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The Secretary, in cooperation with the city of Phoenix, Arizona, shall participate in the planning, design, and construction of the Phoenix Metropolitan Water Reclamation and Reuse Project to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, groundwater recharge, and indirect potable reuse in the Phoenix metropolitan area.";

(2) in subsection (b) by striking the first sentence; and

(3) by striking subsection (c).

SEC. 5. REFUND OF CERTAIN AMOUNTS RECEIVED UNDER RECLAMATION REFORM ACT OF 1982.

(a) REFUND REQUIRED.—Subject to subsection (b) and the availability of appropriations, the Secretary of the Interior shall refund fully amounts received by the United States as collections under section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C. 390ww(i)) for paid bills (including interest collected) issued by the Secretary of the Interior before January 1, 1994, for full-cost charges that were assessed for failure to file certain certification forms under sections 206 and 224(c) of such Act (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)).

(b) ADMINISTRATIVE FEE.—In the case of a refund of amounts collected in connection with sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)) with respect to any water year after the 1987 water year, the amount refunded shall be reduced by an administrative fee of $260 for each occurrence.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000.

SEC. 6. EXTENSION OF PERIODS FOR REPAYMENTS FOR NUECES RIVER RECLAMATION PROJECT AND CANADIAN RIVER RECLAMATION PROJECT, TEXAS.

Section 2 of the Emergency Drought Relief Act of 1996 (Public Law 104–318; 110 Stat. 3862) is amended by adding at the end the following new subsection:

"(c) EXTENSION OF PERIODS FOR REPAYMENT.—Notwithstanding any provision of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.), the Secretary of the Interior—

"(1) shall extend the period for repayment by the City of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6–07–01–X0675, relating to the Nueces River reclamation project, Texas, until—

"(A) August 1, 2029, for repayment pursuant to the municipal and industrial water supply benefits portion of the contract; and

"(B) until August 1, 2044, for repayment pursuant to the fish and wildlife and recreation benefits portion of the contract; and

"(2) shall extend the period for repayment by the Canadian River Municipal Water Authority under contract No. 14–06–500–485, relating to the Canadian River reclamation project, Texas, until October 1, 2021.".

SEC. 7. SOLANO PROJECT WATER.

(a) AUTHORIZATION.—The Secretary of the Interior is authorized to enter into contracts with the Solano County Water Agency, or any of its member unit contractors for water from the Solano Project, California, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using any facilities associated with the Solano Project, California, and

(2) the exchange of water among Solano Project contractors, for the purposes set

forth in paragraph (1), using facilities associated with the Solano Project, California.

(b) LIMITATION.—The authorization under subsection (a) shall be limited to the use of that portion of the Solano Project facilities downstream of Mile 26 of the Putah South Canal (as that canal is depicted on the official maps of the Bureau of Reclamation), which is below the diversion points on the Putah South Canal utilized by the city of Fairfield for delivery of Solano Project water.

SEC. 8. USE OF DISTRIBUTION SYSTEM OF CANADIAN RIVER RECLAMATION PROJECT, TEXAS, TO TRANSPORT NONPROJECT WATER.

The Act of December 29, 1950 (chapter 1183; 43 U.S.C. 600b, 600c), authorizing construction, operation, and maintenance of the Canadian River reclamation project, Texas, is amended by adding at the end the following new section:

"SEC. 4. (a) The Secretary of the Interior shall allow use of the project distribution system (including all pipelines, aqueducts, pumping plants, and related facilities) for transport of water from the Canadian River Conjunctive Use Groundwater Project to municipalities that are receiving water from the project. Such use shall be subject only to such environmental review as is required under the Memorandum of Understanding, No. 97–AG–60–09340, between the Bureau of Reclamation and the Canadian River Municipal Water Authority, and a review and approval of the engineering design of the interconnection facilities to assure the continued integrity of the project. Such environmental review shall be completed within 90 days after the date of enactment of this section.

"(b) The Canadian River Municipal Water Authority shall bear the responsibility for all costs of construction, operation, and maintenance of the Canadian River Conjunctive Groundwater Project, and for costs incurred by the Secretary in conducting the environmental review of the project. The Secretary shall not assess any additional charges in connection with the Canadian River Conjunctive Use Groundwater Project.".

SEC. 9. OLIVENHAIN WATER STORAGE PROJECT LOAN GUARANTEE.

(a) LOAN GUARANTEE.—The Secretary of the Interior may guarantee a loan made to either the Olivenhain Municipal Water District (in this section referred to as the "District") or to a nongovernmental developer selected by the District, for building and financing the Olivenhain Water Storage Project in northern San Diego County, California. The amount of a loan guaranteed under this subsection may not exceed $70,000,000. Before making any such loan guarantee, the Secretary shall evaluate the design and justification for the proposed project. The Secretary may make such a loan guarantee only after the Secretary determines that the proposed project is economically feasible and the design for the proposed project is technically and environmentally adequate.

(b) INTEREST RATE.—Any loan guaranteed under subsection (a) shall bear interest at a rate agreed upon by the borrower and lender.

(c) OBLIGATION OF UNITED STATES.—Any loan guarantee under this section shall constitute an obligation, in accordance with the terms and conditions of such guarantee, of the United States Government, and the full faith and credit of the United States is hereby pledged to full performance of the obligation.

(d) SECURITY.—

(1) RESERVE FUND AND COMMITMENT OF DISTRICT REVENUES.—To ensure the repayment of any loan guaranteed under this section and as a condition of providing the guarantee, the Secretary of the Interior shall require that—

(A) the borrower establish and maintain, with a trustee designated by the Secretary, a reserve fund in the amount of 115 percent of the next year's principal and interest payments on the loan;

(B) the District agree to use its revenues to make all payments required under the terms of the loan prior to any payment by the United States under the guarantee, and to make those payments through the trustee designated under subparagraph (A); and

(C) the trustee designated under subparagraph (A) agree to use all amounts received for repayment of the loan to repay the loan.

(2) RESERVE FUND REQUIREMENTS.—The reserve fund under this subsection shall be established under terms that provide that—

(A) all moneys in the reserve fund shall constitute a trust fund for the repayment of the loan guaranteed under subsection (a); and

(B) the reserve fund shall be administered in accordance with and pursuant to provisions agreed upon by the borrower and lender for the loan guaranteed under subsection (a).

(3) PAYMENT OF LOAN AMOUNTS.—Proceeds from the loan guaranteed under subsection (a) shall—

(A) be deposited directly with the trustee designated by the Secretary of the Interior under paragraph (1)(A); and

(B) be disbursed by the trustee consistent with the terms of the loan.

(4) QUALIFICATIONS OF TRUSTEE.—Any trustee designated by the Secretary of the Interior under paragraph (1) must, at a minimum—

(A) be a trust company or a bank having the powers of a trust company;

(B) have a combined capital and surplus of at least $100,000,000; and

(C) be otherwise subject to supervision or examination by a Federal agency.

SEC. 10. FISH PASSAGE AND PROTECTIVE FACILITIES, ROGUE RIVER BASIN, OREGON.

The Secretary of the Interior is authorized to use otherwise available amounts to provide up to $2,000,000 in financial assistance to the Medford Irrigation District and the Rogue River Valley Irrigation District for the design and construction of fish passage and protective facilities at North Fork Little Butte Creek Diversion Dam and South Fork Little Butte Creek Diversion Dam in the Rogue River basin, Oregon, if the Secretary determines in writing that these facilities will enhance the fish recovery efforts currently underway at the Rogue River Basin Project, Oregon.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this legislation, the Water-Related Technical Corrections Act of 1997, and urge its adoption by the House of Representatives.

H.R. 2402 is a compilation of amendments to the Federal reclamation law designed to clarify authorities to the Bureau of Reclamation or existing provisions of law. This legislation was compiled after canvassing members of the Subcommittee on Water and Power of the Committee on Resources, members of the Western Water Caucus, and the Bureau of Reclamation about any such needed changes.

Let me stress that most of these provisions are being sought to enhance water management capabilities at locations in several different states, Such as Oregon, California, Arizona, New Mexico, and Texas.

I urge my colleagues to support this bill and move its adoption.

Mr. SMITH of Oregon. Mr. Speaker, I would like to thank the Chairman of the House Resources Subcommittee on Water and Power, Mr. DOOLITTLE, for his many efforts this year on behalf of Oregon farmers. For the past year, he was worked diligently to help further the cause of common-sense solutions to the complex water conflicts in the West. Today's bill exemplifies his commitment to advancing this cause. H.R. 2402, the Water-Related Technical Corrections Act, contains a provision for Oregon farmers that can only be described as a win-win. It helps farmers in southern Oregon by stabilizing their operations, protects endangered and threatened anadromous fish runs, and provides substantial benefits to the adjacent federal Bureau of Reclamation (the Bureau) project.

The bill will provide financial assistance to the Medford Irrigation District and Rogue River Valley Irrigation District (the Districts), both located in the Rogue River basin in southwest Oregon, for the construction of fish passage and protective facilities. Despite the Bureau's desire to assist in this effort, the Interior Solicitor's Office provided a legal opinion in August stating that the Bureau does not have Congressional authority to provide financial assistance to the Districts. Without the authority granted by H.R. 2402, the Bureau will be able to provide technical assistance for the engineering designs of the improvements, but will not be able to assist with the implementation of the needed facilities. Several weeks ago, I was contacted by the Bureau's Boise field office to assist in granting this authority. With the help of Chairman DOOLITTLE, we are accomplishing this objective today.

The North Fork Little Butte Creek Diversion Dam is located in the North Fork Little Butte Creek about one mile upstream from the confluence with the South Fork and diverts water to the Medford Main Canal. The South Fork Little Butte Creek Diversion Dam is located on the South Fork Little Butte Creek about one mile upstream from the confluence with the North Fork, and diverts water from the South Fork Little Butte Creek to the Medford Main Canal. North and South Fork Little Butte Creeks are notable for runs of summer and winter steelhead, spring chinook salmon, and coho salmon as well as native cutthroat and rainbow trout, and have been identified as critical spawning and rearing areas for coho salmon and steelhead.

Both diversion dams are jointly owned and operated by the Districts. Fish passage and protective facilities associated with both diversions are old, have deteriorated, and do not meet current requirements for fish passage as

established by the National Marine Fisheries Service. Since the Rogue River Basin Project (the Project), a Federal Reclamation project, is appurtenant to those diversion dams, providing this assistance will ensure that improvements already made at the Project will be fully realized.

Once again, I would like to thank Chairman DOOLITTLE for working to include this minor provision in H.R. 2402. It represents the type of assistance that the federal government ought to be providing to irrigation districts struggling to comply with new regulations that have been imposed upon them, and ensures that the public interest in protecting fish runs is fulfilled.

I urge my colleagues to support this common-sense legislation.

Mr. DOOLITTLE Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 2402, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the last two bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

JIMMY CARTER NATIONAL HISTORIC SITE ACQUISITION

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 669) to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

The Clerk read as follows:

S. 669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF PLAINS RAILROAD DEPOT.

Section 1(c)(2) of the Act entitled ''An Act to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes'', approved December 23, 1987 (16 U.S.C. 161 note; 101 Stat. 1435), is amended by striking '', the Plains Railroad Depot (described in subsection (b)(2)(B)),''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from Georgia [Mr. BISHOP] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 669, which provides for the acquisition of land under the Plains Railroad Depot at the Jimmy Carter National Historic Site in Georgia.

I commend my colleague, the gentleman from Georgia [Mr. BISHOP], for his introduction of H.R. 714, the companion bill of 669, in the House of Representatives.

S. 669 amends Section 1(c)(2), Public Law 100–206, the establishment act for the Jimmy Carter National Historic Site, to remove the restrictions that the Plains Railroad Depot be acquired only by donation for inclusion in the national historic site.

The bill is necessary to clear the title of the railroad right-of-way due to restrictions contained in the 1888 deed from Mr. M.L. Hudson, stipulating that if the railroad ceased operation of the rail line, the land would revert to his heirs. Since the establishment of the historic site in 1987, the National Park Service has spent over 10 years attempting to locate all of the heirs, without success.

This bill allows a friendly condemnation to clear title to the land. Once this action is finalized, the National Park Service will complete the development of this historic depot, which was the headquarters for former President Carter's 1976 Presidential campaign.

The Subcommittee on National Parks and Public Lands held hearings on this legislation, and there was unanimous support. Mr. Speaker, I urge support and passage of this legislation and urge my colleagues to pass S. 669.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask that my colleagues support S. 669, which would provide a legal fix needed by the Jimmy Carter National Historic Site in Plains, Georgia.

This Presidential site is located within my congressional district and enjoys bipartisan support. The bill is identical to H.R. 1714, a bill I introduced in the House. I would like to thank the Speaker, the majority leader, minority leader, Committee on Resources, and all of those responsible for helping to bring this bill to the floor today.

Public Law 100–206, which created the site at the old Plains Depot, requires that the Seaboard Railroad donated land under it. However, since Congress passed that law, it has been discovered that the CSX Railroad, which is the successor to the old Seaboard Railroad, does not have the legal capacity to donate the land under the depot, nor are there remaining heirs of the original land owners available to make the donation. With that being the case, the plan to work on the site cannot proceed.

Because of the confusion over identification of the heirs, the depot has not been developed to its full potential as an element of the historic site. For example, the small parking lot is muddy during the wet weather and dusty during the dry weather. The depot is currently served by a substandard septic tank because hookup with the town sewer system has not been possible without a clear title. As a result, the depot has been boarded up and unavailable for visitation despite the fact that, in 1990, close to 40,000 schoolchildren from across the country visited the depot.

This measure would amend the law to provide that the land under the depot can be acquired by purchase. This would be effected by the Park Service depositing the appraised value into a court escrow account so that if any heirs ever surfaced, they would receive just compensation.

The National Park Service, in its testimony to both the House and Senate Committees on Resources, testified that it supports this change, and the Congressional Budget Office reports that the budgetary impact of this legal fix is negligible. The Senate has acted favorably on this bill by unanimous consent. So I feel confident that swift action by the full House can help this change become law this year.

I would like to urge my colleagues to support this important bill, because this particular piece of property is a very, very important ingredient to the full development of the Carter Presidential site in Plains, Georgia.

Mr. HANSEN. Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DeFAZIO. Mr. Speaker, I think the gentleman from Utah [Mr. HANSEN] has meritorious suggestions before the House, and I would urge Members to support it.

But beyond that, at the moment, I would like to go to another issue which I will not be allowed to raise because of restricted rules of the House, and I would have raised it as a point of privilege to the honor and integrity of the House.

It came to my attention and the attention of a number of other Members that directly below this chamber, in H–137, for a number of days that private-interest lobbyists, paid registered lobbyists, have been conducting what is called the war room right here on Capitol grounds using taxpayer-funded phones, lights, facilities, a beautiful room, something not made available to people who are opposing fast track, but only to a group of industries who are supporting the fast track legislation. I believe that this demeans the integrity of the House.

A number of my colleagues intend to put this question to the Speaker. My understanding is that, because of restricted rules of the House, at the moment we cannot raise it as a privilege on the floor. But this is certainly something that the public and other Members should be aware of.

We do not normally make facilities available to private outside interests and or the National Association of Manufacturers, Boeing Company, and other large corporations, at taxpayer expense, to lobby on behalf of legislation right here in the Capitol right beneath us, absolutely prime real estate. I think it is outrageous. And I think that Members should raise this question with the Speaker privately if we are not allowed to do it publicly.

I thank the gentleman from Georgia [Mr. BISHOP] for yielding me the time, and I wish him luck with the bill.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP. Mr. Speaker, I too yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate bill, S. 669.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ARCHES NATIONAL PARK EXPANSION ACT OF 1997

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2283) to expand the boundaries of Arches National Park in the State of Utah to include portions of the following drainages, Salt Wash, Lost Spring Canyon, Fish Sheep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash, which are currently under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Sheep Draw, which is currently owned by the State of Utah, as amended.

The Clerk read as follows:

H.R. 2283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arches National Park Expansion Act of 1997".

SEC. 2. EXPANSION OF ARCHES NATIONAL PARK, UTAH.

(a) BOUNDARY EXPANSION.—Subsection (a) of the first section of Public Law 92–155 (16 U.S.C. 272; 85 Stat. 422) is amended as follows:

(1) By inserting after the first sentence the following new sentence: "Effective on the date of the enactment of the Arches National Park Expansion Act of 1997, the boundary of the park shall also include the area consisting of approximately 3,140 acres and known as the 'Lost Spring Canyon Addition', as depicted on the map entitled 'Boundary Map, Arches National park, Lost Spring Canyon Addition', numbered 138/60,000–B, and dated April 1997.".

(2) In the last sentence, by striking "Such map" and inserting "Such maps".

(b) INCLUSION OF LAND IN PARK.—Section 2 of Public Law 92–155 (16 U.S.C. 272a) is amended by adding at the end the following new sentences: "As soon as possible after the date of the enactment of the Arches National Park Expansion Act of 1997, the Secretary of the Interior shall transfer jurisdiction over the Federal lands contained in the Lost Spring Canyon Addition from the Bureau of Land Management to the National Park Service. The lands included in the park pursuant to the Arches National Park Expansion Act of 1997 shall be administered in accordance with the laws and regulations applicable to the park.".

(c) PROCTECTION OF EXISTING GRAZING PERMIT.—Section 3 of Public Law 92–155 (16 U.S.C. 272b) is amended as follows:

(1) By inserting "(a)" before "Where".

(2) By adding at the end the following new subsection:

"(b)(1) In the case of any grazing lease, permit, or license with respect to lands within the Lost Spring Canyon Addition that was issued before the date of the enactment of the Arches National Park Expansion Act of 1997, the Secretary of the Interior shall, subject to periodic renewal, continue such lease, permit, or license for a period of time equal to the lifetime of the permittee as of that date and any direct descendants of the permittee born before that date. Any such grazing lease, permit, or license shall be permanently retired at the end of such period. Pending the expiration of such period, the permittee (or a descendant of the permittee who holds the lease, permit, or license) shall be entitled to periodically renew the lease, permit, or license, subject to such limitations, conditions, or regulations as the Secretary may prescribe.

"(2) Any such grazing lease, permit, or license may be sold during the period specified in paragraph (1) only on the condition that the purchaser shall, immediately upon such acquisition, permanently retire such lease, permit, or license. Nothing in this subsection shall affect other provisions concerning leases, permits, or licenses under the Taylor Grazing Act.

"(3) Any portion of any grazing lease, permit, or license with respect to lands within the Lost Spring Canyon Addition shall be administered by the National Park Service.".

(d) WITHDRAWAL FROM MINERAL ENTRY AND LEASING; PIPELINE MANAGEMENT.—Section 5 of Public Law 92–155 (16 U.S.C. 272d) is amended by adding at the end the following new subsection:

"(c)(1) Subject to valid existing rights, Federal lands within the Lost Spring Canyon Addition are hereby appropriated and withdrawn from entry, location, selection, leasing, or other disposition under the public land laws, including the mineral leasing laws.

"(2) The inclusion of the Lost Spring Canyon Addition in the park shall not affect the operation or maintenance by the Northwest Pipeline Corporation (or its successors or assigns) of the natural gas pipeline and related facilities located in the Lost Spring Canyon Addition on the date of the enactment of the Arches National Park Expansion Act of 1997.".

(e) EFFECT ON SCHOOL TRUST LANDS.—

(1) FINDINGS.—The Congress finds the following:

(A) A parcel of State school trust lands, more specifically described as section 16, township 23 south, range 22 east, of the Salt Lake base and meridian, is partially contained within the Lost Spring Canyon Addition included within the boundaries of Arches National Park by the amendment by subsection (a).

(B) The parcel was originally granted to the State of Utah for the purpose of generating revenue for the public schools through the development of natural and other resources located on the parcel.

(C) It is in the interest of the State of Utah and the United States for the parcel to be exchanged for Federal lands of equivalent value outside the Lost Spring Canyon Addition, in order to permit Federal management of all lands within the Lost Spring Canyon Addition.

(2) LAND EXCHANGE.—Public Law 92–155 is amended by adding at the end the following new section:

"SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST LANDS.

"(a) EXCHANGE REQUIREMENTS.—If, not later than one year after the date of the enactment of the Arches National Park Expansion Act of 1997, and in accordance with this section, the State of Utah offers to transfer all right, title and interest of the State in and to the parcel of school trust lands described in subsection (b)(1) to the United States, the Secretary of the Interior shall accept the offer on behalf of the United States and, within 180 days after the date of such acceptance, transfer to the State of Utah all right, title and interest of the United States in and to the parcel of land described in subsection (b)(2). Title to the State lands shall be transferred at the same time as conveyance of title to the Federal lands by the Secretary of the Interior. The exchange of lands under this section shall be subject to valid existing rights, and each party shall succeed to the rights and obligations of the other party with respect to any lease, right-of-way, or permit encumbering the exchanged lands.

"(b) DESCRIPTION OF PARCELS.—

"(1) STATE CONVEYANCE.—The parcel of school trust lands to be conveyed by the State of Utah under subsection (a) is section 16, township 23 south, range 22 east of the Salt Lake base and meridian.

"(2) FEDERAL CONVEYANCE.—The parcel of Federal lands to be conveyed by the Secretary of the Interior consists of approximately 639 acres and is identified as lots 1 through 12 located in the S½N½ and the N½N½N½S½ of section 1, township 25 south, range 18 east, Salt Lake base and meridian.

"(3) EQUIVALENT VALUE.—The Federal lands described in paragraph (2) are of equivalent value to the State school trust lands described in paragraph (1).

"(c) MANAGEMENT BY STATE.—At least 60 days before undertaking or permitting any surface disturbing activities to occur on the lands acquired by the State under this section, the State shall consult with the Utah State Office of the Bureau of Land Management concerning the extent and impact of such activities on Federal lands and resources and conduct, in a manner consistent with Federal laws, inventory, mitigation, and management activities in connection with any archaeological, paleontological, and cultural resources located on the acquired lands. To the extent consistent with applicable law governing the use and disposition of State school trust lands, the State shall preserve existing grazing recreational, and wildlife uses of the acquired lands. Nothing in this subsection shall be construed to

preclude the State from authorizing or undertaking surface or mineral activities authorized by existing or future land management plans for the acquired lands.

"(d) IMPLEMENTATION.—Administrative actions necessary to implement the land exchange described in this section shall be completed within 180 days after the date of the enactment of the Arches National Park Expansion Act of 1997.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2283, the Arches National Park Expansion Act of 1997, which was introduced by my colleague, the gentleman from Utah [Mr. CANNON].

This worthwhile legislation would expand the boundaries of the park by approximately 3,140 acres, consisting primarily of public lands currently managed by the Bureau of Land Management. The expansion, known as the Lost Spring Canyon Addition, would follow canyons and rims and natural forms instead of section lines and other manmade features. This addition to the 73,400-acre Arches National Park adds additional concentrations of stone arches and numerous geologic features such as spires, pinnacles, pedestals, and balanced rocks.

Mr. Speaker, I commend my colleague, the gentleman from Utah [Mr. CANNON], for his work in developing a consensus on H.R. 2283 within the State of Utah, conservation organizations, the Congress, and the administration. I urge my colleagues to support this important legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. CANNON], the sponsor of the bill.

Mr. CANNON. Mr. Speaker, I am pleased today to rise as the sponsor of the Arches National Park Expansion Act of 1997. I represent Utah's Third Congressional District, a huge and incredibly scenic district that is nearly the size of Ohio.

One of the true gems of my district is the Arches National Park. Arches is world-renowned as the home of hundreds of spectacular stone arches created by wind and water erosion. This poster depicts one of those arches, Delicate Arch.

When Arches National Park was created, the park boundaries were drawn here in Washington using straight lines. But Mother Nature's creations are not linear. In the northeast corner of the park, the boundary was drawn through the middle of the arch through Lost Springs Canyon, leaving it half in the park and half outside. Currently, the Bureau of Land Management manages the upper half of this canyon, while the National Park Service manages the lower portion.

□ 2215

This bill will simply move the park boundary to the far edge of the canyon to include all of Lost Spring Canyon. By doing so, the park boundary will be redrawn where it should have been originally. In doing so, this bill adds approximately 3,140 acres to one of our most spectacular national parks. This is an area of hundred-foot canyon walls, gentle grass valleys and delicate sandstone arches. This common-sense boundary adjustment will bring at least 10 new arches under park protection. It will also have the side benefit of allowing the park to offer a backcountry experience, an aspect that is currently missing.

But this addition does not just make sense aesthetically. It also makes sense from a management standpoint. The proposed new boundary will put the National Park Service in charge of an area with clear geographic division, specifically the rim of a canyon. Visitors, park, and BLM employees will know where the park ends and BLM land begins.

Part of the proposed addition also includes a section of school trust land owned by Utah's school children. That section really should be part of Arches. My staff sat down with the Utah School Trust and the Bureau of Land Management to find a section of Federal land that could be traded for the school trust section. A section was identified, and a trade for that section is in the bill. I believe this is one of the key provisions of the measure. In Utah we have had a long history of our school children being forced to bear the burden of Federal land management decisions. In contrast, this bill protects both the land and Utah's school children.

We worked long to ensure that this bill had the input of all the different parties concerned with the park expansion. Comments were taken from elected officials, local citizens, interest groups, Government agencies, and a wide variety of groups who cherish this land. Their opinions were considered carefully during the drafting and redrafting of this bill. I feel strongly that this bill is a good balance of the competing interests.

I believe that is why 49 of my colleagues, Republicans and Democrats, have joined me on this measure. That is why the Utah School Trust, local officials and I believe a majority of the residents of Grand County favor this proposal. That is why both the Grand Canyon Trust and the National Parks and Conservation Association are on board, and that is why the National Park Service and the administration have indicated support. This is a pro-environment, pro-open process, pro-park vote and, most importantly, it is the right thing to do.

Mr. Speaker, I ask for an affirmative vote.

Mr. HANSEN. Mr. Speaker, I submit for the CONGRESSIONAL RECORD the attached language that clarifies the operation and maintenance of the existing natural gas pipeline in Arches National Park and the proposed Lost Spring Canyon addition to the park.

This language has been agreed to by the majority and minority staffs of the National Parks and Public Lands Subcommittee, the sponsor of the bill, Mr. CANNON, the National Park Service, and the operator of the pipeline.

Section 2(d)(2) provides that the natural gas pipeline currently located within the boundary of Arches National Park, and that is located in the Lost Spring Canyon addition to the park, can continue to be operated and maintained in a manner necessary to achieve compliance with Federal pipeline safety regulations.

This language does not give the operator of the pipeline authority to expand the pipeline's current capacity, replace the pipeline, or construct new facilities. Section 2(d)(2) simply recognizes that the operator is bound by the Federal pipeline safety law and implementing regulations to maintain certain safety standards. The committee believes the operator should not be forced into a position where the operator is in violation of those requirements and where the safe operation of the pipeline is jeopardized.

For example, safety regulations require that pipeline operators maintain certain levels of cathodic protection along pipelines to protect against corrosion. Cathodic protection involves the creation of a small electrical current along the pipe to counter the current that naturally occurs between the pipe and the soil. By neutralizing this natural current, corrosion of the pipe is avoided. The committee understands that the pipeline operator now maintains a cathodic protection facility in the Lost Spring Canyon addition to the park. This language insures that such facility could continue to operate if retaining a facility in this area is necessary to achieve the levels of cathodic protection required by Federal regulation.

The committee understands that the National Park Service periodically renews the permit governing the operation of the pipeline located within the park. This language in no way is intended to interfere with the National Park Service's ability to require operation of the pipeline in a manner that minimizes its impact on the park. Again, the language is intended to ensure that the pipeline operator is not forced to operate the pipeline in a manner that is unsafe and inconsistent with Federal law and regulations governing safety.

Mr. COOK. Mr. Speaker, I rise in support of H.R. 2283, the Arches National Park Expansion Act. This bill simply expands the existing national park by 3,140 acres to include scenic wonders that were left out when the park boundaries were drawn 25 years ago. These sites belong in the park and should have been included the first time around. Let me give you an example: Lost Spring Canyon is a spectacular canyon. Nature has carved at least 10 arches in the walls of this dramatic canyon. Yet, only a small portion of the canyon is part of the Arches National Park. The rest was cut out because park boundaries were drawn along sectional lines. This bill now brings the entire canyon into the park.

This is an inexpensive, practical move that has the broad support of the people in my district and my State. I urge the passage of H.R. 2283. Thank you. I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALLAHAN). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 2283, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to expand the boundaries of Arches National Park in the State of Utah to include portions of the following drainages: Salt Wash, Lost Spring Canyon, Fish Seep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash, which are currently under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw, which is currently owned by the State of Utah.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the two bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

TRIBUTE TO HONORABLE THOMAS M. FOGLIETTA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, there will be some debate on the floor about the gentleman from Pennsylvania [Mr. FOGLIETTA] who has been named ambassador to Italy. I just wanted to take this time this evening in the event that I am not here on the floor when that tribute is made that I want to really salute our colleague for that tremendous achievement. He started out in Philadelphia as the youngest city councilman ever elected. He worked tirelessly for his constituents. I know that the gentleman in the chair has served with him for years in the Committee on Appropriations. He was always fair. While we wait here for the next legislation, I think it is absolutely proper and fitting to pay tribute. I just wanted to put my little two cents in and thank the gentleman from Pennsylvania for the great job he has done for the country, for his constituents and all the help he has given me and my constituents.

JAMES L. FOREMAN U.S. COURTHOUSE

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1502) to designate the U.S. Courthouse located at 301 West Main Street in Benton, IL, as the "James L. Foreman United States Courthouse".

The Clerk read as follows:

H.R. 1502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Courthouse located at 301 West Main Street in Benton, Illinois, shall be known and designated as the "James L. Foreman United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "James L. Foreman United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume. H.R. 1502 designates the United States courthouse located in Benton, Illinois as the James L. Foreman United States Courthouse.

Judge Foreman was appointed to the Federal bench in 1972 and became Chief Judge in 1978, continuing in this position until 1992, when he assumed senior status. As Chief Judge, Judge Foreman initiated the efforts to redesignate the judicial districts for the State of Illinois. Judge Foreman also was instrumental in instituting a formal case management system for the Federal courts and establishing court facilities at the United States Penitentiary in Marion, Illinois.

Additionally, Judge Foreman served on the Judicial Resource Committee of the Judicial Conference of the United States. On several occasions he has been appointed to sit by designation in cases before the United States Court of Appeals for the Seventh Circuit and in the United States District Court for the Western District of Kentucky.

Judge Foreman has served with honor and distinction during his tenure on the Federal bench, and this is a fitting tribute for his service. I support the bill and urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the hardworking gentleman from Illinois [Mr. POSHARD], the sponsor of this bill.

Mr. POSHARD. Mr. Speaker, I thank the gentleman for yielding me this time. As the sponsor of H.R. 1502, I appreciate the opportunity to pass this legislation today before the end of the session. This bill will designate the United States courthouse located in Benton, Illinois as the James L. Foreman United States Courthouse.

I introduced identical legislation in both the 103rd and 104th Congresses and am pleased to note that they easily passed the House both times. Unfortunately, in both cases the Senate adjourned before the bills were brought before the Senate for consideration.

Benton, a southern Illinois town in Franklin County, was once a member of the Eastern Judicial District of Illinois. This district covered a large area ranging from the outskirts of Chicago south to Champagne-Urbana and covered the entire southern section of the State.

Today Franklin County is one of 38 southern Illinois counties located in the renamed Southern District. The boundaries of this district were reviewed and adjusted at Judge Foreman's suggestion. Judge Foreman has had an outstanding career of service on the Federal bench. Appointed in 1972 after serving as an assistant attorney general for Illinois and Massac County state's attorney during the early 1960s, his hard work and dedication did not go unnoticed. He was appointed Chief Judge in 1978 and continued in this position until 1992, when he was promoted to a senior district judge position.

Long before formal case management systems were mandated for Federal courts, Judge Foreman instituted such a system in the Southern Illinois District. Judge Foreman was also instrumental in establishing court facilities at the maximum security United States Penitentiary in Marion, Illinois to accommodate the community's special security concerns with the prisoners there.

Judge Foreman's honored and distinctive term of service on the Federal bench accompanies his work with the Judicial Resource Committee of the Judicial Conference of the United States, the United States Court of Appeals for the Seventh District Circuit, and the U.S. District Court for the Western District of Kentucky, as proof of his outstanding character and dedication to this great Nation. I believe it would be most appropriate to recognize Judge Foreman's many contributions by naming the courthouse in Benton, Illinois after him.

Mr. Speaker, I am proud to represent Judge Foreman and the citizens of his judicial district. I urge all the Members of the 105th Congress to join me in commending his outstanding record of service to our country and to pass this bill.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume. I want to join with the gentleman from Illinois [Mr. POSHARD], the gentleman from Tennessee [Mr. DUNCAN], and the gentleman from California [Mr. KIM] in supporting this bill to designate the courthouse in Benton, Illinois as the James L. Foreman United States Courthouse. In addition to all that has been said, Judge Foreman is best known perhaps for his diligence in instituting a formal case management system long before that concept was ever mandated for all of our Federal courts. He will be remembered for that innovative and decisive action. It is absolutely fitting and proper that we honor Judge Foreman with this designation. I again want to thank the gentleman from Illinois [Mr. POSHARD], who has worked hard to salute the fine judge that we honor here this evening.

Mr. OBERSTAR. Mr. Speaker, I join with Mr. POSHARD, sponsor of H.R. 1502, in honoring Judge James L. Foreman. H.R. 1502 would designate the United States Courthouse located at 301 West Main St., Benton, Illinois as the James L. Foreman United States Courthouse.

Judge Foreman has enjoyed an outstanding career on the Federal bench. During the early years of his career he served as the Massac County State's attorney from 1960 to 1964. In 1972, he was appointed to the Federal bench after serving as the assistant attorney general for the State of Illinois. From 1978 to 1992 he served as the chief judge and in 1992 he took senior status.

Judge Foreman was instrumental in instituting formal case management long before it became mandatory in the Federal system. His service to the legal community is marked with diligence, honor and distinction.

It is fitting and proper to honor Judge Foreman with this designation.

Mr. TRAFICANT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 1502.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1502.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 AMENDMENT

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1258) to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

The Clerk read as follows:

S. 1258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.

Title I of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) is amended by adding at the end the following:

"SEC, 104. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.

"(a) IN GENERAL.—Except as provided in subsection (c), a displaced person shall not be eligible to receive relocation payments or nay other assistance under this Act if the displaced person is an alien not lawfully present in the United States.

"(b) DETERMINATIONS OF ELIGIBILITY.—

"(1) PROMULGATION OF REGULATIONS.—Not later than 1 year after the date of enactment of this section, after providing notice and an opportunity for public comment, the head of the lead agency shall promulgate regulations to carry out subsection (a).

"(2) CONTENTS OF REGULATIONS.—Regulations promulgated under paragraph (1) shall—

"(A) prescribe the process, procedures, and information that a displacing agency must use in determining whether a displaced person is an alien not lawfully present in the Untied States;

"(B) prohibit a displacing agency from discriminating, against any displaced person;

"(C) ensure that each eligibility determination is fair and based on reliable information; and

"(D) prescribe standards for a displacing agency to apply in making determinations relating to exceptional and extremely unusual hardship under subsection (c).

"(c) EXCEPTIONAL AND EXTREMELY UNUSUAL HARDSHIP.—If a displacing agency determines by clear and convincing evidence that a determination of the ineligibility of a displaced person under subsection (a) would result in exceptional and extremely unusual hardship to an individual who is the displaced person's spouse, parent, or child and who is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States, the displacing agency shall provide relocation payments and other assistance to the displaced person under this Act if the displaced person would be eligible for the assistance but for subsection (a).

"(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section affects any right available to a displaced person under any other provision of Federal or State law.".

SEC. 2. DUTIES OF LEAD AGENCY.

Section 213(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633(a)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (4), (5), and (6), respectively; and (2) by inserting after paragraph (1) the following:

"(2) provide, in consultation with the Attorney General (acting through the Commissioner of the Immigration and Naturalization Service), through training and technical assistance activities for displacing agencies, information developed with the Attorney General (acting through the Commissioner on proper implementation of section 104;

"(3) ensure that displacing agencies implement section 104 fairly and without discrimination in accordance with section 104(b)(2)(B);".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

□ 2230

Mr. Speaker, today we bring to the floor S. 1258, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act to prohibit an illegal alien unlawfully present in the United States from receiving assistance under the act.

Earlier this year the House passed a virtually identical bill, H.R. 849, originally introduced by the gentleman from California [Mr. PACKARD].

When House Resolution 849 was last before this body, on the corrections calendar it passed by a vote 399 to 0, an overwhelming indication of House Resolution 849's bipartisan appeal.

S. 1258 and H.R. 849 plugs a loophole left open in last year's immigration reform bill by amending the Uniform Relocation Assistance Act to prohibit illegal aliens from receiving relocation assistance. Acting at the request of the administration, the Senate bill extends the time which the Department of Transportation will have to write the implementing regulation from 6 months to 1 year. I recommend to my colleagues we accommodate the administration on this issue.

I want to once again thank the gentleman from Minnesota [Mr. OBERSTAR] and their staff for the cooperative way in which they have worked with us to prepare this bill for final consideration today. I want to also thank the gentleman from California [Mr. PACKARD] for sponsoring his legislation and bringing this important issue to the House's attention today. This is a good simple bipartisan bill that plugs a loophole in immigration law. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the only substantive difference between the Senate bill and

H.R. 849 is the time period the Department of Transportation will have to develop the regulations that prescribe the processes, the procedures and the information a displacing agency must use to determine whether a displaced person is ineligible for assistance because of immigration status. The House bill provided 6 months; the Senate bill provides 1 year. These regulations will, in large part, determine whether this policy change is implemented fairly, that is all displaced persons must demonstrate the immigration status, or whether we are creating a new tool to, in fact, discriminate.

The administration believes it needs a full year, the Senate responded to those concerns, and I am satisfied with changing the time period for the rulemaking involved and also the fact I want to thank the gentleman from California [Mr. KIM], the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from California [Mr. PACKARD] for agreeing for key safeguards the Democrats insisted must accompany the policy that illegal immigrants will not be eligible for assistance under this act.

So with that again I thank the gentleman from California [Mr. PACKARD] for his timely work on this issue. Having no other requests for time, I urge an aye vote.

Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALLAHAN). All time has expired.

The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the Senate bill, S. 1258.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on S. 1258.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CITY OF CLEVELAND, OHIO, LAND TRANSFER

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1347) to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city.

The Clerk read as follows:

S. 1347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For purposes of this section, the term "fair market value" shall have the meaning provided that term by the Secretary of Transportation, by regulation.

SEC. 2. AUTHORITY TO GRANT WAIVERS.

(a) IN GENERAL.—Notwithstanding any other provision of law and subject to section 47153 of title 49, United States Code, and section 3, the Secretary of Transportation may waive any of the terms contained in the deed of conveyance described in subsection (b).

(b) DEED OF CONVEYANCE.—The deed of conveyance described in this subsection is the deed of conveyance issued by the United States and dated January 10, 1967, for the conveyance of lands to the city of Cleveland, Ohio, for use by the city for airport purposes.

SEC. 3. CONDITIONS.

(a) FAIR MARKET VALUE OR EQUIVALENT BENEFIT.—As a condition to receiving a waiver under this section, the city of Cleveland, Ohio, may convey an interest in the lands described in section 2(b) only if the city receives, in exchange for the interest—

(1) an amount equal to the fair market value of the interest; or

(2) an equivalent benefit.

(b) Use of Amounts or Equivalent Benefits.—Any amount or equivalent benefit that is received by the city of Cleveland shall be used by the city for—

(1) the development, improvement, operation or maintenance of a public airport; or

(2) lands (including any improvements to those lands) that produce revenues that are used for airport development purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation. S. 1347 simply expedites the conveyance of land from Cleveland Hopkins International Airport to the city of Brook Park, OH. The Cleveland Airport has a major capacity expansion program that includes the construction of a new runway and the extension of an existing runway. It is my understanding that this important project is the result of many years of negotiations between the cities of Cleveland and Brook Park. This project cannot go forward unless the current deed restrictions are waived.

Mr. Speaker, this legislation will ensure that the city of Cleveland shall receive fair market value for this parcel, and the city will be required to use any and all of the funds for the development, improvement of operations or maintenance of the Cleveland Airport.

I want to commend the gentleman from Ohio [Mr. LATOURETTE] for his leadership and strong support for this legislation and his willingness to answer the call of his constituents on this very important matter.

Mr. Speaker, I urge all of my colleagues to support S. 1347.

Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of S. 1347, a bill which would remove a deed restriction and permit land to be transferred from Cleveland Hopkins International Airport to the city of Brook Park, OH.

For several years the cities of Brook Park and Cleveland have been trying to reach agreement on an airport project which necessities the transfer of land between the two cities. An agreement has now been reached. Eighty-five acres of land currently belonging to the airport will be transferred to Brook Park in exchange for approximately 300 acres which are needed for the runway project.

This legislation is not controversial. It is supported by both local Congressmen, the gentleman from Ohio [Mr. LATOURETTE] and the gentleman from Ohio [Mr. KUCINICH]. The administration does not object. It has already passed the Senate. Economic development in the Cleveland area will benefit from the passage of this legislation. I urge my colleagues to join me in passing S. 1347.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Tennessee [Mr. DUNCAN] for not only his leadership, but for making sure that this bill expeditiously gets to the floor.

Mr. Speaker, the purpose of this legislation is to provide authority to the Secretary of Transportation to waive a deed restriction on the parcel of land currently under the ownership of the city of Cleveland for aviation purposes. Since 1970, Congress has granted this authority to the Secretary; however, the parcel in question was deeded by the Federal Government to the city of Cleveland in 1967 and is currently restrained by a reverter clause.

This noncontroversial conveyance of the land from the city of Cleveland to the city of Brook Park is critical to the expansion plans for Cleveland Hopkins Airport. It is supported by the Federal Aviation Administration given its importance for public aviation purposes.

I have been honored to have the assistance of my colleague from Cleveland, OH [Mr. KUCINICH]. He represents this portion of the city of Cleveland, and I represent the city of Brook Park, and he cosponsored the House companion language to S. 1347. We also are thankful to our senior Senator from the State of the Ohio for moving this bill through the Senate. The bill enjoys bipartisan support from the leadership of the House Committee on Transportation and Infrastructure.

Mr. Speaker, Congress has a history of enacting specific provisions that

allow the Secretary to waive reverters and other deed restrictions for deeds preceding 1970. I would appreciate the support of the House to support this technical correction for public aviation purposes.

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Cleveland, OH [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, I first want to begin by thanking the gentleman from Tennessee [Mr. DUNCAN] for his leadership and for his help in moving this along. Certainly that could not have been done without his help and with the help of my good friend the gentleman from Ohio [Mr. LATOURETTE] with whom we share this project.

The gentleman from Ohio [Mr. LATOURETTE] has made sure that all the things that needed to be done to get this through the legislative process have been accomplished and really deserves a lot of credit for his assistance.

I also want to thank my good friend the gentleman from Illinois [Mr. LIPINSKI] for his efforts and for his willingness to be here to help us move this legislation. I appreciate his help in this, and it is gratefully appreciated, the guidance that he has given us as to how we could achieve this moment.

The gentleman from Illinois [Mr. LIPINSKI] and the gentleman from Ohio [Mr. LATOURETTE] both know the help that we got from Senator GLENN on this as well.

This particular bill will assist and improve airport transportation not only in the city of Cleveland, but throughout this country. It has the strong support of Cleveland's business community, which has worked for years to try to achieve this agreement between Brook Park and Cleveland, which can now be consummated through the approval of this legislation.

I appreciate the support, the bipartisan support, which brought us to this moment. I appreciate the support of the Congress on this bill.

Mr. LIPINSKI. Mr. Speaker, I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the Senate bill, S. 1347.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. LATOURETTE. Mr. Speaker, I wish to announce the following suspensions for the 1-hour notice requirement: H.R. 2977, S. 1378, S. Con. Res. 61, S. Con. Res. 62, S. Con. Res. 63, H.R. 2979, H.R. 764, H.R. 2440, H.J. Res. 95, H.J. Res. 96, S. 1079 and H.R. 1604.

CLARIFICATIONS TO PILOT RECORDS IMPROVEMENT ACT OF 1996

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2626) to make clarifications to the Pilot Records Improvement Act of 1996, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECORDS OF EMPLOYMENT OF PILOT APPLICATIONS.

Section 44936(f) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking "Before hiring an individual" and inserting "Subject to paragraph (14), before allowing an individual to begin service"; (2) in paragraph (1)(B) by inserting "as a pilot of a civil or public aircraft" before "at any time"; (3) in paragraph (4)—

(A) by inserting "and air carriers" after "Administrator"; and

(B) by striking "paragraph (1)(A)" and inserting "paragraphs (1)(A) and (1)(B)";

(4) in paragraph (5) by striking "this paragraph" and inserting "this subsection";

(5) in paragraph (10)—

(A) by inserting "who is or has been" before "employed"; and

(B) by inserting ", but not later than 30 days after the date" after "reasonable time"; and (6) by adding at the end the following:

"(14) SPECIAL RULES WITH RESPECT TO CERTAIN PILOTS.—

"(A) PILOTS OF CERTAIN SMALL AIRCRAFT.—Notwithstanding paragraph (1), an air carrier, before receiving information requested about an individual under paragraph (1), may allow the individual to begin service for a period not to exceed 90 days as a pilot of an aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less, or a helicopter, on a flight that is not a scheduled operation (as defined in such section). Before the end of the 90-day period, the air carrier shall obtain and evaluate such information. The contract between the carrier and the individual shall contain a term that provides that the continuation of the individual's employment, after the last day of the 90-day period, depends on a satisfactory evaluation.

"(B) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier, without obtaining information about an individual under paragraph (1)(B) from an air carrier or other person that no longer exists, may allow the individual to begin service as a pilot if the air carrier required to request the information has made a documented good faith attempt to obtain such information.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2626, as amended, was approved by the Subcommittee on Aviation on October 23 and by the full Committee on Transportation and Infrastructure on October 29. This bill was introduced on October 7 by myself; the chairman of the full Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER]; the ranking member of the full committee, the gentleman from Minnesota [Mr. OBERSTAR]; and the ranking member of the Subcommittee on Aviation, the gentleman from Illinois [Mr. LIPINSKI]. We also have many additional cosponsors representing all areas of the country.

Last year this subcommittee and the Congress passed legislation, H.R. 3536, requiring airlines to check a pilot's performance records before hiring them. In fact, the House approved the bill by a vote of 401 to 0. This legislation followed seven fatal accidents involving commuter airlines in which pilot error was to blame. The pilot had a record of poor performance at his previous employer, and the record of that poor performance was not checked before the airline hired him.

The Subcommittee on Aviation held 2 days of hearings on this subject in December 1995 before passing H.R. 3536 in July of last year. H.R. 3556 was eventually incorporated into the FAA Reauthorization Act, which the President signed in October of last year. This law currently requires airlines and the FAA to share a pilot's performance record with the prospective employer within 30 days of a request from that employer.

The problem is that the FAA is not meeting the 30-day deadline. This creates problems for many small aviation businesses that need to hire pilots quickly. In fact, I have heard from several of these small businesses from all across the Nation. As a result, H.R. 2626 was introduced with bipartisan support, as I have previously mentioned.

The bill would first allow all airlines to hire and train pilots, but not actually fly passengers while waiting to receive the pilot's records; and, secondly, allow small air taxis, those that one

can charter, but that do not fly scheduled service, to hire and train and also to fly passengers for 90 days while waiting to receive the pilot's records.

□ 2245

Finally, Mr. Speaker, H.R. 2626, as amended, would also require an airline to provide a pilot with his or her records as requested within 30 days. This was based on a recommendation from the Air Line Pilots Association and is consistent with other sections of the law.

H.R. 2626 is a good bill, a bipartisan bill, and enjoys support from all sectors of the aviation industry. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2626, a bill making clarifications to the Pilots Records Improvement Act. The act, which was passed last year, required airlines hiring pilots to obtain pertinent safety information from the Federal Aviation Administration, the National Drivers Registry, and former airline employers. Ensuring that potential employers had access to this type of information enhanced safety and that airlines could make more informed hiring decisions.

The modifications contained in this bill clarify certain provisions in last year's legislation. In addition, it permits carriers to hire and train pilots prior to receiving records but would still require that they could not operate commercial flights until the records were received and reviewed. The House passed a version of this bill last year that contained this provision, but it was modified in conference.

Finally, it recognizes that air taxis are a unique segment of the aviation industry and one that has been disproportionately impacted by last year's legislation. Typically air taxis are small businesses. Although there is a legislative requirement that a requesting carrier be forwarded pertinent records within 30 days, we recognize that this is frequently not happening. Carriers sometimes wait for several months before receiving requested records.

This delay, while troubling, is not a significant problem for major carriers with a large pilot work force. However, when a single pilot represents 20 to 25 percent of the work force, the company's finances are severely affected. While I do not condone the failure of various entities to comply with the statutory requirement to provide pilot records within 30 days, I recognize that this failure threatens to put many air taxis out of business.

Consequently, this bill would allow air taxis to permit pilots to begin to fly commercial operations for up to 90 days while waiting for required records. I believe the provision's limited applicability does not undermine the intent of the original legislation.

I urge the FAA to enforce this existing requirement that records be provided within 30 days and take whatever enforcement action may be necessary to ensure that records are forwarded within this time frame.

Mr. Speaker, both last year's legislation on this matter and the bill before us today have broad bipartisan support. I commend the gentleman from Tennessee, [Mr. DUNCAN], for his leadership on this bill. The bipartisan manner in which he guides the subcommittee strongly enhances our ability to improve aviation safety. I also recognize the help and support of the chairman and ranking member of the committee, the gentleman from Pennsylvania [Chairman SHUSTER], and the gentleman from Minnesota, the ranking member [Mr. OBERSTAR]. I urge my colleagues to join me in supporting this important legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I would simply at this point like to thank the gentleman from Illinois [Mr. LIPINSKI] for the cooperation and the friendship and the bipartisan way in which he has conducted all of his activities and has represented his side on all aviation matters. I have been told by several people that he and I have about the best relationship of any chairman and ranking Member in the Congress. I do not know whether that is true or not, but if it is not true, it is close anyway. I just wanted to say that for the record.

Mr. Speaker, I have no further speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 2626, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2626, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT OF BILL TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. DUNCAN. Mr. Speaker, I would like at this time to announce the following additional suspension: H.R. 765.

FOREIGN AIRLINES FAMILY ASSISTANCE ACT

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2476) to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers, as amended.

The Clerk read as follows:

H.R. 2476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN FOREIGN AIR CARRIER ACCIDENTS.

(a) IN GENERAL.—Chapter 413 of title 49, United States Code, is amended by adding at the end the following:

"§ 41313. Plans to address needs of families of passengers involved in foreign air carrier accidents

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) AIRCRAFT ACCIDENT.—The term 'aircraft accident' means any aviation disaster, regardless of its cause or suspected cause, that occurs within the United States; and

"(2) PASSENGER.—The term 'passenger' includes an employee of a foreign air carrier or air carrier aboard an aircraft.

"(b) SUBMISSION OF PLANS.—A foreign air carrier providing foreign air transportation under this chapter shall transmit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life.

"(c) CONTENTS OF PLANS.—To the extent permitted by foreign law which was in effect on the date of the enactment of this section, a plan submitted by a foreign air carrier under subsection (b) shall include the following:

"(1) TELEPHONE NUMBER.—A plan for publicizing a reliable, toll-free telephone number and staff to take calls to such number from families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life.

"(2) NOTIFICATION OF FAMILIES.—A process for notifying, in person to the extent practicable, the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life before providing any public notice of the names of such passengers. Such notice shall be provided by using the services of—

"(A) the organization designated for the accident under section 1136(a)(2); or

"(B) other suitably trained individuals.

"(3) NOTICE PROVIDED AS SOON AS POSSIBLE.—An assurance that the notice required by paragraph (2) shall be provided as

soon as practicable after the foreign air carrier has verified the identity of a passenger on the foreign aircraft, whether or not the names of all the passengers have been verified.

"(4) LIST OF PASSENGERS.—An assurance that the foreign air carrier shall provide, immediately upon request, and update a list (based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), to—

"(A) the director of family support services designated for the accident under section 1136(a)(1); and

"(B) the organization designated for the accident under section 1136(a)(2).

"(5) CONSULTATION REGARDING DISPOSITION OF REMAINS AND EFFECTS.—An assurance that the family of each passenger will be consulted about the disposition of any remains and personal effects of the passenger that are within the control of the foreign air carrier.

"(6) RETURN OF POSSESSIONS.—An assurance that, if requested by the family of a passenger, any possession (regardless of its condition) of that passenger that is within the control of the foreign air carrier will be returned to the family unless the possession is needed for the accident investigation or a criminal investigation.

"(7) UNCLAIMED POSSESSIONS RETAINED.—An assurance that any unclaimed possession of a passenger within the control of the foreign air carrier will be retained by the foreign air carrier for not less than 18 months after the date of the accident.

"(8) MONUMENTS.—An assurance that the family of each passenger will be consulted about construction by the foreign air carrier of any monument to the passengers built in the United States, including any inscription on the monument.

"(9) EQUAL TREATMENT OF PASSENGERS.—An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(10) SERVICE AND ASSISTANCE TO FAMILIES OF PASSENGERS.—An assurance that the foreign air carrier will work with any organization designated under section 1136(a)(2) on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following an accident.

"(11) COMPENSATION TO SERVICE ORGANIZATIONS.—An assurance that the foreign air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) for services and assistance provided by the organization.

"(12) TRAVEL AND CARE EXPENSES.—An assurance that the foreign air carrier will assist the family of any passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

"(13) RESOURCES FOR PLAN.—An assurance that the foreign air carrier will commit sufficient resources to carry out the plan.

"(14) SUBSTITUTE MEASURES.—If a foreign air carrier does not wish to comply with paragraphs (10), (11), or (12), a description of proposed adequate substitute measures for the requirements of each paragraph with which the foreign air carrier does not wish to comply.

"(d) PERMIT AND EXEMPTION REQUIREMENTS.—The Secretary shall not approve an application for a permit under section 41302 unless the applicant has included as part of the application or request for exemption a plan that meets the requirements of subsection (c).

"(e) LIMITATION ON LIABILITY.—A foreign air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the foreign air carrier in preparing or providing a passenger list pursuant to a plan submitted by the foreign air carrier under subsection (c), unless the liability was caused by conduct of the foreign air carrier which was grossly caused by conduct of the foreign air carrier which was grossly negligent or which constituted intentional misconduct.".

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

"41313. Plans to address needs of families of passengers involved in foreign air carrier accidents.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 180th day following the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Subcommittee on Aviation unanimously approved H.R. 2476, as amended, on Thursday, October 23, and the full Committee on Transportation and Infrastructure approved the bill on October 29. This legislation was introduced by the gentleman from Guam [Mr. UNDERWOOD] shortly after the terrible Air Korea disaster which recently occurred on Guam. Both the gentleman from Illinois [Mr. LIPINSKI], the ranking member of the subcommittee, and I, are original cosponsors of the bill.

It essentially mirrors legislation in the Aviation Disaster Family Assistance Act, H.R. 3823, which the Subcommittee on Aviation unanimously approved and the House overwhelmingly supported by a vote of 401 to 4 last year. This legislation was eventually incorporated into the Federal Aviation Administration Reauthorization Act which the President signed in October of last year.

H.R. 2476 would require foreign airlines that have permits to fly in the United States to file family assistance plans with the Department of Transportation and the National Transportation Safety Board. These assistance plans would be activated when a foreign carrier crashes on U.S. soil.

The plans must include provisions such as the establishment of a toll-free telephone number for families, the efficient notification of passengers' families before public notice is given, the return of victims' possessions to family members, unless they are needed for the investigation, and many other similar provisions which all U.S. carriers must comply with now.

H.R. 2476 will surely help the families who have lost loved ones in these tragic air disasters by providing the needed support and coordination necessary to assist in these unfortunate events.

Mr. Speaker, it is my understanding that the Senate Committee on Commerce has already acted on similar legislation. This bill has the support of both the Department of Transportation and the National Transportation Safety Board. Again, I believe this is an outstanding bill, a bill that is very much needed, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am an original cosponsor of H.R. 2476, the Foreign Airlines Family Assistance Act. This bill would amend the Aviation Disaster Family Assistance Act which was passed last year as a result of several tragic accidents last year. It came to the attention of the subcommittee that the treatment of the families of airline accident victims needed to be improved.

Last year's legislation required all airlines to submit accident action plans to the Department of Transportation. It also designated the National Transportation Safety Board to act as a liaison between various Federal, State, and local government agencies, the airlines, and the families to ensure that they were receiving accurate and timely information.

Last year's legislation attempted to address the many concerns that the subcommittee heard in the two hearings that were held on this issue. What the subcommittee neglected to appreciate was that every day U.S. citizens fly on foreign carriers, which was not included in that legislation.

This omission was tragically highlighted when a Korean Airline flight crashed short of the runway in Guam earlier this year. The support and coordination that the legislation would have required to have been in place did not exist for the families of those victims. The gentleman from Guam [Mr. UNDERWOOD] saw this inequity and worked with the subcommittee and administration to expand the applicability of the Aviation Disaster Family Assistance Act to foreign carriers and flights between the United States and a foreign point.

Thanks to his efforts, the subcommittee's omission last year is being corrected today. This bill has broad support, bipartisan support, as well as the support of the administration.

I would like to say at this particular time I appreciate the work of the gentleman from Guam [Mr. UNDERWOOD] and I thank my colleagues, the gentleman from Tennessee [Mr. DUNCAN], the gentleman from Pennsylvania [Chairman SHUSTER], and the ranking Democratic member, and the gentleman from Minnesota [Mr. OBERSTAR] for their assistance in this effort. I urge all my colleagues to pass this very important piece of legislation.

Mr. Speaker, at this time I want to say it has been a pleasure once again this year working with the chairman of the Subcommittee on Aviation, my very good friend, the gentleman from Tennessee [Mr. DUNCAN]. I look forward to another very productive year next year, and I am sure that our bipartisan spirit will continue to pave the way in the area of aviation.

Mr. Speaker, I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also would like to once again thank the gentleman from Illinois [Mr. LIPINSKI] and say maybe if they want to pass some of this controversial legislation, they should just turn it over to the gentleman from Pennsylvania [Mr. SHUSTER] and me.

Mr. UNDERWOOD. Mr. Speaker, I introduced this bill on September 15, 1997, about a month after the crash of Korean Air Flight 801 on Guam. As many of my colleagues know, the Foreign Air Carrier Family Support Act is a consequence of this tragic episode. Of the 254 people on board the flight, 228 perished. And linked to these 254 people are numerous family members and friends who suffered along with their loved ones as they waited to hear news about the crash victims.

The people of Guam combined efforts with Federal officials, military personnel, and volunteers from Guam and off-island to search, rescue, and treat victims involved in the Korean Air crash. I cannot emphasize enough the diligence and compassion demonstrated by these groups of individuals.

As in any major disaster, there are many things which we think could have been done differently. The ValuJet and TWA disasters produced the Aviation Disaster Family Assistance Act of 1996, requiring domestic airlines to submit family assistance plans. With H.R. 2476, I am asking my colleagues to make this law applicable to foreign airlines which operate in the United States and its territories. The Foreign Air Carrier Family Support Act would require foreign air carriers to submit family assistance plans should their air carrier crash on American soil.

From establishing a toll-free number for victims' families to consulting family members on the construction of monuments dedicated to a crash, H.R. 2476 provides guidelines for foreign air carrier family assistance plans. Other points include that upon request, foreign air carriers will provide and update a list of passengers' names, and an assurance that, upon request, possessions owned by the victim will be returned to families. Although I have mentioned only a couple of measures contained in H.R. 2476, I hope I have demonstrated the fact that this bill will increase the level of efficient service provided to family members as they cope with the loss of a relative.

I wish to thank Chairman DUNCAN and Congressman LIPINSKI, ranking member of the Aviation Subcommittee, for agreeing to be original cosponsors of this bill and to help pass this legislation in committee. I also wish to thank the National Transportation Safety Board, the Department of Transportation, Task Force on Assistance to Families in Aviation Disasters, the State Department, and 23 of my colleagues who have chosen to cosponsor H.R. 2476.

I encourage the rest of my colleagues to vote for the passage of the Foreign Air Carrier Family Support Act. American families all over the world will thank you.

Ms. JACKSON-LEE of Texas.

Mr. Speaker, I rise today in strong support of H.R. 2476, the Foreign Airline Family Disaster Assistance Act. This bill extends to foreign airlines operating in the United States the same family assistance requirements imposed upon U.S. airlines.

Following the July 1996 crash of TWA Flight 800 off the coast of Long Island, Congress passed legislation requiring the National Transportation Safety Board and all U.S. airlines to take certain actions to compassionately address the needs of the families of airline crash victims. This law applied to U.S. airlines only, however, and not to foreign airlines—even if a foreign airline crashes in the United States.

Since that time, the need to extend this legislation to foreign airlines, has become clear. The pain, frustration, and turmoil experienced by the families of the 228 victims of the August 1997 Korean Airlines Flight 801 crash in Guam brought this need home to us all. At a time, when they were faced with immense grief and a terrible loss, they were mired in an insensitive and unresponsive bureaucracy.

We hope that with the passage of H.R. 2476, we can forestall others from suffering these same pains. This legislation will require foreign airlines to submit to the Transportation Department and the National Transportation Safety Board a plan for providing special assistance to the families of victims of fatal airline crashes that occur in the United States. Airlines would be required to publicize a reliable toll-free number and provide staff to handle calls from family members. Additionally, the airline would be required to notify families as soon as possible, and in person when possible, of the fate of their loved ones, using suitably trained individuals for this purpose. Airlines would be required to provide passenger lists to the National Transportation Safety Board's family advocate and to the Red Cross. The airline would also be required to return a victim's personal effects to the family when requested to do so. An airline would be required to consult with family members regarding any monuments to the victims that may be built. Finally, airlines would be required to assist families in traveling to the accident site, and to provide for their comfort while there. Under the measure, airlines that do not meet this plan could be denied permission to operate in the United States.

The loneliest people in the world are those left behind when their loved ones are killed in such a tragic and terrible manner. These are catastrophic accidents and while we are not always able to prevent such disasters, we can vote now to ensure that families touched by such tragedy will receive competent, compassionate, and efficient assistance during their time of great need. I urge my colleagues to vote in support of this compassionate legislation.

Mr. DUNCAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 2476, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2476, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONFERENCE REPORT ON S. 1026, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 1997

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 1026) to reauthorize the Export-Import Bank of the United States.

(For conference report and statement, see proceedings of the House of November 7, 1997, at page H10210.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this important bipartisan legislation reauthorizes the Export-Import Bank of the United States, Eximbank, for an additional 4 years.

Reauthorizing Exim is critical to supporting America's ability to export and will help ensure that American businesses and American workers are able to compete and win against subsidized foreign competition in today's global market. This common-sense legislation is good for America; it advances the national interests, helps reduce the trade deficit, and enhances our export competitiveness.

Briefly, the conference report provides for the following: First, a 4-year extension of the bank's authority through September 30, 2001; second, an extension of tied-aid authority; third, an extension of the authority for providing financing for the export of nonlethal defense articles; fourth, a clarification of the President's authority to deny bank financing based on national interest concerns; fifth, creation of an Assistant General Counsel for Administration; sixth, authorization for the establishment of an Advisory Committee

to assist the bank in facilitating U.S. exports to sub-Saharan Africa; seventh, a requirement that two labor representatives be appointed to the Bank's Advisory Committee; eighth, a requirement that the bank's chairman design an outreach program for companies that have never used its services; ninth, identification of child labor as a human right which can serve as a basis for a Presidential determination to deny applications for credit based on national interest concerns; and, tenth, the denial of export financing for sales to the Russian Government or military if that country transfers SS–N–22 missile systems to China, the President determines that such action represents a significant and imminent threat to the security of the United States, and the President also requests the Bank to cease that export financing.

□ 2300

At this time, I would like to extend my deep appreciation to all of the members of the conference committee and others who have worked so hard in support of Exim, beginning with the chairman of the Committee on Banking and Financial Services, the gentleman from Iowa [Mr. LEACH], as well as the gentleman from New York [Mr. LAFALCE], the gentleman from Nebraska [Mr. BEREUTER], and the gentleman from Illinois [Mr. MANZULLO].

In particular, I would like to express my gratitude for the extraordinary help and cooperation of the gentleman from New York [Mr. FLAKE], not only on this legislation, but for the extraordinarily productive partnership we have shared in serving together on the Subcommittee on Domestic and International Monetary Policy. It has been a privilege for me to serve with the gentleman on this subcommittee. Frankly, I cannot imagine how we are going to manage without the gentleman, or his first rate chief of staff Shawn Peterson. We will miss them both.

In closing, I believe this is a noncontroversial conference report. It deserves enthusiastic bipartisan support. I urge its immediate adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

I rise this evening in support of the conference report, S. 1026, the Export-Import Bank Reauthorization Act of 1997. The gentleman from Delaware [Mr. CASTLE] and I are proud to preserve the ideas and efforts of the House in our deliberations with the other body. We both believe that this conference report is indicative of our good working relationship on the Subcommittee on Domestic and International Monetary Policy.

First, we instruct the State Department to expressly use the CHAFEE amendment process when it has national interest concerns with potential Exim deals. Moreover, this provision has been enhanced to explicitly include child labor abuses in recipient countries. We also preserved an advisory panel to counsel the bank on efforts to increase the U.S. exports to Sub-Saharan Africa. These efforts reflect a bipartisan commitment to increasing trade with Africa, and are indicative of and positive efforts by the administration, the Congressional Black Caucus, the Speaker, the trade-oriented leaders of Congress. I believe this is the right thing to do, and I am happy to have created this panel as I leave Congress.

The conference report preserves a mandated ethics counseling unit within Exim. Consequently, we ensure that employees have the best possible ethical advice when major financing decisions are made.

The conference report also adopted modified provisions of the House bill that experience the labor communities' representation on the bank's advisory panel, a provision that instructs the bank to reach out to small businesses and language which clarifies the bank's role in expanded job opportunities and economic growth within the United States.

Let me expand my remarks by stating that we need the Export-Import Bank. The need was always in mind during the rather difficult negotiations with the other body with respect to most of the House amendments that had been adopted on this floor. I am pleased to state that the gentleman from Iowa [Mr. LEACH], the gentleman from New York [Mr. LAFALCE], the gentleman from Delaware [Mr. CASTLE], the gentleman from Nebraska [Mr. BEREUTER], and I were never in disagreement on these issues. Accordingly, our belief in bipartisan solidarity, our belief in the necessity of the bank, and our duty to preserve the House provisions are reflected in this conference report.

It is in this spirit that we reached a very difficult agreement on prohibiting export financing to Russia, should it export SS–22 missile systems to China. This provision clearly identifies a major policy concern of the Congress and still cedes to the executive branch the flexibility to use its expertise in the areas of intelligence and threat assessment.

So while we keep what most conferees consider to be a difficult and dangerous precedent with respect to Exim's role in foreign policy, we arrived at this consensus position, which, in my opinion, will work for both the bank and the author of this amendment.

I close by noting that there are detractors of the agency, and we certainly are cognizant of corporate welfare arguments. This line of reasoning, however, ignores the fact that 81 percent of Exim's financing deals go to small businesses. It also ignores the reality that for the 19 percent of deals that Exim does with large enterprises, it inherently still maintains the operations of small businesses as contractors and suppliers. These enterprises operate throughout the Nation and employ thousands of Americans. Thus, if we examine the institution's impact on American employment, we cannot come to the conclusion that Exim is the exclusive concessional window of credit to corporate America. Rather, it is the lender of last resort, and is successful in financing billions of dollars in U.S. exports for a rather small budget. In short, we need Exim, and I intend to support its reauthorization and I ask my fellow colleagues to please join me in doing so.

I am grateful to the gentleman from Iowa [Mr. LEACH], the gentleman from New York [Mr. LAFALCE], the gentleman from Texas [Mr. GONZALEZ], and particularly to the gentleman from Delaware [Mr. CASTLE], who I have had the privilege of working with over the last 3 years as he has served as chairman of this committee with judiciousness, with balance, and with a bipartisan spirit. I would pray that whoever replaces me as the ranking member of this committee will approach the gentleman from Delaware [Mr. CASTLE] with the same spirit that he will approach them. That is as a gentleman, as a person who really understands what it means to do legislation in a fashion where there is a degree of comity.

I would also like to thank Mr. John Lopez of his staff and Mr. Shawn Peterson of my staff, for without them we would not have been able to be as successful as we have been over these last 3 years.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the comments of the gentleman from New York [Mr. FLAKE]. I hope that whoever his successor is in the position as ranking member approaches it with at least 50 percent of the spirit he has for what we do and we will be well served.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the Committee on Banking and Financial Services.

Let me just say that he is a wonderful individual to work with on these issues, a man that truly understands international financing, as well as international relations, and it made a big difference on this legislation, and we appreciate it.

Mr. LEACH. Mr. Speaker, let me thank the distinguished chairman of the subcommittee and say in behalf of the House what a wonderful job he has done in leading this Congress on this issue, and also what a wonderful job

the gentleman from New York [Mr. FLAKE] has done. I think, speaking for this side, it is pretty self-apparent we are going to miss the gentleman very badly, and we hope in prayerful consultation he will figure out another way to rejoin the public fray at some point in the future.

Let me make a couple of process observations and then go to the substance.

First, I know of no issue that has been addressed in a more bipartisan, bicameral, biinstitutional way, bipartisan symbolized by the gentleman from New York [Mr. FLAKE] and the gentleman from New York [Mr. LAFALCE], who has been so thoughtful in his additions to this subject matter, and frankly who, in an amendment that did not prevail and I am hopeful that in the next year will, because it is one of the most thoughtful amendments that I think has come up on this subject matter in recent years.

Second, it is interesting, because the time this is being considered is 8 or 10 hours before this Congress is about to be divided, divided philosophically and divided by interest groups. Labor and the business community really have their dukes up on what is called the fast track bill.

In this bill, the organized labor community of the United States and the business community is in total concert, with thorough support. I would like to give an example.

When I recently spoke at a group in my home area in the Quad Cities in East Moline, Illinois, on the other side of the Mississippi River, the United Auto Workers and the leadership of Deere & Company came together to express their thanks for what the Eximbank had done to be able to provide them the resources to in effect send a large number of combines to the Newly Independent States, the former Soviet Union. If there was a greater example of swords into plough shares, I do not know it, all made possible by the Export-Import Bank.

Sometimes it is important to use examples, and let me use a couple of others from my congressional district. In River Dale, Iowa, is the largest Alcoa processing plant for the development of aluminum that goes on the wings of every single Boeing aircraft sold. In Cedar Rapids, also in my congressional district, is the Collins Radio Division of Rockwell, which makes instrument panels of the vast majority of aircraft exported from the United States of America. Without the Export-Import Bank, literally in my congressional district, we would have thousands fewer jobs. What should be stressed is that these are fewer jobs of the highest, best kind in my district.

So from a district perspective, this makes good sense. But we have to look at things first from the national perspective. And here I think this country, as we look around the world and look at the export versus import equation, which is running against the United States, not to give the benefit of the doubt to those programs that advance exports would be a major mistake.

In terms of cost, there is a modest cost in this bill. On the other hand, over the last several decades, the Export-Import Bank has approximately broken even on the ledger sheet, but more importantly, if one combined the income from the taxes to corporations and individuals based upon jobs that are created, the country is running well ahead of the game. So this is a very cost-effective program.

Finally, let me just say with regard to an observation of the gentleman from New York [Mr. FLAKE], I want to commend the leadership of this Export-Import Bank under the Clinton administration for moving more impressively towards the small business community. And even though, if we take an order for combines that might come from Deere & Company, there might be foundries that are small business, seat manufacturers that are small business and other suppliers that will be small business. There are also small business ventures themselves that are getting increasing attention from the Export-Import Bank, and I think that is a very fine trend.

So let me just say in conclusion, I believe this is a good judgment of the Members, a good judgment of the administration, and good policy for the United States.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I rise to support the adoption of the conference report to accompany Senate 1026, the Export-Import Bank Reauthorization Act of 1997.

Mr. Speaker, 63 years ago the Congress chartered the Export-Import Bank to support the financing of United States exports when private sector financing was not available to support those exports for sale in overseas developing markets.

The United States economy in 1934 was quite different than today's financial good times, but the need for export financing is as necessary in 1997 as it was in those post-depression days. For small businesses alone in fiscal year 1996, there were almost 2000 Export Bank transactions valued at $2.4 billion, and the volume of Export Bank business grows daily.

The conference report we consider today extends the authority of the Export Bank and its Tied Aid Credit Fund through September 2001. For the most part, each of the amendments adopted in the House are reflected in the conference report. The conferees worked diligently, however, to ensure that the thrust of the House amendments be reflected in the overall policy and practices of the Export Bank. Yet, we made sure that there would be no provisions in the report which would impair the bank's ability to function effectively to support the export market.

So on balance, this conference report is very good public policy and deserves the bipartisan support of the entire House.

In closing, Mr. Speaker, I would be very remiss if I did not recognize the support of the gentleman from Iowa [Mr. LEACH], the chairman of the Committee on Banking and Financial Services, and the extraordinary work of the chairman and ranking member of the Subcommittee on Domestic and International Monetary Policy. The gentleman from Delaware [Mr. CASTLE], the subcommittee chairman, led the reauthorization fight, despite the fact that Members in this body might have been pleased to see the work of the bank abandoned.

Also, the tremendous work of the gentleman from New York [Mr. FLAKE], the subcommittee's ranking member, has been widely discussed because he is leaving the House shortly. There are many things for which he can be remembered, but now the 4-year extension of the Export Bank can remain as another visible reminder of the outstanding quality of Congressman FLOYD FLAKE's contributions to the United States Congress and to the American public.

□ 2315

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], another gentleman who has a strong understanding of international finance and the importance of it to America.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind words.

Mr. Speaker, I was in my office, turned on the TV, and realized that the conference report was on the floor and hurried over here quickly. I am extremely pleased to see that the House and the Congress will have a chance to complete its work on the reauthorization of the Export-Import Bank. I think it is a very good step for America.

I am very pleased that the House conferees have also been able to take the sense and the spirit and the wording and the dramatic impact of what the House had earlier voted upon. I feel that the five conferees in the House have stood together and brought a very good result to the House. Everyone should feel comfortable and enthused, in fact, about passing this legislation. I do appreciate the words of commendation and join in them for the chairman, the gentleman from Iowa [Mr. LEACH], who gave us the support to get this legislation through conference and to the floor here tonight.

I particularly, however, want to concentrate my remarks on the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE], who have worked in excellent fashion, and in tandem and individually have done a tremendous job on this legislation as it came to the floor, as it was crafted in committee and in the conference.

The gentleman from New York, of course, as mentioned, is leaving, but whether or not he was leaving, he should be commended for the kind of work that he has done on the Committee on Banking and Financial Services over the years.

I did not get a chance to join in those commendations on the House floor earlier, but his work on urban development, housing, and exports has been really extraordinarily positive for the country, and for his constituents as well.

So we are going to miss him, I say to the gentleman from New York [Mr. FLAKE], and we wish him very great success in his continued work with his religious flock and for the development activities he is so much involved in in his own State.

Mr. Speaker, in closing, I want to say that I think that the work we have done to refine the CHAFEE amendment, the work we have done to extend the provisions for the sale of, the financing of the guarantees of dual use technology, especially as it relates to the air control system, have proven to be a very important step as the nations of Eastern and Central Europe have moved from communism to embrace democracy.

This has been good for our national interest, for our defense, and for our industrial base. Likewise, we have seen those kinds of benefits come to American industry with respect to sales in Latin America.

So Mr. Speaker, I urge strongly support for this legislation. It is in the best interests of this country.

Mr. FLAKE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would just like to say to the gentleman, I thank him for his remarks. If I had any second thoughts about it, when I finished my sermon about 1 o'clock this morning, I was up at 5 o'clock to preach my 6:30, 8:30 and 11 o'clock services, I was on the shuttle at 2 o'clock and on the floor at 11:20, so any second thoughts I had, the Lord removed them today with this schedule.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. KEN BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this conference report. I want to commend the chairman of the subcommittee on which I served and the ranking member, the gentleman from New York [Mr. FLAKE], as well as the chairman and ranking member of the Committee on Banking and Financial Services for the work they did, and the other conferees.

Mr. Speaker, this is a terribly important bill that we are passing. Sometime later tonight or perhaps early tomorrow morning, we may or may not take up the issue of fast track. There will be a lot of debate held about trade and what the United States ought to be doing in trade. But the bill that we are considering right now is terribly important because markets are not always efficient. We know in the finance market and in the export market that we have many allies who heavily subsidize their exports, some to the extent of 20 or 30 percent of their export market.

What we do in the United States through the Export-Import Bank is to provide in effect a matching subsidy for the banks and the other financial institutions where the private market will not go. It only makes up, I believe, about 2 percent or so of our export market, but it is a very important part, because without it, many U.S. companies would just simply not be able to participate in these world markets. Therefore, we would lose any competitive advantage we might have, and ultimately we would lose jobs in those industries.

So regardless of how Members intend to vote, either later tonight or sometime tomorrow, whenever we do this, however long we keep the gentleman from New York [Mr. FLAKE] here for that particular debate, I hope that they will support this bill, because this is very important. This is not corporate welfare.

In closing, Mr. Speaker, let me also add my support and accolades for the ranking member, the gentleman from New York [Mr. FLAKE]. I think it is important to note, and it was not mentioned in great detail, that the gentleman from New York, while a Representative from New York, has only been there on assignment from a higher authority and will return there, but he and I are both from Houston, Texas, originally. At some point we hope that he will return.

He is often back in Houston and in my district, and I look forward to seeing him in his other and now to be his main or only capacity in preaching. He has a great number of followers in Houston, not just for his religious activities, but was in Houston recently and met with a number of fellow ministers from my district, all of whom are very eager to come up and see the model which he has built in his district. We look forward to doing that. I appreciated the opportunity to have served with the gentleman in the Congress, and I look forward to working with him later on.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for his comments, and I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in support of this conference committee report on the Export-Import Bank. I want to thank the subcommittee and committee chairmen for their work in conference, as well as our friend and colleague, the gentleman from New York, Mr. FLOYD FLAKE, and to add my positive recognition of his work and their work, his work throughout his service in Congress, and the work especially in this conference committee.

Mr. Speaker, I had added an amendment on the floor, an important amendment to me, one that I think built on the protocols in terms of some of the strictures in the export administration law with regard to child labor, and I am appreciative of the fact that the Members did go to conference and keep the spirit if not the letter of that particular provision within the bill. I really appreciate being consulted upon that matter while it was in conference, and the work that was done to in fact keep it within the context of this conference.

This is an important tool that we have in terms of export. Historically, of course, it has been used by some of the larger manufacturing concerns in the U.S. in the jobs that they create. Some of the companies and institutions have been mentioned this evening. We have some, certainly, from Minnesota. But more importantly, it has in recent years been the focus on smaller- and middle-sized businesses that are moving into the export market.

While we will have a big debate on trade tonight, I think all of us recognize we are going to be involved in the global economy. These tools that provide the type of direct credit, the guarantees and credit insurance, are enormously important in order to facilitate that process.

I would point out to my colleagues, certainly the members of the committee on which I serve, the Committee on Banking and Financial Institutions, are aware of it, but so often this credit is put in place and these newly emerging nations, for instance, the nations of the former Soviet Union, the newly emerging states, where in fact the type of financial underpinning and structure is not in place, and they need the additional credit in order to facilitate the purchase of U.S. products or other products. We could do it with subsidies; we could do it with other types of assistance. This has been an effective and very efficient way to do it, which capitalizes or builds and leverages our private sector banks and financial institutions to accomplish this.

But in any case, Mr. Speaker, this is a good measure. It has been an especially difficult year to deal with it, because of the climate with regard to this

type of institution. For that, I think the gentleman from Delaware, Mr. MIKE CASTLE, subcommittee chairman, and Chairman LEACH and others that have worked in this really did a masterful job in terms of advocating this on the floor, and through the Congress to enactment or to the President, and final enactment today hopefully will be successful.

I certainly support it.

Mr. Speaker, I rise today in support of the Export-Import (Ex-Im) Bank Reauthorization bill. Typically, this authorization is an exercise that receives scant attention and afterthought. Granted it has its detractors that denounce its practices as corporate welfare, but the criteria of Ex-Im assistance has remained relatively intact. I am pleased that this bill breaks with tradition, and includes an amendment I offered to the House bill that denies U.S. Ex-Im assistance to companies that violate child labor laws. For the first time child labor violations will serve as the basis for a determination to deny companies U.S. Ex-Im assistance.

By directing loans, loan guarantees, and credit insurance, Ex-Im Bank fills an important niche in our sales abroad, especially in environments where financial institutions are not stable. That could be the Newly Independent States of the former Soviet Union or any other region where the economy is developing anew. This is a sound program that speaks to American jobs and U.S. businesses. It is a partnership with the federal government that works. Clearly, in the context of extending these specific credit assurances of opportunities, we should be certain that worker rights, environmental issues, and intellectual and financial property rights are safeguarded. As we move forward to reauthorize the Ex-Im program for an additional four years, and as we continue to push for smaller business export loans and benefits, we should initiate new policy guidelines to enhance our efforts and goals. The Vento child labor amendment is one such important effort.

Child labor practices today reveal an unprecedented tragedy of a far greater magnitude than what transpired in a less global economic marketplace. The International Labor Organization estimates that over 250 million children worldwide under the age of 15 are working instead of receiving basic education. That is 250 million reasons to ensure that U.S. Ex-Im guarantees, insurance, and loans take the extra step to protect against the exploitation of child labor by U.S. companies and partners. Because we neither investigate nor know the child labor practices of the companies we assist, this language is essential in drawing attention to the child labor practices. It also presents the potential for increased involvement on behalf of Non-Governmental Organizations to discover and publicize specific child labor abuses.

I realize no single nation or single agency can eradicate the child labor problem. However, we should deliberately pursue each opportunity in order to turn the tide on the inappropriate employment of young children. If we help these U.S. companies, then we should expect that they and their partners reflect and follow fundamental U.S. values and laws. Both symbolically and substantively, the U.S. must set an example as we advance and engage in the global marketplace.

There is no other practice so universally condemned, yet so universally practiced as the exploitation of child labor. Crimes committed against children around the world, that this Congress is so adamant to speak out against, should not be encouraged or tolerated by our own government policies. We all recognize the depth of this problem, yet as a nation we do little to protect children from exploitation. For example, one of the most important measures of the 105th Congress, fast track negotiating authority, does not recognize child labor protections as a legitimate negotiating objective. Foreign investment, intellectual property, both made the list of trade objectives. We have always gone to great lengths to enhance and protect the profits and rights of companies at home and abroad, while ignoring the rights of working people, particularly children. Are the world's children not deserving of the same support? For those that want to keep child labor protections out of trade agreements, child labor is merely a harsh reality that makes good economic sense.

I hope that this language will help make the invisible visible and generate the significant public pressure that is necessary to make political progress on child labor protections. Our trade policy must promote progress in wages, living standards, and human rights here in the U.S. and around the globe. It should not undermine progress in these important areas or legitimatize the status quo. This language ensures that there will be more U.S. responsibility in the strategy for the eradication of exploitative child labor. It gives each of us the opportunity to stand up for children, who even marginally, may be contributing to a subsidized U.S. export product.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would also like to include among our thanks Mr. Jamie McCormick of the staff of the gentleman from Iowa [Mr. LEACH], because without the cooperation of the full committee chairman and the cooperation of his staff, much of what the gentleman from Delaware [Mr. CASTLE] and I have been able to achieve could not have happened.

I thank again all of those who have offered remarks, and certainly I look forward to, as I leave this place, remaining in relationship and friendship with all of the Members.

Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would, too, like to thank all the great staff. I mentioned Sean Peterson before, but Jamie McCormick and John Lopez of our staff, they all did really a wonderful job on that. I would like to thank all those who spoke tonight who are very thoughtful, from the chairman, the gentleman from Iowa [Mr. LEACH] on down. These are people who have thought a lot about this, and do, I think, a wonderful job of handling these difficult and complex issues.

Mr. Speaker, obviously, in final words for our friend, the gentleman from New York, Mr. FLOYD FLAKE, I thought it was just me for a while who thought he was an exceptional individual to work with, and then I began to realize that a lot of people in this House thought that.

I missed the tribute on the floor. I got there when he was actually speaking. I came back to my office from actually being down and meeting on this particular bill. I realized later what everybody said about him. I guess we always say nice things about each other, but I do not know of anyone in this House who is truly more respected, liked and admired than the gentleman from New York, Mr. FLOYD FLAKE. He has done an exceptional job, not just in this subcommittee, but in general, and it is with a great amount of sadness that, while it may not be, we still have a coin bill coming along, but it may be the last bill we are going to handle, and I would like to add my homage to what everybody has said about him.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and agree to the conference report on S. 1026.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENDING CERTAIN PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 317) providing for the agreement of the House to the Senate amendment to the bill, H.R. 2472, with an amendment.

The Clerk read as follows:

H. RES. 317

Resolved, That, upon the adoption of this resolution, the bill H.R. 2472, to extend certain programs under the Energy Policy and Conservation Act, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment to the text of the bill be, and the same is hereby, agreed to with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) in section 166 (42 U.S.C. 6246) by striking "1997" and inserting in lieu thereof "1998";

(2) in section 181 (42 U.S.C. 6251) by striking "September 30, 1997" both places it appears and inserting in lieu thereof "September 1, 1998"; and

(3) in section 281 (42 U.S.C. 6285) by striking "September 30, 1997" both places it appears

and inserting in lieu thereof "September 1, 1998".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. DAN SCHAEFER] and the gentleman from Texas [Mr. HALL] each will control 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. DAN SCHAEFER].

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill we will be sending back to the other body reauthorizes a provision of the Energy and Conservation Act related to the Strategic Petroleum Reserve and the U.S. participation in the international agreement for 1 fiscal year.

These provisions, which expired September 30, assure that if there is an energy emergency, the President's authority to draw down the Strategic Petroleum Reserve and the ability of U.S. oil companies to participate in the international energy agreement without violating antitrust laws is preserved for another year.

As I stated when the House passed this bill earlier this year, because of their importance to the U.S. national energy security, I believe these programs should not go unauthorized. At the same time, I believe requiring them to be reauthorized annually is appropriate as long as oil from the Reserve continues to be sold for budgetary purposes.

□ 2330

It is my hope that when DOE completes its review of the SPR policies, we can work with the administration and the appropriators to develop a coherent and consistent policy regarding the future of the reserve.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will not have any speakers. I rise in support of the bill. I would like to have a colloquy with the gentleman from Colorado, Mr. DAN SCHAEFER.

I thank the chairman for his leadership and for his hard work to ensure that the Energy Policy and Conservation Act is reauthorized. EPCA provides the authority for the U.S. to cooperate with their international allies during world oil crises, to alleviate shortages in calm markets.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, will the gentleman yield?

Mr. HALL of Texas. I yield to the gentleman from Colorado.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I thank the gentleman from Texas [Mr. HALL] for his work and agree that we must have EPCA in place, particularly in light of the ongoing events in the Middle East.

Mr. HALL of Texas. Mr. Speaker, reclaiming my time, I would like to propose to my good friend from Colorado also that while this simple extension of existing authority is a good thing, we need to take a closer look early next year at the need to update EPCA's antitrust provisions.

Mr. DAN SCHAEFER of Colorado. If the gentleman would continue to yield, I thank the gentleman again for his remarks, and I agree that the Committee on Commerce and other affected committees should take a closer look at this issue to ensure that our national interests are fully protected and we can meet our treaty obligations.

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman from Colorado, Mr. DAN SCHAEFER. I think we ought to get on top of this sooner rather than later next year, when we have time to consider the matter thoroughly. We ought not to wait until EPCA expires next September. Maybe by then we will be comfortable providing for a longer-term reauthorization.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I certainly agree with the comments of my colleague. We have worked very closely together in the past, and I want to continue to do that, particularly on this issue and any other issue that deals with our committee. But we have to ensure that we have energy policy in this country that is going to be best for the American citizens.

Mr. DINGELL Mr. Speaker, I rise with a sense of profound disappointment to speak reluctantly in support of H. Res. 317, and only because we have no better alternative. Notwithstanding disturbing hourly reports from the Middle Ease, Members of the House has been presented with an unpleasant and wholly unnecessary choice. We can either vote for this barebones, better-than-nothing reauthorization of the most essential parts of the Energy Policy and Conservation Act—our nation's first line of defense in dealing with an international oil crisis—or we can take our chances that the Act, which has already been allowed to lapse, will not have to be deployed during the next 2 months while the Congress is out of session.

Since 1984, the United States has sought to persuade our international partners to graduate from a cumbersome and outdated oil allocation plan to a more market oriented "coordinated stock drawdown" policy under which each country would release petroleum stocks to forestall any shortages. This type of approach, which was tried out during Desert Storm, shows great promise and has finally been accepted by our allies and the International Energy Agency.

Neither of these policies, however, can work without the cooperation and assistance of both U.S. and international oil companies. In times of severe supply shortages or market instability, the I.E.A. needs real time information about the location and movement of oil stocks and refined produces with only these companies can provide. EPCA was drafted with an appreciation of these need for partnership, and included from the beginning a "limited antitrust defense" to ensure companies are not prosecuted for actions they are requested to take by government during an oil emergency.

This is exactly the type of voluntary cooperation Congress should be encouraging. For three years now, the Administration and the U.S. oil industry have been asking Congress to update EPCA's antitrust provisions to permit them to assist the U.S. government and the I.E.A. in carrying out a coordinated stock drawdown. The Senate's bill includes language supported by both the Administration and industry.

Unfortunately, H. Res. 317 does not address the antitrust issue. Hearings have been held, testimony has been provided, and no objection has been voiced to the type of changes the Administration has proposed and the Senate has adopted. This is an entirely unnecessary omission, and represents a failure by the House and its leadership to properly discharge their responsibilities. Let no one be mistaken—in the event that international oil markets suffer a severe shock in the coming months, the I.E.A. will be hamstrung in its ability to temper the impact on consumers and financial markets because U.S. oil companies will not be able to participate fully. This is a mistake which could have been averted had the necessary homework been done at the proper time.

While I support H. Res. 317 and urge members to vote for the resolution, I do so with a sense of regret and measure of anger at the choice with which this body has been presented.

Mr. HYDE. Mr. Speaker, I ask that this exchange of letters between me and Chairman BLILEY be placed in the RECORD following debate on H.R. 2472.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, November 8, 1997.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR HENRY: Thank you for your letter regarding H.R. 2472, a bill to extend provisions of the Energy Policy and Conservation Act (EPCA) through September 1, 1998.

EPCA is one of the legislative cornerstones of our national energy security policy. Among other things, it authorizes the operation and maintenance of the Strategic Petroleum Reserve and provides limited immunity to American oil companies to participate in activities pursuant to the International Energy Agreement. In light of current actions in the Middle East and the important activities authorized by this Act, prompt passage of this EPCA extension is necessary.

I appreciate your interest in H.R. 2472 and I acknowledge that I will bring it to the House Floor in the form of a simple extension through September 1, 1998 without any substantive change to the antitrust provisions. I also acknowledge that your action in

allowing this legislation to go forward does not affect any future rights of the Committee on the Judiciary. Consistent with the Judiciary Committee's jurisdiction over anti-trust issues under rule X and with the Commerce Committee's jurisdiction over energy issues under Rule X, I would be pleased to work with you to develop legislation which ensures an effective national energy security policy.

In keeping with your request, I will place your letter and this response in the record of the debate on H.R. 2472.

Sincerely,

TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 8, 1997.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, U.S. House of Representatives, Washington, DC.

DEAR TOM: I understand that today or tomorrow you intend to move to suspend the rules and concur in the Senate amendment to H.R. 2472 with an amendment.

The version of H.R. 2472 you plan to bring up would extend through September 1, 1998 certain provisions of the Energy Policy and Conservation Act, 42 U.S.C. §6201 *et seq.* Under Rule X, the Committee on the Judiciary has jurisdiction over provisions of the Act: the antitrust defense provided in Section 252, 42 U.S.C. §6272, the participation of the antitrust enforcement agencies in activities under that section, and any amendment, extension, or expansion of these provisions or any other antitrust immunity provided in the Act.

Because of the urgency of passing this important national security legislation, I am willing to waive this Committee's right to a sequential referral of H.R. 2472. I will allow this legislation to go forward so long as it remains a simple extension through September 1, 1998 without any substantive change to the existing antitrust defense or the participation of the antitrust agencies. However, my doing so does not constitute any waiver of the Committee's jurisdiction over these provisions and does not prejudice its rights in any future legislation relating to these provisions or any other antitrust immunity provided in the Act. I will, of course, insist that Members of this Committee be named as conferees on these provisions or any other antitrust immunity provided in the Act should the bill go to conference.

If the foregoing meets with your understanding of the matter, I would appreciate your placing this letter and your response in the record during the debate on H.R. 2472. Thank you for your cooperation in this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman from Colorado for his leadership on this issue, and I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. DAN SCHAEFER] that the House suspend the rules and agree to the resolution, H. Res. 317.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996 AMENDMENT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2920) to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.

The Clerk read as follows:

H.R. 2920

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF ENTRY-EXIT CONTROL SYSTEM.

Section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), strike "Act," and insert "Act (and not later than 3 years after the date of the enactment of this Act in the case of land border points of entry),";

(2) in subsection (a)(1), strike "and" at the end;

(3) in subsection (a)(2), strike the period at the end and insert "; and";

(4) by adding at the end of subsection (a) the following:

"(3) not significantly disrupt trade, tourism, or other legitimate cross-border traffic at land border points of entry.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Michigan [Mr. CONYERS] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Congress has required the Immigration and Naturalization Service to develop and implement a system to track the entry and exits of those crossing our borders. The purpose of this bill is to make sure that such a system will not substantially impede trade or traffic across our borders, both northern and southern.

The intent is, first, to set a reasonable time frame for the development and implementation of an exit/entry system and, second, to reaffirm that it is the policy of this Congress that such a system is to be developed so that, upon implementation, it will not substantially impede trade or border crossings.

Understandably, this matter may be of particular concern to those States along our northern border. Unlike the southern border, there are relatively few northern border entry points and they already are congested by high volumes of traffic frequently using one- and two-lane highways and bridges. Any further slowdown in the flow of such traffic could be seen as hurting the economies of many States, especially New York, Michigan, and Washington State, but also Minnesota, Wisconsin, Maine, Pennsylvania, Idaho, Montana, North Dakota, Vermont, and New Hampshire.

States along our southern border, where 2½ times as many individuals were inspected than were along our northern border in fiscal year 1997, are more experienced in addressing these kinds of problems. For instance, today in San Diego thousands drove across the border and were monitored electronically. Some entry points on our southern border have as many as 23 lanes to speed traffic.

Increased trade with Mexico has spurred investments in the construction of major new crossings elsewhere. What this bill does is reassure all Americans and our neighbors both to the north and to the south that, as the United States exercises its right to control its borders, it is also committed to facilitating trade.

We should expand our Nation's capacities to trade with our neighbors as well as facilitate the lawful crossing of citizens on both sides of our borders. Unfortunately, many people enter our country along our northern and southern borders legally but, wrongfully, never return home. Forty percent of the estimated 5 million illegal aliens in the country today entered in such a manner, overstaying their visas.

The United States needs to develop an entry-exit system to fairly and effectively address these illegal overstays, but we must do so in a manner that does not significantly disrupt trade, tourism, or other legitimate cross-border traffic.

Some may suggest this bill would set a different standard for people crossing our northern border. Any such suggestion is contradicted by the facts. This bill treats our southern and northern borders exactly the same. It makes no distinction.

Again, this bill is an affirmation of two important national policies; one, that we have a right and duty to control our borders; and, two, that it is in the best interest of the United States and our neighbors both to the north and south to act so as to facilitate trade and border crossings.

Our task in the House today is to ensure that border crossings will not be substantially impeded while we also protect the Nation's interest in being

able to control our borders. And that is exactly what this bill does.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield as much time as he may consume to the gentleman from North Carolina [Mr. WATT], the ranking minority member.

Mr. WATT of North Carolina. Mr. Speaker, I rise in opposition to H.R. 2920.

As the ranking member of the Subcommittee on Immigration and Claims, I have had the opportunity this year to learn a great deal about America's borders and the importance of securing the borders against illegal immigration, narcotic, and alien smugglers, and potential terrorists. Because of this, I have supported efforts by the chairman of our subcommittee to increase security along the southwest border of the United States.

Because of the success along the southwest border, pressure has increased along the northern border. I recognize that there is a long tradition of openness between the United States and Canada along the northern border, but times are changing, and I believe our policies must adjust to reflect these changes.

There have been numerous incidents of alien smugglers bringing in hundreds of illegal immigrants across the border between Ontario and upstate New York. One of the terrorists on trial for participating in the conspiracy to blow up the Lincoln Tunnel in New York entered the United States from Canada. The Canadian border must be as secure as the southern border. Otherwise, we might as well put a neon light over the Canadian border inviting immigrants to come across it with impunity.

Section 110 provides that by October 1, 1998, the Attorney General will develop an automated entry and exit control system that will collect a record of departure of every alien departing the United States and match the records of departure with the records of aliens arriving in the United States. This would enable the Attorney General to identify folks who are overstaying their visas or staying in the country illegally.

In fairness, the language of this bill is neutral on its face and makes no direct reference to Canada. Make no mistake about it, however; this bill is about treating Canada and the northern border differently from Mexico and the southern border.

There are already stringent entry control systems in place along the southwest border. Because the INS has a record of every entry from Mexico, it is able to determine when someone entered the United States and whether they overstayed or violated the terms of that entry. This is not the case along the Canadian border.

Crossing into the United States from Canada is not unlike driving through a toll booth. Passengers answer some routine questions, and if they are citizens or legal permanent residents of either Canada or the United States, they are flagged through. Once in the United States, Canadians are virtually indistinguishable from other Americans. Perhaps that is why Canada ranks fourth as the source country for illegal immigrants in the United States.

There are at least 120,000 Canadians working illegally in the United States, and none of these people entered the country illegally. Nearly half of all the illegal immigrants in the United States overstaying the terms of their valid tourist or student visa came in through the Canadian border. Overstaying or violating the terms of valid visas is the illegal immigration method of choice for Canadian, Europeans, and others who know that the INS will never find them.

Section 110 of the illegal immigration reform bill was specifically designed to give the INS the tools to combat this problem. If my colleagues are truly committed to combating illegal immigration in all its forms, if my colleagues want an immigration policy that does not distinguish between white Canadians and colored Mexicans, then we must enforce the laws on an equal basis and do it in a racially color-blind way.

I think this bill does not support that proposition, and I rise in opposition to the bill.

Mr. CONYERS. Mr. Speaker, I reserve the balance of our time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Texas [Mr. SMITH] for yielding me the time.

I really am sorry that this bill is being characterized as dealing with only one of our borders. And I really am upset with the Congressional Quarterly, which put out a publication this morning here which said "U.S.-Canadian border controls," and it talks about our legislation.

Well, our legislation is sponsored by Members from all of the borders from all over the country. It is not just, sure, I am concerned about it because it deals with New York State. But my colleagues ought to, I think, listen carefully to the debate.

Last year, Congress did pass legislation which would require the Immigration and Naturalization Service to document the entry and departure of every alien in the United States beginning no later than September 30, 1998. That is really just around the corner when we start talking about putting in this kind of a program.

This legislation, with the best of intentions, was designed to prevent visa overstays and control the flow of illegal immigrants and the transmission of illegal drugs, terrorism, and other things. The problem is that this legislation, as it is currently drafted, could have a devastating effect on commerce, on tourism, along the Texas border, the California border, and all across all of the borders across the northern United States, on both sides of the borders.

□ 2345

In New York State, we have many, many corporations that have corporations right across the border, and many United States citizens, New Yorkers, live in New York and work in Canada. There are many other corporations who have the same businesses in both countries and they have Canadian citizens that come across the border daily. Many of them are nurses and doctors, of which we have a real shortage in northern New York, for jobs.

Mr. MCHUGH. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from New York.

Mr. MCHUGH. The gentleman made mention of treating the two borders differently and I think that is an important fact. It is my understanding that this bill treats both borders equally, that the delay applies equally to both borders. So I would suggest to the gentleman that is not an issue in this particular context.

Mr. SOLOMON. Let me just say that this bill is simple. It delays the implementation of the exit and entry control system until 1999. It will take that long to implement the system, anyway, even if we were to let it go ahead.

In addition, it adds statutory language which specifically requires, and I think this is what we need to listen to, because this affects American jobs, this adds statutory language which specifically requires that any automated system, implemented by the INS, will not disrupt trade, tourism or any other legitimate border crossing traffic.

Mr. Speaker, the value of trade crossing on all our borders is immense. For instance, direct trade between New York State and Canada totaled $24 billion last year alone. I could go on and on. In New York State, many merchants and communities along the Canadian border owe at least 50 percent of their business to Canadian visitors. The same thing is true in Texas and in California. I hope my colleagues can support the legislation. It is very important to us.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, first, I strongly support this bill, although the bill does not go far enough. I support it in the hope that we can go further within conference with the Senate. Why does the bill not go far enough? Because it simply delays the effective date with respect to land borders from September 30, 1998 to September 30,

1999. The Clinton administration has said to this Congress section 110 cannot be enforced. The Clinton administration has said to this Congress with respect to land borders, repeal section 110 because it cannot be implemented. They have submitted legislation to this Congress calling for its repeal, and all we are doing in this bill is delaying the effective date for one year. The Clinton administration says it cannot be enforced, repeal it with respect to land borders.

Mr. Speaker, I have introduced some other bills. In September I introduced H.R. 2481. Yesterday I introduced a companion bill to Senator ABRAHAM's bill, H.R. 2955. I believe that the bill that Senator ABRAHAM has introduced in the United States Senate, to which a few dozen of us cosponsored yesterday, is the more appropriate approach.

I am not an expert on the Mexican border. I consider myself an expert on the Canadian border, however. When I was a young boy, I lived perhaps two blocks away from the Peace Bridge going from the United States to Canada and vice versa. That is where I played baseball, that is where I learned how to swim, play tennis. We used to walk across the Peace Bridge to Canada, to go swimming, to go fishing as easily as one would go from Virginia to Maryland to the District of Columbia, as easily as one would go from North Carolina to South Carolina. We pride ourselves on a shared border, on an open border. Do not regress in history. Do not turn aside 200 years of history and build a wall around the United States. Do not say to individuals, before you can leave the United States, we must document each and every person leaving the United States. We have never done that before, we ought not to do it now. At the very least, delay its implementation until September 30, 1999 rather than September 30, 1998, when cooler heads might be able to prevail.

Mr. SMITH of Texas. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I rise to enter into a colloquy with the gentleman from Texas [Mr. SMITH]. I have some concerns about H.R. 2920 that have been raised by the gentleman from New York [Mr. LAFALCE]. I do believe that section 110 of this immigration reform bill does require some revision, or some study.

As a Representative from Michigan, a State which shares a wide border with Canada, I have strong concerns about the impact that section 110 may have on States all across the northern border. Implementation of this system would slow commerce to a virtual standstill. Let me give Members an example in my State of Michigan. For example, in Detroit alone, in Port Huron, some 30,000 motorists, actually more than that, 30,000, at the Ambassador Bridge alone cross daily. In fact, the President of the International Bridge Company has testified that that could result in backups, delays, and I am talking about people that work on both sides of the river, both sides, it would back up traffic perhaps halfway to Flint, Michigan, 40 or 50 miles, and on the Canadian side even further. In particular, this system would cripple the automotive industry and the local economy which, as Members, know depends upon just in time deliveries.

What I would like to do, if I could, I wanted to enter into a colloquy with the gentleman to make a determination, and I think the way the bill reads right now is that border crossings will not be substantially impeded. We have a great deal at risk here. I wanted to get the gentleman's assurance that that would be the case.

Mr. SMITH of Texas. Mr. Speaker, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Texas.

Mr. SMITH of Texas. The gentleman is correct. The language in this bill is mandatory and says that the entry-exit system shall not significantly disrupt trade, tourism or other legitimate cross border traffic. I believe the bill will do exactly what the gentleman would like to see done.

Mr. KNOLLENBERG. If I could reclaim my time, I would like to just say that I think the gentleman from New York [Mr. LAFALCE] has an idea that is shared by a number of others. We want to do what obviously is best. We have some time now to do that. I thank the gentleman for making a clarification.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

To the distinguished gentleman from Texas, the chairman of the subcommittee, we never had hearings on this. This was introduced up in the Committee on Rules and shot through here like a bullet. This is a very important subject. Does the gentleman have any idea why we did not? It is our committee. It is the gentleman's subcommittee. We never had hearings. I guess that does not matter.

Now he comes here in the middle of the night telling us this is a very critical matter. We have all kind of hearings all year long on everything in the gentleman's subcommittee. I, for one, if I have any sympathies for this measure, do not like the process that it was carried on in.

I rise in strong opposition to H.R. 2920, providing for a 1-year delay in section 110 of last year's immigration bill (requiring a border card on the Canadian and Mexican borders).

No Member is more concerned about the potential problems caused by section 110 than I am. We can see Windsor, Canada from my district. Last year United States trade with Canada was over $355 billion making it the largest exchange between any two countries in the world. Of that figure, 57 billion dollars worth of goods were traded with Michigan—giving it a larger share of trade with Canada than any other State. The State Department has stated, "Section 110 represents a serious speed bump on the continued expansion of our economic relationships—one which could literally cause traffic across our northern land border to slow to a crawl."

However, H.R. 2920 is the wrong fix at the wrong time. This is a difficult problem which involves sensitive and complex issues concerning trade, drug running, tourism, and illegal immigration. Yet, the bill comes to this floor without the benefit of any committee hearings, debate, or report.

The bill is strongly opposed by the Canadian Government. They have written:

In a nutshell, Canada opposes the bill because it would only postpone a problem that really needs to be eliminated . . . under the present circumstances, the best course of action would be to refer H.R. 2920 to Committee, in order for it to be properly debated before being brought before the full House for a vote.

From my perspective, there are far preferable approaches available. The Senate has already conducted two hearings on the issue and Senator ABRAHAM has introduced legislation (S. 1360) which provides for a full exemption from the land border crossing requirements while we study the problems of implementing this vast new bureaucracy. A counterpart bill (H.R. 2955) has been introduced in the House which is supported by the administration.

In order to consider these and other responses, we need to vote this bill down today, so we can look at this issue in the Judiciary Committee with more than 24 hours notice.

H.R. 2920 is a "Band-Aid quick fix" which does not provide the proper solution for our border control concerns. Section 110 is not scheduled to be implemented until October 1998. We have plenty of time to hold committee hearings and develop a practical bipartisan solution to this problem.

I urge a "no" vote.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me this time. I just want to mention that I know this legislation is approved also by the gentleman from Illinois [Mr. HYDE], the chairman of the committee. I think this is critical. I am glad that we are acting, because the implementation date of September 30, 1998 could cause tremendous disruption in Michigan, not only to tourist traffic but to trade and to our economy. I think this new statutory requirement that this automated system will be delayed until 1999, and it will not disrupt trade, tourism or other legitimate cross border traffic is a good thing. I strongly support the bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. I just find it very amazing that all of these representations are being said about what disruption is going to happen on

the Canadian border as if the same disruptions do not happen on the southeastern border and the southern border. There is absolutely no distinction between the northern border and the southern border. The same arguments that apply on the northern border apply on the southern border. All these people are talking about, well, 50 years ago I used to play on the Canadian border. Fifty years ago we all used to keep our doors unlocked at night. But nobody does that now. We have turned up the pressure on the southern border and people are going around, coming in the northern border as if it is a sieve. It was the Republicans who kept telling us last year that we had to secure our borders. Now they are back making exception after exception after exception.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore [Mr. EVERETT]. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, I am confused about who is managing the time on that side of the aisle. I have heard the gentleman from Michigan [Mr. CONYERS] yield time, but then I am told that the gentleman from North Carolina [Mr. WATT] has the time. Who is managing the time on that side of the aisle? And how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] is managing the time for the minority.

Mr. SOLOMON. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] has 10¼ minutes remaining, and the gentleman from Texas [Mr. SMITH] has 10½ minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. MCHUGH].

(By unanimous consent, Mr. MCHUGH was allowed to speak out of order.)

REQUEST FOR AUTHORITY FOR SPEAKER TO DESIGNATE TIME FOR RESUMPTION OF PROCEEDINGS ON REMAINING MOTIONS TO SUSPEND RULES CONSIDERED MONDAY, SEPTEMBER 29, 1997

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to designate a time not later than the legislative day of November 14, 1997, for resumption of proceedings on the seven remaining motions to suspend the rules originally debated on September 29, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I am afraid I did not understand what the gentleman was doing in the midst of the debate on this bill. Would the gentleman restate what he is doing?

Mr. MCHUGH. Mr. Speaker, if the gentleman will yield, I am informed that the unanimous-consent request had already been agreed to and I was reading the text of that into the RECORD.

Mr. WATT of North Carolina. There cannot be a unanimous consent that is agreed to if he is asking unanimous consent on the floor.

Mr. SOLOMON. Mr. Speaker, regular order.

Mr. WATT of North Carolina. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WATT] has reserved the right to object.

Mr. MCHUGH. Mr. Speaker, I withdraw the unanimous consent request, and I yield to the gentleman from New York [Mr. SOLOMON].

□ 0000

Mr. SOLOMON. Mr. Speaker, evidently my good friend, the gentleman from North Carolina [Mr. WATT], and he is a good friend, did not hear my testimony earlier. I spoke about the borders of California, about the borders of Texas.

As my colleagues know, we are talking about all of the borders of this land. This legislation affects the borders on California, the borders on Texas, the borders on all across the northern part of the country. They are all affected the same, and we should not be trying to mislead, and I thank the gentleman from New York for having yielded me the time.

Mr. MCHUGH. Mr. Speaker, I would just add to my friend, the gentleman from Michigan [Mr. CONYERS], he asked why have we not had any hearings, and I think that is an appropriate point. I would suggest to him that this arose very quickly because very quickly the Immigration and Naturalization Service came to us in my office and said, "By the way you will be the lucky recipient of a test program." We felt that that had not had hearings. That indeed had not been an issue discussed, and I would suggest to the gentleman that the entire point behind delaying the implementation of this bill for years was to provide the gentleman and the gentleman from Texas [Mr. SMITH] and others who have a direct and very understandable interest in this with the opportunity to have the hearings, and therefore I believe we should support this for the very reasons he stated.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

Now there is no urgency on this bill. This is not an appropriation. This is not anything. It has not had a hearing, and here we are at midnight and one of the last days of the first session of the 105th Congress talking about a 1-year extension. We had plenty of time to hold all the hearings in the world in the Committee on the Judiciary, which the gentleman from Texas [Mr. SMITH] has never held on this subject. Now the Senate has held hearings on this subject, and by the way, the other body has no inclination whatsoever, whatsoever to pass this measure.

So what I am saying is that the best reason to be against this measure is that we do not understand its import and we are not in any rush. This measure does not expire until October 1998.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding this time to me.

I do not want to get caught in the crossfire of who had or did not have hearings, but there is some urgency to this matter, and it is very uncomplicated.

Mr. Speaker, I did not vote for this immigration bill to begin with because I thought it was going to have many of the problems that have come up because it is so complicated, and the border between the United States and Canada is one of the most complex. It is also the longest open, free, unguarded border in the entire world. Every day a billion dollars in goods and services cross the border from Canada to the United States and back and forth.

In an era of just-in-time delivery of goods, it is extremely important that we have a smooth flow across the U.S.-Canada border for that billion dollars daily of economic activity to survive. But with this legislation the more than 76 million people who enter the United States by land from Canada are going to line up, be checked in, have long waiting lines.

And let me just tell, my colleagues, what happens from the International Falls Daily Journal newspaper, the northern border of my district, a place that most of my colleagues will recognize as the cold spot of America. Right across the water is Fort Francis, Canada. Mark Elliot crosses the International Bridge of the United States nearly every day to visit his girlfriend in International Falls. Crossing between these countries normally takes very little time because he is such a familiar face, he and many other residents. But a law scheduled to take effect in 1998 will make his visits more difficult.

That is what it is all about. It comes down to one human being. This is a border control, this is an entry/departure control measure, it is not an inspection requirement. It is going to build up complexity between our two countries. It is going to build up complexity between the United States and Mexico. The amendment that we are considering tonight applies to both borders, will resolve these complexities.

I do not address the United States-Mexico situation because I do not live there, and I do not understand that problem, but I do understand United States-Canada, and for every individual

to have to have an entry or departure control document is going to, for those 76 million crossings, is going to be extraordinarily complex. I can imagine it would be even worse on the United States-Mexican border.

It is not difficult to understand the problem. This is a very simple fix of 1 year delay. Give us time to adjust, to think out, what this language means. We should not have passed that bill in the first place, but having passed it, this mistake ought to be corrected.

Mr. CONYERS. Mr. Speaker, I yield myself 20 seconds.

To the gentleman from Minnesota [Mr. OBERSTAR], my ranking member on the Committee on Transportation and Infrastructure, my best friend, No. 1, that guy with the girlfriend in Canada, one of them ought to move. No. 2, the Canadian Government, not that we give a hoot about their opinion, is totally opposed to what we are doing, not that that matters.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. REYES].

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding this time to me, and now I can perhaps give some personal perspective to what is being discussed here this evening in the hypothetical, although I will tell my colleagues that hearing some of the impassioned reasons like trade, commerce, long waiting lines, tourism, congestion; as my colleagues know, they are discussing Canada, but they are describing the southern border with Mexico, and my good friend, the gentleman from Minnesota [Mr. OBERSTAR], made mention that perhaps this bill should never have been passed.

Well, absolutely there were a lot of things that were passed in this House before I was able to be here that should not have been passed. There were a lot of things that we are going to have to go back and address because they are simply not fair, and what we are doing here this evening is simply not fair.

And I can tell my colleagues as a ex-immigration officer, as an ex-border patrol chief, the gentleman from Michigan [Mr. CONYERS] is absolutely correct. If we shut down the southern border, guess where they are going to smuggle from? Guess where intelligence today tells the United States Border Patrol, the United States Customs, the United States Immigration Service, the United States Secret Service, guess where the focus of entry is? Guess where the only documented cases of entries into this country for terrorism have come through? It has not been through Mexico, because, no, we have been pretty darn tough on Mexico. It has been through the Canadian border, because, as several of my colleagues have said, heck, we have an open border up there.

I grew up there. I played baseball. I went back and forth. There is a gentleman that has got a girlfriend and goes back and forth. Well, guess what? Those same things could describe the relationship between Texans and Mexico, between New Mexicans and Mexico, between Arizona and Mexico, between southern California and Mexico. All of those things are appropriate, all of those things apply to the southern border of the United States as well.

And my point here tonight is that this issue is about fairness. This issue is about listening to ourselves as we make these arguments in some inane way where the people on the southern border cannot understand us. First my colleagues want to be tough, then they want to be not so tough on the northern border. Well, my colleagues, it does not work that way. It does not work that way because the men and women that enforce the laws of this country, myself included for 26½ years, are impartial. We do not want to enforce one law on the southern border and another law on the northern border. We do not want to treat Canadians one way and Mexicans a different way.

Let us get a grip. If we want to be fair, if this country is going to remain the beacon of fairness, the beacon of liberty, the beacon of opportunity, then for God's sake let us do the right thing and let us apply the law equally on the northern border as it is on the southern border.

Mr. SMITH of Texas. Mr. Speaker, I yield 20 seconds to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I simply want to respond to the concern of the gentleman and others who have spoken about shifting of drug trafficking from one border to another. I tell my colleagues we have got a wilderness border between the United States and Canada in my district, and the timberwolves will get them before anybody else gets across that border, believe me. There is no trafficking across that border.

Mr. CONYERS. Mr. Speaker, I yield myself 20 seconds.

There is not any trafficking across that part of the northern border, but there is plenty of drugs increasingly coming in at the northern border.

And one more thing, my colleagues. This bill is being represented as a temporary fix. What the real deal is is that it is going to be permanent, and we will never get to the hearings on the bill that everybody is for or against it. It never had hearings.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Speaker, I thank the gentleman for yielding this time to me.

I want to associate myself with the remarks of my good friend, the gentleman from New York [Mr. LAFALCE], earlier tonight. When my other dear friend, the gentleman from North Carolina [Mr. WATT], talks about the fact that there is absolutely no distinction between these two borders, we are simply coming here tonight to tell our colleagues in a very calm, experienced way that we think there might be some distinctions, and we would like to share some of those differences with our colleagues if we see some. My other friend from Texas says that they are all the same, and I would suggest to him that this is exactly the reason we want to try to treat them the same.

Now, we had an opportunity tonight to hear about statistics and numbers and the amount of trade and the tourism that goes back and forth between at least the border that we know best, the Canadian border. I would like to suggest to the rest of my colleagues as we look at 2920 that there is also the people that are involved here entering into that equation.

When my good friend, the gentleman from New York [Mr. LAFALCE], talks about his knowledge and experience in the Buffalo area at the Peace Bridge, I want to add to that my own experience, and it is not ancient history, colleagues, it is not something that happened 50 years ago or 60 years ago, it is happening today. It is happening right now, and it is happening with young people, experienced people, whether it is drivers, whether it happens to be jobs, it is happening now.

And all we are suggesting to our colleagues is that we would like the time that 2920 suggests to have some of the hearing and some of the time that has been talked about, but we are not just trying to tell our colleagues that we are telling someone else what they should do. We have some experiences there, we know what is happening at that border, and we are suggesting to our colleagues that if this plan is implemented now, it will be disastrous to affect not only trade, not only jobs, not only commerce, all the good things my friend from Texas talked about, but also affecting people's everyday lives.

And it is not political, and it is not Democrat, or it is not Republican. We have got people from both parties here trying to add some intelligence to the discussion.

□ 0015

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, we need experts like that to testify at a hearing. You know, we are at midnight talking about all the experts on immigration at the northern border, and we have not had one hearing on this whole thing. I suggest this suspension be turned back and that the Committee on the Judiciary do its job.

Mr. Speaker, I yield 1½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, sometimes we screw up, and when we do, we need to take steps to fix it. When we passed the illegal immigration reform

bill, that put on to the INS the requirement to develop a system for documenting every alien entering and leaving this country by October of 1998. We put in place a system that could not work, that will not work, and that threatens commerce on both borders.

This is about delaying the effective date of that one year, and I believe we will even have to take additional steps, as outlined by the gentleman from New York [Mr. LAFALCE] and others.

Let me just show you North Dakota. I represent this State. It is a State that shares one of the longest borders with Canada in the entire country. It is absolutely vital to our commerce, more than $50 million of commerce to North Dakota coming back and forth every year, 2 million border crossings in North Dakota alone.

This has not been a problem. What the people back home cannot understand is, when Congress makes a mistake, we all make mistakes, but why can we not fix the mistake before people get hurt?

I have got letters here from small businesses all across the State of North Dakota. Now, they are not involved in any of the high stakes and the high rhetoric about the immigration reform. All they know is, they need the daily flow of commerce like they have had it.

Please, please, do not hurt North Dakota's economy on a mistake that we did last year. Let us fix this mistake, or at least delay the implementation 1 year. Please pass this bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I ask my colleagues on both sides to listen to the discussion. I heard my colleague talk about when the borders used to be open in Canada. I remember walking up and down the beaches along the Mexican border all the time. We do it today.

But this debate is really showing that we need to have internal enforcement. Do not try to do it all at the border. I do not care if it is in my neighborhood, that of the gentleman from Texas [Mr. REYES] and mine with Mexico, or Canada.

I call on everyone saying that they want to see the good things continue to go across the border and to stop the bad things; let us finally sit down and work on internal enforcement. Do not try to do it all on the borders or all in the Canadian neighborhoods or in the Mexican neighborhoods of those of us who live next door to it.

Let us get together and say all of America should be participating in controlling illegal immigration. Not just those of us on the frontier who just happen to live along the border, but all Americans should join in this. Let us take this debate and accept that there is a problem here and in Mexico. Back and forth, we need to have a check system. In Canada we need it. But we also need a check system on every employer and every social program in America.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. BALDACCI].

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Maine.

The SPEAKER pro tempore [Mr. PEASE]. The gentleman from Maine [Mr. BALDACCI] is recognized for 2 minutes.

Mr. BALDACCI. Mr. Speaker, I thank the gentlemen for yielding me this time.

Mr. Speaker, I am almost hesitant to wade into this discussion going on, but I feel I must, especially since Maine does border Canada and we have been very deeply involved in this.

This is a very technical matter. It is a technical correction that is being offered, and it is something that is not a fight between the Mexican border or the Canadian border. Unfortunately, Section 110 overlooks the history and tradition of the longest peaceful border in the world, and that is shared northern borders with Canada.

For decades, most Canadian nationals have been exempt from registering with the I–94 documentation for entry into the United States. In 1996, more than 116 million people entered the United States by land from Canada, and 76 million more were Canadian nationals or U.S. permanent residents. Imposing a registration requirement on Canadians who otherwise are not required to possess a visa or passport will cause traffic tie-ups of chaotic proportions.

All this bill purports to do is, it purports to delay the implementation of the requirements on both borders. It is a technical correction.

Mr. WATT or North Carolina. Mr. Speaker, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, I just want to say, people keep saying that. Understand, the Mexican border, the entry system is already in place. So this notion that we are delaying and it is just applying to equally is just not true.

Mr. BALDACCI. Mr. Speaker, reclaiming my time, this bill is a technical bill that only delays the implementation on both borders. It does not show a preference on one border or the other. It delays the implementation of the rule on both borders, so it is not showing preference. This is very badly needed because of the interests, especially of what we are talking about, because the Canadian Government does not only support moving in this direction, but they want to do it permanently. They are not in opposition to the direction, they just would like to have more instead of less.

We are 99.9 percent problem-free. We have an agreement between the United States and Canada that was a border agreement accord which was the framework of the border inspections.

I urge Members to support this legislation.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BECERRA].

Mr. Speaker, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I wanted to appeal to the distinguished subcommittee chairman to consider withdrawing this bill. It is clear we need hearings. The smart thing for us to do at 12:20 in the morning is to take this thing back to the Committee on the Judiciary, where it has never been.

Mr. BECERRA. Mr. Speaker, reclaiming my time, I thank the gentleman for yielding me this time.

Mr. Speaker, I believe it was the chairman in the beginning of this debate that said that this country has the right and the duty to control our borders. Well, if we pass H.R. 2920, we will be asserting our right but we will be ignoring our duty.

You see, back in 1996, just a year ago, we passed a law that said that we must inspect our borders, both in terms of people entering and people leaving. For Mexico, last year we imposed that entry check, so anyone coming into this country from our southern border right now must go through this entry check.

It was not until this year, a year later, that the exit check for both Mexico and Canada was to take effect, along with the entry check for Canada, which did not take effect when the entry check for Mexico took place. Only now is that entry check now going to take effect in Canada.

But where was the outrage about the disruption to commerce, to tourism, to family ties, when we imposed the entry check on the U.S.-Mexico border? Now we hear the outrage. The same thing applies, but it is different treatment. What people are saying today is, if it was good enough for one part of the border, it is good enough for the rest of the borders.

What we have to understand is, what we do today if we pass this bill is say we are allowing and willing to allow people to come into this country, overstay their visas, and become undocumented individuals in this country.

Understand, there are people that cross through all parts of our border. If you vote for this bill, you are saying you are willing to allow people to overstay and become, as many of you term it, "illegal aliens." So understand, do not make any mistake about it, this is not to just conform the law, this is not to try to take care of disruption for commerce and family, this is an attempt to try to withhold the function

of the law, the application of the law, for one place but not for others. If it is fair for one place, it should be fair for all the others.

The SPEAKER pro tempore. All time for the gentleman from Michigan [Mr. CONYERS] has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I want to say my friend from California has, I believe, made a statement that was inaccurate. The point of this bill, H.R. 2920, is not to eliminate an entry-exit system but simply to make the system more workable.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, first of all, I want to reiterate one point: That is, the Clinton administration favors repeal of section 110 with respect to land borders. The Canadian Government favors repeal also. This bill does not call for repeal; it calls for a 1-year additional delay.

I also want to thank the distinguished ranking Democrat on the Committee on the Judiciary, the gentleman from Michigan [Mr. CONYERS], for, number one, being an original cosponsor of the bill, H.R. 2481, repealing it; for being an original cosponsor of H.R. 2955, repealing it; for having testified before Senator ABRAHAM's hearing in Detroit respecting it; and for indicating at that time that when the technical corrections bill is taken up in the Committee on the Judiciary, he would offer an amendment to the technical corrections bill seeking repeal of section 110 with respect to land borders.

Until we get to that point though, let us delay its effective date for 1 year.

Mr. SMITH of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Speaker, this issue is very critical to my district. I have the second largest traffic in the whole country, I believe, from the Blaine border crossing. It is very critical, very important. I believe this is a technical correction, and it is just very vital.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge my colleagues to support this bill, H.R. 2920. It will do two things: It will facilitate trade, and it will protect our borders. Most importantly of all, it has one fair standard for both borders, north and south.

Mr. Speaker, it will affirm America's commitment to facilitate lawful trade and border crossings with our northern and southern neighbors and also support development of a workable, and I emphasize the word "workable," border entry-exit system for all our borders.

Mr. NETHERCUTT. Mr. Speaker, I rise today in support of H.R. 2920, introduced by my colleague from New York, Mr. SOLOMON. H.R. 2920 would delay the implementation of Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act (P.L. 104–208) at land-based border entry ports from October 1, 1998, to October 1, 1999. Section 110 requires the Immigration and Naturalization Service [INS] to implement an entry-exit system at all entry points to the U.S. H.R 2920 would still require the INS to implement an entry-exit system at U.S. airports and seaports by October 1, 1998, and would also require the INS to implement Section 110 in such a way that would not significantly disrupt or impeded trade or tourism.

I was a proud supporter of immigration reform last year, and believe that an entry-exit system should be an integral part of U.S. efforts to address illegal immigration. However, I believe Congress should provide the INS additional time to implement Section 110 at land-based border entry points. There are simply too many land-based entry points into the U.S., six in my district, for the INS to implement an entry-entry system by the end of next year. Allowing the INS to first implement an entry-exit system at U.S. airports and seaports should give the INS additional time to implement an entry-exit system in such a way that would not cause unnecessary delays at border crossing. Mr. SPEAKER, there have been numerous legislative proposals to address concern about Section 110, and I have been supportive of legislative corrections to Section 110. It is possible that Congress will pass such corrective legislation next year, but I believe this is too important an issue to leave unresolved until then. I thank my colleague from New York for introducing his bill at this time, and ask my colleagues to support H.R. 2920.

Mr. MCHUGH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 2920.

The question was taken.

Mr. WATT of North Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 325, nays 90, not voting 18, as follows:

[Roll No. 627]

YEAS—325

Ackerman	Bereuter	Bunning
Aderholt	Berman	Burr
Allen	Bilirakis	Buyer
Andrews	Blagojevich	Callahan
Archer	Bliley	Calvert
Armey	Blumenauer	Camp
Bachus	Blunt	Campbell
Baker	Boehlert	Canady
Baldacci	Boehner	Cannon
Ballenger	Bonilla	Cardin
Barcia	Bonior	Castle
Barr	Bono	Chabot
Barrett (NE)	Borski	Chambliss
Barrett (WI)	Boswell	Chenoweth
Bartlett	Boyd	Christensen
Barton	Brady	Clement
Bass	Brown (OH)	Coble
Bateman	Bryant	Collins
Combest	Istook	Petri
Condit	Jenkins	Pickering
Cook	John	Pickett
Cooksey	Johnson (CT)	Pitts
Costello	Johnson (WI)	Pombo
Cox	Jones	Pomeroy
Coyne	Kanjorski	Porter
Cramer	Kaptur	Portman
Crane	Kasich	Poshard
Crapo	Kelly	Pryce (OH)
Cunningham	Kennedy (MA)	Quinn
Danner	Kennelly	Radanovich
Davis (FL)	Kildee	Rahall
Davis (VA)	Kilpatrick	Ramstad
DeFazio	Kim	Redmond
DeGette	Kind (WI)	Regula
Delahunt	King (NY)	Riggs
DeLauro	Kingston	Rivers
DeLay	Klink	Roemer
Deutsch	Knollenberg	Rogan
Diaz-Balart	Kolbe	Rogers
Dickey	Kucinich	Ros-Lehtinen
Dicks	LaFalce	Royce
Dixon	LaHood	Ryun
Doolittle	Lampson	Sabo
Doyle	Latham	Sanders
Dreier	LaTourette	Sanford
Duncan	Lazio	Sawyer
Dunn	Leach	Saxton
Ehlers	Levin	Schaefer, Dan
Ehrlich	Lewis (CA)	Schumer
Emerson	Lewis (KY)	Sensenbrenner
Engel	Linder	Sessions
English	Lipinski	Shaw
Ensign	Livingston	Shays
Eshoo	Lofgren	Shimkus
Everett	Lowey	Shuster
Farr	Lucas	Sisisky
Fawell	Luther	Skaggs
Fazio	Maloney (CT)	Slaughter
Foley	Maloney (NY)	Smith (MI)
Forbes	Manton	Smith (NJ)
Fossella	Manzullo	Smith (OR)
Fowler	Markey	Smith (TX)
Fox	Mascara	Smith, Adam
Frank (MA)	McCarthy (MO)	Smith, Linda
Franks (NJ)	McCarthy (NY)	Snowbarger
Frelinghuysen	McCollum	Solomon
Furse	McDade	Souder
Gallegly	McGovern	Spence
Ganske	McHale	Spratt
Gejdenson	McHugh	Stabenow
Gekas	McInnis	Stearns
Gephardt	McIntosh	Stump
Gibbons	McIntyre	Stupak
Gilchrest	McKeon	Sununu
Gillmor	McNulty	Talent
Gilman	Meehan	Tanner
Goode	Menendez	Tauscher
Goodlatte	Metcalf	Tauzin
Goodling	Mica	Taylor (NC)
Gordon	Miller (FL)	Thomas
Goss	Minge	Thornberry
Graham	Moakley	Thune
Granger	Mollohan	Thurman
Greenwood	Moran (KS)	Tiahrt
Gutknecht	Moran (VA)	Tierney
Hall (OH)	Morella	Towns
Hall (TX)	Murtha	Upton
Hamilton	Myrick	Vento
Hansen	Nadler	Visclosky
Hastert	Neal	Walsh
Hastings (WA)	Nethercutt	Wamp
Hayworth	Neumann	Watkins
Hefley	Ney	Watts (OK)
Herger	Northup	Waxman
Hill	Nussle	Weldon (FL)
Hilleary	Oberstar	Weldon (PA)
Hinchey	Obey	Weller
Hobson	Olver	Wexler
Hoekstra	Oxley	Weygand
Holden	Packard	White
Hooley	Pallone	Whitfield
Horn	Pappas	Wicker
Hostettler	Parker	Wise
Houghton	Pascrell	Wolf
Hoyer	Paul	Woolsey
Hulshof	Paxon	Young (AK)
Hutchinson	Pease	Young (FL)
Hyde	Peterson (MN)	
Inglis	Peterson (PA)	

NAYS—90

Abercrombie	Becerra	Berry
Baesler	Bentsen	Bilbray

Bishop	Hunter	Rothman
Brown (CA)	Jackson (IL)	Roybal-Allard
Brown (FL)	Jackson-Lee (TX)	Rush
Carson	Jefferson	Salmon
Clay	Johnson, E. B.	Sanchez
Clayton	Kennedy (RI)	Sandlin
Clyburn	Kleczka	Scarborough
Coburn	Lantos	Schaffer, Bob
Conyers	Lewis (GA)	Scott
Cummings	LoBiondo	Serrano
Davis (IL)	Martinez	Shadegg
Deal	Matsui	Sherman
Dellums	McKinney	Skeen
Doggett	Meek	Skelton
Dooley	Millender-McDonald	Snyder
Edwards	Miller (CA)	Stark
Etheridge	Mink	Stenholm
Evans	Ortiz	Stokes
Fattah	Owens	Strickland
Filner	Pastor	Taylor (MS)
Ford	Payne	Thompson
Frost	Pelosi	Torres
Green	Price (NC)	Traficant
Gutierrez	Rangel	Turner
Harman	Reyes	Velázquez
Hastings (FL)	Rodriguez	Waters
Hefner	Rohrabacher	Watt (NC)
Hilliard	Ros-Lehtinen	Wynn
Hinojosa		

NOT VOTING—18

Boucher	Foglietta	McDermott
Burton	Gonzalez	Norwood
Cubin	Johnson, Sam	Riley
Dingell	Klug	Roukema
Ewing	Largent	Schiff
Flake	McCrery	Yates

□ 0055

Messrs. WYNN, TORRES, ABERCROMBIE, LoBIONDO, SHADEGG, BOB SCHAFFER of Colorado, SCARBOROUGH, and SHERMAN changed their vote from "yeas" to "nays."

Mrs. MALONEY of New York, Mr. MOAKLEY, and Mr. KENNEDY of Massachusetts changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1189. An act to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

S. 1228. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1507. An act to amend the National Defense Authorization Act for Fiscal Year 1998 to make certain technical corrections.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 738, AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

Mr. DIAZ-BALART (during consideration of H.R. 2920) from the Committee on Rules, submitted a privileged report (Rept. No. 105–400) on the resolution (H. Res. 319) providing for consideration of the bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF CERTAIN RESOLUTIONS IN PREPARATION FOR THE ADJOURNMENT OF THE FIRST SESSION SINE DIE.

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 311 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 311

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House a joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) One hour of debate equally divided and controlled by the majority leader and the minority leader or their designees; and (2) one motion to commit.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House a joint resolution appointing the day for the convening of the second session of the One Hundred Fifth Congress. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) One hour of debate equally divided and controlled by the majority leader and the minority leader or their designees; and (2) one motion to commit.

SEC. 3. The Speaker, the majority leader, and the minority leader may accept resignations and make appointments to commissions, boards, and committees following the adjournment of the first session sine die as authorized by law or by the House.

SEC. 4. A resolution providing that a committee of two Members of the House be appointed to wait upon the President of the United States and inform him that the House of Representatives has completed its business of the session and is ready to adjourn, unless the President has some other communication to make to them, is hereby adopted.

SEC. 5. A concurrent resolution providing that the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 27, 1998, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them is hereby adopted.

SEC. 6. House Resolution 306 is laid on the table.

□ 0100

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Friday night, with little debate, the Committee on Rules reported House Resolution 311 by voice vote. This rule provides for the consideration and adoption of resolutions in preparation for the adjournment of the first session of the 105th Congress sine die. The rule includes a laundry list of items that the House must take care of in preparation for the end of the year, when it is time for us to leave Washington and go home to our families and constituents.

For example, the rule makes in order a joint resolution that would waive certain enrollment requirements with respect to specified bills, so that after legislation is passed, it can be sent to the President for his signature without delay.

Further, the rule provides for consideration of a joint resolution that specifies the day when the 105th Congress will reconvene for a second session. Each of these resolutions will be debatable for 1 hour, equally divided between the majority and minority leaders, and will be subject to a motion to commit.

Further, with the adoption of this rule, a resolution to provide for the appointment of two Members of the House to inform the President that the House is ready to adjourn, unless he has some other communication to make to the House, will be adopted. Other housekeeping items this rule provides for will allow the Speaker, majority leader, and minority leader to accept resignations and make appointments to commissions, boards, and committees following adjournment.

This rule also disposes of H. Res. 306, which the House has no need to consider.

Finally, this rule looks forward to the time when we will return to Congress next year, refreshed and renewed, ready to work, by setting the date for the President's State of the Union on Tuesday, January 27, 1998, at 9 p.m.

Mr. Speaker, as we plan for adjournment, it is worthwhile to reflect on the accomplishments of the first session of the 105th Congress. And we have a lot to be proud of. Perhaps most notably,

the 105th Congress passed legislation to provide tax relief for the first time in 16 years. Through your efforts, we have given 41 million children a tax credit, we have slashed the capital gains tax to promote economic growth, and we have reined in the death tax to provide relief to family-owned farms and businesses.

At the same time, we reached our goal of enacting a balanced budget that will eliminate the deficit by slowing the growth of government spending and creating a small, more effective Federal Government. Through that same legislation, we saved the Medicare program from bankruptcy, extending its life for at least 10 years, so that today's seniors and future generations will have the affordable, quality health care they so strongly deserve.

And that is not all. This House has passed legislation to move children from foster care to permanent homes. We passed legislation to give workers the flexibility of opting for time off rather than overtime pay, and we passed housing reforms to help low-income families.

In recent days, we have started down the path to overhauling our onerous tax system by passing legislation to reform and restructure the IRS. And the education reform measures we have adopted will give hope to children eager to learn and the promise of choice to parents who want the best for their kids.

Mr. Speaker, we have worked hard, and it shows. Now it is time to wrap up our work, go home to our families and constituents, and renew ourselves for the legislative challenges that lie ahead. Adoption of this rule will take us one step closer to the completion of a very productive first session, and I urge its swift adoption.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate that the two of us are about as popular as we can get this evening, holding this crowd. However, it is necessary for us to do this or the business of the Republic cannot go on; it is that important.

Mr. Speaker, for the most part, the rule provides for usual housekeeping duties that are required to bring a session of Congress to a close. I do not oppose those provisions, but I do believe that they should only be brought up at the appropriate time, when we have completed all of our vital pending business.

A major issue that needs to be addressed before we leave is campaign finance reform. The 1997 elections merely enforce the obvious problems with our campaign finance laws that we learned in the 1996 elections. The use of massive amounts of soft money on supposed "issue advertising," which was intended and succeeded in affecting the outcome of individual races; the failure of disclosure rules to adequately inform the public, because of noncompliance and delayed compliance with the current rules; the continued laundering of money through supposed nonpartisan, nonprofit interest groups must stop.

House Members on both sides of the aisle know it is necessary, because 187 Members of this Congress have taken the extraordinary step of signing Discharge Petition 3 to force a full discussion of a variety of proposals. The American public deserves better than our current out-of-control system, and we need to work on reform now. We all know the process will be difficult and contentious, but, nevertheless, reform is essential to ensure that citizens and not money decide who wins elections.

Finally, Mr. Speaker, I would like to comment on the last section of the rule, which lays on the table H.R. 306. H.R. 306, as we all remember, was the resolution that this House should have considered to expedite procedures at the end of the session. It was similar to the resolutions in previous Congresses.

Instead, this majority demonstrated its utter disregard for Members' basic right to assert their constitutional prerogatives as representatives elected by their constituents. For the first time in the 218-year history of the House of Representatives, we voted last Thursday to strip from Members the right to raise before the whole body questions of privilege affecting the rights of the House collectively, its safety, dignity, and integrity of its proceedings. And I am saddened that this dangerous precedent was set.

I would like to say that I think we also need to say before the close of this session of Congress that to drag on the question of the gentlewoman from California [Ms. SANCHEZ] in District 46 of California, to drag that on is the penultimate case of not being able to adjourn to go home, to leave unfinished business.

I regret with all my heart that we are at that state. And I hope when we come back next week we can remedy that problem.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, as everybody is as tired and interested in going home as I am, it bears repeating that, and I did not know that the gentlewoman from New York [Ms. SLAUGHTER] was going to mention the gentlewoman from California [Ms. SANCHEZ], but, as we leave, to repeat that this is the longest pending case in history under the Federal Contested Election Act, the longest in history.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Let me remind my colleagues who are focused so loud on campaign finance reform that the House will have that debate when we return in the spring. Currently, there is no consensus on what campaign finance should look like, as was evidenced by hearings held in the Committee on House Oversight.

Our hope is that by March or April, the House will find some consensus on this issue so that meaningful campaign finance reform can be passed and signed into law. I want to remind my colleagues who are focusing on what we have not done of what we have accomplished in the first session. And once again I will remind them.

We have passed legislation to provide for tax relief for the first time in 16 years, a balanced budget that eliminates the deficit by 2002, adoption reforms for children in foster care, comptime for America's workers, housing reform for low-income families, education reform for children eager to learn, and IRS reform for the taxpayers. I have to say very proudly that much of this has been accomplished in a bipartisan manner.

So, Mr. Speaker, we should be proud of these accomplishments and recognize that while we see a break in the action here soon, this resolution does not signify the end of the 105th. We will be back next year to add to our good works.

Further, Mr. Speaker, this resolution, in and of itself, should not be controversial. There were no objections heard in the Committee on Rules. So I urge my colleagues to support the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 257, nays 159, not voting 17, as follows:

[Roll No. 628]

YEAS—257

Aderholt	Blunt	Chenoweth
Allen	Boehlert	Christensen
Archer	Boehner	Clement
Armey	Bonilla	Coble
Bachus	Bono	Coburn
Baker	Brady	Collins
Ballenger	Bryant	Combest
Barcia	Bunning	Cook
Barr	Burr	Cooksey
Barrett (NE)	Buyer	Cox
Barrett (WI)	Callahan	Cramer
Bartlett	Calvert	Crane
Bass	Camp	Crapo
Bateman	Campbell	Cunningham
Bereuter	Canady	Danner
Bilbray	Cannon	Davis (FL)
Bilirakis	Castle	Davis (VA)
Blagojevich	Chabot	Deal
Bliley	Chambliss	Delahunt

DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCarthy (NY)
McCollum
McDade
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Minge
Moakley
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Sabo
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stokes
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—159

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Furse
Gejdenson
Gephardt
Goode
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McHale
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Payne
Peterson (MN)
Pickett
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Salmon
Sanchez
Sanders
Sandlin
Scarborough
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey

NOT VOTING—17

Barton
Burton
Cubin
Dingell
Flake
Foglietta
Gonzalez
Goodling
Klug
Martinez
McCrery
McDermott
Murtha
Riley
Schiff
Smith (OR)
Yates

□ 0143

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

H. Res. 306 was laid on the table.

The SPEAKER. Pursuant to House Resolution 311, House Resolution 320 and House Concurrent Resolution 194 are adopted.

The text of House Resolution 320 is as follows:

H. RES. 320

Resolved, That a committee of two Members of the House be appointed to wait upon the President of the United States and inform him that the House of Representatives has completed its business of the session and is ready to adjourn, unless the President has some other communication to make to them.

The text of House Concurrent Resolution 194 is as follows:

H. CON. RES. 194

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 27, 1998, at 9 p.m. for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I take this time to speak out of order for the purposes of announcing the schedule and pending business before the House.

Mr. Speaker, I want to thank all the Members for their patience and good humor at this very, very late hour on Sunday and early hour on Monday.

Mr. Speaker, I do not believe we will have any more business before the House this evening that will require a vote before the House. However, we have been working with the minority, and, I believe, and I am pleased to see the gentleman from Michigan [Mr. BONIOR], there for the purpose of concurrence on this, I believe that the minority agrees in some clearances for some unanimous consent requests that would still be taken tonight and for which we should not expect a vote.

We would conclude our legislative business for this week, but I should advise Members that we would resume legislative business at noon on Wednesday next, with no votes until after 5 o'clock on next Wednesday, with the expectation that we would conclude the legislative work for the year on that Wednesday evening and on Thursday.

In order to facilitate that work to be done on Wednesday and Thursday, we would, with the concurrence of the minority, be looking for unanimous consent to have a CR that would take us through Friday of next week, and then a unanimous consent to allow a rule that would give us same day authority under which we could consider any additional appropriations conference reports to come before us, the ISTEA legislation, the Amtrak legislation, the fast-track legislation, and any suspensions that we might properly notice in agreement with the minority. That authority, incidentally, Mr. Speaker, would last through Friday.

Those particular unanimous consents will be asked, of course, upon the conclusion of this advisory commentary on the schedule.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding.

I would ask the gentleman at this time if I heard correctly that the fast-track legislation has been put off indefinitely? Does the gentleman concur on that?

Mr. ARMEY. I am not sure I heard the word "definitely" or "indefinitely."

Mr. BONIOR. There was an "in" before the "D."

Mr. ARMEY. The fast-track legislation will not come up at this time. However, the gentleman may have noticed that we will be asking unanimous consent that that be included in that list of legislation that would be available for same-day authority on Wednesday night or Thursday.

Mr. BONIOR. So is the gentleman telling us this morning that he expects the fast-track legislation to come before us next Thursday or Friday?

Mr. ARMEY. I thank the gentleman. I guess I feel a little bit like Pip; I still have great expectations. They are shared at the White House. We are hopeful that might be worked out, but

I have no announcement or even, for that matter, prediction to make at this time. We just want to have that contingency available to us, should things develop favorable to that course of action.

If I could hold the gentleman's attention, I wonder if the gentleman can concur that we should expect no objections to the unanimous consent requests that I outlined?

Mr. BONIOR. That would be my recommendation on the two unanimous consents that the gentleman has propounded to the body this morning.

Mr. ARMEY. If that be the case, Mr. Speaker, I would like to propound some unanimous consents right now.

If I may, before I do so, for the benefit of my good friend, the gentleman from Pennsylvania [Mr. SHUSTER], who is very anxious about his own legislation and has worked very hard, and for so many Members who have unanimous consents, please understand that we are working with the minority. We may not be able to have officially cleared and prepared for the floor through the leadership of the minority and the majority your unanimous consent for today, but we are attentive to these matters, and we are hopeful to have those worked out for you before we conclude business next week. I do again appreciate everybody's patience.

AUTHORIZING SPEAKER TO DESIGNATE TIME FOR RESUMPTION OF PROCEEDINGS ON REMAINING MOTIONS TO SUSPEND RULES CONSIDERED MONDAY, SEPTEMBER 29, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to designate a time not later than the legislative day of November 14, 1997, for resumption of proceedings on the seven remaining motions to suspend the rules originally debated on September 29, 1997.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO WEDNESDAY, NOVEMBER 12, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on the legislative day of today, it adjourn to meet at 12 noon on Wednesday, November 12, 1997.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

WAIVING PRINTING ON PARCHMENT FOR REMAINING APPROPRIATION BILLS

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that H.J. Res. 103, a joint resolution waiving the printing on parchment for the remaining appropriation bills when presented to the President, be discharged, considered, and passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of H.J. Res. 103 is as follows:

H.J. RES. 103

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of sections 106 and 107 of title 1, United States Code, are waived for the balance of the first session of the One Hundred Fifth Congress with respect to the printing (on parchment or otherwise) of the enrollment of any bill or joint resolution making general appropriations for the fiscal year ending on September 30, 1998, or continuing appropriations for the fiscal year ending on September 30, 1998. The enrollment of any such bill or joint resolution shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

The SPEAKER. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from the further consideration of the joint resolution (H.J. Res. 105) making further continuing appropriations for the fiscal year 1998, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore [Mr. PEASE]. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Mr. Speaker, reserving the right to object, am I to understand that the continuing resolution which went into effect at midnight is now to be superseded by this continuing resolution, making the previous continuing resolution the shortest CR in the history of the United States Congress, and that under the resolution the gentleman is offering, that the CR will run until next Friday?

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, to the best of my knowledge, the continuing resolution that was passed by us just a few hours ago has been in effect for approximately 2 hours, and, as such, will now be superseded by H.J. Res. 105 and will carry the activities of Government forward through the end of business until midnight this forthcoming Friday.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The text of H.J. Res. 105 is as follows:

H.J. RES. 105

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(3) of Public Law 105-46 is further amended by striking "November 10, 1997" and inserting in lieu thereof "November 14, 1997", and each provision amended by sections 122 and 123 of such public law shall be applied as if "November 14, 1997" was substituted for "October 23, 1997".

The SPEAKER pro tempore. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 1997

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2977) to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

The Clerk read as follows:

H.R. 2977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Advisory Committee Act Amendments of 1997".

SEC. 2. AMENDMENTS TO THE FEDERAL ADVISORY COMMITTEE ACT.

(a) EXCLUSIONS FROM DEFINITION.—Section 3(2) of the Federal Advisory Committee act (5 U.S.C. App) is amended in the matter following subparagraph (C), by striking "such term excludes" and all that follows through the period and inserting the following: "such term excludes (i) any committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government, and (ii) any committee that is created by the National Academy of Sciences or the National Academy of Public Administration.".

(b) REQUIREMENTS RELATING TO THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—Such act is further amended by redesignating section 15 as section 16 and inserting after section 14 the following new section:

"REQUIREMENTS RELATING TO THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

"SEC. 15. (a) IN GENERAL.—An agency may not use any advice or recommendation provided by the National Academy of Sciences or National Academy of Public Administration that was developed by use of a committee created by that academy under an agreement with an agency, unless—

"(1) the committee was not subject to any actual management or control by an agency or an officer of the Federal Government;

"(2) in the case of a committee created after the date of the enactment of the Federal Advisory Committee Act Amendments of 1997, the membership of the committee was appointed in accordance with the requirements described in subsection (b)(1); and

"(3) in developing the advice or recommendation, the academy complied with—

"(A) subsection (b)(2) through (6), in the case of any advice or recommendation provided by the National Academy of Sciences; or

"(B) subsection (b)(2) and (5), in the case of any advice or recommendation provided by the National Academy of Public Administration.

"(b) REQUIREMENTS.—The requirements referred to in subsection (a) are as follows:

"(1) The Academy shall determine and provide public notice of the names and brief biographies of individuals that the Academy appoints or intends to appoint to serve on the committee. The Academy shall determine and provide a reasonable opportunity for the public to comment on such appointments before they are made or, if the Academy determines such prior comment is not practicable, in the period immediately following the appointments. The Academy shall make its best efforts to ensure that (A) no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable, (B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed, and (C) the final report of the Academy will be the result of the Academy's independent judgment. The Academy shall require that individuals that the Academy appoints or intends to appoint to serve on the committee inform the Academy of the individual's conflicts of interest that are relevant to the functions to be performed.

"(2) The Academy shall determine and provide public notice of committee meetings that will be open to the public.

"(3) The Academy shall ensure that meetings of the committee to gather data from individuals who are not officials, agents, or employees of the Academy are open to the public, unless the Academy determines that a meeting would disclose matters described in section 552(b) of title 5, United States Code. The Academy shall make available to the public, at reasonable charge if appropriate, written materials presented to the committee by individuals who are not officials, agents, or employees of the Academy, unless the Academy determines that making material available would disclose matters described in that section.

"(4) The Academy shall make available to the public as soon as practicable, at reasonable charge if appropriate, a brief summary of any committee meeting that is not a data gathering meeting, unless the Academy determines that the summary would disclose matters described in section 552(b) of title 5, United States Code. The summary shall identify the committee members present, the topics discussed, materials made available to the committee, and such other matters that the Academy determines should be included.

"(5) The Academy shall make available to the public its final report, at reasonable charge if appropriate, unless the Academy determines that the report would disclose matters described in section 552(b) of title 5, United States Code. If the Academy determines that the report would disclose matters described in that section, the Academy shall make public an abbreviated version of the report that does not disclose those matters.

"(6) After publication of the final report, the Academy shall make publicly available the names of the principal reviewers who reviewed the report in draft form and who are not officials, agents, or employees of the Academy.

"(c) REGULATIONS.—The Administrator of General Services may issue regulations implementing this section.".

(c) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) RETROACTIVE EFFECT.—Subsection (a) and the amendments made by subsection (a) shall be effective as of October 6, 1972, except that they shall not apply with respect to or otherwise affect any particular advice or recommendations that are subject to any judicial action filed before the date of the enactment of this Act.

SEC. 3. REPORT.

Not later than 1 year after the date of the enactment of this Act, the Administrator of General Services shall submit a report to the Congress on the implementation of and compliance with the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentleman from California [Mr. WAXMAN] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we will use much less than the amount given to either of us. We know the House has been working hard and late, and we are going to keep our comments to just a very few minutes on either side.

Mr. Speaker, the Federal Advisory Committee Act was passed in 1972, as some of the senior Members will remember. For the last 25 years, the administration, Congress, and the various academies such as the National Academy of Sciences and the National Academy of Public Administration, have never questioned the applicability of this law. Recently, however, the United States Court of Appeals for the District of Columbia applied the law of the Federal Advisory Committee Act to the National Academy of Sciences.

Last week, the Supreme Court announced that it will not review the appeals court's decision. The proposal before the House has been cleared with both of the academies, the Office of Management and Budget, the minority and the majority, and the chairman of the House Committee on Science. This proposal would return the National Academy of Sciences to its previous status under law which this House had followed for a quarter century.

In addition, the legislation requires more openness when Federal agencies utilize the academies, similar to those of the National Academy of Sciences and the National Academy of Public Administration.

This increased openness that is now required with their consent is the following:

1. The names, biographies, and conflict of interest disclosures when committee members are nominated.

2. Most data gathering committee meetings will be open to the public unless the type of meeting is excepted under the Freedom of Information Act.

3. The names of reviewers of draft committee reports.

4. Summaries of any closed committee meetings.

The administration, the House and the Senate, both the majority and minority, all agree the academy should not be subject to the full process of the Federal Advisory Committee Act. The Senate is prepared to consider this legislation before the end of this session.

The gentleman from California, [Mr. WAXMAN], the gentlewoman from New York [Mrs. MALONEY], and the gentleman from Indiana [Mr. BURTON] are cosponsors of H.R. 2977. Last week, the Subcommittee on Government Management, which I chair, held a hearing on this matter. We heard most helpful testimony from both sides of the recent court case. The litigants that brought the court case agreed that the full brunt of the Federal Advisory Committee Act should not apply to the academies.

I strongly recommend favorable consideration of this bill to preserve the quality of the research provided to the Federal Government through the National Academy of Sciences and the National Academy of Public Administration.

Our respective staffs have done an excellent job in developing the legislation before us. The members of this team included: For the Republicans, Russell George, chief counsel and staff director of the Subcommittee on Government Management, Information and Technology; Robert Alloway, professional staff member; Mark Brasher, senior policy advisor.

For the Democrats, we are most appreciative of the work of Phil Barnett, chief counsel of the Committee on Government Reform and Oversight, who was joined by David McMillen, professional staff member, and Sheridan Pauker, research assistant.

We all greatly appreciate the find legal drafting and long hours put in by Harry A. Savage, assistant legislative counsel.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I ask consent that correspondence from Franklin D. Raines, Director, Office of Management and Budget, Executive Office of the President, dated October 28, 1997, and two letters from Dr. Bruce Alberts, president, National Academy of Sciences, dated November 9, 1997.

Also included is my full statement in lieu of a committee report.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 28, 1997.

Hon. STEPHEN HORN,
Chairman, Subcommittee on Government Management, Information and Technology, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR CHAIRMAN HORN: This letter presents the views of the Administration on proposed legislation that would amend the Federal Advisory Committee Act, 5 U.S.C. App. 2, to clarify that the Act applies to committees that are subject to actual management and control by Federal officials.

The need for this legislation was created by the recent decision of the U.S. Court of Appeals for the District of Columbia Circuit in *Animal Legal Defense Fund, Inc.* v. *Shalala*, 114 F.3d 1209 (D.C. Cir. 1997), that FACA should apply to panels of the National Academy of Sciences. In so deciding, the court of appeals appears to have misinterpreted what Congress intended when it adopted FACA in 1972. The concept of extending FACA to privately managed and controlled organizations outside the Federal government such as the National Academy of Sciences was discussed and rejected when the FACA legislation was adopted by the House of Representatives. 118 Cong. Rec. 31.421 (1972). The Administration believes that Congress did not intend to apply FACA in this situation. The Executive Branch has consistently followed this interpretation of Congressional intent since 1973. The court decision is directly contrary to that longstanding interpretation.

Moreover, while the full impact of the court of appeal's decision remains to be clarified, implementing this decision may impose significant burdens on the Federal government. More than 450 NAS panels potentially could become subject to FACA. This is almost equal to the total number of discretionary committees (committees created under general agency authorization) that are now subject to FACA in all Federal agencies. Thus, implementation would almost double the number of discretionary committees subject to the FACA chartering requirements, almost double the number of discretionary committees that must be monitored by Federal officials, and significantly increase the administrative burdens on OMB and GSA in overseeing FACA committees. In addition, there is a risk that other entities outside the Federal government might subsequently be deemed "'quasi-public" and thus subject to FACA.

As now written, FACA applies to advisory committees that are "established" or "utilized" by Federal agencies. 5 U.S.C. App. 2, section 3(2). Congress can remedy the problem created by the recent court decision by clarifying that a "utilized" committee means one that is subject to actual management and control by a Federal agency. This interpretation is consistent with decisions handed down by appellate courts prior to the 1997 decision in Animal Legal Defense Fund, which have held that FACA applies only when committees are subject to actual management and control by agency officials. See *Washington Legal Found*, v. *U.S. Sentencing Comm'n*, 17 F.3d 1446 (D.C. Cir. 1994); *Food Chemical News* v. *Young*, 900 F.2d 328 (D.C. Cir.), cert. denied, 498 U.S. 846 (1990). Adoption of this language would also be consistent with administrative policy that the Executive Branch has followed for the past 25 years.

Sincerely,

FRANKLIN D. RAINES,
Director.

"Strike Section 3(2)(C) and all that follows in Section 3(2) and insert in lieu thereof:

'3(2)(C) established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such terms exclude:

(i) any committee created by an entity other than an agency or officer of the Federal Government and not subject to actual management and control by such agencies or officers, and

(ii) any committee composed wholly of full-time, or permanent part-time, employees of the Federal Government. The Administrator shall prescribe regulations for the purposes of this subsection'."

NATIONAL ACADEMY OF SCIENCES,
Washington, DC, November 9, 1997.

Hon. STEPHEN HORN,
Chairman, Subcommittee on Government Management, Information and Technology, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the National Academy of Sciences to explain how the Academy intends to apply the requirements of the Federal Advisory Committee Act of 1997 to Academy committees that are currently working on contracts or agreements with federal agencies.

Under the Act, the Academy is not required to apply the procedures of section 15 to committees that are currently underway. This makes sense, because the appointment provisions of section 15 could not be applied retroactively to committees whose members have already been appointed. There are, however, some provisions of section 15 that depending upon the stage of a committee's work could be reasonably applied to ongoing committees. For example, if a committee has not yet concluded its data gathering process, the requirement that data gathering meetings be open to the public could be followed by the committee.

On behalf of the Academy, you have my assurance that the Academy will apply the procedures set forth in section 15 to committees that are currently underway to the fullest extent that is reasonable and practicable.

Sincerely,

BRUCE ALBERTS,
President,
National Academy of Sciences.

NATIONAL ACADEMY OF SCIENCES,
Washington, DC, November 9, 1997.

Hon. STEPHEN HORN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HORN: I understand that some concerns have been raised concerning the use of the Section 552(b) exceptions as a basis for closing meetings provided in HR 2977.

I wish to assure you that we subscribe fully to the goal of providing as much openness as possible in our work. In particular, we have no intention of using Section 552(b)(5), which deals with interagency memoranda, as a basis for closing meetings of Academy committees. In fact, it is the Academy's standard practice not to treat the type of material covered by Section 552(b)(5) as confidential input to any Academy deliberative process. This procedure insures that, inasmuch as possible, all the information that a committee uses to reach its conclusion is in the public record.

Sincerely,

BRUCE ALBERTS,
President.

STATEMENT OF REPRESENTATIVE HORN ON THE FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 1997

Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 2977.

The Federal Advisory Committee Act was passed in 1972. It governs the activities of advisory committees created by the Government to obtain expert views and advice on complex issues confronting our Nation. The Act was designed to address two major concerns. First, at that time, advisory committees seemed to be disorganized, duplicative, and generally in need of oversight. Second, committee activities often took place without public participation, making it hard to know whether the committees were really acting in the public interest.

The Act required advisory committees to adhere to certain procedural rules. These rules included, among others: open meetings, involvement by Federal Government officials, and balanced membership. It also provided Office of Management and Budget oversight which was subsequently transferred to the General Services Administration.

Congress did not intend that this legislation would apply to the National Academy of Sciences. The National Academy of Sciences in an independent organization of scientists and academics that was chartered by Congress in 1863. It frequently sets up committees that provide independent advice to the Government: 90% of these reports are requested by government agencies and/or legislative committees of Congress.

The only other group affected by this bill is the National Academy of Public Administration. It is also an independent organization, founded in 1967 and chartered by Congress in 1984 to assist Federal, State, and local governments on matters of efficiency and accountability.

Congress did not intend for the Act to apply to either of these Academies. This intent in relation to the Academy of Sciences was expressly noted during the deliberations on the legislation in the House of Representatives.

[Quote from CONGRESSIONAL RECORD of September 20, 1972, H3142, follows:]

Mr. HORTON. Am I correct in the understanding that this bill does not apply to such organizations as the National Academy of Sciences and its various committees which

make studies and submit reports to the Federal agencies on request?

Mr. HOLIFIELD. The gentleman is quite correct. If he will refer to the joint explanatory statement of the committee of conference at page 10, the first full paragraph, it states as follows: "The Act does not apply to persons or organizations which have contractual relationships with Federal agencies nor to advisory committees not directly established by or for such agencies." As the gentleman knows, the National Academy of Sciences was founded by Congress and, therefore, it comes under that category.

Mr. HORTON. So it would be excluded?

Mr. HOLIFIED. That is correct.

For the last twenty-five years the Administration, Congress, and the Academies have never questioned the applicability of this law.

Recently, the United States Court of Appeals for the District of Columbia decision applied the law to the National Academy of Sciences. That case is the: *Animal Legal Defense Fund, Inc., et al.* v. *Donna E. Shalala, et al.*, 104 F.3rd 424 (D.C. Circuit 1997). Last week the Supreme Court announced it will not review the appeal court's decision.

The proposal before the house would return the National Academy of Sciences to the status under the law that it held before the recent court rulings. In addition, the legislation requires more openness when Federal agencies utilize the Academies.

These increased openness requirements are:

1. Post for public comment the names, biographies, and conflict of interest disclosures when committee members are nominated.

2. Invite public attendance at all data gathering committee meetings. (Of course, the exemptions established by the Freedom of Information Act would still apply for items such as privacy and national security issues.)

3. Post for the public record the names of reviewers of draft committee reports. And,

4. Make summaries available to the public of any committee meetings which are closed.

These changes will benefit the public and Federal agencies and will also contribute to the quality and credibility of Academy reports.

Furthermore, the proposal requires a General Services Administration [GSA] study within one year to assess the implementation of this legislation.

There seems to be broad agreement on this bill. The Administration, the House, and the Senate—both the Majority and the Minority—all agree that the Academies should not be subject to the full process of the Federal Advisory Committee Act.

The Academies are valuable to America precisely because they are independent of agency influence; because they bring together the best professionals and experts with impressive backgrounds and because they derive their recommendations from multiple perspectives. They are asked to study and issue *only* when it is important, complex, and controversial. This bill will help preserve their high quality, objective, independent studies while also adding more openness.

The Senate is prepared to quickly consider this legislation before the end of this session. The Senate is awaiting House action.

The subcommittee on Government Management, Information and Technology, which I chair, held a hearing on this matter last week. GSA, GAO, and OMB have expressed support for this effort. This legislative is fully supported by Mr. Burton, chairman of the full committee. Mr. Waxman, the Ranking Democratic Member on the full Committee on Government Reform and Oversight is also a co-sponsor of this bill, so is Ms. Maloney, the Ranking Democratic Member on the Subcommittee. The litigants that brought the successful court case also testified before our subcommittee and they too agree that the full brunt of the Federal Advisory Committee Act should not apply to the Academies.

I strongly recommend favorable consideration of this bill to preserve the quality of the research provided to the Federal Government by the National Academy of Sciences and the National Academy of Public Administration.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2977, the Federal Advisory Committee Act Amendments of 1997. I ask unanimous consent to revise and extend my remarks and to insert extraneous material into the RECORD.

Recent federal court decisions have held that the National Academy of Sciences committees convened by federal agencies or Congress are subject to the Federal Advisory Committee Act.

The Federal Advisory Committee Act includes important measures that provide for public scrutiny of taxpayer-funded advisory committees. This Act, however, also imposes some procedures which may affect the independence of the National Academy of Sciences and the National Academy of Public Administration, an advisory body with a similar congressional charter to the National Academy of Sciences.

The Federal Advisory Committee Act Amendments of 1997 strike a balance between the Academies' need for independence and the public's right to know about the advisors and procedures used to produce technical or policy advice for the government.

These amendments require that the National Academy of Sciences appoint members without conflicts of interest—or else promptly disclose any unavoidable conflicts of interest to the public. The bill requires the Academy to make public the names and backgrounds of appointed committee members and creates a public comment period on these members. This public comment period must occur before committee members are finally appointed unless this is not practicable due to unusual time constraints.

More meetings of the National Academy of Sciences will be made open to the public. If meetings are closed, the Academy must provide summaries of closed meetings to the public. The purpose of this provision is to provide a summary of the committee's deliberations, as well as a list of the committee members present and other matters determined by the Academy.

The burden of insuring compliance with this legislation falls on the agencies. Agencies may not use the advice or recommendations provided by the Academy unless the procedural requirements set forth in the legislation have been followed by the Academy.

A letter from the National Academy of Sciences clarifies an important technical issue relating to the use of the section 552(b) exceptions. Pursuant to my earlier unanimous consent request, I am inserting this letter in the record for publication.

I urge my colleagues to adopt these amendments.

NATIONAL ACADEMY OF SCIENCES,
Washington, DC, November 9, 1997.

Hon. HENRY WAXMAN,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN WAXMAN: I understand that some concerns have been raised concerning the use of the Section 552(b) exceptions as a basis for closing meetings provided in H.R. 2977.

I wish to assure you that we subscribe fully to the goal of providing as much openness as possible in our work. In particular, we have no intention of using Section 552(b)(5), which deals with interagency memoranda, as a basis for closing meetings of Academy committees. In fact, it is the Academy's standard practice not to treat the type of material covered by Section 552(b)(5) as confidential input to any Academy deliberative process. This procedure insures that, in as much as possible, all the information that a committee uses to reach its conclusions is in the public records.

Sincerely,

BRUCE ALBERTS,
President.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

Mr. HORN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 2977.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONSIDERING AMENDMENT TO H. RES. 314 AS ADOPTED WHEN CONSIDERED

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House considers House Resolution 314, the amendment that I have placed at the desk be considered as adopted.

□ 0200

The Clerk read as follows:

Page 1, line 5, strike "November 11" and insert in lieu thereof "November 15".

Page 2, after line 13, insert the following:

(4) The bill (S. 1454) to provide a 6-month extension of highway, highway safety and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

Page 2, line 14, strike "November 11" and insert in lieu thereof "November 15".

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, I was unavoidably delayed because of the

death of a staff member when the House voted on H.R. 2013. Had I been present, I would have voted "aye."

CONFERENCE REPORT ON S. 830, FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

Mr. BLILEY submitted the following conference report and statement on the Senate bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–399)

The Committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Food and Drug Administration Modernization Act of 1997".

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.
Sec. 2. Definitions.

TITLE I—IMPROVING REGULATION OF DRUGS

Subtitle A—Fees Relating to Drugs

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Authority to assess and use drug fees.
Sec. 104. Annual reports.
Sec. 105. Savings.
Sec. 106. Effective date.
Sec. 107. Termination of effectiveness.

Subtitle B—Other Improvements

Sec. 111. Pediatric studies of drugs.
Sec. 112. Expediting study and approval of fast track drugs.
Sec. 113. Information program on clinical trials for serious or life-threatening diseases.
Sec. 114. Health care economic information.
Sec. 115. Clinical investigations.
Sec. 116. Manufacturing changes for drugs.
Sec. 117. Streamlining clinical research on drugs.
Sec. 118. Data requirements for drugs and biologics.
Sec. 119. Content and review of applications.
Sec. 120. Scientific advisory panels.
Sec. 121. Positron emission tomography.
Sec. 122. Requirements for radiopharmaceuticals.
Sec. 123. Modernization of regulation.
Sec. 124. Pilot and small scale manufacture.
Sec. 125. Insulin and antibiotics.
Sec. 126. Elimination of certain labeling requirements.
Sec. 127. Application of Federal law to practice of pharmacy compounding.
Sec. 128. Reauthorization of clinical pharmacology program.
Sec. 129. Regulations for sunscreen products.
Sec. 130. Reports of postmarketing approval studies.
Sec. 131. Notification of discontinuance of a life saving product.

TITLE II—IMPROVING REGULATION OF DEVICES

Sec. 201. Investigational device exemptions.
Sec. 202. Special review for certain devices.
Sec. 203. Expanding humanitarian use of devices.
Sec. 204. Device standards.
Sec. 205. Scope of review; collaborative determinations of device data requirements.
Sec. 206. Premarket notification.
Sec. 207. Evaluation of automatic class III designation.
Sec. 208. Classification panels.
Sec. 209. Certainty of review timeframes; collaborative review process.
Sec. 210. Accreditation of persons for review of premarket notification reports.
Sec. 211. Device tracking.
Sec. 212. Postmarket surveillance.
Sec. 213. Reports.
Sec. 214. Practice of medicine.
Sec. 215. Noninvasive blood glucose meter.
Sec. 216. Use of data relating to premarket approval; product development protocol.
Sec. 217. Clarification of the number of required clinical investigations for approval.

TITLE III—IMPROVING REGULATION OF FOOD

Sec. 301. Flexibility for regulations regarding claims.
Sec. 302. Petitions for claims.
Sec. 303. Health claims for food products.
Sec. 304. Nutrient content claims.
Sec. 305. Referral statements.
Sec. 306. Disclosure of irradiation.
Sec. 307. Irradiation petition.
Sec. 308. Glass and ceramic ware.
Sec. 309. Food contact substances.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Dissemination of information on new uses.
Sec. 402. Expanded access to investigational therapies and diagnostics.
Sec. 403. Approval of supplemental applications for approved products.
Sec. 404. Dispute resolution.
Sec. 405. Informal agency statements.
Sec. 406. Food and Drug Administration mission and annual report.
Sec. 407. Information system.
Sec. 408. Education and training.
Sec. 409. Centers for education and research on therapeutics.
Sec. 410. Mutual recognition agreements and global harmonization.
Sec. 411. Environmental impact review.
Sec. 412. National uniformity for nonprescription drugs and cosmetics.
Sec. 413. Food and Drug Administration study of mercury compounds in drugs and food.
Sec. 414. Interagency collaboration.
Sec. 415. Contracts for expert review.
Sec. 416. Product classification.
Sec. 417. Registration of foreign establishments.
Sec. 418. Clarification of seizure authority.
Sec. 419. Interstate commerce.
Sec. 420. Safety report disclaimers.
Sec. 421. Labeling and advertising regarding compliance with statutory requirements.
Sec. 422. Rule of construction.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

SEC. 2. DEFINITIONS.

In this Act, the terms "drug", "device", "food", and "dietary supplement" have the meaning given such terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

TITLE I—IMPROVING REGULATION OF DRUGS

Subtitle A—Fees Relating to Drugs

SEC. 101. FINDINGS.

Congress finds that—

(1) prompt approval of safe and effective new drugs and other therapies is critical to the improvement of the public health so that patients may enjoy the benefits provided by these therapies to treat and prevent illness and disease;

(2) the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of human drug applications;

(3) the provisions added by the Prescription Drug User Fee Act of 1992 have been successful in substantially reducing review times for human drug applications and should be—

(A) reauthorized for an additional 5 years, with certain technical improvements; and

(B) carried out by the Food and Drug Administration with new commitments to implement more ambitious and comprehensive improvements in regulatory processes of the Food and Drug Administration; and

(4) the fees authorized by amendments made in this subtitle will be dedicated toward expediting the drug development process and the review of human drug applications as set forth in the goals identified, for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the chairman of the Committee on Commerce of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate, as set forth in the Congressional Record.

SEC. 102. DEFINITIONS.

Section 735 (21 U.S.C. 379g) is amended—

(1) in the second sentence of paragraph (1)—

(A) by striking "Service Act, and" and inserting "Service Act,"; and

(B) by striking "September 1, 1992." and inserting the following: "September 1, 1992, does not include an application for a licensure of a biological product for further manufacturing use only, and does not include an application or supplement submitted by a State or Federal Government entity for a drug that is not distributed commercially. Such term does include an application for licensure, as described in subparagraph (D), of a large volume biological product intended for single dose injection for intravenous use or infusion.";

(2) in the second sentence of paragraph (3)—

(A) by striking "Service Act, and" and inserting "Service Act,"; and

(B) by striking "September 1, 1992." and inserting the following: "September 1, 1992, does not include a biological product that is licensed for further manufacturing use only, and does not include a drug that is not distributed commercially and is the subject of an application or supplement submitted by a State or Federal Government entity. Such term does include a large volume biological product intended for single dose injection for intravenous use or infusion.";

(3) in paragraph (4), by striking "without" and inserting "without substantial";

(4) by amending the first sentence of paragraph (5) to read as follows:

"(5) The term 'prescription drug establishment' means a foreign or domestic place of business which is at one general physical location consisting of one or more buildings all of which are within five miles of each other and at which one or more prescription drug products are manufactured in final dosage form.";

(5) in paragraph (7)(A)—

(A) by striking "employees under contract" and all that follows through "Administration," the second time it occurs and inserting "contractors of the Food and Drug Administration,"; and

(B) by striking "and committees," and inserting "and committees and to contracts with such contractors,";

(6) in paragraph (8)—

(A) in subparagraph (A)—

(i) by striking "August of" and inserting "April of"; and

(ii) by striking "August 1992" and inserting "April 1997"; and

(B) in subparagraph (B)—

(i) by striking "section 254(d)" and inserting "section 254(c)";

(ii) by striking "1992" and inserting "1997"; and

(iii) by striking "102d Congress, 2d Session" and inserting "105th Congress, 1st Session"; and

(7) by adding at the end the following:

"(9) The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

"(A) one business entity controls, or has the power to control, the other business entity; or

"(B) a third party controls, or has power to control, both of the business entities.".

SEC. 103. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) TYPES OF FEES.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(1) by striking "Beginning in fiscal year 1993" and inserting "Beginning in fiscal year 1998";

(2) in paragraph (1)—

(A) by striking subparagraph (B) and inserting the following:

"(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the application or supplement.";

(B) in subparagraph (D)—

(i) in the subparagraph heading, by striking "NOT ACCEPTED" and inserting "REFUSED";

(ii) by striking "50 percent" and inserting "75 percent";

(iii) by striking "subparagraph (B)(i)" and inserting "subparagraph (B)"; and

(iv) by striking "not accepted" and inserting "refused"; and

(C) by adding at the end the following:

"(E) EXCEPTION FOR DESIGNATED ORPHAN DRUG OR INDICATION.—A human drug application for a prescription drug product that has been designated as a drug for a rare disease or condition pursuant to section 526 shall not be subject to a fee under subparagraph (A), unless the human drug application includes an indication for other than a rare disease or condition. A supplement proposing to include a new indication for a rare disease or condition in a human drug application shall not be subject to a fee under subparagraph (A), if the drug has been designated pursuant to section 526 as a drug for a rare disease or condition with regard to the indication proposed in such supplement.

"(F) EXCEPTION FOR SUPPLEMENTS FOR PEDIATRIC INDICATIONS.—A supplement to a human drug application proposing to include a new indication for use in pediatric populations shall not be assessed a fee under subparagraph (A).

"(G) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an application or supplement is withdrawn after the application or supplement was filed, the Secretary may refund the fee or a portion of the fee if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to refund a fee or a portion of the fee under this subparagraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.";

(3) by striking paragraph (2) and inserting the following:

"(2) PRESCRIPTION DRUG ESTABLISHMENT FEE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each person that—

"(i) is named as the applicant in a human drug application; and

"(ii) after September 1, 1992, had pending before the Secretary a human drug application or supplement, shall be assessed an annual fee established in subsection (b) for each prescription drug establishment listed in its approved human drug application as an establishment that manufactures the prescription drug product named in the application. The annual establishment fee shall be assessed in each fiscal year in which the prescription drug product named in the application is assessed a fee under paragraph (3) unless the prescription drug establishment listed in the application does not engage in the manufacture of the prescription drug product during the fiscal year. The establishment fee shall be payable on or before January 31 of each year. Each such establishment shall be assessed only one fee per establishment, notwithstanding the number of prescription drug products manufactured at the establishment. In the event an establishment is listed in a human drug application by more than one applicant, the establishment fee for the fiscal year shall be divided equally and assessed among the applicants whose prescription drug products are manufactured by the establishment during the fiscal year and assessed product fees under paragraph (3).

"(B) EXCEPTION.—If, during the fiscal year, an applicant initiates or causes to be initiated the manufacture of a prescription drug product at an establishment listed in its human drug application—

"(i) that did not manufacture the product in the previous fiscal year; and

"(ii) for which the full establishment fee has been assessed in the fiscal year at a time before manufacture of the prescription drug product was begun;

the applicant will not be assessed a share of the establishment fee for the fiscal year in which the manufacture of the product began."; and

(4) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "is listed" and inserting "has been submitted for listing"; and

(ii) by striking "Such fee shall be payable" and all that follows through "section 510." and inserting the following: "Such fee shall be payable for the fiscal year in which the product is first submitted for listing under section 510, or is submitted for relisting under section 510 if the product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each product for a fiscal year in which the fee is payable."; and

(B) in subparagraph (B), by striking "505(j)." and inserting the following: "505(j), under an abbreviated application filed under section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997), or under an abbreviated new drug application pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984.".

(b) FEE AMOUNTS.—Section 736(b) (21 U.S.C. 379h(b)) is amended to read as follows:

"(b) FEE AMOUNTS.—Except as provided in subsections (c), (d), (f), and (g), the fees required under subsection (a) shall be determined and assessed as follows:

"(1) APPLICATION AND SUPPLEMENT FEES.—

"(A) FULL FEES.—The application fee under subsection (a)(1)(A)(i) shall be $250,704 in fiscal year 1998, $256,338 in each of fiscal years 1999 and 2000, $267,606 in fiscal year 2001, and $258,451 in fiscal year 2002.

"(B) OTHER FEES.—The fee under subsection (a)(1)(A)(ii) shall be $125,352 in fiscal year 1998, $128,169 in each of fiscal years 1999 and 2000, $133,803 in fiscal year 2001, and $129,226 in fiscal year 2002.

"(2) TOTAL FEE REVENUES FOR ESTABLISHMENT FEES.—The total fee revenues to be collected in establishment fees under subsection (a)(2) shall be $35,600,000 in fiscal year 1998, $36,400,000 in each of fiscal years 1999 and 2000, $38,000,000 in fiscal year 2001, and $36,700,000 in fiscal year 2002.

"(3) TOTAL FEE REVENUES FOR PRODUCT FEES.—The total fee revenues to be collected in product fees under subsection (a)(3) in a fiscal year shall be equal to the total fee revenues collected in establishment fees under subsection (a)(2) in that fiscal year.".

(c) INCREASES AND ADJUSTMENTS.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(1) in the subsection heading, by striking "INCREASES AND";

(2) in paragraph (1)—

(A) by striking "(1) REVENUE" and all that follows through "increased by the Secretary" and inserting the following: "(1) INFLATION ADJUSTMENT.—The fees and total fee revenues established in subsection (b) shall be adjusted by the Secretary";

(B) in subparagraph (A), by striking "increase" and inserting "change";

(C) in subparagraph (B), by striking "increase" and inserting "change"; and

(D) by adding at the end the following flush sentence:

"The adjustment made each fiscal year by this subsection will be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 1997 under this subsection.";

(3) in paragraph (2), by striking "October 1, 1992," and all that follows through "such schedule." and inserting the following: "September 30, 1997, adjust the establishment and product fees described in subsection (b) for the fiscal year in which the adjustment occurs so that the revenues collected from each of the categories of fees described in paragraphs (2) and (3) of subsection (b) shall be set to be equal to the revenues collected from the category of application and supplement fees described in paragraph (1) of subsection (b)."; and

(4) in paragraph (3), by striking "paragraph (2)" and inserting "this subsection".

(d) FEE WAIVER OR REDUCTION.—Section 736(d) (21 U.S.C. 379h(d)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively and indenting appropriately;

(2) by striking "The Secretary shall grant a" and all that follows through "finds that—" and inserting the following:

"(1) IN GENERAL.—The Secretary shall grant a waiver from or a reduction of one or more fees assessed under subsection (a) where the Secretary finds that—";

(3) in subparagraph (C) (as so redesignated in paragraph (1)), by striking ", or" and inserting a comma;

(4) in subparagraph (D) (as so redesignated in paragraph (1)), by striking the period and inserting ", or";

(5) by inserting after subparagraph (D) (as so redesignated in paragraph (1)) the following:

"(E) the applicant involved is a small business submitting its first human drug application to the Secretary for review."; and

(6) by striking "In making the finding in paragraph (3)," and all that follows through "standard costs." and inserting the following:

"(2) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(C), the Secretary may use standard costs.

"(3) RULES RELATING TO SMALL BUSINESSES.—

"(A) DEFINITION.—In paragraph (1)(E), the term 'small business' means an entity that has fewer than 500 employees, including employees of affiliates.

"(B) WAIVER OF APPLICATION FEE.—The Secretary shall waive under paragraph (1)(E) the application fee for the first human drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay—

"(i) application fees for all subsequent human drug applications submitted to the Secretary for review in the same manner as an entity that does not qualify as a small business; and

"(ii) all supplement fees for all supplements to human drug applications submitted to the Secretary for review in the same manner as an entity that does not qualify as a small business.".

(e) ASSESSMENT OF FEES.—Section 736(f)(1) (21 U.S.C. 379h(f)(1)) is amended—

(1) by striking "fiscal year 1993" and inserting "fiscal year 1997"; and

(2) by striking "fiscal year 1992" and inserting "fiscal year 1997 (excluding the amount of fees appropriated for such fiscal year)".

(f) CREDITING AND AVAILABILITY OF FEES.—Section 736(g) (21 U.S.C. 379h(g)) is amended—

(1) in paragraph (1), by adding at the end the following: "Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of human drug applications.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "Acts" and inserting "Acts, or otherwise made available for obligation,"; and

(B) in subparagraph (B), by striking "over such costs for fiscal year 1992" and inserting "over such costs, excluding costs paid from fees collected under this section, for fiscal year 1997"; and

(3) by striking paragraph (3) and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

"(A) $106,800,000 for fiscal year 1998;

"(B) $109,200,000 for fiscal year 1999;

"(C) $109,200,000 for fiscal year 2000;

"(D) $114,000,000 for fiscal year 2001; and

"(E) $110,100,000 for fiscal year 2002,

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by application, supplement, establishment, and product fees.

"(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.".

(g) REQUIREMENT FOR WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—Section 736 (21 U.S.C. 379h) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.".

(h) SPECIAL RULE FOR WAIVERS AND REFUNDS.—Any requests for waivers or refunds for fees assessed under section 736 of the Federal Food, Drug, and Cosmetic Act (42 U.S.C. 379h) prior to the date of enactment of this Act shall be submitted in writing to the Secretary of Health and Human Services within 1 year after the date of enactment of this Act. Any requests for waivers or refunds pertaining to a fee for a human drug application or supplement accepted for filing prior to October 1, 1997 or to a product or establishment fee required by such Act for a fiscal year prior to fiscal year 1998, shall be evaluated according to the terms of the Prescription Drug User Fee Act of 1992 (as in effect on September 30, 1997) and part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (as in effect on September 30, 1997). The term "person" in such Acts shall continue to include an affiliate thereof.

SEC. 104. ANNUAL REPORTS.

(a) PERFORMANCE REPORT.—Beginning with fiscal year 1998, not later than 60 days after the end of each fiscal year during which fees are collected under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.), the Secretary of Health and Human Services shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(4) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

(b) FISCAL REPORT.—Beginning with fiscal year 1998, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (a), the Secretary of Health and Human Services shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

SEC. 105. SAVINGS.

Notwithstanding section 105 of the Prescription Drug User Fee Act of 1992, the Secretary shall retain the authority to assess and collect any fee required by part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act for a human drug application or supplement accepted for filing prior to October 1, 1997, and to assess and collect any product or establishment fee required by such Act for a fiscal year prior to fiscal year 1998.

SEC. 106. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect October 1, 1997.

SEC. 107. TERMINATION OF EFFECTIVENESS.

The amendments made by sections 102 and 103 cease to be effective October 1, 2002, and section 104 ceases to be effective 120 days after such date.

Subtitle B—Other Improvements

SEC. 111. PEDIATRIC STUDIES OF DRUGS.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 505 the following:

"SEC. 505A. PEDIATRIC STUDIES OF DRUGS.

"(a) MARKET EXCLUSIVITY FOR NEW DRUGS.—If, prior to approval of an application that is submitted under section 505(b)(1), the Secretary determines that information relating to the use of a new drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), and such studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or accepted in accordance with subsection (d)(3)—

"(1)(A)(i) the period referred to in subsection (c)(3)(D)(ii) of section 505, and in subsection (j)(4)(D)(ii) of such section, is deemed to be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of such section to four years, to forty-eight months, and to seven and one-half years are deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(ii) the period referred to in clauses (iii) and (iv) of subsection (c)(3)(D) of such section, and in clauses (iii) and (iv) of subsection (j)(4)(D) of such section, is deemed to be three years and six months rather than three years; and

"(B) if the drug is designated under section 526 for a rare disease or condition, the period referred to in section 527(a) is deemed to be seven years and six months rather than seven years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under subsections (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under section 505(c)(3) or section 505(j)(4)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under section 505(c)(3) or section 505(j)(4)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(b) SECRETARY TO DEVELOP LIST OF DRUGS FOR WHICH ADDITIONAL PEDIATRIC INFORMATION MAY BE BENEFICIAL.—Not later than 180 days after the date of enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary, after consultation with experts in pediatric research shall develop, prioritize, and publish an initial list of approved drugs for which additional pediatric information may produce health benefits in the pediatric population. The Secretary shall annually update the list.

"(c) MARKET EXCLUSIVITY FOR ALREADY-MARKETED DRUGS.—If the Secretary makes a written request to the holder of an approved application under section 505(b)(1) for pediatric studies (which shall include a timeframe for completing such studies) concerning a drug identified in the list described in subsection (b),

the holder agrees to the request, the studies are completed within any such timeframe, and the reports thereof are submitted in accordance with subsection (d)(2) or accepted in accordance with subsection (d)(3)—

"(1)(A)(i) the period referred to in subsection (c)(3)(D)(ii) of section 505, and in subsection (j)(4)(D)(ii) of such section, is deemed to be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of such section to four years, to forty-eight months, and to seven and one-half years are deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(ii) the period referred to in clauses (iii) and (iv) of subsection (c)(3)(D) of such section, and in clauses (iii) and (iv) of subsection (j)(4)(D) of such section, is deemed to be three years and six months rather than three years; and

"(B) if the drug is designated under section 526 for a rare disease or condition, the period referred to in section 527(a) is deemed to be seven years and six months rather than seven years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under section 505(c)(3) or section 505(j)(4)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under section 505(c)(3) or section 505(j)(4)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(d) CONDUCT OF PEDIATRIC STUDIES.—

"(1) AGREEMENT FOR STUDIES.—The Secretary may, pursuant to a written request from the Secretary under subsection (a) or (c), after consultation with—

"(A) the sponsor of an application for an investigational new drug under section 505(i);

"(B) the sponsor of an application for a new drug under section 505(b)(1); or

"(C) the holder of an approved application for a drug under section 505(b)(1),

agree with the sponsor or holder for the conduct of pediatric studies for such drug. Such agreement shall be in writing and shall include a timeframe for such studies.

"(2) WRITTEN PROTOCOLS TO MEET THE STUDIES REQUIREMENT.—If the sponsor or holder and the Secretary agree upon written protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied upon the completion of the studies and submission of the reports thereof in accordance with the original written request and the written agreement referred to in paragraph (1). Not later than 60 days after the submission of the report of the studies, the Secretary shall determine if such studies were or were not conducted in accordance with the original written request and the written agreement and reported in accordance with the requirements of the Secretary for filing and so notify the sponsor or holder.

"(3) OTHER METHODS TO MEET THE STUDIES REQUIREMENT.—If the sponsor or holder and the Secretary have not agreed in writing on the protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied when such studies have been completed and the reports accepted by the Secretary. Not later than 90 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 90 days, whether the studies fairly respond to the written request, have been conducted in accordance with commonly accepted scientific principles and protocols, and have been reported in accordance with the requirements of the Secretary for filing.

"(e) DELAY OF EFFECTIVE DATE FOR CERTAIN APPLICATION.—If the Secretary determines that the acceptance or approval of an application under section 505(b)(2) or 505(j) for a new drug may occur after submission of reports of pediatric studies under this section, which were submitted prior to the expiration of the patent (including any patent extension) or the applicable period under clauses (ii) through (iv) of section 505(c)(3)(D) or clauses (ii) through (iv) of section 505(j)(4)(D), but before the Secretary has determined whether the requirements of subsection (d) have been satisfied, the Secretary shall delay the acceptance or approval under section 505(b)(2) or 505(j) until the determination under subsection (d) is made, but any such delay shall not exceed 90 days. In the event that requirements of this section are satisfied, the applicable six-month period under subsection (a) or (c) shall be deemed to have been running during the period of delay.

"(f) NOTICE OF DETERMINATIONS ON STUDIES REQUIREMENT.—The Secretary shall publish a notice of any determination that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section.

"(g) DEFINITIONS.—As used in this section, the term 'pediatric studies' or 'studies' means at least one clinical investigation (that, at the Secretary's discretion, may include pharmacokinetic studies) in pediatric age groups in which a drug is anticipated to be used.

"(h) LIMITATIONS.—A drug to which the six-month period under subsection (a) or (b) has already been applied—

"(1) may receive an additional six-month period under subsection (c)(1)(A)(ii) for a supplemental application if all other requirements under this section are satisfied, except that such a drug may not receive any additional such period under subsection (c)(2); and

"(2) may not receive any additional such period under subsection (c)(1)(B).

"(i) RELATIONSHIP TO REGULATIONS.—Notwithstanding any other provision of law, if any pediatric study is required pursuant to regulations promulgated by the Secretary and such study meets the completeness, timeliness, and other requirements of this section, such study shall be deemed to satisfy the requirement for market exclusivity pursuant to this section.

"(j) SUNSET.—A drug may not receive any six-month period under subsection (a) or (c) unless the application for the drug under section 505(b)(1) is submitted on or before January 1, 2002. After January 1, 2002, a drug shall receive a six-month period under subsection (c) if—

"(1) the drug was in commercial distribution as of the date of enactment of the Food and Drug Administration Modernization Act of 1997;

"(2) the drug was included by the Secretary on the list under subsection (b) as of January 1, 2002;

"(3) the Secretary determines that there is a continuing need for information relating to the use of the drug in the pediatric population and that the drug may provide health benefits in that population; and

"(4) all requirements of this section are met.

"(k) REPORT.—The Secretary shall conduct a study and report to Congress not later than January 1, 2001, based on the experience under the program established under this section. The study and report shall examine all relevant issues, including—

"(1) the effectiveness of the program in improving information about important pediatric uses for approved drugs;

"(2) the adequacy of the incentive provided under this section;

"(3) the economic impact of the program on taxpayers and consumers, including the impact of the lack of lower cost generic drugs on patients, including on lower income patients; and

"(4) any suggestions for modification that the Secretary determines to be appropriate.".

SEC. 112. EXPEDITING STUDY AND APPROVAL OF FAST TRACK DRUGS.

(a) IN GENERAL.—Chapter V (21 U.S.C. 351 et seq.), as amended by section 125, is amended by inserting before section 508 the following:

"SEC. 506. FAST TRACK PRODUCTS.

"(a) DESIGNATION OF DRUG AS A FAST TRACK PRODUCT.—

"(1) IN GENERAL.—The Secretary shall, at the request of the sponsor of a new drug, facilitate the development and expedite the review of such drug if it is intended for the treatment of a serious or life-threatening condition and it demonstrates the potential to address unmet medical needs for such a condition. (In this section, such a drug is referred to as a 'fast track product'.)

"(2) REQUEST FOR DESIGNATION.—The sponsor of a new drug may request the Secretary to designate the drug as a fast track product. A request for the designation may be made concurrently with, or at any time after, submission of an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.

"(3) DESIGNATION.—Within 60 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a fast track product and shall take such actions as are appropriate to expedite the development and review of the application for approval of such product.

"(b) APPROVAL OF APPLICATION FOR A FAST TRACK PRODUCT.—

"(1) IN GENERAL.—The Secretary may approve an application for approval of a fast track product under section 505(c) or section 351 of the Public Health Service Act upon a determination that the product has an effect on a clinical endpoint or on a surrogate endpoint that is reasonably likely to predict clinical benefit.

"(2) LIMITATION.—Approval of a fast track product under this subsection may be subject to the requirements—

"(A) that the sponsor conduct appropriate post-approval studies to validate the surrogate endpoint or otherwise confirm the effect on the clinical endpoint; and

"(B) that the sponsor submit copies of all promotional materials related to the fast track product during the preapproval review period and, following approval and for such period thereafter as the Secretary determines to be appropriate, at least 30 days prior to dissemination of the materials.

"(3) EXPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw approval of a fast track product using expedited procedures (as prescribed by the Secretary in regulations which shall include an opportunity for an informal hearing) if—

"(A) the sponsor fails to conduct any required post-approval study of the fast track drug with due diligence;

"(B) a post-approval study of the fast track product fails to verify clinical benefit of the product;

"(C) other evidence demonstrates that the fast track product is not safe or effective under the conditions of use; or

"(D) the sponsor disseminates false or misleading promotional materials with respect to the product.

"(c) REVIEW OF INCOMPLETE APPLICATIONS FOR APPROVAL OF A FAST TRACK PRODUCT.—

"(1) IN GENERAL.—If the Secretary determines, after preliminary evaluation of clinical data submitted by the sponsor, that a fast track product may be effective, the Secretary shall evaluate for filing, and may commence review of portions of, an application for the approval of the product before the sponsor submits a complete application. The Secretary shall commence such review only if the applicant—

"(A) provides a schedule for submission of information necessary to make the application complete; and

"(B) pays any fee that may be required under section 736.

"(2) EXCEPTION.—Any time period for review of human drug applications that has been agreed to by the Secretary and that has been set forth in goals identified in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the review of human drug applications) shall not apply to an application submitted under paragraph (1) until the date on which the application is complete.

"(d) AWARENESS EFFORTS.—The Secretary shall—

"(1) develop and disseminate to physicians, patient organizations, pharmaceutical and biotechnology companies, and other appropriate persons a description of the provisions of this section applicable to fast track products; and

"(2) establish a program to encourage the development of surrogate endpoints that are reasonably likely to predict clinical benefit for serious or life-threatening conditions for which there exist significant unmet medical needs.".

(b) GUIDANCE.—Within 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance for fast track products (as defined in section 506(a)(1) of the Federal Food, Drug, and Cosmetic Act) that describes the policies and procedures that pertain to section 506 of such Act.

SEC. 113. INFORMATION PROGRAM ON CLINICAL TRIALS FOR SERIOUS OR LIFE-THREATENING DISEASES.

(a) IN GENERAL.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following:

"(j)(1)(A) The Secretary, acting through the Director of NIH, shall establish, maintain, and operate a data bank of information on clinical trials for drugs for serious or life-threatening diseases and conditions (in this subsection referred to as the 'data bank'). The activities of the data bank shall be integrated and coordinated with related activities of other agencies of the Department of Health and Human Services, and to the extent practicable, coordinated with other data banks containing similar information.

"(B) The Secretary shall establish the data bank after consultation with the Commissioner of Food and Drugs, the directors of the appropriate agencies of the National Institutes of Health (including the National Library of Medicine), and the Director of the Centers for Disease Control and Prevention.

"(2) In carrying out paragraph (1), the Secretary shall collect, catalog, store, and disseminate the information described in such paragraph. The Secretary shall disseminate such information through information systems, which shall include toll-free telephone communications, available to individuals with serious or life-threatening diseases and conditions, to other members of the public, to health care providers, and to researchers.

"(3) The data bank shall include the following:

"(A) A registry of clinical trials (whether federally or privately funded) of experimental treatments for serious or life-threatening diseases and conditions under regulations promulgated pursuant to section 505(i) of the Federal Food, Drug, and Cosmetic Act, which provides a description of the purpose of each experimental drug, either with the consent of the protocol sponsor, or when a trial to test effectiveness begins. Information provided shall consist of eligibility criteria for participation in the clinical trials, a description of the location of trial sites, and a point of contact for those wanting to enroll in the trial, and shall be in a form that can be readily understood by members of the public. Such information shall be forwarded to the data bank by the sponsor of the trial not later than 21 days after the approval of the protocol.

"(B) Information pertaining to experimental treatments for serious or life-threatening diseases and conditions that may be available—

"(i) under a treatment investigational new drug application that has been submitted to the Secretary under section 561(c) of the Federal Food, Drug, and Cosmetic Act; or

"(ii) as a Group C cancer drug (as defined by the National Cancer Institute).

The data bank may also include information pertaining to the results of clinical trials of such treatments, with the consent of the sponsor, including information concerning potential toxicities or adverse effects associated with the use or administration of such experimental treatments.

"(4) The data bank shall not include information relating to an investigation if the sponsor has provided a detailed certification to the Secretary that disclosure of such information would substantially interfere with the timely enrollment of subjects in the investigation, unless the Secretary, after the receipt of the certification, provides the sponsor with a detailed written determination that such disclosure would not substantially interfere with such enrollment.

"(5) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary. Fees collected under section 736 of the Federal Food, Drug, and Cosmetic Act shall not be used in carrying out this subsection.".

(b) COLLABORATION AND REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Commissioner of Food and Drugs shall collaborate to determine the feasibility of including device investigations within the scope of the data bank under section 402(j) of the Public Health Service Act.

(2) REPORT.—Not later than two years after the date of enactment of this section, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report—

(A) of the public health need, if any, for inclusion of device investigations within the scope of the data bank under section 402(j) of the Public Health Service Act;

(B) on the adverse impact, if any, on device innovation and research in the United States if information relating to such device investigations is required to be publicly disclosed; and

(C) on such other issues relating to such section 402(j) as the Secretary determines to be appropriate.

SEC. 114. HEALTH CARE ECONOMIC INFORMATION.

(a) IN GENERAL.—Section 502(a) (21 U.S.C. 352(a)) is amended by adding at the end the following: "Health care economic information provided to a formulary committee, or other similar entity, in the course of the committee or the entity carrying out its responsibilities for the selection of drugs for managed care or other similar organizations, shall not be considered to be false or misleading under this paragraph if the health care economic information directly relates to an indication approved under section 505 or under section 351(a) of the Public Health Service Act for such drug and is based on competent and reliable scientific evidence. The requirements set forth in section 505(a) or in section 351(a) of the Public Health Service Act shall not apply to health care economic information provided to such a committee or entity in accordance with this paragraph. Information that is relevant to the substantiation of the health care economic information presented pursuant to this paragraph shall be made available to the Secretary upon request. In this paragraph, the term 'health care economic information' means any analysis that identifies, measures, or compares the economic consequences, including the costs of the represented health outcomes, of the use of a drug to the use of another drug, to another health care intervention, or to no intervention.".

(b) STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study of the implementation of the provisions added by the amendment made by subsection (a). Not later than 4 years and 6 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report containing the findings of the study.

SEC. 115. CLINICAL INVESTIGATIONS.

(a) CLARIFICATION OF THE NUMBER OF REQUIRED CLINICAL INVESTIGATIONS FOR APPROVAL.—Section 505(d) (21 U.S.C. 355(d)) is amended by adding at the end the following: "If the Secretary determines, based on relevant science, that data from one adequate and well-controlled clinical investigation and confirmatory evidence (obtained prior to or after such investigation) are sufficient to establish effectiveness, the Secretary may consider such data and evidence to constitute substantial evidence for purposes of the preceding sentence.".

(b) WOMEN AND MINORITIES.—Section 505(b)(1) (21 U.S.C. 355(b)(1)) is amended by adding at the end the following: "The Secretary shall, in consultation with the Director of the National Institutes of Health and with representatives of the drug manufacturing industry, review and develop guidance, as appropriate, on the inclusion of women and minorities in clinical trials required by clause (A).".

SEC. 116. MANUFACTURING CHANGES FOR DRUGS.

(a) IN GENERAL.—Chapter V, as amended by section 112, is amended by inserting after section 506 the following section:

"SEC. 506A. MANUFACTURING CHANGES.

"(a) IN GENERAL.—With respect to a drug for which there is in effect an approved application under section 505 or 512 or a license under section 351 of the Public Health Service Act, a change from the manufacturing process approved pursuant to such application or license may be made, and the drug as made with the change may be distributed, if—

"(1) the holder of the approved application or license (referred to in this section as a 'holder') has validated the effects of the change in accordance with subsection (b); and

"(2)(A) in the case of a major manufacturing change, the holder has complied with the requirements of subsection (c); or

"(B) in the case of a change that is not a major manufacturing change, the holder complies with the applicable requirements of subsection (d).

"(b) VALIDATION OF EFFECTS OF CHANGES.—For purposes of subsection (a)(1), a drug made with a manufacturing change (whether a major manufacturing change or otherwise) may be distributed only if, before distribution of the drug as so made, the holder involved validates the effects of the change on the identity, strength, quality, purity, and potency of the drug as the identity, strength, quality, purity, and potency may relate to the safety or effectiveness of the drug.

"(c) MAJOR MANUFACTURING CHANGES.—

"(1) REQUIREMENT OF SUPPLEMENTAL APPLICATION.—For purposes of subsection (a)(2)(A), a drug made with a major manufacturing change may be distributed only if, before the distribution of the drug as so made, the holder involved submits to the Secretary a supplemental application for such change and the Secretary approves the application. The application shall contain such information as the Secretary determines to be appropriate, and shall include the information developed under subsection (b) by the holder in validating the effects of the change.

"(2) CHANGES QUALIFYING AS MAJOR CHANGES.—For purposes of subsection (a)(2)(A), a major manufacturing change is a manufacturing change that is determined by the Secretary to have substantial potential to adversely affect the identity, strength, quality, purity, or potency of the drug as they may relate to the safety or effectiveness of a drug. Such a change includes a change that—

"(A) is made in the qualitative or quantitative formulation of the drug involved or in the specifications in the approved application or license referred to in subsection (a) for the drug (unless exempted by the Secretary by regulation or guidance from the requirements of this subsection);

"(B) is determined by the Secretary by regulation or guidance to require completion of an appropriate clinical study demonstrating equivalence of the drug to the drug as manufactured without the change; or

"(C) is another type of change determined by the Secretary by regulation or guidance to have a substantial potential to adversely affect the safety or effectiveness of the drug.

"(d) OTHER MANUFACTURING CHANGES.—

"(1) IN GENERAL.—For purposes of subsection (a)(2)(B), the Secretary may regulate drugs made with manufacturing changes that are not major manufacturing changes as follows:

"(A) The Secretary may in accordance with paragraph (2) authorize holders to distribute such drugs without submitting a supplemental application for such changes.

"(B) The Secretary may in accordance with paragraph (3) require that, prior to the distribution of such drugs, holders submit to the Secretary supplemental applications for such changes.

"(C) The Secretary may establish categories of such changes and designate categories to which subparagraph (A) applies and categories to which subparagraph (B) applies.

"(2) CHANGES NOT REQUIRING SUPPLEMENTAL APPLICATION.—

"(A) SUBMISSION OF REPORT.—A holder making a manufacturing change to which paragraph (1)(A) applies shall submit to the Secretary a report on the change, which shall contain such information as the Secretary determines to be appropriate, and which shall include the information developed under subsection (b) by the holder in validating the effects of the change. The report shall be submitted by such date as the Secretary may specify.

"(B) AUTHORITY REGARDING ANNUAL REPORTS.—In the case of a holder that during a single year makes more than one manufacturing change to which paragraph (1)(A) applies, the Secretary may in carrying out subparagraph (A) authorize the holder to comply with such subparagraph by submitting a single report for the year that provides the information required in such subparagraph for all the changes made by the holder during the year.

"(3) CHANGES REQUIRING SUPPLEMENTAL APPLICATION.—

"(A) SUBMISSION OF SUPPLEMENTAL APPLICATION.—The supplemental application required under paragraph (1)(B) for a manufacturing change shall contain such information as the Secretary determines to be appropriate, which shall include the information developed under subsection (b) by the holder in validating the effects of the change.

"(B) AUTHORITY FOR DISTRIBUTION.—In the case of a manufacturing change to which paragraph (1)(B) applies:

"(i) The holder involved may commence distribution of the drug involved 30 days after the Secretary receives the supplemental application under such paragraph, unless the Secretary notifies the holder within such 30-day period that prior approval of the application is required before distribution may be commenced.

"(ii) The Secretary may designate a category of such changes for the purpose of providing that, in the case of a change that is in such category, the holder involved may commence distribution of the drug involved upon the receipt by the Secretary of a supplemental application for the change.

"(iii) If the Secretary disapproves the supplemental application, the Secretary may order the manufacturer to cease the distribution of the drugs that have been made with the manufacturing change.".

(b) TRANSITION RULE.—The amendment made by subsection (a) takes effect upon the effective date of regulations promulgated by the Secretary of Health and Human Services to implement such amendment, or upon the expiration of the 24-month period beginning on the date of the enactment of this Act, whichever occurs first.

SEC. 117. STREAMLINING CLINICAL RESEARCH ON DRUGS.

Section 505(i) (21 U.S.C. 355(i)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(2) by inserting "(1)" after "(i)";

(3) by striking the last two sentences; and

(4) by inserting after paragraph (1) (as designated by paragraph (2) of this section) the following new paragraphs:

"(2) Subject to paragraph (3), a clinical investigation of a new drug may begin 30 days after the Secretary has received from the manufacturer or sponsor of the investigation a submission containing such information about the drug and the clinical investigation, including—

"(A) information on design of the investigation and adequate reports of basic information, certified by the applicant to be accurate reports, necessary to assess the safety of the drug for use in clinical investigation; and

"(B) adequate information on the chemistry and manufacturing of the drug, controls available for the drug, and primary data tabulations from animal or human studies.

"(3)(A) At any time, the Secretary may prohibit the sponsor of an investigation from conducting the investigation (referred to in this paragraph as a 'clinical hold') if the Secretary makes a determination described in subparagraph (B). The Secretary shall specify the basis for the clinical hold, including the specific information available to the Secretary which served as the basis for such clinical hold, and confirm such determination in writing.

"(B) For purposes of subparagraph (A), a determination described in this subparagraph with respect to a clinical hold is that—

"(i) the drug involved represents an unreasonable risk to the safety of the persons who are the subjects of the clinical investigation, taking into account the qualifications of the clinical investigators, information about the drug, the design of the clinical investigation, the condition for which the drug is to be investigated, and the health status of the subjects involved; or

"(ii) the clinical hold should be issued for such other reasons as the Secretary may by regulation establish (including reasons established by regulation before the date of the enactment of the Food and Drug Administration Modernization Act of 1997).

"(C) Any written request to the Secretary from the sponsor of an investigation that a clinical hold be removed shall receive a decision, in writing and specifying the reasons therefor, within 30 days after receipt of such request. Any such request shall include sufficient information to support the removal of such clinical hold.

"(4) Regulations under paragraph (1) shall provide that such exemption shall be conditioned upon the manufacturer, or the sponsor of the investigation, requiring that experts using such drugs for investigational purposes certify to such manufacturer or sponsor that they will inform any human beings to whom such drugs, or any controls used in connection therewith, are being administered, or their representatives, that such drugs are being used for investigational purposes and will obtain the consent of such human beings or their representatives, except where it is not feasible or it is contrary to the best interests of such human beings. Nothing in this subsection shall be construed to require any clinical investigator to submit directly to the Secretary reports on the investigational use of drugs.".

SEC. 118. DATA REQUIREMENTS FOR DRUGS AND BIOLOGICS.

Within 12 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall issue guidance that describes when abbreviated study reports may be submitted, in lieu of full reports, with a new drug application under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) and with a biologics license application under section 351 of the Public Health Service Act (42 U.S.C. 262) for certain types of studies. Such guidance shall describe the kinds of studies for which abbreviated reports are appropriate and the appropriate abbreviated report formats.

SEC. 119. CONTENT AND REVIEW OF APPLICATIONS.

(a) SECTION 505(b).—Section 505(b) (21 U.S.C. 355(b)) is amended by adding at the end the following:

"(4)(A) The Secretary shall issue guidance for the individuals who review applications submitted under paragraph (1) or under section 351 of the Public Health Service Act, which shall relate to promptness in conducting the review, technical excellence, lack of bias and conflict of interest, and knowledge of regulatory and scientific standards, and which shall apply equally to all individuals who review such applications.

"(B) The Secretary shall meet with a sponsor of an investigation or an applicant for approval for a drug under this subsection or section 351 of the Public Health Service Act if the sponsor or applicant makes a reasonable written request

for a meeting for the purpose of reaching agreement on the design and size of clinical trials intended to form the primary basis of an effectiveness claim. The sponsor or applicant shall provide information necessary for discussion and agreement on the design and size of the clinical trials. Minutes of any such meeting shall be prepared by the Secretary and made available to the sponsor or applicant upon request.

''(C) Any agreement regarding the parameters of the design and size of clinical trials of a new drug under this paragraph that is reached between the Secretary and a sponsor or applicant shall be reduced to writing and made part of the administrative record by the Secretary. Such agreement shall not be changed after the testing begins, except—

''(i) with the written agreement of the sponsor or applicant; or

''(ii) pursuant to a decision, made in accordance with subparagraph (D) by the director of the reviewing division, that a substantial scientific issue essential to determining the safety or effectiveness of the drug has been identified after the testing has begun.

''(D) A decision under subparagraph (C)(ii) by the director shall be in writing and the Secretary shall provide to the sponsor or applicant an opportunity for a meeting at which the director and the sponsor or applicant will be present and at which the director will document the scientific issue involved.

''(E) The written decisions of the reviewing division shall be binding upon, and may not directly or indirectly be changed by, the field or compliance division personnel unless such field or compliance division personnel demonstrate to the reviewing division why such decision should be modified.

''(F) No action by the reviewing division may be delayed because of the unavailability of information from or action by field personnel unless the reviewing division determines that a delay is necessary to assure the marketing of a safe and effective drug.

''(G) For purposes of this paragraph, the reviewing division is the division responsible for the review of an application for approval of a drug under this subsection or section 351 of the Public Health Service Act (including all scientific and medical matters, chemistry, manufacturing, and controls).''.

(b) SECTION 505(j).—

(1) AMENDMENT.—Section 505(j) (21 U.S.C 355(j)) is amended—

(A) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(B) by adding after paragraph (2) the following:

''(3)(A) The Secretary shall issue guidance for the individuals who review applications submitted under paragraph (1), which shall relate to promptness in conducting the review, technical excellence, lack of bias and conflict of interest, and knowledge of regulatory and scientific standards, and which shall apply equally to all individuals who review such applications.

''(B) The Secretary shall meet with a sponsor of an investigation or an applicant for approval for a drug under this subsection if the sponsor or applicant makes a reasonable written request for a meeting for the purpose of reaching agreement on the design and size of bioavailability and bioequivalence studies needed for approval of such application. The sponsor or applicant shall provide information necessary for discussion and agreement on the design and size of such studies. Minutes of any such meeting shall be prepared by the Secretary and made available to the sponsor or applicant.

''(C) Any agreement regarding the parameters of design and size of bioavailability and bioequivalence studies of a drug under this paragraph that is reached between the Secretary and a sponsor or applicant shall be reduced to writing and made part of the administrative record by the Secretary. Such agreement shall not be changed after the testing begins, except—

''(i) with the written agreement of the sponsor or applicant; or

''(ii) pursuant to a decision, made in accordance with subparagraph (D) by the director of the reviewing division, that a substantial scientific issue essential to determining the safety or effectiveness of the drug has been identified after the testing has begun.

''(D) A decision under subparagraph (C)(ii) by the director shall be in writing and the Secretary shall provide to the sponsor or applicant an opportunity for a meeting at which the director and the sponsor or applicant will be present and at which the director will document the scientific issue involved.

''(E) The written decisions of the reviewing division shall be binding upon, and may not directly or indirectly be changed by, the field or compliance office personnel unless such field or compliance office personnel demonstrate to the reviewing division why such decision should be modified.

''(F) No action by the reviewing division may be delayed because of the unavailability of information from or action by field personnel unless the reviewing division determines that a delay is necessary to assure the marketing of a safe and effective drug.

''(G) For purposes of this paragraph, the reviewing division is the division responsible for the review of an application for approval of a drug under this subsection (including scientific matters, chemistry, manufacturing, and controls).''.

(2) CONFORMING AMENDMENTS.—Section 505(j) (21 U.S.C. 355(j)), as amended by paragraph (1), is further amended—

(A) in paragraph (2)(A)(i), by striking ''(6)'' and inserting ''(7)'';

(B) in paragraph (4) (as redesignated in paragraph (1)), by striking ''(4)'' and inserting ''(5)'';

(C) in paragraph (4)(I) (as redesignated in paragraph (1)), by striking ''(5)'' and inserting ''(6)''; and

(D) in paragraph (7)(C) (as redesignated in paragraph (1)), by striking ''(5)'' each place it occurs and inserting ''(6)''.

SEC. 120. SCIENTIFIC ADVISORY PANELS.

Section 505 (21 U.S.C. 355) is amended by adding at the end the following:

''(n)(1) For the purpose of providing expert scientific advice and recommendations to the Secretary regarding a clinical investigation of a drug or the approval for marketing of a drug under section 505 or section 351 of the Public Health Service Act, the Secretary shall establish panels of experts or use panels of experts established before the date of enactment of the Food and Drug Administration Modernization Act of 1997, or both.

''(2) The Secretary may delegate the appointment and oversight authority granted under section 904 to a director of a center or successor entity within the Food and Drug Administration.

''(3) The Secretary shall make appointments to each panel established under paragraph (1) so that each panel shall consist of—

''(A) members who are qualified by training and experience to evaluate the safety and effectiveness of the drugs to be referred to the panel and who, to the extent feasible, possess skill and experience in the development, manufacture, or utilization of such drugs;

''(B) members with diverse expertise in such fields as clinical and administrative medicine, pharmacy, pharmacology, pharmacoeconomics, biological and physical sciences, and other related professions;

''(C) a representative of consumer interests, and a representative of interests of the drug manufacturing industry not directly affected by the matter to be brought before the panel; and

''(D) two or more members who are specialists or have other expertise in the particular disease or condition for which the drug under review is proposed to be indicated.

Scientific, trade, and consumer organizations shall be afforded an opportunity to nominate individuals for appointment to the panels. No individual who is in the regular full-time employ of the United States and engaged in the administration of this Act may be a voting member of any panel. The Secretary shall designate one of the members of each panel to serve as chairman thereof.

''(4) Each member of a panel shall publicly disclose all conflicts of interest that member may have with the work to be undertaken by the panel. No member of a panel may vote on any matter where the member or the immediate family of such member could gain financially from the advice given to the Secretary. The Secretary may grant a waiver of any conflict of interest requirement upon public disclosure of such conflict of interest if such waiver is necessary to afford the panel essential expertise, except that the Secretary may not grant a waiver for a member of a panel when the member's own scientific work is involved.

''(5) The Secretary shall, as appropriate, provide education and training to each new panel member before such member participates in a panel's activities, including education regarding requirements under this Act and related regulations of the Secretary, and the administrative processes and procedures related to panel meetings.

''(6) Panel members (other than officers or employees of the United States), while attending meetings or conferences of a panel or otherwise engaged in its business, shall be entitled to receive compensation for each day so engaged, including traveltime, at rates to be fixed by the Secretary, but not to exceed the daily equivalent of the rate in effect for positions classified above grade GS–15 of the General Schedule. While serving away from their homes or regular places of business, panel members may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

''(7) The Secretary shall ensure that scientific advisory panels meet regularly and at appropriate intervals so that any matter to be reviewed by such a panel can be presented to the panel not more than 60 days after the matter is ready for such review. Meetings of the panel may be held using electronic communication to convene the meetings.

''(8) Within 90 days after a scientific advisory panel makes recommendations on any matter under its review, the Food and Drug Administration official responsible for the matter shall review the conclusions and recommendations of the panel, and notify the affected persons of the final decision on the matter, or of the reasons that no such decision has been reached. Each such final decision shall be documented including the rationale for the decision.''.

SEC. 121. POSITRON EMISSION TOMOGRAPHY.

(a) REGULATION OF COMPOUNDED POSITRON EMISSION TOMOGRAPHY DRUGS.—Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

''(ii) The term 'compounded positron emission tomography drug'—

''(1) means a drug that—

''(A) exhibits spontaneous disintegration of unstable nuclei by the emission of positrons and is used for the purpose of providing dual photon positron emission tomographic diagnostic images; and

"(B) has been compounded by or on the order of a practitioner who is licensed by a State to compound or order compounding for a drug described in subparagraph (A), and is compounded in accordance with that State's law, for a patient or for research, teaching, or quality control; and

"(2) includes any nonradioactive reagent, reagent kit, ingredient, nuclide generator, accelerator, target material, electronic synthesizer, or other apparatus or computer program to be used in the preparation of such a drug.".

(b) ADULTERATION.—

(1) IN GENERAL.—Section 501(a) (21 U.S.C. 351(a)) is amended by striking "; or (3)" and inserting the following: "; or (C) if it is a compounded positron emission tomography drug and the methods used in, or the facilities and controls used for, its compounding, processing, packing, or holding do not conform to or are not operated or administered in conformity with the positron emission tomography compounding standards and the official monographs of the United States Pharmacopoeia to assure that such drug meets the requirements of this Act as to safety and has the identity and strength, and meets the quality and purity characteristics, that it purports or is represented to possess; or (3)".

(2) SUNSET.—Section 501(a)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(C)) shall not apply 4 years after the date of enactment of this Act or 2 years after the date on which the Secretary of Health and Human Services establishes the requirements described in subsection (c)(1)(B), whichever is later.

(c) REQUIREMENTS FOR REVIEW OF APPROVAL PROCEDURES AND CURRENT GOOD MANUFACTURING PRACTICES FOR POSITRON EMISSION TOMOGRAPHY.—

(1) PROCEDURES AND REQUIREMENTS.—

(A) IN GENERAL.—In order to take account of the special characteristics of positron emission tomography drugs and the special techniques and processes required to produce these drugs, not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall establish—

(i) appropriate procedures for the approval of positron emission tomography drugs pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); and

(ii) appropriate current good manufacturing practice requirements for such drugs.

(B) CONSIDERATIONS AND CONSULTATION.—In establishing the procedures and requirements required by subparagraph (A), the Secretary of Health and Human Services shall take due account of any relevant differences between not-for-profit institutions that compound the drugs for their patients and commercial manufacturers of the drugs. Prior to establishing the procedures and requirements, the Secretary of Health and Human Services shall consult with patient advocacy groups, professional associations, manufacturers, and physicians and scientists licensed to make or use positron emission tomography drugs.

(2) SUBMISSION OF NEW DRUG APPLICATIONS AND ABBREVIATED NEW DRUG APPLICATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Health and Human Services shall not require the submission of new drug applications or abbreviated new drug applications under subsection (b) or (j) of section 505 (21 U.S.C. 355), for compounded positron emission tomography drugs that are not adulterated drugs described in section 501(a)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(C)) (as amended by subsection (b)), for a period of 4 years after the date of enactment of this Act, or for 2 years after the date on which the Secretary establishes procedures and requirements under paragraph (1), whichever is longer.

(B) EXCEPTION.—Nothing in this Act shall prohibit the voluntary submission of such applications or the review of such applications by the Secretary of Health and Human Services. Nothing in this Act shall constitute an exemption for a positron emission tomography drug from the requirements of regulations issued under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).

(d) REVOCATION OF CERTAIN INCONSISTENT DOCUMENTS.—Within 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a notice terminating the application of the following notices and rule:

(1) A notice entitled "Regulation of Positron Emission Tomography Radiopharmaceutical Drug Products; Guidance; Public Workshop", published in the Federal Register on February 27, 1995, 60 Fed. Reg. 10594.

(2) A notice entitled "Draft Guideline on the Manufacture of Positron Emission Tomography Radiopharmaceutical Drug Products; Availability", published in the Federal Register on February 27, 1995, 60 Fed. Reg. 10593.

(3) A final rule entitled "Current Good Manufacturing Practice for Finished Pharmaceuticals; Positron Emission Tomography", published in the Federal Register on April 22, 1997, 62 Fed. Reg. 19493 (codified at part 211 of title 21, Code of Federal Regulations).

(e) DEFINITION.—As used in this section, the term "compounded positron emission tomography drug" has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

SEC. 122. REQUIREMENTS FOR RADIOPHARMACEUTICALS.

(a) REQUIREMENTS.—

(1) REGULATIONS.—

(A) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, after consultation with patient advocacy groups, associations, physicians licensed to use radiopharmaceuticals, and the regulated industry, shall issue proposed regulations governing the approval of radiopharmaceuticals. The regulations shall provide that the determination of the safety and effectiveness of such a radiopharmaceutical under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) shall include consideration of the proposed use of the radiopharmaceutical in the practice of medicine, the pharmacological and toxicological activity of the radiopharmaceutical (including any carrier or ligand component of the radiopharmaceutical), and the estimated absorbed radiation dose of the radiopharmaceutical.

(B) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate final regulations governing the approval of the radiopharmaceuticals.

(2) SPECIAL RULE.—In the case of a radiopharmaceutical, the indications for which such radiopharmaceutical is approved for marketing may, in appropriate cases, refer to manifestations of disease (such as biochemical, physiological, anatomic, or pathological processes) common to, or present in, one or more disease states.

(b) DEFINITION.—In this section, the term "radiopharmaceutical" means—

(1) an article—

(A) that is intended for use in the diagnosis or monitoring of a disease or a manifestation of a disease in humans; and

(B) that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons; or

(2) any nonradioactive reagent kit or nuclide generator that is intended to be used in the preparation of any such article.

SEC. 123. MODERNIZATION OF REGULATION.

(a) LICENSES.—

(1) IN GENERAL.—Section 351(a) of the Public Health Service (42 U.S.C. 262(a)) is amended to read as follows:

"(a)(1) No person shall introduce or deliver for introduction into interstate commerce any biological product unless—

"(A) a biologics license is in effect for the biological product; and

"(B) each package of the biological product is plainly marked with—

"(i) the proper name of the biological product contained in the package;

"(ii) the name, address, and applicable license number of the manufacturer of the biological product; and

"(iii) the expiration date of the biological product.

"(2)(A) The Secretary shall establish, by regulation, requirements for the approval, suspension, and revocation of biologics licenses.

"(B) The Secretary shall approve a biologics license application—

"(i) on the basis of a demonstration that—

"(I) the biological product that is the subject of the application is safe, pure, and potent; and

"(II) the facility in which the biological product is manufactured, processed, packed, or held meets standards designed to assure that the biological product continues to be safe, pure, and potent; and

"(ii) if the applicant (or other appropriate person) consents to the inspection of the facility that is the subject of the application, in accordance with subsection (c).

"(3) The Secretary shall prescribe requirements under which a biological product undergoing investigation shall be exempt from the requirements of paragraph (1).".

(2) ELIMINATION OF EXISTING LICENSE REQUIREMENT.—Section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)) is amended—

(A) by striking "(d)(1)" and all that follows through "of this section.";

(B) in paragraph (2)—

(i) by striking "(2)(A) Upon" and inserting "(d)(1) Upon" and

(ii) by redesignating subparagraph (B) as paragraph (2); and

(C) in paragraph (2) (as so redesignated by subparagraph (B)(ii))—

(i) by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(ii) by striking "this subparagraph" each place it appears and inserting "this paragraph".

(b) LABELING.—Section 351(b) of the Public Health Service Act (42 U.S.C. 262(b)) is amended to read as follows:

"(b) No person shall falsely label or mark any package or container of any biological product or alter any label or mark on the package or container of the biological product so as to falsify the label or mark.".

(c) INSPECTION.—Section 351(c) of the Public Health Service Act (42 U.S.C. 262(c)) is amended by striking "virus, serum," and all that follows and inserting "biological product.".

(d) DEFINITION; APPLICATION.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by adding at the end the following:

"(i) In this section, the term 'biological product' means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product, or arsphenamine or derivative of arsphenamine (or any other trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of a disease or condition of human beings.".

(e) CONFORMING AMENDMENT.—Section 503(g)(4) (21 U.S.C. 353(g)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "section 351(a)" and inserting "section 351(i)"; and

(B) by striking "262(a)" and inserting "262(i)"; and

(2) in subparagraph (B)(iii), by striking "product or establishment license under subsection (a) or (d)" and inserting "biologics license application under subsection (a)".

(f) SPECIAL RULE.—The Secretary of Health and Human Services shall take measures to minimize differences in the review and approval of products required to have approved biologics license applications under section 351 of the Public Health Service Act (42 U.S.C. 262) and products required to have approved new drug applications under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)).

(g) APPLICATION OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Section 351 of the Public Health Service Act (42 U.S.C. 262), as amended by subsection (d), is further amended by adding at the end the following:

"(j) The Federal Food, Drug, and Cosmetic Act applies to a biological product subject to regulation under this section, except that a product for which a license has been approved under subsection (a) shall not be required to have an approved application under section 505 of such Act.".

(h) EXAMINATIONS AND PROCEDURES.—Paragraph (3) of section 353(d) of the Public Health Service Act (42 U.S.C. 263a(d)) is amended to read as follows:

"(3) EXAMINATIONS AND PROCEDURES.—The examinations and procedures identified in paragraph (2) are laboratory examinations and procedures that have been approved by the Food and Drug Administration for home use or that, as determined by the Secretary, are simple laboratory examinations and procedures that have an insignificant risk of an erroneous result, including those that—

"(A) employ methodologies that are so simple and accurate as to render the likelihood of erroneous results by the user negligible, or

"(B) the Secretary has determined pose no unreasonable risk of harm to the patient if performed incorrectly.".

SEC. 124. PILOT AND SMALL SCALE MANUFACTURE.

(a) HUMAN DRUGS.—Section 505(c) (21 U.S.C. 355(c)) is amended by adding at the end the following:

"(4) A drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the drug and to obtain approval for the drug prior to manufacture of the drug in a larger facility, unless the Secretary makes a determination that a full scale production facility is necessary to ensure the safety or effectiveness of the drug.".

(b) ANIMAL DRUGS.—Section 512(c) (21 U.S.C. 360b(c)) is amended by adding at the end the following:

"(4) A drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the drug and to obtain approval for the drug prior to manufacture of the drug in a larger facility, unless the Secretary makes a determination that a full scale production facility is necessary to ensure the safety or effectiveness of the drug.".

SEC. 125. INSULIN AND ANTIBIOTICS.

(a) CERTIFICATION OF DRUGS CONTAINING INSULIN.—

(1) AMENDMENT.—Section 506 (21 U.S.C. 356), as in effect before the date of the enactment of this Act, is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 301(j) (21 U.S.C. 331(j)) is amended by striking "506, 507,".

(B) Subsection (k) of section 502 (21 U.S.C. 352) is repealed.

(C) Sections 301(i)(1), 510(j)(1)(A), and 510(j)(1)(D) (21 U.S.C. 331(i)(1), 360(j)(1)(A), 360(j)(1)(D)) are each amended by striking ", 506, 507,".

(D) Section 801(d)(1) (21 U.S.C. 381(d)(1)) is amended by inserting after "503(b)" the following: "or composed wholly or partly of insulin".

(E) Section 8126(h)(2) of title 38, United States Code, is amended by inserting "or" at the end of subparagraph (B), by striking "; or" at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(b) CERTIFICATION OF ANTIBIOTICS.—

(1) AMENDMENT.—Section 507 (21 U.S.C. 357) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 201(aa) (21 U.S.C. 321(aa)) is amended by striking out "or 507", section 201(dd) (21 U.S.C. 321(dd)) is amended by striking "507,", and section 201(ff)(3)(A) (21 U.S.C. 321(ff)(3)(A)) is amended by striking ", certified as an antibiotic under section 507,".

(B) Section 301(e) (21 U.S.C. 331(e)) is amended by striking "507(d) or (g),".

(C) Section 306(d)(4)(B)(ii) (21 U.S.C. 335a(d)(4)(B)(ii)) is amended by striking "or 507".

(D) Section 502 (21 U.S.C. 352) is amended by striking subsection (l).

(E) Section 520(l) (21 U.S.C. 360j(l)) is amended by striking paragraph (4) and by striking "or Antibiotic Drugs" in the subsection heading.

(F) Section 525(a) (21 U.S.C. 360aa(a)) is amended by inserting "or" at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(G) Section 525(a) (21 U.S.C. 360aa(a)) is amended by striking ", certification of such drug for such disease or condition under section 507,".

(H) Section 526(a)(1) (21 U.S.C. 360bb) is amended by striking "the submission of an application for certification of the drug under section 507,", by inserting "or" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(I) Section 526(b) (21 U.S.C. 360bb(b)) is amended—

(i) in paragraph (1), by striking ", a certificate was issued for the drug under section 507,"; and

(ii) in paragraph (2) by striking ", a certificate has not been issued for the drug under section 507," and by striking ", approval of an application for certification under section 507,".

(J) Section 527(a) (21 U.S.C. 360cc(a)) is amended by inserting "or" at the end of paragraph (1), by striking paragraph (2), by redesignating paragraph (3) as paragraph (2), and by striking ", issue another certification under section 507,".

(K) Section 527(b) (21 U.S.C. 360cc(b)) is amended by striking ", if a certification is issued under section 507 for such a drug,", ", of the issuance of the certification under section 507,", ", issue another certification under section 507,", ", of such certification,", ", of the certification,", and ", issuance of other certications,".

(L) Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended by striking ", section 507 (d) or (g),".

(M) Section 735(1) (21 U.S.C. 379g(1)(C)) is amended by inserting "or" at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).

(N) Subparagraphs (A)(ii) and (B) of sections 5(b)(1) of the Orphan Drug Act (21 U.S.C. 360ee(b)(1)(A), 360ee(b)(1)(B)) are each amended by striking "or 507".

(O) Section 45C(b)(2)(A)(ii)(II) of the Internal Revenue Code of 1986 is amended by striking "or 507".

(P) Section 156(f)(4)(B) of title 35, United States Code, is amended by striking "507," each place it occurs.

(c) EXPORTATION.—Section 802 (21 U.S.C. 382) is amended by adding at the end the following:

"(i) Insulin and antibiotic drugs may be exported without regard to the requirements in this section if the insulin and antibiotic drugs meet the requirements of section 801(e)(1).".

(d) TRANSITION.—

(1) IN GENERAL.—An application that was approved by the Secretary of Health and Human Services before the date of the enactment of this Act for the marketing of an antibiotic drug under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as in effect on the day before the date of the enactment of this Act, shall, on and after such date of enactment, be considered to be an application that was submitted and filed under section 505(b) of such Act (21 U.S.C. 355(b)) and approved for safety and effectiveness under section 505(c) of such Act (21 U.S.C. 355(c)), except that if such application for marketing was in the form of an abbreviated application, the application shall be considered to have been filed and approved under section 505(j) of such Act (21 U.S.C. 355(j)).

(2) EXCEPTION.—The following subsections of section 505 (21 U.S.C 355) shall not apply to any application for marketing in which the drug that is the subject of the application contains an antibiotic drug and the antibiotic drug was the subject of any application for marketing received by the Secretary of Health and Human Services under section 507 of such Act (21 U.S.C. 357) before the date of the enactment of this Act:

(A)(i) Subsections (c)(2), (d)(6), (e)(4), (j)(2)(A)(vii), (j)(2)(A)(viii), (j)(2)(B), (j)(4)(B), and (j)(4)(D); and

(ii) The third and fourth sentences of subsection (b)(1) (regarding the filing and publication of patent information); and

(B) Subsections (b)(2)(A), (b)(2)(B), (b)(3), and (c)(3) if the investigations relied upon by the applicant for approval of the application were not conducted by or for the applicant and for which the applicant has not obtained a right of reference or use from the person by or for whom the investigations were conducted.

(3) PUBLICATION.—For purposes of this section, the Secretary is authorized to make available to the public the established name of each antibiotic drug that was the subject of any application for marketing received by the Secretary for Health and Human Services under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) before the date of enactment of this Act.

(e) DEFINITION.—Section 201 (21 U.S.C. 321), as amended by section 121(a)(1), is further amended by adding at the end the following:

"(jj) The term 'antibiotic drug' means any drug (except drugs for use in animals other than humans) composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any other drug intended for human use containing any quantity of any chemical substance which is produced by a micro-organism and which has the capacity to inhibit or destroy micro-organisms in dilute solution (including a chemically synthesized equivalent of any such substance) or any derivative thereof.".

SEC. 126. ELIMINATION OF CERTAIN LABELING REQUIREMENTS.

(a) PRESCRIPTION DRUGS.—Section 503(b)(4) (21 U.S.C. 353(b)(4)) is amended to read as follows:

"(4)(A) A drug that is subject to paragraph (1) shall be deemed to be misbranded if at any time prior to dispensing the label of the drug fails to bear, at a minimum, the symbol 'Rx only'.

"(B) A drug to which paragraph (1) does not apply shall be deemed to be misbranded if at any time prior to dispensing the label of the drug bears the symbol described in subparagraph (A).".

(b) MISBRANDED DRUG.—Section 502(d) (21 U.S.C. 352(d)) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) Section 503(b)(1) (21 U.S.C. 353(b)(1)) is amended—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) Section 503(b)(3) (21 U.S.C. 353(b)(3)) is amended by striking "section 502(d) and".

(3) Section 102(9)(A) of the Controlled Substances Act (21 U.S.C. 802(9)(A)) is amended—

(A) in clause (i), by striking "(i)"; and

(B) by striking "(ii)" and all that follows.

SEC. 127. APPLICATION OF FEDERAL LAW TO PRACTICE OF PHARMACY COMPOUNDING.

(a) AMENDMENT.—Chapter V is amended by inserting after section 503 (21 U.S.C. 353) the following:

"SEC. 503A. PHARMACY COMPOUNDING.

"(a) IN GENERAL.—Sections 501(a)(2)(B), 502(f)(1), and 505 shall not apply to a drug product if the drug product is compounded for an identified individual patient based on the unsolicited receipt of a valid prescription order or a notation, approved by the prescribing practitioner, on the prescription order that a compounded product is necessary for the identified patient, if the drug product meets the requirements of this section, and if the compounding—

"(1) is by—

"(A) a licensed pharmacist in a State licensed pharmacy or a Federal facility, or

"(B) a licensed physician, on the prescription order for such individual patient made by a licensed physician or other licensed practitioner authorized by State law to prescribe drugs; or

"(2)(A) is by a licensed pharmacist or licensed physician in limited quantities before the receipt of a valid prescription order for such individual patient; and

"(B) is based on a history of the licensed pharmacist or licensed physician receiving valid prescription orders for the compounding of the drug product, which orders have been generated solely within an established relationship between—

"(i) the licensed pharmacist or licensed physician; and

"(ii)(I) such individual patient for whom the prescription order will be provided; or

"(II) the physician or other licensed practitioner who will write such prescription order.

"(b) COMPOUNDED DRUG.—

"(1) LICENSED PHARMACIST AND LICENSED PHYSICIAN.—A drug product may be compounded under subsection (a) if the licensed pharmacist or licensed physician—

"(A) compounds the drug product using bulk drug substances, as defined in regulations of the Secretary published at section 207.3(a)(4) of title 21 of the Code of Federal Regulations—

"(i) that—

"(I) comply with the standards of an applicable United States Pharmacopoeia or National Formulary monograph, if a monograph exists, and the United States Pharmacopoeia chapter on pharmacy compounding;

"(II) if such a monograph does not exist, are drug substances that are components of drugs approved by the Secretary; or

"(III) if such a monograph does not exist and the drug substance is not a component of a drug approved by the Secretary, that appear on a list developed by the Secretary through regulations issued by the Secretary under subsection (d);

"(ii) that are manufactured by an establishment that is registered under section 510 (including a foreign establishment that is registered under section 510(i)); and

"(iii) that are accompanied by valid certificates of analysis for each bulk drug substance;

"(B) compounds the drug product using ingredients (other than bulk drug substances) that comply with the standards of an applicable United States Pharmacopoeia or National Formulary monograph, if a monograph exists, and the United States Pharmacopoeia chapter on pharmacy compounding;

"(C) does not compound a drug product that appears on a list published by the Secretary in the Federal Register of drug products that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective; and

"(D) does not compound regularly or in inordinate amounts (as defined by the Secretary) any drug products that are essentially copies of a commercially available drug product.

"(2) DEFINITION.—For purposes of paragraph (1)(D), the term 'essentially a copy of a commercially available drug product' does not include a drug product in which there is a change, made for an identified individual patient, which produces for that patient a significant difference, as determined by the prescribing practitioner, between the compounded drug and the comparable commercially available drug product.

"(3) DRUG PRODUCT.—A drug product may be compounded under subsection (a) only if—

"(A) such drug product is not a drug product identified by the Secretary by regulation as a drug product that presents demonstrable difficulties for compounding that reasonably demonstrate an adverse effect on the safety or effectiveness of that drug product; and

"(B) such drug product is compounded in a State—

"(i) that has entered into a memorandum of understanding with the Secretary which addresses the distribution of inordinate amounts of compounded drug products interstate and provides for appropriate investigation by a State agency of complaints relating to compounded drug products distributed outside such State; or

"(ii) that has not entered into the memorandum of understanding described in clause (i) and the licensed pharmacist, licensed pharmacy, or licensed physician distributes (or causes to be distributed) compounded drug products out of the State in which they are compounded in quantities that do not exceed 5 percent of the total prescription orders dispensed or distributed by such pharmacy or physician.

The Secretary shall, in consultation with the National Association of Boards of Pharmacy, develop a standard memorandum of understanding for use by the States in complying with subparagraph (B)(i).

"(c) ADVERTISING AND PROMOTION.—A drug may be compounded under subsection (a) only if the pharmacy, licensed pharmacist, or licensed physician does not advertise or promote the compounding of any particular drug, class of drug, or type of drug. The pharmacy, licensed pharmacist, or licensed physician may advertise and promote the compounding service provided by the licensed pharmacist or licensed physician.

"(d) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall issue regulations to implement this section. Before issuing regulations to implement subsections (b)(1)(A)(i)(III), (b)(1)(C), or (b)(3)(A), the Secretary shall convene and consult an advisory committee on compounding unless the Secretary determines that the issuance of such regulations before consultation is necessary to protect the public health. The advisory committee shall include representatives from the National Association of Boards of Pharmacy, the United States Pharmacopoeia, pharmacy, physician, and consumer organizations, and other experts selected by the Secretary.

"(2) LIMITING COMPOUNDING.—The Secretary, in consultation with the United States Pharmacopoeia Convention, Incorporated, shall promulgate regulations identifying drug substances that may be used in compounding under subsection (b)(1)(A)(i)(III) for which a monograph does not exist or which are not components of drug products approved by the Secretary. The Secretary shall include in the regulation the criteria for such substances, which shall include historical use, reports in peer reviewed medical literature, or other criteria the Secretary may identify.

"(e) APPLICATION.—This section shall not apply to—

"(1) compounded positron emission tomography drugs as defined in section 201(ii); or

"(2) radiopharmaceuticals.

"(f) DEFINITION.—As used in this section, the term 'compounding' does not include mixing, reconstituting, or other such acts that are performed in accordance with directions contained in approved labeling provided by the product's manufacturer and other manufacturer directions consistent with that labeling.".

(b) EFFECTIVE DATE.—Section 503A of the Federal Food, Drug, and Cosmetic Act, added by subsection (a), shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act.

SEC. 128. REAUTHORIZATION OF CLINICAL PHARMACOLOGY PROGRAM.

Section 2 of Public Law 102–222 (105 Stat. 1677) is amended—

(1) in subsection (a), by striking "a grant" and all that follows through "Such grant" and inserting the following: "grants for a pilot program for the training of individuals in clinical pharmacology at appropriate medical schools. Such grants"; and

(2) in subsection (b), by striking "to carry out this section" and inserting ", and for fiscal years 1998 through 2002 $3,000,000 for each fiscal year, to carry out this section".

SEC. 129. REGULATIONS FOR SUNSCREEN PRODUCTS.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue regulations for over-the-counter sunscreen products for the prevention or treatment of sunburn.

SEC. 130. REPORTS OF POSTMARKETING APPROVAL STUDIES.

(a) IN GENERAL.—Chapter V, as amended by section 116, is further amended by inserting after section 506A the following:

"SEC. 506B. REPORTS OF POSTMARKETING STUDIES.

"(a) SUBMISSION.—

"(1) IN GENERAL.—A sponsor of a drug that has entered into an agreement with the Secretary to conduct a postmarketing study of a drug shall submit to the Secretary, within 1 year after the approval of such drug and annually thereafter until the study is completed or terminated, a report of the progress of the study or the reasons for the failure of the sponsor to conduct the study. The report shall be submitted in such form as is prescribed by the Secretary in regulations issued by the Secretary.

"(2) AGREEMENTS PRIOR TO EFFECTIVE DATE.—Any agreement entered into between the Secretary and a sponsor of a drug, prior to the date of enactment of the Food and Drug Administration Modernization Act of 1997, to conduct a postmarketing study of a drug shall be subject to the requirements of paragraph (1). An initial report for such an agreement shall be submitted within 6 months after the date of the issuance of the regulations under paragraph (1).

"(b) CONSIDERATION OF INFORMATION AS PUBLIC INFORMATION.—Any information pertaining

to a report described in subsection (a) shall be considered to be public information to the extent that the information is necessary—

"(1) to identify the sponsor; and

"(2) to establish the status of a study described in subsection (a) and the reasons, if any, for any failure to carry out the study.

"(c) STATUS OF STUDIES AND REPORTS.—The Secretary shall annually develop and publish in the Federal Register a report that provides information on the status of the postmarketing studies—

"(1) that sponsors have entered into agreements to conduct; and

"(2) for which reports have been submitted under subsection (a)(1).".

(b) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than October 1, 2001, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report containing—

(1) a summary of the reports submitted under section 506B of the Federal Food, Drug, and Cosmetic Act;

(2) an evaluation of—

(A) the performance of the sponsors referred to in such section in fulfilling the agreements with respect to the conduct of postmarketing studies described in such section of such Act; and

(B) the timeliness of the Secretary's review of the postmarketing studies; and

(3) any legislative recommendations respecting the postmarketing studies.

SEC. 131. NOTIFICATION OF DISCONTINUANCE OF A LIFE SAVING PRODUCT.

(a) IN GENERAL.—Chapter V, as amended by section 130, is further amended by inserting after section 506B the following:

"SEC. 506C. DISCONTINUANCE OF A LIFE SAVING PRODUCT.

"(a) IN GENERAL.—A manufacturer that is the sole manufacturer of a drug—

"(1) that is—

"(A) life-supporting;

"(B) life-sustaining; or

"(C) intended for use in the prevention of a debilitating disease or condition;

"(2) for which an application has been approved under section 505(b) or 505(j); and

"(3) that is not a product that was originally derived from human tissue and was replaced by a recombinant product, shall notify the Secretary of a discontinuance of the manufacture of the drug at least 6 months prior to the date of the discontinuance.

"(b) REDUCTION IN NOTIFICATION PERIOD.—The notification period required under subsection (a) for a manufacturer may be reduced if the manufacturer certifies to the Secretary that good cause exists for the reduction, such as a situation in which—

"(1) a public health problem may result from continuation of the manufacturing for the 6-month period;

"(2) a biomaterials shortage prevents the continuation of the manufacturing for the 6-month period;

"(3) a liability problem may exist for the manufacturer if the manufacturing is continued for the 6-month period;

"(4) continuation of the manufacturing for the 6-month period may cause substantial economic hardship for the manufacturer;

"(5) the manufacturer has filed for bankruptcy under chapter 7 or 11 of title 11, United States Code; or

"(6) the manufacturer can continue the distribution of the drug involved for 6 months.

"(c) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall distribute information on the discontinuation of the drugs described in subsection (a) to appropriate physician and patient organizations.".

TITLE II—IMPROVING REGULATION OF DEVICES

SEC. 201. INVESTIGATIONAL DEVICE EXEMPTIONS.

(a) IN GENERAL.—Section 520(g) (21 U.S.C. 360j(g)) is amended by adding at the end the following:

"(6)(A) Not later than 1 year after the date of the enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary shall by regulation establish, with respect to a device for which an exemption under this subsection is in effect, procedures and conditions that, without requiring an additional approval of an application for an exemption or the approval of a supplement to such an application, permit—

"(i) developmental changes in the device (including manufacturing changes) that do not constitute a significant change in design or in basic principles of operation and that are made in response to information gathered during the course of an investigation; and

"(ii) changes or modifications to clinical protocols that do not affect—

"(I) the validity of data or information resulting from the completion of an approved protocol, or the relationship of likely patient risk to benefit relied upon to approve a protocol;

"(II) the scientific soundness of an investigational plan submitted under paragraph (3)(A); or

"(III) the rights, safety, or welfare of the human subjects involved in the investigation.

"(B) Regulations under subparagraph (A) shall provide that a change or modification described in such subparagraph may be made if—

"(i) the sponsor of the investigation determines, on the basis of credible information (as defined by the Secretary) that the applicable conditions under subparagraph (A) are met; and

"(ii) the sponsor submits to the Secretary, not later than 5 days after making the change or modification, a notice of the change or modification.

"(7)(A) In the case of a person intending to investigate the safety or effectiveness of a class III device or any implantable device, the Secretary shall ensure that the person has an opportunity, prior to submitting an application to the Secretary or to an institutional review committee, to submit to the Secretary, for review, an investigational plan (including a clinical protocol). If the applicant submits a written request for a meeting with the Secretary regarding such review, the Secretary shall, not later than 30 days after receiving the request, meet with the applicant for the purpose of reaching agreement regarding the investigational plan (including a clinical protocol). The written request shall include a detailed description of the device, a detailed description of the proposed conditions of use of the device, a proposed plan (including a clinical protocol) for determining whether there is a reasonable assurance of effectiveness, and, if available, information regarding the expected performance from the device.

"(B) Any agreement regarding the parameters of an investigational plan (including a clinical protocol) that is reached between the Secretary and a sponsor or applicant shall be reduced to writing and made part of the administrative record by the Secretary. Any such agreement shall not be changed, except—

"(i) with the written agreement of the sponsor or applicant; or

"(ii) pursuant to a decision, made in accordance with subparagraph (C) by the director of the office in which the device involved is reviewed, that a substantial scientific issue essential to determining the safety or effectiveness of the device involved has been identified.

"(C) A decision under subparagraph (B)(ii) by the director shall be in writing, and may be made only after the Secretary has provided to the sponsor or applicant an opportunity for a meeting at which the director and the sponsor or applicant are present and at which the director documents the scientific issue involved.".

(b) ACTION ON APPLICATION.—Section 515(d)(1)(B) (21 U.S.C. 360e(d)(1)(B)) is amended by adding at the end the following:

"(iii) The Secretary shall accept and review statistically valid and reliable data and any other information from investigations conducted under the authority of regulations required by section 520(g) to make a determination of whether there is a reasonable assurance of safety and effectiveness of a device subject to a pending application under this section if—

"(I) the data or information is derived from investigations of an earlier version of the device, the device has been modified during or after the investigations (but prior to submission of an application under subsection (c)) and such a modification of the device does not constitute a significant change in the design or in the basic principles of operation of the device that would invalidate the data or information; or

"(II) the data or information relates to a device approved under this section, is available for use under this Act, and is relevant to the design and intended use of the device for which the application is pending.".

SEC. 202. SPECIAL REVIEW FOR CERTAIN DEVICES.

Section 515(d) (21 U.S.C. 360e(d)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by adding at the end the following:

"(5) In order to provide for more effective treatment or diagnosis of life-threatening or irreversibly debilitating human diseases or conditions, the Secretary shall provide review priority for devices—

"(A) representing breakthrough technologies,

"(B) for which no approved alternatives exist,

"(C) which offer significant advantages over existing approved alternatives, or

"(D) the availability of which is in the best interest of the patients.".

SEC. 203. EXPANDING HUMANITARIAN USE OF DEVICES.

Section 520(m) (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (2), by adding after and below subparagraph (C) the following sentences:

"The request shall be in the form of an application submitted to the Secretary. Not later than 75 days after the date of the receipt of the application, the Secretary shall issue an order approving or denying the application.";

(2) in paragraph (4)—

(A) in subparagraph (B), by inserting after "(2)(A)" the following: ", unless a physician determines in an emergency situation that approval from a local institutional review committee can not be obtained in time to prevent serious harm or death to a patient"; and

(B) by adding after and below subparagraph (B) the following:

"In a case described in subparagraph (B) in which a physician uses a device without an approval from an institutional review committee, the physician shall, after the use of the device, notify the chairperson of the local institutional review committee of such use. Such notification shall include the identification of the patient involved, the date on which the device was used, and the reason for the use.";

(3) by amending paragraph (5) to read as follows:

"(5) The Secretary may require a person granted an exemption under paragraph (2) to demonstrate continued compliance with the requirements of this subsection if the Secretary believes such demonstration to be necessary to protect the public health or if the Secretary has

reason to believe that the criteria for the exemption are no longer met."; and

(4) by amending paragraph (6) to read as follows:

"(6) The Secretary may suspend or withdraw an exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device only after providing notice and an opportunity for an informal hearing.".

SEC. 204. DEVICE STANDARDS.

(a) ALTERNATIVE PROCEDURE.—Section 514 (21 U.S.C. 360d) is amended by adding at the end the following:

"Recognition of a Standard

"(c)(1)(A) In addition to establishing a performance standard under this section, the Secretary shall, by publication in the Federal Register, recognize all or part of an appropriate standard established by a nationally or internationally recognized standard development organization for which a person may submit a declaration of conformity in order to meet a premarket submission requirement or other requirement under this Act to which such standard is applicable.

"(B) If a person elects to use a standard recognized by the Secretary under subparagraph (A) to meet the requirements described in such subparagraph, the person shall provide a declaration of conformity to the Secretary that certifies that the device is in conformity with such standard. A person may elect to use data, or information, other than data required by a standard recognized under subparagraph (A) to meet any requirement regarding devices under this Act.

"(2) The Secretary may withdraw such recognition of a standard through publication of a notice in the Federal Register if the Secretary determines that the standard is no longer appropriate for meeting a requirement regarding devices under this Act.

"(3)(A) Subject to subparagraph (B), the Secretary shall accept a declaration of conformity that a device is in conformity with a standard recognized under paragraph (1) unless the Secretary finds—

"(i) that the data or information submitted to support such declaration does not demonstrate that the device is in conformity with the standard identified in the declaration of conformity; or

"(ii) that the standard identified in the declaration of conformity is not applicable to the particular device under review.

"(B) The Secretary may request, at any time, the data or information relied on by the person to make a declaration of conformity with respect to a standard recognized under paragraph (1).

"(C) A person making a declaration of conformity with respect to a standard recognized under paragraph (1) shall maintain the data and information demonstrating conformity of the device to the standard for a period of two years after the date of the classification or approval of the device by the Secretary or a period equal to the expected design life of the device, whichever is longer.".

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(x) The falsification of a declaration of conformity submitted under section 514(c) or the failure or refusal to provide data or information requested by the Secretary under paragraph (3) of such section.".

(c) SECTION 501.—Section 501(e) (21 U.S.C. 351(e)) is amended—

(1) by striking "(e)" and inserting "(e)(1)"; and

(2) by inserting at the end the following:

"(2) If it is declared to be, purports to be, or is represented as, a device that is in conformity with any standard recognized under section 514(c) unless such device is in all respects in conformity with such standard.".

(d) CONFORMING AMENDMENTS.—Section 514(a) (21 U.S.C. 360d(a)) is amended—

(1) in paragraph (1), in the second sentence, by striking "under this section" and inserting "under subsection (b)";

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking "under this section" and inserting "under subsection (b)";

(3) in paragraph (3), by striking "under this section" and inserting "under subsection (b)"; and

(4) in paragraph (4), in the matter preceding subparagraph (A), by striking "this section" and inserting "this subsection and subsection (b)".

SEC. 205. SCOPE OF REVIEW; COLLABORATIVE DETERMINATIONS OF DEVICE DATA REQUIREMENTS.

(a) SECTION 513(a).—Section 513(a)(3) (21 U.S.C. 360c(a)(3)) is amended by adding at the end the following:

"(C) In making a determination of a reasonable assurance of the effectiveness of a device for which an application under section 515 has been submitted, the Secretary shall consider whether the extent of data that otherwise would be required for approval of the application with respect to effectiveness can be reduced through reliance on postmarket controls.

"(D)(i) The Secretary, upon the written request of any person intending to submit an application under section 515, shall meet with such person to determine the type of valid scientific evidence (within the meaning of subparagraphs (A) and (B)) that will be necessary to demonstrate for purposes of approval of an application the effectiveness of a device for the conditions of use proposed by such person. The written request shall include a detailed description of the device, a detailed description of the proposed conditions of use of the device, a proposed plan for determining whether there is a reasonable assurance of effectiveness, and, if available, information regarding the expected performance from the device. Within 30 days after such meeting, the Secretary shall specify in writing the type of valid scientific evidence that will provide a reasonable assurance that a device is effective under the conditions of use proposed by such person.

"(ii) Any clinical data, including one or more well-controlled investigations, specified in writing by the Secretary for demonstrating a reasonable assurance of device effectiveness shall be specified as result of a determination by the Secretary that such data are necessary to establish device effectiveness. The Secretary shall consider, in consultation with the applicant, the least burdensome appropriate means of evaluating device effectiveness that would have a reasonable likelihood of resulting in approval.

"(iii) The determination of the Secretary with respect to the specification of valid scientific evidence under clauses (i) and (ii) shall be binding upon the Secretary, unless such determination by the Secretary could be contrary to the public health.".

(b) SECTION 513(i).—Section 513(i)(1) (21 U.S.C. 360c(i)(1)) is amended by adding at the end the following:

"(C) To facilitate reviews of reports submitted to the Secretary under section 510(k), the Secretary shall consider the extent to which reliance on postmarket controls may expedite the classification of devices under subsection (f)(1) of this section.

"(D) Whenever the Secretary requests information to demonstrate that devices with differing technological characteristics are substantially equivalent, the Secretary shall only request information that is necessary to making substantial equivalence determinations. In making such request, the Secretary shall consider the least burdensome means of demonstrating substantial equivalence and request information accordingly.

"(E)(i) Any determination by the Secretary of the intended use of a device shall be based upon the proposed labeling submitted in a report for the device under section 510(k). However, when determining that a device can be found substantially equivalent to a legally marketed device, the director of the organizational unit responsible for regulating devices (in this subparagraph referred to as the 'Director') may require a statement in labeling that provides appropriate information regarding a use of the device not identified in the proposed labeling if, after providing an opportunity for consultation with the person who submitted such report, the Director determines and states in writing—

"(I) that there is a reasonable likelihood that the device will be used for an intended use not identified in the proposed labeling for the device; and

"(II) that such use could cause harm.

"(ii) Such determination shall—

"(I) be provided to the person who submitted the report within 10 days from the date of the notification of the Director's concerns regarding the proposed labeling;

"(II) specify the limitations on the use of the device not included in the proposed labeling; and

"(III) find the device substantially equivalent if the requirements of subparagraph (A) are met and if the labeling for such device conforms to the limitations specified in subclause (II).

"(iii) The responsibilities of the Director under this subparagraph may not be delegated.

"(iv) This subparagraph has no legal effect after the expiration of the five-year period beginning on the date of the enactment of the Food and Drug Administration Modernization Act of 1997.".

(c) SECTION 515(d).—Section 515(d) (21 U.S.C. 360e(d)) is amended—

(1) in paragraph (1)(A), by adding after and below clause (ii) the following:

"In making the determination whether to approve or deny the application, the Secretary shall rely on the conditions of use included in the proposed labeling as the basis for determining whether or not there is a reasonable assurance of safety and effectiveness, if the proposed labeling is neither false nor misleading. In determining whether or not such labeling is false or misleading, the Secretary shall fairly evaluate all material facts pertinent to the proposed labeling."; and

(2) by adding after paragraph (5) (as added by section 202(2)) the following:

"(6)(A)(i) A supplemental application shall be required for any change to a device subject to an approved application under this subsection that affects safety or effectiveness, unless such change is a modification in a manufacturing procedure or method of manufacturing and the holder of the approved application submits a written notice to the Secretary that describes in detail the change, summarizes the data or information supporting the change, and informs the Secretary that the change has been made under the requirements of section 520(f).

"(ii) The holder of an approved application who submits a notice under clause (i) with respect to a manufacturing change of a device may distribute the device 30 days after the date on which the Secretary receives the notice, unless the Secretary within such 30-day period notifies the holder that the notice is not adequate and describes such further information or action that is required for acceptance of such change. If the Secretary notifies the holder that a supplemental application is required, the Secretary shall review the supplement within 135 days after the receipt of the supplement. The time used by the Secretary to review the notice of the

manufacturing change shall be deducted from the 135-day review period if the notice meets appropriate content requirements for premarket approval supplements.

''(B)(i) Subject to clause (ii), in reviewing a supplement to an approved application, for an incremental change to the design of a device that affects safety or effectiveness, the Secretary shall approve such supplement if—

''(I) nonclinical data demonstrate that the design modification creates the intended additional capacity, function, or performance of the device; and

''(II) clinical data from the approved application and any supplement to the approved application provide a reasonable assurance of safety and effectiveness for the changed device.

''(ii) The Secretary may require, when necessary, additional clinical data to evaluate the design modification of the device to provide a reasonable assurance of safety and effectiveness.''.

SEC. 206. PREMARKET NOTIFICATION.

(a) SECTION 510.—Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (k), in the matter preceding paragraph (1), by adding after ''report to the Secretary'' the following: ''or person who is accredited under section 523(a)''; and

(2) by adding at the end the following subsections:

''(l) A report under subsection (k) is not required for a device intended for human use that is exempted from the requirements of this subsection under subsection (m) or is within a type that has been classified into class I under section 513. The exception established in the preceding sentence does not apply to any class I device that is intended for a use which is of substantial importance in preventing impairment of human health, or to any class I device that presents a potential unreasonable risk of illness or injury.

''(m)(1) Not later than 60 days after the date of enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary shall publish in the Federal Register a list of each type of class II device that does not require a report under subsection (k) to provide reasonable assurance of safety and effectiveness. Each type of class II device identified by the Secretary as not requiring the report shall be exempt from the requirement to provide a report under subsection (k) as of the date of the publication of the list in the Federal Register.

''(2) Beginning on the date that is 1 day after the date of the publication of a list under this subsection, the Secretary may exempt a class II device from the requirement to submit a report under subsection (k), upon the Secretary's own initiative or a petition of an interested person, if the Secretary determines that such report is not necessary to assure the safety and effectiveness of the device. The Secretary shall publish in the Federal Register notice of the intent of the Secretary to exempt the device, or of the petition, and provide a 30-day period for public comment. Within 120 days after the issuance of the notice in the Federal Register, the Secretary shall publish an order in the Federal Register that sets forth the final determination of the Secretary regarding the exemption of the device that was the subject of the notice. If the Secretary fails to respond to a petition within 180 days of receiving it, the petition shall be deemed to be granted.''.

(b) SECTION 513(f).—Section 513(f) (21 U.S.C. 360c(f)) is amended by adding at the end the following:

''(5) The Secretary may not withhold a determination of the initial classification of a device under paragraph (1) because of a failure to comply with any provision of this Act unrelated to a substantial equivalence decision, including a finding that the facility in which the device is manufactured is not in compliance with good manufacturing requirements as set forth in regulations of the Secretary under section 520(f) (other than a finding that there is a substantial likelihood that the failure to comply with such regulations will potentially present a serious risk to human health).''.

(c) SECTION 513(i).—Section 513(i)(1) (21 U.S.C. 360c(i)), as amended by section 205(b), is amended—

(1) in subparagraph (A)(ii)—

(A) in subclause (I), by striking ''clinical data'' and inserting ''appropriate clinical or scientific data'' and by inserting ''or a person accredited under section 523'' after ''Secretary''; and

(B) in subclause (II), by striking ''efficacy'' and inserting ''effectiveness''; and

(2) by adding at the end the following:

''(F) Not later than 270 days after the date of the enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary shall issue guidance specifying the general principles that the Secretary will consider in determining when a specific intended use of a device is not reasonably included within a general use of such device for purposes of a determination of substantial equivalence under subsection (f) or section 520(l).''.

SEC. 207. EVALUATION OF AUTOMATIC CLASS III DESIGNATION.

Section 513(f) (21 U.S.C. 360c(f)), as amended by section 206(b), is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(B) in the last sentence, by striking ''paragraph (2)'' and inserting ''paragraph (2) or (3)'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following:

''(2)(A) Any person who submits a report under section 510(k) for a type of device that has not been previously classified under this Act, and that is classified into class III under paragraph (1), may request, within 30 days after receiving written notice of such a classification, the Secretary to classify the device under the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1). The person may, in the request, recommend to the Secretary a classification for the device. Any such request shall describe the device and provide detailed information and reasons for the recommended classification.

''(B)(i) Not later than 60 days after the date of the submission of the request under subparagraph (A), the Secretary shall by written order classify the device involved. Such classification shall be the initial classification of the device for purposes of paragraph (1) and any device classified under this paragraph shall be a predicate device for determining substantial equivalence under paragraph (1).

''(ii) A device that remains in class III under this subparagraph shall be deemed to be adulterated within the meaning of section 501(f)(1)(B) until approved under section 515 or exempted from such approval under section 520(g).

''(C) Within 30 days after the issuance of an order classifying a device under this paragraph, the Secretary shall publish a notice in the Federal Register announcing such classification.''.

SEC. 208. CLASSIFICATION PANELS.

Section 513(b) (21 U.S.C. 360c(b)) is amended by adding at the end the following:

''(5) Classification panels covering each type of device shall be scheduled to meet at such times as may be appropriate for the Secretary to meet applicable statutory deadlines.

''(6)(A) Any person whose device is specifically the subject of review by a classification panel shall have—

''(i) the same access to data and information submitted to a classification panel (except for data and information that are not available for public disclosure under section 552 of title 5, United States Code) as the Secretary;

''(ii) the opportunity to submit, for review by a classification panel, information that is based on the data or information provided in the application submitted under section 515 by the person, which information shall be submitted to the Secretary for prompt transmittal to the classification panel; and

''(iii) the same opportunity as the Secretary to participate in meetings of the panel.

''(B) Any meetings of a classification panel shall provide adequate time for initial presentations and for response to any differing views by persons whose devices are specifically the subject of a classification panel review, and shall encourage free and open participation by all interested persons.

''(7) After receiving from a classification panel the conclusions and recommendations of the panel on a matter that the panel has reviewed, the Secretary shall review the conclusions and recommendations, shall make a final decision on the matter in accordance with section 515(d)(2), and shall notify the affected persons of the decision in writing and, if the decision differs from the conclusions and recommendations of the panel, shall include the reasons for the difference.

''(8) A classification panel under this subsection shall not be subject to the annual chartering and annual report requirements of the Federal Advisory Committee Act.''.

SEC. 209. CERTAINTY OF REVIEW TIMEFRAMES; COLLABORATIVE REVIEW PROCESS.

(a) CERTAINTY OF REVIEW TIMEFRAMES.—Section 510 (21 U.S.C. 360), as amended by section 206(a)(2), is amended by adding at the end the following subsection:

''(n) The Secretary shall review the report required in subsection (k) and make a determination under section 513(f)(1) not later than 90 days after receiving the report.''.

(b) COLLABORATIVE REVIEW PROCESS.—Section 515(d) (21 U.S.C. 360e(d)), as amended by section 202(1), is amended by inserting after paragraph (2) the following:

''(3)(A)(i) The Secretary shall, upon the written request of an applicant, meet with the applicant, not later than 100 days after the receipt of an application that has been filed as complete under subsection (c), to discuss the review status of the application.

''(ii) The Secretary shall, in writing and prior to the meeting, provide to the applicant a description of any deficiencies in the application that, at that point, have been identified by the Secretary based on an interim review of the entire application and identify the information that is required to correct those deficiencies.

''(iii) The Secretary shall notify the applicant promptly of—

''(I) any additional deficiency identified in the application, or

''(II) any additional information required to achieve completion of the review and final action on the application,

that was not described as a deficiency in the written description provided by the Secretary under clause (ii).

''(B) The Secretary and the applicant may, by mutual consent, establish a different schedule for a meeting required under this paragraph.

SEC. 210. ACCREDITATION OF PERSONS FOR REVIEW OF PREMARKET NOTIFICATION REPORTS.

(a) IN GENERAL.—Subchapter A of chapter V is amended by adding at the end the following:

''SEC. 523. ACCREDITED PERSONS.

''(a) IN GENERAL.—

''(1) REVIEW AND CLASSIFICATION OF DEVICES.—Not later than 1 year after the date of

the enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary shall, subject to paragraph (3), accredit persons for the purpose of reviewing reports submitted under section 510(k) and making recommendations to the Secretary regarding the initial classification of devices under section 513(f)(1).

"(2) REQUIREMENTS REGARDING REVIEW.—

"(A) IN GENERAL.—In making a recommendation to the Secretary under paragraph (1), an accredited person shall notify the Secretary in writing of the reasons for the recommendation.

"(B) TIME PERIOD FOR REVIEW.—Not later than 30 days after the date on which the Secretary is notified under subparagraph (A) by an accredited person with respect to a recommendation of an initial classification of a device, the Secretary shall make a determination with respect to the initial classification.

"(C) SPECIAL RULE.—The Secretary may change the initial classification under section 513(f)(1) that is recommended under paragraph (1) by an accredited person, and in such case shall provide to such person, and the person who submitted the report under section 510(k) for the device, a statement explaining in detail the reasons for the change.

"(3) CERTAIN DEVICES.—

"(A) IN GENERAL.—An accredited person may not be used to perform a review of—

"(i) a class III device;

"(ii) a class II device which is intended to be permanently implantable or life sustaining or life supporting; or

"(iii) a class II device which requires clinical data in the report submitted under section 510(k) for the device, except that the number of class II devices to which the Secretary applies this clause for a year, less the number of such reports to which clauses (i) and (ii) apply, may not exceed 6 percent of the number that is equal to the total number of reports submitted to the Secretary under such section for such year less the number of such reports to which such clauses apply for such year.

"(B) ADJUSTMENT.—In determining for a year the ratio described in subparagraph (A)(iii), the Secretary shall not include in the numerator class III devices that the Secretary reclassified into class II, and the Secretary shall include in the denominator class II devices for which reports under section 510(k) were not required to be submitted by reason of the operation of section 510(m).

"(b) ACCREDITATION.—

"(1) PROGRAMS.—The Secretary shall provide for such accreditation through programs administered by the Food and Drug Administration, other government agencies, or by other qualified nongovernment organizations.

"(2) ACCREDITATION.—

"(A) IN GENERAL.—Not later than 180 days after the date of the enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary shall establish and publish in the Federal Register criteria to accredit or deny accreditation to persons who request to perform the duties specified in subsection (a). The Secretary shall respond to a request for accreditation within 60 days of the receipt of the request. The accreditation of such person shall specify the particular activities under subsection (a) for which such person is accredited.

"(B) WITHDRAWAL OF ACCREDITATION.—The Secretary may suspend or withdraw accreditation of any person accredited under this paragraph, after providing notice and an opportunity for an informal hearing, when such person is substantially not in compliance with the requirements of this section or poses a threat to public health or fails to act in a manner that is consistent with the purposes of this section.

"(C) PERFORMANCE AUDITING.—To ensure that persons accredited under this section will continue to meet the standards of accreditation, the Secretary shall—

"(i) make onsite visits on a periodic basis to each accredited person to audit the performance of such person; and

"(ii) take such additional measures as the Secretary determines to be appropriate.

"(D) ANNUAL REPORT.—The Secretary shall include in the annual report required under section 903(g) the names of all accredited persons and the particular activities under subsection (a) for which each such person is accredited and the name of each accredited person whose accreditation has been withdrawn during the year.

"(3) QUALIFICATIONS.—An accredited person shall, at a minimum, meet the following requirements:

"(A) Such person may not be an employee of the Federal Government.

"(B) Such person shall be an independent organization which is not owned or controlled by a manufacturer, supplier, or vendor of devices and which has no organizational, material, or financial affiliation with such a manufacturer, supplier, or vendor.

"(C) Such person shall be a legally constituted entity permitted to conduct the activities for which it seeks accreditation.

"(D) Such person shall not engage in the design, manufacture, promotion, or sale of devices.

"(E) The operations of such person shall be in accordance with generally accepted professional and ethical business practices and shall agree in writing that as a minimum it will—

"(i) certify that reported information accurately reflects data reviewed;

"(ii) limit work to that for which competence and capacity are available;

"(iii) treat information received, records, reports, and recommendations as proprietary information;

"(iv) promptly respond and attempt to resolve complaints regarding its activities for which it is accredited; and

"(v) protect against the use, in carrying out subsection (a) with respect to a device, of any officer or employee of the person who has a financial conflict of interest regarding the device, and annually make available to the public disclosures of the extent to which the person, and the officers and employees of the person, have maintained compliance with requirements under this clause relating to financial conflicts of interest.

"(4) SELECTION OF ACCREDITED PERSONS.—The Secretary shall provide each person who chooses to use an accredited person to receive a section 510(k) report a panel of at least two or more accredited persons from which the regulated person may select one for a specific regulatory function.

"(5) COMPENSATION OF ACCREDITED PERSONS.—Compensation for an accredited person shall be determined by agreement between the accredited person and the person who engages the services of the accredited person, and shall be paid by the person who engages such services.

"(c) DURATION.—The authority provided by this section terminates—

"(1) 5 years after the date on which the Secretary notifies Congress that at least 2 persons accredited under subsection (b) are available to review at least 60 percent of the submissions under section 510(k), or

"(2) 4 years after the date on which the Secretary notifies Congress that the Secretary has made a determination described in paragraph (2)(B) of subsection (a) for at least 35 percent of the devices that are subject to review under paragraph (1) of such subsection, whichever occurs first.".

(b) RECORDKEEPING.—Section 704 (21 U.S.C. 374) is amended by adding at the end the following:

"(f)(1) A person accredited under section 523 to review reports made under section 510(k) and make recommendations of initial classifications of devices to the Secretary shall maintain records documenting the training qualifications of the person and the employees of the person, the procedures used by the person for handling confidential information, the compensation arrangements made by the person, and the procedures used by the person to identify and avoid conflicts of interest. Upon the request of an officer or employee designated by the Secretary, the person shall permit the officer or employee, at all reasonable times, to have access to, to copy, and to verify, the records.

"(2) Within 15 days after the receipt of a written request from the Secretary to a person accredited under section 523 for copies of records described in paragraph (1), the person shall produce the copies of the records at the place designated by the Secretary.".

(c) CONFORMING AMENDMENT.—Section 301 (21 U.S.C. 331), as amended by section 204(b), is amended by adding at the end the following:

"(y) In the case of a drug, device, or food—

"(1) the submission of a report or recommendation by a person accredited under section 523 that is false or misleading in any material respect;

"(2) the disclosure by a person accredited under section 523 of confidential commercial information or any trade secret without the express written consent of the person who submitted such information or secret to such person; or

"(3) the receipt by a person accredited under section 523 of a bribe in any form or the doing of any corrupt act by such person associated with a responsibility delegated to such person under this Act.".

(d) REPORTS ON PROGRAM OF ACCREDITATION.—

(1) COMPTROLLER GENERAL.—

(A) IMPLEMENTATION OF PROGRAM.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report describing the extent to which the program of accreditation required by the amendment made by subsection (a) has been implemented.

(B) EVALUATION OF PROGRAM.—Not later than 6 months prior to the date on which, pursuant to subsection (c) of section 523 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a), the authority provided under subsection (a) of such section will terminate, the Comptroller General shall submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report describing the use of accredited persons under such section 523, including an evaluation of the extent to which such use assisted the Secretary in carrying out the duties of the Secretary under such Act with respect to devices, and the extent to which such use promoted actions which are contrary to the purposes of such Act.

(2) INCLUSION OF CERTAIN DEVICES WITHIN PROGRAM.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report providing a determination by the Secretary of whether, in the program of accreditation established pursuant to the amendment made by subsection (a), the limitation established in clause (iii) of section 523(a)(3)(A) of the Federal Food, Drug, and Cosmetic Act (relating to class II devices for which clinical data are required in reports under section 510(k)) should be removed.

SEC. 211. DEVICE TRACKING.

Effective 90 days after the date of the enactment of this Act, section 519(e) (21 U.S.C. 360i(e)) is amended to read as follows:

''Device Tracking

''(e)(1) The Secretary may by order require a manufacturer to adopt a method of tracking a class II or class III device—

''(A) the failure of which would be reasonably likely to have serious adverse health consequences; or

''(B) which is—

''(i) intended to be implanted in the human body for more than one year, or

''(ii) a life sustaining or life supporting device used outside a device user facility.

''(2) Any patient receiving a device subject to tracking under paragraph (1) may refuse to release, or refuse permission to release, the patient's name, address, social security number, or other identifying information for the purpose of tracking.''.

SEC. 212. POSTMARKET SURVEILLANCE.

Effective 90 days after the date of the enactment of this Act, section 522 (21 U.S.C. 360l) is amended to read as follows:

''POSTMARKET SURVEILLANCE

''SEC. 522. (a) IN GENERAL.—The Secretary may by order require a manufacturer to conduct postmarket surveillance for any device of the manufacturer which is a class II or class III device the failure of which would be reasonably likely to have serious adverse health consequences or which is intended to be—

''(1) implanted in the human body for more than one year, or

''(2) a life sustaining or life supporting device used outside a device user facility.

''(b) SURVEILLANCE APPROVAL.—Each manufacturer required to conduct a surveillance of a device shall, within 30 days of receiving an order from the Secretary prescribing that the manufacturer is required under this section to conduct such surveillance, submit, for the approval of the Secretary, a plan for the required surveillance. The Secretary, within 60 days of the receipt of such plan, shall determine if the person designated to conduct the surveillance has appropriate qualifications and experience to undertake such surveillance and if the plan will result in the collection of useful data that can reveal unforeseen adverse events or other information necessary to protect the public health. The Secretary, in consultation with the manufacturer, may by order require a prospective surveillance period of up to 36 months. Any determination by the Secretary that a longer period is necessary shall be made by mutual agreement between the Secretary and the manufacturer or, if no agreement can be reached, after the completion of a dispute resolution process as described in section 562.''.

SEC. 213. REPORTS.

(a) REPORTS.—Section 519 (21 U.S.C. 360i) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''manufacturer, importer, or distributor'' and inserting ''manufacturer or importer'';

(B) in paragraph (4), by striking ''manufacturer, importer, or distributor'' and inserting ''manufacturer or importer'';

(C) in paragraph (7), by adding ''and'' after the semicolon at the end;

(D) in paragraph (8)—

(i) by striking ''manufacturer, importer, or distributor'' each place such term appears and inserting ''manufacturer or importer''; and

(ii) by striking the semicolon at the end and inserting a period;

(E) by striking paragraph (9); and

(F) by inserting at the end the following sentence: ''The Secretary shall by regulation require distributors to keep records and make such records available to the Secretary upon request. Paragraphs (4) and (8) apply to distributors to the same extent and in the same manner as such paragraphs apply to manufacturers and importers.'';

(2) by striking subsection (d); and

(3) in subsection (f), by striking '', importer, or distributor'' each place it appears and inserting ''or importer''.

(b) REGISTRATION.—Section 510(g) (21 U.S.C. 360(g)) is amended—

(1) by redesignating paragraph (4) as paragraph (5);

(2) by inserting after paragraph (3) the following:

''(4) any distributor who acts as a wholesale distributor of devices, and who does not manufacture, repackage, process, or relabel a device; or''; and

(3) by adding at the end the following flush sentence:

''In this subsection, the term 'wholesale distributor' means any person (other than the manufacturer or the initial importer) who distributes a device from the original place of manufacture to the person who makes the final delivery or sale of the device to the ultimate consumer or user.''.

(c) DEVICE USER FACILITIES.—

(1) IN GENERAL.—Section 519(b) (21 U.S.C. 360i(b)) is amended—

(A) in paragraph (1)(C)—

(i) in the first sentence, by striking ''a semiannual basis'' and inserting ''an annual basis'';

(ii) in the second sentence, by striking ''and July 1''; and

(iii) by striking the matter after and below clause (iv); and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''or'' after the comma at the end;

(ii) in subparagraph (B), by striking '', or'' at the end and inserting a period; and

(iii) by striking subparagraph (C).

(2) SENTINEL SYSTEM.—Section 519(b) (21 U.S.C. 360i(b)) is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following paragraph:

''(5) With respect to device user facilities:

''(A) The Secretary shall by regulation plan and implement a program under which the Secretary limits user reporting under paragraphs (1) through (4) to a subset of user facilities that constitutes a representative profile of user reports for device deaths and serious illnesses or serious injuries.

''(B) During the period of planning the program under subparagraph (A), paragraphs (1) through (4) continue to apply.

''(C) During the period in which the Secretary is providing for a transition to the full implementation of the program, paragraphs (1) through (4) apply except to the extent that the Secretary determines otherwise.

''(D) On and after the date on which the program is fully implemented, paragraphs (1) through (4) do not apply to a user facility unless the facility is included in the subset referred to in subparagraph (A).

''(E) Not later than 2 years after the date of the enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the plan developed by the Secretary under subparagraph (A) and the progress that has been made toward the implementation of the plan.''.

SEC. 214. PRACTICE OF MEDICINE.

Chapter IX is amended by adding at the end the following:

''SEC. 906. PRACTICE OF MEDICINE.

''Nothing in this Act shall be construed to limit or interfere with the authority of a health care practitioner to prescribe or administer any legally marketed device to a patient for any condition or disease within a legitimate health care practitioner-patient relationship. This section shall not limit any existing authority of the Secretary to establish and enforce restrictions on the sale or distribution, or in the labeling, of a device that are part of a determination of substantial equivalence, established as a condition of approval, or promulgated through regulations. Further, this section shall not change any existing prohibition on the promotion of unapproved uses of legally marketed devices.''.

SEC. 215. NONINVASIVE BLOOD GLUCOSE METER.

(a) FINDINGS.—The Congress finds that—

(1) diabetes and its complications are a leading cause of death by disease in America;

(2) diabetes affects approximately 16,000,000 Americans and another 650,000 will be diagnosed in 1997;

(3) the total health care-related costs of diabetes total nearly $100,000,000,000 per year;

(4) diabetes is a disease that is managed and controlled on a daily basis by the patient;

(5) the failure to properly control and manage diabetes results in costly and often fatal complications including but not limited to blindness, coronary artery disease, and kidney failure;

(6) blood testing devices are a critical tool for the control and management of diabetes, and existing blood testing devices require repeated piercing of the skin;

(7) the pain associated with existing blood testing devices creates a disincentive for people with diabetes to test blood glucose levels, particularly children;

(8) a safe and effective noninvasive blood glucose meter would likely improve control and management of diabetes by increasing the number of tests conducted by people with diabetes, particularly children; and

(9) the Food and Drug Administration is responsible for reviewing all applications for new medical devices in the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the availability of a safe, effective, noninvasive blood glucose meter would greatly enhance the health and well-being of all people with diabetes across America and the world.

SEC. 216. USE OF DATA RELATING TO PREMARKET APPROVAL; PRODUCT DEVELOPMENT PROTOCOL.

(a) USE OF DATA RELATING TO PREMARKET APPROVAL.—

(1) IN GENERAL.—Section 520(h)(4) (21 U.S.C. 360j(h)(4)) is amended to read as follows:

''(4)(A) Any information contained in an application for premarket approval filed with the Secretary pursuant to section 515(c) (including information from clinical and preclinical tests or studies that demonstrate the safety and effectiveness of a device, but excluding descriptions of methods of manufacture and product composition and other trade secrets) shall be available, 6 years after the application has been approved by the Secretary, for use by the Secretary in—

''(i) approving another device;

''(ii) determining whether a product development protocol has been completed, under section 515 for another device;

''(iii) establishing a performance standard or special control under this Act; or

''(iv) classifying or reclassifying another device under section 513 and subsection (l)(2).

''(B) The publicly available detailed summaries of information respecting the safety and effectiveness of devices required by paragraph (1)(A) shall be available for use by the Secretary as the evidentiary basis for the agency actions described in subparagraph (A).''.

(2) CONFORMING AMENDMENTS.—Section 517(a) (21 U.S.C. 360g(a)) is amended—

(A) in paragraph (8), by adding "or" at the end;

(B) in paragraph (9), by striking ", or" and inserting a comma; and

(C) by striking paragraph (10).

(b) PRODUCT DEVELOPMENT PROTOCOL.—Section 515(f)(2) (21 U.S.C. 360e(f)(2)) is amended by striking "he shall" and all that follows and inserting the following: "the Secretary—

"(A) may, at the initiative of the Secretary, refer the proposed protocol to the appropriate panel under section 513 for its recommendation respecting approval of the protocol; or

"(B) shall so refer such protocol upon the request of the submitter, unless the Secretary finds that the proposed protocol and accompanying data which would be reviewed by such panel substantially duplicate a product development protocol and accompanying data which have previously been reviewed by such a panel.".

SEC. 217. CLARIFICATION OF THE NUMBER OF REQUIRED CLINICAL INVESTIGATIONS FOR APPROVAL.

Section 513(a)(3)(A) (21 U.S.C. 360c(a)(3)(A)) is amended by striking "clinical investigations" and inserting "1 or more clinical investigations".

TITLE III—IMPROVING REGULATION OF FOOD

SEC. 301. FLEXIBILITY FOR REGULATIONS REGARDING CLAIMS.

Section 403(r) (21 U.S.C. 343(r)) is amended by adding at the end the following:

"(7) The Secretary may make proposed regulations issued under this paragraph effective upon publication pending consideration of public comment and publication of a final regulation if the Secretary determines that such action is necessary—

"(A) to enable the Secretary to review and act promptly on petitions the Secretary determines provide for information necessary to—

"(i) enable consumers to develop and maintain healthy dietary practices;

"(ii) enable consumers to be informed promptly and effectively of important new knowledge regarding nutritional and health benefits of food; or

"(iii) ensure that scientifically sound nutritional and health information is provided to consumers as soon as possible; or

"(B) to enable the Secretary to act promptly to ban or modify a claim under this paragraph.

Such proposed regulations shall be deemed final agency action for purposes of judicial review.".

SEC. 302. PETITIONS FOR CLAIMS.

Section 403(r)(4)(A)(i) (21 U.S.C. 343(r)(4)(A)(i)) is amended—

(1) by adding after the second sentence the following: "If the Secretary does not act within such 100 days, the petition shall be deemed to be denied unless an extension is mutually agreed upon by the Secretary and the petitioner.";

(2) in the fourth sentence (as amended by paragraph (1)) by inserting immediately before the comma the following: "or the petition is deemed to be denied"; and

(3) by adding at the end the following: "If the Secretary does not act within such 90 days, the petition shall be deemed to be denied unless an extension is mutually agreed upon by the Secretary and the petitioner. If the Secretary issues a proposed regulation, the rulemaking shall be completed within 540 days of the date the petition is received by the Secretary. If the Secretary does not issue a regulation within such 540 days, the Secretary shall provide the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate the reasons action on the regulation did not occur within such 540 days.".

SEC. 303. HEALTH CLAIMS FOR FOOD PRODUCTS.

Section 403(r)(3) (21 U.S.C. 343(r)(3)) is amended by adding at the end thereof the following:

"(C) Notwithstanding the provisions of clauses (A)(i) and (B), a claim of the type described in subparagraph (1)(B) which is not authorized by the Secretary in a regulation promulgated in accordance with clause (B) shall be authorized and may be made with respect to a food if—

"(i) a scientific body of the United States Government with official responsibility for public health protection or research directly relating to human nutrition (such as the National Institutes of Health or the Centers for Disease Control and Prevention) or the National Academy of Sciences or any of its subdivisions has published an authoritative statement, which is currently in effect, about the relationship between a nutrient and a disease or health-related condition to which the claim refers;

"(ii) a person has submitted to the Secretary, at least 120 days (during which the Secretary may notify any person who is making a claim as authorized by clause (C) that such person has not submitted all the information required by such clause) before the first introduction into interstate commerce of the food with a label containing the claim, (I) a notice of the claim, which shall include the exact words used in the claim and shall include a concise description of the basis upon which such person relied for determining that the requirements of subclause (i) have been satisfied, (II) a copy of the statement referred to in subclause (i) upon which such person relied in making the claim, and (III) a balanced representation of the scientific literature relating to the relationship between a nutrient and a disease or health-related condition to which the claim refers;

"(iii) the claim and the food for which the claim is made are in compliance with clause (A)(ii) and are otherwise in compliance with paragraph (a) and section 201(n); and

"(iv) the claim is stated in a manner so that the claim is an accurate representation of the authoritative statement referred to in subclause (i) and so that the claim enables the public to comprehend the information provided in the claim and to understand the relative significance of such information in the context of a total daily diet.

For purposes of this clause, a statement shall be regarded as an authoritative statement of a scientific body described in subclause (i) only if the statement is published by the scientific body and shall not include a statement of an employee of the scientific body made in the individual capacity of the employee.

"(D) A claim submitted under the requirements of clause (C) may be made until—

"(i) such time as the Secretary issues a regulation under the standard in clause (B)(i)—

"(I) prohibiting or modifying the claim and the regulation has become effective, or

"(II) finding that the requirements of clause (C) have not been met, including finding that the petitioner has not submitted all the information required by such clause; or

"(ii) a district court of the United States in an enforcement proceeding under chapter III has determined that the requirements of clause (C) have not been met.".

SEC. 304. NUTRIENT CONTENT CLAIMS.

Section 403(r)(2) (21 U.S.C. 343(r)(2)) is amended by adding at the end the following:

"(G) A claim of the type described in subparagraph (1)(A) for a nutrient, for which the Secretary has not promulgated a regulation under clause (A)(i), shall be authorized and may be made with respect to a food if—

"(i) a scientific body of the United States Government with official responsibility for public health protection or research directly relating to human nutrition (such as the National Institutes of Health or the Centers for Disease Control and Prevention) or the National Academy of Sciences or any of its subdivisions has published an authoritative statement, which is currently in effect, which identifies the nutrient level to which the claim refers;

"(ii) a person has submitted to the Secretary, at least 120 days (during which the Secretary may notify any person who is making a claim as authorized by clause (C) that such person has not submitted all the information required by such clause) before the first introduction into interstate commerce of the food with a label containing the claim, (I) a notice of the claim, which shall include the exact words used in the claim and shall include a concise description of the basis upon which such person relied for determining that the requirements of subclause (i) have been satisfied, (II) a copy of the statement referred to in subclause (i) upon which such person relied in making the claim, and (III) a balanced representation of the scientific literature relating to the nutrient level to which the claim refers;

"(iii) the claim and the food for which the claim is made are in compliance with clauses (A) and (B), and are otherwise in compliance with paragraph (a) and section 201(n); and

"(iv) the claim is stated in a manner so that the claim is an accurate representation of the authoritative statement referred to in subclause (i) and so that the claim enables the public to comprehend the information provided in the claim and to understand the relative significance of such information in the context of a total daily diet.

For purposes of this clause, a statement shall be regarded as an authoritative statement of a scientific body described in subclause (i) only if the statement is published by the scientific body and shall not include a statement of an employee of the scientific body made in the individual capacity of the employee.

"(H) A claim submitted under the requirements of clause (G) may be made until—

"(i) such time as the Secretary issues a regulation—

"(I) prohibiting or modifying the claim and the regulation has become effective, or

"(II) finding that the requirements of clause (G) have not been met, including finding that the petitioner had not submitted all the information required by such clause; or

"(ii) a district court of the United States in an enforcement proceeding under chapter III has determined that the requirements of clause (G) have not been met.".

SEC. 305. REFERRAL STATEMENTS.

Section 403(r)(2)(B) (21 U.S.C. 343(r)(2)(B)) is amended to read as follows:

"(B) If a claim described in subparagraph (1)(A) is made with respect to a nutrient in a food and the Secretary makes a determination that the food contains a nutrient at a level that increases to persons in the general population the risk of a disease or health-related condition that is diet related, the label or labeling of such food shall contain, prominently and in immediate proximity to such claim, the following statement: 'See nutrition information for ____ content.' The blank shall identify the nutrient associated with the increased disease or health-related condition risk. In making the determination described in this clause, the Secretary shall take into account the significance of the food in the total daily diet.".

SEC. 306. DISCLOSURE OF IRRADIATION.

Chapter IV (21 U.S.C. 341 et seq.) is amended by inserting after section 403B the following:

"DISCLOSURE

"SEC. 403C. (a) No provision of section 201(n), 403(a), or 409 shall be construed to require on

the label or labeling of a food a separate radiation disclosure statement that is more prominent than the declaration of ingredients required by section 403(i)(2).

"(b) In this section, the term 'radiation disclosure statement' means a written statement that discloses that a food has been intentionally subject to radiation.".

SEC. 307. IRRADIATION PETITION.

Not later than 60 days following the date of the enactment of this Act, the Secretary of Health and Human Services shall make a final determination on any petition pending with the Food and Drug Administration that would permit the irradiation of red meat under section 409(b)(1) of the Federal Food, Drug, and Cosmetic Act. If the Secretary does not make such determination, the Secretary shall, not later than 60 days following the date of the enactment of this Act, provide the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate an explanation of the process followed by the Food and Drug Administration in reviewing the petition referred to in paragraph (1) and the reasons action on the petition was delayed.

SEC. 308. GLASS AND CERAMIC WARE.

(a) IN GENERAL.—The Secretary may not implement any requirement which would ban, as an unapproved food additive, lead and cadmium based enamel in the lip and rim area of glass and ceramic ware before the expiration of one year after the date such requirement is published.

(b) LEAD AND CADMIUM BASED ENAMEL.—Unless the Secretary determines, based on available data, that lead and cadmium based enamel on glass and ceramic ware—

(1) which has less than 60 millimeters of decorating area below the external rim, and

(2) which is not, by design, representation, or custom of usage intended for use by children, is unsafe, the Secretary shall not take any action before January 1, 2003, to ban lead and cadmium based enamel on such glass and ceramic ware. Any action taken after January 1, 2003, to ban such enamel on such glass and ceramic ware as an unapproved food additive shall be taken by regulation and such regulation shall provide that such products shall not be removed from the market before 1 year after publication of the final regulation.

SEC. 309. FOOD CONTACT SUBSTANCES.

(a) FOOD CONTACT SUBSTANCES.—Section 409(a) (21 U.S.C. 348(a)) is amended—

(1) in paragraph (1)—

(A) by striking "subsection (i)" and inserting "subsection (j)"; and

(B) by striking at the end "or";

(2) by striking the period at the end of paragraph (2) and inserting "; or";

(3) by inserting after paragraph (2) the following:

"(3) in the case of a food additive as defined in this Act that is a food contact substance, there is—

"(A) in effect, and such substance and the use of such substance are in conformity with, a regulation issued under this section prescribing the conditions under which such additive may be safely used; or

"(B) a notification submitted under subsection (h) that is effective."; and

(4) by striking the matter following paragraph (3) (as added by paragraph (3)) and inserting the following flush sentence:

"While such a regulation relating to a food additive, or such a notification under subsection (h)(1) relating to a food additive that is a food contact substance, is in effect, and has not been revoked pursuant to subsection (i), a food shall not, by reason of bearing or containing such a food additive in accordance with the regulation or notification, be considered adulterated under section 402(a)(1).".

(b) NOTIFICATION FOR FOOD CONTACT SUBSTANCES.—Section 409 (21 U.S.C. 348), as amended by subsection (a), is further amended—

(1) by redesignating subsections (h) and (i), as subsections (i) and (j), respectively;

(2) by inserting after subsection (g) the following:

"Notification Relating to a Food Contact Substance

"(h)(1) Subject to such regulations as may be promulgated under paragraph (3), a manufacturer or supplier of a food contact substance may, at least 120 days prior to the introduction or delivery for introduction into interstate commerce of the food contact substance, notify the Secretary of the identity and intended use of the food contact substance, and of the determination of the manufacturer or supplier that the intended use of such food contact substance is safe under the standard described in subsection (c)(3)(A). The notification shall contain the information that forms the basis of the determination and all information required to be submitted by regulations promulgated by the Secretary.

"(2)(A) A notification submitted under paragraph (1) shall become effective 120 days after the date of receipt by the Secretary and the food contact substance may be introduced or delivered for introduction into interstate commerce, unless the Secretary makes a determination within the 120-day period that, based on the data and information before the Secretary, such use of the food contact substance has not been shown to be safe under the standard described in subsection (c)(3)(A), and informs the manufacturer or supplier of such determination.

"(B) A decision by the Secretary to object to a notification shall constitute final agency action subject to judicial review.

"(C) In this paragraph, the term 'food contact substance' means the substance that is the subject of a notification submitted under paragraph (1), and does not include a similar or identical substance manufactured or prepared by a person other than the manufacturer identified in the notification.

"(3)(A) The process in this subsection shall be utilized for authorizing the marketing of a food contact substance except where the Secretary determines that submission and review of a petition under subsection (b) is necessary to provide adequate assurance of safety, or where the Secretary and any manufacturer or supplier agree that such manufacturer or supplier may submit a petition under subsection (b).

"(B) The Secretary is authorized to promulgate regulations to identify the circumstances in which a petition shall be filed under subsection (b), and shall consider criteria such as the probable consumption of such food contact substance and potential toxicity of the food contact substance in determining the circumstances in which a petition shall be filed under subsection (b).

"(4) The Secretary shall keep confidential any information provided in a notification under paragraph (1) for 120 days after receipt by the Secretary of the notification. After the expiration of such 120 days, the information shall be available to any interested party except for any matter in the notification that is a trade secret or confidential commercial information.

"(5)(A)(i) Except as provided in clause (ii), the notification program established under this subsection shall not operate in any fiscal year unless—

"(I) an appropriation equal to or exceeding the applicable amount under clause (iv) is made for such fiscal year for carrying out such program in such fiscal year; and

"(II) the Secretary certifies that the amount appropriated for such fiscal year for the Center for Food Safety and Applied Nutrition of the Food and Drug Administration (exclusive of the appropriation referred to in subclause (I)) equals or exceeds the amount appropriated for the Center for fiscal year 1997, excluding any amount appropriated for new programs.

"(ii) The Secretary shall, not later than April 1, 1999, begin accepting and reviewing notifications submitted under the notification program established under this subsection if—

"(I) an appropriation equal to or exceeding the applicable amount under clause (iii) is made for the last six months of fiscal year 1999 for carrying out such program during such period; and

"(II) the Secretary certifies that the amount appropriated for such period for the Center for Food Safety and Applied Nutrition of the Food and Drug Administration (exclusive of the appropriation referred to in subclause (I)) equals or exceeds an amount equivalent to one-half the amount appropriated for the Center for fiscal year 1997, excluding any amount appropriated for new programs.

"(iii) For the last six months of fiscal year 1999, the applicable amount under this clause is $1,500,000, or the amount specified in the budget request of the President for the six-month period involved for carrying out the notification program in fiscal year 1999, whichever is less.

"(iv) For fiscal year 2000 and subsequent fiscal years, the applicable amount under this clause is $3,000,000, or the amount specified in the budget request of the President for the fiscal year involved for carrying out the notification program under this subsection, whichever is less.

"(B) For purposes of carrying out the notification program under this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through fiscal year 2003, except that such authorization of appropriations is not effective for a fiscal year for any amount that is less than the applicable amount under clause (iii) or (iv) of subparagraph (A), whichever is applicable.

"(C) Not later than April 1 of fiscal year 1998 and February 1 of each subsequent fiscal year, the Secretary shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate that provides an estimate of the Secretary of the costs of carrying out the notification program established under this subsection for the next fiscal year.

"(6) In this section, the term 'food contact substance' means any substance intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food if such use is not intended to have any technical effect in such food.";

(3) in subsection (i), as so redesignated by paragraph (1), by adding at the end the following: "The Secretary shall by regulation prescribe the procedure by which the Secretary may deem a notification under subsection (h) to no longer be effective."; and

(4) in subsection (j), as so redesignated by paragraph (1), by striking "subsections (b) to (h)" and inserting "subsections (b) to (i)".

TITLE IV—GENERAL PROVISIONS

SEC. 401. DISSEMINATION OF INFORMATION ON NEW USES.

(a) IN GENERAL.—Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after subchapter C the following:

''SUBCHAPTER D—DISSEMINATION OF TREATMENT INFORMATION

''SEC. 551. REQUIREMENTS FOR DISSEMINATION OF TREATMENT INFORMATION ON DRUGS OR DEVICES.

''(a) IN GENERAL.—Notwithstanding sections 301(d), 502(f), and 505, and section 351 of the Public Health Service Act (42 U.S.C. 262), a manufacturer may disseminate to—

''(1) a health care practitioner;

''(2) a pharmacy benefit manager;

''(3) a health insurance issuer;

''(4) a group health plan; or

''(5) a Federal or State governmental agency;

written information concerning the safety, effectiveness, or benefit of a use not described in the approved labeling of a drug or device if the manufacturer meets the requirements of subsection (b).

''(b) SPECIFIC REQUIREMENTS.—A manufacturer may disseminate information under subsection (a) on a new use only if—

''(1)(A) in the case of drug, there is in effect for the drug an application filed under subsection (b) or (j) of section 505 or a biologics license issued under section 351 of the Public Health Service Act; or

''(B) in the case of a device, the device is being commercially distributed in accordance with a regulation under subsection (d) or (e) of section 513, an order under subsection (f) of such section, or the approval of an application under section 515;

''(2) the information meets the requirements of section 552;

''(3) the information to be disseminated is not derived from clinical research conducted by another manufacturer or if it was derived from research conducted by another manufacturer, the manufacturer disseminating the information has the permission of such other manufacturer to make the dissemination;

''(4) the manufacturer has, 60 days before such dissemination, submitted to the Secretary—

''(A) a copy of the information to be disseminated; and

''(B) any clinical trial information the manufacturer has relating to the safety or effectiveness of the new use, any reports of clinical experience pertinent to the safety of the new use, and a summary of such information;

''(5) the manufacturer has complied with the requirements of section 554 (relating to a supplemental application for such use);

''(6) the manufacturer includes along with the information to be disseminated under this subsection—

''(A) a prominently displayed statement that discloses—

''(i) that the information concerns a use of a drug or device that has not been approved or cleared by the Food and Drug Administration;

''(ii) if applicable, that the information is being disseminated at the expense of the manufacturer;

''(iii) if applicable, the name of any authors of the information who are employees of, consultants to, or have received compensation from, the manufacturer, or who have a significant financial interest in the manufacturer;

''(iv) the official labeling for the drug or device and all updates with respect to the labeling;

''(v) if applicable, a statement that there are products or treatments that have been approved or cleared for the use that is the subject of the information being disseminated pursuant to subsection (a)(1); and

''(vi) the identification of any person that has provided funding for the conduct of a study relating to the new use of a drug or device for which such information is being disseminated; and

''(B) a bibliography of other articles from a scientific reference publication or scientific or medical journal that have been previously published about the use of the drug or device covered by the information disseminated (unless the information already includes such bibliography).

''(c) ADDITIONAL INFORMATION.—If the Secretary determines, after providing notice of such determination and an opportunity for a meeting with respect to such determination, that the information submitted by a manufacturer under subsection (b)(3)(B), with respect to the use of a drug or device for which the manufacturer intends to disseminate information, fails to provide data, analyses, or other written matter that is objective and balanced, the Secretary may require the manufacturer to disseminate—

''(1) additional objective and scientifically sound information that pertains to the safety or effectiveness of the use and is necessary to provide objectivity and balance, including any information that the manufacturer has submitted to the Secretary or, where appropriate, a summary of such information or any other information that the Secretary has authority to make available to the public; and

''(2) an objective statement of the Secretary, based on data or other scientifically sound information available to the Secretary, that bears on the safety or effectiveness of the new use of the drug or device.

''SEC. 552. INFORMATION AUTHORIZED TO BE DISSEMINATED.

''(a) AUTHORIZED INFORMATION.—A manufacturer may disseminate information under section 551 on a new use only if the information—

''(1) is in the form of an unabridged—

''(A) reprint or copy of an article, peer-reviewed by experts qualified by scientific training or experience to evaluate the safety or effectiveness of the drug or device involved, which was published in a scientific or medical journal (as defined in section 556(5)), which is about a clinical investigation with respect to the drug or device, and which would be considered to be scientifically sound by such experts; or

''(B) reference publication, described in subsection (b), that includes information about a clinical investigation with respect to the drug or device that would be considered to be scientifically sound by experts qualified by scientific training or experience to evaluate the safety or effectiveness of the drug or device that is the subject of such a clinical investigation; and

''(2) is not false or misleading and would not pose a significant risk to the public health.

''(b) REFERENCE PUBLICATION.—A reference publication referred to in subsection (a)(1)(B) is a publication that—

''(1) has not been written, edited, excerpted, or published specifically for, or at the request of, a manufacturer of a drug or device;

''(2) has not been edited or significantly influenced by a such a manufacturer;

''(3) is not solely distributed through such a manufacturer but is generally available in bookstores or other distribution channels where medical textbooks are sold;

''(4) does not focus on any particular drug or device of a manufacturer that disseminates information under section 551 and does not have a primary focus on new uses of drugs or devices that are marketed or under investigation by a manufacturer supporting the dissemination of information; and

''(5) presents materials that are not false or misleading.

''SEC. 553. ESTABLISHMENT OF LIST OF ARTICLES AND PUBLICATIONS DISSEMINATED AND LIST OF PROVIDERS THAT RECEIVED ARTICLES AND REFERENCE PUBLICATIONS.

''(a) IN GENERAL.—A manufacturer may disseminate information under section 551 on a new use only if the manufacturer prepares and submits to the Secretary biannually—

''(1) a list containing the titles of the articles and reference publications relating to the new use of drugs or devices that were disseminated by the manufacturer to a person described in section 551(a) for the 6-month period preceding the date on which the manufacturer submits the list to the Secretary; and

''(2) a list that identifies the categories of providers (as described in section 551(a)) that received the articles and reference publications for the 6-month period described in paragraph (1).

''(b) RECORDS.—A manufacturer that disseminates information under section 551 shall keep records that may be used by the manufacturer when, pursuant to section 555, such manufacturer is required to take corrective action and shall be made available to the Secretary, upon request, for purposes of ensuring or taking corrective action pursuant to such section. Such records, at the Secretary's discretion, may identify the recipient of information provided pursuant to section 551 or the categories of such recipients.

''SEC. 554. REQUIREMENT REGARDING SUBMISSION OF SUPPLEMENTAL APPLICATION FOR NEW USE; EXEMPTION FROM REQUIREMENT.

''(a) IN GENERAL.—A manufacturer may disseminate information under section 551 on a new use only if—

''(1)(A) the manufacturer has submitted to the Secretary a supplemental application for such use; or

''(B) the manufacturer meets the condition described in subsection (b) or (c) (relating to a certification that the manufacturer will submit such an application); or

''(2) there is in effect for the manufacturer an exemption under subsection (d) from the requirement of paragraph (1).

''(b) CERTIFICATION ON SUPPLEMENTAL APPLICATION; CONDITION IN CASE OF COMPLETED STUDIES.—For purposes of subsection (a)(1)(B), a manufacturer may disseminate information on a new use if the manufacturer has submitted to the Secretary an application containing a certification that—

''(1) the studies needed for the submission of a supplemental application for the new use have been completed; and

''(2) the supplemental application will be submitted to the Secretary not later than 6 months after the date of the initial dissemination of information under section 551.

''(c) CERTIFICATION ON SUPPLEMENTAL APPLICATION; CONDITION IN CASE OF PLANNED STUDIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(1)(B), a manufacturer may disseminate information on a new use if—

''(A) the manufacturer has submitted to the Secretary an application containing—

''(i) a proposed protocol and schedule for conducting the studies needed for the submission of a supplemental application for the new use; and

''(ii) a certification that the supplemental application will be submitted to the Secretary not later than 36 months after the date of the initial dissemination of information under section 551 (or, as applicable, not later than such date as the Secretary may specify pursuant to an extension under paragraph (3)); and

''(B) the Secretary has determined that the proposed protocol is adequate and that the schedule for completing such studies is reasonable.

''(2) PROGRESS REPORTS ON STUDIES.—A manufacturer that submits to the Secretary an application under paragraph (1) shall submit to the Secretary periodic reports describing the status of the studies involved.

''(3) EXTENSION OF TIME REGARDING PLANNED STUDIES.—The period of 36 months authorized in paragraph (1)(A)(ii) for the completion of studies may be extended by the Secretary if—

"(A) the Secretary determines that the studies needed to submit such an application cannot be completed and submitted within 36 months; or

"(B) the manufacturer involved submits to the Secretary a written request for the extension and the Secretary determines that the manufacturer has acted with due diligence to conduct the studies in a timely manner, except that an extension under this subparagraph may not be provided for more than 24 additional months.

"(d) EXEMPTION FROM REQUIREMENT OF SUPPLEMENTAL APPLICATION.—

"(1) IN GENERAL.—For purposes of subsection (a)(2), a manufacturer may disseminate information on a new use if—

"(A) the manufacturer has submitted to the Secretary an application for an exemption from meeting the requirement of subsection (a)(1); and

"(B)(i) the Secretary has approved the application in accordance with paragraph (2); or

"(ii) the application is deemed under paragraph (3)(A) to have been approved (unless such approval is terminated pursuant to paragraph (3)(B)).

"(2) CONDITIONS FOR APPROVAL.—The Secretary may approve an application under paragraph (1) for an exemption if the Secretary makes a determination described in subparagraph (A) or (B), as follows:

"(A) The Secretary makes a determination that, for reasons defined by the Secretary, it would be economically prohibitive with respect to such drug or device for the manufacturer to incur the costs necessary for the submission of a supplemental application. In making such determination, the Secretary shall consider (in addition to any other considerations the Secretary finds appropriate)—

"(i) the lack of the availability under law of any period during which the manufacturer would have exclusive marketing rights with respect to the new use involved; and

"(ii) the size of the population expected to benefit from approval of the supplemental application.

"(B) The Secretary makes a determination that, for reasons defined by the Secretary, it would be unethical to conduct the studies necessary for the supplemental application. In making such determination, the Secretary shall consider (in addition to any other considerations the Secretary finds appropriate) whether the new use involved is the standard of medical care for a health condition.

"(3) TIME FOR CONSIDERATION OF APPLICATION; DEEMED APPROVAL.—

"(A) IN GENERAL.—The Secretary shall approve or deny an application under paragraph (1) for an exemption not later than 60 days after the receipt of the application. If the Secretary does not comply with the preceding sentence, the application is deemed to be approved.

"(B) TERMINATION OF DEEMED APPROVAL.—If pursuant to a deemed approval under subparagraph (A) a manufacturer disseminates written information under section 551 on a new use, the Secretary may at any time terminate such approval and under section 555(b)(3) order the manufacturer to cease disseminating the information.

"(e) REQUIREMENTS REGARDING APPLICATIONS.—Applications under this section shall be submitted in the form and manner prescribed by the Secretary.

"SEC. 555. CORRECTIVE ACTIONS; CESSATION OF DISSEMINATION.

"(a) POSTDISSEMINATION DATA REGARDING SAFETY AND EFFECTIVENESS.—

"(1) CORRECTIVE ACTIONS.—With respect to data received by the Secretary after the dissemination of information under section 551 by a manufacturer has begun (whether received pursuant to paragraph (2) or otherwise), if the Secretary determines that the data indicate that the new use involved may not be effective or may present a significant risk to public health, the Secretary shall, after consultation with the manufacturer, take such action regarding the dissemination of the information as the Secretary determines to be appropriate for the protection of the public health, which may include ordering that the manufacturer cease the dissemination of the information.

"(2) RESPONSIBILITIES OF MANUFACTURERS TO SUBMIT DATA.—After a manufacturer disseminates information under section 551, the manufacturer shall submit to the Secretary a notification of any additional knowledge of the manufacturer on clinical research or other data that relate to the safety or effectiveness of the new use involved. If the manufacturer is in possession of the data, the notification shall include the data. The Secretary shall by regulation establish the scope of the responsibilities of manufacturers under this paragraph, including such limits on the responsibilities as the Secretary determines to be appropriate.

"(b) CESSATION OF DISSEMINATION.—

"(1) FAILURE OF MANUFACTURER TO COMPLY WITH REQUIREMENTS.—The Secretary may order a manufacturer to cease the dissemination of information pursuant to section 551 if the Secretary determines that the information being disseminated does not comply with the requirements established in this subchapter. Such an order may be issued only after the Secretary has provided notice to the manufacturer of the intent of the Secretary to issue the order and (unless paragraph (2)(B) applies) has provided an opportunity for a meeting with respect to such intent. If the failure of the manufacturer constitutes a minor violation of this subchapter, the Secretary shall delay issuing the order and provide to the manufacturer an opportunity to correct the violation.

"(2) SUPPLEMENTAL APPLICATIONS.—The Secretary may order a manufacturer to cease the dissemination of information pursuant to section 551 if—

"(A) in the case of a manufacturer that has submitted a supplemental application for a new use pursuant to section 554(a)(1), the Secretary determines that the supplemental application does not contain adequate information for approval of the new use for which the application was submitted;

"(B) in the case of a manufacturer that has submitted a certification under section 554(b), the manufacturer has not, within the 6-month period involved, submitted the supplemental application referred to in the certification; or

"(C) in the case of a manufacturer that has submitted a certification under section 554(c) but has not yet submitted the supplemental application referred to in the certification, the Secretary determines, after an informal hearing, that the manufacturer is not acting with due diligence to complete the studies involved.

"(3) TERMINATION OF DEEMED APPROVAL OF EXEMPTION REGARDING SUPPLEMENTAL APPLICATIONS.—If under section 554(d)(3) the Secretary terminates a deemed approval of an exemption, the Secretary may order the manufacturer involved to cease disseminating the information. A manufacturer shall comply with an order under the preceding sentence not later than 60 days after the receipt of the order.

"(c) CORRECTIVE ACTIONS BY MANUFACTURERS.—

"(1) IN GENERAL.—In any case in which under this section the Secretary orders a manufacturer to cease disseminating information, the Secretary may order the manufacturer to take action to correct the information that has been disseminated, except as provided in paragraph (2).

"(2) TERMINATION OF DEEMED APPROVAL OF EXEMPTION REGARDING SUPPLEMENTAL APPLICATIONS.—In the case of an order under subsection (b)(3) to cease disseminating information, the Secretary may not order the manufacturer involved to take action to correct the information that has been disseminated unless the Secretary determines that the new use described in the information would pose a significant risk to the public health.

"SEC. 556. DEFINITIONS.

"For purposes of this subchapter:

"(1) The term 'health care practitioner' means a physician, or other individual who is a provider of health care, who is licensed under the law of a State to prescribe drugs or devices.

"(2) The terms 'health insurance issuer' and 'group health plan' have the meaning given such terms under section 2791 of the Public Health Service Act.

"(3) The term 'manufacturer' means a person who manufactures a drug or device, or who is licensed by such person to distribute or market the drug or device.

"(4) The term 'new use'—

"(A) with respect to a drug, means a use that is not included in the labeling of the approved drug; and

"(B) with respect to a device, means a use that is not included in the labeling for the approved or cleared device.

"(5) The term 'scientific or medical journal' means a scientific or medical publication—

"(A) that is published by an organization—

"(i) that has an editorial board;

"(ii) that utilizes experts, who have demonstrated expertise in the subject of an article under review by the organization and who are independent of the organization, to review and objectively select, reject, or provide comments about proposed articles; and

"(iii) that has a publicly stated policy, to which the organization adheres, of full disclosure of any conflict of interest or biases for all authors or contributors involved with the journal or organization;

"(B) whose articles are peer-reviewed and published in accordance with the regular peer-review procedures of the organization;

"(C) that is generally recognized to be of national scope and reputation;

"(D) that is indexed in the Index Medicus of the National Library of Medicine of the National Institutes of Health; and

"(E) that is not in the form of a special supplement that has been funded in whole or in part by one or more manufacturers.

"SEC. 557. RULES OF CONSTRUCTION.

"(a) UNSOLICITED REQUEST.—Nothing in section 551 shall be construed as prohibiting a manufacturer from disseminating information in response to an unsolicited request from a health care practitioner.

"(b) DISSEMINATION OF INFORMATION ON DRUGS OR DEVICES NOT EVIDENCE OF INTENDED USE.—Notwithstanding subsection (a), (f), or (o) of section 502, or any other provision of law, the dissemination of information relating to a new use of a drug or device, in accordance with section 551, shall not be construed by the Secretary as evidence of a new intended use of the drug or device that is different from the intended use of the drug or device set forth in the official labeling of the drug or device. Such dissemination shall not be considered by the Secretary as labeling, adulteration, or misbranding of the drug or device.

"(c) PATENT PROTECTION.—Nothing in section 551 shall affect patent rights in any manner.

"(d) AUTHORIZATION FOR DISSEMINATION OF ARTICLES AND FEES FOR REPRINTS OF ARTICLES.—Nothing in section 551 shall be construed as prohibiting an entity that publishes a scientific journal (as defined in section 556(5)) from requiring authorization from the entity to disseminate an article published by such entity or

charging fees for the purchase of reprints of published articles from such entity.".

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 210, is amended by adding at the end the following:

"(z) The dissemination of information in violation of section 551.".

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations to implement the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act, or upon the Secretary's issuance of final regulations pursuant to subsection (c), whichever is sooner.

(e) SUNSET.—The amendments made by this section cease to be effective September 30, 2006, or 7 years after the date on which the Secretary promulgates the regulations described in subsection (c), whichever is later.

(f) STUDIES AND REPORTS.—

(1) GENERAL ACCOUNTING OFFICE.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the impact of subchapter D of chapter V of the Federal Food, Drug, and Cosmetic Act, as added by this section, on the resources of the Department of Health and Human Services.

(B) REPORT.—Not later than January 1, 2002, the Comptroller General of the United States shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report of the results of the study.

(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(A) IN GENERAL.—In order to assist Congress in determining whether the provisions of such subchapter should be extended beyond the termination date specified in subsection (e), the Secretary of Health and Human Services shall, in accordance with subparagraph (B), arrange for the conduct of a study of the scientific issues raised as a result of the enactment of such subchapter including issues relating to—

(i) the effectiveness of such subchapter with respect to the provision of useful scientific information to health care practitioners;

(ii) the quality of the information being disseminated pursuant to the provisions of such subchapter;

(iii) the quality and usefulness of the information provided, in accordance with such subchapter, by the Secretary or by the manufacturer at the request of the Secretary; and

(iv) the impact of such subchapter on research in the area of new uses, indications, or dosages, particularly the impact on pediatric indications and rare diseases.

(3) PROCEDURE FOR STUDY.—

(A) IN GENERAL.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to conduct the study required by paragraph (2), and to prepare and submit the report required by subparagraph (B), under an arrangement by which the actual expenses incurred by the Institute of Medicine in conducting the study and preparing the report will be paid by the Secretary. If the Institute of Medicine is unwilling to conduct the study under such an arrangement, the Comptroller General of the United States shall conduct such study.

(B) REPORT.—Not later than September 30, 2005, the Institute of Medicine or the Comptroller General of the United States, as appropriate, shall prepare and submit to the Committee on Labor and Human Resources of the Senate, the Committee on Commerce of the House of Representatives, and the Secretary a report of the results of the study required by paragraph (2). The Secretary, after the receipt of the report, shall make the report available to the public.

SEC. 402. EXPANDED ACCESS TO INVESTIGATIONAL THERAPIES AND DIAGNOSTICS.

Chapter V (21 U.S.C. 351 et seq.), as amended in section 401, is further amended by adding at the end the following:

"SUBCHAPTER E—GENERAL PROVISIONS RELATING TO DRUGS AND DEVICES

"SEC. 561. EXPANDED ACCESS TO UNAPPROVED THERAPIES AND DIAGNOSTICS.

"(a) EMERGENCY SITUATIONS.—The Secretary may, under appropriate conditions determined by the Secretary, authorize the shipment of investigational drugs or investigational devices for the diagnosis, monitoring, or treatment of a serious disease or condition in emergency situations.

"(b) INDIVIDUAL PATIENT ACCESS TO INVESTIGATIONAL PRODUCTS INTENDED FOR SERIOUS DISEASES.—Any person, acting through a physician licensed in accordance with State law, may request from a manufacturer or distributor, and any manufacturer or distributor may, after complying with the provisions of this subsection, provide to such physician an investigational drug or investigational device for the diagnosis, monitoring, or treatment of a serious disease or condition if—

"(1) the licensed physician determines that the person has no comparable or satisfactory alternative therapy available to diagnose, monitor, or treat the disease or condition involved, and that the probable risk to the person from the investigational drug or investigational device is not greater than the probable risk from the disease or condition;

"(2) the Secretary determines that there is sufficient evidence of safety and effectiveness to support the use of the investigational drug or investigational device in the case described in paragraph (1);

"(3) the Secretary determines that provision of the investigational drug or investigational device will not interfere with the initiation, conduct, or completion of clinical investigations to support marketing approval; and

"(4) the sponsor, or clinical investigator, of the investigational drug or investigational device submits to the Secretary a clinical protocol consistent with the provisions of section 505(i) or 520(g), including any regulations promulgated under section 505(i) or 520(g), describing the use of the investigational drug or investigational device in a single patient or a small group of patients.

"(c) TREATMENT INVESTIGATIONAL NEW DRUG APPLICATIONS AND TREATMENT INVESTIGATIONAL DEVICE EXEMPTIONS.—Upon submission by a sponsor or a physician of a protocol intended to provide widespread access to an investigational drug or investigational device for eligible patients (referred to in this subsection as an 'expanded access protocol'), the Secretary shall permit such investigational drug or investigational device to be made available for expanded access under a treatment investigational new drug application or treatment investigational device exemption if the Secretary determines that—

"(1) under the treatment investigational new drug application or treatment investigational device exemption, the investigational drug or investigational device is intended for use in the diagnosis, monitoring, or treatment of a serious or immediately life-threatening disease or condition;

"(2) there is no comparable or satisfactory alternative therapy available to diagnose, monitor, or treat that stage of disease or condition in the population of patients to which the investigational drug or investigational device is intended to be administered;

"(3)(A) the investigational drug or investigational device is under investigation in a controlled clinical trial for the use described in paragraph (1) under an investigational drug application in effect under section 505(i) or investigational device exemption in effect under section 520(g); or

"(B) all clinical trials necessary for approval of that use of the investigational drug or investigational device have been completed;

"(4) the sponsor of the controlled clinical trials is actively pursuing marketing approval of the investigational drug or investigational device for the use described in paragraph (1) with due diligence;

"(5) in the case of an investigational drug or investigational device described in paragraph (3)(A), the provision of the investigational drug or investigational device will not interfere with the enrollment of patients in ongoing clinical investigations under section 505(i) or 520(g);

"(6) in the case of serious diseases, there is sufficient evidence of safety and effectiveness to support the use described in paragraph (1); and

"(7) in the case of immediately life-threatening diseases, the available scientific evidence, taken as a whole, provides a reasonable basis to conclude that the investigational drug or investigational device may be effective for its intended use and would not expose patients to an unreasonable and significant risk of illness or injury.

A protocol submitted under this subsection shall be subject to the provisions of section 505(i) or 520(g), including regulations promulgated under section 505(i) or 520(g). The Secretary may inform national, State, and local medical associations and societies, voluntary health associations, and other appropriate persons about the availability of an investigational drug or investigational device under expanded access protocols submitted under this subsection. The information provided by the Secretary, in accordance with the preceding sentence, shall be the same type of information that is required by section 402(j)(3) of the Public Health Service Act.

"(d) TERMINATION.—The Secretary may, at any time, with respect to a sponsor, physician, manufacturer, or distributor described in this section, terminate expanded access provided under this section for an investigational drug or investigational device if the requirements under this section are no longer met.

"(e) DEFINITIONS.—In this section, the terms 'investigational drug', 'investigational device', 'treatment investigational new drug application', and 'treatment investigational device exemption' shall have the meanings given the terms in regulations prescribed by the Secretary.".

SEC. 403. APPROVAL OF SUPPLEMENTAL APPLICATIONS FOR APPROVED PRODUCTS.

(a) STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register standards for the prompt review of supplemental applications submitted for approved articles under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262).

(b) GUIDANCE TO INDUSTRY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue final guidances to clarify the requirements for, and facilitate the submission of data to support, the approval of supplemental applications for the approved articles described in subsection (a). The guidances shall—

(1) clarify circumstances in which published matter may be the basis for approval of a supplemental application;

(2) specify data requirements that will avoid duplication of previously submitted data by recognizing the availability of data previously submitted in support of an original application; and

(3) define supplemental applications that are eligible for priority review.

(c) RESPONSIBILITIES OF CENTERS.—The Secretary shall designate an individual in each center within the Food and Drug Administration (except the Center for Food Safety and Applied Nutrition) to be responsible for—

(1) encouraging the prompt review of supplemental applications for approved articles; and

(2) working with sponsors to facilitate the development and submission of data to support supplemental applications.

(d) COLLABORATION.—The Secretary shall implement programs and policies that will foster collaboration between the Food and Drug Administration, the National Institutes of Health, professional medical and scientific societies, and other persons, to identify published and unpublished studies that may support a supplemental application, and to encourage sponsors to make supplemental applications or conduct further research in support of a supplemental application based, in whole or in part, on such studies.

SEC. 404. DISPUTE RESOLUTION.

Subchapter E of chapter V, as added by section 402, is amended by adding at the end the following:

"SEC. 562. DISPUTE RESOLUTION.

"If, regarding an obligation concerning drugs or devices under this Act or section 351 of the Public Health Service Act, there is a scientific controversy between the Secretary and a person who is a sponsor, applicant, or manufacturer and no specific provision of the Act involved, including a regulation promulgated under such Act, provides a right of review of the matter in controversy, the Secretary shall, by regulation, establish a procedure under which such sponsor, applicant, or manufacturer may request a review of such controversy, including a review by an appropriate scientific advisory panel described in section 505(n) or an advisory committee described in section 515(g)(2)(B). Any such review shall take place in a timely manner. The Secretary shall promulgate such regulations within 1 year after the date of the enactment of the Food and Drug Administration Modernization Act of 1997.".

SEC. 405. INFORMAL AGENCY STATEMENTS.

Section 701 (21 U.S.C. 371) is amended by adding at the end the following:

"(h)(1)(A) The Secretary shall develop guidance documents with public participation and ensure that information identifying the existence of such documents and the documents themselves are made available to the public both in written form and, as feasible, through electronic means. Such documents shall not create or confer any rights for or on any person, although they present the views of the Secretary on matters under the jurisdiction of the Food and Drug Administration.

"(B) Although guidance documents shall not be binding on the Secretary, the Secretary shall ensure that employees of the Food and Drug Administration do not deviate from such guidances without appropriate justification and supervisory concurrence. The Secretary shall provide training to employees in how to develop and use guidance documents and shall monitor the development and issuance of such documents.

"(C) For guidance documents that set forth initial interpretations of a statute or regulation, changes in interpretation or policy that are of more than a minor nature, complex scientific issues, or highly controversial issues, the Secretary shall ensure public participation prior to implementation of guidance documents, unless the Secretary determines that such prior public participation is not feasible or appropriate. In such cases, the Secretary shall provide for public comment upon implementation and take such comment into account.

"(D) For guidance documents that set forth existing practices or minor changes in policy, the Secretary shall provide for public comment upon implementation.

"(2) In developing guidance documents, the Secretary shall ensure uniform nomenclature for such documents and uniform internal procedures for approval of such documents. The Secretary shall ensure that guidance documents and revisions of such documents are properly dated and indicate the nonbinding nature of the documents. The Secretary shall periodically review all guidance documents and, where appropriate, revise such documents.

"(3) The Secretary, acting through the Commissioner, shall maintain electronically and update and publish periodically in the Federal Register a list of guidance documents. All such documents shall be made available to the public.

"(4) The Secretary shall ensure that an effective appeals mechanism is in place to address complaints that the Food and Drug Administration is not developing and using guidance documents in accordance with this subsection.

"(5) Not later than July 1, 2000, the Secretary after evaluating the effectiveness of the Good Guidance Practices document, published in the Federal Register at 62 Fed. Reg. 8961, shall promulgate a regulation consistent with this subsection specifying the policies and procedures of the Food and Drug Administration for the development, issuance, and use of guidance documents.".

SEC. 406. FOOD AND DRUG ADMINISTRATION MISSION AND ANNUAL REPORT.

(a) MISSION.—Section 903 (21 U.S.C. 393) is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (a) the following:

"(b) MISSION.—The Administration shall—

"(1) promote the public health by promptly and efficiently reviewing clinical research and taking appropriate action on the marketing of regulated products in a timely manner;

"(2) with respect to such products, protect the public health by ensuring that—

"(A) foods are safe, wholesome, sanitary, and properly labeled;

"(B) human and veterinary drugs are safe and effective;

"(C) there is reasonable assurance of the safety and effectiveness of devices intended for human use;

"(D) cosmetics are safe and properly labeled; and

"(E) public health and safety are protected from electronic product radiation;

"(3) participate through appropriate processes with representatives of other countries to reduce the burden of regulation, harmonize regulatory requirements, and achieve appropriate reciprocal arrangements; and

"(4) as determined to be appropriate by the Secretary, carry out paragraphs (1) through (3) in consultation with experts in science, medicine, and public health, and in cooperation with consumers, users, manufacturers, importers, packers, distributors, and retailers of regulated products.".

(b) ANNUAL REPORT.—Section 903 (21 U.S.C. 393), as amended by subsection (a), is further amended by adding at the end the following:

"(f) AGENCY PLAN FOR STATUTORY COMPLIANCE.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary, after consultation with appropriate scientific and academic experts, health care professionals, representatives of patient and consumer advocacy groups, and the regulated industry, shall develop and publish in the Federal Register a plan bringing the Secretary into compliance with each of the obligations of the Secretary under this Act. The Secretary shall review the plan biannually and shall revise the plan as necessary, in consultation with such persons.

"(2) OBJECTIVES OF AGENCY PLAN.—The plan required by paragraph (1) shall establish objectives and mechanisms to achieve such objectives, including objectives related to—

"(A) maximizing the availability and clarity of information about the process for review of applications and submissions (including petitions, notifications, and any other similar forms of request) made under this Act;

"(B) maximizing the availability and clarity of information for consumers and patients concerning new products;

"(C) implementing inspection and postmarket monitoring provisions of this Act;

"(D) ensuring access to the scientific and technical expertise needed by the Secretary to meet obligations described in paragraph (1);

"(E) establishing mechanisms, by July 1, 1999, for meeting the time periods specified in this Act for the review of all applications and submissions described in subparagraph (A) and submitted after the date of enactment of the Food and Drug Administration Modernization Act of 1997; and

"(F) eliminating backlogs in the review of applications and submissions described in subparagraph (A), by January 1, 2000.

"(g) ANNUAL REPORT.—The Secretary shall annually prepare and publish in the Federal Register and solicit public comment on a report that—

"(1) provides detailed statistical information on the performance of the Secretary under the plan described in subsection (f);

"(2) compares such performance of the Secretary with the objectives of the plan and with the statutory obligations of the Secretary; and

"(3) identifies any regulatory policy that has a significant negative impact on compliance with any objective of the plan or any statutory obligation and sets forth any proposed revision to any such regulatory policy.".

SEC. 407. INFORMATION SYSTEM.

(a) AMENDMENT.—Chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"SUBCHAPTER D—INFORMATION AND EDUCATION

"SEC. 741. INFORMATION SYSTEM.

"The Secretary shall establish and maintain an information system to track the status and progress of each application or submission (including a petition, notification, or other similar form of request) submitted to the Food and Drug Administration requesting agency action.".

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives on the status of the system to be established under the amendment made by subsection (a), including the projected costs of the system and concerns about confidentiality.

SEC. 408. EDUCATION AND TRAINING.

(a) FOOD AND DRUG ADMINISTRATION.—Chapter VII (21 U.S.C. 371 et seq.), as amended by section 407, is further amended by adding at the end the following section:

"SEC. 742. EDUCATION.

"(a) IN GENERAL.—The Secretary shall conduct training and education programs for the

employees of the Food and Drug Administration relating to the regulatory responsibilities and policies established by this Act, including programs for—

"(1) scientific training;

"(2) training to improve the skill of officers and employees authorized to conduct inspections under section 704;

"(3) training to achieve product specialization in such inspections; and

"(4) training in administrative process and procedure and integrity issues.

"(b) INTRAMURAL FELLOWSHIPS AND OTHER TRAINING PROGRAMS.—The Secretary, acting through the Commissioner, may, through fellowships and other training programs, conduct and support intramural research training for predoctoral and postdoctoral scientists and physicians.".

(b) CENTERS FOR DISEASE CONTROL AND PREVENTION.—

(1) IN GENERAL.—Part B of title III of the Public Health Service Act is amended by inserting after section 317F (42 U.S.C. 247b–7) the following:

"SEC. 317G. FELLOWSHIP AND TRAINING PROGRAMS.

"The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish fellowship and training programs to be conducted by such Centers to train individuals to develop skills in epidemiology, surveillance, laboratory analysis, and other disease detection and prevention methods. Such programs shall be designed to enable health professionals and health personnel trained under such programs to work, after receiving such training, in local, State, national, and international efforts toward the prevention and control of diseases, injuries, and disabilities. Such fellowships and training may be administered through the use of either appointment or nonappointment procedures.".

(2) EFFECTIVE DATE.—The amendment made by this subsection is deemed to have taken effect July 1, 1995.

SEC. 409. CENTERS FOR EDUCATION AND RESEARCH ON THERAPEUTICS.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end of part A the following new section:

"SEC. 905. DEMONSTRATION PROGRAM REGARDING CENTERS FOR EDUCATION AND RESEARCH ON THERAPEUTICS.

"(a) IN GENERAL.—The Secretary, acting through the Administrator and in consultation with the Commissioner of Food and Drugs, shall establish a demonstration program for the purpose of making one or more grants for the establishment and operation of one or more centers to carry out the activities specified in subsection (b).

"(b) REQUIRED ACTIVITIES.—The activities referred to in subsection (a) are the following:

"(1) The conduct of state-of-the-art clinical and laboratory research for the following purposes:

"(A) To increase awareness of—

"(i) new uses of drugs, biological products, and devices;

"(ii) ways to improve the effective use of drugs, biological products, and devices; and

"(iii) risks of new uses and risks of combinations of drugs and biological products.

"(B) To provide objective clinical information to the following individuals and entities:

"(i) Health care practitioners or other providers of health care goods or services.

"(ii) Pharmacy benefit managers.

"(iii) Health maintenance organizations or other managed health care organizations.

"(iv) Health care insurers or governmental agencies.

"(v) Consumers.

"(C) To improve the quality of health care while reducing the cost of health care through—

"(i) the appropriate use of drugs, biological products, or devices; and

"(ii) the prevention of adverse effects of drugs, biological products, and devices and the consequences of such effects, such as unnecessary hospitalizations.

"(2) The conduct of research on the comparative effectiveness and safety of drugs, biological products, and devices.

"(3) Such other activities as the Secretary determines to be appropriate, except that the grant may not be expended to assist the Secretary in the review of new drugs.

"(c) APPLICATION FOR GRANT.—A grant under subsection (a) may be made only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(d) PEER REVIEW.—A grant under subsection (a) may be made only if the application for the grant has undergone appropriate technical and scientific peer review.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,000,000 for fiscal year 1998, and $3,000,000 for each of fiscal years 1999 through 2002.".

SEC. 410. MUTUAL RECOGNITION AGREEMENTS AND GLOBAL HARMONIZATION.

(a) GOOD MANUFACTURING PRACTICE REQUIREMENTS.—Section 520(f)(1)(B) (21 U.S.C. 360j(f)(1)(B)) is amended—

(1) in clause (i), by striking ", and" at the end and inserting a semicolon;

(2) in clause (ii), by striking the period and inserting "; and"; and

(3) by inserting after clause (ii) the following:

"(iii) ensure that such regulation conforms, to the extent practicable, with internationally recognized standards defining quality systems, or parts of the standards, for medical devices.".

(b) HARMONIZATION EFFORTS.—Section 803 (21 U.S.C. 383) is amended by adding at the end the following:

"(c)(1) The Secretary shall support the Office of the United States Trade Representative, in consultation with the Secretary of Commerce, in meetings with representatives of other countries to discuss methods and approaches to reduce the burden of regulation and harmonize regulatory requirements if the Secretary determines that such harmonization continues consumer protections consistent with the purposes of this Act.

"(2) The Secretary shall support the Office of the United States Trade Representative, in consultation with the Secretary of Commerce, in efforts to move toward the acceptance of mutual recognition agreements relating to the regulation of drugs, biological products, devices, foods, food additives, and color additives, and the regulation of good manufacturing practices, between the European Union and the United States.

"(3) The Secretary shall regularly participate in meetings with representatives of other foreign governments to discuss and reach agreement on methods and approaches to harmonize regulatory requirements.

"(4) The Secretary shall, not later than 180 days after the date of enactment of the Food and Drug Administration Modernization Act of 1997, make public a plan that establishes a framework for achieving mutual recognition of good manufacturing practices inspections.

"(5) Paragraphs (1) through (4) shall not apply with respect to products defined in section 201(ff).".

SEC. 411. ENVIRONMENTAL IMPACT REVIEW.

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 407, is further amended by adding at the end the following:

"SUBCHAPTER E—ENVIRONMENTAL IMPACT REVIEW

"SEC. 746. ENVIRONMENTAL IMPACT.

"Notwithstanding any other provision of law, an environmental impact statement prepared in accordance with the regulations published in part 25 of title 21, Code of Federal Regulations (as in effect on August 31, 1997) in connection with an action carried out under (or a recommendation or report relating to) this Act, shall be considered to meet the requirements for a detailed statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).".

SEC. 412. NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS AND COSMETICS.

(a) NONPRESCRIPTION DRUGS.—Chapter VII (21 U.S.C. 371 et seq.), as amended by section 411, is further amended by adding at the end the following:

"SUBCHAPTER F—NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS AND PREEMPTION FOR LABELING OR PACKAGING OF COSMETICS

"SEC. 751. NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS.

"(a) IN GENERAL.—Except as provided in subsection (b), (c)(1), (d), (e), or (f), no State or political subdivision of a State may establish or continue in effect any requirement—

"(1) that relates to the regulation of a drug that is not subject to the requirements of section 503(b)(1) or 503(f)(1)(A); and

"(2) that is different from or in addition to, or that is otherwise not identical with, a requirement under this Act, the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.).

"(b) EXEMPTION.—

"(1) IN GENERAL.—Upon application of a State or political subdivision thereof, the Secretary may by regulation, after notice and opportunity for written and oral presentation of views, exempt from subsection (a), under such conditions as may be prescribed in such regulation, a State or political subdivision requirement that—

"(A) protects an important public interest that would otherwise be unprotected, including the health and safety of children;

"(B) would not cause any drug to be in violation of any applicable requirement or prohibition under Federal law; and

"(C) would not unduly burden interstate commerce.

"(2) TIMELY ACTION.—The Secretary shall make a decision on the exemption of a State or political subdivision requirement under paragraph (1) not later than 120 days after receiving the application of the State or political subdivision under paragraph (1).

"(c) SCOPE.—

"(1) IN GENERAL.—This section shall not apply to—

"(A) any State or political subdivision requirement that relates to the practice of pharmacy; or

"(B) any State or political subdivision requirement that a drug be dispensed only upon the prescription of a practitioner licensed by law to administer such drug.

"(2) SAFETY OR EFFECTIVENESS.—For purposes of subsection (a), a requirement that relates to the regulation of a drug shall be deemed to include any requirement relating to public information or any other form of public communication relating to a warning of any kind for a drug.

"(d) EXCEPTIONS.—

"(1) IN GENERAL.—In the case of a drug described in subsection (a)(1) that is not the subject of an application approved under section 505 or section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997) or a

final regulation promulgated by the Secretary establishing conditions under which the drug is generally recognized as safe and effective and not misbranded, subsection (a) shall apply only with respect to a requirement of a State or political subdivision of a State that relates to the same subject as, but is different from or in addition to, or that is otherwise not identical with—

"(A) a regulation in effect with respect to the drug pursuant to a statute described in subsection (a)(2); or

"(B) any other requirement in effect with respect to the drug pursuant to an amendment to such a statute made on or after the date of enactment of the Food and Drug Administration Modernization Act of 1997.

"(2) STATE INITIATIVES.—This section shall not apply to a State requirement adopted by a State public initiative or referendum enacted prior to September 1, 1997.

"(e) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"(f) STATE ENFORCEMENT AUTHORITY.—Nothing in this section shall prevent a State or political subdivision thereof from enforcing, under any relevant civil or other enforcement authority, a requirement that is identical to a requirement of this Act.".

(b) INSPECTIONS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended by striking "prescription drugs" each place it appears and inserting "prescription drugs, nonprescription drugs intended for human use,".

(c) MISBRANDING.—Subparagraph (1) of section 502(e) (21 U.S.C. 352(e)(1)) is amended to read as follows:

"(1)(A) If it is a drug, unless its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula)—

"(i) the established name (as defined in subparagraph (3)) of the drug, if there is such a name;

"(ii) the established name and quantity or, if determined to be appropriate by the Secretary, the proportion of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including whether active or not the established name and quantity or if determined to be appropriate by the Secretary, the proportion of any bromides, ether, chloroform, acetanilide, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein, except that the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this subclause, shall not apply to nonprescription drugs not intended for human use; and

"(iii) the established name of each inactive ingredient listed in alphabetical order on the outside container of the retail package and, if determined to be appropriate by the Secretary, on the immediate container, as prescribed in regulation promulgated by the Secretary, except that nothing in this subclause shall be deemed to require that any trade secret be divulged, and except that the requirements of this subclause with respect to alphabetical order shall apply only to nonprescription drugs that are not also cosmetics and that this subclause shall not apply to nonprescription drugs not intended for human use.

"(B) For any prescription drug the established name of such drug or ingredient, as the case may be, on such label (and on any labeling on which a name for such drug or ingredient is used) shall be printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient, except that to the extent that compliance with the requirements of subclause (ii) or (iii) of clause (A) or this clause is impracticable, exemptions shall be established by regulations promulgated by the Secretary.".

(d) COSMETICS.—Subchapter F of chapter VII, as amended by subsection (a), is further amended by adding at the end the following:

"SEC. 752. PREEMPTION FOR LABELING OR PACKAGING OF COSMETICS.

"(a) IN GENERAL.—Except as provided in subsection (b), (d), or (e), no State or political subdivision of a State may establish or continue in effect any requirement for labeling or packaging of a cosmetic that is different from or in addition to, or that is otherwise not identical with, a requirement specifically applicable to a particular cosmetic or class of cosmetics under this Act, the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.).

"(b) EXEMPTION.—Upon application of a State or political subdivision thereof, the Secretary may by regulation, after notice and opportunity for written and oral presentation of views, exempt from subsection (a), under such conditions as may be prescribed in such regulation, a State or political subdivision requirement for labeling or packaging that—

"(1) protects an important public interest that would otherwise be unprotected;

"(2) would not cause a cosmetic to be in violation of any applicable requirement or prohibition under Federal law; and

"(3) would not unduly burden interstate commerce.

"(c) SCOPE.—For purposes of subsection (a), a reference to a State requirement that relates to the packaging or labeling of a cosmetic means any specific requirement relating to the same aspect of such cosmetic as a requirement specifically applicable to that particular cosmetic or class of cosmetics under this Act for packaging or labeling, including any State requirement relating to public information or any other form of public communication.

"(d) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"(e) STATE INITIATIVE.—This section shall not apply to a State requirement adopted by a State public initiative or referendum enacted prior to September 1, 1997.".

SEC. 413. FOOD AND DRUG ADMINISTRATION STUDY OF MERCURY COMPOUNDS IN DRUGS AND FOOD.

(a) LIST AND ANALYSIS.—The Secretary of Health and Human Services shall, acting through the Food and Drug Administration—

(1) compile a list of drugs and foods that contain intentionally introduced mercury compounds, and

(2) provide a quantitative and qualitative analysis of the mercury compounds in the list under paragraph (1).

The Secretary shall compile the list required by paragraph (1) within 2 years after the date of enactment of the Food and Drug Administration Modernization Act of 1997 and shall provide the analysis required by paragraph (2) within 2 years after such date of enactment.

(b) STUDY.—The Secretary of Health and Human Services, acting through the Food and Drug Administration, shall conduct a study of the effect on humans of the use of mercury compounds in nasal sprays. Such study shall include data from other studies that have been made of such use.

(c) STUDY OF MERCURY SALES.—

(1) STUDY.—The Secretary of Health and Human Services, acting through the Food and Drug Administration and subject to appropriations, shall conduct, or shall contract with the Institute of Medicine of the National Academy of Sciences to conduct, a study of the effect on humans of the use of elemental, organic, or inorganic mercury when offered for sale as a drug or dietary supplement. Such study shall, among other things, evaluate—

(A) the scope of mercury use as a drug or dietary supplement; and

(B) the adverse effects on health of children and other sensitive populations resulting from exposure to, or ingestion or inhalation of, mercury when so used.

In conducting such study, the Secretary shall consult with the Administrator of the Environmental Protection Agency, the Chair of the Consumer Product Safety Commission, and the Administrator of the Agency for Toxic Substances and Disease Registry, and, to the extent the Secretary believes necessary or appropriate, with any other Federal or private entity.

(2) REGULATIONS.—If, in the opinion of the Secretary, the use of elemental, organic, or inorganic mercury offered for sale as a drug or dietary supplement poses a threat to human health, the Secretary shall promulgate regulations restricting the sale of mercury intended for such use. At a minimum, such regulations shall be designed to protect the health of children and other sensitive populations from adverse effects resulting from exposure to, or ingestion or inhalation of, mercury. Such regulations, to the extent feasible, should not unnecessarily interfere with the availability of mercury for use in religious ceremonies.

SEC. 414. INTERAGENCY COLLABORATION.

Section 903 (21 U.S.C. 393), as amended by section 406, is further amended by inserting after subsection (b) the following:

"(c) INTERAGENCY COLLABORATION.—The Secretary shall implement programs and policies that will foster collaboration between the Administration, the National Institutes of Health, and other science-based Federal agencies, to enhance the scientific and technical expertise available to the Secretary in the conduct of the duties of the Secretary with respect to the development, clinical investigation, evaluation, and postmarket monitoring of emerging medical therapies, including complementary therapies, and advances in nutrition and food science.".

SEC. 415. CONTRACTS FOR EXPERT REVIEW.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 214, is further amended by adding at the end the following:

"SEC. 907. CONTRACTS FOR EXPERT REVIEW.

"(a) IN GENERAL.—

"(1) AUTHORITY.—The Secretary may enter into a contract with any organization or any individual (who is not an employee of the Department) with relevant expertise, to review and evaluate, for the purpose of making recommendations to the Secretary on, part or all of any application or submission (including a petition, notification, and any other similar form of request) made under this Act for the approval or classification of an article or made under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) with respect to a biological product. Any such contract shall be subject to the requirements of section 708 relating to the confidentiality of information.

"(2) INCREASED EFFICIENCY AND EXPERTISE THROUGH CONTRACTS.—The Secretary may use the authority granted in paragraph (1) whenever the Secretary determines that use of a contract described in paragraph (1) will improve the timeliness of the review of an application or submission described in paragraph (1), unless using such authority would reduce the quality, or unduly increase the cost, of such review. The Secretary may use such authority whenever the

Secretary determines that use of such a contract will improve the quality of the review of an application or submission described in paragraph (1), unless using such authority would unduly increase the cost of such review. Such improvement in timeliness or quality may include providing the Secretary increased scientific or technical expertise that is necessary to review or evaluate new therapies and technologies.

''(b) REVIEW OF EXPERT REVIEW.—

''(1) IN GENERAL.—Subject to paragraph (2), the official of the Food and Drug Administration responsible for any matter for which expert review is used pursuant to subsection (a) shall review the recommendations of the organization or individual who conducted the expert review and shall make a final decision regarding the matter in a timely manner.

''(2) LIMITATION.—A final decision by the Secretary on any such application or submission shall be made within the applicable prescribed time period for review of the matter as set forth in this Act or in the Public Health Service Act (42 U.S.C. 201 et seq.).''.

SEC. 416. PRODUCT CLASSIFICATION.

Subchapter E of chapter V, as amended by section 404, is further amended by adding at the end the following:

''SEC. 563. CLASSIFICATION OF PRODUCTS.

''(a) REQUEST.—A person who submits an application or submission (including a petition, notification, and any other similar form of request) under this Act for a product, may submit a request to the Secretary respecting the classification of the product as a drug, biological product, device, or a combination product subject to section 503(g) or respecting the component of the Food and Drug Administration that will regulate the product. In submitting the request, the person shall recommend a classification for the product, or a component to regulate the product, as appropriate.

''(b) STATEMENT.—Not later than 60 days after the receipt of the request described in subsection (a), the Secretary shall determine the classification of the product under subsection (a), or the component of the Food and Drug Administration that will regulate the product, and shall provide to the person a written statement that identifies such classification or such component, and the reasons for such determination. The Secretary may not modify such statement except with the written consent of the person, or for public health reasons based on scientific evidence.

''(c) INACTION OF SECRETARY.—If the Secretary does not provide the statement within the 60-day period described in subsection (b), the recommendation made by the person under subsection (a) shall be considered to be a final determination by the Secretary of such classification of the product, or the component of the Food and Drug Administration that will regulate the product, as applicable, and may not be modified by the Secretary except with the written consent of the person, or for public health reasons based on scientific evidence.''.

SEC. 417. REGISTRATION OF FOREIGN ESTABLISHMENTS.

Section 510(i) (21 U.S.C. 360(i)) is amended to read as follows:

''(i)(1) Any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or a device that is imported or offered for import into the United States shall register with the Secretary the name and place of business of the establishment and the name of the United States agent for the establishment.

''(2) The establishment shall also provide the information required by subsection (j).

''(3) The Secretary is authorized to enter into cooperative arrangements with officials of foreign countries to ensure that adequate and effective means are available for purposes of determining, from time to time, whether drugs or devices manufactured, prepared, propagated, compounded, or processed by an establishment described in paragraph (1), if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).''.

SEC. 418. CLARIFICATION OF SEIZURE AUTHORITY.

Section 304(d)(1) (21 U.S.C. 334(d)(1)) is amended—

(1) in the fifth sentence, by striking ''paragraphs (1) and (2) of section 801(e)'' and inserting ''subparagraphs (A) and (B) of section 801(e)(1)''; and

(2) by inserting after the fifth sentence the following: ''Any person seeking to export an imported article pursuant to any of the provisions of this subsection shall establish that the article was intended for export at the time the article entered commerce.''.

SEC. 419. INTERSTATE COMMERCE.

Section 709 (21 U.S.C. 379a) is amended by striking ''a device'' and inserting ''a device, food, drug, or cosmetic''.

SEC. 420. SAFETY REPORT DISCLAIMERS.

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 412, is further amended by adding at the end the following:

''SUBCHAPTER G—SAFETY REPORTS

''SEC. 756. SAFETY REPORT DISCLAIMERS.

''With respect to any entity that submits or is required to submit a safety report or other information in connection with the safety of a product (including a product that is a food, drug, device, dietary supplement, or cosmetic) under this Act (and any release by the Secretary of that report or information), such report or information shall not be construed to reflect necessarily a conclusion by the entity or the Secretary that the report or information constitutes an admission that the product involved malfunctioned, caused or contributed to an adverse experience, or otherwise caused or contributed to a death, serious injury, or serious illness. Such an entity need not admit, and may deny, that the report or information submitted by the entity constitutes an admission that the product involved malfunctioned, caused or contributed to an adverse experience, or caused or contributed to a death, serious injury, or serious illness.''.

SEC. 421. LABELING AND ADVERTISING REGARDING COMPLIANCE WITH STATUTORY REQUIREMENTS.

Section 301 (21 U.S.C. 331) is amended by striking paragraph (l).

SEC. 422. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to affect the question of whether the Secretary of Health and Human Services has any authority to regulate any tobacco product, tobacco ingredient, or tobacco additive. Such authority, if any, shall be exercised under the Federal Food, Drug, and Cosmetic Act as in effect on the day before the date of the enactment of this Act.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act, other than the provisions of and the amendments made by sections 111, 121, 125, and 307, shall take effect 90 days after the date of enactment of this Act.

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

TOM BLILEY,
MICHAEL BILIRAKIS,
JOE BARTON,
JAMES GREENWOOD,
RICHARD BURR,
ED WHITFIELD,
JOHN D. DINGELL,
SHERROD BROWN,
HENRY A. WAXMAN,
RON KLINK,
Managers on the Part of the House.

JIM JEFFORDS,
DAN COATS,
JUDD GREGG,
BILL FRIST,
MIKE DEWINE,
EDWARD M. KENNEDY,
CHRISTOPHER DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The conference agreement on S. 830, the Food and Drug Administration Modernization Act of 1997, provides for (1) the reauthorization of the Prescription Drug User Fee Act of 1992; (2) the improvement of regulation of drugs through such reforms as those pertaining to pediatric studies of drugs, procedures relating to fast track drugs, health care economic information, national uniformity for over-the-counter drugs and cosmetics, and data requirements for drugs and biological products; (3) the improvement of regulation of medical devices through such reforms as those pertaining to device standards and data requirements, procedures relating to humanitarian and breakthrough devices, tracking and postmarket surveillance, and accredited party review; (4) the improvement of regulation of food through such reforms as those pertaining to the timetable and regulatory authority of the Secretary in processing health and nutrient content claims, food contact substance notifications, and information relating to irradiation treatment; and (5) general provisions pertaining to the dissemination of information, expanded access to investigational therapies, and consumer access to information about clinical trials of investigational therapies.

Certain matters agreed to in conference are noted below:

TITLE I—IMPROVING REGULATION OF DRUGS

Prescription Drug User Fee Act (Subtitle A)

The conferees believe it is important to place the PDUFA reauthorization provisions

of the Act in the overall context of the budgetary agreements which have been put into place by the 1997 Balanced Budget Agreements (BBA). This Act preserves the original PDUFA adjustment factor and therefore the basic understanding behind the 1992 enactment of this provision: that is, the industry willingness to pay user fees for enhanced performance in the drug approval process. Nevertheless the conferees acknowledge that the 1997 BBA places tight constraints on the appropriations process, particularly in the out years. The conferees expect the appropriators will make every effort to meet the trigger so that FDA is allowed to collect and expend user fees. However, it must be acknowledged that particularly in the fifth year of BBA, budgetary pressures on all discretionary spending will be great.

Breakdowns of the actual spending levels at FDA have not traditionally been provided to the appropriators, making it difficult to conduct oversight. Beginning in Fiscal Year 1998, appropriators will require FDA to submit a directed operating budget as part of the annual budget request. This will serve as a functional breakdown of how appropriated dollars are spent, similar to the report FDA submits annually to show how the agency spent collected PDUFA user fees.

The conferees expect the President's budgetary request for FDA for salaries and expenses to meet the PDUFA levels specified for each of these years and not be based on any assumption of the enactment of new substitutive user fees on other FDA regulated industries.

Pediatric studies of drugs (Sec. 111)

The conference agreement provides that if the Secretary determines that information about a drug may produce health benefits in a pediatric population and makes a written request for pediatric studies (including a time frame for completing the studies), and the studies are completed and are accepted by the Secretary, then the sponsor or manufacturer will qualify for 6 months of extra market exclusivity. The agreement authorizes the Secretary to determine the time frame for completing the studies, but the conferees emphasize that such studies should be sought, conducted, and completed at the earliest possible opportunity. The conferees do not intend that such studies be artificially timed for market advantage.

The agreement provides that no new market exclusivity may be applied to any new drug for which a new drug application is submitted after January 1, 2002. However, the agreement provides a continuation of the program for certain drugs already on the market on the date of enactment. The purpose of this limited extension is to ensure that, with respect to such already marketed drugs, exclusivity remains available if the Secretary determines there is a continuing need for additional information relating to the use of such drugs that may promote health benefits in the pediatric population. This is applicable only to drugs already included on the list under subsection (b) as of January 1, 2002. The Secretary will not list any additional drugs under Section 505A(b) after January 1, 2002. These drugs will be eligible for the applicable 6-month time extension if the requested studies satisfy all requirements of the section.

The conferees expect the Secretary to consult with experts in pediatric research to develop the list of drugs under subsection (b), and to set priorities for studies on these drugs. Such experts should include representatives from the American Academy of Pediatrics, the Pediatric Pharmacology Research Unit (PPRU) Network, and the U.S. Pharmacopeia. The conferees note particularly the excellent efforts of NIH, especially through the PPRU Network, which will contribute significantly to this effort.

The conference agreement also requires that a study be conducted on the program, by January 1, 2001, that reviews all aspects of the program, including its impact on the price and availability of drugs and the availability of generic drugs.

With respect to any requested studies under this provision, the conferees intend that data collected prior to a request or requirement by the Secretary may be used, in addition to data collected after such request or requirement in satisfying the provisions of this section.

Clinical investigations (Sec. 115)

The conferees note that the requirement for the Secretary to review existing guidance and develop additional guidance, as appropriate, on the inclusion of women and minorities in clinical trials does not require participation of women and minorities in any particular trial. Furthermore, FDA is required to consult with the National Institutes of Health, which has developed inclusion guidelines for subjects in federally funded clinical research, and with representatives of the drug manufacturing industry, to ensure that ethical, scientific, and legal issues specific to privately funded clinical research are considered. The conferees expect FDA to set forth its general policy regarding: the inclusion of women and minorities in drug development research; population-specific analyses of clinical data and assessment of potential pharmacokinetic differences; and the conduct of specific additional studies in women or minorities, where appropriate.

Content and review of applications (Sec. 119)

The Secretary is required to meet with an applicant if the applicant makes a reasonable written request for a meeting for the purpose of reaching agreement on the design and size of studies, if the sponsor provides the information necessary to discuss and reach agreement on the design and size of such studies. The Secretary may refuse to meet if the sponsor does not provide such information or if the Secretary determines that such meeting is premature or would not be useful.

Positron emission tomography (Sec. 121)

The conference agreement provides for regulation of positron emission tomography (PET) drugs and replaces earlier industry guidance and regulatory standards for PET products promulgated by the FDA. The agreement provides that, until the Secretary establishes procedures under subsection (c)(1) described below, neither a New Drug Application (NDA) nor an Abbreviated New Drug Application (ANDA) is required by a licensed practitioner to produce a compounded PET product in accordance with United States Pharmacopiea (USP) standards.

The agreement requires the Secretary, in two years to establish procedures for approving PET products, including compounded PET products, and good manufacturing practices for such products, taking account of relevant differences between commercial manufacturers and non-profit organizations and in consultation with patient groups, physicians, and others. The Secretary may not require NDAs or ANDAs for these products for four years (or two years after the procedures mentioned above are established).

A compounded PET drug, by definition, must be compounded pursuant to a valid prescription order and in accordance with state law, among other requirements. A PET drug that fails to meet these requirements is not a "compounded PET drug" and therefore is not exempt from section 501(a)(2)(B) (21 USC 351(a)(2)(B)) or from subsections (b) and (j) of section 505 (21 USC 355). PET drugs that fail to meet the definition of a "compounded PET drug" shall be subject to the procedures and requirements established by the Secretary under subsection (c)(1).

Application of Federal law to practice of pharmacy compounding (Sec. 127)

The conference report includes provisions on pharmacy compounding that reflect the conferees' extensive work with the Food and Drug Administration and other interested parties to reach consensus. It is the intent of the conferees to ensure continued availability of compounded drug products as a component of individualized therapy, while limiting the scope of compounding so as to prevent manufacturing under the guise of compounding. Section 503A establishes parameters under which compounding is appropriate and lawful. The conditions set forth in Section 503A should be used by the state boards of pharmacy and medicine for proper regulation of pharmacy compounding in addition to existing state-specific regulations.

The conferees intend that, as defined in subparagraph (b)(2), copies of commercially available drug products do not include drug products in which the change from the commercially available drug product produces a "significant difference" for the particular patient. For example, the removal of a dye from a commercially available drug product for a particular patient who is allergic to such dye shall be presumed to be a "significant difference." The conferees expect that FDA and the courts will accord great deference to the licensed prescriber's judgement in determining whether the change produces a "significant difference." However, where it is readily apparent, based on the circumstances, the "significant difference" is a mere pretext to allow compounding of products that are essentially copies of commercially available products, such compounding would be considered copying of commercially available products and would not qualify for the compounding exemptions if it is done regularly or in inordinate amounts. Such circumstances may include, for example, instances in which minor changes in strength (such as from .08% to .09% are made that are not known to be significant or instances in which the prescribing physician is receiving financial remuneration or other financial incentives to write prescription for compounded products.

The conferees also expect that the Secretary will develop the list of bulk drug substances described in subsection (b)(1)(A)(i)(III) within one year from the date of enactment. It is the intent of the conferees that the criteria used to develop the list of bulk drug substances and the list itself are to be developed in consultation with the United States Pharmacopoeia. The conferees further intend that where evidence relating to an approval under Section 505 does not exist, the Secretary shall consider other criteria. Finally, the conferees intend that after this list is published, organizations may petition the FDA for inclusion of additional substances on the aforementioned list.

The memorandum of understanding described in Paragraph (b)(3)(B)(i) shall provide guidance on the meaning of inordinate amounts, including any circumstances under which the compounding of drug products for

interstate shipment in excess of 5 percent of total prescription order would be included in a "safe harbor" of interstate shipments of compounded products that shall not be deemed inordinate.

As stated in paragraph (e), nothing in Section 503A is intended to change or otherwise affect current law with respect to radiopharmaceuticals, including PET drugs. Further, as stated in paragraph (f), the term compounding does not include mixing reconstituting or other such acts that are performed in accordance with directions contained in approved labeling provided by the product's manufacturer and other manufacturer directions consistent with that labeling. Nothing in this provision is intended to change or otherwise affect the Act with respect to reconstitution or other similar processing that is done pursuant to a manufacturer's approved labeling, and other directions from such manufacturer that are consistent with that labeling. In general, such practices, as performed by a licensed practitioner for an identified individual patient, are appropriately regulated by state boards of pharmacy. The conferees intend that facilities required to register with the FDA, including those which are engaged in non-patient specific compounding and reconstitution activities, are appropriately regulated under the Federal Food, Drug and Cosmetic Act.

Finally, with regard to the effective date described in paragraph (b), the conferees expect the FDA to work diligently to consult with necessary parties to promulgate the required regulations and lists. Nothing in paragraph (b) is intended to abrogate the Secretary's responsibility to promulgate such regulations through the notice and comment rulemaking process.

Reauthorization of the Clinical Pharmacology Program (Sec. 128)

The conference agreement extends through fiscal year 2002 the authorization of appropriations of the Clinical Pharmacology Training Program, a program originally authorized under section 2(b) of P.L. 102-222. Nothing in this section of the agreement prohibits the Secretary from continuing the awarding of grants to the original and current grantees. The conferees strongly recommend that the Secretary continue the development of the clinical pharmacology programs at the colleges and universities originally selected to participate in the program.

Regulations for sunscreen products (Sec. 129)

The conference agreement includes a provision requiring FDA to continue diligently with its work to complete its rulemaking process on sunscreen products and to issue regulations within 18 months. The conferees recognize that various technical and scientific issues may take longer to resolve than other aspects of the rulemaking. The conferees do not intend that all regulation in this area be complete or comprehensive by a specified date.

TITLE II—IMPROVING REGULATION OF DEVICES

Scope of review (Sec. 205)

The conference agreement addresses the issue of regulatory burden by ensuring that the impact of the Secretary's necessary review, approval, and oversight functions is not inappropriate. This assurance is achieved by requiring the Secretary to consider, in consultation with an applicant for device approval, the method for evaluating the device's effectiveness that would be appropriate, least burdensome, and reasonably likely to result in the device's approval. The conferees believe that this language is necessary to and consistent with improving communications between the FDA and regulated persons, increasing regulatory efficiency, and decreasing the length of product review and approval.

Premature notification (Sec. 206)

The conference agreement exempts class I devices from premarket notification under section 510(k), except those types that present a potential unreasonable risk of illness or injury, or that are of substantial importance in preventing impairment of human health. The agreement also requires the Secretary to publish a notice listing the types of class II devices that are exempt from premarket notification. The Secretary must publish this initial list within 60 days. Thereafter, class II devices may be exempted by the Secretary on the Secretary's own initiative or through a petition process. the agreement provides that the Secretary must respond to any such petition within 180 days or the petition will be deemed granted.

The conferees do not intend by this provision that the Secretary should up-classify low-risk class I device in order to avoid exempting them. The conferees believe the appropriate exemption of class I and certain class II devices will allow the Secretary to expend limited premarket review resources on potentially risky and technologically advanced devices. Focusing resources in this manner will ensure the public continues to be adequately protected and will still benefit from the earlier availability of new products.

Accredited party review (Sec. 210)

The conference agreement makes modifications to the House and Senate provisions establishing the process by which the Secretary will accredit person to review and initially classify 510(k) devices. The agreement's provisions relating to the scope and the duration of the pilot program specify that an accredited person may not review a class III device, a class II device that is permanently implantable, life-sustaining or life-supporting, or a class II device for which clinical data are required. The latter category is limited in size to not more than six percent of all 510(k) submissions. In addition, the agreement provides for the termination of the pilot program after the Secretary has met specified targets for inclusion of eligible devices.

Reports (Sec. 213)

The conference agreement amends Section 519 of the Federal Food, Drug and Cosmetic Act to reduce the reporting requirements for device distributors. Manufacturers and importers, however, are required to comply with the existing requirements for medical device reporting. The amendment to section 519(a)(9) requires distributors to keep records and make them available to the Secretary on request. Because distributors will no longer be submitting reports to the Secretary, copies of reports would also not be sent to the manufacturers. This is not intended to provide the FDA with any new statutory authority to require distributors to keep additional records; it merely clarifies that existing record keeping requirements of section 519(a) continue to apply. This provision also removes the registration, listing, and reporting requirements for distributors under section 510. Since user facilities and manufacturers submit medical device reports to the FDA, there is no need for additional reporting by distributors. The FDA is urged to allow all record keeping, including distributor record keeping, to be accomplished through either electronic means or written documentation. The FDA is also urged to revise its current regulations on distributor record keeping (21 C.F.R. §804.35(b)) to provide that distributors need only keep records of complaints for six years from the date a complaint is received by the distributor, consistent with the longest statutes of limitations under State tort laws. Currently, FDA regulations require distributors to keep records for two years from the date of the record of complaint or the expected life of the device, whichever is greater. It is the intent of the conferees to simplify these requirements, since distributors, unlike manufacturers, are not able to determine the expected life of a device. Since these records will be kept by manufacturers as well, it is unnecessarily burdensome for distributors to keep these records for other than a fixed period of time.

The conferees expect the FDA to modify its regulations under Sec. 519(f) to ensure that the reports under this section are not required from any manufacturer, importer, or distributor who also is regulated and required to make such reports under the Radiation Control for Health and Safety Act of 1968 (21 U.S.C. 36011).

Practice of medicine (Sec. 214)

The conference agreement includes a provision intended by the conferees to emphasize that the FDA should not interfere in the practice of medicine. Specifically, the conferees note that the off-label use of a medical device by a physician using his or her best medical judgment in determining how and when to use the medical product for the care of a particular patient is not the province of the FDA. It is the intent of the conferees that this provision not be construed to affect medical professional liability.

TITLE III—IMPROVING REGULATION OF FOOD

Flexibility for regulations regarding claims (Sec. 301)

The conference agreement clarifies the parameters within which the Secretary may use the interim final rulemaking authority established under this section. This authority enables the Secretary to make proposed regulations on claims effective upon publication, pending consideration of public comment and publication of a final regulation. The conferees' clarifying language emphasizes that this authority may be used when the Secretary determines that it is necessary to enable the Secretary to improve consumer access to important dietary information and to ban or modify a claim in a prompt fashion. The conferees' intent in creating this expedited rulemaking authority for health and nutrient content claims is that it be used primarily to expedite the review of petitions for health and nutrient content claims based on authoritative statements.

Health and nutrient content claims (Secs. 303, 304)

The conference agreement makes streamlined procedures available for the Secretary to permit more scientifically sound nutrition information to be provided to consumers through health and nutrient content claims. This process is triggered by authoritative statements of entities such as the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC), and the National Academy of Sciences (NAS). Although the provision specifically permits claims to be made on the basis of a statement produced by subsidiaries of NAS, the conferees intend that the lack of similar language with respect to entities such as NIH and CDC be interpreted as a reflection of the desire of the conferees that statements issued by entities such as NIH

and CDC reflect consensus within those institutions. The agreement makes minor modifications to the House provisions on health and nutrient content claims to expedite the process by which such claims are processed. As part of the submissions to the Secretary for health claims based on authoritative statements, a balanced representation of the scientific literature may include a bibliography of such literature.

Disclosure of irradiation (Sec. 306)

The conference agreement ensures that no existing provision of the Federal Food Drug and Cosmetic Act will be considered to require a separate radiation disclosure statement that is more prominent than the declaration of ingredients on the food label. To ensure the intended effect of this provision, the conferees direct the Secretary promptly to publish for public comment proposed amendments to current regulations relating to the labeling of foods treated with ionizing radiation. The conferees expect final regulations to be issued not more than 12 months after the date of enactment of this measure. The public comment process should be utilized by the Secretary to provide an opportunity to comment on whether the regulations should be amended to revise the prescribed nomenclature for the labeling of irradiated foods and on whether such labeling requirements should expire at a specified date in the future. The conferees intend for any required disclosure to be of a type and character such that it would not be perceived to be a warning or give rise to inappropriate consumer anxiety.

Food contact substances (Sec. 309)

The conference agreement establishes a notification process for the regulation of components of food packaging, known as food contact substances, which is intended to expedite authorization of the marketing of a food contact substance except where the Secretary determines that submission and review of a food additive petition is necessary to provide adequate determination of safety. The agreement also authorizes appropriations to finance the costs of the new notification process. To protect the Agency from having to reallocate resources within CFSAN to meet the costs of implementation, the agreement provides that implementation is to be triggered only when the FDA receives an appropriation sufficient to fund the program. The conferees strongly encourage the House and Senate to appropriate the funds authorized. The conferees also urge the Committees of jurisdiction, when reauthorizing the notification program, to reevaluate fully its operational effectiveness, the appropriateness of its timeframes, the adequacy of funding, and its protection of the public health.

On the subject of food contact substances, the conferees wish to commend the FDA and the Environmental Protection Agency (EPA) for developing an Administration policy on the question of returning from EPA to FDA regulatory authority over antimicrobials used as food contact substances. This policy addresses the uncertainty unintentionally created by the Food Quality Protection Act of 1996 (FQPA) over the authority for regulating antimicrobials used as food contact substances. Although the legislative language effecting this policy was considered by the conferees to be outside the scope of this conference, the conferees acknowledge the significant need for this change and urge FDA and EPA to continue to work with the Congress to identify and develop an appropriate and expeditious vehicle for action on this matter. In the interim, the conferees urge the agencies not to delay active review of pending petitions and the pursuit of the most immediate means to achieve resolution of this jurisdictional issue.

TITLE IV—GENERAL PROVISIONS

Dissemination of treatment information (Sec. 401)

The conference agreement's inclusion of this section is intended to provide that health care practitioners can obtain important scientific information about uses that are not included in the approved labeling of drugs, biological products, and devices. The conferees also wish to encourage that these new uses be included on the product label. Therefore, the agreement includes strong incentives to conduct the research needed and file a supplemental application for such uses. A manufacturer who seeks to disseminate information about a new use must either certify that it will file a supplemental application or must submit a proposed protocol and schedule for conducting the necessary studies and a certification that a supplemental application will be filed.

Although the conferees intend to ensure that the research is undertaken to get new uses on product labels, the conferees also recognize that there may be limited circumstances when it is appropriate to exempt a manufacturer from the requirement to file a supplemental application. In making the determination of whether to grant an exemption pursuant to subsection (d)(2), the Secretary may consider, among other factors, whether: the new use meets the requirements of section 186(t)(2)(B) of the Social Security Act; a medical specialty society that is represented in or recognized by the Council of Medical Specialty Societies (or is a subspecialty of such society) or is recognized by the American Osteopathic Association, has found that the new use is consistent with sound medical practice; the new use is described in a recommendation or medical practice guideline of a Federal health agency, including the National Institutes of Health, the Agency for Health Care Policy Research and the Centers for Disease Control and Prevention of the Department of Health and Human Services; the new use is described in one of three compedia: The U.S. Pharmacopeia-Drug Information, the American Medical Association Drug Evaluation, or the American Hospital Association Formulary Service Drug Information; the new use involves a combination of products of more than one sponsor of a new drug application, a biological license application, a device premarket notification, or a device premarket approval application; or the patent status of the product.

The conferees recognize that there may be cases where the size of the patient population may be cause for the Secretary to determine that a supplemental application should not be filed. However, this is intended to be the exception, rather than the rule, in the case of populations suffering from orphan or rare disorders. For many years, this Congress has sought to encourage research into orphan diseases and the approval of innovative drugs for their treatment. The Secretary should examine very carefully whether an exemption from filing a supplemental application might hinder such research and recognize the vital importance of encouraging application for new drugs and new drug uses intended to treat rare disorders.

Expanded access to investigational therapies and diagnostics (Sec. 402)

The conference report provides statutory direction to expand access programs and emphasizes that opportunities to participate in expanded access programs are available to every individual with a life-threatening or seriously debilitating illness for which there is not an effective, approved therapy. The conferees note that they purposely used broad language in this section relating to "serious" conditions, without attempting to define them, in order to permit wide flexibility in implementation. Illnesses that do not cause death, or imminent death, can nonetheless destroy the lives of both patients and their families. The conferees therefore intend that the seriousness of an illness be given broad consideration, to take into account all of the circumstances involved.

Currently, Federal law allows drug companies to make experimental drugs available, under specific circumstances, to seriously and terminally ill patients. However, companies are often reluctant to do so because they fear that inclusion of data on such very ill patients will jeopardize the approval of their product because these patients' medical progress on any therapy may conflict with or be inconsistent with data from patients in the clinical studies. The conferees request that the FDA evaluate ways to address this problem, particularly for terminal patients who have failed existing approved therapies.

Information system (Sec. 407)

The conferees intend that the information system shall provide access to the information by the applicant under conditions set by the Secretary, except that access shall not be provided under any particular form of information system to any applicant until appropriate safeguards are in place to ensure that integrity and confidentiality of the information for which access is provided.

Education and training (Sec. 408)

The conference agreement authorizes the Centers of the FDA that conduct intramural research to provide fellowships and training to appropriate undergraduate, pre-doctoral, and/or post-doctoral candidates. In the past, FDA's Centers provided for a limited number of scientific training positions through Full Time Equivalent programs or interagency agreements with other federal agencies which have the statutory authority to hire trainees through third parties. However, many of the benefits of the training program have been reduced because FDA has not had specific direct authority to conduct and support them. In light of the additional overhead costs, reduced training flexibility, increased paperwork, and hiring delays that have resulted, it is increasingly difficult and impractical for FDA to hire trainees as FTE Service Fellows. As a result, the Intramural Research and Training Authority authorized here is intended to provide the FDA the authority to conduct and support directly the selection and training of fellows, allow more efficient use of appropriated funds by reducing overhead and other costs, and permit the training of such candidates as non-FTE positions. The conference agreement also provides similar authority for the Centers for Disease Control and Prevention.

Centers for education and research on therapeutics (Sec. 409)

The conference agreement establishes a demonstration program to conduct research and increase awareness of new products and ways to improve their effective use, and to increase awareness of risks of both new uses and combinations of therapies. In carrying out this demonstration program, the Secretary is directed to act through the Agency

for Health Care Policy and Research (AHCPR) in consultation with the FDA Commissioner. The conferees designated AHCPR as the lead agency because of its expertise in the evaluation of the effectiveness of clinical care, its non-regulatory role, and its close working relationship with the health care community in the improvement of the quality of care. Accordingly, this section establishes a new Section 928 in Title IX of the Public Health Service Act, the authorizing statute for AHCPR.

To ensure appropriate coordination and to avoid unnecessary duplication, AHCPR is required to consult closely with the FDA in the development and operation of this demonstration program. The conferees expanded the focus of this demonstration to include ways to improve the effective use of drugs, biological products, and devices as well as risks of new combinations of such products and directed that the clinical information gained in the project would be provided to consumers as well as health care practitioners and insurers. Finally, the conferees direct AHCPR also to consider the appropriate use of products in meeting the purposes of this section.

Environmental impact review (Sec. 411)

The conferees believe that FDA's new procedures implementing the National Environmental Policy Act (NEPA) appropriately eliminate unnecessary paperwork and delays associated with prior agency practices. Section 411 makes clear that an environmental impact statement (EIS) prepared in accordance with those regulations will meet the requirements of NEPA. The conferees do not intend this section to preclude judicial review of EISs. The conferees understand that the FDA may modify its regulations periodically, in consultation with the Council on Environmental Quality and the FDA's authorizing committees, as new circumstances or information warrants.

Because the Clean Air Act authorizes production of limited quantities of Class I and Class II substances for use in medical devices, there will be a continuing, but limited, supply of these substances. The EPA shall not dictate, promote or otherwise encourage a policy preference for disposal by incineration of the contents of metered-dose inhalers, but instead allow such contents to be recaptured, recycled or reused consistent with section 608(a)(3) of the Clean Air Act until such time that Congress conducts oversight hearings into the issue.

National uniformity for nonprescription drugs and cosmetics (Sec. 412)

Confidentiality of OTC company self-audits

Public policy should encourage drug manufacturers to conduct audits of their activities to candidly alert management to potential problems so that they can be addressed quickly and effectively. If FDA were to assert routine access to these audits, it would create serious disincentives to conducting appropriate audits and preparing thorough reports of the results. FDA already has a policy of not ordinarily requesting audit reports, which is set forth in compliance policy guide (#7151.02, Sec. 130.300) that applies to prescription drug firms. It is expected that OTC drug firms would be subject to the same compliance policy guide. Thus, during routine inspections of OTC drug establishments, FDA would not be expected to request or to review or copy reports and records that result from the firm's own audits and inspections of its operations to assure compliance with applicable FDA requirements such as good manufacturing practice (GMP) regulations. FDA would reserve the right to review such audits in certain limited circumstances as outlined in the compliance guide.

OTC and cosmetics inspection

The conferees intend that FDA exercise its new records inspection authority fairly and carefully, especially with regard to inspections at facilities that manufacture products that are both cosmetics and over-the-counter drugs. Cosmetic products that are also OTC drugs will, under the provisions of this bill, benefit from full national uniformity relating to all regulatory requirements, including those associated with ingredients, labeling, and packaging. Therefore, under these provisions, manufacturers of such OTC products will be subject to records inspection by FDA. The conferees want to make clear that any records inspection applies only to those products for which there is full national uniformity. This new records inspection authority applies only to products determined to be over-the-counter drugs. It does not apply to products that are solely cosmetics.

In the case of an inspection at a facility which deals both with cosmetic products that are OTC drugs and those that are not, FDA inspectors do not have access to any records relating to the cosmetic products. Further, the conferees want to make clear that there is no records inspection authority under these provisions for facilities dealing exclusively with cosmetics.

Finally, the conferees expect that FDA will provide sufficient time and guidance to the over-the-counter drug industry prior to initiating any program of records inspection and in the early stages of implementing this new requirement.

Effect of national uniformity on state enforcement "little FTC" laws

All states have laws prohibiting false and misleading advertising, modeled on the Federal Trade Commission Act. These laws have been applied to prohibit unsubstantiated claims for nonprescription drugs and cosmetics, and to require corrective advertising. This provision is not intended to preempt the application of these laws under such circumstances.

The Conference Committee intends to make clear that "Little FTC" laws, as they have historically been written and applied, are not preempted. The scope of national uniformity is modified to only apply to state requirements that relate to labeling and packaging or, if they go beyond labeling and packaging, to requirements relating to warnings. Thus, advertising issues relating to claims substantiation, fair balance, and misleading or deceptive claims are outside the scope of preemption.

Effect of national uniformity on state food labeling laws

This provision is not intended to pre-empt or prohibit States from regulating the labeling of food which derives from animals treated with non-prescription drugs. Nor are these provisions intended to void State regulations on the use of these drugs.

Product classification (Sec. 416)

Subsections (b) and (c) have been amended to make clear that FDA may only modify product classifications for public health reasons based on scientific information.

TOM BLILEY,
MICHAEL BILIRAKIS,
JOE BARTON,
JAMES GREENWOOD,
RICHARD BURR,
ED WHITFIELD,
JOHN D. DINGELL,
SHERROD BROWN,
HENRY A. WAXMAN,
RON KLINK,
Managers on the Part of the House.

JIM JEFFORDS,
DAN COATS,
JUDD GREGG,
BILL FRIST,
MIKE DEWINE,
EDWARD M. KENNEDY,
CHRISTOPHER DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT) for November 8 after 12 noon and November 9, on account of personal reasons.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 508. An act to provide for the relief of Mai Hoa "Jasmin" Salehi; to the Committee on the Judiciary.

S. 759. An act to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity; to the Committee on International Relations.

S. 857. An act for the relief of Roma Salobrit; to the Committee on the Judiciary.

S. 1189. An act to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes; to the Committee on the Judiciary.

S. 1304. An act for the relief of Belinda McGregor; to the Committee on the Judiciary.

S. 1487. An act to establish a National Voluntary Mutual Reunion Registry; to the Committee on Ways and Means.

S. 1507. An act to amend the National Defense Authorization Act for Fiscal Year 1998 to make certain technical corrections; to the Committee on National Security.

S. Con. Res. 58. Concurrent resolution expressing the concern of Congress over Russia's newly passed religion law; to the Committee on International Relations.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on the following dates present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

On November 8, 1997:

H.R. 2264. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related

agencies for the fiscal year ending September 30, 1998, and for other purposes.

On November 9, 1997:

H.J. Res. 104. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1747. An act to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.

H.R. 1787. An act to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects with demonstrated expertise in the conservation of Asian elephants.

H.R. 2731. An act for the relief of Roy Desmond Moser.

H.R. 2732. An act for the relief of John Andre Chalot.

H.J. Res. 104. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 813. An act to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

S. 1377. An act to amend the act incorporating the American Legion to make a technical correction.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until Wednesday, November 12, 1997, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5818. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Corn Gluten; Exemption from the Requirement of a Tolerance [OPP–300505A; FRL–5750–3] (RIN: 2070–AB78) received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5819. A letter from the Assistant Secretary (Installations and Environment), Department of the Navy, transmitting notification of intent to study a commercial or industrial type function performed by 45 or more civilian employees for possible outsourcing, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

5820. A letter from the Assistant Secretary (Reserve Affairs), Department of Defense, transmitting a report on the progress of the study on the means of ensuring uniformity in provision of medical and dental care for members of reserve components, pursuant to Public Law 104—201, section 746(b) (110 Stat. 2602); to the Committee on National Security.

5821. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Reserve Requirements of Depository Institutions [Regulation D; Docket No. R–0980] received October 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5822. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's "Major" final rule— Energy Conservation Program for Consumer Products: Final Rule Regarding Energy Conservation Standards for Room Air Conditioners [Docket Nos. EE–RM–90–201 and EE-RM–93–801–RAC] (RIN: 1904–AA38) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5823. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Florida [FL–70–1–9738a; FRL–5920–3] received November 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5824. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 034–0048; FRL–5917–5] received November 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5825. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District, Ventura County Air Pollution Control District [CA 083–0053a; FRL–5911–4] received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5826. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Michigan: Final Authorization of Revisions to State Hazardous Waste Management Program [FRL–5918–8] received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5827. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ambient Air Quality Surveillance for Lead [AD-FRL–5903–5] (RIN: 2060–AF71) received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5828. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Removal of Requirement in Gasoline Deposit Control Additives Rule Regarding the Identification of the Oxygenate Content of Transferred Gasoline [FRL–5917–9] received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5829. A letter from the AMD—Performance Evaluation and RECORDS Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico [ET Docket No. 96–2, RM–8165] received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5830. A letter from the AMD—Performance Evaluation and RECORDS Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 15 of the Commission's Rules to permit operation of biomedical telemetry devices on VHF TV channels 7–13 and on UHF TV channels 14–46 [ET Docket No. 95–177] received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5831. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption; Milk-Clotting Enzymes [Docket No. 93F–0461] received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5832. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending September 30, 1997, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

5833. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 98–21), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5834. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Korea for defense articles and services (Transmittal No. 98–20), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5835. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representative Office (TECRO) in the United States for defense articles and services (Transmittal No. 98–18), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5836. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 98–16), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5837. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer

and Acceptance (LOA) to Portugal for defense articles and services (Transmittal No. 98–13), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5838. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Portugal for defense articles and services (Transmittal No. 98–11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5839. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 98–09), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5840. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 98–12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5841. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 98–08), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5842. A letter from the Director, Defense Security Assistance Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Saudi Arabia (Transmittal No. A–98), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

5843. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Canada (Transmittal No. DTC–69–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5844. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Germany (Transmittal No. DTC–133–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5845. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC–132–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5846. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Germany and Sweden (Transmittal No. DTC–112–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5847. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Singapore (Transmittal No. DTC–113–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5848. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Israel (Transmittal No. DTC–97–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5849. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Japan (Transmittal No. DTC–98–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5850. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Kuwait (Transmittal No. DTC–114–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5851. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–117–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5852. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

5853. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [97–019] received November 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5854. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

5855. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the annual report for fiscal year 1997, pursuant to Public Law 104—8; to the Committee on Government Reform and Oversight.

5856. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5857. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the 1997 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

5858. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the 1997 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

5859. A letter from the President, Institute of American Indian Arts, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

5860. A letter from the Director, National Gallery of Art, transmitting a consolidated report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5861. A letter from the Director, Office of Government Ethics, transmitting the 1997 annual consolidated report in compliance with the Inspector General Act Amendments of 1988 and the Federal Managers' Financial Integrity Act, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

5862. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the 1997 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

5863. A letter from the Director, The Morris K. Udall Foundation, transmitting the annual report pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act for the year ending September 30, 1997, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

5864. A letter from the Acting Director, The Woodrow Wilson Center, transmitting a consolidated report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5865. A letter from the President and Chief Executive Officer, United States Enrichment Corporation, transmitting a consolidated report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act covering the year ended September 30, 1997, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

5866. A letter from the President, United States Institute of Peace, transmitting the strategic plan for the period FY 1997 through 2002, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

5867. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Patent Preparation and Issuance [WO–350–1220–00–24 1A] (RIN: 1004–AC–88) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5868. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Insurance Coverage Provisions for Observer Contractors under the North Pacific Interim Groundfish Observer Program [Docket No. 960717195–7255–03; I.D. 100897E] (RIN: 0648–AI95) received November 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5869. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Longshore Act Civil Money Penalties Adjustment (RIN: 1215–AB17) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5870. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting the Administration's final rule—Temporary Exemption from Chemical Registration for Distributors of Pseudoephedrine and Phenylpropanolamine Products [DEA Number 1681] (RIN: 1117–AA46) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5871. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Modifications to Michigan's Assumed Program to Administer the Section 404 Permitting Program Resulting from the Reorganization of the Michigan Environmental Agencies [FRL–5918–7] received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5872. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Modifications to Michigan's Approved Program to Administer the National Pollutant Discharge Elimination System Permitting Program Resulting from the Reorganization of the Michigan Environmental Agencies [FRL–5918–6] received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5873. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Grants to States for Construction or Acquisition of State Home Facilities (RIN: 2900–AI84) received November 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5874. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Mendocino Ridge Viticultural Area (RIN: 1512–AA07) received October 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5875. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter [Nos. 41–97 and 44–97] received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5876. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Material Limitation on Surviving Spouse's Right to Income [Notice 97–63] received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5877. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Test of Bankruptcy Appeals Process [Announcement 97–111] received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee of Conference. Conference report on S. 830. An act to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes (Rept. 105–399). Ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 319. Resolution providing for consideration of the bill (S. 738) to reform the statutes relating to Amtrak, and for other purposes (Rept. 105–400). Referred to the House Calendar.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

225. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 295 memorializing the Citizens' Committee of the United States Postal Service to consider and recommend to the United States Postal Service Board of Governors the issuance of a commemorative stamp honoring Richard Humphreys, Quaker, goldsmith and philanthropist, on the 160th Anniversary of the founding of Cheyney University of Pennsylvania; to the Committee on Government Reform and Oversight.

226. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 38 expressing support for a full, fair, and complete investigation of legal and ethical violations during the 1996 campaigns, and memorializing the President and the Congress to condemn all prejudice against Asian and Pacific Islander Americans, and to publicly support political and civic participation by these persons throughout the United States; to the Committee on the Judiciary.

227. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 32 memorializing the President and Congress of the United States to recognize the sacrifices and services rendered to our country by the Hmong-Lao veterans who served in the special guerrilla units that were allied with, and operating in support of, the military forces of the United States during the Vietnam War by granting those veterans and their families full United States citizenship; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HORN (for himself, Mrs. MALONEY of New York, Mr. BURTON of Indiana, and Mr. WAXMAN):

H.R. 2977. A bill to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration; to the Committee on Government Reform and Oversight.

By Ms. VELAZQUEZ (for herself, Mr. GUTIERREZ, and Mr. SERRANO):

H.R. 2978. A bill to require the Secretary of the Treasury to mint coins in commemoration of all the brave and gallant Puerto Ricans in the 65th Infantry Regiment of the United States Army who fought in the Korean conflict; to the Committee on Banking and Financial Services.

By Mr. THOMAS:

H.R. 2979. A bill to authorize acquisition of certain real property for the Library of Congress, and for other purposes; to the Committee on House Oversight.

By Mr. ALLEN:

H.R. 2980. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Commerce.

By Mr. ALLEN (for himself and Mr. BALDACCI):

H.R. 2981. A bill to amend the Higher Education Act of 1965 relating to financial responsibility for refunds and during provisional certification and change of ownership; to the Committee on Education and the Workforce.

By Mr. GILMAN:

H.R. 2982. A bill to improve the quality of child care provided through Federal facilities and programs, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on House Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. FOX of Pennsylvania, Mr. PALLONE, Mr. VISCLOSKY, Mr. BONIOR, Ms. ESHOO, Mr. KENNEDY of Rhode Island, Mr. ROTHMAN, Mr. ROGAN, Mr. WEYGAND, Mr. RADANOVICH, Mr. MORAN of Virginia, Mr. KENNEDY of Massachusetts, and Mr. MARKEY):

H.R. 2983. A bill to promote long term stability in the Caucasus, deter renewed aggression, and facilitate the peaceful resolution of the Nagorno-Karabagh conflict; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia:

H.R. 2984. A bill to provide an exemption from the Gun-Free School Zones Act of 1990 for conduct that does not violate State or local law; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mr. BUNNING of Kentucky, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. STARK, and Mr. WELLER):

H.R. 2985. A bill to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible, deportable, and ineligible for naturalization, to authorize immigration officers to serve process in child support cases on aliens entering the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS:

H.R. 2986. A bill for the relief of the survivors of the 14 members of the Armed

Forces and the one United States civilian who were killed on April 14, 1994, when United States fighter aircraft mistakenly shot down 2 helicopters in Iraq; to the Committee on the Judiciary.

By Mr. DAVIS of Virginia (for himself and Mr. KUCINICH):

H.R. 2987. A bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service forecasters performing essential services during severe weather events, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. DOOLITTLE:

H.R. 2988. A bill to facilitate the operation, maintenance, and upgrade of certain federally owned hydroelectric power generating facilities, to ensure the recovery of costs, and to improve the ability of the Federal Government to coordinate its generating and marketing of electricity with the non-Federalelectric utility industry; to the Committee on Resources, and in addition to the Committees on Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENSIGN:

H.R. 2989. A bill to direct the Secretary of the Interior to convey to the St. Jude's Ranch for Children, Nevada, approximately 40 acres of land in Las Vegas, Nevada, to be used for the development of facilities for the residential care and treatment of adjudicated girls; to the Committee on Resources.

By Mr. ENSIGN (for himself, Mr. RANGEL, Mr. LAZIO of New York, Mr. CHRISTENSEN, Mr. GIBBONS, Ms. LOFGREN, Mr. ENGLISH of Pennsylvania, Mr. BACHUS, Mr. RILEY, Mr. CALLAHAN, Mr. KENNEDY of Massachusetts, Mr. MICA, Mr. EVERETT, Mr. THOMPSON, Mr. HOUGHTON, Mr. WEYGAND, Mr. ADERHOLT, Mr. CARDIN, Mr. HILLIARD, Mr. CRAMER, Ms. DANNER, Ms. PELOSI, Mr. SKELTON, Mr. DIAZ-BALART, Mr. FILNER, Mr. FROST, Mr. CRAPO, Mr. ADAM SMITH of Washington, Mr. REYES, Mr. NEAL of Massachusetts, Ms. WOOLSEY, and Mr. KUCINICH):

H.R. 2990. A bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation; to the Committee on Ways and Means.

By Ms. ESHOO (for herself and Mr. TAUZIN):

H.R. 2991. A bill to enhance electronic commerce by requiring agencies to use digital signatures, which are compatible with standards for such technology used in commerce and industry, to enable persons to submit Federal forms electronically, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAHAM (for himself, Mr. SAM JOHNSON, Mr. HILLEARY, Mr. INGLIS of South Carolina, Mr. WAMP, Mr. NORWOOD, Mr. BARTLETT of Maryland, Mr. TAYLOR of North Carolina, Mr. STUMP, Mr. HERGER, Mr. MILLER of Florida, Mr. WATTS of Oklahoma, Mr. ISTOOK, Mrs. LINDA SMITH of Washington, Mr. TALENT, Mr. THORNBERRY, Mr. CHABOT, Mr. SPENCE, Mr. SANFORD, Mr. TIAHRT, Mr. KNOLLENBERG, Mrs. MYRICK, Mr. HEFLEY, Mr. SOLOMON, Mr. BARTON of Texas, Mr. PITTS, Ms. DUNN of Washington, Mr. SALMON, Mr. SHADEGG, Mr. LARGENT, Mr. BACHUS, Mr. BALLENGER, Mr. DICKEY, Mr. BLUNT, Mrs. EMERSON, Mr. LAHOOD, Mr. MCKEON, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. COX of California, Mr. SENSENBRENNER, Mr. HUTCHINSON, Mr. HOSTETTLER, Mr. BOB SCHAFFER, Mr. PETERSON of Pennsylvania, Mr. SOUDER, Mr. MCINTOSH, Mr. SESSIONS, Mr. ROYCE, Mr. WELDON of Florida, and Mr. NETHERCUTT):

H.R. 2992. A bill to repeal the Goals 2000: Educate America Act and the National Skill Standards Act of 1994 to allow local areas to develop elementary and secondary education programs that meet their needs; to the Committee on Education and the Workforce.

By Mr. HEFLEY:

H.R. 2993. A bill to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes; to the Committee on Resources.

By Ms. HOOLEY of Oregon (for herself and Mr. DAVIS of Virginia):

H.R. 2994. A bill to provide for various capital investments in technology education in the United States; to the Committee on Education and the Workforce, and in addition to the Committees on Science, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself and Mrs. LOWEY):

H.R. 2995. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations (other than governmental units) a credit against employment taxes in an amount equivalent to the work opportunity credit allowable to taxable employers, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts:

H.R. 2996. A bill to amend the Securities Exchange Act of 1934 to revise the definition of limited partnership rollup transaction; to the Committee on Commerce.

By Mr. KENNEDY of Massachusetts (for himself, Mr. DELLUMS, Mr. KLECZKA, Mr. LAFALCE, Mr. FILNER, Mr. MCDERMOTT, Mr. BONIOR, Mr. TOWNS, Ms. SLAUGHTER, Mr. LEWIS of Georgia, Mr. JACKSON, Ms. VELAZQUEZ, Mr. MCGOVERN, Mr. BERMAN, Ms. PELOSI, Mr. OLVER, Mr. MARKEY, Mr. WAXMAN, Ms. NORTON, Ms. KILPATRICK, Mr. MEEHAN, Ms. ROYBAL-ALLARD, Mr. MILLER of California, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. DELAHUNT, Ms. CARSON, Mr. MARTINEZ, Mrs. MEEK of Florida, Mr. HINCHEY, Mr. OWENS, Mr. TIERNEY, Mr. FATTAH, Mr. PAYNE, Mr. NEAL of Massachusetts, Mr. ACKERMAN, Ms. WATERS, Ms. BROWN of Florida, Mr. POMEROY, and Ms. HOOLEY of Oregon):

H.R. 2997. A bill to establish a commission on fairness in the workplace; to the Committee on Education and the Workforce.

By Mr. LEVIN (for himself and Mr. KILDEE):

H.R. 2998. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Service Corps Scholarship Program; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 2999. A bill to amend title XVIII and XIX of the Social Security Act to expand and clarify the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OXLEY (for himself, Mr. CONDIT, Mr. JOHN, Mr. BLILEY, Mr. FORD, Mr. UPTON, Mr. GREENWOOD, Mr. KLUG, Mr. MARTINEZ, Mr. GOODLING, Mr. TRAFICANT, Mr. TAUZIN, Mr. PETERSON of Minnesota, Mr. STENHOLM, Mr. GILLMOR, Mr. BISHOP, Mr. PAXON, Mr. SISISKY, Mr. LARGENT, Mr. BAESLER, Mr. BUYER, Mr. GOODE, Mr. FRELINGHUYSEN, Mr. BOYD, Mrs. EMERSON, Mr. CRAMER, Mr. BARRETT of Nebraska, Mr. HOLDEN, Mr. BURR of North Carolina, Mr. PICKETT, Mr. HEFLEY, Mr. MCINTYRE, Mr. DUNCAN, Mr. SANDLIN, Mr. PETERSON of Pennsylvania, and Mr. RUSH):

H.R. 3000. A bill to amend the Comprehensive Environmental, Response, Compensation, and Liability Act of 1980; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mrs. JOHNSON of Connecticut, Mr. HOYER, Mrs. MORELLA, Mr. NADLER, Mr. STEARNS, Ms. DELAURO, Mr. LEACH, Mr. LEWIS of Georgia, Mr. WICKER, and Mr. CARDIN):

H.R. 3001. A bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes; to the Committee on Commerce.

By Mrs. LOWEY:

H.R. 3002. A bill to expand the educational and work opportunities of welfare recipients under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself, Mr. LEACH, Mr. LAFALCE, Mrs. ROUKEMA, Mr. BEREUTER, Mr. BAKER, Mr. BACHUS, Mr. KING of New York, Mr. ROYCE, Mr. EHRLICH, Mr. BARR of Georgia, Mr. COOK, Mr. SESSIONS, Mr. HILL, and Mr. BONO):

H.R. 3003. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to safeguard confidential banking and credit union information, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. MALONEY of New York (for herself, Mrs. MORELLA, and Mr. COBURN):

H.R. 3004. A bill to amend part E of title IV of the Social Security Act to require States to administer qualifying examinations to all State employees with new authority to make decisions regarding child welfare services, to expedite the permanent placement of foster children, to facilitate the placement of foster children in permanent kinship care arrangements, and to require State agencies,

in considering applications to adopt certain foster children, to give preference to applications of a foster parent or caretaker relative of the child; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mr. DELLUMS, Mr. MANTON, and Mr. PETERSON of Minnesota):

H.R. 3005. A bill to amend part E of title IV of the Social Security Act to require States to have laws that would permit a parent who is chronically ill or near death to name a standby guardian for a minor child without surrendering parental rights; to the Committee on Ways and Means.

By Ms. MILLENDER-McDONALD:

H.R. 3006. A bill to direct the Attorney General to provide a written opinion regarding the constitutionality of proposed state ballot initiatives, and for other purposes; to the Committee on the Judiciary.

By Mrs. MORELLA:

H.R. 3007. A bill to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development; to the Committee on Education and the Workforce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUMANN:

H.R. 3008. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. GILMAN, Mr. BROWN of Ohio, Mr. FOX of Pennsylvania, Ms. SANCHEZ, Mr. HORN, Ms. ESHOO, Mr. GREEN, Mr. FROST, Mr. ANDREWS, Mr. FILNER, Mr. ACKERMAN, Mr. WEXLER, Mr. BROWN of California, Mrs. MALONEY of New York, Mr. HASTINGS of Florida, Mr. PASCRELL, Mr. MASCARA, Mr. DAVIS of Illinois, Ms. MILLENDER-McDONALD, Ms. CARSON, Mrs. CLAYTON, Mr. LAMPSON, Mr. NADLER, Ms. JACKSON-LEE, Mr. ROTHMAN, Mr. ENGEL, Mr. PAYNE, Mr. McCOLLUM, Mr. SHERMAN, Mr. CRAMER, and Mrs. MORELLA):

H.R. 3009. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to establish standards for managed care plans; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. SHERMAN, Mr. FOX of Pennsylvania, Mr. VISCLOSKY, Mr. BONIOR, Ms. ESHOO, Mr. KENNEDY of Rhode Island, Mr. ROTHMAN, Mr. ROGAN, Mr. WEYGAND, Mr. RADANOVICH, Mr. MARKEY, Mr. MORAN of Virginia, and Mr. KENNEDY of Massachusetts):

H.R. 3010. A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL:

H.R. 3011. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payment amounts from income; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 3012. A bill to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; to the Committee on Resources.

By Ms. PRYCE of Ohio (for herself, Mr. EWING, and Mr. GREENWOOD):

H.R. 3013. A bill to reduce the incidence of child abuse and neglect, and for other purposes; to the Committee on the Judiciary.

By Mr. RADANOVICH (for himself, Mr. BILBRAY, Ms. ESHOO, Mr. MILLER of California, Mr. ROGAN, Mr. LEWIS of California, Ms. PELOSI, Mr. POMBO, and Mr. FARR of California):

H.R. 3014. A bill to amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to expand the number of county operated health insuring organizations authorized to enroll Medicaid beneficiaries; to the Committee on Commerce.

By Mr. SANDERS:

H.R. 3015. A bill to provide additional appropriations for certain nutrition programs; to the Committee on Appropriations.

By Mr. SANDERS (for himself, Mr. SHAYS, and Mr. DEFAZIO):

H.R. 3016. A bill to amend section 332 of the Communications Act of 1934 to preserve State and local authority to regulate the placement, construction, and modification of certain telecommunications facilities, and for other purposes; to the Committee on Commerce.

By Mr. SANDERS:

H.R. 3017. A bill calling for ratification of the United Nations Convention on the Rights of the Child; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH (for himself and Mrs. THURMAN):

H.R. 3018. A bill to release the reversionary interests retained by the United States in four deeds that conveyed certain lands to the State of Florida so as to permit the State to sell, exchange, or otherwise dispose of the lands, and to provide for the conveyance of certain mineral interests of the United States in the lands to the State of Florida; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LINDA SMITH of Washington:

H.R. 3019. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of soft money by political parties, to permit individuals to elect to not have payroll deductions used for political activities, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STOKES:

H.R. 3020. A bill to establish a program, primarily through the States and municipalities, and their agents, to facilitate the environmental assessment, cleanup, and reuse of abandoned or underutilized, potentially contaminated properties not on, or proposed for inclusion on, the National Priorities List; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 3021. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reduce certain funds if eligible States do not enact certain laws; to the Committee on the Judiciary.

By Mr. WATT of North Carolina (for himself, Mr. CONYERS, and Mr. COLLINS):

H.R. 3022. A bill to amend title 10, United States Code, to authorize the settlement and payment of claims against the United States for injury and death of members of the Armed Forces and Department of Defense civilian employees arising from incidents in which claims are settled for death or injury of foreign nationals; to the Committee on the Judiciary.

By Mr. WELDON of Pennsylvania (for himself and Mr. MARKEY):

H.R. 3023. A bill to end American subsidization of entities contributing to weapons proliferation; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Banking and Financial Services, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIVINGSTON:

H.J. Res. 104. A joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes; to the Committee on Appropriations. November 9, 1997, the Committee on Appropriations discharged; considered and passed.

By Mr. LIVINGSTON:

H.J. Res. 105. A joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes; to the Committee on Appropriations; November 10 (Legislative Day, November 9), 1997, the Committee on Appropriations discharged; considered and passed.

By Ms. VELAZQUEZ (for herself, Mr. GUTIERREZ, and Mr. SERRANO):

H. Con. Res. 192. Concurrent resolution expressing the sense of the Congress that the heroism of the brave and gallant Puerto Ricans in the 65th Infantry Regiment of the United States Army who fought in the Korean conflict should be commemorated; to the Committee on Veterans' Affairs, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. CONDIT, Mr. UPTON, Mr. WELDON of Florida, Mr. NORWOOD, Mr. PAPPAS, Mrs. FOWLER, Mr. SCARBOROUGH, Mr. SALMON, Mr. PITTS, Mr. HILLEARY, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. MILLER of Florida, Mr. HERGER, Mr. STEARNS, Mr. POMBO, Mr. LUCAS of Oklahoma, Mr. KINGSTON, Mr. SANFORD, Mr. JONES, Mr. BRADY, Mr. BACHUS, Mr. ROGAN, Mr. PICKERING, Mr. LAZIO of New York, Mr. INGLIS of South Carolina, Mr. PORTMAN, Mr. BLUNT, Mr. SHIMKUS, Mr. HEFLEY, Mr. HOSTETTLER, Mr. BURTON of Indiana, Mr. CHAMBLISS, Mr. LATOURETTE, Mr. WELLER, Mr. YOUNG of Florida, Mr. MCDADE, Mr. CALLAHAN, Mr. FOLEY, Mr. FOSSELLA, Mr. DICKEY, Mr. WAMP, Mr. COX of California, Mr. MANZULLO, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. RIGGS, Mr. SAXTON, Mr. SHAYS, Mr. THOMAS, Mr. PAUL, Mr. HAYWORTH, Mr. BUYER, Mr. WICKER, Mrs. KELLY, Mr. COLLINS, Mr. EVERETT, Mr. LOBIONDO, Mr. HORN, Mr. KNOLLENBERG, Mr. RAMSTAD, Mr. MORAN of Virginia, Mr. ENSIGN, Mr. NETHERCUTT, Mrs. LINDA SMITH of Washington, Mr. RYUN, Mr. FRANKS of New Jersey, Mrs. CHENOWETH, Mr. SOUDER, Mr. TIAHRT, Mr. GUTKNECHT, Mr. KLUG, Mr. MCCOLLUM, Mr. MCKEON, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. THUNE, Mr. SMITH of New Jersey, Ms. GRANGER, Mr. SMITH of Michigan, Mr. WATKINS, Mr. BURR of North Carolina, Mr. WATTS of Oklahoma, Mr. STENHOLM, Mr. PETERSON of Minnesota, Mr. BOYD, Mr. OBERSTAR, Mr. CRANE, and Mr. EHLERS):

H. Con. Res. 193. Concurrent resolution expressing the sense of the Congress that the Attorney General should remove Hani El-Sayegh from the United States to the Kingdom of Saudi Arabia; to the Committee on the Judiciary.

By Mr. SOLOMON:

H. Con. Res. 194. Concurrent resolution providing for a joint session of Congress to receive a message from the President; adopted pursuant to H. Res. 311.

By Ms. HARMAN (for herself, Mr. SAWYER, Mr. REGULA, Mr. SPRATT, Mr. DAVIS of Virginia, Mr. PORTMAN, Mr. BECERRA, Mr. HASTINGS of Florida, Mr. BARRETT of Wisconsin, Mr. WATT of North Carolina, Ms. ROS-LEHTINEN, Mr. HOUGHTON, Mr. DICKEY, Mr. LEWIS of Georgia, Mr. MATSUI, and Ms. MILLENDER-MCDONALD):

H. Con. Res. 195. Concurrent resolution expressing the sense of Congress in support of National Days of Dialogue associated with the national celebration of the birth of Dr. Martin Luther King, Jr. to improve understanding and cooperation across race, ethnicity, culture, gender, religion and creed; to the Committee on the Judiciary.

By Mr. DAN SCHAEFER of Colorado:

H. Res. 317. A resolution providing for the agreement of the House to the Senate amendment to the bill, H.R. 2472, with an amendment; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 318. Resolution relating to a question of the privileges of the House; considered and laid on the table.

By Mr. SOLOMON:

H. Res. 320. Resolution providing for a committee to notify the President of completion of business; adopted pursuant to H. Res. 311.

By Mr. KENNEDY of Massachusetts:

H. Res. 321. A resolution expressing the sense of the House of Representatives that college and university administrators should adopt a code of principles to change the culture of alcohol consumption on college campuses; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. RIGGS.
H.R. 34: Mr. SUNUNU.
H.R. 225: Mr. ABERCROMBIE.
H.R. 251: Mr. PETERSON of Pennsylvania.
H.R. 352: Mr. SALMON.
H.R. 409: Mr. PAPPAS.
H.R. 530: Mr. BEREUTER and Mr. CALVERT.
H.R. 543: Mr. SOLOMON, Mr. NETHERCUTT, Mr. DIXON, and Mr. HYDE.
H.R. 586: Mr. JOHNSON of Wisconson.
H.R. 738: Ms. SLAUGHTER.
H.R. 820: Ms. FURSE.
H.R. 979: Mr. JOHNSON of Wisconsin and Ms. WATERS.
H.R. 992: Mr. DEAL of Georgia and Mr. HUTCHINSON.
H.R. 1151: Mr. ABERCROMBIE and Mr. SESSIONS.
H.R. 1289: Mr. YATES.
H.R. 1334: Mr. RIGGS and Ms. PELOSI.
H.R. 1415: Mr. GOODLING.
H.R. 1519: Mr. STOKES.
H.R. 1525: Mr. MCNULTY.
H.R. 1591: Mr. BARR of Georgia, Mr. SNOWBARGER, and Mr. SCARBOROUGH.
H.R. 1628: Mr. KIM.
H.R. 1635: Mr. BAESLER, Mr. SAXTON, Mr. LEACH, Mr. COSTELLO, Mrs. LOWEY, Mr. HINCHEY, Mr. ROMERO-BARCELÓ, Mr. HORN, Mr. WAXMAN, and Mr. SKAGGS.
H.R. 1822: Mr. JOHNSON of Wisconsin.
H.R. 1872: Mr. GREENWOOD, Mr. STRICKLAND, Mr. DAVIS of Virginia, Mr. PALLONE, Mr. LINDER, Mr. DICKS, Mr. GREEN, and Mr. RUSH.
H.R. 1891: Mr. BOEHNER.
H.R. 2053: Mr. LOFGREN.
H.R. 2131: Mr. JOHNSON of Wisconsin.
H.R. 2174: Mr. MALONEY of Connecticut.
H.R. 2229: Mr. WATTS of Oklahoma.
H.R. 2273: Mr. STUPAK, Mr. BAESLER, Mr. MALONEY of Connecticut, and Mr. HUTCHINSON.
H.R. 2319: Mr. LUTHER.
H.R. 2321: Mr. RIGGS.
H.R. 2335: Mr. CONDIT.
H.R. 2363: Mr. CABOT, Mr. DREIER, Mr. KOLBE, Mr. LIVINGSTON, Mr. RYUN, Mr. SAXTON, Mr. SMITH of Oregon, Mr. SOLOMON, Mr. SPENCE, and Mr. WICKER.
H.R. 2369: Mr. CAMPBELL.
H.R. 2391: Mr. KUCINICH, and Mr. MCGOVERN.
H.R. 2397: Ms. SLAUGHTER.
H.R. 2436: Mr. LAFALCE.
H.R. 2483: Mr. FRANKS of New Jersey.
H.R. 2500: Mr. ARMEY, Mr. BAESLER, Mr. BAKER, Mr. BALLENGER, Mr. BARCIA of Michigan, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BEREUTER, Mr. BLAGOJEVICH, Mr. BLILEY, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BONO, Mr. BOYD, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. CALVERT, Mr. CANADY of Florida, Mr. CHABOT, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. CLEMENT, Mr. COBLE, Mr. CONDIT, Mr. COOK, Mr. COOKSEY, Mr. COX of California, Mr. CRANE, Mr. DEAL of Georgia, Mr. DEUTSCH, Mr. DOOLEY of California, Mr. DREIER, Ms. DUNN of Washington, Mr. EHRLICH, Mr. FATTAH, Mr. FOLEY, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FROST, Ms. FURSE, Mr. GILMAN, Mr. GOODE, Mr. GOODLATTE, Mr. GOODLING, Mr. GORDON, Mr. GOSS, Mr. HALL of Texas, Mr. HANSEN, Mr. HASTERT, Mr. HEFLEY, Mr. HILL, Mr. HOLDEN, Mr. HUNTER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. JENKINS, Mr. JONES, Mr. SAM JOHNSON, Mr. KASICH, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KING of New York, Mr. LATOURETTE, Mr. LEWIS of California, Mr. LINDER, Ms. MCCARTHY of Missouri, Mr. MEEHAN, Mr. METCALF, Mr. MORAN of Virginia, Mrs. MYRICK, Mr. NEY, Mrs. NORTHUP, Mr. OXLEY, Mr. PARKER, Mr. PAXON, Mr. PETERSON of Minnesota, Mr. PICKETT, Mr. REDMOND, Mr. RIGGS, Mr. ROEMER, Mr. ROGAN, Mr. ROYCE, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SISISKY, Mr. SKELTON, Mr. ADAM SMITH of Washington, Mr. SMITH of Texas, Mr. SOLOMON, Mr. SPENCE, Mr. STENHOLM, Mr. TANNER, Mrs. TAUSCHER, Mr. TAUZIN, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELLER, Mr. BURTON of Indiana, Mr. DICKEY, Mr. ARCHER, Mr. QUINN, Mr. LAHOOD, Mr. TIAHRT, Mr. DAVIS of Virginia, Mr. THOMAS, Mr. CUNNINGHAM, Mr. ENSIGN, Mr. GIBBONS, Mr. STUMP, Mr. COMBEST, Mr. HAYWORTH, Mr. ROHRABACHER, Mr. CALLAHAN, Mr. EVERETT, Mr. STEARNS, Mr. DELAY, Mr. GINGRICH, and Mr. LIVINGSTON.
H.R. 2509: Mr. LEWIS of Georgia.
H.R. 2524: Mr. ABERCROMBIE.
H.R. 2593: Mrs. LOWEY, Mr. WAMP, Mr. GRAHAM, Mr. NETHERCUTT, Mr. BRADY, Mr. KNOLLENBERG, Mr. SENSENBRENNER, Mr. MCINTOSH, Mr. HOBSON, Mr. TAYLOR of North Carolina, Mr. WELDON of Pennsylvania, Mr. MICA, Mr. DICKEY, Mr. THOMAS, Mr. CANNON, Mr. SAXTON, Mr. SOLOMON, Mrs. KELLY, Mr. MANZULLO, Mr. WELDON of Florida, Mr. PAXON, Mr. SNOWBARGER, Mr. HORN, Mr. SALMON, Mr. DAN SCHAEFER of Colorado, Mr. NEY, Mr. STUMP, and Mr. RAMSTAD.
H.R. 2611: Mr. BLUNT, Mr. DUNCAN, Mr. TAUZIN, Mr. BARR of Georgia, Mr. BILBRAY, Mr. CANNON, Mr. CHRISTENSEN, Mr. HEFLEY, Mr. MCKEON, Mr. MICA, Mrs. LINDA SMITH of Washington, Mr. SMITH of Oregon, Mr. SOUDER, Mr. SPENCE, Mr. EHRLICH, Mr. RIGGS, and Mr. CRANE.
H.R. 2695: Mr. BONIOR, Mr. DELLUMS, Mr. KUCINICH, Mr. MCGOVERN, Ms. LOFGREN, Mrs. THURMAN, and Ms. MILLENDER-MCDONALD.
H.R. 2750: Mrs. THURMAN.
H.R. 2755: Mr. WAXMAN, Mrs. MINK OF HAWAII, Mr. FRANK OF MASSACHUSETTS, Mr. FROST, Mr. WALSH, Ms. LOFGREN, Ms. CARSON, Ms. KILPATRICK, Mr. BONIOR, and Mr. EVANS.
H.R. 2760: Mr. CALVERT, Mr. BACHUS, and Mr. RADANOVICH.
H.R. 2780: Mr. CAMPBELL, Mr. LARGENT, Mr. MCINTOSH, Mr. BRYANT, Mr. WHITE, Mr. LATOURETTE, and Mr. SALMON.
H.R. 2819: Mr. HERGER and Ms. HARMAN.
H.R. 2820: Mr. CALVERT.
H.R. 2821: Mr. NEAL of Massachusetts.
H.R. 2826: Ms. SLAUGHTER and Ms. NORTON.
H.R. 2829: Mr. ACKERMAN, Mr. DAVIS of Illinois, Mr. FARR of California, Mr. KUCINICH, Mr. PARKER, Mr. POMEROY, Mr. SCHUMER, and Ms. STABENOW.
H.R. 2846: Mr. WATTS of Oklahoma and Mr. EHRLICH.
H.R. 2850: Ms. LOFGREN and Mr. STOKES.
H.R. 2858: Mr. GONZALEZ.
H.R. 2870: Mr. EWING.
H.R. 2921: Mr. WHITFIELD, Mr. SHIMKUS, Mr. NORWOOD, Mr. HALL of Texas, Mr. GREENWOOD, Mr. STEARNS, Mr. HILL, Mr. MCHUGH, Mr. PACKARD, and Mr. BONILLA.

H.R. 2922: Mr. HUTCHINSON.
H.R. 2929: Mr. BACHUS.
H.R. 2938: Mr. MILLER of Florida and Mr. STEARNS.
H.R. 2940: Mr. BAKER.
H.J. Res. 99: Ms. SLAUGHTER.
H. Con. Res. 41: Mr. LOBIONDO.
H. Con. Res. 141: Mr. DAVIS of Illinois and Mr. ADAM SMITH of Washington.
H. Con. Res. 156: Mr. CLEMENT and Mr. CALVERT.
H. Con. Res. 181: Mr. MCGOVERN, Mrs. MORELLA, Mr. GEKAS, Mr. FORBES, and Mr. LAZIO of New York.
H. Res. 119: Mr. ALLEN.
H. Res. 251: Mr. MANTON, Mr. WAXMAN, Mr. ALLEN, and Ms. STABENOW.
H. Res. 279: Ms. SLAUGHTER.

EXTENSIONS OF REMARKS

RELEASE OF HOUSE RESOURCE COMMITTEE MAJORITY STAFF REPORT ON SUBPOENAED NATIONAL MONUMENT DOCUMENTS

HON. JAMES V. HANSEN
OF UTAH
IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. HANSEN. Mr. Speaker, the majority staff of the House Committee on Resources will release a staff report today on the subpoenaed national monument documents received from the Clinton administration. The documents show that the designation of the Grand Staircase-Escalante National Monument was politically motivated and probably illegal.

It is very important that these documents are opened up for public scrutiny. They show the American people that the designation of the monument was politically motivated; that the administration engaged in a concerted effort to keep everything secret in order to avoid public scrutiny; and that the administration admitted that the lands in question weren't in danger and weren't among the lands in this country most in need of monument designation.

The White House abused its discretion in nearly every stage of the process of designating the monument. It was a staff drive effort, first to short-circuit a congressional wilderness proposal, and then to help the Clinton-Gore re-election campaign. The lands to be set aside, by the staff's own descriptions, were not threatened. "I'm increasingly of the view that we should just drop these Utah ideas * * * these lands are not really endangered."—Kathleen McGinty, chair, Counsel on Environmental Quality [CEQ].

The documents also show that claims by the administration that the monument was created to save Utah from foreign coal mining was nothing but a front to make the idea look legitimate. The administration was already several months into the process of creating the monument before anyone even mentioned throwing in the Kaiparowits Plateau. The administration added the Kaiparowits, with its attendant Andalex coal leases, at the last minute so they could claim they were protecting some endangered lands.

The documents are loaded with evidence of a concerted effort by the Department of the Interior [DOI] and CEQ staff to circumvent the National Environmental Policy Act [NEPA]. Staff was aware that the law requires NEPA compliance, with its attendant public input process, when national monument proposals come out of an agency. The documents show how DOI and CEQ spent months trying to create a paper trail to make it look like the idea came directly from the President. "We need to build a credible record that will withstand legal challenge * * * so [this] letter needs to be signed asap so that the secretary has what looks like a credible amount of time to do his investigation of the matter."—Kathleen McGinty, chair, Counsel on Environmental Quality [CEQ].

Probably the most telling, yet unsurprising, document is where CEQ Chair Kathleen McGinty fills-in President Clinton on the Political Purpose of the national monument designation: "It is our considered assessment that an action of this type and scale would help to overcome the negative views toward the Administration created by the timber rider. Designation of the new monument would create a compelling reason for persons who are now disaffected to come around and enthusiastically support the Administration * * *"

Ms. McGinty continued by noting that: "[T]he new monument will have particular appeal in those areas that contribute the most visitation to the parks and public lands of southern Utah, namely, coastal California, Oregon and Washington, southern Nevada, the Front Range communities of Colorado, the Taos-Albuquerque corridor, and the Phoenix-Tucson area."

Ms. McGinty noted that there would be a few who would oppose the designation, but they were generally those "who in candor, are unlikely to support the Administration under any circumstances". Translation: Designating the monument would help get Clinton western electoral votes in the 1996 election. He would lose Utah, but he didn't have a chance at winning that State anyway.

These documents should make it clear to the American people that the real reason that the administration used the Antiquities Act on these lands was to circumvent congressional involvement in public land decisions, to evade the public involvement provisions of NEPA, and to use our public lands as election year props. The Clinton administration's actions show not only a disregard for the State of Utah, but a blatant disregard for America's public land laws, and a contempt for the democratic process.

[105th Congress, 1st Session, House of Representatives]

LEGISLATIVE STUDY AND INVESTIGATIVE STAFF REPORT ON ABUSE OF DISCRETION IN THE CREATION OF THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT UNDER THE ANTIQUITIES ACT, NOVEMBER 7, 1997

Majority staff of the Committee on Resources, Subcommittee on National Parks and Public Lands submits the following staff report to the Members of the Committee, "Behind Closed Doors: The Abuse of Trust And Discretion In The Establishment Of The Grand Staircase-Escalante National Monument."

INTRODUCTION: COMMITTEE REVIEW OF THE DESIGNATION OF THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

On September 18, 1996, President Clinton established, by Presidential Proclamation No. 6920, the 1.7-million-acre Grand Staircase-Escalante National Monument ("Utah Monument") in Utah pursaunt to Section 2 of the Act of June 8, 1906 ("Antiquities Act"). The Committee on Resources has jurisdiction over the Antiquities Act and the creation of the Monument, jurisdiction that is delegated under Rule 6(a) of the Rules For the Committee on Resources ("Committee Rules") to the Subcommittee on National Parks and Public Lands.

The Subcommittee has a continuing responsibility under Rule 6(d) of the Committee Rules to monitor and evaluate administration of laws within its jurisdiction. In relevant part, that rule states: ". . . Each Subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those statutes or parts of statutes, the subject matter of which is within that Subcommittee's jurisdiction; and the organization, operation, and regulations of any Federal agency or entity having responsibilities in or for the administration of such statutes, to determine whether these statutes are being implemented and carried out in accordance with the intent of Congress. . . ."

The Subcommittee, in concert with the Full Committee, undertook its Rule 6(d) responsibility when, on March 18, 1997, Chairman Young and Subcommittee Chairman Hansen initiated a review of the creation of the Monument. Some records were produced by the Council on Environmental Quality (CEQ) and the Department of the Interior (DOI) pursuant to a March 18, 1997, request to the Chair of CEQ and the Secretary of DOI related to the review. The documents that were produced were utilized by unanimous consent at a Subcommittee oversight hearing on April 29, 1997.

However, CEQ Chair Kathleen McGinty refused to produce copies of embarrassing documents that revealed why—beyond the reasons stated in the proclamation and publicly—the monument was created. Staff was given access to some of the documents and Members to others in an attempt to accommodate stated Administration desires to keep the documents secret because the Administration claimed they might be "privileged." However, constitutional executive privilege was never officially asserted by the President over the documents.

Chairman Young was delegated the authority to subpoena Monument records by the Committee on September 25, 1997. After a protracted legal exchange between the White House and Committee staff on the applicability of privileges to the documents withheld, Chairman Young, on October 9, 1997, issued the subpoena for the records withheld by CEQ Chair Kathleen McGinty.

The subpoena was unreturned on the due date and the committee staff began preparing a contempt resolution. However, on Wednesday, October 22, 1997, the Counsel to the President, Charles F.C. Ruff, produced the subpoenaed documents to the Committee.[1]

[1] Based upon representations of CEQ staff, all documents in the possession of CEQ regarding the Grand Staircase-Escalante National Monument have now been produced.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The delay—from March through October 1997—in producing the ultimately subpoenaed documents thwarted efforts of the Subcommittee and Committee to properly undertake its duties under Article I and Article IV of the Constitution and Rule 6(d) of the Committee Rules. The Subcommittee hearing on the matter had already been held and the remaining days in the first session of the 105th Congress were limited. The Committee is actively considering legislation that modifies the Antiquities Act.

As a result of the delay, the Chairman and Subcommittee Chairman requested this legislative study and investigative majority staff report. The request was to analyze and append relevant documents produced under the subpoena that show if there were abuses of discretion by the President and his advisors in the execution of the Antiquities Act to create the Utah Monument and whether that Act was being implemented and carried out in accordance with the intent of Congress. This legislative study and report responds to that request. This report was developed for and provided to Members of the Committee on Resources for their information so that Members can undertake their legislative and oversight responsibilities under the Constitution, the Rules of the House of Representatives, and the Rules for the Committee on Resources.

THE LAW: ANTIQUITIES ACT MONUMENT DESIGNATIONS

The Antiquities Act can be summarized simply. By proclamation, the President may reserve federal land as a National Monument. The land must be a historic landmark, a historic or prehistoric structure, or an object of historic or scientific interest. In addition, the reserved area must "in all cases" be "confined to the smallest area compatible with the proper care and management of the objects to be protected." The Act contemplates that objects to be protected must be threatened or endangered in some way.[2]

EXECUTIVE SUMMARY OF FINDINGS

MONUMENTAL DECISIONS BEHIND CLOSED DOORS

"I'm increasingly of the view that we should just drop these Utah ideas . . . these lands are not really endangered."—CEQ Chair Kathleen McGinty.

The state of Utah was settled by hearty Mormon pioneers seeking to avoid persecution for their beliefs. They moved west in an effort to find wide, open spaces and freedom from intrusion into their affairs by their neighbors and the government. Now, more than a century later, the citizens of Utah have been forced to endure the ultimate government intrusion: a federal land grab of 1.7 million acres, taken in the dead of night—with no public notice, no opportunity to comment, and no involvement of the Utah Congressional Delegation. Indeed, the Utah delegation was deceived about the imminent decision to designate the Grand Staircase-Escalante National Monument up until hours before the President's high-profile, public, campaign-style announcement.

Once again, at the hands of the Clinton Administration, the people of Utah were being persecuted for their beliefs. Had Utah been a pro-Clinton state, a state with prominent Democratic Members of Congress, or one that factored importantly into Clinton's re-election effort, then the land-grab would almost certainly not have occurred.

In sum, the documents received by the Committee show several points quite clearly: (1) the designation of the Monument was almost entirely politically motivated; (2) the plan to designate the monument was purposefully kept secret from Americans and Utah Members of Congress; (3) the Monument designation was put forward even though the Administration officials did not believe that the lands proposed for protection were in danger; (4) use of the Antiquities Act was intended to overcome Congressional involvement in land designation decisions; (5) use of the Antiquities Act for monument designation was planned to evade the National Environmental Policy Act (NEPA). Indeed, its use was specifically intended to evade the provisions of NEPA and other federal administrative requirements, and to assist the Clinton-Gore reelection effort.

IT'S POLITICS, STUPID—NOT THE ENVIRONMENT

The records and documents provided by the CEQ and DOI clearly demonstrate that the Administration's goal was political, not environmental, a fact that contradicts the Congressional intent of the Antiquities Act.

The Clinton White House took pains to ensure that all prominent Democrats from neighboring states were not only warned in advance, but had an opportunity to give their views on the designation. In an August 14, 1996, memorandum for the President, CEQ Chair Kathleen McGinty opines that the monument designation would be politically popular in several key Western states. In Ms. McGinty's words: "This assessment squares with the positive reactions by Sentor [sic] Harry Reid (D-NV), Governor Roy Romer (D-CO), and Representative Bill Richardson (D-NM) when asked their views on the proposal. . . . Governor Bob Miller's (D-NV) concern that Nevada's sagebrush rebels would not approve of the new monument is almost certainly correct, and echoes the concerns of other friends, but can be offset by the positive response in other constituencies."

In fact, even non-incumbent Democratic candidates for office from states other than Utah were warned about the impending land grab. CEQ Chair Kathleen McGinty explained this in a moment of partisan candor in her September 6, 1996, White House weekly report: "I have called several members of congress to give them notice of this story and am working with political affairs to determine if there are Democratic candidates we should alert. We are neither confirming nor denying the story; just making sure that Democrats are not surprised."

It was only Republicans, the lone Utah Democratic Member, and Utahans who were to be kept in the dark. Even media outlets like the Washington Post were advised by insiders to the Utah Monument decision as evidenced by electronic mail (e-mail) traffic: "Brian: So when pressed by Mark Udall and Maggie Fox on the Utah monument at yesterday's private ceremony for Mo [Udall] Clinton said: 'You don't know when to take yes for an answer.' Sounds to me like it's going forward. I also hear Romer is pushing the president to announce it when he's in Colorado on Wednesday. . . . —Tom Kenworthy" (September 10, 1996 From Brian Johnson (CEQ press) to others at CEQ transmitting e-mail from Washington Post reporter Tom Kenworthy).

Another CEQ staffer commenting on the above e-mail: "Wow. He's got good sources and a lot of nerve." (September 10, 1996, response from Tom Jensen to Brian Johnson's e-mail previously forwarded).

The exchange continues: "south rim of the grand canyon, sept 18th—be there or be square." (September 11, 1996, e-mail from Tom Kenworthy to Brian Johnson).

The exchange continues again: "Nice touch doing the Escalante Canyons announcement on the birthday of Utah's junior senator! Give me a call if you get a chance." (September 16, 1996, e-mail from Tom Kenworthy to Brian Johnson).

This e-mail traffic demonstrates that by September 10 and 11, 1996, the Washington Post clearly had been notified not only that the decision had been made, but when and where the announcement would be. By contrast, the Utah Congressional delegation was being told by Ms. McGinty and top CEQ staff on September 9 that no decision had been made and the delegation would be consulted prior to any announcement.

Moreover, CEQ, White House Staff, and DOI officials met with Utah's delegation staff again on September 16, 1996—two days before the Utah Monument designation—and continued to deny that a decision had been made to go forward with the designation. Meeting notes taken by Tom Jensen of CEQ at the September 16, 1996, meeting indicate the following exchange between Senator Hatch and Kathleen McGinty: "Senator Hatch: 'Can you give us an idea of what the POTUS [President] will do before he does it? Don't want to rely on press.'" "Kathleen McGinty: 'Yes. We need to caucus and will reengage.'"

This deception, a full week after the Washington Post knew all of the details of the Utah Monument designation and "Utah event," allowed the White House to move forward without Congressional intervention.

In an August 14, 1996, memo to the President, CEQ Chair Kathleen McGinty candidly discusses the goal of the project—to positively impact the President's re-election campaign: "The political purpose of the Utah event is to show distinctly your willingness to use the office of the President to protect the environment. . . . It is our considered assessment that an action of this type and scale would help to overcome the negative views toward the Administration created by the timber rider. Designation of the new monument would create a compelling reason for persons who are now disaffected to come around and enthusiastically support the Administration . . . Opposition to the designation will come from some of the same parties who have generally opposed the Administration's natural resource and environmental policies and who, in candor, are unlikely to support the Administration under any circumstances.

Many of the documents attempt to gauge the political impact of the action, yet the environmental impact of the decision is rarely explored. Regardless of the environmental impact, the Clinton-Gore campaign needed the Utah Monument to shore up its political base in the environmental movement. When environmental impact is explored in some documents, they note that the lands to be set aside under the designation are not environmentally threatened—a sentiment echoed by CEQ Chair Kathleen McGinty herself in a March 25, 1996, e-mail: "i'm increasingly of the view that we should just drop these utah ideas. we do not really know how the enviros will react and i do think there is a danger of 'abuse' of the withdraw/antiquities authorities especially because these lands are not really endangered."

In a March 22, 1996, e-mail, CEQ Associate Director for Public Lands Linda Lance agreed, warning against the Utah Monument designation because of the political impact of using the Act to set aside unthreatened lands: ". . . [T]he real remaining question is not so much what this letter says, but the

[2] See Report to accompany S. 4698, Rpt. No. 3797, 59th Cong., 1st Sess. (May 24, 1906).

political consequences of designating these lands as monuments when they're not threatened with losing wilderness status, and they're probably not the areas of the country most in need of this designation. presidents have not used their monument designation authority in this way in the past—only for large dramatic parcels that are threatened. do we risk a backlash from the bad guys if we do these—do they have the chance to suggest that this administration could use this authority all the time all over the country, and start to argue that the discretion is too broad?"

However, sentiment changed a few days later. The March 27, 1996, e-mail from Linda Lance at CEQ to Kathleen McGinty who forwarded it to others at CEQ shows that DOI was keeping the Monument idea alive: "since i and i think others were persuaded at yesterday's meeting w/Interior that we shouldn't write off the canyonlands and arches monument just yet here's another try at a draft letter to Babbitt to get this process started."

Despite the fact that CEQ Chair advocated dropping the idea, and despite the fact that there is no indication that the President had given either CEQ or Interior any formal notice that he even knew about the idea, DOI was apparently hard (behind the scenes) for this monument. Still there was no letter in March, April, May, June, or July 1996 from the President to the Secretary directing work on designating a possible Utah Monument. At a minimum, this is a violation of the spirit of NEPA, a statute that CEQ is responsible for implementing. Both DOI and CEQ knew it was a violation. Hence, the urgency in seeking the letter from the President to the Secretary directing him to undertake work to designate the Utah Monument.

THE ENDS JUSTIFY THE MEANS: NEPA, A LAW OF CONVENIENCE FOR THE CLINTON-GORE CAMPAIGN

No Presidential written direction to the Secretary of DOI emerged until August 7, 1996, and by then, the first planned announcement was only ten days away. Still, no one from state or local government, or the Utah Congressional delegation had been consulted. These actions, in the absence of written direction from the President, make a mockery of what CEQ Chair Kathleen McGinty testified was the overriding purpose behind NEPA: "It provides the federal government an opportunity for collaborative decision-making with state and local governments and the public." (September 26, 1996, Testimony of Kathleen McGinty before the Senate Energy Committee.)

The National Environmental Policy Act created CEQ, and the Council is charged with reviewing and appraising federal activities and determining whether they comply with the requirements and policies of the Act. (See, National Environmental Policy Act, Section 204.) Those requirements include development of environmental impact statements (EIA) or NEPA documents by federal agencies for major federal actions. Nearly all major federal actions—like designating land—require some level of NEPA documentation and process. NEPA environmental impact statements receive public notice, public comment, and public hearings. There was a conscious effort to use the Antiquities Act to avoid these NEPA requirements altogether in the designation of the Utah Monument.

Under the Antiquities Act, at the direction of the President, a monument may be established unilaterally by the President under limited circumstances. Using the Antiquities Act had several benefits to the Clinton-Gore Administration: (1) it is not necessary to work with Congress; (2) it is not necessary to comply with the Administrative Procedures Act's requirements to provide public notice or opportunity to be heard; and (3) it is not necessary to comply with NEPA requirements to involve the public or establish an administrative record on environmental impacts.

In short, the Antiquities Act was used to override the chance that the views of the people of Utah—and most importantly, elected Members of the Utah delegation—would influence the Utah Monument decision. In fact, the documents demonstrate that evading NEPA was a major internal rationale for using the Antiquities Act. This is a striking example of how the Clinton-Gore Administration manipulated the law to the advantage of the Clinton-Gore campaign for purposes of a "Utah event"—an event that might make the insatiable desires of the environmentalist constituency happy for a moment. Alarmingly, the chief architects of the endeavor to evade NEPA were in the leadership of CEQ—the entity charged with overseeing NEPA. A draft memo dated July 25, 1996, from CEQ Chair Kathleen McGinty to the President revealed that use of the Act was a means to avoid NEPA: "Ordinarily, if the (Interior) Secretary were on his own initiative to send you a recommendation for establishment of a monument, he would most likely be required to comply with NEPA and certain federal land management laws in advance of submitting his recommendation. But, because he is responding to your request for information, he is not required to analyze the information or recommendations under NEPA or other laws. And, because Presidential actions are not subject to NEPA, you are empowered to establish monuments under the Antiquities Act without NEPA review."

Although this revealing paragraph was edited out of the final memo, it is alarmingly hypocritical that CEQ, the agency created by NEPA and charged with seeing that it is complied with, was clearly advising the President how to evade NEPA. The same July 25, 1996, draft, written by CEQ staffer Thomas Jensen, makes it clear, however, that this was the secret goal. Contrast this with the lofty public pronouncements from high-ranking CEQ officials about the importance that other government entities comply with NEPA: "The lack of attention to NEPA's policies speaks to the tendency of our society to devalue those provisions of law that are not enforceable through the judicial system. One answer to the common complaint that we live in an overly litigious society is for individuals and agencies to take seriously such provisions as the national environmental policy set forth in section 101 of NEPA. Absent such a trend, interested individuals will naturally be skeptical of approaches that are not amendable to a legal remedy." Dinah Bear, General Counsel, CEQ, "The National Environmental Policy Act: its Origins and Evolutions," Natural Resources and Environment, Vol. 10, No. 2 (Fall, 1995).

Contrast this with the testimony of CEQ Chair Kathleen McGinty to the Senate Energy and Natural Resources Committee within days of the designation (September 26, 1996): "In many ways, NEPA anticipated today's call for enhanced local involvement and responsibility, sustainable development and government accountability. By bringing the public into the agency decision-making process, NEPA is like no other statute and is an extraordinary tribute to the ability of the American people to build upon shared values * * *"

"[NEPA] gives greater voice to communities. It provides the federal government an opportunity for collaborative decision-making with state and local government and the public * * * It should and in many cases does improve federal decision-making * * *

"As directed by NEPA, CEQ is responsible for overseeing implementation of the environmental impact assessment process * * *"

Either NEPA is an important statute worthy of implementation, as CEQ Chair McGinty states, or it is not. Either public, state, and local involvement is important, as CEQ Chair McGinty states, or it is not. Apparently, in the case of the Utah Monument designation, it was not important enough to implement NEPA because the end apparently justified the means.

What was important was selective application of NEPA for the convenience of the Clinton-Gore re-relection effort. One of two conclusions exist as to why NEPA was not applied to the Utah Monument designation as it would "ordinarily" be applied (the words used by Ms. McGinty). The first possible conclusion is that the Utah Monument designation would not pass muster under NEPA. The second possible conclusion is that NEPA would not allow a decision before the 1996 Presidential election, and the designation was needed for the campaign. Otherwise, why not allow NEPA to "bless" Utah Monument?

Further, it is obvious from the documents that the Administration, in its zeal to use the Antiquities Act in an attempt to shield the Utah land grab from APA and NEPA, did not fully comply with the statutory requirements to justify using the Antiquities Act—namely that the President initiate the designation process. Ms. McGinty clarifies this point in a July 29, 1996, e-mail to Todd Stern of CEQ: "the president will do the utah event on aug 17. however, we still need to get the letter (from the President to Interior Secretary Bruce Babbitt) signed asap. the reason: under the antiquities act, we need to build a credible record that will withstand legal challenge that: (1) the president asked the secretary to look into these lands to see if they are of important scientific, cultural, or historic value; (2) the secy undertook that review and presented the results to the president; (3) the president found the review compelling and therefore exercised his authority under the antiquities act. presidential actions under this act have always been challenged. they have never been struck down, however. so, letter needs to be signed asap so that secy has what looks like a credible amount of time to do his investigation of the matter. we have opened the letter with a sentence that gives us some more room by making it clear that the president and babbitt had discussed this some time ago."

This e-mail clarifies the following points: (1) by July 29, 1996, not only had the decision to make the designation been made by the White House, the staff had already agreed to an announcement event (the date was eventually postponed) and (2) although this decision had already been made, a fake paper trail had to be carefully crafted to make it appear as if President had asked the Secretary to look into the matter and initiate the staff work. By that time, however, the staff work was already apparently underway. This is an alarming breach of responsibility at the top levels of DOI and CEQ.

In fact, CEQ's Tom Jensen, in a frantic July 23, 1996, e-mail, asks fellow CEQ staffer

Peter Umhofer to help create the fake paper trail: "Peter, I need your help. The following text needs to be transformed into a signed POTUS (President of the United States) letter ASAP. The letter does not need to be sent, it could be held in an appropriate office (Katie's [McGinty's] Todd Sterns?) but it must be prepared and signed ASAP. You should discuss the processing of the letter with Katie, given its sensitivity."

The e-mail spells out the CEQ plan to create the letter to the Secretary and store it in its own White House files—never even really sending it to the Secretary—creating the false appearance that the President's letter had predated and prompted the staff work on Escalante. All the while, work on the monument designation was already underway within DOI to draw the necessary Antiquities Act papers to make the secretly planned designation. Without such a letter, the White House would have had to comply with NEPA just like the rest of America.

CAMPAIGN STYLE "EVENT" FOR A CAMPAIGN-MOTIVATED DECISION THAT VIOLATES THE INTENT OF THE ANTIQUITIES ACT

The documents show that the White House abused it discretion in nearly every stage of the process of designating the Grand Staircase-Escalante National Monument. It was a staff-driven effort, first to short-circuit a Congressional wilderness proposal, and then to help the Clinton-Core re-election campaign. The lands to be set aside, by the staff's own descriptions, were not threatened—and hence did not qualify for protection as a National Monument.

The decision was withheld from any public scrutiny or Congressional oversight—and Members of the Utah Congressional delegation were deceived as to its impending status until well after the decision had been made, and the campaign-style announcement event was only days away. The administrative and environmental hurdles that would normally accompany such an action were evaded by contorting a turn-of-the-century statute designed to protect Indian artifacts onto a 1.7-million-acre land grab. And finally, to justify use of this Act, and evasion of the requirements of NEPA—the CEQ's own enabling statute—the administrative record was toyed with to create the false impression that the President had requested the staff work before it had been conducted.

Indeed, a careful review of the Act and historic Presidential use of the Antiquities Act clarifies that the President's use of the Act was an abuse of discretion. The Antiquities Act of 1906 is an obscure Act that pre-dated the regulatory reforms that require public notice, analysis of environmental and economic impacts, and an opportunity for interested parties to be heard. Until Clinton used it in the 1996 Utah land grab, the Act had languished unused for nearly two decades.

The Act is designed to help protect architecturally and anthropologically unique artifacts from acquisition or destruction. It has primarily been used to protect antique artifacts, historic buildings, and relatively small parcels of rare geologic formations. It was emphatically not designed to be used to set aside massive chunks of western states. When the Act was created by Congress, the West was still being settled. Congress wanted to prevent valuable historic and geologic artifacts from being destroyed or carried off. The Act was necessary, according to the 1906 bill report, "in view of the fact that the historic and prehistoric ruins and monuments on the public lands of the United States are rapidly being destroyed by parties who are gathering them as relics and for the use of museums and colleges, etc." Nowhere was a 1.7-million-acre land grab mentioned or contemplated. Nowhere in the subpoenaed documents obtained were there serious allegations of the 1.7 million acres being "threatened" in any way.

Indeed, the House debate over the bill records that, even nearly a century ago, western Members were concerned that the powers of this Act not be used to grab up huge quantities of land. One such Member, Mr. Stephens of Texas, only agreed not to object to consideration of the bill after being assured by the bill's proponent, Mr. Lacey, that such an outcome was not possible under the act, whose major focus was Indian artifacts:

Mr. LACEY. There has been an effort made to have national parks in some of these regions, but this will merely make small reservations where the objects are of sufficient interest to preserve them.

Mr. STEPHENS of Texas. Will that take this land off of market, or can they still be settled on as part of the public domain?

Mr. LACEY. It will take that portion of the reservation out of the market. It is meant to cover the cave dwellers and cliff dwellers.

Mr. STEPHENS of Texas. How much land will be taken off the market in the Western States by the passage of this bill?

Mr. LACEY. Not very much. The bill provides that it shall be the smallest area necesstry [sic] for the care and maintenance of the objects to be preserved.

Mr. STEPHENS of Texas. Would it be anything like the forest-reserve bill, by which seventy or eighty million acres of land in the United States have been tied up?

Mr. LACEY. Certainly not. The object is entirely different. It is to preserve these old objects of special interest in the Southwest, whilst the other reserves the forests and the water courses.

Mr. STEPHENS of Texas. I will say that that bill was abused. I know of one place where in 5 miles square you could not get a cord of wood, and they call it a forest, and by such means they have locked up a very large area in this country.

Mr. LACEY. The next bill I desire to call up is a bill . . . which permits the opening up of specified tracts of agricultural lands where they can be used, by which the very evil that my friend is protesting against can be remedied. . . .

Mr. STEPHENS of Texas. I hope the gentleman will succeed in passing that bill, and this bill will not result in locking up other lands. I have no objection to its consideration.—(40 Cong. Rec. H7888, June 5, 1906.)

So why take an old, obscure law designed to protect cliff dwellings or historic relics and manipulate it into a 1.7-million-acre land grab? The answer is clear from the attached documents: the ends (the political gain amongst environmental groups) justified the means (violating the purpose and intent of the Antiquities Act and NEPA to lock up the land).

The Clinton-Gore Administration's abuse of the Antiquities Act meant (1) it was not necessary to work with Congress and elected leaders from Utah; (2) it was not necessary to comply with the Administrative Procedures Act's requirements to provide public notice or opportunity to be heard; and (3) it was not necessary to comply NEPA's requirements of establishing an administrative record on environmental impacts.

The early e-mail traffic indicated a concern with establishing a paper trail from the President to the Secretary. As early as March 21, 1996, e-mail traffic between Linda Lance (Office of the Vice President) and Kathleen McGinty and others comment on several drafts of a letter that was to come from the President to Secretary Babbitt requesting information on lands in Utah eligible for monument designation. Solicitor Leshy was informed of the importance of past practice on this important legal point. "As I recall, the advice we have given over the last couple of decades is that, in order to minimize NEPA problems on Antiquities Act work, it is preferable to have a letter from the President to the Secretary asking him for his recommendations. Here are my questions: . .

5. If the President signs a proclamation, and a lawsuit is then brought challenging lack of Secretarial NEPA compliance, could a court set aside the proclamation; i.e.' what is the appropriate relief?

Please give me your . . reactions by return e-mail, and keep this close."—(April 24, 1996, e-mail from Sam Kalen to John Leshy and others.)

Even earlier, on March 20, 1996, Kathleen McGinty evinced concern that the paper trail needed to be created as quickly as possible to justify Interior's actions under the Antiquities Act: "attached is a letter to Babbitt as we discussed yesterday that makes clear that the Utah monument action is one generated by the executive office of the president, not the agency. . . . ideally it should go tomorrow."—(March 20, 1996, e-mail from Kathleen McGinty to Tom Jensen)

The lack of a Presidential letter making the request is critical. The NEPA requirements for notice, comment, and public process safeguards would ordinarily apply to a major federal action designating lands that were initiated outside of the Antiquities Act process. CEQ staff apparently knew this approximately six months before the actual decision that a record needed to be established with a request from the President to Secretary Babbitt. Time was of the essence, at least in the early part of 1996, before legislative activity on the Utah wilderness bill ended.

The record is clear that from start to finish, this was an abuse of Presidential discretion, designed to gain political advantage at the expense of the people of Utah—all the while keeping the decision behind closed doors for as long as possible.

HIGHLIGHTS OF SELECT UTAH MONUMENT RECORDS: A GLIMPSE OF THE ABUSE OF TRUST AND DISCRETION

As early as August 3, 1995, the Department of the Interior discussed the use of the Antiquities Act to withdraw land for the Utah Monument. In a memo to "Raynor" and "Baum," from "Dave'(all within the DOI Solicitor's Office) discussed the legal risks involved with DOI studying lands for national monument status. He noted that: "To the extent the Secretary [of the Interior] proposes a national monument, NEPA applies. However, monuments proposed by the president do not require NEPA compliance because NEPA does not cover presidential actions. To the extent that the president directs that a proclamation be drafted and an area withdrawn as a monument, he may direct the Secretary of the Interior to be part of the president's staff and to undertake and complete all the administrative support. This Interior work falls under the presidential umbrella."

This realization—that the administrative record must make it look like the idea came from the President, and not from an agency, in order to avoid NEPA compliance—is a

dominant theme manifested throughout the documents. The idea was to create the false impression that this was an idea that came from the President, instead of from the Department of the Interior.

In a March 19, 1996, e-mail from Linda Lance (CEQ director for Land Management) to Tom Jensen (CEQ) and other CEQ staff, Ms. Lance states: "attached is a letter to Babbitt as we discussed yesterday that makes clear that the Utah monument action is one generated by the executive office of the president, not the agency."

This letter was never signed until August 7, 1996, and indeed may never been have been sent.[3] This is significant because it demonstrates an effort—beginning with DOI in 1995—to construct an Antiquities Act rationale to circumvent NEPA. All the while, meetings and work on the monument designation are proceeding within and between DOI, CEQ, and Department of Justice.

A draft letter from Kathleen McGinty on behalf of the President to Babbitt also makes it very clear that one early motivation behind the monument idea was to circumvent Congress's authority over wilderness designations, and specifically to control the Utah wilderness debate. The draft says: "As you know, the Congress currently is considering legislation that would remove significant portions of public lands in Utah from their current protection as wilderness study areas. . . . Therefore, on behalf of the President I/we are requesting your opinion on what, if any, actions the Administration can and should take to protect Utah lands that are currently managed to protect wilderness eligibility, but that could be made unsuitable for future wilderness designation if opened for development by Congress. . . . The President particularly seeks your advice on the suitability of such lands for designation as national monuments under the Antiquities Act of 1906." (March 19, 1996 e-mail from Linda Lance (CEQ director for Land Management) to Tom Jensen (CEQ) and other CEQ staff.)

This blatant disregard for Congressional authority over public lands is further evidence that staff was attempting to construct a path around NEPA and Congress.

On March 21, 1996, Linda Lance wrote another e-mail message to Kathleen McGinty responding to comments Ms. McGinty had made about the draft letter. She commented: "I completely agree that this can't be pitched as our answer to their Utah bill. But I'm having trouble deciding where we go from here. If we de-link from Utah but limit our request for info to Utah, why? If we instead request info on all sites that might be covered by the antiquities act, we probably get much more than we're probably ready to act on, including some that might be more compelling than the Utah parks? Am I missing something or lacking in creativity? Is there another Utah hook? Whatdya think?"

This communication makes two things clear. First, in addition to helping the Clinton-Gore campaign, the purpose of the monument was to circumvent Congressional control over Utah lands. This was a direct response to proposed Utah wilderness legislation. Second, CEQ staff concluded that they had to come up with a facade, "another Utah hook", so their real motivations weren't exposed.

This e-mail message evinces CEQ knowledge that other lands were much better suited to monument designation. In fact, the next day—March 22, 1996—Linda Lance sent another e-mail to TJ Glauthier at OMB and Kathleen McGinty at CEQ that expounded on this problem. She stated that the real problem with drafting a request letter that singled out Utah lands was: "the political consequences of designating these lands as monuments when they're not threatened with losing wilderness status, and they're probably not the areas of the country most in need of this designation."

She concluded the e-mail message by prophetically questioning whether: "the bad guys [will] . . . have the chance to suggest that this administration could use this authority all the time all over the country, and start to argue that the discretion is too broad?"

It is interesting to note that the Administration staff foresaw the kind of uproar the Utah Monument would cause. Ms. Lance recognized first, that people would see this as a blatant abuse of Presidential authority, and second that there may be cause to narrow the President's discretion under the Act. This process is currently underway with the successful passage in the House of the National Monument Fairness Act of 1997. Other amendments to the Antiquities Act and NEPA are currently under consideration by Members of the House Committee on Resources.

On March 25, 1996, Kathleen McGinty stated that she agreed with these doubts about the Utah Monument. In fact she was so convinced that the lands in question weren't in any real danger that she was ready to drop the whole project. She noted in an e-mail message to TJ Glauthier at OMB and Linda Lance at CEQ that: "i'm increasingly of the view that we should just drop these utah ideas. we do not really know how the enviros will react and I do think there is a danger of "abuse" of the withdraw/antiquities authorities especially because these lands are not really endangered."

A March 27, 1996, e-mail from Linda Lace at CEQ to Robert Vandermark at CEQ shows that DOI was trying to push the monument designation despite the lack of endangered lands. Lance stated: "since i and i think others were persuaded at yesterday's meeting w/ interior that we shouldn't write off the canyonlands and arches monuments just yet, here's another try at a draft letter to Babbit to get this process started."

It is clear the DOI was still advocating the monument despite the fact that CEQ was ready to drop the project. Even the DOI Solicitor's Office concluded that case law requires full compliance with NEPA's requirements when national monument proposals come out of DOI.

At this point the monument idea had been tailored to respond to the Utah wilderness bills in Congress. The areas in question were centered around Arches National Park and Canyonlands National Park—areas that were in no danger of losing protection. At this point no mention had been made about the Kaiparowits Plateau or saving the West from Andalex Coal mining.

The Kaiparowits Plateau was first mentioned by Tom Jensen at CEQ in an e-mail to Linda Lance, T. Glauthier (OMB) and Kathleen McGinty on March 27, 1996. He states that in the latest version of the proposed Clinton letter to Babbitt, he had added a reference to Glen Canyon National Recreation Area "because KM [probably Kathleen McGinty] and others may want to rope in the Kaiparowits and Escalante Canyons regions if this package ultimately doesn't seem adequate to the President's overall purpose."

By "rop[ing] in the Kaiparowits," the Administration would effectively quash the Andalex Coal Mine—in spite of the fact that the NEPA process (already under way) was incomplete for the mine. Until that process was completed, it would be impossible to know whether the mine would have any negative impact on the environment. Unconcerned with the ultimate conclusion of these environmental impact studied, the Administration wanted Kaiparowits included so they could claim that there were some "endangered" lands to be "protected" by the monument.

It is worth noting that the Chairman and Subcommittee Chairman has requested the draft Andalex Coal mine EIS five times since March 1997 for purposes of committee oversight and legislative needs, but the Secretary has failed to provide the record as requested.

By April 1996, DOI was starting to get frantic about the idea that they were in violation of NEPA by continuing to go forward on the national monument idea without prior Presidential direction. In an April 25, 1996 e-mail, Sam Kalen of the DOI Solicitor's office noted this concern to Solicitor John Leshy and colleagues Dave Watts and Robert Baum: "As I recall, the advice we have given over the last couple of decades is that, in order to minimize NEPA problems on Antiquities Act work, it is preferable to have a letter from the President to the Secretary asking him for his recommendations."

As late as July 23, 1996, CEQ was still trying to get Bill Clinton to sign a letter to send to Babbitt. In an e-mail from Tom Jensen (CEQ) to Peter Umhofer at the White House, Mr. Jensen begged: "I need your help. The following needs to be transformed into a signed POTUS letter ASAP. The letter does not need to be sent, it could be held in an appropriate office . . . but it must be prepared and signed ASAP."

On July 25, 1996, Kathleen McGinty sent a memo to the President with an attached, suggested letter to Babbitt. This is also the first time, as far as we can tell from the documents, that CEQ mentions the Andalex coal mine as an excuse for the national monument.

By this time it is obvious that Interior had been working on the Utah Monument for quite some time. In fact,, three days later, on July 26, 1996, John Leshy sent a letter to University of Colorado law professor Charles Wilkinson asking him to draw up the actual proclamation. Included with the letter was a package of materials that Interior had put together on their monument proposal. Note that at this same time CEQ was still frantically trying to get the President to agree to send Babbitt a request to start looking at the lands in question. However, the DOI work was already underway. In this case, things were being done in exactly the reverse order.

On July 29, 1996, Kathleen McGinty sent an e-mail to Todd Stern at the White House pleading for the President to sign something. She noted that the "letter needs to be signed asap so that [the] secy has what looks like a credible amount of time to do his investigation of the matter."

The President finally signed the letter authorizing DOI to begin its work on August 7,

[3] Whether DOI ever actually received the Clinton letter is at issue because: (1) DOI was asked to provide all Utah Monument documents to the Committee, but never supplied the August 7, 1996, copy signed by President Clinton—that version was supplied to the Committee by the White House after the Chairman was authorized on September 25, 1997 to subpoena Utah Monument documents; and (2) this strategy—to create the letter as a paper trail but never send it—was discussed in White House e-mail traffic.

1996, but it seems that the final decision to create a Grand Staircase-Escalante National Monument had already been made—by someone—on or before July 29, 1996, as evidenced by the July 29 e-mail from Kathleen McGinty to Todd Stern: "The President will do the Utah event on Aug 17."

The documents show, however, that for some reason, the White House decided not to go ahead with the August 17 announcement date. On August 5, 1996, Kathleen McGinty sent a memo to Marcia Hale at the White House telling her that Leon Panetta wanted them to call several western Democrats to get their reactions to a possible monument proclamation. She noted that "[t]he reactions to these calls, and other factors, will help determine whether the proposed action occur." She also emphasized that the whole thing should be kept secret, noting that "any public release of the information would probably foreclose the President's option to proceed." It seems that at this point, the focus had shifted from pre-empting Congressional authority over Utah wilderness to creating a Presidential campaign event. The announcement had to be postponed until Democratic politicians could be consulted.

On August 14, 1996, Kathleen McGinty sent the President a memo outlining the possible places to have the photo-op announcement event. The three options discussed were (1) an oval office setting; (2) on the Utah lands themselves; or (3) at Jackson Hole, Wyoming. Ms. McGinty noted that Secretary Babbitt thought that the Utah option would be the most "confrontational" or "in-your-face" event. Ms. McGinty commented that she thought that all three options sounded good to her. Since the event was designed to be an election year photo-op, the Arizona setting became the choice.

In this memo Ms. McGinty reveals the real purpose of the monument: "The political purpose of the Utah event is to show distinctly your willingness to use the office of the President to protect the environment. In contrast to the Yellowstone ceremony, this would not be a "feel-good" event. You would not merely be rebuffing someone else's bad idea, you would be placing your own stamp, sending your own message. It is our considered assessment that an action of this type and scale would help to overcome the negative views toward the Administration created by the timber rider. Designation of the new monument would create a compelling reason for persons who are now disaffected to come around and enthusiastically support the Administration."

She also underscored the potential political benefits in key western states, as confirmed by the non-Utah Democratic politicians who had been consulted: "In addition, the new monument will have particular appeal in those areas that contribute the most visitation to the parks and public lands of southern Utah, namely, coastal California, Oregon and Washington, southern Nevada, the Front Range communities of Colorado, the Taos-Albuquerque corridor, and the Phoenix-Tucson area. This assessment squares with the positive reactions by Sen. Reid, Gov. Romer, and Rep. Richardson when asked their view on the proposal."

Finally, she added that the Administration really didn't have anything to lose, as far as votes are concerned: "Opposition to the designation will come from some of the same parties who have generally opposed the Administration's natural resource and environmental policies and who, in candor, are unlikely to support the Administration under any circumstances."

The situation was painted as a no-lose political situation. Translation: The monument designation will help solidify Clinton's electoral base—whole those who will object to the monument, as in Utah, will oppose Clinton's re-election anyway. They did not matter.

The event was postponed further. On August 23, 1996, Kathleen McGinty wrote another memo to the President begging him to act on the monument soon. She stated, "in any event, we need to decide this soon, or I fear, press leaks will decide it for us."

The leak finally occurred. In a September 6, 1996, memo from Kathleen McGinty to the President, she informed him that "the Washington Post is going to run a story this weekend reporting that the Administration is considering a national monument designation." She also told him that "we are working with Don Baer and others to scope out sites and dates that might work for an announcement on this issue."

After the September 7, 1996, Washington Post article, Senator Bennett wrote to Secretary Babbitt requesting the Administration not to take such a drastic step without time for significant public input. Secretary Babbitt responded on September 13—just five days before the event announcing the Utah Monument—telling him that nothing was imminent and that no decisions had yet been made.

It is important to note that two days earlier, on September 11, 1996, Tom Kenworthy, a Washington Post reporter, had confirmed the whole story—including the date, time, and exact location of the announcement event at the Grand Canyon. In a September 11 e-mail to Brian Johnson, CEQ's press spokesman, Kenworthy confirmed he had all the information he needed: "south rim of the grand canyon, sept 18—be there or be square." While the Utah Monument designation was being concealed from the entire Utah Congressional delegation, it had already been revealed to the Washington press. This strategy worked to the Administration's advantage by encouraging press interest in the event, while effectively eliminating the possibility of Congress stepping in to stop the proposed action.

On September 18, 1996, President Clinton, standing on the South Rim of the Grand Canyon, with nature's splendor as his backdrop, finally got his photo-op. He told the nation that he was following in Teddy Roosevelt's footsteps, and that he was saving the environment from Dutch coal companies. It worked just like the Administration predicted. Bill Clinton locked up the environmental votes in the West and carried key western states like California, Arizona, and Nevada. Of course they lost Utah, but as Kathleen McGinty had predicted, Utahns are voters "who, in candor, are unlikely to support the Administration under any circumstances."

In the final analysis, the Utah Monument designation was all about politics. To achieve their political ends, the Clinton-Gore Administration contorted a century-old statute and evaded the environmental requirements they foist on others. The Administration took pains to see that no one knew about this decision until the last minute, even to the point of deceiving the entire Utah Congressional delegation—all so they could get a political photo-op out of the monument proclamation, and preclude any Congressional action that might stop the event. It comes as no surprise the announcement event was finally held not in Utah, but across the Grand Canyon in more hospitable Arizona. This was an abuse of discretion under the Antiquities Act and a violation of NEPA by the Clinton-Gore Administration.

August 3, 1995.

To: Raynor Baum.
Re: Antiquities Act.

Attached are some sample Pres proclamations. Some just designate the monument, other designate and withdraw the monument. It would follow that anwr could be designated—a prestige issue—without a further withdrawal of land.

We should meet. I think we have enough materials for a meeting with John. He was not looking for a paper, but rather a brief talk about the choices and legal risks.

Dave.

PRESIDENTIAL PROCLAMATIONS

1. The Antiquities Act of 1906 provides: "The President . . . is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government . . . to be national monuments, and may reserve as part thereof parcels of lands, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. 16 U.S.C. §431."

2. History: "Many areas of the National Park System were originally established as national monuments under this act and placed under the care of the Department of the Interior to be administered by the National Park Service under the Service's Organic Act of 1916. 16 U.S.C. §1. The most recent proclamations were signed by President Carter and established various Alaska monuments, the predecessors to the national parks and preserves eventually established by the Alaska National Interest Lands Conservation Act."

3. Analysis: When the president undertakes the preparation of a proclamation, the restrictions of the law must be carefully observed and documented. The lands must be federally owned or controlled. Private and state lands are excluded.

The area must be the smallest area compatible with management of the objects. Although broad discretion is vested in the president, the administrative record must reflect the rationale basis for the acreage.

Most areas of the National Park System were established because of objects of historic or scientific interest. Again, an administrative record must be established regarding the objects to be protected and their significance properly demonstrated.

4. Other Laws: The Federal Land Policy and Management Act, 43 U.S.C. §1701, does not preclude or restrain presidential proclamations, even though it has restrictions on other forms of public land withdrawals of areas over 5,000 acres. See 43 U.S.C. §1714(c)(1).

To the extent the Secretary proposes a national monument, NEPA applies. However, monuments proposed by the president do not require NEPA compliance because NEPA does not cover presidential actions. To the extent that the president directs that a proclamation be drafted and an area withdrawn as a monument, he may direct the Secretary of the Interior to be part of the president's staff and to undertake and complete all the administrative support. This Interior work falls under the presidential umbrella.

5. Litigation: "I have attached the most recent case involving the Alaska monuments.

The case is instructive and should be read, understood and followed. Careful observance of the administrative and institutional structures as well as a focused administrative record will enhance success in the court house."

Record Type: Federal (all-in-1 mail).
Creator: Kathleen A. McGinty (McGinty, K.) (CEQ).
Creation Date/Time: 20-MAR-1996 08:01:40.12.
Subject: Utah letter to Babbitt.
To: Thomas C. Jensen.
Text: "I don't have this document. But, I want to see it personally and clear off on it." thx.

ATTACHMENT 1

Att Creation Time/Date: 19-MAR-1996 19:02:00.00.
Att Bodypart Type: E.
Att Creator: CN=Linda L. Lance/O=OVP.
Att Subject: Letter to Babbit re monuments.
Att To: McGinty, K; Glauthier, T; Jensen, T; Bear, D; Fidler, S; Crutchfiel, J; Shuffield, A.
Text: "Message Creation Date was at 19-MAR-1996 19:02:00"

Attached is a letter to Babbit as we discussed yesterday that makes clear that the Utah monument action is one generated by the Executive Office of the President, not the agency. Craig drafted and I edited.

It seems to me it could go from Katie and/or TJ rather than having to go through the clearance process for the pres. signature since time is a concern, but Dinah should sign off on that, and it could be done either way.

Also, do we know whether the canyonlands and arches areas we're considering would be affected by the Utah wilderness bill—see my question in bold on the attachment.

Katie and TJ, you should agree on how to sign this, and then one of your offices can just finalize and sent it out. Ideally it should go tomorrow. If you want to discuss, just yell.

ATTACHMENT 2

Att Creation Time/Date: 19-MAR-1996 19:01:00.00.
Att Bodypart Type: D.
Text: "The following attachments were included with this message".

ATTACHMENT 3

Att Creation Time/Date: 19-MAR-1996 19:01:00.00.
Att Bodypart Type: P.
Att Subject: Parksltr.
Text: "Dear Secretary Babbitt,

The President has asked that we contact you to request information within the expertise of your agency. As you know, the Congress currently is considering legislation that would remove significant portions of public lands in Utah from their current protection as wilderness study areas. Protection of these lands is one of the highest environmental priorities of the Clinton Administration.

Therefore, on behalf of the President I/we are requesting your opinion on what, if any, actions the administration can and should take to protect Utah lands that are currently managed to protect wilderness eligibility, but that could be made unsuitable for future wilderness designation if opened for development by Congress. [Do the canyonlands and arches areas fit this description? Are they threatened by the Utah wilderness bill? Is there a better way to describe the relevant lands?] The President particularly seeks your advice on the suitability of such lands for designation as national monuments under the Antiquities Act of 1906.

The President wishes to act to protect these lands as expeditiously as possible, particularly given the threat from pending congressional action. Please respond as soon as possible. If there are land areas that you have already reviewed and that may be appropriate for immediate action, please provide that information separately and as soon as possible.

Thank you for your assistance.

Katie and/or TJ.

Record Type: Federal (ALL 1-1 MAIL).
Creator: Thomas C. Jensen (JENSEN, T) (CEQ).
Creation Date/Time: 20-MAR-1996 08:26:53.99
Subject: Linda's park letter to babbitt.
To: Thomas C. Jensen.
Read: 20-MAR-1996 08:27:08.41.
To: Kathleen A. McGinty.
Text: Dear Secretary Babbitt,

The President has asked that we contact you to request information within the expertise of your agency. As you know, the Congress currently is considering legislation that would remove significant portions of public lands in Utah from their current protection as wilderness study areas. Protection of these lands is one of the highest environmental priorities of the Clinton Administration.

Therefore, on behalf of the President I/we are requesting your opinion on what, if any, actions the Administration can and should take to protect Utah lands that are currently managed to protect wilderness eligibility, but that could be made unsuitable for future wilderness designation if opened for development by Congress. [do the canyonlands and arches areas fit this description? are they threatened by the utah wilderness bill? is there a better way to describe the relevant lands?] The President particularly seeks your advice on the suitability of such lands for designation as national monuments under the Antiquities Act of 1906.

The President wishes to act to protect these lands as expeditiously as possible, particularly given the threat from pending congressional action. Please respond as soon as possible. If there are land areas that you have already reviewed and that may be appropriate for immediate action, please provide that information separately and as soon as possible.

Thank you for your assistance.

Katie and/or TJ.

Record Type: Federal (EXTE. .L MAIL).
Creator: CN=Linda L. Lance.
Creation Date/Time: 21-MAR-1996 18:36:00.00.
Subject: Re: KM's comments on yesterday's monument letter.
To: McGinty, K; :jensen, t, :bear, d; :crutchfiel, j; :glauthier, t.
TEXT: Message Creation Date was at 21-MAR-1996 18:40:00.

I completely agree that this can't be pitched as our answer to their utah bill. but i'm having trouble deciding where we go from here. if we delink from utah but limit our request for info to utah, why? if we instead request info on all sites that might be covered by the antiquities act, we probably get much more than we're probably ready to act on, including some that might be more compelling than the utah parks? am i missing something or lacking in creativity? is there another utah hook? whatdya think?

I'm getting concerned that if we're going to do this we need to get this letter going tomorrow. almost everything else is pretty much ready to go to the president for decision, although some drafting of the formal documents like pres. memos still needs to be done.

Thanks for you help.

Record Type: Federal (External Mail).
Creator: CN=Linda L. Lance.
Creation Date/Time: 22-Mar-1996 18:56:00.00.
Subject: redraft of president's babbitt letter and question.
To: Glauthier, T; McGinty, K; Jensen, T; Bear, D; Crutchfiel, J; Beard, B.
Text: Message Creation Date was at 22-Mar-1996 19:00:00.

Attached is a minimalist approach to the letter to Babbitt. Contrary to what justice may have suggested, I think it's important that he limit the inquiry to lands covered by the antiquities act, since that's the area in which he can act unilaterally. To make a broader request risks scaring people, and/or promising followup we can't deliver.

I realized the real remaining question is not so much what this letter says, but the political consequences of designating these lands as monuments when they're not threatened with losing wilderness status, and they're probably not the areas of the country most in need of this designation. Presidents have not used their monument designation authority in this way in the past—only for large dramatic parcels that are threatened. Do we risk a backlash from the bad guys if we do these—do they have the chance to suggest that this administration could use this authority all the time all over the country, and start to argue that the discretion is too broad?

I'd like to get your view, and political affairs, on this. Maybe I'm overreacting, but I think we need to consider that issue.

ATTACHMENT 1

Att Creation Time/Date: 22-Mar-1996 18:59:00.00.
Att Bodypart Type: D.
Text: The following attachments were included with this message.

ATTACHMENT 2

Att Creation Time/Date: 22-Mar-1996 18:59:00.00.
Att Bodypart Type: p.
Att Subject: Parkpres.
Text: Dear Secretary Babbitt,

It has come to my attention that there may be public lands in Utah that contain significant historic or scientific areas that may be appropriate for National Monument status under the Antiquities Act of 1906. Therefore, I am requesting any information available to your Department on Utah lands owned or controlled by the United States that contain historic landmarks, historic or prehistoric structures, or other objects of historic or scientific interest.

Please respond as soon as possible. If there are land areas that you have already reviewed and that may be appropriate for immediate consideration, please provide that information separately and as soon as possible.

Thank you for your assistance.

WJC.

Record Type: Federal (External Mail)
Creator: McGinty
Creation Date/Time: 25-MAR-1996 13:21:00.00.
Subject: Re: redraft of president's Babbitt letter and question
To: T. J. Glauthier; Linda L. Lance; Jensen T.; Bear, D.; Crutchfield, J.; Beard, B.

Text: I'm increasingly of the view that we should just drop these Utah ideas. We do not really know how the enviros will react and I do think there is a danger of "abuse" of the withdraw/antiquities authorities especially because these lands are not really endangered.

Record Type: Federal (All-in-1 Mail).
Creator: Thomas C. Jensen (JensenXT) (CEQ)
Creation Date/Time: 25-MAR-1996 13:29:44.93.
Subject: Potus letter re-do
To: Linda L. Lance; T. J. Glauthier; James Craig Crutchfield; Bruce D. Beard; Dinah Bear; Kathleen A. McGinty.

Text: Attached is my re-do of the draft potus letter to Babbitt. I've added the reference to Glen Canyon NRA for two reasons: first, because some the lands we're reviewing next to Canyonlands are more proximate to GCNRA. Second, because KM and others may want to rope in the Kaiparowits and Escalante Canyons regions (which are adjacent to GCNRA) if this package ultimately doesn't seem adequate to the President's overall purpose. Call if you've got any questions.

You're doing a great job.

TOM.

ATTACHMENT 1

Att Creation Time/Date: 25-MAR-1996 13:25:00.00.
Att Bodypart Type: p.
Att Creator: Thomas C. Jensen.
Text: Dear Secretary Babbitt,

It has come to my attention that there may be public lands adjacent to Glen Canyon National Recreation Area, Canyonlands National Park and Arches National Park in Utah that contain significant historic or scientific areas that may be appropriate for protection through National Monument status under the Antiquities Act of 1906. Therefore, I am requesting any information available to your Department on lands owned or controlled by the United States adjacent to Glen Canyon National Recreation Area, Canyonlands National Park or Arches National Park that contain historic landmarks, historic or prehistoric structures, or other objects of historic or scientific interest.

Please respond as soon as possible. If there are land areas that you have already reviewed and that may be appropriate for immediate consideration, please provide that information separately and as soon as possible.

Thank you for your assistance.

WJC.

Record Type: Federal (All-in-1 mail).
Creator: Kathleen A. McGinty (McGinty K) (CEQ).
Creation date/time: 27-Mar-1996 15:49:36.19.
Subject: pls discuss this with tom.
To: Robert C. Vandermark

Text: Rob, I want to see this letter and comment. pls coordinate with tom so we send one set of comments back to Linda.

ATTACHMENT 1

ATT bodypart Type: E
ATT: Creator: CN=Linda L. Lance/O=OVP
ATT Subject: another Babbitt letter draft
To: McGinty; K; Jensen, T; Bear, D; Crutchfield, J; Beard B; Glauther T
Text: Message Creation Date was at 27 Mar 1996 12:40:00.

since i and i think others were persuaded at yesterday's meeting w/ interior that we shouldn't write off the canyonlands and arches monuments just yet, here's another try at a draft letter to babbitt to get this process started. if this looks ok, i'd like to run it by justice before it goes out.

tj was going to try to get offices together to discuss the monuments issue, and we need to do that. but since we're now looking at 4/9 as a possible announcement date, i'd propose getting this letter agreed on and getting a decision memo to the president just on sending the letter to interior. even if we don't ultimately do the monument, it won't hurt to have this letter go out and have interior formally return info to us. we'll never have this ready by 4/9 if a letter doesn't go soon. according to justice, the info justice has seen so far isn't an adequate admin record, so interior will have some work to do.

i'll try to draft a short decision memo to the president on sending this letter (for tj and katie's signature??) so that you all can look at it today. let me know if you have problems w/ this approach, or comments on the letter.

ATTACHMENT 2

ATT Creation time/date: 27 Mar 1996 12:41:00.00
ATT Bodypart Type D
Text: The following attachments were included with this message:

ATTACHMENT 3

ATT Creation time/date 27 Mar 1996 12:41:00.00
ATT Bodypart Type: p
ATT Subject: Parkpres
Text: Dear Secretary Babbitt,

It has come to my attention that there may be public lands adjacent to Canyonlands and Arches National Parks in Utah that contain significant historic or scientific areas that may be appropriate for protection through National Monument status under the Antiquities Act of 1906. Therefore, I am requesting any information available to your Department on lands owned or controlled by the United States adjacent to Cayonlands or Arches National Parks that contain historic landmarks, historic or prehistoric structures, or other objects of historic or scientific interest.

Please respond as soon as possible. If there are land areas that you have already reviewed and that may be appropriate for immediate consideration, please provide that information separately and as soon as possible.

Thank you for your assistance.

WJC.

Record Type: Federal (External mail).
Creator: CN=Linda L. Lance.
Creation date/time: 29-MAR-1996 19:00:00.00.
Subject: Monday meeting w/Interior and question.
To: Jensen T; McGinty K; Galauthier T
Text: Message Creation Date was at 29-MAR-1996 19:01:00.

Tom and I agreed that the fastest way to come to closure on remaining monument/Utah issues is for he and I to go to Interior on Monday to meet with Anne Shield, NPS folks, and solicitors office. Anne has agreed to schedule something for 2 p.m. Monday in the secretary's conference room. Tom I really hope that works for you, or that you can rearrange to attend. If not, let me know what will work for you on Monday p.m.

If Katie or TJ want to attend and it helps to move it here, we can do that, but I think we need to get with them soon. We'll push them on new wilderness inventory and Kaparowitz/Escalante.

The question I have for you guys is why does Anne react so negatively to the idea of having George Frampton there? I told her I'd left a message for him in Colorado, and thought he should be at the meeting, and she gave me a lecture about how he wouldn't have the necessary info, hadn't been involved, she had no idea when he'd be back in D.C., we need to have Destry there, etc.

Is there a reason for me to insist on scheduling this when Frampton can be there? Does he have a perspective on this that they don't? Is there some friction between him and the NPS folks that have been involved? Let me know. Thanks.

COUNCIL ON ENVIRONMENTAL QUALITY,
WASHINGTON DC, MARCH 29, 1996.
MEMORANDUM FOR THE PRESIDENT
FROM: KATHLEEN A. MCGINTY
RE: ATTACHED LETTER TO SECRETARY BABBITT FOR YOUR SIGNATURE

I. ACTION-FORCING EVENT

As you know, we are putting together a package of national park protection actions for your consideration that, if you approve, may be announced at an event on April 9. As part of that initiative, and in response to the threat to Utah wilderness lands that was posed by the recently-defeated Republican parks bill, we have been reviewing Utah public lands to ensure that we are doing everything possible to provide appropriate protection to those lands. We have focused particularly on public lands that contain historic or scientific resources or are threatened by development.

It has come to my attention that there may be federally-owned lands adjacent to Glen Canyon National Recreation Area, Canyonlands National Park and Arches National Park in Utah that may warrant protection as national monuments. Statutory authority to issue a proclamation declaring public lands to be national monuments is available only to the President, who cannot delegate such authority.

Case law interpreting this authority has further held that the President can request information from his advisors on the suitability of certain lands for such designation, but that the action must be initiated by the President, not an advisor. For that reason, it is necessary that you formally request Secretary Babbitt to provide you with such information before we can obtain the necessary background to consider such designation on the merits. We need to do that as soon as possible so that this designation can be completed in time for a possible April 9 announcement. The attached letter makes that request.

II. BACKGROUND ANALYSIS

The Antiquities Act of 1906 provides the President with discretionary authority to declare by public proclamation objects of historic or scientific interest that are on lands owned or controlled by the Government to be national monuments. Only an

Act of Congress can disestablish a monument.

Reservation as a national monument generally offers protection to the area comparable to that of a National Park, including closure to future mineral leasing claims. The agency managing the monument can grandfather existing uses of the land, such as grazing permits.

No final decision about the designation of Utah lands as national monuments can be made without additional material from the Department of Interior. However, currently available information indicates that significant Bureau of Land Management acreage adjacent to each of the areas addressed in the letter contains historic and scientific objects of importance, including numerous archaeological sites, Indian rock art, geological formations and wildlife habitat.

III. RECOMMENDATION

I recommend that you sign the attached letter requesting information on Utah lands from Secretary Babbitt

IV. DECISION

—Approve —Approve as amended —Reject —No action.

THE WHITE HOUSE,
Washington, March 29, 1996.

Hon. BRUCE BABBITT,
Secretary of the Interior, Washington, D.C.

DEAR BRUCE: It has come to my attention that there may be public lands adjacent to Glen Canyon National Recreation Area, Canyonlands National Park and Arches National Park in Utah that contain significant historic or scientific areas that may be appropriate for protection through National Monument status under the Antiquities Act of 1906. Therefore, I am requesting any information available to your Department on lands owned or controlled by the United States adjacent to Glen Canyon National Recreation Area, Canyonlands National Park or Arches National Park that contain historic landmarks, historic or prehistoric structures, or other objects of historic or scientific interest.

Please respond as soon as possible. If there are land areas that you have already reviewed and that may be appropriate for immediate consideration, please provide that information separately and as soon as possible.

Thank you for your assistance.

Sincerely,

BILL CLINTON.

Record type: Federal (All-in-1 IL).
Creator: Kathleen A. McGinty (MCGINTY—K) (CEQ).
Creation date/time: 3-APR-1996 18:04:45.13.
Subject: parks meeting tomorrow
To: Linda L. Lance
To: Thomas C. Jensen
To: Lisa Guide

Text: For the meeting tomorrow at 3, I believe we need a short summary (1–2 pp) of all of the parts of the package. Thx. I see this as a major decision-making meeting. On the Utah pieces; on the overall package; on potus involvement. By the way Leshy said to me today that he thought there was no way they could get info on Kaipairowitz (sp?) and that Escalante was a maybe.

Record Type: Federal (All in-1 Mail).
Creator: James Craig Crutchfield (Crutchfield J) (OMB).
Creation date/time: 3-Apr-1996 10:09:39.50.
Subject: Parks Initiative update.
To: T.J. Glauthier; Ron Cogswell; Bruce D. Beard; Marvis G. Olfus; Linda L. Lance; Thomas C. Jensen.

Text: According to Linda Lance, the Parks Initiative is not currently on the President's schedule and no event is likely before the President's mid-April international trip. May/June is a more realistic timeframe. Interior may not be happy about this, but they created a false urgency by citing a pending Gingrich parks proposal. (It now appears that the only imminent Republican proposal is the Senate Omnibus lands bill, which is on hold because of Utah wilderness.)

Other key points:

Sufficiently Presidential? Linda and Tom Jensen met on Monday with Interior to address skepticism from the West Wing about whether the Initiative is worthy of a Presidential event. (Ann Shields grumbled that it would be Presidential if it retained the tax proposals.) They discussed three new candidates for National Monument designation in Utah (Kiparowitz, Grand Gulch, and Escalante), each with pros and cons, and Interior agreed to review these options further. Interior/NPS complained that their park proposal was morphing into a Utah proposal, but Tom and Linda dismiss this complaint.

POTUS letter to Babbitt was sent up for signature on Friday (3/31), but no word from W.H. Clerk on whether it was signed. By requesting Babbitt to provide information on lands in Utah for possible designation as National Monuments, this letter would establish the needed Administrative record to defend use of the Antiquities Act. The final letter was revised to reference other public lands around Glen Canyon NRA, leaving open the possibility for adding the sites noted above.

From: Sam Kalen 4/25/96 11:42AM
To: John Leshy, Dave Watts, Robert Baum.
cc: Edward Cohen.
Subject: Re: Antiquities Act.

As I recall, the advice we have given over the last couple of decades is that, in order to minimize NEPA problems on Antiquities Act work, it is preferable to have a letter from the President to the Secretary asking him for his recommendations. Here are my questions:

1. Is that right? Does it have to be in writing?

2. What is the optimum timing for such a letter—before we start any work?

3. Does the letter have to be public (is it foiable at any time)? Could the President claim executive privilege or is there some other basis for withholding the letter, at least until the Secretary forwards recommendations?

4. Does the letter have to be specific geographically; e.g., "give me recommendations on use of the Act in Oregon" or "on BLM lands in western Oregon" or is "nationwide—anywhere on lands managed by agencies under your jurisdiction" OK?

5. If the President signs a proclamation, and a lawsuit is then brought challenging lack of Secretarial NEPA compliance, could a court set aside the proclamation; i.e., what is the appropriate relief?

Please give me your off-the-top-of-the-head reactions by return e-mail, and keep this close. Thanks.

I don't know what the Dept. has recommended or written in the past, but my recollection (and I will check) is that the issue was raised in connection with Alaska v. Carter and I think the court indicated that EIS not needed when President asks for recommendation. And that case was decided well before more recent NEPA law—e.g., NAFTA case, which further suggests that Secretary's response to President would not be an "action" under NEPA; of course, one could also argue a Douglas County type analogy (status quo exception for designation of monument if NEPA even applied to Executive and thus surely status quo exception for the recommendation on such designation). Additionally, to make it even less like any action under NEPA, the President's request could be for a list of areas in a certain region that DOI already has indicated are WSAs, ACECs, etc. As for FOIA, couldn't we argue deliberative process exception until designation—with harm being that disclosure would prompt nuisance type activities in the area. sam.

Record type: Federal (All-in-1 Mail).
Creator: Thomas C. Jensen (Jensen, T) (CEQ).
Creation date/time: 23-Jul-1996 15:30:42.34.
Subject: Potus letter re: Utah.
To: Peter G. Umhofer
CC: Kathleen A. McGinty.

Text: Peter, I need your help.

The following text needs to be transformed into a singed POTUS letter ASAP. The letter does not need to be sent, it could be held in an appropriate office (Katie's? Todd Stern's?) but it must be prepared and signed ASAP.

You should discuss the processing of the letter with Katie, given its sensitivity.

Dear Secretary Babbitt, it has come to my attention that there may be public lands in the general area of Glen Canyon National Recreation Area in Utah that contain significant historic or scientific values that may be appropriate for protection through National Monument status under the Antiquities Act of 1906.

As I stated when I raised this with you in conversation some weeks ago, I would ask that you provide to me any information available to your Department on lands owned or controlled by the United States in the general area of Glen Canyon National Recreation Area in Utah that contain historic landmarks, historic or prehistoric structures, or other objects of historic or scientific interest. Please respond as soon as possible. If there are land areas that you have already reviewed and that may be appropriate for immediate consideration, please provide that information separately and as soon as possible.

Thank you for your assistance.

BC.

Record, type: Federal (all -1 Mail).
Creator: Thomas C. Jensen (Jensen—T) (CEQ).
Creation date/time: 25-JUL-1996 11:40:06.21.
To: Peter G

Text: Peter, Here's a redraft of the POTUS cover memo regarding the POTUS letter to Babbitt on Utah. I've rewritten it to meet suggestions from Todd Stern. These changes may also address questions that Wes raised.

Tom

ATTACHMENT 1

Att Creation time/date: 25-JUL-1996 11:38:00.00
ATT Bodypart Type:p
ATT Creator; Thomas C. Jensen
Text:

Memorandum to the president.
From: Kattie McGinty.
Subject: Attached letter to Secretary Babbitt.

We have prepared for your signature the attached letter to Interior Secretary Babbitt. The letter will serve as a critical piece of the administration record if, as we have discussed, you decide to designate certain lands in southern Utah as national monuments under the Antiquities Act of 1906.

The Antiquities Act provides you with executive authority to set aside federal lands as national monuments in order to protect objects of scientific or historic interest. The authority has been used numerous times in the last ninety years, and served as the basis for creation of many of the Nation's most important protected areas. Many national parks in the West, including most in Utah, were originally set aside under the Antiquities Act. For example, Grand Canyon, Grand Teton, Arches, Capitol Reef, Cedar Breaks, Dinosaur, National Bridges, and Zion were originally protected by presidential orders issued under the Antiquities Act.

The purpose of the attached letter is to request from Secretary Babbitt information on federal lands in southern Utah that are suitable for monument designation. The letter serves to engage the Secretary in his role as executive staff to you.

Ordinarily, if the Secretary were on his own initiative to send you a recommendation for establishment of a monument, he would most likely be required to comply with NEPA and certain federal land management laws in advance of submitting his recommendation. But, because he is responding to your request for information, he is not required to analyze the information or recommendations under NEPA or the other laws. And, because Presidential actions are not subject to NEPA, you are empowered to establish monuments under the Antiquities Act without NEPA review.

The text of the letter is modeled after the letter sent by President Carter to the Interior Department seeking information on lands in Alaska suitable for monument designation. Based on the department's response and recommendations, President Carter set aside approximately 26 million acres as national monuments. The legality of the President's action was challenged by monument opponents, but was upheld by the federal courts. The letter to Interior was specifically cited by the courts as a principal basis for their finding of legality. We recommend that you sign the letter.

Washington, DC, July 25, 1996.

Memorandum to the President.
From: Kathleen A. McGinty.
Re: Attached letter to Secretary Babbitt.

We have prepared for your signature the attached letter to Secretary of the Interior Bruce Babbitt. The letter will serve as a critical piece of the administrative record if, as we have discussed, you decide to designate certain lands in southern Utah as national monuments under the Antiquities Act of 1906.

The Antiquities Act provides you with executive authority to set aside federal lands as national monuments in order to protect objects of scientific or historic interest. The authority has been used numerous times in the last ninety years, and served as the basis for creation of many of the Nation's most important protected areas. Many national parks in the West, including most in Utah, were originally set aside under the Antiquities Act. For example, Grand Canyon, Grand Teton, Arches, Capitol Reef, Cedar Breaks, Dinosaur, Natural Bridges, and Zion were originally protected by presidential orders issued under the Antiquities Act.

The purpose of the attached letter is to request from Secretary Babbitt information on federal lands in southern Utah that are suitable for monument designation. The lands in question represent a unique combination of archaeological, paleontological, geologic, and biologic resources in a relatively unspoiled natural ecosystem. Three general areas lying to the west of the Colorado River and to the east of Bryce Canyon National Park will be studied: the Grand Staircase, Kaiparowits Plateau, and Escalante Canyon region.

The Grand Staircase spans six major life zones, from lower Sonoran desert to Arctic-Alpine forest, and its outstanding rock formations present some four billion years of geology. The area includes numerous relict plant areas—rare examples of pristine plant ecosystems that represent the natural vegetative cover that existed in the region before domestic livestock grazing.

The Kaiparowits Plateau includes world class paleontological sites, including the best and most continuous record of Latie Cretaceous terrestrial life in the world. The area includes thousands of significant archaeological sites, including the remnants of at least three prehistoric Indian cultures. The Kaiparowits includes the most remote site in the lower 48 states.

The Escalante Canyon region, includes some of the most scenic country in the West, significant archaeological resources, unique riparian ecosystems, and numerous historic sites and trails.

These lands were at the heart of the recent legislative battle over Utah wilderness. They are, in sum, much of what the parties were fighting over. Environmentalists value the area for its astonishing beauty, remoteness, and ecological integrity. Development interests want to tap the coal resources of the Kaiparowits Plateau and, through road construction open now wild areas to commercial use.

The Kaiparowits Plateau lies in the center of the area. Two companies hold leases to mine federal coal there. One company is working with Interior to surrender its Kaiparowits leases in exchange for rights to coal elsewhere in Utah. The other lease holder, a Dutch-owned coal company with plans to ship coal to Asia, has rebuffed Interior's offers to pursue a trade. Coal development on the Kaiparowits would damage the natural, cultural, and historic values of the entire area. Monument designations would not block the proposed coal mine, per se, but would help in a variety of ways to pressure the Dutch company to surrender its leases in exchange for coal elsewhere.

Should you decide, based on the Secretary's recommendations, to designate one or more national monuments in the area, your action will be widely and vigorously supported by national environmental groups and advocates. They will be stunned and delighted by the boldness and scope of the action. There will be significant public support in those areas in which most visitors to southern Utah reside, including California, Colorado, Arizona and the Salt Lake City area. National print media strongly supported the Administration's pro-Utah wilderness stance and can be expected to support monument designations.

Utah's congressional delegation and governor will be angered by the action. CEQ is in consultation with the Counsel's office to identify measures to reduce adverse effects on matter within the control of the Senate Judiciary Committee, chaired by Senator Orrin Hatch (R-UT). Republicans are likely to characterize the action as an aspect of the so-called "War on the West."

The text of the attached letter is modeled after the letter sent by President Carter to the Department of the Interior seeking information on lands in Alaska suitable for monument designation. Based on the department's response and recommendations, President Carter set aside approximately 26 million acres as national monuments. The legality of the President's action was challenged by monument opponents, but was upheld by the federal courts. The letter to Interior was specifically cited by the courts as a principal basis for their findings of legality.

We recommend that you sign the letter seeking information and advice from Secretary Babbitt.

THE WHITE HOUSE,
Washington, July 24, 1996.

Hon. Bruce Babbitt,
Secretary of the Interior, Washington, DC.

DEAR BRUCE: As I said in conversation with you some weeks ago, it has come to my attention that there may be public lands in the general area of Glen Canyon National Recreation Area in Utah that contain significant historic or scientific values that may be appropriate for protection through National Monument status under the Antiquities Act of 1906.

I would like for you to provide me any information available to your Department on lands owned or controlled by the United States in the general area of Glen Canyon National Recreation Area in Utah that contain historic landmarks, historic or prehistoric structures, or other objects of historic or scientific interest.

Please respond to this request as soon as possible. If there are land areas that you have already reviewed and that may be appropriate for immediate consideration, please provide that information separately and as soon as possible.

Thank you for your assistance.

Sincerely,

Record Type: Federal (All-in-1 Mail).
Creator: Kathleen A. McGinty (MCGINTY—K) (CEQ).
Creation date/time: 29-JUL-1996 09:31:39.65.
Subject: Utah letter.
To: Todd Stern.

Text: wanted to just reiterate what I said about the timeliness of the letter because I was worried that, on first iteration, I may have confused you.

The president will do the Utah event on Aug 17. However, we still need to get the letter signed ASAP. The reason: under the antiquities act, we need to build a credible record that will withstand legal challenge that: (1) the president asked the secy to look into these lands to see if they are of important scientific, cultural or historic value; (2) the secy undertook that review and presented the results to the president; (3) the president found the review compelling and therefore exercised his authority under the antiquities act. presidential actions under this act have always been challenged. they have never been struck down, however.

So, letter needs to be signed ASAP so that secy has what looks like a credible amount of time to do his investigation of the matter.

we have opened the letter with a sentence that gives us some more room by making clear that the president and Babbitt had discussed this some time ago.

Many thanks.

[Document 36]

August 5, 1996.

Memorandum to Marcia Hale.
From: Kathleen A. McGinty.
Re: Utah Event Calls.

Leon Panetta asked that I prepare talking point for you to use in making calls to certain western elected officials regarding the proposed Utah event.

My notes indicate that Leon wanted you to call Governor Roy Romer, Governor Bob Miller, former Governor Mike Sullivan, former Governor Ted Schwinden, Senator Harry Reid, Senator Richard Bryan, and Representative Bill Richardson to test the waters and gather their reactions.

The reactions to these calls, and other factors, will help determine whether the proposed action occur. If a final decision has been made on the event, and any public release of the information would probably foreclose the President's option to proceed.

I would be happy to speak with you about this or provide any additional information you may require. If I am unavailable, Wesley Warren and Tom Jensen of my staff are prepared to assist you.

Attachment.

August 14, 1996.

Memorandum to the President.
From: Katie McGinty.
Subject: Proposed Utah Monument Designation and Event.

INTRODUCTION AND BACKGROUND

This memo responds to your request yesterday for additional information on the proposed event at which you would announce designation of certain BLM lands in Utah as a national monument.

In brief, the current proposal is that you should use your authority under the Antiquities Act of 1906 to establish the "Grand Staircase-Escalante National Monument," a new national monument covering approximately 1.7 million acres of federal land in Utah managed by the Interior Department's Bureau of Land Management.

At your direction, the Secretary of the Interior, in cooperation with the Department of Justice, has prepared the analyses and documents that are required to support creation of the proposed new national monument. A draft version of those materials is attached for your information. Final versions should be transmitted to the White House today and should be ready for execution within 24 hours.

OPTIONS FOR ANNOUNCEMENT

Three alternate events have been discussed to frame announcement of your action. Some advisors believe that the announcement should take place in a formal Oval Office-type setting, so as to emphasize the presidential character of the action. This course would allow the most scheduling flexibility.

Other advisors recommend that you make the announcement on or near the lands to be covered by the monument designation. The area is very scenic and would offer great, unique visuals, but the country is rough and remote with difficult logistics. The first attached sheet of photos shows views of or from potential event sites on lands covered by the new monument designation. The landscape is sere, but strikingly beautiful. Because of good air quality, views extend beyond 100 miles. Morning and afternoon light bring out the land's colors best. August weather is hot, probably windy, with a chance of afternoon and evening thunderstorms.

The closest town with an airport capable of handling jet aircraft is Page, Arizona, a small town located on the Arizona-Utah border next to Lake Powell and Glen Canyon Dam. Travel time from the Page airport to the most likely event locations would be roughly 15 minutes by helicopter or 1 hour by four-wheel drive vehicle. The National Park Service maintains significant enforcement and other staff nearby at Glen Canyon National Recreation Area and Grand Canyon National Park and can be called upon with short notice to assist with event logistics. Based on our experience with the proposed "condor release" event (which would have occurred in the same general area), I estimate that an appropriate event could be organized with roughly 48–72 hours lead time. Secretary Babbitt notes that this option would have the most confrontational or "in-your-face" character of the three.

The third option would be to hold the event in Jackson Hole. The logistics and scheduling would be much simpler than the Utah site option and, like the Oval Office option, would not present the same confrontational aspect associated with an event in Utah.

For my part, I believe that any of the three options will adequately serve the purposes underlying establishment of a new monument.

PURPOSE OF THE UTAH EVENT

The purpose of the new monument designation would, in general, be to provide additional protection for scenic public lands with high scientific and historical value. More specifically, monument designation would grant the Interior Department additional leverage to forestall a proposed coal mine in the area.

The political purpose of the Utah event is to show distinctly your willingness to use the office of the President to protect the environment. In contrast to the Yellowstone ceremony, this would not be a "feel-good" event. You would not merely be rebuffing someone else's bad idea, you would be placing your own stamp, sending your own message. It is our considered assessment that an action of this type and scale would help to overcome the negative views toward the Administration created by the timber rider. Designation of the new monument would create a compelling reason for persons who are now disaffected to come around and enthusiastically support the Administration.

Establishment of the new monument will be popular nationally in the same way and for the same reasons that other actions to protect parks and public lands are popular. The nationwide editorial attacks on the Utah delegation's efforts to strip wilderness protection from these and other lands is a revealing recent test of public interest in Utah's wild lands. In addition, the new monument will have particular appeal in those areas that contribute most visitation to the parks and public lands of southern Utah, namely, coastal California, Oregon, and Washington, southern Nevada, the Front Range communities of Colorado, the Taos-Albuquerque corridor, and the Pheonix-Tucson area. This assessment squares with the positive reactions by Sen. Reid, Gov. Romer, and Rep. Richardson when asked their views on the proposal.

Opposition to the designation will come from some of the same parties who have generally opposed the Administration's natural resource and environmental policies and who, in candor, are unlikely to support the Administration under any circumstances. It would draw fire from interests who would characterize it as anti-mining, and heavy-handed Federal interference in the West. Gov. Miller's concern that Nevada's sagebrush rebels would not approve of the new monument is almost certainly correct, and echoes the concerns of other friends, but can be offset by the positive response in other constituencies.

THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

The Antiquities Act provides you with executive authority to set aside federal lands as national monuments in order to protect objects of scientific or historic interest. The authority has been used more than 100 times in the last ninety years, and served as the basis for creation of many of the Nation's most important protected areas. Many national parks in the West, including most in Utah, were originally set aside under the Antiquities Act. For example, Grand Canyon, Grand Teton, Arches, Capitol Reef, Cedar Breaks, Dinosaur, Natural Bridges, and Zion were originally protected by presidential orders issued under the Antiquities Act. Since World War II, every President except Presidents Nixon, Reagan, and Bush have established national monuments.

The attached memorandum from Secretary Babbitt recommends that approximately 1.7 million acres of federal land managed by the Bureau of Land Management in southern Utah be designated as the "Grand Staircase-Escalante National Monument."

The lands in question represent a unique combination of archaeological, paleontological, geologic, and biologic resources in a relatively unspoiled natural ecosystem. Three general areas lying to the west of the Colorado River and to the east of Bryce Canyon National Park would be covered by the new monument: the Grand Staircase, Kaiparowits Plateau, and the Escalante Canyon region.

The Grand Staircase spans six major life zones, from lower Sonoran desert to Arctic-Alpine forest, and its outstanding rock formations present some four billion years of geology. The area includes numerous relict plant areas—rare examples of pristine plant ecosystems that represent the natural vegetative cover that existed in the region before domestic livestock grazing.

The Kaiparowits Plateau includes world class paleontological sites, including the best and most continuous record of Late Cretaceous terrestrial life in the world. The area includes thousands of significant archaeological sites, including the remnants of at least three prehistoric Indian cultures. The Kaiparowits includes the most remote site in the lower 46 states.

The Escalante Canyon region includes some of the most scenic country in the West, significant archaeological resources, unique riparian ecosystems, and numerous historic sites and trails.

EFFECTS OF MONUMENT DESIGNATION

There is very little current human use of the area proposed for monument designation and, 'with the exception of the proposed coal mine discussed below, current and anticipated uses are generally compatible with protection of the area as a monument and would not be affected.

The proposed proclamation would apply to only federal lands. Private and state-owned parcels would be excluded from the monument.

The new monument would be subject to valid existing rights, but would preclude new mining claims in the area.

The proclamation would depart from prior practice and would not reserve federal water rights. This approach on water rights reflects the judgment that an assertion of water rights would invite unnecessary controversy. Some of the objects to be protected by the monument designation do not require water. There is very little water in the area, and what water there is probably has already been claimed under state law. As a part of the study described below, the Secretary will determine whether to seek water rights.

Finally, the proclamation would direct the Secretary of the Interior to prepare a management plan for the area within three years. Although the precise outcome of the three-year planning process cannot be forecast, the Secretary believes that current uses of the area, including grazing, hunting, fishing, off-road vehicle use and similar activities would generally not be affected at current levels or in current areas of use.

The principal substantive effect of the monument designation will be on a proposed coal mine on the Kaiparowits Plateau.

The Kaiparowits Plateau lies in the center of the area that would be covered by the monument designation. Two companies hold leases to mine federal coal there. One company is working with Interior to surrender its Kaiparowits leases in exchange for rights to coal elsewhere in Utah (a situation quite similar to the case of the New World Mine). The other lease holder, Andalex Resources, a Dutch-owned coal company with plans to ship coal to Asia, has rebuffed Interior's offers to pursue a trade.

Coal development on the Kaiparowits would damage the natural values of the entire area. Monument designations would not block the proposed coal mine, per se, but would help in a variety of ways (described at length in the Secretary's attached memo, to persuade Andalex to surrender its leases in exchange for coal elsewhere.

This step—reducing or eliminating the risk of coal mining on the Kaiparowits—would represent an immense victory in the eyes of envrionmental groups and, based on the editorial written on the subject during the Utah wilderness bill debate, would be widely hailed in the media.

Washington, DC, August 14, 1996.

Memorandum for the President.

From: Kathleen A. McGinty.

Re: Proposed Utah Monument Designation and Event.

INTRODUCTION AND BACKGROUND

This memo responds to your request yesterday for additional information on the proposed event at which you would announce designation of certain Bureau of Land Management (BLM) lands in Utah as a national monument.

In brief, the current proposal is that you should use your authority under the Antiquities Act of 1906 to establish the "Grand Staircase-Escalante National Monument," a new national monument covering approximately 1.7 million acres of federal land in Utah managed by the BLM of the Department of the Interior (DOI).

At your direction, the Secretary of the Interior, in cooperation with the Department of Justice, has prepared the analyses and documents that are required to support creation of the proposed new national monument. A draft version of those materials is attached for your information. Final versions should be transmitted to the White House today and should be ready for execution within 24 hours.

OPTIONS FOR ANNOUNCEMENT

Three alternate events have been discussed to frame announcement of your action. Some advisors believe that the announcement should take place in a formal Oval Office-type setting, so as to emphasize the presidential character of the action. This course would allow the most scheduling flexibility.

Other advisors recommend that you make the announcement on or near the lands to be covered by the monument designation. The area is very scenic and would offer great, unique visuals, but the country is rough and remote with difficult logistics. The first attached sheet of photos shows views of or from potential event sites on lands covered by the new monument designation. The landscape is sere, but strikingly beautiful. Because of good air quality, views extend beyond 100 miles. Morning and afternoon light bring out the land's colors best. August weather is hot, probably windy, with a chance of afternoon and evening thunderstorms.

The closest town with an airport capable of handling jet aircraft is Page, Arizona, a small town located on the Arizona-Utah border next to Lake Powell and Glen Canyon Dam. Travel time from the Page airport to the most likely event locations would be roughly 15-minutes by helicopter or 1 hour by four-wheel drive vehicle. The National Park Service maintains significant enforcement and other staff nearby at Glen Canyon National Recreation Area and Grand Canyon National Park and can be called upon with short notice to assist with even logistics. Based on our experience with the proposed "condor release" event (which would have occurred in the same general area), I estimate that an appropriate event could be organized with roughly 48–72 hours lead time. The Secretary of the Interior, Bruce Babbitt, notes that this option would have the most confrontational of "in-your-face" character of the three.

The third option would be to hold the event in Jackson Hole. The logistics and scheduling would be much simpler than the Utah site option and, like the Oval Office option, would not present the same confrontational aspect associated with an event in Utah.

For my part, I believe that any of the three options will adequately serve the purposes underlying establishment of a new monument.

PURPOSE OF THE UTAH EVENT

The purpose of the new monument designation would, in general, be to provide additional protection for scenic public lands with high scientific and historical value. More specifically, monument designation would grant DOI additional leverage to forestall a proposed coal mine in the area.

The political purpose of the Utah event is to show distinctly your willingness to use the office of the President to protect the environment. In contrast to the Yellowstone ceremony, this would not be a "feel-good" event. You would not merely be rebuffing someone else's bad idea, you would be placing your own stamp, sending your own message. It is our considered assessment that an action of this type and scale would help to overcome the negative views toward the Administration created by the timber rider. Designation of the new monument would create a compelling reason for persons who are now disaffected to come around and enthusiastically support the Administration.

Establishment of the new monument will be popular nationally in the same way and for the same reasons that other actions to protect parks and public lands are popular. The nationwide editorial attacks on the Utah delegation's efforts to strip wilderness protection from these and other lands is a revealing recent test of public interest in Utah's wild lands. In addition, the new monument will have particular appeal in those areas that contribute most visitation to the parks and public lands of southern Utah, namely, coastal California, Oregon, and Washington, southern Nevada, the Front Range communities of Colorado, the Taos-Albuquerque corridor, and the Phoenix-Tucson area. This assessment square with the positive reactions by Senator Harry Reid (D–NV), Governor Roy Romer (D–CO), and Representative Bill Ricahrdson (D–NM) when asked their views on the proposal.

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The attached memorandum from Secretary Babbitt recommends that approximately 1.7 million acres of federal land managed by the BLM in southern Utah be designated as the "Grand Staircase-Escalante National Monument."

The lands in question represent a unique combination of archaeological, paleontological, geologic, and biologic resources in a relatively unspoiled natural ecosystem. Three general areas lying to the west of the Colorado River and to the east of Bryce Canyon National Park would be covered by the new monument: the Grand Staircase, Kaiparowits Plateau, and the Escalante Canyon region.

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EFFECTS OF MONUMENT DESIGNATION

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The new monument would be subject to valid existing rights, but would preclude new mining claims in the area.

The proclamation would depart from prior practice and would not reserve federal water rights. This approach on water rights reflects the judgment that an assertion of water rights would invite unnecessary controversy. Some of the objects to be protected by the monument designation do not require water. There is very little water in the area, and what water there is probably has already been claimed under state law. As a part of the study described below, the Secretary will determine whether to seek water rights.

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The Kaiparowits Plateau lies in the center of the area that would be covered by the monument designation. Two companies hold leases to mine federal coal there. One company is working with DOI to surrender its Kaiparowits leases in exchange for rights to coal elsewhere in Utah (a situation quite similar to the case of the New World Mine). The other lease holder, Andalex Resources, a Dutch-owned coal company with plans to ship coal to Asia, has rebuffed DOO's offers to pursue a trade.

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Record Type: Federal (All-in—Mail).
Creator: Kathleen A. McGinty (McGinty—KA1) (CEQ).
Creation date/time: 23-Aug-1996 16:29:34.89.
Subject: Utah—weekly report.
To: Peter G. Umhofer.
CC: Thomas C. Jensen

Text: As you know, a draft national monument declaration has been prepared for your review by the Department of Interior. Per your request, the Department studied the area and found it incredibly rich archaeologically (anasasi ruins) and ecologically (unique and pristine natural resources); already in Federal ownership, and therefore, suitable for monument designation under the Antiquities act. In addition, Interior also reports that currently, a foreign coal company called Andalax Resources is pushing to open a coal mine in the heart of the area. While a monument designation is not capable of stopping the mine (all existing property rights and uses would be held harmless), it would make it more difficult for the mining company to secure approval of their request for a 22 mile road that they would propose to run across federal land, again in the heart of this area. In this regard, the situation is very similar to where we were last year on Yellowstone—mine proposed; mine requesting use of federal land. Under these circumstances last year, your exercised authority to withdraw surrounding land from mining activity. Like the monument designation here, that action did not stop the Yellowstone mine, but it did erect significant barriers to it.

It was originally proposed that you would announce the monument during your vacation. Work was pushed to meet that deadline. I am very concerned now that, since we did not move forward at that time, but significant work was done, news of this will leak out. I strongly recommend that we move forward with this initiative. Others are concerned that it will ignite a "War on the West" backlash, and indeed, the Utah delegation—including Bill Orton—will be displeased to say the least. However, the attached editorial from the Salt Lake Tribune decries Dole's "Whine on the West", and in many other places in the west (CO, CA, WA, OR, NM) this would be extremely well received.

In any event, we need to decide this soon, or I fear, press leaks will decide it for us.

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, August 23, 1996.
Memorandum for the President.
From: Kathleen A. McGinty.
CC: Leon Panetta.
Re: CEQ Weekly Report.

UTAH

As you know, a draft national monument declaration has been prepared for your review by the Department of the Interior (DOI). Per your request, DOI studied the area and found it incredibly rich archaeologically (anasasi ruins) and ecologically (unique and pristine natural resources). Because the area is already in Federal ownership, it is therefore suitable for monument designation under the Antiquities Act.

DOI also reports that a foreign coal company called Andalex Resources currently is pushing to open a coal mine in the heart of the area. While a monument designation is not capable of stopping the mine (all existing property rights and uses would be held harmless), it would make it more difficult for the mining company to secure approval of their request for a 20 mile road that they would propose to run across federal land, again in the heart of this area. In this regard, the situation is very similar to where we were last year on Yellowstone—a proposed mine requesting use of federal land. Under these circumstances last year, you exercised authority to withdraw surrounding land from mining activity. That action did not stop the Yellowstone mine, but it did erect significant barriers to it as would the monument designation here.

It was originally proposed that you would announce the monument during your vacation. Work was pushed to meet that deadline. I am very concerned now that, since we did not move forward at that time, but significant work was done, news of this will leak out. I strongly recommend that we move forward with this initiative. Others are concerned that it will ignite a "War on the West" backlash, and indeed, the Utah delegation—including Congressman Bill Orton (D-UT)—will be displeased to say the least. However, the attached editorial from the Salt Lake Tribune decries Dole's "Whine on the West", and I believe that in many other places in the west (CO, CA, WA, OR, NM) this initiative would be extremely well received.

In any event, we need to decide this soon, or I fear, press leaks will decide it for us.

EXECUTIVE OFFICE OF THE PRESIDENT,
September 6, 1996.
To: Elisabeth Blaug, Thomas C. Jensen, Brian J. Johnson,
From: Kathleen A. McGinty, Council on Environmental Quality.
Subject: Wkly report graphs.

UTAH

We learned late today that the Washington Post is going to run a story this weekend reporting that the administration is considering a national monument designation. I understand that there are no quotes in the story, so it is based only on "the word about town." I have called several members of Congress to give them notice of this story and am working with political affairs to determine if there are Democratic candidates we should alert. We are neither confirming nor denying the story; just making sure that Democrats are not surprised.

Meanwhile, we are working with Don Baer and others to scope out sites and dates that might work for an announcement on this issue.

COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, DC, September 6, 1996.
Memorandum for the President.
From: Kathleen A. McGinty.
CC: Leon Panetta.
Re: CEQ Weekly Report.

UTAH

We learned late today that the Washington Post is going to run a story this weekend reporting that the Administration is considering a national monument designation. I have called several members of Congress to give them notice of this story and am working with Office of Political Affairs to determine if there are Democratic candidates we should alert. We are neither confirming nor denying the story; just making sure that Democrats are not surprised. This could lead the Utah delegation to try efforts such as a rider on the Interior Appropriations bill next week to prevent you from taking any such action.

Meanwhile, we are working with Don Baer and others to scope out sites and dates that might work for an announcement on this issue.

Creator: Brian J. Johnson (Johnson, BJ) (CEQ).
Creation: Date/Time: 10-Sep-1996 17:07:20.19.
Subject: Get a load of this from Kenworthy
To: Thomas C. Jensen, Kathleen A. McGinty, Wesley P. Warren, Shelley N. Fidler.
Text:

ATTACHMENT 1

Att Creation Time/Date: 10-Sep-1996 14:36:00.00
Att Bodypart Type: E.
Att Creator: Kenworthy, Tom.
Att Subject: utah, again.
Att To: smtp: johnson.

Brian: So when pressed by Mark Udall and Maggie Fox on the Utah monument at yesterday's private ceremony for Mo, Clinton said: "You don't know when to take yes for an answer." Sounds to me like it's going forward. I also hear Romer is pushing the president to announce it when he's in Colorado on Wednesday. Give me a heads up if its imminent—I can't write another story saying it's likely to happen, but it would be nice to know when it's going to happen for planning purposes—Tom Kenworthy.

ps—thanks for the packet.

ATTACHMENT 2

Att Creation Time/Date: 10-Sep-1996 17:01:00.00
Att Bodypart type: D
Text:
RFC-822-headers:

Record Type: Federal (All-in-1 Mail).
Creator: Shelley N. Fidler (Fidler—S) (CEQ).
Creation Date/Time: 10-Sep-1996 17:09:13.8.
Subject: Re: Get a load of this from Kenworthy.
To: Brian J. Johnson, Thomas C. Jensen, Kathleen A. McGinty, Wesley P. Warren.

Text: why didn't he write about MO that would have been useful and nice and well deserved. what a creep.

Creator: Thomas C. Jensen (JENSEN—T) (CEQ).
Creation date/time: 10-SEP-1996 17:09:24.95.
Subject: re: Get a load of this from Kenworthy.
To: Brian J. Johnson; Kathleen A. McGinty; Wesley P. Warren; Shelley N. Fidler.

Text: Wow. He's got good sources and a lot of nerve.

Record type: Federal (External mail).
Creator: kenworthyt.
Creation date/time: 11-SEP-1996 22:22:00.00.
Subject: utah.
To: johnson.

Text: south rim of the grand canyon, sept 18—be there or be square

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ATTACHMENT 1

ATT Creation time/date: 11-SEP-1996 22:22:00.00
ATT Bodypart type: D

COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, DC, September 16, 1996.

Memorandum to the President.
From: Kathleen A. McGinty.
Subject: Utah Monument Proclamation.

The Secretary of the Interior prepared the attached materials in response to your request to him for information on federal lands in southern Utah that should be granted national monument protection under the Antiquities Act.

In brief, the Secretary proposes that you use your authority under the Antiquities Act to establish by proclamation the "Grand Staircase-Escalante National Monument." The monument would cover approximately 1.7 million acres of federal land in south central Utah managed by the Interior Department's Bureau of Land Management (BLM).

National and Utah environmental groups have pressed Congress to designate approximately 5.7 million acres of BLM land in Utah as "wilderness areas," a potentially more restrictive land use category than "national monument" status. The proposed Grand Staircase-Escalante National Monument would be welcomed by the environmental groups as a tremendous step toward protecting the areas they care most about, including the areas facing the greatest development threat from proposed coal mining. They will, however, continue to press their case for the much more stringent and larger wilderness designations.

The proposed national monument includes approximately 400,000 acres of BLM lands that environmental advocates want to see protected, but that have not been proposed for formal wilderness protection because the acres contain features that render them legally ineligible for wilderness status. The lands are essentially the interstices between large blocks of wilderness-eligible lands. They contain resources that qualify monument status, as described in the Secretary's memo to you.

Since news of the proposed monument leaked to the Los Angeles Times and Washington Post last week, we have received strong endorsements for this proposal from many quarters, including national and western newspapers, Democratic Senate and House candidates in Montana, Idaho, and Colorado, western Democratic Senators and House Members, key authorizing and appropriating committee members, western governors, and numerous environmental and conservation groups. The Utah delegation, including Democratic Congressman Bill Orton, Governor Leavitt, and the NRA have spoken out in strong opposition.

In this regard, much of the opposition from Utah has been premised on concern over the monument's possible impact on school revenues. We have compiled a considerable body of information on this issue. Based on CEQ, OMB, and Interior Department analysis of reports prepared by various State of Utah agencies, it appears that the proposed Andalex/Smoky Hollow Mine would generate less than $75,000 per year for Utah school expenses. Utah's annual education budget is approximately $1.6 billion. The criticism based on "lost" school income appears to be wildly overstated.

Secretary Babbitt anticipated the level and type of opposition we have now heard directly. The Secretary has proposed that, in establishing the monument, you take several steps to reduce short- and long-term opposition from Utah's pro-development interests and rural residents. First, he proposes that BLM, rather than the National Park Service, manage the monument. Second, he proposes that you expressly disclaim any reservation of federal water rights for the monument. Third, the Secretary has proposed monument boundaries that exclude all developed areas and state park lands. Fourth, the Secretary has proposed that the new management regime for the monument area be defined through a multi-year public hearing and involvement process.

White House and Interior Department representatives have met or conversed extensively over the past week with members of the Utah delegation and the Governor's office. Based on those communications, we recommend that the monument proclamation disclaim any effect on management of grazing, hunting, or fishing activities. In other words, those activities would be governed by current law, notwithstanding the monument designation.

In addition, we recommend that you direct the Secretary to pursue negotiations with the State of Utah to trade state-owned parcels within the boundaries of the monument for federal lands of equal value elsewhere in Utah, thus ensuring that the state interests are protected. This direction would come in the form of a separate memo to the Secretary, not in the proclamation.

The draft proclamation submitted by the Secretary has been amended to reflect the hunting/fishing/grazing point described in the preceding paragraph.

Record type: Federal (External Mail).
Creater: kenworthy.
Creation: Date/time:16-Sep-1996 12:30:00.00.
Subject: utah.
To: johnson.

Text: Nice touch doing the Escalante Canyons announcement on the birthday of Utah's junior senator! Give me a call if you get a chance.

ATTACHMENT 1

Att Creation time/date: 16-Sep-1996 12:32:00.00
Att Bodypart type: D

THE SECRETARY OF THE INTERIOR,
Washington, September 13, 1996.

Hon. ROBERT F. BENNETT,
U.S. Senate,
Washington, DC.

DEAR SENATOR BENNETT: I am responding to your letter I received yesterday regarding the proposal to create a new national monument in southern Utah. While no final decision on establishing a monument has been made, your letter nonetheless raises valid concerns, and I do believe they merit full discussion.

You ask, first, whether the proposed monument would carry with it a reserved water right, and if so, what effect it might have on water users, the Colorado River Compact, and various proposed water development projects. These are questions of very legitimate concern, and I look forward to discussing them further with you, Congressman Orton, Governor Leavitt, and other interested parties.

Your second group of questions involves the effect of establishment of a national monument on state lands within its boundaries. We certainly share your concern that the state public school system not be impaired by establishment of a national monument. As you know, the issue of how to deal with state inholdings scattered across federal lands managed to protect nationally significant values is a common problem throughout the west. Many national parks, national forests, national monuments, and other projected federal areas contain state inholdings. The most common way to address these is for the state and the federal government to agree upon an exchange, whereby the state agrees to trade its inholding in return for public lands of equal value outside the protected area. I look forward to discussing this further with you.

Your final set of questions involves the status of existing mineral leases and rights in the area under consideration as a national

monument. The only mineral interests of any significance I am aware of in the area are existing federal coal leases issued many years ago. Most of these leases have expired of their own terms, or been relinquished, or are in the process of being cancelled pursuant to law. Two leases or lease groups remain. One is held by Pacificorp, and we are currently in very serious discussions with that company to relinquish its lease on the Kaiparowits Plateau in exchange for bidding credits on federal coal of equal value elsewhere.

The remaining lease interest is held by Andalex Resources, Inc. This company has applied for a number of permits or other authorizations required by federal and state law in order to open a mine on the Kaiparowits Plateau. A draft environmental impact statement is currently being prepared on the proposal. Should a national monument be established, and should the company continue to seek permission to move forward with its proposal, a determination would have to be made whether the Andalex proposal is inconsistent with the purposes of the monument, and if so, whether and to what extent the company has valid existing rights that would have to be addressed.

I appreciate the opportunity I've had to discuss these issues with you, with Congressman Orton, and with Governor Leavitt. I look forward to further discussions in the very near future.

Sincerely,

Bruce Babbitt.

LET'S GET SERIOUS ON THE WAR ON DRUGS AND ILLEGAL ALIENS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. TRAFICANT. Mr. Speaker, earlier this year I introduced legislation, H.R. 805, that authorizes the use of military personnel to assist the Immigration and Naturalization Service [INS] and the U.S. Customs Service in their border patrol functions. It passed in the House overwhelmingly as an amendment to the fiscal year 1998 Defense authorization bill was pulled during the deliberation of the conference report. Yesterday I introduced legislation that expands on that important piece of legislation.

According to the official estimates, between 5 and 7 tons of illegal drugs are smuggled across our borders every day. In addition, thousands of aliens are snubbing Federal immigration laws and crossing our borders illegally daily. Federal agencies are complaining of being outmatched in both manpower and firepower by the drug lords and their henchmen. Law enforcement personnel are increasingly becoming targets of the violence. Barry R. McCaffrey, chief of the White House Office of National Drug Control Policy, received a death threat from the Tijuana cartel during an August tour of the border. Michael T. Horn, the Drug Enforcement Administration's chief of international operations, identifies the Mexican drug cartels as the "greatest law-enforcement threat facing the United States today."

According to the United Nations, drug trafficking has become a $400 billion-a-year business worldwide. Illegal drugs are bigger business than all exports of automobiles and about equal to the worldwide trade in textiles. More than 13 million U.S. residents buy illicit drugs and use them at least once per month, spending each year between $50 to $100 billion. The addictive nature of these drugs, their high price and their illegality may play a role in as much as half the street crime in the United States. Drug related criminal activity is seen as one of the main reasons for the substantial growth of the U.S. prison population and over one million persons are arrested each year on drug related charges in the United States.

Without question, the border should be patrolled by the Border Patrol. But the reality is, the INS is having an extremely difficult time hiring the 1,000 Border Patrol agents a year mandated by Congress. Currently, we have about 6,600 Border Patrol agents. The White House recently stated that 20,000 Border Patrol agents are needed to property patrol the border. We are not even close to meeting that figure.

My new legislation authorizes the Secretary of Defense to assign members of the Armed Forces, under certain circumstances and subject to certain conditions, to assist the INS and Customs in monitoring and patrolling our borders to stop the ever increasing flow of illegal aliens and illegal narcotics. It also establishes a training program for troops being deployed on our borders that would ensure that military personnel receive the proper training in border security procedures. It provides for specific information to be disseminated regarding issues affecting law enforcement in the areas of deployment. It directs a civilian law enforcement officer to accompany any deployment of troops to search, seize, and/or arrest any person who is suspected of criminal activity. And finally, it directs the Attorney General or the Secretary of the Treasury to notify the Governor and local officials of any State where military troops will be deployed and what type of tasks will be performed.

Our country is being invaded, and what better way to quell this invasion and protect our national security than utilizing the U.S. military. The military has the technology and manpower that we desperately need on our borders right now. Something must be done.

Mr. Speaker, the American people have spoken loud and clear. They do not want an open door policy when it comes to illegal aliens and drugs. Our national sovereignty is at stake. This is a good bill that makes sense. I urge my colleagues to join me in this fight and cosponsor this important piece of legislation.

HONORING F. DALE KUENZLI, EXECUTIVE DIRECTOR OF THE MICHIGAN BEAN COMMISSION

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to F. Dale Kuenzli, executive director of the Michigan Bean Commission since 1993, who has announced his intention to retire in December. As the third executive to lead the commission since its 1965 inception, Dale has led the Michigan Bean Commission in a professional and enthusiastic manner during the past 4 years. He has worked tirelessly with local, State, Federal, and international officials to open markets to Michigan bean growers. He is known around the world as a brilliant spokesperson for Michigan farmers, with a talent for deciphering the complex language of agribusiness and financial markets. Not just a "beansmith," as he is often called, Dale is also a well-rounded agribusiness person with a keen political acumen and a dedication to our vision for the future of Michigan's farm families. Dale is also known for his loyalty to his family and to his other passion, the Michigan State Spartans. Dale is also to be honored for his contributions to the apple industry, given his avid consumption of what is estimated to be a pound and half of apples every day. On the occasion of his retirement, we bestow upon F. Dale Kuenzli our highest esteem for his accomplishments, and wish him success in his future endeavors.

HONORING F. DALE KUENZLI, EXECUTIVE DIRECTOR OF THE MICHIGAN BEAN COMMISSION

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. BARCIA. Mr. Speaker, I join with my colleague, Mr. CAMP, in paying tribute to a gentleman who is legendary as an ambassador of our State's agriculture industry. As a skilled trader, an articulate emissary, and a singular man of honor and integrity, he has been a blessing for our bean growers, as well as an individual that will be difficult to fully replace. It has been my good fortune to have worked with Dale on many projects of importance to the dry bean growers of my district and State. I want to offer my personal thanks for all that he has done, and my best wishes for all that the future holds for him. Thank you, Mr. Speaker.

THE SALE INCENTIVE COMPENSATION ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. FAWELL. Mr. Speaker, Leronda Lucky is an industrious yellow page advertising salesperson for BellSouth in Ohio. She wants to be paid on commission and work as many hours as possible. "My primary motivation," she says, "to work long and hard hours is so that I can earn as much money as possible to support my family, save money for my children's education, and save for retirement."

Unfortunately, Leronda must work as an hourly employee and is limited to working 9 to 5 each day, 40 hours per week and being paid overtime for hours over 40. "My base pay and

the prospect of overtime earnings do not motivate me," says Leronda. "My choice is to be paid on a commission basis. Also my clients do not necessarily have 9 to 5 work hours. I need the flexibility to determine when I need to meet with the customers on their hours."

Leronda Lucky's story is an example of how 1938-era workplace laws do not necessarily fit the workers or the workplace of the 1990's. Such antiquated laws end up hurting the very workers they were intended to help.

The 1938 Fair Labor Standards Act set the workweek at 40 hours and required that any additional hours worked be paid at one and a half times the base hourly wage. The law made workers hourly employees unless they met certain criteria to exempt them. Salesperson who work away from their employer's premise, in the law referred to as "outside salesmen," were exempt, allowing them to work as many hours as they wished, when they wished, and for a commission if they so choose. This exemption was granted on an idea that professional salespeople work irregular hours in response to their customers' needs and they generally work on commission as opposed to an hourly wage.

In 1938, these salespeople were outside, communicating with their customers by traveling from town to town and visiting customers in person. In 1997, with the advent of fax machines, computers, e-mail, the Internet, modems, and advanced telecommunications, the once outside sales force has moved inside. These inside salespeople can work at one location—at an office, or even at home. Communications, paying for goods, and other transactions can be done electronically. The once outside sales force is today a more efficient, effective and profitable inside sales force. Without the 1938 law, these inside salespeople could earn wages that greatly exceed the amounts that are otherwise available through hourly pay rates plus overtime.

The House Subcommittee on Workforce Protections recently held hearings on this outdated law. Several inside salespeople, including Leronda Lucky, testified on the need to reform the 1938 Fair Labor Standards Act to make it fit the workplace of the 1990's. And so yesterday, along with my colleague on the subcommittee, Congressman ROBERT E. ANDREWS, I introduced H.R. 2888, the Sales Incentive Compensation Act, to make this area of the law adapt to today's work force.

H.R. 2888, THE SALES INCENTIVE COMPENSATION ACT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. ANDREWS. Mr. Speaker, many American workers today earn their living by selling goods and services to customers across the continent or across the globe. Such salespeople increasingly find that their paycheck is determined by how well they produce and how much they sell, because they are paid in part according to a bonus or commission system. Salespeople who can substantially increase their salary by earning more commissions ought to be allowed to work longer hours and perform their jobs more effectively, in order to make more money. Unfortunately, current law keeps them from earing as much as they could.

I am proud to join with my colleague, Congressman HARRIS FAWELL, to introduce H.R. 2888, the Sales Incentive Compensation Act. This common-sense legislation will give fear greater flexibility to salespeople and their employees, by allowing salespeople to choose to work harder in order to earn higher commissions. And it ensures security and fairness for all workers, by precluding abuses that would force employees to work longer hours without substantial reward.

Our bill provides flexibility to meet the demands of the workplace and the market. Today's customers demand goods and services at different times and in different time zones. Today's information economy allows a more flexible sales force to make sales around the clock. The Sales Incentive Compensation Act gives employees the flexibility to adjust their schedule in order to earn more money in commission, rather than limiting their earning potential. For instance, a working mother may find it easier to make sales calls from home, while the employer benefits from a more productive sales force.

In addition, our bill guarantees security and protection for workers. The Sales Incentive Compensation Act ensures that lower earning workers cannot be exploited or denied the protections of time-and-a-half overtime for work beyond a 40-hour week. The bill establishes a stringent test which guarantees that salespeople cannot be exempted from the wage and hour laws unless they receive a substantial minimum salary and are guaranteed the opportunity to earn significant commissions or incentive-based compensation. Employees cannot be exempted from the 40-hour work week unless they meet this test.

The Sales Incentive Compensation Act is based on the principles of fairness and opportunity. Under our bill, salespeople must be given the opportunity to continue earning commissions if they choose to work longer hours and are successful in making more sales. The rate of bonus pay for extra sales must be as good, or better, than the rate for the salesperson's minimum sales. Employees would have an incentive to work harder, and employers would be required to pay them a fair commission for each additional sales that they make. Thus, both businesses and salespeople will share in the increased profit and productivity that will be created when H.R. 2888 becomes law. I urge my colleagues to support this sensible and crucial legislation.

NATO INFRASTRUCTURE FAIR SHARE ACT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation that will ensure our allies pay their fair share to the North Atlantic Treaty Organization Security Investment Program [NSIP]. My legislation will reduce the amount the United States contributes to NSIP to $140 million in each of the next 3 fiscal years. This bill will save taxpayers $177 million

NSIP is a program designed to improve the transportation and infrastructure of NATO member nations. Under the fiscal year 1998 military construction appropriation bill signed by the President on September 30, 1997, the U.S. contributes $153 million to NSIP. This amount was appropriately reduced from the fiscal year 1996, $161 million and fiscal year 1997, $172 million contributions. The United States still pays a disproportionate amount into this account, however, while receiving minimal benefit to our own infrastructure.

The NSIP supports projects and activities listed by NATO as capability packages, standalone projects, urgent requirements, and minor works. The projects are then placed in the following categories: authorized works, intra-theater, and trans-Atlantic force mobility; surveillance, reconnaissance, and intelligence systems; logistics support and re-supply; lines of communications control, training support, and exercise facilities; nuclear capabilities; and political-military consultation. These programs are important and I strongly advocate a prepared military. But why do we continue to spend money to expand logistic support and re-supply in Europe when we continue to downsize military depots in this country? Depots are necessary to provide the logistic support and re-supply efforts essential to defend our Nation from a military attack.

Why do we continue to spend money on transportation infrastructure to enhance force mobility in Europe while we continue to cut funding to our own Nation's transportation infrastructure? The Interstate Highway System was conceived so the U.S. military would be able to move forces and equipment from coast to coast. Highway capital investment per 1,000 vehicle mile of travel in the United States decreased by 17 percent from 1985–95, while travel increased by 37 percent. The United States needs an additional $15 billion annually to maintain current conditions on our roads and bridges and another $33 billion annually to improve conditions and performance. We must find alternate sources of income to improve our roads in this country.

I am an advocate of a strong national defense and have fought to increase money in the Defense budget and to fund the weapons programs essential to our military readiness. However, at a time when we are closing military bases and putting American soldiers out of work, it is wrong for American taxpayers to continue paying billions of dollars annually to benefit wealthy nations such as England, Germany, and France while these same countries use their capital to compete with us in international markets. Our country has for too long assumed the lion's share of the cost of defending our allies. These countries do not have war-torn, war-tattered economies. These countries are tough, shrewd international competitors. They have strong economies that give them the capability to pay for their own defense.

I believe NATO is one of the organizations that precipitated our victory in the cold war. As we prepare to expand NATO to include the emerging democracies of Poland, the Czech

Republic, and Hungary, we must realize that expanding NATO will not be easy and will in fact be a rather expensive operation. I advocate expanding NATO and do not believe we should make these countries, which are feeling the growing pains of the change from a Communist economic system to a capitalist system, pay any more than they can afford. However, we must ask our wealthy European allies to pay an appropriate portion of the cost of expanding the infrastructure that is needed to defend these nations.

When I first came to Congress, I pledged to work to enact legislation ensuring Texas receives an equitable share of transportation funds. This goal has yet to be achieved. However, while we continue to work toward that goal domestically, we can also work to see that U.S. taxpayers receive some benefit from every dollar they spend that is earmarked for infrastructure. This bill aims to do just that by decreasing the amount of money the United States contributes to the NSIP. For every dollar that Texas contributes to the national highway trust fund, it receives approximately $.77 cents in return. Massachusetts, on the other hand, receives $2.13 for each dollar it invests. Connecticut has a nearly 187 percent return on its dollar. Clearly, Texans already contribute transportation funds to other States. Why should we be asked to contribute transportation funds to other countries as well? My constituents do not receive adequate funds to repair our own roads, but they are asked to pay for the roads of people abroad.

America's infrastructure needs are great. With the heavy increase in the volume of traffic due to the implementation of NAFTA, we in Texas are more aware of that fact than most. The increase in the number of trucks on our highways has left many of our roads with potholes that have rendered them almost impassable. However, while the potholes remain along highways in east Texas, the taxpayers see their hard earned income going not to improve the Federal highways they use, but to build roads and highways in Germany, France, and England.

We have seen a tremendous amount of support for burden sharing in recent years. This support was evident when the House agreed to the conference report this year on H.R. 1119, the National Defense Authorization Act. That bill authorizes appropriations for fiscal year 1998 and 1999 military activities of the Department of Defense and prescribes military personnel strengths for those fiscal years. The bill contains important provisions on burden sharing. Section 1221 instructs the President to step up efforts to increase burden sharing from nations with whom we have military relations by having them take one or more of the following actions: increase their annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 1998; increase the amount of military assets they contribute to multinational military activities; increase the amount of annual budgetary outlays of foreign assistance; and in nations with U.S. military bases, increase their financial contributions to the payment of the U.S. military non-personnel costs.

The Defense authorization bill also includes a sense-of-Congress resolution dealing with the costs of enlarging NATO. Section 1223 contains a section that states: "It is the sense of Congress that the analysis of the North Atlantic Alliance of the military requirements relating to NATO enlargement and of the financial costs tothe Alliance of NATO enlargement will be one of the major factors in the consideration by the Senate of the ratification of instruments to approve the admission of new member nations to the Alliance and by Congress for the authorization and appropriation of the funding for the costs associated with such enlargement."

The burdensharing proposals that have been passed in recent years have proved to be an effective way of encouraging wealthy foreign countries to begin paying their fair share for their own defense. Legislation in 1989 called upon Japan to increase its share of the cost of stationing United States troops there. This amendment has led to billions of dollars in savings for the U.S. taxpayer since then, including over $3.7 billion last year. Japan now contributes 78 percent of the nonpersonnel cost of stationing United States troops there.

It is essential that we continue to stress the importance of burdensharing principles. Annually, we spend about 4 percent of our gross national product on defense while France spends a mere 2.5 percent and Germany a paltry 1.5 percent. As we have seen with the Japanese, if we apply pressure to nations capable of sharing in the cost of their defense, we will save United States tax dollars without removing one United States troop from foreign soil. I believe this bill is an important first step in improving our Nation's infrastructure and making our wealthy allies share the burden of their defense.

VETERANS' DAY 1997

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. GILMAN. Mr. Speaker, on the 11th day of the 11th month of the year 1997 we take time to remember those men and women who risked and sacrificed their lives for our Nation. It is a day to remember not only those who have lost their lives in battle but, also those who served valiantly and survived. Our greatness as a Nation could not have been achieved without the strong will and sacrifice of our citizens.

Veterans Day has been an American tradition since 1919, when Woodrow Wilson proclaimed Armistice Day to commemorate the November 11, 1918, Armistice that ended the fighting between the Allies and the central powers. This was our first step onto the international scene. It was a day of observance and remembrance for the 58,000 Americans who had died in World War I.

When the name for the day of observance was changed from Armistice Day to Veterans Day in 1954, it was proclaimed a day for honoring the veterans from all of our wars. The day however, still remained the 11th day of the 11th month, a date which marked the end of bloodshed that left the hope of lasting peace. While that peace did not last there is still hope that one day the world will learn to live together in harmony.

Until then it is important to remember those men who fought for freedom and dreamed that their efforts would bring peace to the world. Our service men and women have also been our models. They have set a standard for our Nation in the eyes of the world.

As Woodrow Wilson stated on September 4, 1917: "Let it be your pride, therefore, to show all men everywhere not only what good soldiers you are, but also what good men you are, keeping ourselves fit and straight in everything, and pure and clean through and through. Let us set for ourselves a standard so high that it will be a glory to live up to it, and then let us live up to it and add a new laurel to the crown of America."

If we do not remember, we might forget and then their efforts might have been in vain.

President Eisenhower once called for Americans everywhere to rededicate themselves to the cause of peace. It is not only the job of our soldiers but the responsibility of all of us as American citizens to do what we can.

Our Nation's veterans have secured our Nation not only from attack but have secured our principles of freedom, equality, and democracy. These are the principles by which we, as American citizens live by.

For these reasons, let us remember all that our veterans have done for our Nation and our people not only today, but every day.

SALUTE TO KAUFMAN COUNTY RED RIBBON CONTEST WINNERS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. HALL of Texas. Mr. Speaker, I had the privilege of presenting awards on October 18 to the essay contest winners of the Kaufman County Red Ribbon Drug Abuse Awareness campaign. These students are Amber Whatley of Mabank High School, Krystal Nye of Terrell Intermediate School, and Kristin Hanie of Forney Middle School. All three wrote about the issue of teenage drinking, and they made some valid points.

Amber Whatley reflected on the death of Princess Diana of Wales and the reports that the driver of her car was intoxicated. She noted that every 27 minutes someone is killed in a drunk-driving related accident, a tragedy that leaves loved ones "marred with grief and angered that society continues to produce propaganda promoting the appeal of alcohol."

Krystal Nye discussed the adverse effects of alcohol and the pressures that sometime cause teenagers to begin drinking. She noted that parents should be role models for their children and that the media "should not make drinking look like it is something that is healthy for you."

Kristin Hanie also wrote about the effects of alcohol and some of the reasons why teens might be tempted to try it. She mentioned several programs that help teens with alcohol problems, such as Ala-Teen and Al-Anon, and concluded, "I pray everyday that people will

learn alcohol is not the solution, and that someday this problem will be stopped."

I enjoyed visiting with these students at the awards ceremony, and I commend their efforts to enhance teenage awareness of alcohol abuse. This Red Ribbon Campaign is an annual effort sponsored by the Texas Agricultural Extension Service in cooperation with the Texas A&M University System. Red Ribbon Week is recognized by the National Red Ribbon Campaign, which was celebrated October 18–25. I am always honored when Rita Winton invites me to participate in this important occasion.

Mr. Speaker, as we adjourn today, I ask my colleagues to join me in saluting these outstanding students of Kaufman County and all those young people throughout our Nation who recognize the dangers of teenage drinking and who are doing their best to help their fellow classmates and friends combat this problem. As Miss Whatley concluded, "If action is taken by teenagers, America can look forward to society's success in developing alcohol-free individuals and a more productive future."

SECTION 110 OF 1996 IMMIGRATION REFORM NEEDS THOUGHTFUL GO-SLOW APPROACH TO PREVENT CHAOS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. LAFALCE. Mr. Speaker, on September 16, 1997, I introduced legislation to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 by exempting Canadian nationals who are not otherwise required by law to possess a visa, passport, or border-crossing identification card. This bill, H.R. 2481, now has 41 cosponsors who recognize the urgency of correcting the flaws in section 110.

Section 110 of the 1996 Reform Act mandates that an automated entry-exit system be established that would allow INS officers to match the entrance date with exit dates of legally admitted aliens. Congress included this section at the last minute during the House-Senate conference of the bill with the intent of solving the problem of overstaying visa holders—aliens who enter the United States legally but overstay their allotted time. Because the U.S. does not have a departure management system to track who leaves the United States, a new entry-exit system was thought to be the vehicle to solve the problem.

In the rush to complete the bill before the end of the fiscal year on September 30, conferees did not have time to give this provision the scrutiny it deserves. As a result, Congress missed the realities of our northern border with Canada. Historically, Canadian citizens have not been required to show documentation, other than proof of citizenship, when entering the United States. The same courtesy is granted to United States citizens entering Canada.

Any attempt to install a documentation system at the northern border will bring intolerable chaos and congestion to a system already strained. Last year, more than 116 million people entered the United States by land from Canada. Of these, more than 76 million were Canadian nationals or United States permanent residents. More than $1 billion in goods and services trade crossed our border daily adding to the enormous traffic flow. To implement section 110 as it now stands would not only impede the flow of people and goods, it would counter the purpose of the United States-Canada Accord on Our Shared Border to ease and facilitate the increased crossings of people and goods between the United States and Canada.

As I have said before, I have a particular interest in the problem of delays and congestion at our northern-border crossings. My district, which includes Buffalo and Niagara Falls, has more crossings than any other district along the border. In a relatively small area, we boast four highway bridges and two railroad bridges. I know from personal experience the problems that delays and congestion can cause at these crossings.

Moreover, it is important to recognize the sense of borderless community that those living on the United States and Canadian sides of the border experience on a daily basis. Friends, family, and business associates travel easily, indeed seamlessly, across the invisible border to shop, enjoy theater and restaurants, athletic events, and other recreational opportunities. Hampering this camaraderie of community because of the need to resolve border problems that are not an issue at the northern border would be folly.

When I introduced H.R. 2481, my intent was not only to correct a flaw, but to initiate debate on the issue, to get the ball rolling, if you will, toward resolving a critical problem. This objective has been achieved. The response and enthusiastic support for this effort tells me unmistakably that this is a serious problem that must be fixed.

Today, I am introducing a bill that addresses the issue more broadly. The Border Improvement and Immigration Act of 1977 not only seeks to correct the problem at the northern border created by section 110, but it also takes a comprehensive but go-slow approach to analyzing the problem and determining the best solutions.

First, the bill would allow an entry-exit system to be implemented only at airports. It specifically exempts from section 110: any alien entering at land borders; any alien lawfully admitted as a U.S. permanent resident, or greencard holder; any alien for whom documentation requirements have been waived under the Immigration and Nationality Act, primarily Canadians.

Second, the bill requires the Attorney General to submit a report to Congress in 2 years on the feasibility of developing and implementing an automated entry-exit control system as prescribed in section 110, including arrivals and departures at land borders. The study must assess the cost and feasibility of various means of operating such an entry-exit system, including various means for developing a system and the use of pilot projects if appropriate. The report also would include how departure data would be collected if the system were limited to airports and a person arriving at an airport departed via land border.

Of particular note is the inclusion of possible bilateral agreements with Canada and Mexico to share entry and exist systems as a means to achieve the objectives of section 110. The proposal, which I have raised with the Canadian Ambassador and the Commissioner of the INS, would allow the United States to use, for example, Canada's entry data as our exit data; while Canada would similarly use United States entry data as its exit data. I believe this is an important cooperative effort that could be studied and possibly pursued under the umbrella of the United States-Canada Shared Border Accord.

Third, the bill will increase the number of INS border inspectors in each of 3 fiscal years, 1998–2000, by not less than 300 full-time persons each year. Not less than one-half of these new INS inspectors shall be assigned to the northern border. Similarly, Customs inspectors shall also be increased at the land borders by not less than 150 full-time persons in each of 3 fiscal years, 1998–2000, and not less than one-half of the Customs inspectors in each year shall be assigned to the northern border.

Mr. Speaker, I believe my new bill more comprehensively addresses the problematic issues that currently are found in section 110. It is critical that section 110 as it currently stands be amended in order to avoid unnecessary chaos at both the northern and southern land borders. An automated entry-exist system is not one to be implemented without careful consideration of the many issues involved. The Border Improvement and Immigration Act of 1997 provides the basis for making a decision on whether to go forward with such a system.

STATEMENT COMMENDING HANOVER COUNTY PUBLIC SCHOOLS

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. BLILEY. Mr. Speaker, today I would like to recognize Hanover County public schools as the first school system ever to win the U.S. Senate's Award for Continuing Excellence, or ACE. The ACE is awarded to organizations demonstrating "sustained exemplary performance in quality and productivity improvement." Since its establishment 14 years ago, it has only been given out six times, and never before to a public school system. Originally designed to recognize quality in private business, ACE has expanded over the years to include public sector agencies and remains one of the Nation's most prestigious awards.

Hanover County public schools have repeatedly been recognized for the excellence of their programs, the commitment of their teachers and administrators, the support of their parents and the community, and the achievement of their students. They qualified for the continuing excellence award by winning the Medallion of Excellence Award in 1991 and have continued to maintain a high performance on standardized tests, a high percentage of advanced studies graduates, and an exceptionally low drop-out rate.

The U.S. Senate's Award for Continuing Excellence is a tribute to the dedicated efforts of the many individuals who have created in Hanover County one of the finest public school systems in Virginia, and in the Nation.

STRONG ENCRYPTION NEEDED TO PROTECT NATIONAL SECURITY

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. DREIER. Mr. Speaker, computers not only make virtually every aspect of our lives easier, we depend on their efficient operation to help safeguard our national security, economy, and way of life. Yet all it takes is a determined criminal with a personal computer and an Internet connection to cause a great deal of harm. That's why it's crucial that America protects sensitive information in computers with the best technology available.

Ensuring the security of information stored in computers, and preventing criminals from breaking into critical systems requires encryption software, which uses mathematical formulas to scramble sensitive information so it can only be accessed by authorized users, who have the 'key' to decode the material. The more complex the formula, the tougher it is for an unauthorized user to decipher the scrambled material. While American companies generally hold an edge over their foreign competitors in the development of advanced encryption software, export controls allow them to export only relatively simple encryption products. Over 400 companies outside the United States produce encryption software, and most are not subject to the same restrictions as U.S. companies. These companies are increasing their share of the rapidly expanding world market for encryption software at the expense of U.S. firms, which are not allowed to compete.

The Clinton administration has proposed a radical change in encryption policy, one that would impose a mandatory key recovery system on encryption software used in the United States and exported abroad. Key recovery would require the maintenance of a centralized databank with all the Nation's encryption keys, and is primarily intended to help law-enforcement and increase national security. If police or other law-enforcement officials believe criminals have encrypted information that would help prevent a crime or catch a lawbreaker, they would obtain a court order, then retrieve the key from the centralized database. They could then convert the encrypted information back into its original form. Not only does this proposal raise concerns about how to prevent criminals from breaking into the key database, and about the privacy of law-abiding users of electronic commerce and Internet communications, it probably won't work.

While the Clinton administration is working to require that U.S. companies only export advanced encryption software that uses a key recovery system, many other nations will impose no similar requirement on their firms. Because criminals will find it easy to import that software over the Internet, by electronic mail, on compact discs, or in some other way, they will continue to use encryption programs that U.S. law enforcement agencies don't have keys to. The people most affected by the mandatory key recovery system will be lawful Internet users, not the criminals and terrorists it is intended to combat.

Furthermore, prohibiting the export of encryption programs that don't include a key recovery system will make it impossible for American companies to compete with foreign firms that are not similarly limited. American companies will stop competing in a key technology in which they now hold a lead. It will cost U.S. jobs, and prevent advances in a technology that is critical to defending the United States from terrorists, criminals, and even simple hackers. Instead, Congress should lift the controls on encryption software, encourage development of this promising technology, and focus resources on helping police develop better tools to catch criminals who use encryption in the commission of a crime.

THE WORKING AMERICAN'S TAX RELIEF ACT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation to improve take home pay and reduce taxes for every working American earning a paycheck. The bill, titled the Working American's Tax Relief Act, allows taxpayers to deduct from their taxable income that portion of their income withheld for payroll taxes.

The economic report of the Census Bureau this fall had good news for many Americans. The economy is growing, median income rose for the second straight year, unemployment is low, and welfare rolls are dropping.

However, the working families and small businesses of America are not reaping the rewards of our recent prosperity. Average wages for full-time male workers fell last year, and median income has not fully rebounded since the last recession, leaving the living standard of a typical family below 1989 levels. For the 60 percent of American households in the lower- and middle-income brackets, the situation is even more grim. Real income for these families has fallen for the past 7 years.

Mr. Speaker, this is why people seem to be working harder and longer and not getting ahead. This is why Americans working a 40-hour week struggle to make ends meet. There were many good provisions in the Taxpayer Relief Act of 1997, and I supported the bill. However, the Working Americans Tax Relief Act builds on our success and offers much needed tax relief to every American bringing home a paycheck.

Including both the employee and employer contribution, over 70 percent of Americans pay more in payroll taxes than in Federal income tax. Even worse, the burden of this tax falls most heavily on the over 90 percent of Americans who earn $65,400 or less. Working, middle-class Americans earning up to $65,400 a year pay a combined 15.3 percent of their income to fund the Social Security and Medicare programs. For taxpayers earning more than that, every dollar earned over $65,400 is earned payroll tax free. Small businesses pay this tax regardless of the profits they make in a year, and for many small businesses payroll taxes have become the greatest tax burden. Small business owners and employees need relief from the tax. I am not proposing to change the structure of payroll taxes in America, but I am proposing to make the burden of the tax easier to bear.

American taxpayers currently pay income taxes on the portion of their income withheld from their paychecks for payroll taxes. Compounding the injustice of this tax is the fact that many of these taxpayers will again pay taxes on this income when they receive it back in the form of Social Security benefits after retirement. To eliminate this double taxation and offer the average American worker over $1,000 in tax savings, my bill grants all workers, including the self employed, a deduction from taxable income equal to the amount of that worker's payroll taxes.

I urge my colleagues on both sides of the aisle to join me in supporting legislation to end double taxation of income and offer real tax relief for middle-class Americans and small businesses.

NATIONAL DRUG CONTROL STRATEGY

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. PORTMAN. Mr. Speaker, I rise today to express my serious concerns about the failure of the Department of Defense to provide sufficient support for the National Drug Control Strategy in its fiscal year 1999 request. I also would like to commend the Office of National Drug Control Policy for refusing to certify the DOD budget request.

After making tremendous progress in the war on drugs from 1979 through 1991, drug abuse among our young people has been rising significantly over the past 5 years. Drug abuse is not only threatening the health and lives of our young people, it is a predominant factor behind violent crime, welfare dependency, teenage pregnancy, rising health costs, lower economic productivity, the spread of AIDS, and many other problems. Now is not the time to be backing away from our responsibilities to attack this problem.

Many of us in Congress have been working hard over the past few years to reverse these disturbing trends. We have been working in cooperation with General McCaffrey to support and enhance the National Drug Control Strategy. We must continue to support the goals of the strategy on both the supply and demand sides.

We strongly support the effort to ensure that the Department of Defense amends its fiscal year 1999 budget request to include an additional $141 million in drug control initiatives. These funds are absolutely essential to enhance efforts in the Andes, the Caribbean,

Mexico, and along our borders, where this battle has to been fought initially. With a strong effort in source countries and along our borders, we can help reduce the use of drugs in the United States, which is crippling our young people.

Currently, counterdrug spending represents only 0.3 percent of the total Department of Defense budget. Despite rising drug use, the Department's counterdrug effort has declined by 2 percent since fiscal year 1996.

I also believe that it is vitally important to have a coordinated effort with leadership from the Office of National Drug Control Policy. This is a good example of why we need a drug czar. If we all stand behind the same goals and work hard in every agency and in Congress to support and enhance the antidrug efforts at home and abroad, we will reverse the disturbing escalation in illegal drug use in our communities.

I call on the Department of Defense to bring its budget request in line with the National Drug Control Strategy and to help support the comprehensive Federal effort we must have if we are going to reduce drug abuse.

THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM INCENTIVE ACT OF 1997

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, for many years our Government has supported health care training programs to increase the number of health care professionals to serve our Nation's people. One of the most successful health training programs we have created is the National Health Service Corps Scholarship Program. Enacted more than 20 years ago, the purpose of this program is not only to encourage the training of top quality health care professionals but also to improve access to health care for Americans living in medically underserved areas.

This program encourages the training of primary care providers, focuses on preventive care, and targets medical manpower shortage areas. The graduates of this program work in our migrant health centers and in both rural and inner city community health centers, such as the community health center in my hometown of New Britain.

Program recipients are given a scholarship award, covering the costs of tuition and fees, together with a monthly stipend covering living expenses. In response to this award, the National Health Service Corps scholars are obligated upon completion of their training to provide a year of full-time primary health care in a designated shortage area for each year of scholarship funding. These areas are located in some of our Nation's neediest communities which are desperate for primary care providers.

Unfortunately, Mr. Speaker, this successful program is now in jeopardy—not from lack of funds, but from the new IRS interpretation of section 117(c) of the Internal Revenue Code to treat these scholarship amounts as fully taxable income.

Many scholarship recipients have tuition and fees amounting to more than $36,900; income tax withholding at the required 28 percent can eat up nearly all, if not all, of the stipend portion of the award. If the student has additional income—a part-time job for example—he or she could face an additional tax liability on that income, though their money available for daily living expenses has not changed.

I have been contacted by a concerned student regarding this IRS interpretation. Jenny, a student at Yale University, is studying to be a nurse practitioner. As a recipient of a National Health Service Corps Scholarship, her $30,000 a year tuition is paid directly to the school; she receives $3,500 toward school fees, equipment, books and supplies, and a small stipend for living expenses for which income taxes are withheld. She was recently notified by the Department of Health and Human Services that income taxes would be withheld on the scholarship money as well.

Jenny will now be taxed at the 28-percent rate because the entire scholarship amount will now be included in her income, even though she never sees the majority of this money that is sent directly to her school for tuition. Jenny is now worried about her living expenses, because the new additional withholding will almost eliminate the stipend that she relies on for her room and board. Since Jenny already has a lot of debt from her undergraduate student loans, this abrupt change in policy threatens her ability to afford to stay in school and makes it more difficult to fulfill her obligation to work as a nurse practitioner in an underserved area, where her wages would likely be lower.

In my view, the IRS position regarding its application of section 117(c) is simply wrong. First, this money is not disguised future compensation. In fact it is the opposite. It is recognition of the compensation forgone as a consequence of going to work in an inner city or underserved rural area where wages are often low because there are not the resources needed to support a health care professional's income. Second, there is little difference between the obligations required under the National Health Service Corps Scholarship Program and the obligations required by the debt forgiveness provisions we enacted this summer in the Tax Payer Relief Act of 1997. And there should not be a difference in the tax treatment of the school scholarship or loan amount in terms of taxable income.

Through the passage of the Tax Payer Relief Act, we in Congress affirmed our support for favorable tax treatment of medical student loans forgiven in exchange for future service in medically underserved areas. It seems inconsistent and arbitrary to tax a scholarship given in exchange for a future commitment of public service in a medically needy area, while exempting a student loan forgiven for a similar commitment from the tax.

We need to correct this aberration in tax policy now before this successful program is destroyed. We need to take immediate action to clarify the Tax Code so that those students who wish to undertake the obligations of the program are assured stable, predictable financing of their academic program in exchange for a commitment to serve our underserved communities. It is also important to ensure that communities continue to have access to low-cost, quality health care services and that community and rural health centers will continue to have health professionals available.

My bill will reverse the IRS position regarding the taxability of these scholarships. It will rectify tax policy inconsistency, and it will ensure that a well-run and successful program is not devastated by a bureaucrat operating in clear contradiction of the intention of this valuable, proven program. In addition, it will let people like Jenny continue with her studies and be assured that her scholarship and stipend are intact.

I ask my colleagues to join me in cosponsoring this legislation to save the National Health Service Corps Scholarship Program.

60TH ANNIVERSARY OF THE CALUMET CITY CHAMBER OF COMMERCE

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the 60th anniversary of the Calumet City Chamber of Commerce, an organization who represents a community rich in heritage. The Chamber of Commerce is a strong and independent leader of the business firms of Calumet region, and thus addresses issues that affect its members and the community. The Chamber has lent greatly to the development of this fine community over the years and should be recognized for its spirit of leadership and vision.

Currently, the Calumet City Chamber of Commerce provides many services to its residents. From initiating the area's ambulance program to attracting new business to the area, the Chamber has shown a devotion to continuing to build and revitalize the region. Community strength, in part, stems from those who are willing to give back to their patrons, the very community they serve. We all share a vision of good schools, safe streets, and a healthy commerce. The Chamber should be commended to their dedication toward achieving this goal.

The 60th anniversary of the Calumet City Chamber of Commerce will be celebrated this evening, Saturday, November 8. At this time the Calumet City Chamber will install its new officers for 1998 who include: Frank Orsini, president, Mike Sawicki, vice president, Don Todd, treasurer, Kenneth M. Tease, executive manager.

Board of Directors: Tom Cornwell, Harry Jones, Jeanette Sackol, Elaine Lane, Bob Sanders, George Karl, Tom Sanders, Ray Mika, Jerry Eurley, Chris Martin, and Mike Gauthier.

It is truly fitting that this Chamber celebrate 60 years of history and progress. I extend my best wishes to the Chamber's membership, its present and incoming leaders for many more prosperous years to come.

THE NATIONAL HISTORIC PRESERVATION ACT

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. SOUDER. Mr. Speaker, today, I am introducing the National Historic Preservation Act, which would establish a national historic light station preservation program. It has been introduced in the other body by the chairman of the Energy and Natural Resources Committee, Senator FRANK MURKOWSKI of Alaska.

As you may know, Mr. Speaker, lighthouses have served as lifesaving navigational aids since before the turn of the century. However, many of these lighthouses have outlived their use to the Coast Guard as navigational aids. Thus, the Coast Guard is left with surplus lighthouses, and declares them excessed. The question then becomes, who cares for these lighthouses once they leave the Coast Guard's hands? If the land on which a particular lighthouse in question was first granted by a Presidential Order to the U.S. Lighthouse Establishment, it is considered to be public domain, and has to be first offered through the Bureau of Land Management [BLM] to the Interior Department. If the Interior Department does not claim the land, then the lighthouse is placed in the General Service Administration's [GSA] excessing process. If the property is not considered public domain, then the lighthouse is placed directly into the GSA excessing process.

Through the GSA process, priority is first granted to Federal agencies. This means that the lighthouse could be used for such things as an office for the Internal Revenue Service. If no Federal agency claims it, the property is then surveyed to see if it is suitable to qualify under the McKinney Homeless Assistance Act, thereby allowing it to be transferred to those organizations that assist the homeless. Should neither of these categories claim the lighthouse, it is then offered to the State in which it is located, possibly to be used for recreation purposes. If the State does not claim it, then it is offered to the local government where the property is located. Finally, if the lighthouse is still available at the end of the GSA process, it is put up for public sale.

The real tragedy here, Mr. Speaker, is that many of these lighthouses have been protected and preserved over the years by nonprofit historical lighthouse societies, who have donated a great deal of time, money, and resources to lighthouse preservation. As you can see, in order to have the lighthouses conveyed to them, they must wait through the long process described above, and then must bid on them. This process basically requires these nonprofit organizations to compete financially with private groups that have greater access to funds, and that have, in many cases not made the same commitment to the lighthouse in the past. In addition, these private groups may have plans for the lighthouse that are inconsistent with the best interests of the community. Though these nonprofit groups can, in some specific cases, purchase the lighthouse directly from the BLM, they must pay half of its market value—a value that those particular groups helped to increase over the years through their hard work. Thus, the message we are sending here is that if you're going to provide a public service by preserving historical sites, you're going to have to pay for them in the end.

I should point out that another method for conveyance is for Congress to enact separate pieces of legislation to transfer a lighthouse to a specific group. As we know, this process can be very time consuming and cumbersome considering that there are hundreds of lighthouses that will be excessed in the near future.

My legislation would introduce fairness into the conveyance process for historic lighthouses by amending the National Historic Preservation Act to transfer this process to the National Parks Service, which would be able to work in conjunction with the State Historic Preservation Officer, to establish a national historical light station program. This new program would give priority to those Government agencies that have entered into a partnership agreement with a nonprofit organization whose primary mission is historical preservation of lighthouses, and would convey them at no cost. If no such applications are offered, or approved of, then the lighthouse would be put up for public sale. Thus, this legislation would help to ensure that in those cases where a nonprofit group has been active in a particular lighthouse's preservation, and wishes to continue in it's work, that that group would be given a fair shot at claiming lighthouses when the Coast Guard excesses them.

Mr. Speaker, we need to recognize the very important role lighthouses have played in this country's history. By encouraging Government agencies to join with nonprofit groups to help preserve lighthouses for the future, we will be providing a much fairer process to those who wish to continue their work in preserving these nationally historic structures.

HONORING MAYOR RAY BLEDSOE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. HALL of Texas. Mr. Speaker, it is a privilege for me to rise today to pay tribute to Mayor Ray Bledsoe of Howe, TX, who last month received the national Hometown Leadership Award, given by the National Association of Small Cities. Only 300 officials in the country received this award, and I am so pleased that my good friend and outstanding civic leader, Ray Bledsoe, is one of those.

Ray is always at the center of community service in Howe. He has served Howe as mayor for the past 11 years. He has spearheaded economic development and was instrumental in obtaining a connector road from Highway 11 and U.S. Highway 75. He helped put together funds for a new community center and coordinated a joint effort between the city and school district to build two new baseball parks. He is the president of the Grayson County Fair, serves on a half-dozen boards, and works about 60 hours a week taking care of the city of Howe's business—all without pay.

Ray not only provides leadership and guidance for the citizens of Howe but also provides hands-on service. Last month, as reported by the Herald Democrat. he was at the Grayson County Fair unfolding chairs, moving extension cords, and setting up booths. Earlier he built a fence around a statue of Judge Jake Loy, then got on his hands and knees and landscaped around it. Ray is willing to help with any task—no matter how large or small—and he is respected and beloved by the citizens of Howe.

Mr. Speaker, in the small towns and cities of America, the mayor plays an indispensable role in the functioning of the community. Often, as in Howe, this is an unpaid position. Too often the mayor receives far more complaints than thanks. So as we adjourn today, Mr. Speaker, I would like to take this opportunity to recognize an outstanding civic leader of Howe and an outstanding American—Mayor Ray Bledsoe—and to thank him for a job well done.

PERSONAL EXPLANATION

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. FORBES. Mr. Speaker, on Thursday, November 6, 1997, I appreciated being granted an excused absence for part of the day. Due to that absence, I missed several rollcall votes.

Had I not been absent for part of the day on November 6, I would have voted in the following manner:

"No" on rollcall No. 585—Motion to adjourn;

"No" on rollcall No. 586—Motion to adjourn;

"No" on rollcall No. 587—Ordering the previous question on H. Res 305;

"Yes" on rollcall No. 588—Motion to table the motion to reconsider the vote on the previous question;

"Yes" on rollcall No. 589—Agreeing to H. Res 305, waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes;

"Yes" on rollcall No. 590—Motion to table the motion to reconsider H. Res 305;

"No" on rollcall No. 591—Motion to adjourn;

"Yes" on rollcall No. 592—Agreeing to H. Res 188, urging the executive branch to take action regarding the acquisition by Iran of C–802 cruise missiles;

"Yes" on rollcall No. 593—Motion to table the motion to reconsider H. Res 188;

"No" on rollcall No. 594—Motion to adjourn;

"Yes" on rollcall No. 595—On passage of H.R. 967 to prohibit the use of United States funds to provide for the participation of certain Chinese officials in international conferences, programs, and activities and to provide that certain Chinese officials shall be ineligible to receive visas and excluded from admission to the United States;

"Yes" on rollcall No. 596—Motion to table the motion to reconsider;

"No" on rollcall No. 597—Motion to adjourn.

CONFERENCE REPORT ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. TORRES. Mr. Speaker, I am pleased to support the fiscal year 2000 $300 million advance funding level for the Corporation for Public Broadcasting contained in this bill. That is a $50 million increase over the comparable appropriation for fiscal year 1999, an amount which only partially offsets the three consecutive years of rescission of public broadcasting funds. The American public has sent a clear message to Congress that it supports a public broadcasting system.

The House appropriations report concerning CPB funding specifically supports the commitment made by CPB in 1994 to formalize partnerships among the organizations of the National Minority Public Broadcasting Consortia, television stations, and other public broadcasting organizations to maximize resources to increase the amount of multicultural programming on public television. That 1994 agreement was over a year in the making, but unfortunately, it has never received any funding.

I trust that the $50 million increase will make it possible to fund the Principles of Partnership Initiative, and would encourage CPB to see if they can find fiscal year 1998 and fiscal year 1999 funds to get this initiative of collaboration underway.

The Minority Consortia organizations—Pacific Islanders in Communications, National Black Programming Consortium, National Latino Communications Center, National Asian American Telecommunications Association, Native American Public Telecommunications—have provided public broadcasting's program schedule hundreds of hours of programming addressing the cultural, social, and economic issues of the country's racial and ethnic communities. Additionally, each consortium has been engaged in cultivating ongoing relationships with the independent minority producers community by providing program funding, programming support, and distribution assistance. They also provide numerous hours of programming to individual public television and radio stations.

I would like to point out that the newest consortia member, Pacific Islanders in Communications, is headquartered in Hawaii and has already had major responsibility for several award winning public broadcast productions, notably Storytellers of the Pacific which was coproduced with Native American Public Telecommunications, and And Then There Were None.

I look forward to an increasingly productive partnership between public broadcasting and the National Minority Public Broadcasting organizations and the communities they represent.

A PROGRESS REPORT ON THE LOAN CONSOLIDATION PROGRAM

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. ANDREWS. Mr. Speaker, I rise to report on the progress of the Department of Education's loan consolidation program. Because of the solid efforts of the Department and EDS, the program is on track to complete all the pending consolidation applications and to resume accepting new applications by December 1, 1997.

As of September 15, 1997, EDS had received 142,856 consolidation applications. Of that number, 84,078 were still pending. In less than 2 months, the outstanding inventory has been reduced by 81 percent; only 15,607 applications are still pending. As a result, the number of completed consolidations has increased by 64 percent since mid-September.

These updated figures show that the loan consolidation problems no longer exist. The Department's loan consolidation program streamlines the borrowing process, reduces financial costs, and improves access to education for students and their families. The Department and EDS are to be commended for their swift response to the situation and for putting this important program back on track.

HELPING EMPOWER LOW-INCOME PARENTS [HELP] SCHOLARSHIPS AMENDMENTS OF 1997

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. SANDLIN. Mr. Speaker, I rise today to oppose H.R. 2746, the HELP Scholarships Program. I am a strong advocate for public schools and I believe we must work to ensure that all children, regardless of race, religion, income, or social status, have an opportunity to receive the best education possible in our public schools. We should not jeopardize that opportunity with an ill-conceived plan to provide tax dollars to private schools.

If we are to improve public education in this country, we must take positive steps. I believe the principles outlined in the Democratic plan provide the foundation for those steps. We have focused on six goals: First, early childhood development—basics by age six; second, well-trained teachers; third, relief for crumbling and overcrowded schools, and well-equipped classrooms; fourth, support for local plans to renew neighborhood public schools; fifth, efficient and coordinated use of resources; and sixth, parental choices for public schools.

These goals seem to be simple common sense. They provide the basis for a quality, public education for all students. If we, as Members of Congress, unite behind these goals, we can make great strides in our quest to improve public education. In our great country, everyone is guaranteed the right to a free, public education. It is our duty to ensure that a public education is consistently a quality education.

The increasing competitiveness of our global economy requires that our young people be better educated than ever before in our history. Our schools must provide adequate training in the basic skills needed to succeed in the current and future job market. We must ensure that all of our students have access to an education that prepares them to survive in a global economy. The Democratic plan places us firmly on that path.

Unfortunately, the bill we are considering today will help only a few children fortunate enough to meet the criteria to attend private schools. This bill provides no real choice to students or parents. It does nothing for the vast majority of the nation's students. Only a few lucky students could take advantage of the program given the low funding level for the title VI program under which the vouchers would be provided.

The Republican plan might provide more opportunity to a few select lower income students, but what about the rest? What about the students that private schools don't want? We cannot require private schools to admit all students. This bill affords no civil rights protections to the students in the voucher program. Schools accepting vouchers do not have to accept children who need high-cost education because they are disabled, have limited English proficiency, or are homeless. When we provide public funds to these schools, we resurrect the misguided concept of "separate but equal."

In addition to the problems presented by diverting public money into private schools, I believe it is important to point out that it is a clear violation of the first amendment doctrine of separation of church and state to provide public money to private, religious schools. This bill explicitly permits Federal funds to be used for sectarian activities. Such provisions are clearly contrary to the provision of the first amendment prohibiting the establishment of religion. The Supreme Court has consistently held that tax dollars cannot pay, directly or indirectly, for religious education or the religious mission of parochial schools. If we adopt this voucher program, it will certainly face a court challenge that it could not withstand.

Nowhere in the United States has there been a successful voucher plan. In fact, most states, including my own State of Texas, have rejected vouchers at every turn. The States understand that our public schools cannot and will not survive if we enact such a proposal. To the contrary, they will wither on the vine.

Mr. Speaker, I strongly support local control and I am not at this point willing to reject all voucher proposals out of hand. But many of our local governments have spoken and the result has been a resounding "no". Until a voucher plan is successful at the local level, we in Congress should not impose our will on individual school districts and force them to lose any of their much needed public funding.

Mr. Speaker, now is not the time for experimentation. Now is the time to fight for our public schools, to fight for a quality education for all children, to fight for state-of-the-art equipment in the classroom. I urge my colleagues to oppose this harmful legislation.

IN HONOR OF MARTIN LUTHER KING, JR.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. GILMAN. Mr. Speaker, by the time our Congress reconvenes in January, Americans will have commemorated the national holiday which honors one of our greatest patriots and moral leaders, the Rev. Dr. Martin Luther King, Jr.

A few months later, on April 4, 1998, will fall the 30th anniversary of that dark day in American history when Reverend King was taken from us prematurely, at far too young an age, in one of the most heartless, senseless, and destructive crimes ever. For as long as civilization exists on this planet, scholars will debate how much greater an impact Dr. King would have had on our society had he been allowed to live and to continue his contributions.

Although the life of Martin Luther King was tragically cut short, his message is eternal and will long outlive all of us here today. The simple truth that Dr. King worked so hard to make us all realize is that hatred actually harms the hater more than the hated. The evils of racial injustice, which were a blot on the record of our country for far too long, harmed our economy, the morals, and the advancement of white America just as much as it did Black America. The terrible legacy of Jim Crowism and continued racial discrimination which plagued us for well after a hundred years of the Emancipation proclamation harmed us all, for they not only prevented all Americans from enjoying the full benefits of our society, they also prevented us all from reaping the benefits of the contributions all Americans are capable of making.

In today's world, as we stand on the threshold of the 21st century, many of Martin Luther King's achievements are all around us. More Afro-Americans hold elective office in the United States today, at all levels of government, than even the most optimistic person could have predicted in 1968. Afro-Americans have entered every field of our national lives and have seared themselves into our national consciousness. How much sadder and less enlightened all of our lives would be had we not had the works of Nobel Literature Prize winner Toni Morrison, the television entertainment of Bill Cosby, the athletic prowess of Michael Jordon, Magic Johnson, and so many others, and the millions of other black men and women who contribute to our society but would not have been able to do so had it not been for the desegregation work of Dr. Martin Luther King.

By no means should the celebration of Martin Luther King Day be taken as a celebration that we have achieved all we can. In fact, the legacy of racial division and hatred continues to plague us today, in many ways, day after day. I have personally been appalled to hear radio entertainers, those so called "shock jocks", who seem to believe it is both funny and entertaining to perpetuate racial stereotypes and verbal bigotries that most of us though we outgrew as a people some 40 years ago. It seems as if all too often we hear of the desecration of a Black church, the beating of a Black young person, and other acts of racial hatred that Dr. King devoted his life to wipe out. No American can truly be satisfied until after all of the barriers of prejudice in our society are removed.

Let us be inspired by the words of Dr. King, who stated: "If you can't fly, run. If you can't walk, crawl. By all means, keep on moving."

Martin Luther King Day is an appropriate time for all Americans to pause and remember that we must continue to move, until the day when all of us are afforded full opportunity, and that none of us have to be concerned that race, color, creed, or ethnic heritage are a hindrance to any individual, or to our Nation as a whole.

Let us free ourselves from hatred, as Dr. King urged, so that we can share the dream he so eloquently shared in August of 1963—a dream that "some day the descendants of slaves and the descendants of slave holders can sit down and join hands together at the table of brotherhood and proclaim: Free at last, free at last. Thank God almighty, we're free at last."

CONGRATULATIONS DONALD DALLAS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. BARCIA. Mr. Speaker, those who earn recognition for community service are very special people. They have made efforts to give back to their communities to make them even better places, and have often thought of their neighbors ahead of their own interests. Next week the Knights of Columbus Holy Trinity Assembly 2013 will be honoring Donald Dallas for his civic activity with a humanitarian outlook.

Don Dallas has been a resident of Arbela township for 28 years. A graduate of Century College as a physical therapist, he also has training from the School of Aviation Medicine from Air University, U.S. Air Force. He also attended Blackstone School of Law, where he studied as a paralegal.

Currently a licensed private investigator and court officer, Don Dallas is a member of the Michigan Court Officers Association, the Michigan Council of Private Investigators, the U.S. Process Servers Association, and the Association of Trial Lawyers of America.

He is known throughout the community for his activity with the Tuscola County Planning Commission, the Red Cross Disaster Relief Volunteers, the County Democratic Club, and Habitat for Humanity.

Don's personal successes have been amply aided by his impressive family. His wife, Kathy, is a graduate of Central Michigan University and a registered nurse. Their daughter, Terri Dallas-Prunskis, is a medical doctor specializing in pain management and an associate professor at the University of Chicago Medical School. Their son, Ronald, is a graduate of Andrews University as a mechanical engineer.

Dan Dallas is one of the recipients of this year's awards for community service, in memory of Father William Cunningham, a priest who could only reach for tomorrow's challenge while completing today's accomplishment. Father Cunningham's family resides within my district, and he has served as an inspiration to literally thousands of men and women of all ages and backgrounds as the co-founder and executive director of Focus: HOPE in Detroit.

Mr. Speaker, I urge you and all of our colleagues to join me in congratulating Don Dallas on this impressive award, and in wishing him the very best for the future.

THE CONTINUING LEGACY OF THE LEWIS AND CLARK EXPEDITION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the November 4, 1997, *Omaha World-Herald.* The editorial highlights the growing interest in the Lewis and Clark Expedition and the upcoming bicentennial celebrations to commemorate the bold and courageous journey. As someone who has had a longstanding interest in the Lewis and Clark Expedition, this Member is pleased to promote the bicentennial efforts through the introduction earlier this year of two pieces of legislation. H.R. 1560 authorizes the U.S. Mint to produce a commemorative coin honoring the Expedition. Proceeds from the sale of the coins will be used to fund the activities of the National Lewis and Clark Bicentennial Council and the National Park Service.

This Member has also introduced House Resolution 144, a resolution to express support for the Bicentennial of the Lewis and Clark Expedition. This resolution highlights the importance of the expedition and expresses congressional support for the commemorative activities of the National Lewis and Clark Bicentennial Council as well as Federal, state and local entities and other interested groups.

We must continue to recognize the ongoing legacy of the Lewis and Clark Expedition. The upcoming bicentennial activities will provide excellent opportunities to stress the importance of the journey's mission and discoveries.

[From the World-Herald, Nov. 4, 1997]

LEARNING MORE ABOUT A MIDLANDS JOURNEY

Lewis and Clark's great journey of discovery is beginning to draw attention as the bicentennial of the 1804 event draws closer.

A two-part documentary by Ken Burns is set to air tonight and Wednesday on Public Broadcasting System stations in the Midlands. Burns' effort follows a popular book by historian Stephen Ambrose, whose "Undaunted Courage" described the trip in detail. The book relied on historical records, letters and memoirs, as well as journals of the expedition written by Meriwether Lewis, William Clark and other members of the party. More than 800,000 copies have been sold.

The expedition was commissioned by President Thomas Jefferson to explore the newly purchased Louisiana Territory. Jefferson ordered Lewis to follow the Missouri

River as far as he could, then keep going beyond U.S. territory in an attempt to find a convenient water route to the Pacific.

There is no fast and easy route by water. But the explorations of Lewis and Clark succeeded in another way. They opened the continent to further settlement, identified scores of new plants and animals and launched tentative but cordial relationships with Indian tribes.

Current signs of interest include a 10 percent increase of visitors at Fort Clatsop near Astoria, Ore., where the explorers wintered. Membership in the Lewis and Clark Trail Heritage Foundation has risen. A flood of books on the subject is about to hit the stores.

Archeological digs are proceeding at Fort Clatsop, at Fort Mandan, another wintering site in North Dakota, and at the Great Falls of the Missouri. The first major archeological survey of sites on the trail began recently.

Lewis and Clark sites throughout the West and Midwest are gearing up for tourists as the bicentennial approaches. New Park Service interpretative centers in North Dakota and Montana will aid visitors.

In the Midlands, the Western Historic Trails Center in Council Bluffs, which presents information on the Lewis and Clark expedition and trails that went through the region, is ready for visitors. A new observation deck was constructed at Ponca State Park, overlooking part of the expedition's route. It is one of 10 markers being constructed in Nebraska to emphasize the highlights of the voyage. A Lewis and Clark national Historical Trail Interpretative Center is planned at Nebraska City.

Commemorations in Sioux City will revolve around the riverboat at the Sgt. Floyd Museum and Welcome Center. Floyd, a well-liked leader, was the only member of the party who didn't survive the trip.

The Lewis and Clark voyage of exploration was a major event in the life of the infant nation. The courage of the two leaders and their men was exceptional. The intellectual curiosity and scientific observational skills of Lewis were astounding. The party's combination of luck, pluck and ability has few equals. It's appropriate that the public is taking an interest in their story.

Though many Members of Congress seem to be having a difficult time making up their minds whether "fast-track" is in the national interest, the sensible Lincoln Journal Star newspaper in Lincoln, NE correctly acknowledges that the logic behind "fast-track" "[i]s a simple numbers game." This editorial properly recognizes that 96 percent of the world's consumers live outside of the United States, and we ignore them to our own detriment. Maybe a reading of the attached editorial will inject some fresh Midwestern air into the protectionist fog hanging over the District of Columbia and the Capitol. It's certainly worth a try.

[From the Lincoln Journal Star, Nov. 7, 1997]

PRESIDENT'S FAST-TRACK AUTHORITY IS NEEDED IN A GLOBAL ECONOMY

(Unsigned editorials are the opinion of the Lincoln Journal Star)

It's a bit surprising that a question exists on whether President Clinton should be granted fast-track authority in trade negotiations. Every president since Gerald Ford has had the power. In fact, fast-track authority had never lapsed until it expired on Sept. 30.

But Democrats are finding it difficult to support Clinton on the issue because of the vigorous opposition of organized labor, which has paid for radio and television advertising, organized phone calls to congressional offices and threatened to withhold campaign funding.

In Congress, trade protectionists led by Rep. Richard Gephardt, D-Mo., have been joined by Republicans, who hate to see Clinton win anything, to create a cliffhanger. Analysts predict a close vote in the House. In the Senate, where there is more support for fast-track powers, opponents have succeeded in delaying action.

The concept of fast-track authority is easily described. It gives the president the authority to negotiate trade agreements, which Congress then can reject but cannot amend. Without such authority, any member of Congress might want to change this line or that of any trade agreement sent to it for approval. If that were the case, it's doubtful that any country would negotiate with the United States.

At this point in history, there is overwhelming evidence that free trade benefits the United States. It's a simple numbers game. The United States has 4 percent of the world's consumers. The rest live in countries where the economies often are expected to grow at rates that will exceed those in developed countries like the United States. Many Latin American countries, for example, are expected to have annual growth rates of as much as 5 or 10 percent. If the United States wants to maintain or increase its wealth, it needs to sell to those consumers.

International trade is already of major importance to the national economy. There has been a 35 percent increase in American exports since 1992. In 1996, U.S. exports of goods and services reached a record $836 billion, employing 16.7 million workers.

The most persuasive argument against free trade is that it can mean that industries gravitate to nations that will permit them to degrade the environment, or use child and prison labor. Under the proposed fast-track legislation, however, Clinton has the authority to negotiate agreements that protect against those outcomes.

In the end, the issue of free trade reaches basic questions of economic freedom. The United States has led the world in open markets, free enterprise and competition. Everywhere, nations are adopting those values. Since the end of World War II, global tariffs have dropped from an average of 40 percent to 5 percent.

For the United States to continue to play an important leadership role in the global economy, Congress needs to restore fast-track authority to the president.

LEGISLATION TO PROMOTE FAIR FRANCHISING

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation to address serious problems in the promotion and sale of franchise businesses and in the conduct of franchise business relationships. The legislation incorporates key proposals from bills I introduced in prior Congresses.

In the past two decades franchising has changed the way Americans do business and the way we purchase goods and services. In large and small communities in my district and across the Nation the growing majority of businesses are either franchises or licensed outlets of national companies or retail chains. Franchising has been a significant factor driving both the expansion of our service economy and the growth of our small business sector.

Thousands of American families invest in franchises each year in the hope of realizing dreams of business ownership and economic independence. Unfortunately, too many of these dreams are shattered by franchise promoters who never fulfill promises to help build successful businesses. Rather than owning their own business, many franchisees find they have merely purchased below-minimum wage jobs that have neither the benefits or protections available to employees nor the legal rights and remedies of business ownership. For many franchisees, dreams of business ownership often turn into legal and financial nightmares.

These problems stem, in large part, from the fact that Federal and State law have failed to keep pace with the rapid development of franchising and offer franchisees little, if any, viable legal recourse against fraudulent and abusive conduct by franchisors. We have no Federal laws governing the sale or operation of franchise businesses and the only regulatory procedure at the Federal level, the Federal Trade Commission's franchise disclosure rule, is outdated and inadequately enforced. Only a handful of States have laws or regulations governing franchise sales and practices, and most of these now defer to the Federal Government for enforcement.

These problems are compounded by the fact that franchise contracts are written by franchisors to preempt every legal remedy available to franchisees. As a former chairman of the American Bar Association's Franchise Forum told the Small Business Committee several years ago, indemnification provisions in franchise contracts are drafted so broadly as to protect franchisors even for the franchisor's gross negligence, wanton recklessness and intentional misconduct.

Procedural devices also are routinely employed in franchise contracts to bar legal actions, to deny coverage of protections in State laws and to make litigation inconvenient and costly. Even basic principles of common law applicable to all other business relationships—concepts such as good faith, good cause, duty of competence and due care, and fiduciary responsibility—are routinely denied in franchise contracts.

In short, a huge and growing number of American business owners are routinely required to forego their basic rights and legal remedies just because they choose to become franchisees.

The bill I am introducing today, the Federal Fair Franchise Practices Act, addresses these problems and does so not by increasing Government regulation, but by enhancing private remedies that permit individual franchisees to protect their legitimate financial interests in a court of law.

My bill would promote greater fairness and equity in franchise relationships by establishing minimal standards of conduct for franchise practices, by prohibiting the most abusive acts by franchisors, by clarifying the legal

rights of franchise owners, and by nullifying procedural devices intended to block available legal remedies.

In addition, the bill incorporates basic prohibitions against fraud, misrepresentation and discrimination elsewhere in Federal law and applies them to franchise sales and business practices. It protects the right of franchisees to organize franchisee trade associations and to engage in collective legal action to protect their financial interests. And it provides a private right of actions for violations of Federal franchise disclosure requirements—something the FTC has requested for 18 years.

Mr. Speaker, franchising has undergone tremendous growth in the past two decades and now dominates our nation's retail and services sectors. But Federal law and regulation have failed to keep pace. Federal guidelines intended to protect the public from false or misleading franchise promotions are sadly out of date and only marginally enforced. Legal rights and standards taken for granted in other business relationships continue to be debated and denied in franchising arrangements.

It is time Congress acted to provide basic protections in Federal law to discourage fraudulent and abusive franchising practices and to help strengthen the American dream of small business ownership. I believe the proposals I am introducing could constitute landmark legislation. In much the same way that the Wagner Act helped revolutionize labor-management relations in the industrial economy of the 1930's this legislation can help restore fairness and balance in the growing franchising sector of the services-based economy of the 1990's.

I recommend this legislation to the consideration of my colleagues and I urge its adoption by the Congress.

TRIBUTE TO BILL AND DALE BELCHER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to recognize Bill and Dale Belcher on being chosen as Golden Condor Award winners for their many years of outstanding service to their community and Scouting.

Their work with the Scouts has spanned decades and has had a tremendous impact on the many young people they have worked with over the years. Their sense of community extends far beyond the boundaries of Scouting. For some, that would be enough public service, but not for Bill and Dale. Each of them has dedicated their life to a variety of service organizations. Both Bill and Dale have been very involved in their church and served as executives with United Way.

Dale is active with Soroptimist International, Oxnard Women's Club, and a host of other organizations. Bill is a 20-year veteran of the U.S. Navy, and a longtime member of the Rotary Club, just to name a few.

Mr. Speaker, Bill and Dale Belcher stand as shining examples of the difference two people can make in the lives of many. I would like to extend my sincere congratulations to Dale and Bill on having been chosen as Golden Condor Award winners and thank them for their work in our community.

ROUGH DRAFT OF LEGISLATION TO IMPROVE QUALITY OF CARE IN NATION'S DIALYSIS CENTERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. STARK. Mr. Speaker, I am today including in the CONGRESSIONAL RECORD the rough draft of a bill which represents several years of hard work within the kidney disease community on how to improve the quality of care for our Nation's nearly 250,000 kidney disease patients.

I am asking that the bill be printed in the RECORD in the closing hours of this session of the 105th Congress, so that interested parties can study the proposal over the next several months and offer suggestions and changes. I will be working on the bill over the coming months to develop a consensus on this effort to improve the quality of life of the Nation's kidney disease patients, and I hope to introduce it formally, with appropriate changes, when the second session meets in January.

Basically, the draft bill would create a continuous quality improvement [CQI] program that requires all providers treating end-stage renal disease patients under Medicare to provide data on the outcomes and quality of life of their patients, and to seek to improve that quality.

Those who achieve outstanding quality outcomes will be recognized for their special contributions. Those who fail to meet agreed-upon quality standards will be counseled and worked with to improve. Patients in most communities where there is more than one dialysis provider will be empowered to switch to centers which provide the better outcomes and quality. All the care givers, including the doctors, will be part of the new effort of measurement and improvement.

The result should be improved mortality and morbidity rates, improved energy levels, improved rates of return to work, and of transplantation.

Mr. Speaker, for over 23 years Medicare has been paying for the catastrophic expenses of treating end-stage renal disease, through three times a week life-giving dialysis, through transplantation, and through all the extra hospitalizations, tests, and pharmaceuticals needed by these citizens. The cost per patient per year is, counting everything, estimated between $50,000 and $60,000.

The program has been a tremendous success. It has saved enormous numbers of lives and in many cases provided a good quality of life for decades in which people have continued to contribute to their communities and loved ones.

Yet, after 23 years experience, we can and should do better. There are enormous differences between dialysis centers. After adjusting for every imaginable factor, scholars continue to find that some dialysis centers have death rates much higher than the average. To be blunt, some dialysis centers should be avoided as dangerous to one's health. Some dialysis centers seldom or never refer patients—on whom they make some money—to transplantation so that they will never again need dialysis. Some centers' patients spend many more days per year in the hospital than the "best practice" centers. Some centers are able to get their patients back to work; in others, a lifetime of disability and welfare becomes the norm. And as the GAO reported to Congress on September 26, the number of appropriate lab tests given to ESRD patients vary enormously among centers, raising questions of quality and of fraud and abuse.

With Medicare—not total—expenditures on ESRD patients likely to be about $9 billion in the coming year, we need to do better. We need to reduce the hospitalization rates and the unexplained death rates. We need to increase the opportunities for transplantation and for the return to work and a full range of normal activities. The draft bill would—I believe—help patients and providers work together to achieve these goals.

Finally, managed care has become a fact of life for most Americans, but most ESRD patients are not in managed care. Indeed, currently there is a prohibition on patients who reach ESRD status joining a managed care plan—although a person already in a managed care plan who reaches ESRD can stay in his or her plan. The fear has been that a managed care company could so cut access to services and quality care for these very vulnerable patients that it could lead to greatly increased patient death and illness. Until we have strong quality standards in place and know how to measure ESRD outcomes, it is dangerous to place these patients in systems designed to reduce utilization. The CQI legislation I am introducing will help ensure that for those few ESRD patients in managed care, there is a guarantee of quality. The lessons learned from this legislation will help permit the day when we could confidently entrust this population to disease management programs.

I want to thank all of the rental and patient associations who have been working with HCFA to improve quality and who have been offering suggestions for CQI legislation. In particular, I want to thank the Renal Physicians Association. This draft legislation builds on many of the ideas that are already underway in the renal community and at HCFA, and I believe it is a bill that can achieve consensus support throughout the renal community.

To repeat, I welcome additional suggestions and refinements to this proposal—and hope it is legislation that we can move forward in 1998.

TO HONOR AMERICA'S VETERANS

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. MALONEY. Mr. Speaker, I rise today to honor our Nation's veterans.

When in 1958 President Eisenhower signed the bill proclaiming November 11th Veteran's

Day, he called for Americans everywhere to rededicate themselves to the cause of a lasting peace. He proclaimed that day an occasion for honoring all Veterans of all wars, a group that currently includes more than 27 million Americans, over 50,000 of whom reside in the 5th district of Connecticut which I represent.

The 11th day of the 11th month originally was known as Armistice Day, commemorating the signing of the Armistice ending World War I. The 1958 law changed one word, Armistice to Veterans' Day, and created a day for our Nation to honor all it's veterans. Also on Veterans' Day in 1958, two unidentified soldiers, one killed in Korea and one killed in World War II were brought to Arlington Cemetery and interred at the Tomb of the Unknown Soldier.

Although the name of this day has changed, the central purpose has remained consistent, the 11th day of the 11th month remains a day to honor those who have served their country on the battlefields of Europe, Korea, South East Asia, in the Persian Gulf, and in many other locations around the world. But this is not only a day to remember those who did not return. This is also a day to reaffirm our commitment to the men and women who served and returned, and to the sons and daughters, wives and husbands of those who were left behind, whether for a while or forever.

We must commit ourselves to provide our veterans with full access to the best medical care available; we must ensure that the survivors of American veterans always have adequate provision for their needs; and we must commit ourselves to bringing home those soldiers who have not yet returned from the battlefield.

Mr. Speaker, we can never forget the sacrifices our veterans have made so that we may live in peace today. And this, Mr. Speaker, is what President Eisenhower was referring to when he called for Americans everywhere to rededicate themselves to the cause of peace on this, the 11th day of the 11th month. We need to rededicate ourselves to the peace which these brave Americans have fought to secure and defend.

Mr. Speaker, on behalf of the 5th congressional district, the State of Connecticut, and Americans everywhere, I thank the veterans for their service, dedication and loyalty to our country.

PRESERVING PATIENT ACCESS TO METERED DOSE INHALERS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. SMITH of New Jersey. Mr. Speaker, when most of us think about the Food and Drug Administration [FDA], we envision an agency that works diligently to expand the universe of safe and effective medications. So when I discovered that the FDA was actually proposing to reduce the number of proven medicines available to treat asthma and cystic fibrosis patients, I knew Congress had to act on behalf of patients. As a legislator representing thousands of asthma patients, and as a father of two daughters with asthma, I am appalled that FDA might ban proven medicines patients need to survive.

As a result of these efforts by the FDA, today I am introducing legislation that will preserve access to metered dose inhalers [MDIs] for those patients suffering from respiratory conditions—particularly children suffering from asthma and cystic fibrosis. This bill will ensure that those who rely upon MDI's to breathe, will not be denied access to their lifeline by an overzealous FDA. Joining me in this effort is my good friend Florida Representative CLIFF STEARNS. Together, Mr. STEARNS—who is the author of H.R. 2221—and I have worked together in an effort to change the FDA's misguided policy.

On March 6, 1997, the FDA initiated the first stage of a plan to phase-out the use of chlorofluorocarbons [CFC's] metered-dose inhalers [MDI's], which are used by asthma and cystic fibrosis patients to breathe. This action was taken ostensibly to protect the ozone layer, despite the fact that less than 1 percent of all ozone-depleting substances in the atmosphere are caused by metered-dose inhalers.

In fact, the amount of CFC's that the EPA allows to be released from automobile air conditioners over 1 year is about the same as 14 years of metered-dose inhaler emissions. If you combined all sources of CFC's allowed by the EPA in 1 year, it would equal 64 years of MDI emissions. And yet the only CFC products targeted for elimination this year are inhalers.

It is also interesting to note that while the FDA and EPA are rushing to eliminate CFC inhalers, they continue to allow the use of a variety of CFC products, including bear-repellent pepper sprays, document preservation sprays, and certain fire extinguishers. This is clearly a case of misplaced priorities—how can historical document sprays be considered more essential than products that protect our children's lives? And while American children and senior citizens will have their treatment regimens disrupted by the FDA's plan, nations like China and Indonesia will be pumping tons of CFC's into the atmosphere from hair sprays and air conditioners until the year 2010.

Not surprisingly, the FDA's plan has generated a firestorm of opposition from patients, respiratory therapists, and physicians: nearly 10,000 letters in opposition have been received to date by the FDA. A coalition of stakeholder organizations reviewed the FDA proposal in May and concluded that the FDA's approach banning therapeutic classes was flawed and must be re-evaluated. The patient and provider organizations also stated that the FDA plan "has the potential to disrupt therapeutic regimens * * * and limit physician treatment options."

It is important to institute a transition strategy that will eventually eliminate the use of CFC's. However, the FDA's proposal is deeply flawed and should be scrapped in favor of a plan that puts patients—not international bureaucrats—first.

To ensure that the interests of patients are upheld throughout the formation of our country's MDI transition strategy, this legislation will temporarily suspend the FDA's proposed framework until a new proposal can be crafted. In addition, this bill would require the FDA to consult with patients, physicians, manufacturers of MDI's and other stakeholders prior to issuing any subsequent proposal. In addition, my legislation requires the Secretary of Health and Human Services to certify to Congress that any alternatives to existing MDI's will be available to all populations of users of such inhalers, are comparable in terms of safety and effectiveness, therapeutic indications, dosage strength, cost, and retail availability.

Mr. Speaker, this past week we held a press conference in an effort to educate the public and media about the dangers of the FDA's proposal. Participating in this press conference was Tommy Farese, who is 9 years old, and lives in Spring Lake, NJ, and has had asthma since the age of 2. One of the asthma inhalers Tommy uses to breathe—Proventil—would be eliminated under the FDA plan in favor of a non-CFC version that has not been approved by the FDA for use by children. Unless the FDA's proposal is changed, Tommy could lose access to the medicine he needs to breathe and live. Why should Tommy, and 5 million children like him have to face this dilemma?

In my view, any plan to remove safe and effective medications from the marketplace needs to place the interests of children like Tommy Farese first and foremost. Sadly, the FDA plan fails in this regard. Indeed, the FDA plan presumes that CFC-free inhalers serve all patient subpopulations—such as children and the elderly—equally well, despite the fact that children have special needs and many drug therapies are not interchangeable.

Therefore, I call upon the FDA to stop their proposed ban of asthma inhalers. If the FDA insists on moving forward with their antipatient plan, I call upon my colleagues to support and pass the Smith-Stearns bill to allow asthma patients like Tommy Farese retain access to their medicine.

HONORING PIETRO PARRAVANO, "HIGHLINER OF THE YEAR"

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Pietro Parravano, who has recently been named the "Highliner of the Year," the Nation's most respected fishing award. Pietro Parravano has devoted his career to the creation of sustainable fisheries and to the betterment of the lives of fisher men and women. He is a dedicated public servant, currently serving on the San Mateo County Harbor Commission, as a member of the Local Fisheries Impact Program, on the California Seafood Council, and as president of the Pacific Coast Federation of Fisherman's Associations. Pietro Parravano has been a goodwill ambassador for the fishing fleet, and will soon travel to New Delhi, India to represent the United States at the World Forum of Fish Harvesters and Fishworkers.

Pietro Parravano is an exceptional man, and I ask that we honor him in the House of Representatives on the eve of this most auspicious occasion.

COMMUNITY RECREATION AND CONSERVATION ENDOWMENT ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. DUNCAN. Mr. Speaker, the land and water conservation fund [LWCF] was established in 1964 to increase recreational opportunities. It does this by using money, collected mainly from oil and gas leases, to purchase Federal lands and to give matching grants to State and local governments for the development of parks and open spaces. While this fund continues to be used for Federal land purchases, very little money has been given to States to assist their efforts in preserving natural areas.

That is why I have introduced the Community Recreation and Conservation Endowment Act of 1997 today. This bill will provide funding for grants to State and local governments to develop, repair, and create new parks and preserve open spaces.

This bill will create a $1.6 billion permanent endowment to provide LWCF matching grants to local governments. Interest from that account will help provide funding for parks, campgrounds, trails, and recreation facilities for millions of Americans.

Where does this money come from? On June 19, 1997, the Supreme Court ruled that the Federal Government retains title to lands underlying tidal waters off Alaska's North Slope. As a result, the Government will receive $1.6 billion in escrowed oil and gas lease revenues.

When the land and water conservation fund was established the Federal Government promised to assist State and local governments with preserving natural areas. This legislation will make sure that the Federal Government follows through on that promise. In addition, this bill will ensure that each State receives its fair share of these funds by providing a more balanced distribution of this money between the States.

Mr. Speaker, I urge my colleagues to join me in this effort which will help preserve natural areas all across this country.

TRIBUTE TO EDDIE ROBINSON

HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. COOKSEY. Mr. Speaker, we all use the term "One of a Kind" but there are actually few men who are truly one of a kind. But there is a "One of a Kind Man" down in Louisiana and he's in my district. His name is Eddie Robinson. Why is he one of a kind? Well, for starters, he has had more than 100 of his players drafted by the National Football League. His school's stadium is named in his honor. No other football coach has ever coached for 54 seasons at the same college. And only one other man ever coached college football for that many years—period. Nobody else has won 17 Southwestern Athletic Conference championships. Nobody else has won so many "Coach of the Year" awards that they named the national trophy in his honor. In 1942, his Grambling State team held all nine of its opponents scoreless. It was only the second time that had ever been done and it has never been accomplished again. And nobody else has ever won 405 college football games. But the main reason I am here to praise Eddie Robinson today is that not only is he a great football coach but he is a good man. He has always appealed to the best in his players and his fans. He is an example of so many of the good things that we hold dear—loyalty, family, hard work, God, and country. So I want to pay tribute right now to a truly great American and a man who is truly one of a kind—Coach Eddie Robinson of Grambling State University.

BUDGET SURPLUSES BELONG TO WORKING AMERICANS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. DREIER. Mr. Speaker, by the end of this fiscal year, the Federal Government could run its first budget surplus in nearly three decades. This is certainly good news. For the past 30 years, deficit spending caused interest rates to be higher than they would otherwise have been, which in turn suppressed economic growth and reduced the living standards of American families. If not managed correctly, however, I am concerned that short-term budget surpluses could actually undermine the progress that Congress has made in recent years in controlling the growth of Government spending and reducing Government interference in the economy.

With Government revenues still growing faster than the rate of economic growth, and without the economic and political consequences of having to raise taxes or expand the Federal debt to pay for new spending, continued efforts to restrain the growth of Government in the face of a budget surplus will likely crumble. Already, there is pressure to spend unrealized surpluses on Washington-run programs that are no accountable for results. That's exactly what happened in the late-1960's and 1970's, when inflation-driven growth created a surge in tax revenues, which increased the Government's appetite for new spending, which in turn led to the deficits of the 1980's and early 1990's.

To deal with this potential problem, two of our Republican colleagues have proposed setting up trust funds to apply projected budget surpluses to debt reduction and tax cuts. These are certainly important priorities. According to a recent Gallop poll, 41 percent of Americans want Government surpluses to go to reducing the national debt, while 42 percent prefer tax cuts. But both proposals still require taxpayers to send their hard-earned money to a Washington bureaucracy that doesn't need it, and the distribution of those funds would be based on political incentives rather than economic incentives.

Today, my colleague from Louisiana Representative WILLIAM JEFFERSON, and I have introduced the first bipartisan bill which attempts to address the concerns about budgetary choices that Congress may make in an era of budget surplus. H.R. 2933, the Working Americans Gainful Employment [WAGE] Act, creates a permanent mechanism to impose consequences on Congress for any effort to spend a Federal surplus. It requires the Secretary of the Treasury to reduce the Social Security payroll tax rate prior to each calendar year by an amount equal to the Federal budget surplus for the fiscal year ending during the preceding calendar year. It defines "federal budget surplus" as the amount by which total Federal revenues exceed total Federal budget outlays—unified budget. It also stipulates that any reductions in Social Security payroll tax rates do not affect revenues that would otherwise be deposited into the trust fund.

The WAGE Act will provide desperately needed relief from a regressive tax on employment. Federal payroll taxes, paid in equal parts by employers and employees, are currently assessed at a rate of 15.3 percent of payroll beginning at the first dollar of an employee's earnings. These taxes, while necessary to finance Social Security and Medicare hospital benefits, impose a tremendous financial burden on working Americans, particularly low- and moderate-income workers. Counting the employer portion of these taxes, which are indirectly borne by employees in the form of lower wages and benefits, approximately 75 percent of American workers pay more in Federal payroll taxes than in Federal income taxes.

The WAGE Act will also promote economic growth through tax rate cuts. Although the payroll tax rate reductions would not be permanent—unless the budget surpluses are permanent—businesses will know in advance what the rate will be for the coming year, and will plan investment and hiring decisions accordingly. Since payroll taxes paid by employers result in reduced employee compensation, any long-term reduction will be funneled back into higher wages and additional jobs. A payroll tax rate reduction will also encourage more small business start-ups because such firms must pay payroll taxes even if a profit is not made.

Payroll tax rate reductions would come from after-the-fact surpluses, not estimated surpluses. The WAGE Act, therefore, would not undermine future efforts to allocate projected budget surpluses to other important priorities, such as tax reform or entitlement reform. If Congress enacts legislation allocating future estimated surplus for other priorities, there is likely to be little if any after-the-fact surplus to apply to payroll tax rate reductions. This is the key incentive that is missing from those proposals which seek to wall off future surpluses for reducing taxes of the Federal debt. The WAGE Act creates a benchmark by which other proposals to allocate future surpluses will be measured. If Congress attempts to apply projected surpluses to new spending or to tax cut efforts, those efforts would come at the expense of a payroll tax cut for working Americans.

And for those who are concerned that payroll tax cuts could undermine revenues flowing into the Social Security trust fund, the WAGE Act explicitly states that deposits into the trust

fund will continue to be based on the current statutory rate of 12.4 percent of wages. In other words, the Social Security and Medicare trust funds will be totally unaffected by this legislation.

Mr. Speaker, dedicating future budget surpluses to Federal payroll tax cuts will lock in fiscal restraint while providing dividends to low- and middle-income workers who pay the bulk of those taxes. Our legislation accomplishes both of these objectives in a bipartisan way, and I urge my colleagues to join us as cosponsors of this bill.

RECOGNIZING DAN BLEDSOE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. HUNTER. Mr. Speaker, I rise today to recognize the extraordinary service and dedication of a constituent in my district, Mr. Dan Bledsoe. Dan is a great American who has spent many years of his life defending and honoring our country with selfless service and dedication.

In 1948, Dan enlisted in the Marine Corps Reserve until 1950 when the Korean war began and his unit was called into active duty. Assigned as a scout-sniper, Dan served in several military campaigns during the war, including battles at Inchon, Seoul, and the Reservoir Campaign where 120,000 Chinese Communist troops surrounded an 18,000 U.N. troop location in North Korea. After serving his final campaign in central Korea, Dan left the Marine Corps, being promoted to Sergeant and receiving six battle decorations for his service and outstanding performance.

Dan went on to enroll in the University of San Francisco and, after graduating with a bachelor of science degree in 1955, he entered the Federal Bureau of Investigation [FBI] Academy. Dan went on to serve 25 years as a special agent with the FBI working all across the country and receiving 33 awards that stemmed from successful investigations that resulted not only with the recovery of valuable property and millions of dollars, but lives being saved as well. During this time, Dan also found the time to graduate from Pepperdine University with a master in arts degree in management.

Dan retired from the FBI in 1980 and went to work in the private sector where he continued to serve his community as a member of the Los Angeles Olympic Organizing Committee and then marketing director for the Public Safety Training Association in San Diego until 1989. Married for 42 years and father of two children, Dan currently works as a management consultant and remains active as a member of several athletic and social clubs.

Mr. Speaker, Dan is a symbol of commitment and dedication to his fellow citizens and community. He has pledged a great share of his life to the service of others and as a distinguished soldier, law enforcement officer, and businessman, he was provided his peers with a great example of what it means to be an American. Today, let us congratulate and thank Dan for his unwavering contributions, he is well deserving and I wish him great happiness in his future endeavors.

TAX REFORM

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. WELLER. Mr. Speaker, earlier this week, we passed legislation to restructure and reform the IRS. One of the things that this bill would accomplish is the establishment of an Internal Revenue Service oversight board. If any of my colleagues are wondering why we need more oversight of the IRS, I would invite them to review the statement I am enclosing in the CONGRESSIONAL RECORD today.

The statement, entitled "If You Don't Have Two Motors, You Can't Have Your Money," was recently posted on the INCONGRESS Web site (www.incongress.com) by Cliff Harvison, president of the National Tank Truck Carriers. It details the plight of small business owners who have been denied a tax credit—established over 40 years ago by the Congress—for fuel used for off-highway purposes. The IRS has essentially disregarded this tax credit for "administrative convenience." In other words, the IRS does not trust the taxpayer to tell the truth and does not want to take the trouble to verify factual information itself, so the IRS simply keeps the taxpayers' money.

My distinguished colleague from Nebraska [Mr. CHRISTENSEN] and I have introduced legislation, H.R. 1056, to remedy this problem and force the IRS to comply with the law Congress passed over 40 years ago. However, we have been told that the IRS opposes it. I would hope that we would, perhaps for administrative convenience ignore the IRS and pass it anyway.

Mr. Speaker, this is perhaps one of the most blatant examples of IRS arrogance that I have seen since becoming a Member of Congress. It is stories like this that so clearly justify the need for more oversight of the IRS.

At this point I would like to insert into the RECORD the document entitled "If You Don't Have Two Motors, You Can't Have Your Money," which was posted on the INCONGRESS Web site by Cliff Harvison, president of the National Tank Truck Carriers. I commend it to all of my colleagues and invite them to join with me in cosponsoring H.R. 1056 to restore the off-highway tax credit and supporting H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1997.

IF YOU DON'T HAVE TWO MOTORS, YOU CAN'T HAVE YOUR MONEY BY CLIFF HARVISON, PRESIDENT, NATIONAL TANK TRUCK CARRIERS

"If you don't have two motors on your truck, you can't have your money." That's what the IRS has told the tank truck carriers, the waste haulers, the cement mixers and others. The Congress has been hearing a lot of "horror stories" lately about taxpayers being wronged and ripped off by the IRS. Many of these abuses are dramatic, but few have been going on as long as the financial harm the IRS has been inflicting upon members of the National Tank Truck Carriers (NTTC) and many other small businesses. The IRS has been keeping money which legally belongs to these taxpayers for years. The IRS' reason for doing so? "Administrative convenience."

THE MONEY: IT BELONGS TO OUR MEMBERS, BUT THE IRS IS KEEPING IT

For over thirty years the IRS has refused to allow federal fuel tax credits to many of our members despite the fact that the law clearly states they are entitled to this money. These members pay federal highway taxes on all fuel purchased at the pump, even though some of the fuel is used for off highway purposes and should therefore, pursuant to the IRS Code, not be subject to these taxes.

Congress decided in 1951 to provide a tax credit for off-highway business use to taxpayers that pay fuel taxes. However, the IRS apparently decided long ago that it did not like the law, so it simply found a way to ignore it and keep the money anyway.

Generally speaking, off-highway use is the operation by a vehicle of some function other than driving down the road. A tank truck, for instance, consumes fuel for two purposes: first to power the truck as it drives down the street, and second, to operate the pump that loads and unloads its tanks. Operating the pump is precisely the kind of activity the Congress had in mind when it created the tax credit for "off-highway business use." The tank truck operator is entitled by law to obtain a tax credit for any fuel consumed for this purpose.

THE POLICY: YOU CAN'T GET YOUR MONEY UNLESS YOU HAVE TWO MOTORS

In order to receive the credit the taxpayer is supposed to submit to the IRS an accounting of fuel usage by the vehicle which accurately reflects the amount of fuel used for non-highway purposes. However, the IRS decided that it could not trust the taxpayer. So, it decided to simply deny the credit by writing a regulation providing that, in order to qualify for the credit, you must have two separate motors on your truck—one to drive it down the road, the other to power your pump. In other words, the IRS said to the taxpayer, "We don't trust you; we don't care how you conduct your business; we don't care what type of efficient equipment you need or use. If you want to get your money back from us, your truck must have two motors."

THE RATIONALE: THE IRS' "ADMINISTRATIVE CONVENIENCE IS MORE IMPORTANT THAN THE RIGHTS OF TAXPAYERS

Despite the absurdity of the "you can't get your money unless you have two motors" policy, when this regulation was challenged in the Tax Court, the court upheld the IRS, acknowledging that this rule existed for the IRS' "administrative convenience." In other words, the court decided that the administrative convenience of the IRS was more important than the taxpayers' rights under the law. The Tax Court ruled that the IRS could keep money that the Congress said belonged to the taxpayer—or, alternatively, the IRS could force the taxpayer to go out and buy a truck with an extra motor if it wanted to get the tax credit to which the Congress said it was entitled.

THEY DON'T MAKE 'EM LIKE THAT ANYMORE

Adding to the absurdity of this policy the same decision which upholds the IRS' "two motors or you can't get your money" policy, which incidentally was written in 1995, contains the following information about the availability of trucks with extra motors:

"The parties have stipulated that since the early 1970's, manufacturers of vehicles have stopped producing standard vehicles that contain a separate motor to power the vehicles' separate equipment."

IF YOU HAVE A COMPUTER YOU DON'T NEED TWO MOTORS

Aside from the fact that it is almost impossible to find vehicles for sale that have two motors, the availability and widespread use of computers which keep accurate and verifiable track of fuel usage today totally undermines the IRS' original rationale of the two-motor rule. Even if there was arguably some rationality behind the policy when it was first implemented back in the fifties, that so-called logic is no longer valid in today's world. The IRS is well aware that computers can more accurately keep track of fuel usage than can two separate motors. We have provided them with this information.

IF STATES CAN DO IT, WHY CAN'T THE FEDS?

Various states have found equitable ways that are not "administratively inconvenient" to either rebate or provide credits for state fuel taxes to the same industries that are being denied the federal fuel credit by the IRS. If they can do it why can't the IRS?

"DON'T ASK, DON'T TELL": WE CAN'T RIGHT THE WRONG BECAUSE WE DON'T KNOW HOW MUCH IT WILL "COST"

Our members are aware that Congress must know how much something costs before it writes a law—and we are very supportive of this approach to public policy. Nevertheless, we do not believe that the federal government should have to figure out how much it will cost to stop violating a law before it decides to stop violating it.

The IRS attitude is: we don't want to discontinue our policy of keeping your money even though it doesn't belong to us, because we're not sure we can afford to stop keeping it. This is an absolute outrage. Furthermore, we have been discouraging from even finding out how much the IRS is illegally retaining every year from our members. We should at least be able to get an accounting of how much of the taxpayers' money the IRS is keeping each year. One thing we know for certain—our individual members and the small business owners throughout the country need this money, and more importantly, they are legally entitled to it. We therefore ask the Congress to immediately request an accounting of the IRS with regard to this money.

THE SOLUTION: IF THE IRS REFUSES TO IMPLEMENT REGULATIONS REFLECTING THE WILL OF CONGRESS, THEN PASS LEGISLATION TO MAKE THE IRS COMPLY WITH THE LAW

The most sensible way to resolve this would be for the IRS to acknowledge the existence of modern technology and revise its regulations to accommodate tank truck operators and others who can document off-highway usage in an accurate and verifiable way. Unfortunately, the IRS has consistently refused to accommodate the business realities facing taxpayers.

Therefore the only way to make the IRS comply with the federal law and stop them from keeping money that rightfully belongs to our members and many other hard-working owners and operators of small businesses throughout the country is to pass a law that clarifies for the IRS that a credit is a credit. We call upon Congress to do so. H.R. 1056, introduced by Representative JERRY WELLER (R–IL) and JON CHRISTENSEN (R–NE) on March 13, 1997 would accomplish this. We call upon the Congress to disregard the IRS' objections and pass this legislation, and we invite all Members of Congress who to join us in this effort by co-sponsoring H.R. 1056.

We ask the Congress to acknowledge that it should not "cost" the Treasury money to comply with a law that Congress has already written and disregard the IRS' refusal to comply with the law on the grounds that it would "cost" money or that it would be "administratively inconvenient." If our members, or any other taxpayers, used either of these reasons for not complying with federal law what do you think would happen to them?

CONGRATULATIONS LEEROY CLARK

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. BARCIA. Mr. Speaker, the hallmark of our Nation is the desire of people to improve conditions for their neighbors and their communities. The Knights of Columbus, Holy Trinity Assembly 2013, is next week recognizing an individual whom I have had the privilege of knowing for some time, Mr. LeeRoy Clark. He is being honored for having dedicated himself to serving the people of Tuscola County through civic activity within a humanitarian outlook.

LeeRoy Clark is the chairman of the board of directors of the Human Development Commission. This organization provides many valuable services to people in Huron, Lapeer, Sanilac, and Tuscola Counties, ranging from food assistance to energy aid, attention to medical needs, and a host of other activities. His sincere determination is known by the many people who have benefited from his civic involvement over the years.

LeeRoy attended Michigan State University, and is a graduate of the General Motors Institute and the FDR Labor Center. A veteran of both World War II and the Korean war, he also has served as a board member of UAW Local 659, president of the Millington Parent-Teachers Association, chairman of the Red Feather Campaign, and Board Member of the Genesee County Mental Health and United Way.

His other civic involvements have included active leadership in the Democratic Party, the Urban League, American Legion, VFW, and Arbela Methodist Church. His good work is widely recognized, and he has won numerous awards from the Tuscola County Advertiser, the Saginaw News, the Michigan State Legislature, the Michigan Association of Community Action Agencies, and the National Caucus and Center of Black Aged.

The award for community service this year is being presented in memory of Father William Cunningham, a long-time civil rights activist who never knew the meaning of two words: "no" and "limits". His philosophy was that more could always be done, and that every proposal was possible with reasonable modification. His enthusiasm was ineffective and his accomplishments simply breathtaking. Any individual winning an award named in honor of Father Cunningham, whose family resides in my district, has earned an honor that will be difficult to ever match.

Mr. Speaker, I urge you and all of our colleagues to join me in congratulating LeeRoy Clark, his wife Artha, his daughters Linda, Mary, and Charlotte, on this award, and in offering our best wishes for all that the future holds for them.

REMEMBERING THE LIFE OF MARSHALL GREEN

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. ROGAN. Mr. Speaker, I rise today to pay tribute to a man who has been a dear friend, an honorable mentor, and a distinguished community leader, Marshall Green. Two weeks ago, family and friends in California mourned as Marshall lost his courageous battle with cancer and diabetes. But with his passing, we know the memory of his spirit will carry on in those that he touched over the years.

Marshall was born in April 1919, and lived most of his life near his hometown of Los Angeles. Known by most as the nicest man they ever met, Marshall gave his all to his family, his community, and his country.

Marshall served with the U.S. Coast Guard in the Pacific Theater during World War II, seeing action from Alaska to the South Pacific. Following the war, he returned home to his native Los Angeles, where he worked for Universal Studies as an admired and distinguished production executive, working on such films as "Jaws," "Coal Miners Daughter," "Airport," "Earthquake," and "Animal House."

Marshall was an unfailing supporter of his beloved alma mater, the University of Southern California. And while our two schools were crosstown rivals, his devotion, pride and spirit were worthy of envy. He served USC as a distinguished alumni advisor, active member of the board of trustees, and devoted Alumni Club member. Pride in USC gave Marshall a great deal of satisfaction and honest fun. On one occasion, he secretly arranged for the renowned Trojan Marching Band to burst into a meeting at his yacht club to perform for the assembled members.

Humor was only one of Marshall's many trademarks. As the father of one of my dearest friends—and former boss from my days as a deputy district attorney, Terry Green—this is the side I remember. Marshall exuded joy in his life, family, and friends. His dedication to his family and his community was unique and genuine. Marshall leaves behind his beloved wife of 52 years, Patricia, and is survived by his children: Judge Terry Green, Michael Green, Alan Green, Ken Green, and Kelly Green.

Mr. Speaker, good friends are tough to come by, and honest friends even more so. Marshall Green was both of these to many people. In recognizing his life of service and dedication, I ask my colleagues to join with me today in saluting the life of Marshall A. Green.

RESOLUTION WITH RESPECT TO GERMAN GOVERNMENT DISCRIMINATION AGAINST MEMBERS OF MINORITY RELIGIOUS GROUPS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. NEY. Mr. Speaker, I submit for printing in the RECORD the text of House Concurrent Resolution 22 as approved by the Committee on International Relations.

H. CON. RES. 22

CONCURRENT RESOLUTION

Expressing the sense of the Congress with respect to German government discrimination against members of minority religious groups, particularly those members who are United States citizens.

Whereas since World War II, Germany has been a friend and ally of the United States;

Whereas German government discrimination against members of minority religious groups, particularly against United States citizens, has the potential to harm the relationship between Germany and the United States;

Whereas artists from the United States associated with certain religious minorities have been denied the opportunity to perform, have been the subjects of boycotts, and have been the victims of a widespread and well-documented pattern and practice of discrimination by German Federal, State, local, and party officials;

Whereas the 1993, 1994, 1995, and 1996 United States Department of State Country Reports on Human Rights in Germany all noted government discrimination against members of the Church of Scientology in Germany;

Whereas the German State of Baden-Wuerttemberg barred Chic Corea, the Grammy Award-winning American jazz pianist, from performing his music during the World Athletics Championship in 1993, and in 1996 the State of Bavaria declared its intention to bar Mr. Corea from all future performances at State sponsored events solely because he is a member of the Church of Scientology;

Whereas the Young Union of the Christian Democratic Union and the Social Democratic Party orchestrated boycotts of the movies "Phenomenon" and "Mission Impossible" solely because the lead actors, Americans John Travolta and Tom Cruise, are members of the Church of Scientology;

Whereas members of the Young Union of the Christian Democratic Union disrupted a 1993 performance by the American folk music group Golden Bough by storming the stage solely because the musicians are members of the Church of Scientology;

Whereas the Evangelical Christian Church of Cologne, led by an American clergyman, Dr. Terry Jones, had its tax-exempt status revoked by the German government with the reason being that the church benefits to society were of "no spiritual, cultural, or material value";

Whereas the German government is constitutionally obligated to remain neutral on religious matters, yet has violated this neutrality by supporting and distributing information to the general public that gives the impression that "sect-experts", who are openly critical of all but the major churches, are in a position to provide the public with fair, objective, and politically neutral information about minority religions;

Whereas the Jehovah's Witnesses' application for recognition as a corporation under public law, which would have put them on equal legal status with the Catholic and Protestant churches, was denied by the Federal Administrative Court because the church's doctrine of political neutrality was considered to be antidemocratic;

Whereas government officials and "sect-experts" are using the decision denying the Jehovah's Witnesses recognition as a corporation under public law as a justification for discriminatory acts against the Jehovah's Witnesses, despite the fact that a constitutional complaint is still pending before the German Constitutional Court;

Whereas adherents of the Muslim faith have reported that they are routinely subject to police violence and intimidation because of their ethnic and religious affiliation;

Whereas the 1994 and 1995 Reports to the Human Rights Commission of the United Nations on the application of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief by the Special Rapporteur for Religious Intolerance criticized Germany for restricting the religious liberty of certain minority religious groups;

Whereas Germany, as a signatory to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Accords, is obliged to refrain from religious discrimination and to foster a climate of tolerance; and

Whereas Germany's policy of discrimination against minority religions violates German obligations under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Accords: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) continues to hold Germany responsible for protecting the rights of United States citizens who are living, performing, doing business, or traveling in Germany, in a manner consistent with Germany's obligations under international agreements to which Germany is a signatory;

(2) deplores the actions and statements of Federal, State, local, and party officials in Germany which have fostered an atmosphere of intolerance toward certain minority religious groups;

(3) expresses concern that artists from the United States who are members of minority religious groups continue to experience German government discrimination;

(4) urges the German government to take the action necessary to protect the rights guaranteed to members of minority religious groups by international covenants to which Germany is a signatory; and

(5) calls upon the President of the United States—

(A) to assert the concern of the United States Government regarding German government discrimination against members of minority religious groups;

(B) to emphasize that the United States regards the human rights practices of the Government of Germany, particularly its treatment of American citizens who are living, performing, doing business, or traveling in Germany, as a significant factor in the United States Government's relations with the Government of Germany; and

(C) to encourage other governments to appeal to the Government of Germany, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the rights of foreign citizens and members of minority religious groups in Germany.

A TRIBUTE TO RUBYE GIBSON FOR 80 YEARS OF OUTSTANDING SERVICE TO VETERANS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. TORRES. Mr. Speaker, I rise to pay tribute to Rubye Gibson, for her 80 years of outstanding service to our veterans. On November 11, 1997, during the city of Montebello's Veterans Day ceremony, the community will honor Rubye for her lifetime of dedication to the men and women of our nation's Armed Forces.

As the last surviving president of the Ladies Auxiliary Barracks No. 5, the fifth veterans organization in the United States, Rubye demonstrated tremendous leadership during World War I. During World War II she was a mail carrier for the city of Montebello. Of the period in our Nation's history, Rubye recalls having the fortunate experience of shaking hands with Gen. Jimmy Doolittle and being invited to meet Gen. Omar Bradley. Her lifetime of experience and work with veterans has earned her the respect and admiration of her colleagues and community members.

Rubye comes from a long line of family members dedicated to serving our country. It was at the age of 13, when her brother, while fighting in France received wounds that would keep him hospitalized for 2 years, that Rubye decided the only way she could help her brother was to work with veterans. For the past 80 years, Rubye has kept her commitment to helping our Nation's veterans through her volunteer work with the Veterans of foreign Wars. To this day, she remains relentless in her effort to sell "buddy poppies" to help hospitalized and indigent veterans.

Along with an unwavering dedication to help our veterans, Rubye has displayed a genuine interest and concern for our community's children. In rural South Dakota, Rubye's career as a school teacher was cut short because, in that day in age, it was unacceptable for a married woman to teach. For 18 years, Rubye volunteered her time to the Dorothy Kirby Center and to the Foster Grandparent Program, where she worked with mentally disturbed children.

Mr. Speaker, it is with pride that I rise today to pay tribute to Rubye Gibson for her lifetime of service to our Nation's veterans. I ask my colleagues to join me in saluting Rubye for her 80 years of selfless commitment to the men and women who have proudly served our country in the Armed Forces.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. KIND. Mr. Speaker, another day and still no campaign finance reform. We are here on a Saturday trying to finish our legislative business. We have made an extraordinary effort to finish our work so that Members may be able to go home before Veterans Day for the rest of the year. Yet we haven't considered campaign finance reform.

With the possibility of only 1 day left in this session it is obvious that the leadership has no desire to allow a vote. This is too bad. A majority of the Members of this House have signed on to campaign finance reform legislation. A majority of the public wants to see an end to the abuses of the system. The leadership has said no. The public knows that there will be no reform passed next year, during an election year. The leadership of this House has failed the people it is sworn to represent.

AGRICULTURE RESEARCH AUTHORIZATION ACT

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mrs. CLAYTON. Mr. Speaker, I intend to vote for this bill. I look forward to research funding that can assist in finding out the cause of the fish kills in my State, and the origin of the *Pfisteria* that has plagued our waterways. I also look forward to those provisions that will be of benefit to the 1890 land grant Institutions. But, I rise to express my deep concern with the fate of this bill in conference.

Last year, this Congress pushed through major welfare reform legislation. While I supported welfare reform, I did not support those provisions that will leave many Americans without food, without basic nutrition, hungry. Under the Senate bill, we will cut another $1.2 billion, over 5 years, from the Food Stamp Program. The savings from this new cut in food stamps will go to other agriculture programs.

Mr. Speaker, I do not oppose more funding for those agriculture programs, however, I do oppose further cuts in the Food Stamp Program.

Over 877,000 North Carolinians live in poverty. Of those poor North Carolinians, over 600,000 of them, on average, receive food stamps. Many are senior citizens and children. Last year's welfare reform bill significantly affected food stamp recipients in several ways by: cutting $27 billion from the Food Stamp Program; freezing the standard deduction, the vehicle deduction, the shelter cap and the minimum allotment; setting strict time limits on the eligibility of so-called able-bodied people between the ages of 18 and 50. These persons will only be eligible 3 months out of 36, unless they are enrolled in a work placement or training program—exceptions are made for areas of high unemployment, but only if the governor of the State requests a waiver.

Our Governor did not see fit to ask for a waiver that included all 37 areas that qualified. Our Governor only asked for a waiver that served seven areas and disqualifying most legal immigrants from receiving benefits until they become actual citizens—even though they pay taxes.

The Senate bill continues to take funds from a program for the poor. The projects that will be funded are worthy. Those who felt the brunt of last year's welfare reform bill, should now feel the relief of these savings. I hope we will provide that relief in the conference agreement on this bill.

TRIBUTE TO HYSTERCINE RANKIN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. THOMPSON. Mr. Speaker, I rise today to pay tribute to Mrs. Hystercine Rankin. Mrs. Rankin, a quilter, received the 1997 National Heritage Fellowship. The award is the National Endowment for the Arts' most prestigious honor in folk and traditional arts.

Mrs. Rankin, a native of Port Gibson, MS, has been a quilter all of her life. She has taught many workshops throughout the State and worked with quilters to help them improve their skill. Mrs. Rankin has also influenced others to become more involved in the quilting community. She is truly an asset to the State of Mississippi.

During her trip to Washington, she had the opportunity to meet with First Lady Hillary Clinton. When asked about her new found acquaintance, Mrs. Rankin simply stated that she never knew that a needle would take her this far from home.

Mr. Speaker, it gives me great pleasure to pay tribute today to Mrs. Hystercine Rankin, one of Mississippi's precious jewels.

HELP FOR THE NATION'S COMMUNITY HEALTH CENTERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. RANGEL. Mr. Speaker, I am today sponsoring legislation to help the Nation's frontline health delivery organizations survive the move to managed care. The bill I am introducing today will provide Medicare wraparound payments to federally qualified health centers [FQHC's] and parallels a provision in this summer's Balanced Budget Act which provided Medicaid wraparound payments to FQHC's.

FQHC's, such as community health centers [CHC's], receive about 8 percent of their revenues—or about $200 million annually—in payments for care furnished to Medicare beneficiaries. For the services they provide, health centers are on a so-called reasonable cost basis, which is designed to ensure that sufficient funds are provided to cover the costs of care.

As Medicare patients choose to move into managed care plans which include FQHC's as providers, the payment rates that the health maintenance organizations [HMO's] have been willing to pay the centers is often less than the FQHC payment described in the previous paragraph. My legislation is designed to correct this payment shortfall by providing that each FQHC will receive a supplemental wraparound payment from Medicare in an amount equal to the difference—if any—between the FQHC rate and the amount the FQHC receives from the HMO. This type of wraparound provision was included in the Balanced Budget Act for Medicaid payments, but not for Medicare. Today's bill provides parallel treatment for Medicare and Medicaid payments to these frontline health delivery organizations.

Why do these centers need an additional payment? Why can't they live with the managed care payment rate? Basically, these centers do so much additional, uncompensated care and outreach in their neighborhoods that they need what is the equivalent of a disproportionate share payment to help them finance these essential, extra services—and HMO's are unlikely to contract with providers who have these extra disproportionate share costs. If CHC's are to be able to continue their mission of service, they will need Medicare's help in financing these extra costs.

Following is a memo from the National Association of Community Health Centers elaborating on the essential work of the Nation's CHC's and explaining why these extra wraparound payments are so necessary.

WHY HEALTH CENTERS MERIT A SPECIAL WRAPAROUND PAYMENT

The current reasonable-cost reimbursement provisions for health centers were established by Congress to ensure that Medicare and Medicaid cover the reasonable cost of furnishing covered services to their beneficiaries. Underpayment to these centers is particularly onerous because the revenue to cover unreimbursed costs can only come from federal and state grants intended to support services for the uninsured and essential, non-covered services for others. Health centers cannot absorb risk for several reasons:

Their Patients: Health center patients comprise the most vulnerable populations in America today—persons who, even when insured, remain isolated from traditional forms of medical care because of where they live, who they are, and their frequently far greater levels of complex health care needs. Because of factors such as poverty or hopelessness (not to mention the social-environmental threats that permeate low income/underserved communities), health center patients are at higher risk for serious and costly conditions (diabetes, hypertension, TB, high-risk, pregnancies, HIV) than the general population.

Their History and Mission: Health centers were founded to make their services available to all in their communities, and particularly to those who can't get care elsewhere (again because of who they are and their often complex health and social problems). They have already proven their efficiency, but their fundamental mission and purpose should not be compromised by placing them at risk for the care their patients need. On the contrary, because they serve disproportionate numbers of high-risk patients, adequately compensating the health

centers for their care can serve to make risk levels more reasonable for other providers.

Their Services: Health centers offer comprehensive, "one-stop" primary care rather than a traditional medical model for chronic and acture care. Prevention is the focus. These services need to be promoted, not restricted or reduced, as would be the case under risk based contracting. For their patients and communities, in particular, expanding the availability of preventive and primary care services will be vital in increasing access and reducing costs. Here, too, the success of managed care will depend on this.

Improving Access: As has been noted, health center patients—whose health problems are typically more serious and more complicated than it true of other Americans—frequently need special services that may not be recognized as reimbursable, but which are essential to ensure that effectiveness of the medical care provided. These services, such as multilingual/translation services, health/nutrition education, patient case management services, outreach and transportation, will need to be provided, even if they are not covered and reimbursable; thus, the centers cannot rely on their other funding sources to cover them against excessive risk.

No Reserves. Because of their historic mission and the restrictions placed on them by their funding sources, health centers have no available capital, limited marketing capability, poor and sicker patients and thus no leverage in the marketplace. Moreover, all revenues received by health centers (all of which are either public or not-for-profit organizations) are reinvested in patient care services—there are no "profits," and they have no reserves to protect them against risk. Consequently placing too much risk on health centers would force them to remain outside the managed care system rather than being centrally involved.

Perhaps most importantly, development of primary and preventive care in underserved communities has been particularly effective in reducing unnecessary and inappropriate use of other settings such as emergency rooms which are much more costly. This is especially true of public-private partnerships such as the federally-assisted health center programs, which today provide care to nearly 10 million low income people in underserved rural and urban communities across the nation. Because of their experience, the health centers—together with other key community providers—form the backbone of the local health care system for most underserved people and communities, and have had a major impact on the health of their communities.

Their presence and availability of services has significantly lowered unnecessary use of costlier, less appropriate settings such as hospital emergency rooms and "Medicaid mills".

Their consolidation of both preventive and comprehensive primary care services under one roof has measurably reduced the frequency and cost of preventable illnesses.

Their experience in case management has brought about a substantial reduction in specialty care and hospital admissions, saving millions of dollars for the health care system.

Despite the poorer overall health of their patients, studies have shown that health centers are tremendously effective in reducing total health care costs for their patients. Recent studies in California, Maryland, and New York show that those states incurred 30% lower cost per case for Medicaid recipients who were regular patients of community health centers than for Medicaid recipients who used other providers. These findings underscore those in a earlier 5-day study that showed significant Medicaid savings through use of health centers.

TRIBUTE TO DR. MARTIN MARTY, NATIONAL MEDAL OF HUMANITIES RECIPIENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate one of my constituents from the Third Congressional District of Illinois, Dr. Martin Marty of Riverside, IL. Dr. Marty was awarded the National Medal of Humanities for his work in theology. Dr. Marty was presented his Medal by President Clinton on September 29, 1997.

Dr. Marty is a prolific writer and is the author of 50 books and over 4,300 articles. He is the senior editor of the weekly magazine Christian Century. In addition to his column in the Christian Century, Dr. Marty circulates his own biweekly newsletter entitled Context. Dr. Marty also teaches a class in religion twice a week at the University of Chicago.

The National Medal of Humanities was not the first time Dr. Marty has been recognized for his outstanding work. Dr. Marty is the holder of 56 honorary degrees from prestigious universities throughout the world.

Dr. Marty is happily married to his wife Harriet, who accompanied him to dinner at the White House. The Martys also have a son, Micah. Father and son have collaborated on several books, with father supplying the text to the spectacular photos taken by the son. The family are members of Ascension Lutheran Church in Riverside.

I urge my colleagues in the House of Representatives to join me in congratulating Dr. Marty for his fine work. He is a man of incredible spiritual insight with a gift for fine writing. Dr. Marty, I commend you for all your literary contributions and I congratulate you on your National Medal of the Humanities. I hope you continue your work and I wish you the best of luck in the future.

CONCERN ABOUT EXPORTS AND DOMESTIC CONTROLS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. SHERMAN. Mr. Speaker, the Clinton administration policy on encryption makes no sense, is costing the United States critical export dollars, and threatens the fundamental privacy rights of all Americans in the information age.

For an administration that claims it is sympathetic to and supportive of America's high tech practitioners, what is happening today demonstrates exactly the opposite. Because for all the complexity of designing top of the line computer products and programs with information security—encryption—features, the issues here are not complex at all.

Encryption is both the first and the last line of defense against hackers who would like to get into bank accounts or pry loose credit card information that can cost consumers and businesses dearly. Encryption is crucial for protecting customers and companies from criminal intrusion into both their private lives and their businesses.

Yet the administration says it is addressing the concerns of national security and law enforcement by refusing to permit the export of software with 56 bits or greater encryption protection, unless the company agrees to commit to build key recovery products. It also suggests that the war against criminals, such as pornographers, credit card thieves, terrorists and others too numerous and too diverse to mention, will be all for naught unless government eavesdroppers are handed the keys to unlock all the billions of electronic transmissions that are made every day in today's electronic information age.

Now as ridiculous as it might seem that this administration wants the capacity to tune in on everything going through the airwaves; nevertheless, that is the tool they say they need to protect all of us from today's criminal elements. It is rather mind-boggling to contemplate how the Federal payroll might explode if the NSA and the FBI were given the opportunity to monitor the messenger traffic that goes on every day of the week. But it is also mind-boggling to contemplate the picture of Uncle Sam riding roughshod over privacy rights that have been guaranteed under our Constitution since the days of our Founding Fathers.

If American firms had a monopoly on encryption skills, and if these products were not available from anyone on either side of the Atlantic or Pacific, perhaps an argument could be made for restricting exports of products with encryption that could not be reproduced elsewhere. But that is not the case. What in fact the administration has done, and is doing, is creating, in the words of the New York Times, "a bonanza for alert entrepreneurs outside the United States." And even then I see no good reason for restricting the use of encryption within the United States.

I call my colleagues attention to an article from the New York Times of April 7, 1997. It tells the story of how the German firm of Brokat Information Systems has carved out a booming business selling powerful encryption technology around the world that the United States Government prohibits American companies from exporting. This German company actually markets its products by telling potential purchasers that they shouldn't use American export-crippling products.

This should serve as a reminder that even if Congress should pass and the President should sign Fast Track authority to negotiate new trade agreements with some of our Latin American neighbors, we are not going to turn our trade deficit around if we persist on handing on a silver platter to foreign competitors markets that should be dominated by American firms.

At this point I would like to insert the article from the New York Times, of April 7, entitled

"U.S. Restrictions on Exports Aid German Software Maker."

[From the New York Times, Apr. 7, 1997]

U.S. RESTRICTIONS ON EXPORTS AID GERMAN SOFTWARE MAKER

(By Edmund L. Andrews)

BOEBLINGEN, GERMANY, APRIL 3.—Boris Anderer and his four partners have a message for the spy masters in America's national security establishment; thank you very, very much.

Mr. Anderer is the managing director for marketing at Brokat Informationssystems G.m.b.H., a three-year-old software company here that is growing about as fast as it can hire computer programmers.

When America Online wanted to offer on-line banking and shopping services in Europe, it turned to Brokat for the software that encodes transactions and protects them from hackers and on-line bandits. When Netscape Communications and Microsoft wanted to sell Internet software to Germany's biggest banks, they had to team up with Brokat to deliver the security guarantee that the banks demanded.

But what is most remarkable is that Brokat's rapid growth stems in large part from the Alice in Wonderland working of American computer policy. Over the last two years, Brokat and a handful of other European companies have carved out a booming business selling powerful encryption technology around the world that the United States Government prohibits American companies from exporting.

Mr. Anderer could not be happier. "The biggest limitation on our growth is finding enough qualified people," he said, as he strode past rooms filled with programmers dressed in T-shirts and blue jeans.

The company's work force has climbed to 110 from 30 in the last year, and the company wants to add another 40 by the end of the year.

"This company has grown so fast that I often don't know whether the people I see here have just started working or are just visitors," he said.

Encryption technology has become a big battleground in the evolution of electronic commerce and the Internet. As in the United States, European banks and corporations are racing to offer on-line financial services, and many of these services are built around Internet programs sold by American companies like Netscape and Microsoft.

Cryptography is crucial because it provides the only means for protecting customers and companies from electronic eavesdroppers.

Although the market for encryption software is in itself tiny, it is a key to selling technology in the broader market of electronic commerce. Encryption is the first line of defense against hackers eager to pry loose credit card information and raid bank accounts, so it plays a critical role in the sale of Internet servers and transaction-processing systems.

Brokat, which has revenues of about 10 million marks ($6 million), uses its cryptography as a door-opener to sell much more complicated software that securely links conventional bank computer systems to a bank's internet gateways and on-line services. Netscape, Microsoft and computer equipment manufacturers all include encryption in the networking systems they sell to corporations.

But the United States Government blocks American companies from exporting advanced encryption programs, because agencies like the Federal Bureau of Investigation and the National Security Agency fear that they will lose their ability to monitor the communications of suspected terrorists and criminals.

Far from hindering the spread of powerful encryption programs, however, American policy has created a bonanza for alert entrepreneurs outside the United States. Brokat's hottest product is the Xpresso Security Package, a set of computer programs that bump up the relatively weak encryption capability of Internet browsers from Netscape and Microsoft.

Besides America Online, Brokat's customers include more than 30 big banking and financial institutions around Europe. Deutsche Bank A.G. Germany's biggest bank, uses Brokat's software at its on-line subsidiary, Bank 24. Hypo Bank of Munich uses Brokat in its on-line discount stock brokerage operation. The Swiss national telephone company and the Zurcher Kantonalbank are also customers.

Among Brokat's competitors, UK Web Ltd, based in London, is marketing an equally powerful encryption program in conjunction with a Silicon Valley company C2Net Software. Recently, UK Web and C2Net boasted of selling "full-strength" cryptography developed entirely outside the United States.

"We don't believe in using codes so weak that foreign governments, criminals or bored college students can break them," the two companies said in a statement, in a stinging swipe at the American export restrictions.

Bigger companies are starting to jump into the fray as well. Siemens-Nixdorf, the computer arm of Siemens A.G., recently began marketing a high-security Internet server program that competes with products from Netscape. Companies can download the software from Siemens computers in Ireland.

There is nothing illegal or even surprising about this. The basic building blocks for advanced encryption technology, in a series of mathematical algorithms or formulas, are all publicly available over the Internet. American companies like Netscape sell strong encryption programs within the United States, and companies like Brokat are even allowed to export their product to customers in the United States.

For many computer executives, the real mystery is why the United States Government continues to restrict the export of encryption technology. "The genie is out of the bottle," said Peter Harter, global public policy counsel at Netscape, who complained that American policy thwarts his company's ability to compete.

"I have a good product, and I can sell it to Citibank, but I can't sell it to Deutsche Bank," Mr. Harter said. "It doesn't make any sense. Why shouldn't they be able to buy the same product at Citibank? It makes them mad, and it makes us mad."

In response to industry complaints, American officials have repeatedly relaxed the restrictions on encryption over the last several years, and they did so again last November. But because the speed of computers has increased so rapidly, codes that seemed impenetrable just a few years ago can be cracked within a few hours.

In a policy announced last fall, the Clinton Administration announced that it would allow American companies to freely export cryptography that used "keys" up to 40 bits in length. The longer the key, the more difficult a code is to crack. But banking and computer executives say that 40-bit codes are no longer safe and can be cracked in as little as a few hours by skilled computer backers. The minimum acceptable code, according to many bank executives, must have keys that are 128 bits long.

"From our point of view, there is at least the possibility that a 40-bit encryption program can be broken, and that means there is a danger that our transaction processing could be compromised," said Bernd Erlingheuser, a managing director at the Bank 24 unit of Deutsche Bank. Bank 24 has about 110,000 customers in Germany who gain access to banking services over the Internet using either the Netscape Navigator or Microsft's Internet Explorer.

Anette Zinsser, a spokeswoman for Hypo Bank, concurred. "Forty bits is just too low," she said. Hypo Bank offers Internet-based banking and discount brokerage services to about 28,000 customers.

In a country not known for high-technology start-ups, Brokat jumped at the opportunity. Mr. Anderer, a former consultant at McKinsey & Company in Germany teamed up three years ago with two fraternity friends, Michael Janssen and Stefan Roever, and two seasoned computer experts, Achim Schlumpberger and Michael Schumacher.

The group originally conceived of building a company around modular software components that were designed for the banking industry, and they financed the company for nearly two years through the money they earned from consulting projects. But they were quickly drawn in the area of encryption, and developed a series of programs around the Java technology of Sun Microsystems.

The Xpresso encryption package is installed primarily on the central "server" computers that on-line services use to send material to individual personal computers. Customers who want to connect to a bank's server download a miniature program, or applet, that meshes with their Internet browser program and allows the customer's computer to set up an encrypted link with the server. The effect is to upgrade the 40-bit encryption program to a 128-bit program, which is extremely difficult for outsiders to crack.

Now, in another step through the looking glass of encryption policy, Brokat is trying to export to the United States. There is no law against that, but American laws would theoretically prohibit a company that used Brokat's technology from sending the applets to their online customers overseas. So the company is now negotiating with the National Security Agency for permission to let American companies send their software overseas, which is where it started from in the first place.

It Brokat convinces the spy masters, the precedent could help American software rivals. "This could open a new opportunity that would benefit American companies if they understand the implications," Mr. Anderer said.

NATIONAL COUNCIL OF SENIOR CITIZENS: KYL AMENDMENT WOULD PUT ELDERLY AND DISABLED CITIZENS AT SERIOUS FINANCIAL AND MEDICAL RISK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. STARK. Mr. Speaker, following is a letter from the National Council of Senior Citizens spelling out why the Kyl-Archer amendment is bad for seniors and the disabled and for the Medicare Program.

I urge Members to oppose this amendment. As the public begins to understand what this amendment would do, they will overwhelmingly reject this proposal and the Members who vote for it:

NATIONAL COUNCIL OF
SENIOR CITIZENS,
Silver Spring, MD, October 30, 1997.

DEAR SENATOR: The National Council of Senior Citizens strongly opposes any legislation which would reopen the Balanced Budget Act (BBA) for the purpose of limiting or repealing the two-year bar to any Medicare billings after a doctor enters a private payment contract with a Medicare-eligible person. Passage of H.R. 2497, the Medicare Beneficiary Freedom to Contract Act of 1997, would decimate the Medicare program by removing cost protections while reducing the supply of doctors serving the needs of the overwhelming majority of Medicare users.

NCOA opposed, and continues to oppose, the inclusion of the original Kyl Amendment to the Medicare program. Such a provision, allowing a doctor to contract privately for medical care payments outside of the Medicare program, promises to shred three decades of essential quality, consumer, and financial protections which have been incorporated into Medicare.

As enacted, the Kyl Amendment did include the provision barring for two years another Medicare billings subsequent to an agreement for privately-paid Medicare-covered services. Clearly, this could inhibit widespread utilization of the private contract option by many doctors who have not heretofore, in large numbers, declined Medicare payments. Removal of this bar would open the Medicare program to opportunities for many doctors to coerce patients into giving up their Medicare protection in the name of "freedom to contract."

Fewer than 5% of all doctors decline to treat Medicare patients, and only 1% of Medicare beneficiaries have trouble finding doctors. The current doctor-patient Medicare market works well, with no shortage of physicians willing to accept Medicare payments. H.R. 2497 will allow doctors to legally pick and choose patient-by-patient, service-by-service, and dictate payment levels to vulnerable persons needing professional services. Instead of freedom, this would cripple Medicare's ability to hold down health care costs and would put elderly and disabled citizens at serious financial and medical risk.

We pledge every effort to defeat H.R. 2497 or any similar bill and to restore Medicare to its responsibility to cover the costs of an essential set of quality medical services provided by competent doctors and institutions on a uniform and universal basis.

Sincerely,

STEVE PROTULIS,
Executive Director.

WEST VIRGINIA'S SENATOR ROBERT C. BYRD HONORED

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. RAHALL. Mr. Speaker, West Virginia's senior Senator, ROBERT C. BYRD, has been named the 1997 Distinguished Legislator of the Year by the University of Michigan.

Senator BYRD is the second legislator to be so honored by the university, which began the program last year through a gift from alumnus Bertram J. Askwith, who established the program to honor contributions by a U.S. Senator or Representative and to provide support—up to $40,000 in scholarships—for a student from the honoree's home State or district to attend the University of Michigan.

In accepting the honor, Senator BYRD said "I'm deeply appreciative of this honor, particularly because it provides the opportunity for another West Virginian to pursue a formal education."

Senator BYRD has for years been singularly recognized as an advocate for students who are high academic achievers, have great potential, who merit student tuition assistance because of their hard work and commitment while in school, yet often do not have the means of attending college. He has helped thousands of students receive scholarships through the ROBERT C. BYRD Scholars program, funded under the Higher Education Act. These recipients are students who are not just financially needy, but who also have high grade point averages upon graduation from high school. Senator ROBERT C. BYRD has, throughout his Senate tenure, stressed the need to acknowledge students who work hard in school, are talented, and who, based on merit alone, command our help as they seek to pursue a college career.

I commend the University of Michigan for its recognition of Senator ROBERT C. BYRD as the 1997 Distinguished Legislator of the Year.

But more than that, I salute Senator ROBERT C. BYRD for having, himself, shown the remarkable, personal merit to have attracted the attention of the university to his outstanding lifetime achievements, including many years he served as majority and minority leader in the U.S. Senate, a service to his Nation that, I am confident, helped bring about this new honor as the 1997 Distinguished Legislator of the Year.

Mr. Speaker, many times I have risen to commend our beloved senior Senator from West Virginia, for his enormous heart, his unimpeachable integrity, his unique compassion and for his trustworthiness as a leader of this Nation.

Today, I rise to commend Senator BYRD for a lifetime of work dedicated to helping provide a better life and more opportunity for all people. A humble public servant, Senator BYRD strongly believes in what he himself has said is "this miracle of a country, where anything is possible, dreams do come true, even for a poor lad from West Virginia who once gathered scraps to feed the hogs on a rough hillside farm."

A TRIBUTE TO TRUSTEE MAY SHARP ON THE OCCASION OF HER RETIREMENT FROM THE LITTLE LAKE CITY SCHOOL DISTICT BOARD OF EDUCATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. TORRES. Mr. Speaker, I rise to pay tribute to May Sharp, who is retiring from the Little Lake City School Board after 12 years of distinguished service to the children and community of Sante Fe Springs and Norwalk, CA. On Monday, November 17, 1997, close friends, colleagues, and family members will gather to honor May at a special ceremony at the Clarke Estates in Santa Fe Springs.

As a public servant, May has vigilantly cared for the needs of the children of Little Lake. Her dedication to the education of our children is unparalleled. Elected to the Little Lake City School District Board of Education in November 1985, she has served as its clerk for four terms, vice president for two terms, and president for two terms. Her leadership has gained her the respect and admiration of her colleagues and community members. She has been selected to serve as a representative to the Los Angeles County School Trustees Association for three terms, Whittier Area School Trustees Association, Los Angeles County Committee on School District Organization, California School Board Association, and the Trustee Review Committee for the Whittier Area Cooperative for Special Education.

May has been active in education since her eldest son, Lea, entered school in 1961, joining the Lakeview PTA. As an active parent and concerned resident, she has held various chairmanships of PTA committees and served as the secretary and vice president of the PTA before being elected president in 1971. She served at Lakeview until her two sons, Lea and Robert, entered Lake Center, where she took an active role in leading that PTA. She was instrumental in the founding of the Little Lake PTA Council. She has served as an officer since its inception and as its president from 1977 to 1979 and 1981 to 1982. Even during her tenure as a member of the school board, May remained committed to the principles of the PTA and committed many hours to volunteering for PTA sponsored activities.

As a member of the Little Lake City School District Board of Education, May has diligently worked to improve the educational opportunities for all students. She has been supportive of student endeavors like the music program and Washington, DC, visit at Lake Center Middle School. She is active not only throughout the school district, but also throughout the city of Santa Fe Springs.

May has served on the city of Santa Fe Springs Beautification Committee for the past 15 years. Also, she has been Mrs. Santa on the Christmas float each year since its inception and active in the leadership of the Santa Fe Springs Women's Club. She is a supporter of the Community Red Cross Holiday Celebrity Chefs, Santa Fe Springs Chamber of Commerce Destiny Scholarship, and the Santa Fe Springs Community Play House.

May's husband, Al Sharp, serves on the Santa Fe Springs City Council. Along with their two sons, Lea and Robert, daughters-in-law Annie and Lisa, May and Al have two granddaughters, Crystalyn and Candice, who attend school and in the Little Lake City School District.

Mr. Speaker, is it with pride that I rise today to pay tribute to May Sharp on the occasion of her retirement from the Little Lake City School District Board of Education after 12 years of distinguished service. I ask my colleagues to join me in saluting May Sharp for her years of unwavering commitment to our children and her determination to providing the best possible education for our youth.

PEOPLE OF CUBA

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. ANDREWS. Mr. Speaker, I rise today to speak on behalf of the thousands of Cubans who have no voice, for they have no freedom.

On Wednesday, November 5, 1997, yet another resolution was passed by the U.N. General Assembly, condemning our country's economic sanctions against the megalomaniacal dictator, Fidel Castro. One hundred forty-three other nations, including our good trading partners from Europe, Canada, and Japan voted in support of Castro and against the United States. What those countries fail to realize is that they are working against the freedom loving people of Cuba.

For Americans, Cuba, is in many ways, a family matter for us. Hundreds of thousands of Cuban families have been separated on opposite sides of the Florida Straits for years. Cuban-Americans, refugees really from war, have long dreamed to someday be reunited with family and to see their homeland free once again. Unless strong steps are taken to end the Castro regime, that dream will remain just that—a dream. Standing up to Cuba, standing against Castro and his dictatorship, is the only way to turn those dreams into reality. Using our economic leverage makes it clear to the people of Cuba there is no reconciliation with Fidel Castro, there is no compromise, and it is time to bring the dictatorship to a close. We do this as we did against South Africa with apartheid and as we do today against Iraq.

I am filled today more with sorrow than with anger that our allies, our friends, would support the continuation of oppression and tyranny. However, on this most recent vote, I am gratified that we were joined by two distinguished voices for freedom: Israel and Uzbekistan. These two nations have faced and conquered the obstacles that stand in the way of freedom and realize that freedom, and its bounty, is the fundamental human right.

Castro has had a wall put up around Cuba for almost 40 years. It is our duty, as the pillar of democracy, to tear down those walls and bring freedom to the people yearning for it. I am reminded of Robert Kennedy's words, which are so appropriate now. "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance." The walls today stand between the people of Cuba and freedom and were built by Castro. Those walls must come down. America must tear them down. If the United States has to stand alone against Cuba's violent dictatorship, then so be it.

INTRODUCTION OF A RESOLUTION CONDEMNING DISCRIMINATION AGAINST ASIAN AND PACIFIC ISLANDER AMERICANS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Ms. ESHOO. Mr. Speaker, I rise today to introduce a resolution expressing the sense of Congress that all prejudice against Asian and Pacific Islander-Americans in the United States should be condemned, and that Congress should support the political and civic participation of these Americans through the United States.

I am introducing the resolution at this time when Congress is conducting investigations into possible campaign fundraising violations during the 1996 campaigns. No one disagrees that investigations into legitimate campaign fundraising problems should be conducted or that any individual or party that may have participated in illegal activities should be prosecuted regardless of ethnicity. However, I'm concerned that the tone set by the congressional investigations into possible campaign finance violations may increase biased treatment of Asian and Pacific Islander-Americans.

Media coverage of the figures being questioned, who are of Asian descent, and of alleged contributions by Asian nations has created a perception that Asian and Pacific Islander-Americans as a group should be blamed for the problems of campaign fundraising arising from prohibited from owning property. Under the Alien Land Act passed in California, aliens ineligible to citizenship were prevented from owning land. Other States followed suit and enacted similar laws.

Perhaps the most egregious civil rights violation against Asian or Pacific Islander-Americans was the internment of over 120,000 people of Japanese descent during World War II. Two-thirds of them were American citizens. They were denied their constitutional rights, forced from their homes, incarcerated in internment camps, surrounded by barbed wire, and placed under surveillance of armed guards. Their allegiance to the United States was questioned only because they were of Japanese descent. Not until 1988, when former Representative Norm Mineta introduced legislation to right this historic injustice, was an apology made by the U.S. Government to those interned during the Second World War.

Although anti-immigrant laws were later repealed, those interned received a formal apology, and significant gains have been made by the Asian and Pacific Islander community in the United States, there is still much work to be done to fight discrimination against these citizens.

Asian and Pacific Islander-Americans continue to face racially motivated bigotry and violence, just as they did when their ancestors arrived in this country over 150 years ago. The 1992 report: Civil Rights Issues Facing Asian Americans in the 1990's by U.S. Commission on Civil Rights recounts numerous incidents of bigotry and violence over the last two decades. The National Asian Pacific American Legal Consortium's 1996 Audit of Violence Against Asian the 1996 elections. Reporters contacted donors of Asian descent simply because they were Asian when the story of possible contributions from Asian nations broke. The media has also used offensive racial stereotypes to depict the fundraising violation problem. For instance, the March 24, 1997, cover of the National Review depicted the President, Vice President, and the First Lady in Asian dress and stereotypically racist physical features.

I am also disturbed by stories of congressional activities possibly driven by racial stereotypes. For instance, by colleague, Representative MORAN, described on the floor last week the story of a constituent who received a subpoena for the telephone records of his wife from the House Committee on Government Reform and Oversight just because she has a Chinese surname.

The United States has a long, sordid history of discrimination against Asian and Pacific Islander-Americans. The Chinese Exclusion Act of 1882 limited the number of Chinese immigrants admitted into the United States. It was the first and only immigration law in American history that targeted a specific nationality and was passed due to growing anti-Chinese sentiment created by white laborers competing for jobs. It wasn't repealed until 1943.

The Gentlemen's Agreement of 1908 prohibited Japanese immigration, and the National Origins Quota System limited the number of immigrants from Asian nations.

At the beginning of our Nation, the Founders limited the eligibility for citizenship to free white persons only. In the early 1900's, laws restricting citizenship led to Asian immigrants being Pacific Americans found an increase of 17 percent of anti-Asian incidents reported for 1996 from the previous year. This is particularly disturbing since violent crimes on the whole for 1996 decreased by 7 percent.

In recent months, we have seen incidents of racially motivated violence and harassment toward Asian and Pacific Islander-Americans to discourage their political participation. Students on a University of California campus protesting the antiaffirmative initiative, proposition 209, received chilling hate calls. Asian or Pacific Islander-Americans running for political offices in California, Ohio, and Washington reported their campaign materials vandalized with racial slurs.

Mr. Speaker, the resolution I am introducing reaffirms the rights of the Pacific Islander-American community and underscores the need to protect and advance the civil and constitutional rights of all Americans. I urge my colleagues to do the same and support this resolution.

WOMEN-OWNED BUSINESSES

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Ms. MILLENDER-McDONALD. Mr. Speaker, I am proud to announce that today my colleague, SUE KELLY, and I introduced an important resolution which recognizes important findings and makes recommendations on ways to assist women-opened businesses obtain more Federal procurement opportunities.

On September 25 of this year, we cochaired an unprecedented bipartisan forum addressing the vast growth of women-owned firms and the contrasting poor rate of procurement to these firms. This was a historic day for women business owners, for it was the first time that women business owners have ever convened on Capitol Hill to share their stories with members of the Congressional Caucus on Women's Issues.

On that historic day, the problems contributing to the dismal Federal procurement rate of 1.8 percent to women-owned firms became painfully clear. Despite the 5 percent Federal procurement rate goal which Congress established in 1994, the procurement rate remains low because of the lack of access to the Federal contracting process, the bundling of contracts frequently excluding small women-owned businesses, the ineffective outreach to women business owners, the poor and often incomplete feedback which is provided to businesses when their bid is not accepted, and the need for one certification for all women-owned businesses.

The sense of Congress resolution we have introduced today is the first step in our plan to address these problems and ensure that there is indeed a level and fair playing field for all business owners. I am fully committed to ensuring that this goal is met and that women-owned businesses are given equal opportunity to obtain a piece of the more than $200 billion annual procurement pie. Women-owned businesses are growing at nearly twice the rate of all other U.S. firms, employ 18.5 million people, and produce $2.38 trillion in revenues to the U.S. economy every year. We simply cannot allow this discrepancy to continue.

There is a wealth of knowledge and skills steeped within these women-owned businesses that we as an economic leader in the global marketplace cannot afford to ignore. Today, we take this first step to recognize the contributions the more than 8 million women-owned businesses are making to strengthen our economy. In the coming months, I will continue to recognize these achievements and take concrete actions to ensure equality of opportunity in obtaining Federal contracts.

ELECTRONIC FINANCIAL SERVICES EFFICIENCY ACT OF 1997

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. BAKER. Mr. Speaker, today I am introducing the Electronic Financial Services Efficiency Act of 1997. This bill is designed to provide a uniform nationwide framework to encourage the use and validity of electronic authentication.

New forms of electronic communication are being utilized as an alternative to paper-based documentation and correspondence. Computers are now routinely used to initiate and execute a substantial and growing number of personal, business, and financial transactions. As a result, the problem of authenticating the identity and the signature of parties using computers has become a major concern. Unless a reliable alternative to written signatures is acknowledged, the promise of electronic commerce will not be fully realized.

State legislatures have recognized this need. At the present time 30 States have enacted or have introduced some form of digital authentication law. Unfortunately, these State statutes lack uniformity both in scope and application. Electronic communications and commerce take place on the Internet or elsewhere in cyberspace. Therefore, State boundaries have little relevance and conflicting State electronic authentication laws may ultimately inhibit the development of electronic commerce.

The bill I am introducing today is designed to address the issue of conflicting and confusing developments under current and proposed State law. The purpose of the Electronic Financial Services Efficiency Act of 1997 is threefold: First, to provide for the recognition of digital and other forms of authentication as an alternative to existing paper-based methods, second, to improve the efficiency and soundness of the Nation's capital markets and payment system, and third, to harmonize the practices, customs and uses applicable to electronic authentication on a uniform, nationwide basis.

The first goal is accomplished by explicitly recognizing that all forms of electronic commerce that comport with specific, basic statutory standards shall have parity with written signatures. As a result, they will be considered valid for all communications with Federal agencies, U.S. Courts and other instrumentalities of the U.S. Government.

In order to minimize confusion and encourage uniform national treatment, unless the laws of a State otherwise expressly provide, all forms of electronic authentication that comport with the Federal statutory standards shall have the same standing as written signatures for all legal purposes.

The second goal is met by the establishment of the National Association of Certification Authorities [NACA]. Any person or group that wishes to provide electronic authentication services in the United States must be a registered NACA member. The NACA may admit any person or group to membership, provided they are licensed and provide electronic authentication services consistent with the standards set forth in this act.

The third goal is met by the creation of an Electronic Authentication Standards Review Committee within the NACA. Overseen by the Secretary of the Treasury, the Standards Review Committee shall establish, develop, and refine criteria to be applied to new electronic authentication methods, consistent with the specific standards set forth in the Electronic Financial Services Efficiency Act of 1997.

Recognizing that digital authentication will be used in retail transactions, this legislation requires that consumers be notified of the fact that an electronic communication or transaction has been digitally authenticated. Furthermore, the act states that any rights currently afforded to consumers in underlying transactions are not in any manner impaired or weakened. Additionally, the Standards Review Committee has the authority to address consumer protection by exercising its rulemaking and enforcement powers.

Mr. Speaker, I believe that this legislation will authorize and validate the use of electronic authentication. It will also encourage innovation and stimulate competition in the design and use of reliable state-of-the-art digital technology.

RECOGNIZING THE SERVICE OF ALICE PETROSSIAN

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. ROGAN. Mr. Speaker, I rise today to pay tribute to a woman who had dedicated her career to serving students throughout California and our Nation—Alice Petrossian. Now more than ever, we must encourage our teachers to be their best, push our students to work hard and set goals, and invest in strengthening our education system. Recently, this dear friend and educator was awarded the Professional of the Year award by the Armenian Professional Society for her ongoing commitment as an educator.

Alice began her career at California State University Los Angeles, earning both her bachelor's and master's degree before heading to California State University Hayward to pursue her teaching credential. He work toward excellence in education was recognized early on as she received the Most Outstanding Graduate award at both schools.

Alice then moved back to southern California where she became actively involved with the Glendale Unified School District serving recently as the director of special projects and intercultural programs. She has received much recognition for her service, and her talents have been called upon by each of the last three Governors of California.

Alice has served on the California Community College Board, the California Post Secondary Education Board, and has worked with the Commission for the Establishment of Academic Content and Standards to ensure that quality curricula are united with well-prepared teachers offering our children the tools necessary for the future.

Alice's most important work goes beyond any committee or board on which she might serve. Since her arrival in Glendale, she has reached out to students of all backgrounds. Alice has put faith in at-risk students, and those that might slip through the cracks. Her efforts to provide quality education for all students have distinguished her as a friend of education.

Alice has gone above and beyond the call of duty by establishing scholarship funds, promoting mentoring programs, and working to

benefit all students. The greatest honor she can receive, and the greatest thanks we can offer is by witnessing the change in the lives of every student she has touched. In recognition of her commitment to edcuation, and to the students of California and our Nation, I ask my colleagues to join me today in saluting the service of Alice Petrossian.

TRIBUTE TO IRSHAD-UI-HAQUE

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. ROGAN. Mr. Speaker, I rise today to pay tribute to a man who has exemplified the spirit and determination of what makes American great—Irshad-UI-Haque. Irshad has built a career as a devoted family man, successful entrepreneur, and compassionate community leader. He has cleared many hurdles in life, and always come out with a compassion for his fellow man and a personal commitment to make a difference.

In 1960, Irshad come to the United States from Pakistan with very little money and speaking very little English. However, he was not deterred. He labored exhaustingly long hours in a sweatshop for a paltry $1.00 per hour. With an eye on his future, he dedicated himself to learning English, pursuing an academic career, and working to make the most of his future.

Irshad attended classes when not working, and moved on from Pasadena City College to the University of Southern California, where he earned a degree in business. Following graduation, Irshad spent over 10 years working for the Xerox Corp. where his talent was quickly recognized.

In 1972, Irshad and his wife took a gamble. They opened Bantam Associates and eventually turned a family-owned property management company into the parent of one of the largest storage and archive management firms in the Nation. He will quickly shy away from claiming too much success for his achievements, the biggest credit he will pay to his wife and his daughters.

Irshad leads by example, and has been deeply involved in many philanthropic organizations. He has dedicated his time and resources to the Los Angeles Police Department, the Boy Scouts of America, various chambers of commerce and service organizations, and to health care agencies serving the elderly and poor. Because of his many acts of service, Irshad was awarded the Glendale Man of Achievement Award last week by the Glendale News Press.

Irshad Haque has taken his thread of knowledge, determination, and compassion and woven it into a shinning example of what makes our country whole. In recognition of his selection for the Man of Achievement honor, and in gratitude for his service to his community, I ask my colleagues here today to join me in thanking and congratulating a great American, Irshad-UI-Haque.

SENATE—*Monday, November 10, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of our Nation and Lord of our lives, we don't know all that this day holds, but we know that You hold the day in Your competent hands.

We press on with courage and confidence. Here are our minds, think Your thoughts through them; here are our imaginations, show us Your purpose and plan; here are our wills, guide us to do Your will. What You give us the vision to conceive and the daring to believe, You will give us the power to achieve. Go before us to show us Your way, behind us to press us forward toward Your goals, beside us to give us Your resiliency, above us to watch over us, and within us to give us Your supernatural gifts of great leadership—wisdom, discernment, knowledge, and vision. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, of Mississippi, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. This morning the Senate will be in a period for morning business until 10:30 a.m. Following morning business, the Senate intends to consider and complete action on the following: A continuing resolution which continues funding through Friday, November 14; adoption of the foster care conference report—I am very pleased that we have been able to bring that very important matter to a favorable completion because it certainly needs to be done, and I think it is going to be a great help in getting children in foster care into adoption—and any other Legislative or Executive Calendar items that we can get cleared. However, no rollcall votes will occur in today's, Tuesday's, or Wednesday's session of the Senate. Of course, that is in observance of Tuesday, which is Veterans Day. Members will be given sufficient notice if any votes will occur on Thursday.

At this point there is a possibility of a couple of votes on Thursday, that is, Thursday, November 13, and there are some items that we would have to deal with yet, either an omnibus appropriations bill or the appropriations bills separately, if they wind up coming back to us in that way. But those would be the final items that we probably need to do before we adjourn for the first session.

The House has recessed until Wednesday, November 12, with the intention of concluding the appropriations process on that day. It is hoped that a few other remaining items can be considered by voice vote during Wednesday's session of the Senate, although I emphasize again no recorded votes.

Unfortunately, I cannot say at this time exactly what we can expect on Thursday. As the Members are finding out now, the House did not get to a conclusion on fast track. While we have not had enough time yet to discuss what happens next on that issue with the House leadership or with the administration, Senator DASCHLE and I have talked this morning. I have talked to the President's Chief of Staff. They will be having meetings this morning, and we would have some further announcement to make perhaps today or later on this week on what further will happen on the fast-track trade issue, if anything. Also, because of the energy and time that went into the fast-track efforts to come up with the votes in the House late last night, the House was not able to take up, of course, and deal with the appropriations bills. We will be working on that today and Wednesday.

MEASURE PLACED ON CALENDAR—H.R. 2513

Mr. LOTT. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2513) to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives, and for other purposes.

Mr. LOTT. Mr. President, I object to further consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar for further consideration.

ORDER OF BUSINESS

Mr. LOTT. Two other comments. We will announce to Members a time for a vote, if any, on Thursday as soon as we can get information. That may not be, though, until Wednesday or Thursday.

Finally, it is our intent, serious intent, that we be finished for the year on Thursday of this week with adjournment at that time.

Mr. CONRAD. Will the leader yield for a question?

Mr. LOTT. I will be glad to yield to the Senator.

Mr. CONRAD. I thank the leader for his efforts to bring this session to a close.

THE HIGHWAY BILL

Mr. CONRAD. Mr. President, I ask the leader his intentions when we return, what the first order of business would be. The leader and I had a chance to have a conversation last Friday, and he had indicated to me his intention was at that time that we would go to the highway bill when we return. Is that still the Senator's intention.

Mr. LOTT. Mr. President, it would be my intention. Of course, we would need to confer on that with the committee leaders. But I believe that Senator CHAFEE and Senator BAUCUS would like to take it up early. I talked with Senator DASCHLE about it. That is something I would like to maybe begin on the next day after the State of the Union but right at that first part. So we can go ahead and do our work and, hopefully, the House will follow our leadership.

One other issue that could come up early next year would be the juvenile justice bill reported out of the Judiciary Committee. I believe there is some language in the omnibus bill that we passed that would provide funds for it, but those funds are fenced until we do authorization. So that is something that could come up. And before we go out for the President's Day recess, we would also take up the Morrow nomination for a judicial position.

Mr. CONRAD. I thank the Senator. If I could just conclude the thought, a number of our States are very concerned about the highway legislation because, although we are going to have a 6-month extension here, they are concerned about having a short construction season and about our completing work on a highway bill in a timely way.

Mr. LOTT. Will the Senator yield so I can bring him up to date on that?

Mr. CONRAD. Yes.

Mr. LOTT. Throughout the day yesterday, meetings were occurring between the House and Senate leadership on the highway bill. We had passed in

the Senate, as the Senator will recall, a fix which allowed flexibility so that some funds could be moved between accounts, if necessary, to keep the Department of Transportation employees working. I think there was a transit accommodation. So I think it had about four parts.

During the day yesterday, they were meeting with their counterparts in the House. I was led to believe last night that they had come to an agreement and that agreement, whatever it is—I just can't give you the total outlines of it now—would be attached to either the omnibus appropriations bill or one of the appropriations bills that would be going to the President for his signature.

Mr. CONRAD. So we will have a 6-month extension.

Mr. LOTT. I am not sure. As I said, I don't know what they came up with, but necessary actions to provide for safety, transit funds, and flexibility over some additional funds depending on what they agreed to, which I assume would take us to May 1.

But I do think, again, it is very important we have some deadline on this. Otherwise, we will never bring this very important but very difficult issue to a conclusion.

Mr. CONRAD. As one of the first orders of business when we turn to the 6-year bill.

Mr. LOTT. Right.

Mr. CONRAD. Which is what most of us would like to see, at least in this Chamber. We have a problem on the House side; they only want a 6-month bill, but we want a 6-year bill.

Mr. LOTT. Absolutely.

Do I have time?

If the Senator will allow me to respond—and I will yield the floor if you would like me to—the Senate, I believe, has acted very responsibly on this in terms of the package we had before us, the 6-year package within the budget. Obviously, there will be some important amendments to be offered.

As the Senator is aware, it got tangled up on an unrelated issue, but that issue will not be hanging over us on this bill when we come back.

What has me worried is I believe there are people really kind of interested in dragging this out because they want to keep the formula as it now is. I think the existing formula is fundamentally unfair to States like my own, and so I am very anxious for the Senate to keep the pressure on to move a 6-year bill that comes up with a fairer formula but also lives within budget constraints.

Mr. DORGAN. Will the Senator yield just for a moment on that point?

Mr. LOTT. I will be glad to yield.

Mr. DORGAN. The Senator from North Dakota [Mr. CONRAD] raised a question about the highway issue. I just wanted to follow up briefly.

The Senator from Mississippi will recall that the chairman of the transportation committee of the other side some many weeks ago indicated he would not even go to conference on a 6-year bill, and so we got tangled up for a lot of reasons, including I think the desire of some on the other side only to consider a 6-month bill. That pole vaults this into next year at some point when the Senator talks about May 1. I understand and share with him the need to be some end date that applies the pressure to say now we need to get the 6-year bill and get it done, because we cannot continue this approach of incremental funding without some understanding by the States of what they have to work with in the long run.

I have not had an opportunity to make contact or have discussions with folks in the other body, but when they indicated an unwillingness even to go to conference if we come up with a 6-year bill, it suggests an approach radically different than most of us in the Senate would have wanted.

Mr. LOTT. That is absolutely the case. But the problem they had in the House—we both served in the House; we know what it is like—highway infrastructure and transportation funds are very, very important in every State. This is not a partisan issue. This is an issue that divides us, some not really even by regions; States side by side can have a different view of the formula. And I think they pushed the 6-month proposal because they could not get the votes for anything else right then. But I think if the Senate does not show leadership and keep the pressure on them, we will never get this issue resolved.

That is why I had not wanted to do anything akin to 6 months. I wanted us to have some basic flexibility so States could reprogram, move funds around and make sure we had the safety fund but keep the heat on.

But I think the best thing that we could do on that right now is to make sure there is not a short-term problem with availability of funds, realizing that in the colder States you need to do contracting in December and perhaps early January to have those programs underway in the spring.

But again, it is my intent for the Senate to go ahead and take up this issue and address it early to put pressure on the House and also so that whenever they do get their act together and vote, we will be ready for conference. But I do think it is irresponsible for a Member on either side of the aisle, whether he or she be a chairman or not, to say they are not going to go to conference with the other body if the other body doesn't pass a bill that they like. We have feifdoms around here, but I believe we should not have that type of attitude or we will never bring this important issue to a reasonable conclusion.

That is all I am pushing for. That is why I have tried to push this bill all this year. Frankly, in our own body I think our colleagues made a mistake by letting it drag out to this fall. I thought it should have been done last spring. I had a tentative schedule for the Senate to take it up in April of this year, last April. I know they had a hard time working it out in committee, but to their credit they worked it out and brought out a good, broadly bipartisan bill.

It will be a focus that we need to work on and we need to do it earlier in the year, because if we wait until next September right before elections, there will be no way we can do it.

Mr. DORGAN. Mr. President, I understand the comments of the Senator from Mississippi. I really share his desire to move on this early next year. I think the committee has done an exceptional job. I like the highway bill they brought to the floor, the 6-year bill. If we can move something like that early next year, I think we will have provided some significant leadership. So I appreciate very much the leadership of the Senator from Mississippi.

Mr. LOTT. I yield the floor, Mr. President.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

MAKING FURTHER CONTINUING APPROPRIATIONS, 1998

Mr. LOTT. We do have the continuing resolution and so I would just like to take 1 minute and go ahead and move that.

I ask unanimous consent that the Senate now turn to House Joint Resolution 105 making continuing appropriations through Friday, November 14; that the joint resolution be considered read the third time and passed and the motion to reconsider be laid upon the table, all without further action or debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The joint resolution (H.J. Res. 105) was considered read the third time and passed.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from the State of Alaska.

Mr. MURKOWSKI. Mr. President, I believe we are in a period of morning business?

The PRESIDING OFFICER. That is correct. The Senator has up to 10 minutes to speak.

Mr. MURKOWSKI. I thank the Chair.

AMENDMENTS TO THE INTERNAL REVENUE CODE REGARDING TAX-EXEMPT OUTPUT FACILITY BONDS

Mr. MURKOWSKI. Mr. President, today we are on the verge of a revolution, the revolution of the transmission and distribution of electricity that is fast bringing about competition and deregulation to both the wholesale and retail level. Nowhere has the competitive model advanced further than in the State of California, where full deregulation will become a reality at the beginning of 1998. As many as 13 other States representing one-third of America have moved to competition in the electric industry. These are States with a significant population center.

On Saturday, November 8, I introduced legislation referred to the Finance Committee, and I believe that it will enhance the States' ability to facilitate competition. The legislation arises from the Energy Committee's intensive review of the electric power industry and from the Joint Tax Committee's report that I requested.

Over the past two Congresses, the committee has held 14 hearings and workshops on competitive change in the electric power industry, receiving testimony from more than 130 witnesses. One of the workshops specifically focused on how public power utilities will participate in the competitive marketplace. At these and in other forums, concerns have been expressed by representatives of public power about the potential jeopardy to their tax-exempt bonds if they participate in State competitive programs, or if they transmit power pursuant to FERC Order No. 888, or pursuant to a Federal Power Act section 211 transmission order.

The Joint Tax Committee report, titled "Federal Income Tax Issues Arising in Connection with Proposal to Restructure the Electric Power Industry," concluded that current tax laws effectively preclude public power utilities from participating in State open access restructuring plans without jeopardizing the tax-exempt status of their bonds. Under the tax law, if the private use and interest restriction is violated, the utility's bonds become retroactively taxable.

These concerns have been echoed by the FERC. For example, in FERC Order No. 888, the Commission stated the reciprocal transmission service by a municipal utility will not be required if providing such service would jeopardize the tax-exempt status of the municipal utility. A similar concern exists if FERC issues a transmission order under section 211 of the Federal Power Act.

Mr. President, if consumers and businesses are to maximize the full benefits of open competition in this industry it will be necessary for all electricity providers to interconnect their facilities into the entire electric grid. Unfortunately, this system efficiency is significantly impaired because of current tax law rules that effectively preclude public power entities—entities that financed their facilities with tax-exempt bonds—from participating in State open access restructuring plans and Federal transmission programs, without jeopardizing the exempt status of their bonds.

No one wants to see bonds issued to finance public power become retroactively taxable because a municipality chooses to participate in a State open access plan. That would cause havoc in the financial markets and could undermine the financial stability of many municipalities. At the same time, public power should not obtain a competitive advantage in the open marketplace based on the Federal subsidy that flows from the ability to issue tax-exempt debt. Clearly we must provide for the transition to allow public providers to enter the private competitive marketplace without severe economic dislocation for municipalities and consumers.

To remedy this dilemma, I have introduced legislation that will allow municipal utilities to interconnect and compete in the open marketplace without the draconian retroactive impacts currently required by the Tax Code. My bill is modeled after legislation that passed Congress last year which addressed electricity and gas generation and distribution by local furnishers.

My bill removes the current law impediments to public power's capacity to participate in open access plans if such entities are willing to forego future use of federally subsidized tax-exempt financing. If public power entities make this election, and choose to compete on a level playing field with other electric power suppliers, tax exemption of the interest on their outstanding debt will be unaffected. They will be allowed an extended period during which outstanding bonds subject to the private use restrictions may be retired instead of retroactive taxation, which is the situation under existing law. The relief provided by my bill applies equally to outstanding bonds for electric generation, transmission, and distribution facilities. This would occur 6 months after the date of the bonds.

Mr. President, without this legislation, public power will face an untenable choice: Either stay out of the competitive marketplace or face the threat of retroactive taxability of their bonds. With this legislation, public power will be able to transition into the competitive marketplace.

Let me provide a few examples of real-world choices that public power faces today. According to the Joint Tax Committee report, the mere act of transferring public power transmission lines to a privately operated independent service operator [ISO] could cause the public entity's tax exempt bonds to be retroactively taxable. Similarly, a transfer of transmission lines to a State operated ISO could, in many instances, trigger similar retroactive loss of tax-exemption depending on the amount or value of the power that is transmitted along those lines to private users. Moreover, participation in a State open access plan could, de facto, force public power entities to take defensive actions to maintain their competitive position which could inevitably lead to retroactive taxation of their bonds. Such actions would include offering a discounted rate to selective customers or selling excess capacity to a broker for resale under long-term contract at fixed rates or discounted rates.

I have also heard from the California Governor and members of the California Legislature about many of these problems and the need for legislation to address them. I stand ready to work with them and representatives from other States to solve this problem as part of the legislation I have introduced.

Mr. President, my bill allows public power to participate in the new competitive world and provides a safe harbor within which they can transition from tax-exempt financing to the level playing field of the competitive marketplace. In addition, the legislation recognizes that there are some transactions that public power entities engage in that should not jeopardize the tax-exempt status of their bonds under current law and seeks to protect those transactions by codifying the rules governing them. This list may need to be expanded and I look forward to the input of the affected utilities in this regard.

In general, the exceptions contained in this bill closely parallel the policies enunciated in the legislative history of the amendments made in the 1986 Tax Reform Act. For example, the sale of electricity by one public power entity to another public power entity for resale by the second public power entity would be exempt so long as the second public power entity is not participating in a State open access plan. In addition, a public power entity would be allowed to enter into pooling and swap arrangements with other utilities if the public power entity is not a net seller of output, determined on an annual basis. Finally, the bill contains a de minimis exception for sale of excess output by a facility when such sales do not exceed $1 million.

Mr. President, this legislation attempts to balance many competing interests. This will be a difficult transition and this legislation does not address all the difficult problems to be faced. This is why I emphasize today that this is a starting point for discussion over the months ahead.

I look forward to receiving comments from all interested parties and will encourage Finance Committee Chairman ROTH to hold hearings on this bill early next year.

I am open to making revisions to this bill consistent with a public policy that emphasizes a level playing field and a soft transition to competition for our important public utilities. I look forward especially to working with the chairman of the Senate Finance Committee, Senator ROTH, who has been a leader in addressing tax issues relating to competition in this industry.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. HATCH. Mr. President, I was very pleased that the Senate has acted on S. 1454 and want to commend Senators CHAFEE, WARNER, BAUCUS, and BOND for coming up with this extension bill for the Intermodal Surface Transportation Efficiency Act [ISTEA]. Despite the fact that this temporary extension of ISTEA is just that—temporary—and obviously not a preferred way of doing business, I welcome it. I join in urging the House of Representatives to take it up and pass it. It will provide a modicum of certainty for the States given that we were unable to pass S. 1173, the 6-year reauthorization of ISTEA.

We all know that ISTEA is an essential piece of legislation. It is precisely because of its great importance and significance to every State that it generates controversy. Among the many controversial issues associated with the reauthorization are certain labor provisions, safety and environmental concerns, and the always difficult issue of the distribution of highway funding.

Believe me, I am well aware of how difficult it is to build majorities—and, in the case of ISTEA, a super-majority—on controversial legislation.

Let me say unequivocally for the record that I support the 6-year authorization measure that Senator CHAFEE and the other members of the Environment and Public Works Committee brought to the Senate floor last month. Though it would be hard to imagine any transportation funding bill being 100 percent perfect from the standpoint of any one State, this bill was a solid bill and one I was pleased to support. In fact, I voted for this bill four times in the form of four cloture votes.

But, Senator CHAFEE, despite his best efforts, was not allowed to move this bill. Unfortunately, as we all know, ISTEA fell victim to the efforts of those on the other side of the aisle to force the Senate to act on another piece of legislation; namely, campaign finance reform.

Well, Mr. President, I am here to tell you that Utahns are indeed interested in campaign finance reform. But, at the moment, with numerous road construction projects underway, and facing a 2002 deadline for the Winter Olympic Games, they are equally if not more interested in ISTEA.

The people of every State in the Union are going to pay dearly for the filibuster waged against ISTEA for the sake of campaign finance reform. They will be paying for it with bad roads, unrepaired bridges, and unimproved mass transit. They are going to pay for it with delays in making the necessary improvements.

The Environment and Public Works Committee did its job. Senator LOTT did his job in calling the bill up for debate. But, it takes 60 votes to cut off a filibuster and pass a bill. We tried four times.

I am not enthusiastic about this short-term bill. It is a far cry from what we should have done earlier and what I hope we will do at our earliest opportunity next year.

But, we have to be realistic about where we are today. And we have to face the reality that the 6-year ISTEA reauthoritzation bill did not pass this year. Under such circumstances, I think that the majority leader would have been entirely justified in not bringing up and facilitating the passage of the short-term extension. He could easily say to Senators that we should stew in our own juice.

So as a Senator from a State severely affected by the failure to move ahead on ISTEA, I appreciate that he took the high road. The short-term bill will at least relieve the vulnerable position States would be in under no ISTEA authority at all.

But, I want the people of Utah to know that I will be working hard in the months ahead to support the Senator from Rhode Island and the Senator from Montana in the effort to get the 6-year ISTEA bill passed in the Senate and into conference with the House.

EXTENSION OF MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that morning business be extended until noon today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Ruth Fleischer and Andrea Nygren. Andrea Nygren is a fellow. I ask floor privileges be granted today to both these members of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from the great State of North Dakota.

Mr. CONRAD. I thank the Chair, and especially thank him for his characterization of my State.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD and Mr. DORGAN pertaining to the introduction of S. 1515 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO DERIK FETTIG

Mr. CONRAD. Mr. President, I rise today for the purpose of recognizing the efforts of Derik Fettig, a legislative assistant on my staff who will be leaving the Senate at the end of this session. With his good humor and hard work, Derik has been a tremendous asset as we have worked on issues impacting North Dakota.

A native of Bismarck, ND and graduate of Colorado College, Derik joined my Washington office in May 1995, and was immediately drawn into some of the most important issues that confront our State. His portfolio—which includes water projects and disaster relief—bears witness to the fact that he has served at a critical time in our State's history.

Derik played a pivotal role in the aftermath of this year's historic disasters. He worked with the Corps of Engineers, as well as with the different mayors and local officials up and down the Red River Valley, to address the daily crises associated with what was dubbed "Blizzard Hannah" and the millennium flood. Even more significantly, he helped design and implement the Federal assistance strategy, which has provided the groundwork for North Dakota's long road to recovery and more than $770 million in Federal aid.

Derik has also been of great help with the ongoing water problems facing North Dakota. He has worked to ensure that the Federal Government responds adequately to the unfolding tragedy in Devils Lake. In addition, he has been the point person on my staff for producing a reformulated Garrison Diversion project. With Derik's able assistance, we have forged an unprecedented political consensus among North Dakota's elected political leadership on a revised plan to address the State's long-term water needs. And in the middle of all of this, he ran Grandma's Marathon in Duluth, MN.

We will miss you, Derik. I commend you for your tireless work and wish you the very best in your future endeavors.

Mr. President, I suggest the absence of a quorum.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

RIVER GOVERNANCE AND FISH WILDLIFE ISSUES FOR ELECTRICITY RESTRUCTURING

Mr. GORTON. Mr. President, late last week the distinguished Senator from Arkansas, Senator BUMPERS, and I introduced broad-based electricity restructuring legislation. Each of us spoke to that legislation at that time. We expressed the belief that this first bipartisan approach to a major national issue facing the country would trigger even more serious consideration than has been given during this first session of this Congress to that subject, and expressed the hope, which I repeat here, that it is an issue that will seriously be considered by both Houses of Congress during the course of the next year.

One major portion of that bill, S. 1401, is a title dealing with the Pacific Northwest fish and the management of the Columbia River system. I greatly appreciated Senator BUMPERS' willingness to put his name on those regional provisions, as he did in my case, I believe, with respect to the provisions dealing with the Tennessee Valley Authority.

This morning I wish to speak briefly on the fish and wildlife issues that are a part of S. 1401. The bill does not address, Mr. President, except in the most general way, the critical need for an improved "river governance" process, especially with respect to issues relating to fish and wildlife. This omission should not be misinterpreted. Legislation may well be needed in this area to assure that the multiple purposes of the Federal power system are protected together with the public benefits that they bring.

I hope that over the next several months the region can reach a consensus on these issues, including who pays the costs associated with needed actions. Bonneville ratepayers currently fund this effort through their power rates at a cost of $435 million a year on average, and their ability to make additional contributions to this effort and still meet other statutory obligations is increasingly constrained by an increasingly competitive, deregulated wholesale electric energy market. In forging a financing package, it will be important to look to all who benefit from this important natural resource to assume their fair share of financial responsibility, and to act consistently with sound business principles by holding administrative costs to as low a level as possible.

Money alone, however, is not the answer. Today, the salmon recovery effort is failing. It is failing because of a flawed process for decisionmaking. This process has conflicting goals. It disperses decisionmaking authority among many Federal and State agencies and tribes and has little accountability for cost effective results.

To make real progress, we need a regional plan; a plan in which all governmental interests—States, tribes, and the Federal Government—are partners, together with economic and environmental interests, for success. And success will mean the achievement of clearly defined goals measured by unambiguous results; results that rely on the best science of how to improve the survival of downstream smolts and that assure adequate escapement of returning adults to the spawning beds.

All northwesterners care about our salmon resources. We argue sometimes about the best way to reach our shared goals but it is vital to remember that we share the goal of preserving and protecting our anadromous and resident fish and wildlife while also providing a reasonable and continuing harvest for Columbia River tribes, commercial fishermen, and sports anglers.

I will continue to listen to the stakeholders interested in a comprehensive approach. I am aware that the region's Governors and their transition board may look to a group of "three sovereigns"—Federal, State, and tribal—to construct such a framework, together with other economic and environmental stakeholders. This and other creative thinking on how to maintain both the economic and public benefits of the Bonneville system will be critical to Congress as we move forward with this legislative package.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNIFICANCE OF THE TRADE DEFICIT

Mr. MOYNIHAN. Mr. President, there has been considerable discussion on the Senate floor in the last week in the matter of the fast-track legislation, as we refer to it, about the trade deficit and the size of the present deficit and the projections that it will increase.

It has been suggested that this deficit began to take form in the context of the 1974 legislation providing fast-track authority to the President, and that to extend that authority would only be to continue and deepen that deficit.

My very good friend from Maryland has been I think of this view. My colleague and friend from North Dakota has proposed a commission to look into the whole matter, which can do no harm as long as we keep to the economics of this matter as it is now understood.

Many persons have opposed fast-track legislation because of the deficit, and it seems to me necessary, useful to put into the RECORD the fact that these are not in fact connected any more than in 1974 the fast-track authority represented some break in the Executive role in trade. It did not. From 1934 on, since the time of the Reciprocal Trade Agreements Act, the President has had one form or another of negotiating authority delegated to him by the Congress in the aftermath of the fearsome experience of the Smoot-Hawley Tariff Act of 1930, when we brought a tariff bill to the Senate floor and in the end disabled our own economy, or helped to do, and set the world economy into a downward spiral. If you would list five events that led to the Second World War, the Smoot-Hawley Tariff Act of 1930 would be one. And we have not had a tariff bill in the Chamber as such since 1930. We have proceeded in this mode, through periods of trade surpluses, trade deficits and relatively evenly balanced accounts.

The most important thing to state is that the current trade deficit is not a result of trade policy. It is a result of budget policy. It is a result of the decisions which I think now are behind us in which during a long 15 year period we incurred an enormous national debt in consequence of a long sequence of very large budget deficits. This is not to say that the budget deficit is the only determinant of trade deficit, but it is the key indicator of the matter because it is the relationship between domestic savings, which until this year has been substantially reduced by annual Federal deficits in excess of $100 billion, and domestic investment.

That is the key, but not only factor in the sense of which, as economists would say, the trade deficit is a dependent variable. I have a chart to make this point. It is not any more complicated than most of the charts we bring to the floor these days in the age of television.

In 1975, the United States was a creditor nation. We owned net foreign assets of some $74 billion. By 1996, we had become a debtor nation with a worldwide negative net investment of $871 billion. You go from a surplus to being a net debtor in the amount of almost $1 trillion. Foreign investors have more capital in the United States than we have abroad on balance, and that reflects the increase in our Federal debt.

In 1975, we had a Federal debt of $395 billion. In 1996, we had a Federal debt of $3.733 trillion. The net result was a trade deficit in a manner that is entirely predictable. What we understand about economics, the general consensus of economists is such that if you were to propose that such a change in net budget deficits would take place, the economics profession overwhelmingly would say then your trade balances will change in the same direction.

It is also clear that foreign persons will end up with the dollars that we

need to borrow. Given that our savings rate is so low because our deficits are so high, foreign persons will end up with dollars to lend us only if they export more to us than we export to them.

Last week it was noted on the floor that an October 1997 report entitled "The Trade Deficit: Where Does It Come From And What Does It Do?" by Peter Morici, of the Economic Strategy Institute, a group founded in 1989, in effect challenged the traditional mainstream economic view that trade deficits are closely related to the imbalance between domestic savings and domestic investment. Again, I say, Mr. President, it is the mainstream view of economists that this is a pattern that is almost automatic; that the trade deficit is a dependent variable related to the level of domestic savings.

I am not going to argue, dispute the fact that the causes of the trade deficit are complex. To quote from Dr. Morici's report, he says, "History seems to confirm the importance of multidirectional causality."

Here is an able economist looking at the conventional wisdom, which I have been setting forth, and saying, "No, matters are more complex than that," which one welcomes. That is how any science, any field of inquiry advances. When persons challenge the accepted judgment of the time, sometimes a new paradigm emerges.

But, in arguing the importance of multidirectional causality, Dr. Morici does not deny the importance of the deficits of the early 1980's. He writes.

> . . . the combination of Reagan Administration tax cuts and new defense spending increased the combined government current and capital account deficit from $34 billion in 1981 to about $146 billion in 1983, and the demands imposed by the U.S. Treasury on capital markets drove U.S. interest rates well above German and Japanese levels.
>
> High U.S. interest rates served the purpose of attracting foreign private investment to finance growing U.S. government deficits. * * *

I will take the liberty of repeating that sentence: "High U.S. interest rates served the purpose of attracting foreign private investment to finance growing U.S. government deficits."

> In turn, these foreign private capital flows created much increased demand for dollars in foreign-exchange markets and the real exchange rate for the dollar rose more than 50 percent. In large part, it was the appreciation of the dollar that caused the trade deficit to rise from $16 billion in 1981 to more than $100 billion a year from 1984 to 1988.

Dr. Morici's analysis points to the causality. It may be more complex than we now suppose, but basically, if you have as large a budget deficit as we ran in the 1980's, you will raise interest rates, your dollar will appreciate, and the result is a trade deficit.

Earlier, I was commenting with my friend from Michigan, Senator LEVIN, that the strong dollar of the 1980's seemed to many people a statement that somehow we had a strong economy. Just the opposite. And Senator LEVIN suggested, if we can, we get rid of that usage "strong dollar" or "weak dollar' as if they were some reflection on the general state of the economy as against the price of money, which is what it is all about.

What has puzzled many is why the process has not reversed since we have brought the deficit down. Why hasn't the trade deficit declined as the budget deficit has declined? This is a fair question. However, economists have never argued that budget deficits caused trade deficits but, rather, that trade deficits result when domestic saving is not sufficient to support domestic investment.

In the early 1980's, it was easy to identify the huge Federal budget deficits as the source of the savings shortfall. Now it is more complex, but let me note several factors. We have a strong economy with expansion now in its seventh year. For the first time in 10 years the growth of real gross domestic product has averaged more than 4 percent for four quarters. Not unexpectedly, with a strong economy straining at full employment, investment has increased over the past 5 years from about 9 percent of GDP to 10 percent as firms strive to meet demands by adding new plants. At the same time—and here is a mystery for which you will find no explanation on the part of this Senator—at the same time, private saving has declined from about 16 percent of GDP to about 15 percent during this period. That is why, during the period 1992 to the present, the trade deficit as a percentage of GDP has not declined, even as the budget deficit has fallen dramatically.

In an op-ed article last month in the Wall Street Journal, Robert Eisner, a distinguished professor emeritus at Northwestern University and former president of the American Economic Association, reminded us of the gains from trade that accrue to all nations. He wrote:

> The U.S. has the mightiest economy in the world, and generally the most productive. The classical economic law of comparative advantage, going back to David Ricardo, tells us that, even if a country is more productive than other countries in all areas, it can gain from trade. It does so by specializing in those industries in which it has the greatest advantage, and exporting their products. It then imports from others the products of industries on which it has a lesser advantage.

Even though there is an advantage in both cases, you maximize by concentrating on the most pronounced.

As Professor Eisner notes, the United States has the mightiest economy in the world. We are in a period of unprecedented economic expansion with real growth at 4 percent; unemployment at 4.7 percent, a 24-year low; measured inflation of about 2 percent and a budget deficit rapidly approaching zero. Our economy is the envy of Western Europe and Japan. On average, G–7 countries have roughly half our growth rate and half again as much unemployment.

While undesirable in the long run, our trade deficit has not undermined our economy. As the chart makes clear, there appears to be no relationship between the size of the trade deficit and the unemployment rate. The unemployment rate has gone up and down, up and down. It was very high in the early 1980's when the interest rates were very high, and the Federal Reserve Board undertook to break the inflation at the time, and now down to the lowest level in 24 years. In the meantime, this trade deficit has grown. But as should be very clear from this chart, there is no relation one to the other. It is not a causal relationship of any kind. At least, it has not been established as such, and I do not think it is possible to do so.

U.S. industrial production increased 18 percent from 1992 to 1996. Over the same period, U.S. manufactured goods exports increased 42 percent, agricultural exports grew by 40 percent, and service exports by 26 percent. These are not the signs of economic weakness, notwithstanding the trade deficit.

Finally, I make the point that if there is one cloud over the horizon with respect to the trade deficit, it is the looming retirement of the baby boom generation. With this in mind, I agree that it would be preferable to run trade surpluses to accumulate assets abroad so that the burden of financing the retirement of the baby boom generation can in part be financed with earnings from those foreign assets. Last week I introduced a Senate resolution which resolved that:

> It is the sense of the Senate that:
>
> (1) any unified budget surpluses that might arise in the current expansion should be used to reduce the Federal debt held by the public; and
>
> (2) to achieve this goal during this economic expansion that there be no net tax cut or new spending that is not offset by reductions in spending on other programs or tax increases.

Adoption of that resolution and the policies it suggests will increase national savings, as we should during an expansion phase of the business cycle. Even if one believes, as the Economic Strategy Institute report suggests, that mainstream economic theory does not adequately explain the trade deficit, that view does not require one to oppose fast track. In fact, Mr. Clyde Prestowitz, president of the Economic Strategy Institute, supports this legislation. In an op-ed article in the Washington Post last month, Prestowitz wrote:

> Congress must give the President fast track. It is inconceivable that the United States will not be at the table when the globalization cards are dealt.

Inconceivable last week. Very near to probable today, I have to say with great regret. But it is a point to be made that in the U.S. Senate, by 2-to-1 margins, we have supported fast track, and should there be a change of spirit in the other body, we will be here in that same position, hoping to be of service and knowing the consequences of failure on all our parts.

With that, Mr. President, I ask unanimous consent the Prestowitz article be printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 9, 1997]

KEEPING ON TOP OF TRADE

(By Clyde Prestowitz)

President Clinton needs the "fast-track" authority he has requested from Congress to keep the United States involved in the critical international negotiations that are reshaping the world economy. But to persuade reluctant members of Congress to go along and to be able to negotiate effectively, he also needs to articulate a comprehensive, concrete global action plan.

Today's trade negotiations are akin to the arms talks of the Cold War era, for in the age of geo-economics they will determine the balance of power just as surely as did the political and military bargaining of the past. The United States must be at the table when the deals are being done.

Just as important, however, is the ability to deal intelligently from a position of strength and to ensure actual fulfillment of bargains once they are struck. So far the fast-track debate has focused on whether or not the president should be compelled to demand adherence to certain environmental and labor standards by our trading partners. These are no doubt important issues and worthy of debate, but they are likely to be irrelevant if the United States is not equipped to analyze, negotiate, monitor, finance and enforce potential deals as well as its trading partners.

In the past, this has not always been the case, and as the administration now requests authority to enter the most complex trade talks it has ever attempted with China, Latin America and the World Trade Organization, the shape of the U.S. global economic team and effort can only be described as anemic.

For example, the President's Commission on Trade and Investment in Asia, on which I served as vice chairman, reported in April that despite rapidly rising exports, U.S. firms are actually losing market share in Asian markets because U.S. exports are not keeping up with market growth. Indeed, during the past 10 years, the growth of European exports to Asia has far outstripped that of U.S. exports. Reasons for this were found to be inadequate. Export-Import Bank financing, the virtual elimination of U.S. aid donations in the region, the absence of U.S. concessionary loans, the closure of consulates and inadequate staffing of business-promotion positions at U.S. embassies.

Beyond these inadequacies in Asia is the fact that the U.S. international economic team in Washington is too lean to be mean. In the Office of the U.S. Trade Representative, only two professionals make up the staff of the section dealing with all of the negotiations with China. The Commerce Department's China office has only four people left after recent budget cuts. The trade representative's Japan office also has only two people to deal with the enormous range of issues that continually arise with Japan. Six attorneys struggle to keep on top of the 36 cases the United States is currently litigating in the World Trade Organization.

Another example of U.S. organizational weakness became apparent last year when the American Chamber of Commerce in Japan conducted an evaluation of all the various trade agreements between the United States and Japan over the past 20 years. This turned out to be a more difficult task than initially anticipated because chamber officers could find no one in the U.S. government who had even a list of all the deals—much less any idea of whether their terms actually were being observed. After the chamber complied its own list and polled industry negotiators, along with current and past government negotiators, it concluded that, of 45 agreements, only 13 were being fully implemented. Based on its review, the chamber made several recommendations regarding how to achieve better success in future negotiations. Among other things it called for concrete, measurable objectives, better industry and country knowledge and language skills among U.S. negotiators, and persistent follow-up of agreements once made. With the U.S. trade deficit with Japan exploding again, these recommendations take on added urgency.

Congress must give the president fast track. It is inconceivable that the United States will not be at the table when the globalization cards are dealt. But the United States also must have the means and a plan to mount a serious international economic effort rather than simply negotiating agreements that are not enforced and that no one remembers.

Mr. BENNETT addressed the Chair.

Mr. LEVIN. Will the Senator from Utah yield for a unanimous-consent request? I ask unanimous consent that immediately following the remarks of the Senator from Utah, that I be recognized for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, may I inquire as to the parliamentary circumstance? Are we in morning business?

The PRESIDING OFFICER (Mr. BURNS). The Senator is correct. The Senate is in morning business with Senators permitted to speak for up to 10 minutes.

Mr. BENNETT. May I ask unanimous consent that I be allowed to continue for up to 20 minutes, if that becomes necessary?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized.

Mr. BENNETT. I thank the Chair.

(The remarks of Mr. BENNETT pertaining to the introduction of S. 1518 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JOHNSON. Mr. President, I ask unanimous consent to speak in morning business immediately following the remarks of the Senator from Michigan.

The PRESIDING OFFICER (Mr. THOMAS) Without objection, it is so ordered.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 20 minutes.

Mr. LEVIN. I thank the chair.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Gail Perkins be granted privileges of the floor for the balance of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISSING HEARINGS FROM THE SENATE CAMPAIGN FINANCE INVESTIGATION

Mr. LEVIN. Mr. President, on the last day in October, Senator THOMPSON announced that the Senate Governmental Affairs Committee was suspending its campaign finance hearings in part because the committee did not have the caliber of witnesses and information to justify continuing the hearings.

Mr. President, the Democrats on the Governmental Affairs Committee were promised 3 days of hearings during September or October on a number of unexamined issues involving important events during the 1996 elections. Had that commitment been kept, one of the days would have been spent looking at the largest single transfer from a political party to a tax-exempt organization in the history of American politics—$4.6 million, which the Republican National Committee gave to Americans for Tax Reform in October 1996, the final month before the 1996 elections.

As this chart shows, over two-thirds of the money which ATR received in 1996, this tax-exempt organization, over two-thirds of that money came from the Republican National Committee. The size of this transfer is unprecedented. There is no record of an American political party giving even $1 million to a tax-exempt organization, much less four times that amount.

If the Democratic National Committee had given $4.6 million to a labor union or environmental group in the month before the 1996 elections, I have no doubt that there would have been a searching investigation of the facts, if not full scale public hearings—and it would have been totally appropriate. But here—where the money was paid by the RNC to a tax-exempt group whose efforts were aimed at attacking Democrats—not a single hearing witness was called. Worse, the Governmental Affairs Committee failed to interview a single person from either the Republican National Committee or Americans for Tax Reform about this transfer. Given its mandate, the Committee's failure to investigate the $4.6

million was a highly partisan act which denied the Senate and the American public important information.

But even without depositions or interviews or testimony, there is enough evidence through publicly available documents and the limited document production by the RNC, ATR, and some banks to piece together the outline of a coordinated campaign effort involving ATR that appears to circumvent hard and soft money restrictions, to duck disclosure, and to misuse ATR's tax-exempt status—all of which calls out for an appropriate investigation by the Department of Justice and the Treasury Department.

Let's begin with what was said at the time about the $4.6 million transfer. In public statements, both RNC Chairman Haley Barbour and ATR President Grover Norquist denied that the money transfer was part of any coordinated effort between the two organizations. Mr. Barbour told the Washington Post on October 29, 1996, that "he had no understanding with Norquist about how the money would be spent," while Mr. Norquist told the press that he had made "no specific commitment" to the RNC on how ATR would use the money. In short, the two principals would have the American public believe that in the final weeks before election day 1996, the RNC gave away $4.6 million to a supposedly nonpartisan, independent organization with no understanding or expectation as to how that money would be used.

Not only does common sense tell us that this is unlikely, but the facts and documents behind this transaction indicate that it simply was not so.

Let's look at what was happening around the time the money transfer took place. For months prior to election day, Haley Barbour and the RNC had been complaining about a television ad campaign funded by organized labor and others criticizing the Republican Party on the issue of Medicare. The RNC and Haley Barbour were telling anyone who would listen that the ads were distorting the facts and that Republicans were not out to cut Medicare. And yet, the RNC waited until October, the final month before the election, to start spending funds to respond to those ads. Here is Haley Barbour, at an October 25, 1996, press conference, explaining the RNC's decision to delay spending:

[W]e made the decision not to borrow money last year or early this year in order to try to compete with the unions and the other liberal special-interest groups' spending. You see, our campaigns do come into the real election season late September and October without having spent all the money that—to match what the unions were doing. And you will see us—you are seeing now, and have been throughout the month of October, you are seeing Republicans using the resources that we've raised in voluntary contributions to finish very strong, to make sure our message is in front of voters when they are making their voting decisions.

What steps was the RNC taking to ensure that its message was in front of voters when they are making their voting decisions in October? One step was to funnel $4.6 million in soft money to ATR which used the money on a massive direct mail and phone bank operation, targeting 150 congressional districts with 19 million pieces of mail and 4 million phone calls.

The subject of the ATR mailings and phone calls was just what Haley Barbour referred to in his statement to the press—Medicare. The title of one ATR mailing says it all: "Straight Facts About You, Medicare and the November 5 Election." This mailing urged senior citizens to ignore political scare tactics and stated "[t]here's barely a difference between the Republican Medicare Plan and President Clinton's Medicare Proposal."

Did the RNC know what ATR was going to do with the $4.6 million? Haley Barbour and Grover Norquist told the American public no, but let's look at a document produced by the RNC entitled, "Memorandum for the Field Dogs." I ask unanimous consent that this document and others I will mention in my statement be included in the record after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1)

Mr. LEVIN. This "Memorandum for the Field Dogs" is a document which, again, came from the files of the Republican National Committee and states the following in its entirety:

Re: Outside Mail and Phone effort.

Attached is a rotten copy of the 1st of 3 mail piece[s] that will be sent to 150 selected congressional districts it will be directed at [sic], "a map of which has been included for your viewing pleasure."

We discussed this effort during Wednesday's conference call.

This is an effort undertaken by Americans for Tax Reform. They are attempting to warn seniors about Democrat Mediscare tactics. . ."

This memo to the field personnel provides clear evidence that the RNC had advance information about ATR's mailing effort. It shows that the RNC had a copy of ATR's first direct mail piece even before it was sent out. In the words of the memo, attached is a copy of the first of three mail piece[s] that will be sent.

It shows that the RNC knew it was the first of three mailings, and that it was being sent, not to specified cities or counties or zip codes, but to specified Federal Congressional districts—150 congressional districts to be exact—that it will be directed at. And to ensure that RNC field personnel knew precisely which districts had been targeted, the memo includes a map * * * for your viewing pleasure.

The fact that the mailing targeted congressional districts, rather than cities or zip codes, shows clearly an election-related intent. The fact that this information was communicated to RNC field personnel doing election-related work at the time is more evidence. The memo also states that RNC field personnel had discussed the effort undertaken by Americans for Tax Reform in a previous Wednesday's conference call. Any fair reading of this memo throws cold water on the claim that there was no understanding between the RNC and ATR about what ATR was doing.

But, one may ask, what evidence is there that the RNC knew when it gave ATR the $4.6 million how ATR intended to spend it? Again, let's look at the facts and the documents.

First, let's look at an October 29, 1996 invoice sent to ATR by the John Grotta Co. This is the company that actually managed the direct mail and phone bank effort for ATR in October 1996. It is a company, I might add, that has also run direct mail campaigns on behalf of the RNC and is owned by an individual—John Grotta—who is a former western political director for the RNC. The invoice shows that ATR owed John Grotta various amounts at various times throughout October 1996. The grand total owed to the company, not including postage for the mailings, was $3,325,498.60.

Based on an analysis of ATR's bank records, which are in Committee files, on October 1, 1996, ATR had a total in its two bank accounts of $294,078.50—a tenth of the cost of the direct mail-phone bank effort.

Lo and behold, though, in October 1996 the RNC began pumping money directly into one of ATR's bank accounts. The $4.6 million total would prove more than enough to pay for the direct mail-phone bank effort. What a coincidence. Or was it?

A closer look shows that the $4.6 million was, in fact, not one donation, but four payments spread throughout the month of October. And if we compare the timing of each payment to the billing dates for the direct mail-phone bank operation, we find that each donation came at a very convenient moment for ATR.

According to the invoice, ATR owed John Grotta an initial payment of $195,177.50 on October 7, 1996. On October 4, 1996, three days before that initial payment was due, the RNC gave $2 million to ATR. The RNC didn't write a check to ATR—it wired the funds directly into ATR's bank account. Five days later, on October 9, ATR paid its bill to John Grotta.

Two weeks after that, ATR faced another $1,313,677.40 in bills owed to John Grotta. These bills were due on October 18 and October 22. And what should happen on October 17, but that the RNC provided a second, well-timed donation to ATR—this time in the amount of $1 million. Again, this money was wired directly into ATR's account. Within days of receiving it, ATR paid John Grotta $1,418,544.38.

ATR had another John Grotta bill due on October 24, 1996—this one in the amount of $1,104,000. On October 23, 1996, however, the total in ATR's bank account was $216,344.93. But once again, ATR got the money it needed. On October 25, 1996, the RNC made a third well-timed donation to ATR—$1 million wired into ATR's account. Within hours of receiving this donation, ATR paid John Grotta $1,104,000.

One week later, at the end of the month, ATR faced another John Grotta bill due in the amount of $607,776.72. On the day before that bill was due, the total in ATR's bank account was only $70,085.65. But on the next day, the very day that the $607,000 bill was due, the RNC wired ATR a fourth and final, well-timed donation—in the amount of $600,000. Within 2 hours of receiving the RNC donation, ATR paid off its bill to John Grotta.

Are we supposed to believe that the timing and amounts of RNC payments to ATR, when compared to the billing dates and amounts owed by ATR to John Grotta, were mere coincidence? Are we supposed to believe that the RNC's $600,000 payment just in time to pay a $600,000 bill was sheer luck—a $600,000 coincidence? And that there was no coordination or understanding as to how the RNC money would be used by ATR?

That's what Haley Barbour and Grover Norquist told the American public. But let's look past those statements to some other things Mr. Barbour and Mr. Norquist have said. In a news conference at RNC headquarters on October 29, 1996, Mr. Barbour was asked about the RNC's $4.6 million donation to ATR. Here's what he said:

> We made a contribution to Americans for Tax Reform, which is a conservative, low-tax organization. You'll see in our FEC report now and at the end of the year that we've made contributions to a number of organizations that are like-minded, share our views, promote our ideas.

Then he went on to say the following:

> As you know, when we do advertising, when we do advocacy, no matter what we do, we typically have to pay for it, either totally with FEC dollars or a mixture of FEC and non-FEC dollars. While our fundraising among small donors has been nothing short of spectacular, we often find ourselves in the position where we cannot match up non-FEC funds with enough FEC funds.

Those are the key words, "We find ourselves in the position where we cannot match up non-FEC funds with enough FEC funds." To put it in words which are more familiar to the American public, "We cannot match up soft money with enough hard money."

Haley Barbour went on to say at that press conference:

> So, when we came to that point, we decided we would contribute to several groups who are like-minded and whose activities we think, while they're not specifically political, we think are good for the environment for us.

In an article in the Washington Post on February 9, 1997, again referring to the RNC contribution to ATR, Mr. Barbour was quoted as saying that groups like ATR "'have more credibility' in pushing a political message than the parties themselves." So here we have Mr. Barbour saying that the RNC gave ATR $4.6 million in soft money, because it didn't have enough matching hard dollars to allow the RNC to do the advertising itself, and further saying that having groups like ATR do the political advertising provides more credibility than having the RNC do it itself. And yet Mr. Barbour claims that he had no understanding with ATR as to how the RNC's contributions to ATR would be used?

Then there are Mr. Norquist's statements. When asked to comment on the $4.6 million, Mr. Norquist told the Washington Post on December 10, 1996, "We just ramped up on stuff we were going to do anyway. They, the RNC, the conservative movement, knew the projects we were working on."

The facts and documents indicate that the RNC was using ATR as a surrogate to do what the RNC itself had neither the hard dollars or the credibility to do on its own. Such actions raise questions about whether the RNC was deliberately circumventing hard money requirements as well as disclosure requirements. They also raise questions about whether the RNC was deliberately misusing a supposedly nonpartisan, independent tax exempt organization to promote the RNC's campaign agenda.

Americans for Tax Reform is a 501(c)(4) organization that is exempt from taxation. A (c)(4) organization is supposed to be engaged in social welfare that promotes the common good and general welfare of the people of the community. Social welfare organizations may not engage in campaign-related activity as their primary activity. The relevant Tax Code regulation 1.501(c)(4)-1 describes the prohibited activity as "direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office." An analysis of ATR's bank records for 1996 indicates, however, that the $4.6 million that the RNC provided was more than two-thirds of ATR's income. The fact that RNC funds outmatched ATR's other funding by a 2–1 margin raises the issue of whether the RNC funding made electioneering ATR's dominant pursuit in violation of its tax exempt status.

The tax abuse issue doesn't end there. Up to this point, for simplicity's sake, I've been referring only to Americans for Tax Reform, the 501(c)(4) organization. But ATR has an affiliate, run by Grover Norquist out of the same office, called the Americans for Tax Reform Foundation. This foundation is a 501(c)(3) organization which is prohibited by Federal tax law from engaging in any campaign activity.

But it turns out that the foundation was very much engaged in the direct mail-phone bank operation and served as a second conduit for RNC funds spent on that operation. Of the $4.6 million provided by the RNC, ATR actually transferred about $2.3 million to the foundation which, in turn, paid almost half the direct mail-phone bank bills. In effect then, the RNC funneled soft money through two tax exempt organizations—one a 501(c)(4) and one a 501(c)(3)—to pay for an advocacy effort it could not do on its own due to a lack of matching hard dollars. ATR paid approximately $1.8 million for the operation, while the ATR Foundation paid approximately $1.5 million.

How do we know? Believe me, Mr. President, it wasn't easy to find out. The committee subpoena for ATR bank records was intended to cover the ATR Foundation, and the bank was willing to produce the foundation's records, but felt it could not do so under the wording of the subpoena without ATR's consent. When the minority asked ATR to allow the bank to produce ATR Foundation records, ATR refused. And when Senator GLENN asked the committee chairman to issue a new subpoena to the bank explicitly requesting ATR Foundation records, the request was ignored. So we were forced to piece together the foundation's role from the documents we already had.

To make a long story short, we followed the money. On October 4, 1996, the RNC wired $2 million to ATR. On October 17, the RNC wired another $1 million to ATR. The next day—October 18—ATR transferred $508,000 to the ATR Foundation. Four days after that—on October 22—ATR transferred another $851,000 to the ATR Foundation. On October 25, the RNC wired yet another $1 million to ATR. That very day ATR transferred $1 million to the ATR Foundation. The result is a pattern of RNC money coming into ATR and then being used by ATR either to pay the direct mail-phone bank bills directly, or going an extra step of being passed by ATR to the ATR Foundation which then paid bills. What makes this pattern all the more intriguing is that ATR bank records for the year-and-a-half preceding October 1996 do not include a single month in which ATR transferred money to its foundation. Yet in October 1996, ATR gave its foundation over $2 million.

Why did ATR take this extra step and involve its foundation? We'd like to ask Mr. Norquist, but so far have been denied any opportunity to do so.

How do we know, then, that the foundation used RNC funds to help pay for the direct mail-phone bank effort? We found two types of evidence. First, comparing the October 29 John Grotta invoice to ATR bank records shows that, for every recorded bill payment but two there is a corresponding wire transfer from ATR's bank account to

John Grotta. The two exceptions are two bill payments that were both shown as made on October 25, 1996—one in the amount of $468,000 and one in the amount of $1,104,000. Both payments are shown on the invoice as having been made by ATR, but there is no corresponding wire transfer from ATR's bank account. However, both payments were made after ATR had transferred over $2 million to the ATR Foundation. Common sense tells us that the foundation must have paid the bills on ATR's behalf. Of course, having been denied access to ATR Foundation bank records, we don't have the bank records documenting foundation payments to Grotta. However, we do have one of the mailings that this money paid for. And right there, in black and white, underneath the heading "Straight Talk About You, Medicare & the November 5 Election" are the words, "Paid for by AMERICANS FOR TAX REFORM FOUNDATION."

The documents and public statements of Mr. Barbour and Mr. Norquist indicate that RNC soft money went through ATR and ATR's 501(c)(3) foundation and paid for a direct mail-phone bank operation that, if the RNC had done it directly, would have required either all hard money or a hard money-soft money split. Was the RNC laundering money through the ATR affiliates to avoid having to use any hard money to pay for the mailings and telephone calls? Was the RNC funnelling payments through the ATR affiliates to capitalize on ATR's greater credibility? Was the RNC knowingly misusing ATR's tax exempt status by causing electioneering to become the primary activity of the (c)(4) organization and by passing funds through a (c)(3) foundation that is prohibited from engaging in campaign activity? The evidence is powerful and should have been explored at a committee hearing.

There's more. The RNC's $4.6 million paid for more than the John Grotta direct mail-phone bank operation which cost about $3.3 million plus postage. Although Mr. Norquist told the Washington Post on December 10, 1996, that ATR "didn't do televised issue ads," the evidence is overwhelming that ATR did. One ad, of which we have a videotaped copy, attacked then-Representative ROBERT TORRICELLI, the Democratic candidate for Senate in New Jersey for allegedly missing votes. A company called Title Wave sent ATR an invoice for $8,524 to produce the ad, which was called "Torricelli/'Missing'." Invoices from Mentzer Media Services, Inc., charged ATR $325,230 for a media buy in New York/New Jersey media markets and another $56,656.25 for media buys in Philadelphia/New Jersey media markets to keep the ad on the air during the month of October right up to November 4, the day before the election.

RNC funds delivered to ATR were used to pay for the ad. On October 4, 1996, the same day it received $2 million from the RNC, ATR wrote a $4,000 check to Title Wave as partial payment on the ad's production costs. Two weeks later, ATR wrote a $4,900 check to a company called Soundwave. The memo at the bottom of the check stated that it was payment on an invoice for the "Torricelli ad." And beginning on October 8 through the end of the month, ATR's bank records show a series of wire transfers to Mentzer Media Services totaling $374,830 for the media buys. At the beginning of October, ATR's bank account balances had stood at just over $290,000. After receiving the influx of RNC dollars, ATR spent over $383,000 on an attack ad against the Democratic senatorial candidate in New Jersey.

Documentary evidence suggests ATR's involvement with other television ads during the 1996 election season. Two were allegedly sponsored by an ATR affiliate called Women For Tax Reform, which was formed in August 1996, housed in ATR's offices, headed by ATR's Executive Director Audrey Mullen, and which has had no apparent existence apart from the two ads. Both ads attacked President Clinton by name with one scheduled for airing on television in Chicago in August during the Democratic Convention.

In addition, the RNC produced out of its files the script of a television ad which was apparently designed to be sponsored by ATR and used to attack Democratic candidates running for open seats. The document states at the top, "RNC-TV/Open Seat TV:30/'Control'." The ad requires inserting a photo of a Democratic candidate, stamping "Wrong!!" over it, and then inserting the "Democrat Tax Record" under the photo. The last line of the ad is: "For more information call Americans for Tax Reform." At the bottom of the document, in small type, it states: "As of 10/15/96 4:50 PM/ Approved by legal counsel." This document not only suggests coordination between the RNC and ATR on TV ads, but also a sufficient investment of resources to involve a written script and legal consultation. Since officials from the RNC and ATR refused to be interviewed and when subpoenaed refused to appear, we don't know whether any ad was actually broadcast. Whether or not one was, this RNC-produced document indicates coordination.

There's more. Documents indicate that RNC coordination efforts may have extended to organizations other than ATR, and that the RNC may have taken steps to pay for coordinated activities using not only its own funds, but also funds from third parties which the RNC solicited and directed. Here are some of the key documents.

The first is a memorandum dated October 17, 1996, marked "confidential," from Jo-Anne Coe, RNC finance director, to Haley Barbour, RNC chairman, Sanford McCallister, RNC general counsel, and Curt Anderson, RNC political director. The memo discusses Coe's efforts to forward certain sums of money to various tax exempt organizations, including a $100,000 check from Carl Lindner to ATR, another $100,000 check from Mr. Lindner to the National Right to Life Committee, and $950,000 from several sources to the American Defense Institute. The memo poses questions about how certain checks should be handled and requests quick action "so I can put this project to bed."

The project itself is not described in the memo; however, a second document may shed light on that question. It is an October 21, 1996 memorandum from Jo-Anne Coe to Haley Barbour. This memo states:

> As soon as we meet and hopefully come to some resolution on the joint state mail project, I will forward these checks to the three organizations. In the meantime, I am respectfully withholding delivery of the checks until we have the opportunity to discuss this matter.

Could the "joint state mail project" be the project referred to in the October 17th memo from Coe to Barbour? Could it refer to ATR's $3.3 million direct mail-phone bank effort? Could it refer to mail efforts by other organizations as well, since the memo cites three organizations as being involved in the project? Is the fact that the RNC Finance Director was "respectfully withholding" checks to these three organizations evidence that the RNC was exercising control over their performance in the mail project in exchange for funding? A committee hearing could have tried to get answers to these questions. The majority denied us that opportunity.

In the meantime, we must puzzle over two letters bearing the same date, October 21, 1996, as the Coe memo to Barbour on the joint state mail project. Both letters are from Jo-Anne Coe. The first letter is addressed to Grover Norquist, president of ATR, and the second to David O'Steen, the executive director of the National Right to Life Committee. Each encloses a $100,000 check from Carl Lindner to the organization, as described in the October 17 memo. Ms. Coe states in both letters: "Glad to be of some help. Keep up the good work." It appears that the RNC may have directed its contributors to help the RNC by making their checks payable to these tax exempt organizations but then to keep control of the situation, have the contributors send the checks to the RNC. The RNC then forwarded the checks to the organizations, probably in support of the "joint state mail project."

Two other documents raise similar coordination questions. The first was produced by the RNC and has the same "confidential" heading as the October 17th memo from Jo-Anne Coe to top

RNC officials, although no author is named. This document discusses contributions to ATR, the National Right to Life Committee, American Defense Institute, United Seniors Association, the city of San Diego, and "CCRI" which is the California ballot initiative on affirmative action. Each organization is analyzed in terms of whether contributions to it would have to be reported to the public and whether a contribution would be tax deductible. The final document is a list of the same organizations other than the ballot initiative. By each organization's name is a large dollar figure. The figure for ATR is $6 million.

What do these figures mean? Does the $6 million for ATR mean that, in addition to giving ATR $4.6 million directly, the RNC funneled another $1.4 million to ATR in third-party contributions such as the $100,000 check from Carl Lindner? How were those funds used? Did the RNC exercise some control over those funds? We'd like to ask. Unfortunately, despite the repeated requests and efforts by the minority to seek RNC and ATR testimony voluntarily and then by subpoena and to have the few subpoenas that were issued enforced, the committee never interviewed or deposed anyone connected with these documents.

Improper coordination between a national political party and tax exempt organizations was a hot topic in this committee when the political party involved was the Democratic Party. Some committee members charged that President Clinton's participation in DNC issue ads was improper or illegal, even though these ads were paid for by the required soft money-hard money split. I repeat that, because this is a very important point of distinction: the DNC issue ads were paid for by the required soft money-hard money split. But in the Americans for Tax Reform case, the facts suggest that the Republican Party sent millions to ATR for issue advocacy in order to avoid using any hard money at all for those efforts. To recall Mr. Barbour's words, they didn't have enough hard dollars to match up.

The committee also held an entire day of hearings to take testimony from Warren Meddoff about his asking for, and Harold Ickes' providing, suggestions for contributions to tax exempt organizations. But the RNC did much more than make suggestions. It actually collected checks, controlled checks, and delivered checks to tax exempts which were allied with it. The RNC may have directed millions of dollars to these organizations for "joint state mail projects," television ads and other campaign activities.

Another unanswered question is how the RNC and ATR handled the $4.6 million on their own tax returns. Section 527 of the Tax Code suggests that one or the other organization had to treat this sum as taxable income. Did that happen? We don't know, and the committee has yet to ask.

On April 9, 6 months ago, Mr. Norquist told the press that he would "cheerfully testify before the committee." But he then refused to be either deposed or interviewed. Even when he was finally subpoenaed for a deposition, he refused to appear. ATR also refused to produce documents in response to a committee document subpoena, claiming, "ATR has never engaged in electioneering of any sort. It has never advocated the election or defeat of any candidate for any office at any time; it has never run political advertising on any subject."

Yet it is beyond dispute that Grover Norquist was a key figure in the 1996 elections. He was profiled in Elizabeth Drew's 1996 election analysis, Whatever It Takes, for convening regular Wednesday meetings in ATR offices attended by conservative activists, RNC officials and GOP candidates. Drew describes him as "one of the most influential figures in Washington" at the time. In Norquist's 1995 book, "Rock the House", celebrating the Republican takeover of the House of Representatives, prominent Republicans provided glowing quotations, with Haley Barbour calling him "a true insider," and Rush Limbaugh calling him "perhaps the most influential and important person you've never heard of in the GOP today."

Mr. Norquist meets the test that Chairman THOMPSON laid down for a high caliber witness. And ATR's role in the 1996 elections—how it spent the $4.6 million in RNC funds, how much money was directed to it by the RNC from third parties and how those funds were spent, and the window that ATR's actions opens onto RNC's coordination with tax exempt groups—were unexplored topics in the Senate campaign finance investigation.

And the ATR hearing is not the only hearing missing from the Senate campaign finance investigation.

A second hearing we would have requested would have looked at the Republican National Committee and Dole for President campaign. Out of the more than 75 witnesses who testified before the committee over the 3 months of hearings, not one witness was called from the Republican National Committee, other than with respect to the National Policy Forum, or from the Dole for President campaign. What most people don't know is that the committee never even interviewed a single person from the Dole campaign, and request after request from the minority for deposition subpoenas were refused. And although the committee permitted two limited interviews of RNC officials, Haley Barbour and Scott Reed, no questions were allowed to be asked during those sessions on any topic other than the National Policy Forum and no other person from the RNC was ever interviewed or deposed.

That means that the Senate Governmental Affairs Committee is concluding its investigation into the 1996 elections without ever asking a single question of the RNC or Dole campaign on such topics as evasion of Federal campaign limits, improper coordination, misuse of issue advertising, misuse of tax exempts, money laundering by a top campaign official, or inadequate document production—all the topics that the committee pursued vigorously with the Clinton campaign. This see-no-evil, hear-no-evil, speak-no-evil approach to GOP conduct in the 1996 elections has not only seriously skewed the investigation, but it has also left a regrettable stain on the bipartisan traditions of the Governmental Affairs Committee.

A third hearing would have looked at Triad Management—a totally new phenomenon in American electioneering and one which appears to have violated a number of principles of Federal campaign law, from contribution limits to FEC registration to full disclosure. Triad is a private corporation that was set up by experienced GOP political operatives to conduct multimillion dollar activities directly affecting the 1996 elections. Among other activities, Triad created two tax exempt organizations, collected millions of dollars in secret contributions to them, and then used the tax exempts to air millions of dollars' worth of television ads affecting Federal campaigns. Triad also conducted hundreds of "political audits" of GOP campaigns, paying experienced campaign professionals to advise the campaigns on how to improve their operations. Triad also may have arranged for individuals who contributed the maximum allowable amount to GOP candidates to evade Federal contribution limits by laundering additional contributions from these individuals through political action committees.

Triad undertook all of these activities without ever registering with the Federal Election Commission, or disclosing any contributions or expenditures. Yet this wholesale abuse of Federal campaign law has not been deemed by the majority to be worthy of a single hearing witness or depositions.

Mr. President, the Governmental Affairs Committee's failure to investigate the $4.6 million payment by the Republican Party to Americans for Tax Reform, its failure to hold one day of hearings or hear from one witness with respect to Triad Management, and its failure to hold one day of hearings or call one witness from the RNC or Dole campaign on these critical issues is simply unjustifiable. The majority's commitment to allow Democrats 3 days of hearings in September or October was not kept. As a result, important information such as the ATR

story was kept from the American public.

That is not just some process question about subpoenas and depositions. That is a question about whether or not relevant testimony within the scope of the jurisdiction of the committee should have been obtained and should have been made public and made subject to examination and cross-examination.

The Senate investigation was half an investigation. The other half remains for the Treasury Department and Justice Department to investigate.

EXHIBIT 1

JOHN GROTTA CO.

[Memorandum]

To: Audrey Mullen
From Cindy Finnegan
Re: Invoices/Payment Status
Date: October 29, 1996

	Amount owed	Amount paid	Balance due
MAIL—JGCo.			
	10/18/96	10/21/96	
ATR One	$490,808.11	$490,808.11	$0.00
	10/22/96	10/23/96	
ATR Two	$459,736.27	$459,736.27	$0.00
	10/22/96	10/25/96	
ATR Three	$363,133.02	$468,000.00	$104,866.98
PHONES—JGCo.			
	10/7/96	10/9/96	
Inbound	$41,500.00	$41,500.00	$0.00
	10/24/96	10/25/96	
ATR #1	$1,104,000.00	$1,104,000.00	$0.00
	10/28/96	10/31/96	
ATR #2	$712,643.70	$0.00	$712,643.70
Database—PBL			
	10/7/96	10/9/96	
Database Acquisition	$153,677.50	$153,677.50	$0.00
Total balance			$607,776.72

*Please Note: Does NOT Include Postage.

Video	*Audio*
Picture of Labor Goons From Chapter II With Headline.	Washington Labor Bosses and Liberal Special Interests Want To Buy Control of Congress.
Washington Special Interest Support—With Picture.	They Think *Joe Blow* Will Vote Their Way.
Calendar Flips Back To 1993.	They Want To Return To Higher Taxes For More Wasteful Spending.
Chyron: Largest Tax Increase In History Over Chamber Shot.	In Fact, They Were Behind the Largest Tax Increase in History
Picture of (Joe Blow) Says He's Different.	Joe Blow Says He's Different.
Stamp Wrong	Wrong!!
Place Info Under Picture of Democrat.	(Democrat Tax Record.10)
Graphic Build	for More Information Call Americans for Tax Reform.

[Confidential, Memorandum of Oct. 17, 1996]

To: Haley Barbour, Sanford McCallister, Curt Anderson
From: Jo-Anne Coe
Subj: American Defense Institute

Copy of letter to Red McDaniel attached for your information.

Today I have also sent $100,000 to National Right to Life and $100,000 to Americans for Tax Reform—both from Carl Lindner.

In addition, the following checks for ADI are en route to me:

Name	*Amount*
Jack Taylor	$100,000
Max Fisher	100,000
Don Rumsfeld	50,000
Pat Rutherford	30,000

The $100,000 check from Lincy Foundation (Kirk Kerkorian) for ADI is still MIA. With the $100,000 from Lincy, this will bring the total for ADI to $510,000—plus the $500,000 Haley obtained from Philip Morris. So the question is whether I ask Kerkorian to stop payment on the lost check and send a replacement check for the full amount of $100,000, or ask him to send only $40,000 so that the grand total to ADI is only $950,000. Please advise ASAP so I can put this project to bed.

[Memorandum for Haley Barbour of Oct. 21, 1996]

From: Jo-Anne Coe

As soon as we meet and hopefully come to some resolution on the joint state mail project, I will forward these checks to the three organizations. In the meantime, I am respectfully withholding delivery of the checks until we have the opportunity to discuss this matter.

October 21, 1996.

Mr. Grover Norquist,
President, Americans for Tax Reform, Washington, DC.

DEAR GROVER: I am pleased to enclose a check in the amount of $100,000 payable to Americans for Tax Reform from Mr. Carl H. Lindner.

It will be appreciated if you will send a thank-you acknowledgment to Carl at the address shown on this check.

Glad to be of some help. Keep up the good work.

Sincerely yours,

MRS. JO-ANNE L. COE.

Enclosure.

OCTOBER 21, 1996.

Dr. DAVID O'STEEN,
Executive Director, National Right to Life Committee, Washington, DC.

DEAR DAVID: I am pleased to enclose a check in the amount of $100,000 for the National Right to Life Committee from Mr. Carl Lindner of Cincinnati, Ohio.

It will be appreciated if you will send a thank-you acknowledgment to Carl at the address indicated on his check.

Glad to be of some help. Keep up the good work.

Sincerely yours,

MRS. JO-ANNE L. COE.

Enclosure.

1. Funding for CCRI may be corporate or non-corporate, and there are no limits; however, contributions to CCRI itself or state party accounts are reportable as contributions by the initial donor. CA law requires donors who give in excess of $10,000 to any CA political cause to file reports themselves. Good practice is to try to avoid inflicting a new legal reporting requirement on donors. A $3 million contribution or expenditure, therefore, requires either lots of <$10,000 non-FEC donors, use of FEC funds or large donors already or willing to be subject to the CA reporting requirement.

2. ADI is a 501(c)(3), and contributions to it are not political contributions by law. Contributions to ADI, therefore, are not reportable and tax deductible.

3. Americans for Tax Relief (ATR) is a 501(c)(4). Contributions to its fair elections campaign are non-reportable, but they are not tax deductible.

4. United Seniors Association has both a 501(c)(3) and (c)(4). Its fair elections campaign will be paid for by its 501(c)(4). Contributions to it are non-reportable, but they are not tax deductible.

5. The National Right to Life Committee has both a 501(c)(3) and (c)(4). Its get out the vote information drive will be paid for by its 501(c)(4). Contributions will not be reportable, but are not tax deductible.

6. The City of San Diego has a city account that accepts contributions to help support a variety of civic activities, including the convention host committee in raising their shortfall. Contributions to the city account may or may not be reported but are tax deductible.

American Defense Institute	
1055 North Fairfax Street—Suite 200, Alexandria, VA 22314, 703/519-700, 703/519-8627 (fax), Contact: Red McDaniel.	$700,000 (501c3) (tax-deductible)
United Seniors Association	
12500 Fair Lakes Circle—Suite 125, Fairfax, VA 22033, 703/803-6747, 703/803-6853 (fax), Contact: Sandra (Sandy) Butler, President (Anita Benjamin, her office manager).	$2.4 mil. (501c4) (not deductible)
National Right to Life Committee	
419—7th Street, N.W.—Suite 500, Washington, D.C. 20004, 202/626-8820, 202/737-9189 (fax), Contact: Dr. David O'Steen, Exec. Dir. (Direct line: 626-8814 or 626-8826).	$2 mil (501c4) (not deductible)
Americans for Tax Reform	
1320—18th Street—Suite 200, Washington, DC 20036, 202/785-0266, Contact: Grover Norquist, President.	$6 mil (501c4) (not deductible)
City of San Diego	$4 mil (501c3) (tax-deductible)

The PRESIDING OFFICER. Senator JOHNSON is recognized under a previous order.

CHILD CARE

Mr. JOHNSON. Mr. President, I was extremely pleased that recently President Clinton and Mrs. Clinton hosted a White House Conference on Child Care. The conference was not only informative, but also very effective, I believe, in drawing nationwide attention to the widespread difficulties that most parents have in finding child care that is both affordable and of high quality.

It is estimated that each and every day 3 million children under the age of 6 will spend time being cared for by someone other than their parents, including one-half of all babies younger than 12 months of age. We all know that these early years are critical years for child development and that we need to be concerned about the quality of care that these children are receiving. Unfortunately, for too many children, the quality is simply not high enough.

One national study, which was published in 1994, rated the majority of child care centers as mediocre or poor.

One out of eight child care centers were found to actually jeopardize children's safety and development. Not surprisingly, Mr. President, children in

substandard care have delayed language and reading skills, they are more aggressive than other children their age, and we should, therefore, recognize that raising the quality of care has long-term benefits not only for these kids but for our society as a whole. Clearly, strong families and strong parenting comes first, but we need to complement that with a greater emphasis on quality, affordable child care.

We understand and we recognize that child care can be extremely expensive, costing thousands of dollars per year for each child, and over $8,000 a year in some parts of our country. Many parents struggle with paying these bills, which are frequently larger than their rent, mortgage, or car payment. In the case of middle- and lower-income families—especially single-parent families—child care costs can easily consume more than one-quarter of a family's annual income.

I have been holding a series of meetings with child care providers in my State of South Dakota. We face some special challenges in our State. Among these challenges is the fact that we have the highest percentage of working mothers in America. For more than 70 percent of the children in South Dakota, both parents work; or in the case of a single-parent family, the sole parent works.

Another item discussed at these meetings was the negative impact of cuts in the child and adult care food program that were part of the Welfare Reform Act of 1996. Many child care providers have relied on this assistance to provide affordable care, and many families now face increasing costs and reduced access to child care. One of the consequences of the change in the nutrition program was to actually create a disincentive for child care providers to remain licensed and certified.

Mr. President, I believe that the evidence is abundantly clear that we need to do more to provide more affordable and higher quality child care. This can be accomplished, I believe, without the creation of some new bureaucracy. Instead, working in partnership with the States, local governments, and nonprofit organizations, the Federal Government, working in Federal-State-local and a public-private partnership can achieve a great deal.

In an effort to seek constructive solutions, I have recently cosponsored two bills, the CIDCARE Act and the Early Childhood Development Act. These bills would work together in a complementary fashion.

I would like to congratulate Senators JEFFORDS and DODD for their efforts in authoring the CIDCARE Act, S. 1037. I am pleased to join them as a cosponsor. The bill contains several provisions that would be a very positive step forward for all forms of child care.

First, the bill would refocus the existing child and dependent care tax credit by making it refundable for low-income families and by increasing the credit for families with incomes under $55,000. These steps will provide much-needed assistance to families with the costs of whichever kind of quality care they choose.

Second, the bill contains a number of provisions to encourage child care providers to offer higher quality care by boosting training levels. Child care providers would be eligible for more generous tax deductions for education and training that helps them receive professional credentials. Additionally, States would receive grant funding to operate training programs and to offer scholarships to providers who receive training.

One aspect of the child care quality problem is the extremely high turnover among child care workers, which is not surprising when one realizes that most child care center workers make barely more than the minimum wage. The CIDCARE Act approaches this problem in creative ways.

First, the bill would create a problem for student loan forgiveness of child care workers who earn degrees in early childhood education, or who receive professional care credentials. Additionally, grant money would be made available to the States under this bill, which could be used for programs to provide salary increases for providers, who receive professional credentials.

We should do all we can to encourage more private sector businesses to offer child care benefits. The CIDCARE Act would provide tax credits to employers to reduce the costs of starting up a child care center, for the professional development expenses of child care staff, and for cost also related to getting a child care facility accredited.

All in all, the CIDCARE Act contains a number of innovative nonbureaucratic provisions, and I believe it would be a great step forward in increasing child care quality and in making it more affordable.

The second piece of legislation that I have cosponsored is the Early Childhood Development Act, S. 1309. I became an original cosponsor of this legislation when it was introduced just 2 weeks ago. I congratulate Senator JOHN KERRY and Senator BOND for their work on this bill.

One of the more critical needs in my State of South Dakota is for after-school programs. More than half the school-age children in my State have no parent at home in the hours after school lets out. From nationwide statistics, we know that juvenile crime is at its highest between the hours of 3 p.m. and 6 p.m., the hours between when kids get out of school and before parents, all too often, get home from work.

The Early Childhood Development Act contains provisions to expand Federal financial assistance to innovative programs that target at-risk children by providing constructive activities and care after school lets out. The bill does not create some new Federal bureaucracy. Instead, it offers grant money to States who will, in turn, make grants to local after-school programs that are typically run by nonprofit organizations, such as the Boys and Girls Clubs. We need more of these after-school programs, and we need more resources to expand the number of children that these programs can reach.

The Early Childhood Development Act would also strengthen programs that offer care to our youngest kids, aged 0 to 6. The more we learn about early childhood development, the more we realize how critically important it is that these children receive quality care. This bill would supplement the Federal child care and development block grant for at-risk infants, toddlers, and preschoolers.

Along the same lines, the bill would increase funding for the new Early Head Start Program, which provides comprehensive child development and family support services to infants and toddlers. This program not only offers a high-quality educational component for young children, but also parent education, parent-child activities, and health services.

Mr. President, I believe that these two important bills—the CIDCARE Act and the Early Childhood Development Act—will go a long, long way toward addressing the critical child care needs that we have throughout America today. I look forward to working on them in a bipartisan fashion during this next session of the 105th Congress.

I yield the floor.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNIVERSARY OF THE U.S. MARINE CORPS

THE AIR FORCE MEMORIAL

Mr. WARNER. Mr. President, the U.S. Marine Corps will be marking another one of its historic birthdays, No. 222. I have been privileged to have worn the Marine green, together with my distinguished colleague here, Senator CHAFEE. We both served in the Korean war.

The point of my remarks, Mr. President, is that we have a most unfortunate and, indeed, I think, unforeseen dispute between the U.S. Marine Corps and the Air Force over the location of the memorial which, in every respect,

the Air Force deserves and has earned through the sacrifices of its men throughout its history. I remember very distinctly in World War II, it was referred to as the Army Air Corps. And then when the Department of Defense reorganized, they created, quite properly, in recognition of the enormous sacrifices of the members of the Air Corps in World War II, which suffered, then, the highest per capita casualties of any of the combat units. Mr. President, cooler heads have to be brought to bear on this dispute. I am hopeful that can be done.

The purpose for my seeking recognition today was to recognize the Marine Corps birthday. But into this dispute has come a very solid, fair-minded, and I must say objective person, a former Secretary of the Navy, James Webb.

I ask unanimous consent that his statement, which appeared recently in public, be printed in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WRONG PLACE FOR THE AIR FORCE MEMORIAL

(By James H. Webb Jr.)

Earlier this year I had the sad honor of burying my father, Col. James H. Webb, Sr., U.S. Air Force (retired). His grave sits on a gentle hill in Section 51 of the Arlington National Cemetery, just next to the small park on which stands the nation's most famous military landmark, the Marine Corps War Memorial.

Between his grave and the sculpture of the Marines raising the flag at Mount Suribachi on Iwo Jima, the Air Force Memorial Foundation proposes to build a large and intrusive memorial of its own. It is deeply unfortunate that the location of this proposed memorial promises nothing but unending controversy. And I have no compunction in saying that the foundation's methods in lobbying for this site would have puzzled and offended my Air Force father, just as it does both of his Marine Corps-veteran sons.

Until late this summer, few among the general public even knew that this site, which is within 500 feet of the Iwo Jima statue, had been approved by the National Capital Planning Commission (NCPC). The Air Force's first choice had been a place near the Air and Space Museum, a logical spot that would provide the same dignity, synergy and visitor population that benefit the Navy Memorial's downtown Washington location. Later, deciding on Arlington Ridge, the Air Force during hearings erroneously maintained that the Marine Corps posed no objection to the erection of a memorial so near to its own. The Marine Corps had yet to take an official position, and no Marine Corps witnesses were called to discuss the potential impact.

Once the NCPC decision became publicly known, it was met with a wide array of protest, including that of citizens groups and a formal objection from the Marine Corps. Despite a lawsuit and several bills having been introduced in Congress to protect the site, the Air Force is persisting.

This is not simply a Marine Corps issue or a mere interservice argument. Nor is it a question of whether the Air Force should have a memorial. Rather, it is a matter of the proper use of public land, just as important to our heritage as are environmental concerns. We have witnessed an explosion of monuments and memorials in our nation's capital over the past two decades. New additions should receive careful scrutiny. Their placement, propriety and artistic impact concern all Americans, particularly those who care about public art, through which continuing generations will gain an understanding of the nation's journey.

The mood around the heavily visited "Iwo" is by design contemplative, deliberately serene. The site was selected personally just after World War II by Marine Commandant Gen. Lemuel C. Shepherd Jr., who was concerned that the statue required "a large open area around it for proper display." Dozens of full-dress official ceremonies take place each year at the base of the hallowed sculpture. Even casual ballplaying is forbidden on the parkland near it. It is, for many Americans, truly sacred ground.

To put it simply, the proposed Air Force memorial would pollute Arlington Ridge, forever changing its context.

The main argument in favor of this location—that it is within a mile of Fort Myer, where the first-ever military flight occurred in 1908—is weak, as all the services have extensive aviation capabilities that might be traced to that flight. The Air Force also argues that since the "above-ground" aspect of its memorial would be 28 feet lower than the top of the flagpole on the Iwo Jima statue, it will not interfere with the grandeur of the Marine Corps memorial. What Air Force officials take pains to avoid discussing is that if one discounts the flagpole, their memorial would actually be higher, wider and far deeper. Some 20,000 square feet of below-the-ground museums and interactive displays are planned, enough floor space for 10 average-sized homes.

The Air Force plan for an extensive three-story museum and virtual-reality complex at its proposed memorial is a clear departure in context from this quiet place. During the period leading up to America's bicentennial commemoration, the Marine Corps itself considered constructing a visitor center and museum on the land adjacent to the Iwo Jima memorial. It abandoned this plan because such facilities would be inconsistent with the purpose and the impact of the monument itself. It is not without irony that the land the Marine Corps deliberately left open is now being pursued by the Air Force for the very purpose that was earlier rejected.

Existing federal law precludes this sort of intrusion. Title 40 of the U.S. Code states in section 1907 that "a commemorative work shall be so located as to prevent interference with or encroachment upon any existing commemorative work and to protect, to the maximum extent possible, open space and existing public use." There can be no clearer example of the intention of such law than the case of the Marine Corps War Memorial.

The puzzling question is why the Air Force leadership argues so vociferously that its memorial will not negatively affect the Iwo Jima memorial.

I grew up in the presence of some of the finest leaders our Air Force has ever produced, leaders who would never have considered dissembling before a political body about whether the Marine Corps concurred in a proposal that might diminish the impact of its most cherished memorial—leaders who in this situation would have shown the public, and particularly the Marine Corps, great deference, knowing that its open support was vital. Indeed, leaders who remembered that the very mission in the battle of Iwo Jima, carried out at a cost of 1,000 dead Marines for every square mile of territory taken, was to eliminate enemy fighter attacks on Air Force bombers passing overhead and to provide emergency runways for Air Force pilots who had flown in harm's way.

It is now up to Congress to enforce the law and assist the Air Force in finding a memorial site that will honor its own without taking away from the dignity of others.

Mr. WARNER. Mr. President, I have known Jim Webb for many years. When I was Secretary of the Navy, he was a young officer on my staff, having served with great distinction, for which this Nation awarded him the highest in military honors and heroism, which, due to his humility, he rarely, if ever, refers to today. But that is so true of many of the men and women who have received those honors.

Jim Webb has a way of standing back, as he is today, in his various professions, and looking at a situation and carefully and in a balanced way, analyzing it. I urge all those who desire to acquaint themselves with this dispute—particularly those in the Department of the Air Force—to read this article with great care, because he reasons well as to why the Marine Corps Memorial in Arlington, which depicts the raising of the flag on Iwo Jima, which is visited each year by hundreds of thousands of persons from all over the world, has a very unique spot in history and a unique location.

It is, in my judgment, and the judgment of others, not in the best interest of this country, or our armed services, to dislodge in any way the mystique that surrounds that piece of hallowed ground, as it is referred to by all marines, past, present and, I'm sure, those in the future.

So, therefore, I urge that all who are interested in this and wish to apply their own sound judgment examine the article of the former Secretary of the Navy, James Webb.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, are we in morning business?

The PRESIDING OFFICER. Indeed, we are.

THE SENATE CAREER OF SENATOR TED KENNEDY

Mr. KERRY. Mr. President, I come to the floor to mark a very significant moment in the career of our good friend and colleague, the senior Senator from Massachusetts, Senator KENNEDY, who is now in these days entering his 35th year of service in this body.

The length of that tenure is really a measure, in my judgment, and I think in the judgment of the people of Massachusetts, of the extraordinary work that he does for our State as well as for

the country. He is the most senior Senator from Massachusetts now in history, serving longer than Henry Cabot Lodge, longer than Charles Sumner, longer even than Daniel Webster, all of whom were extraordinary leaders in their own right.

There is no question that the reason for this longevity is because of the remarkable persistence of his work for the State on a local basis. It was, after all, our own "Tip" O'Neill who said that "all politics" was "local." Indeed, no one has fought harder for the people of Massachusetts when it comes to highway or bridge projects, or when it comes to mass transit, to research and development, to assistance for education, to helping our research hospitals, dealing with biotechnology, or defense conversion. The range of Senator KENNEDY's accomplishments is really unmatched for our State. However, as everybody knows, he is also more than just the Senator from Massachusetts. He has been a Senator from Massachusetts who has had a national impact of great proportions and who has absorbed and articulated values and aspirations of our people and for the Nation.

In the 35 years that he served our State, an awful lot has changed in this country. And it is fair to say that TED KENNEDY has been at the forefront of a great deal of that change. If you go back 30 years to the conditions that prevailed here in the country, there is no doubt that from the moment when he entered the Senate, he has been part of that change. When he came here there was no Civil Rights Act, there was no Voting Rights Act, and the great battle against segregation and for equal justice was only then just heating up. It was TED KENNEDY who fought those battles and who has remained a champion for bringing America closer to the ideals that we espouse. And we are at the center of those fights. When TED KENNEDY entered the Senate, there was no Medicare for senior citizens, there was no Medicaid for the poor and disabled, there were no incentives for private employers to provide health benefits, and large areas of the Nation were medically underserved. It was TED KENNEDY who fought those battles and who even today remains a leader in helping to bring health care to all Americans.

When he entered the Senate, the Vietnam war was burgeoning, nuclear weapons were armed and aimed across the globe, South Africa brutally defended its apartheid system, and Eastern Europe remained in thrall to the Soviet Union.

TED KENNEDY's great voice for reason and restraint on arms control, against apartheid, and for freedom resonated around the world. It is a memory that many people in many parts of the world carry with them today.

Mr. President, we mark anniversaries not simply to recall the amount of time performed in service but to applaud and to take note of the amount of service performed in that time. There are few Senators in history, in my judgment, who match the productivity with longevity as well as TED KENNEDY.

I think it can fairly be said that he is one of the very few in this body who has helped to set the agenda of this institution year after year, decade after decade. In just the last 2 years, he has achieved signal success on milestone legislation on behalf of working Americans.

Largely due to his leadership, we raised the minimum wage. We now have a better health care system as he continues to fight for still more improvements as we have recognized some of the problems that have arisen even in the changes that have been made.

His standing in this institution is based, in my judgment, on two simple attributes.

First, he has understood from the beginning the distant goal lines this Nation needed to cross in order to make our dreams for the country a reality.

Second, he has consistently moved the ball down the field with a sense of practicality about the limits of what the times and the opposition would allow.

Many, many Americans outside this Chamber know Senator KENNEDY for the power of his passion, the persuasiveness of his advocacy, and the tenaciousness of his fights.

But there is, as we all know in this Chamber, a personal side to his presence here, which only those of us in the Chamber or those who have been touched in some way in their personal lives outside of this Chamber understand. There is probably not a Senator here who would not recount a story of how TED KENNEDY has picked up the phone at a time of stress or distress and has been responsive and caring. There are those of us who have gone through difficult times, who have found that he is one of the first people to offer help. I can personally remember once when I had a phone call at a time when I had pneumonia. The next thing I knew TED KENNEDY was making his house available for my recuperation and urging me to go and take advantage of it. That is the kind of person he is and just one small story of the many that other colleagues here have experienced.

So, Mr. President, we are all better off for having this colleague of ours serve and continue to serve, and we are all better off for having him as a friend.

I congratulate him on the occasion of his remarkable career. I earnestly hope that my State and this Nation will continue to rely on his capacity and his foresight and his presence in this body for many years to come.

I thank my colleagues for their courtesy in allowing me to make these comments prior to another engagement.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to commend the junior Senator from Massachusetts for the very eloquent statement from the heart about our colleague. While I philosophically differ from the senior Senator from Massachusetts, I will say he is one of the hardest working Senators that I have ever observed in every respect for those issues for which he fights. That fight comes from the heart. I just wanted to commend the junior Senator for speaking so eloquently about our mutual friend.

Mr. KERRY. I thank my colleague.

Mr. CHAFEE. Mr. President, I would like to also say that the junior Senator from Massachusetts was quite right in saying that the senior Senator from Massachusetts during his long years here has certainly had a significant impact on legislation, and we all should recognize that and pay tribute to him for what he has done.

Mr. President, I would also like to note that the Presiding Officer is a former marine. So he is celebrating today likewise the 222d birthday of the U.S. Marine Corps. So we are all celebrating together.

SURFACE TRANSPORTATION EXTENSION ACT OF 1997

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 1519, introduced earlier today by Senator BOND.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1519) to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1519) was deemed read a third time and passed, as follows:

S. 1519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Extension Act of 1997".

SEC. 2. ADVANCES.

(a) IN GENERAL.—The Secretary of Transportation (referred to in this Act as the "Secretary") shall apportion funds made available under section 1003(d) of the Intermodal Surface Transportation Efficiency Act of 1991 to each State in the ratio that—

(1) the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; bears to

(2) all States' total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for the Interstate maintenance program, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, minimum allocation under section 157 of title 23, United States Code, Interstate reimbursement under section 160 of that title, the donor State bonus under section 1013(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1940), hold harmless under section 1015(a) of that Act (105 Stat. 1943), 90 percent of payments adjustments under section 1015(b) of that Act (105 Stat. 1944), section 1015(c) of that Act (105 Stat. 1944), an amount equal to the funds provided under sections 1103 through 1108 of that Act (105 Stat. 2027), and funding restoration under section 202 of the National Highway System Designation Act of 1995 (109 Stat. 571).

(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

(A) the amount apportioned to the State under subsection (a); by

(B) the ratio that—

(i) the amount of funds apportioned for the item, or allocated under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027), to the State for fiscal year 1997; bears to

(ii) the total of the amount of funds apportioned for the items, and allocated under those sections, to the State for fiscal year 1997.

(3) USE OF FUNDS.—Amounts apportioned to a State under subsection (a) attributable to sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 shall be available to the State for projects eligible for assistance under chapter 1 of title 23, United States Code.

(4) ADMINISTRATION.—Funds authorized by the amendment made by subsection (d) shall be administered as if they had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deduction under section 104(a) of title 23, United States Code, the set-asides under section 104(b)(1) of that title for the territories and under section 104(f)(1) of that title for metropolitan planning, and the expenditure required under section 104(d)(1) of that title shall not apply to those funds.

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall reduce the amount that would, but for this section, be apportioned to a State for programs under chapter 1 of title 23, United States Code, for fiscal year 1998 under a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount that is apportioned to each State under subsection (a) and section 5(f) for each such program.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) is amended by adding at the end the following:

"(d) ADVANCE AUTHORIZATIONS.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2(a) of the Surface Transportation Extension Act of 1997 $5,500,000,000 for the period of November 16, 1997, through January 31, 1998.

"(2) SPECIAL RULE.—Funds apportioned under subsection (a) shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) AUTHORIZATION.—Notwithstanding section 157(e) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 157 of title 23, United States Code, not to exceed $15,460,000 for the period of January 26, 1998, through January 31, 1998.

"(2) ALLOCATION.—The Secretary shall allocate the amounts authorized under paragraph (1) to each State in the ratio that—

"(A) the amount allocated to the State for fiscal year 1997 under section 157 of that title; bears to

"(B) the amounts allocated to all States for fiscal year 1997 under section 157 of that title.

"(f) CONTRACT AUTHORITY.—Funds authorized under subsections (d) and (e) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.".

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), after the date of enactment of this Act, the Secretary shall allocate to each State an amount of obligation authority made available under the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66) that is—

(A) equal to the greater of—

(i) the State's unobligated balance, as of October 1, 1997, of Federal-aid highway apportionments subject to any limitation on obligations; or

(ii) 50 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; but

(B) not greater than 75 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

(2) LIMITATION ON AMOUNT.—The total of all allocations under paragraph (1) shall not exceed $9,786,275,000.

(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998, until the earlier of the date of enactment of a multiyear law reauthorizing the Federal-aid highway program or July 1, 1998.

(B) REOBLIGATION.—Subparagraph (A) shall not preclude the reobligation of previously obligated funds.

(C) DISTRIBUTION OF REMAINING OBLIGATION AUTHORITY.—On the earlier of the date of enactment of a law described in subparagraph (A) or July 1, 1998, the Secretary shall distribute to each State any remaining amounts of obligation authority for Federal-aid highways and highway safety construction programs by allocation in accordance with section 310(a) of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66).

(D) CONTRACT AUTHORITY.—No contract authority made available to the States prior to July 1, 1998, shall be obligated after that date until such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted.

(4) TREATMENT OF OBLIGATIONS.—Any obligation of an allocation of obligation authority made under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 1998 for the purposes of the matter under the heading "(LIMITATION ON OBLIGATIONS)" under the heading "FEDERAL-AID HIGHWAYS" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66).

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) IN GENERAL.—In addition to any other authority of a State to transfer funds, for fiscal year 1998, a State may transfer any funds apportioned to the State for any program under section 104 (including amounts apportioned under section 104(b)(3) or set aside or suballocated under section 133(d)), 144, or 402 of title 23, United States Code, before, on, or after the date of enactment of this Act, granted to the State for any program under section 410 of that title before, on, or after such date of enactment, or allocated to the State for any program under chapter 311 of title 49, United States Code, before, on, or after such date of enactment, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to a program under section 133 (other than subsections (d)(1) and (d)(2)) of title 23, United States Code, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are not authorized may be restored to the Federal-aid highway, highway safety, and motor carrier safety programs.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—No provision of law, except a statute enacted after the date of enactment of this

Act that expressly limits the application of this subsection, shall impair the authority of the Secretary to restore funds pursuant to this subsection.

(d) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) EXPENSES OF FEDERAL HIGHWAY ADMINISTRATION.—

(1) AUTHORITY TO BORROW.—

(A) FROM UNOBLIGATED FUNDS AVAILABLE FOR DISCRETIONARY ALLOCATIONS.—If unobligated balances of funds deducted by the Secretary under section 104(a) of title 23, United States Code, for administrative and research expenses of the Federal-aid highway program are insufficient to pay those expenses for fiscal year 1998, the Secretary may borrow to pay those expenses not to exceed $60,000,000 from unobligated funds available to the Secretary for discretionary allocations.

(B) REQUIREMENT TO REIMBURSE.—Funds borrowed under subparagraph (A) shall be reimbursed from amounts made available to the Secretary under section 104(a) of title 23, United States Code, as soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—In addition to funds made available under paragraph (1), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative and research expenses of the Federal-aid highway program $158,500,000 for fiscal year 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(3) USE OF CERTAIN ADMINISTRATIVE FUNDS.—Section 104(i)(1) of title 23, United States Code, is amended by inserting ", and for the period of October 1, 1997, through March 31, 1998," after "1997".

(b) BUREAU OF TRANSPORTATION STATISTICS.—Section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2172) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Chapter I"; and

(2) in the first sentence of subsection (b)—

(A) by striking "1996, and" and inserting "1996,"; and

(B) by inserting before the period at the end the following: ", and $12,500,000 for the period of October 1, 1997, through March 31, 1998".

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) FEDERAL LANDS HIGHWAYS.—Section 1003(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) in subparagraph (A)—

(A) by striking "1992 and" and inserting "1992,"; and

(B) by inserting before the period at the end the following: ", and $95,500,000 for the period of October 1, 1997, through March 31, 1998";

(2) in subparagraph (B)—

(A) by striking "1995, and" and inserting "1995,"; and

(B) by inserting before the period at the end the following: "and $86,000,000 for the period of October 1, 1997, through March 31, 1998"; and

(3) in subparagraph (C)—

(A) by striking "1995, and" and inserting "1995,"; and

(B) by inserting before the period at the end the following: ", and $42,000,000 for the period of October 1, 1997, through March 31, 1998".

(b) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) (as amended by section 2(d)) is amended by adding at the end the following:

"(e) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 104(h) of title 23, United States Code, is amended by inserting 'and $7,500,000 for the period of October 1, 1997, through March 31, 1998' after '1997',".

(c) CERTAIN ALLOCATED PROGRAMS.—

(1) HIGHWAY USE TAX EVASION.—Section 1040(f)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended in the first sentence by inserting before the period at the end the following: "and $2,500,000 for the period of October 1, 1997, through March 31, 1998".

(2) SCENIC BYWAYS PROGRAM.—Section 1047(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1998) is amended in the first sentence—

(A) by striking "1994, and" and inserting "1994,"; and

(B) by inserting before the period at the end the following: ", and $7,000,000 for the period of October 1, 1997, through March 31, 1998".

(d) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 6058(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended—

(1) by striking "1992 and" and inserting "1992,"; and

(2) by inserting before the period at the end the following: ", and $47,000,000 for the period of October 1, 1997, through March 31, 1998".

(e) SURFACE TRANSPORTATION RESEARCH.—

(1) OPERATION LIFESAVER.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the operation lifesaver program under section 104(d)(1) of title 23, United States Code, $150,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the Dwight David Eisenhower Transportation Fellowship Program under section 307(a)(1)(C)(ii) of title 23, United States Code, $1,000,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(3) NATIONAL HIGHWAY INSTITUTE.—Section 321(f) of title 23, United States Code, is amended by adding at the end the following: "There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $2,500,000 for the period of October 1, 1997, through March 31, 1998, and such funds shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.".

(4) EDUCATION AND TRAINING PROGRAM.—Section 326(c) of title 23, United States Code, is amended by adding at the end the following: "There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $3,000,000 for the period of October 1, 1997, through March 31, 1998, and such funds shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.".

(f) METROPOLITAN PLANNING.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 134 of title 23, United States Code, $78,500,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(2) DISTRIBUTION OF FUNDS.—The Secretary shall distribute funds authorized under paragraph (1) to the States in accordance with section 104(f)(2) of title 23, United States Code.

(g) TERRITORIES.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) (as amended by subsection (b)) is amended by adding at the end the following:

"(f) TERRITORIES.—

"(1) IN GENERAL.—In lieu of the amounts deducted under section 104(b)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands $15,000,000 for the period of October 1, 1997 through March 31, 1998.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.".

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) NHTSA HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2079) is amended—

(1) by striking "1996, and" and inserting "1996,"; and

(2) by inserting before the period at the end the following: ", and $83,000,000 for the period of October 1, 1997, through March 31, 1998"; and

(b) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.—Section 410 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "5" and inserting "6"; and

(B) in paragraph (3), by striking "and fifth" and inserting "fifth, and sixth";

(2) in subsection (d)(2)(B), by striking "two" and inserting "3"; and

(3) in the first sentence of subsection (j)—

(A) by striking "1997, and" and inserting "1997,"; and

(B) by inserting before the period at the end the following ", and $12,500,000 for the period of October 1, 1997, through March 31, 1998".

(c) NATIONAL DRIVER REGISTER.—Section 30308(a) of title 49, United States Code, is amended—

(1) by striking "1994, and" and inserting "1994,"; and

(2) by inserting after "1997," the following: "and $1,855,000 for the period of October 1, 1997, through March 31, 1998,".

SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraphs (1) through (5), by striking "not more" each place it appears and inserting "Not more"; and

(2) by adding at the end the following:

"(6) Not more than $45,000,000 for the period of October 1, 1997, through March 31, 1998.".

SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087–2140) is amended by adding at the end the following:

"SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.

"(a) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting ', and for the period of October 1, 1997, through March 31, 1998' after '1997'.

"(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 5337 of title 49, United States Code, is amended—

"(1) in subsection (a), by inserting 'and for the period of October 1, 1997, through March 31, 1998,' after '1997,'; and

"(2) by adding at the end the following:

"'(e) SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).'.

"(c) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

"(1) in subsection (a)—

"(A) in paragraph (1), by adding at the end the following:

"'(F) $1,328,400,000 for the period of October 1, 1997, through March 31, 1998.'; and

"(B) in paragraph (2), by adding at the end the following:

"'(F) $369,000,000 for the period of October 1, 1997, through March 31, 1998.';

"(2) in subsection (b)(1), by adding at the end the following:

"'(F) $1,131,600,000 for the period of October 1, 1997, through March 31, 1998.';

"(3) in subsection (c), by inserting 'and not more than $1,500,000 for the period of October 1, 1997, through March 31, 1998,' after '1997,';

"(4) in subsection (e), by inserting 'and not more than $3,000,000 is available from the Fund (except the Account) for the Secretary for the period of October 1, 1997, through March 31, 1998,' after '1997,';

"(5) in subsection (h)(3), by inserting 'and $3,000,000 is available for section 5317 for the period of October 1, 1997, through March 31, 1998' after '1997';

"(6) in subsection (j)(5)—

"(A) in subparagraph (B), by striking 'and' at the end;

"(B) in subparagraph (C), by striking the period at the end and inserting '; and'; and

"(C) by adding at the end the following:

"'(D) the lesser of $1,500,000 or an amount that the Secretary determines is necessary is available to carry out section 5318 for the period of October 1, 1997, through March 31, 1998.';

"(7) in subsection (k), by striking 'or (e)' and inserting '(e), or (m)'; and

"(8) by adding at the end the following:

"'(m) SECTION 5316 FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period of October 1, 1997, through March 31, 1998:

"'(1) $125,000 to carry out section 5316(a).

"'(2) $1,500,000 to carry out section 5316(b).

"'(3) $500,000 to carry out section 5316(c).

"'(4) $500,000 to carry out section 5316(d).

"'(5) $500,000 to carry out section 5316(e).'.".

SEC. 9. EXTENSION OF TRUST FUNDS FUNDED BY HIGHWAY-RELATED TAXES.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "1997" and inserting "1998"; and

(ii) by striking the last sentence and inserting the following new flush sentence:

"In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of this sentence.";

(B) in paragraph (4)(A), by striking "1997" and inserting "1998";

(C) in paragraph (5)(A), by striking "1997" and inserting "1998"; and

(D) in paragraph (6)(E), by striking "1997" and inserting "1998"; and

(2) in subsection (e)(3)—

(A) by striking "1997" and inserting "1998", and

(B) by striking all that follows "the enactment of" and inserting "the last sentence of subsection (c)(1)."

(b) AQUATIC RESOURCES TRUST FUND.—Section 9504(c) of the Internal Revenue Code of 1986 (relating to expenditures from Boat Safety Account) is amended by striking "April 1, 1998" and inserting "October 1, 1998".

(c) NATIONAL RECREATIONAL TRAILS TRUST FUND.—Section 9511(c) of the Internal Revenue Code of 1986 (relating to expenditures from Trust Fund) is amended by striking "1997" and inserting "1998".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.

Mr. CHAFEE. Mr. President, I am pleased to announce that the Senate and House have reached an agreement to continue funding for the Nation's Federal-aid highway, safety and transit programs. The Surface Transportation Extension Act of 1997 will keep our transportation system up and running. It will give States the flexibility they need to continue transportation planning and construction activities until a permanent reauthorization of the Intermodal Surface Transportation Efficiency Act [ISTEA] is enacted, hopefully early next year.

The Senate-House agreement provides $9.7 billion of obligation authority—money States actually can spend. This $9.7 billion in spending authority is distributed according to the structure provided in S. 1454, the Senate-passed extension bill, which we passed this month. Each State is guaranteed at least 50 percent of its previous year's limitation to spend on any transportation project or program. To keep the States on an equal footing, however, no State may spend more than 75 percent of its 1997 spending limitation.

As you might know, one of the major concerns we had with the 6-month extension bill passed by the House was its formula structure. By adopting the spending structure in the Senate bill, we have avoided the contentious fight over formulas that would have prevented us from going forward had we adopted the House formulas.

Another important feature of the Senate-passed bill we have agreed to preserve is the flexibility provision. Under current law, the States are restricted in using their unobligated balances across Federal-aid highway, transit and safety categories. The Senate-House agreement allows the States to spend their balances on any Federal-aid highway, transit or safety program category. To prevent important environmental programs such as the Congestion Mitigation and Air Quality Improvement Program [CMAQ] from being unfairly disadvantaged, however, the Secretary of Transportation must restore the transferred funds back to these programs when the long-term reauthorization bill is enacted.

The Senate-House agreement preserves the Federal commitment to safety by funding key ISTEA safety programs. This is a very important part of our legislation. In the United States, there are more than 40,000 fatalities and 3.5 million collisions on our highways every year. The measure before us will help ongoing efforts to reverse this disturbing trend. Funds are provided to enable the Motor Carrier Safety Assistance Program, the State and Community Safety Grant Program, the National Driver Register, and the Alcohol Impaired Driving Countermeasures Program.

The federal transit discretionary and formula programs will receive the funds they need.

The Senate-House agreement will provide funds for the Federal Highway Administration to continue its operations and to assist the States in running their transportation programs. Without the measure before us, the Federal Highway Administration would have shut down in January and 3,600 employees would have been sent home because we lack the ability to pay them.

The Senate-House agreement extends the transfer of funds from the highway trust fund to the aquatic resources trust Fund to be used for sport fish restoration and boating safety programs.

The bill also will provide funds necessary for our local transportation planners, the metropolitan planning organizations, to continue their work.

The agreement also provides $5.5 billion in new contract authority, which will be distributed proportionately according to the structure in the Senate-passed bill. I want to make it clear that this new contract authority will not affect the overall spending limitation of $9.7 billion provided in the agreement.

Let me add that we will have the opportunity next year to enact a long-term ISTEA reauthorization that will set the comprehensive transportation policy necessary to take us into the next century.

The majority leader has assured me that the ISTEA II bill—in other words, the one that we will be considering next year, that we have already had on the floor but regrettably we weren't able to get to it for longer—that the bill which was reported out of the Environment and Public Works Committee 7 weeks ago will be the first item before the Senate when we reconvene in January.

That is the statement of the majority leader.

In the meantime, the Senate-House agreement will keep the State and Federal transportation programs running. It will ensure that no highway contractors will be put out of work because of lack of Federal dollars. And it will continue funding for vital safety and transit programs. Moreover, it will keep the momentum going to enact the 6-year bill early next year.

Before closing, Mr. President, I want to give special recognition to Senator BOND, who was instrumental in making sure that we addressed these important issues before going home for the year. Senator BOND did yeoman work on this program, as did Senator WARNER and Senator BAUCUS, both of whom are on the floor. And I personally thank them for their diligent and constructive work on this program.

I also wish to thank the majority leader for all of his help. He was a steadfast ally in assuring that this work would be completed.

Further, Mr. President, the staff of all members have been tremendously helpful. Jimmie Powell, Dan Corbett, Tom Sliter, Linda Jordan, Cheryle Tucker, Kathy Ruffalo, Ann Loomis, Ellen Stein, Tracy Henke, and Keith Hennessey of Senator LOTT's staff, every single one of them have done yeoman's work in connection with getting this bill in the shape it is now, and all of us join in thanks to each and every one of them.

I thank the Chair.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have known Senator CHAFEE since 1969, when we served together in the Department of the Navy. One of the hallmarks of this great American is humility, and he always displays it. But we know that in the final few hours here it has been our chairman, JOHN CHAFEE, who has struck the final chords of negotiation and coordinated with our distinguished leader, Mr. LOTT, and was able together in consultation with Senator BAUCUS, myself, and Senator BOND to fashion the final portion of this interim highway measure.

So we thank the chairman, indeed, the staff and all, and again our distinguished leader. I have now served under three leaders, and Senator LOTT has the ability to tell a chairman to go get the job done. If necessary, you can contact me. Otherwise, I trust you. He effectively runs the Senate, certainly on our side of the aisle, with that type of strong leadership and confidence in which he imposes on chairmen and members to do the job.

I think we have done the job for both sides. It has been a bipartisan effort. As a committee chairman, it is a privilege for me to have the distinguished senior Senator from Montana [Mr. BAUCUS], as my ranking member on the subcommittee which he takes on in addition to his overall responsibilities as ranking member on the full committee.

It is interesting; the three of us, in guiding through the principal bill, ISTEA II, the 6-year bill, have been really working in concert as a triumvirate all along in fashioning this important piece of legislation.

Mr. President, the distinguished chairman went over the various provisions here—flexibility whereby the States are allowed to spend unobligated balances for highway construction, highway safety and transit projects, and, second, continues transportation programs. Every State will have 50 percent of their 1997 allocation to continue highway spending. This is a unique formula. Recognizing that this Chamber was not going to pass a 6-month bill as sent over by the House, Mr. BOND, of Missouri, came forward with this basic blueprint which then the four of us crafted, and it took a lot of give and take to craft it in such a way that we did not restore the formula—no formula fight at this point in time.

I do not call it a formula fight. I just call it a formula resolution because eventually we are going to have to resolve this formula thing, and we will do it. But thus far this bill, this particular Bond bill preserves the flexibility for the Senate to continue with the ISTEA II bill which is a bill that I term fair. Fairness is the hallmark of all of our work that has gone into the ISTEA II 6-year bill which hopefully we will pass in large measure as currently structured by our committee, but it is a formula which is fair, and that is the thing that was so lacking in ISTEA I.

New funds for critical programs; continues funding the Federal Government for 6 months for essential safety, transit and Federal highway operations. Three thousand five hundred jobs were held in abeyance and still are until the President's signature is affixed to this piece of legislation.

Now, they are the persons not only here in the Nation's Capital but each of the 50 States, in the highway offices, who day in and day out through good weather and bad weather, through one administration in the State and the next administration, are there as professional advisers on the very important obligation that all of us have to modernize and to continue to improve America's highway infrastructure.

A major change from the Bond bill provides $5.5 billion in new contract authority to the States using the Senate's approach. Now, that is a large measure we should acknowledge came from the House of Representatives under the leadership of their chairman and ranking member. And Mr. CHAFEE, Mr. BAUCUS, Mr. BOND, and I have met with them the past several days. That was something they felt very strongly about, and it is the result of a compromise. They fought very hard in some instances to make some modifications for States which deservedly should have some additional recognition. It was the judgment of those of us certainly on this side that we could not in this bill at this time begin to single out some of those hardship cases, but their rights to reassert those hardship cases for several States are preserved under this bill for the 6-year bill next year. These funds are an advance to the States. These funds will be counted as part of each State's formula until the final bill is done.

So that in substance concludes my remarks, Mr. President. It is really just so pleasing for us, after such a long struggle, to preserve this infrastructure so that the jobs can continue. All over America, literally millions of jobs depend on the passage of this piece of legislation. And the several Governors I think can say to themselves that they have had a strong influence on this bill, all 50, one way or another together with their respective secretaries of transportation and the officials in that State who have in them the responsibility for transportation.

I think, all in all, we have done a good job.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will not comment on the specifics of the

short-term bill. They have been adequately described by the very distinguished chairman of the committee, Senator CHAFEE, of Rhode Island, as well as the distinguished chairman of the subcommittee, Senator WARNER.

I do have a couple of points I want to make which I think are very important. No. 1, this is a true compromise. We in this body suggested $500 million in new contract authority. The House originally suggested about $12 billion in new contract authority for next year. We have compromised on $5.5 billion in new contract authority, and we have done it in a way which does not get into new formulas. The Senate has its formula certainly in the 6-year bill it passed. The House has their formula approach.

This short-term bill is a compromise in the amounts of the contract authority, but in a way that does not get into formulas. I think that is very fair, again reminding Senators that about $9.7 billion will be available May 1.

The second point is this will allow States to have continuity in their highway programs. Contractors, highway commissions, employees, guys in the various labor unions, men and women who actually do the work here are very worried about whether we will have continuity, whether the program will continue, whether States will be able to let bids and accept bids and set up new projects. This bill, the short-term bill, maintains the continuity until we get over into a full 6-year bill, which I hope we pass early next year.

Senator LOTT suggested that we will take up the 6-year bill as the first order of business after the State of the Union Address next year, and I am very hopeful the House will also act very quickly.

Another point is that even though we are somewhat congratulating ourselves in working with the other body in passing this short-term bill, we have to remember that the major challenge is still before us. It is passing that 6-year bill. I urge all my colleagues as well as Members of the other body to be ready to roll up their shirt sleeves the beginning of next year to work very hard to get this 6-year bill passed so then States will truly be assured of continuity.

I particularly wish to thank Members of the other body, the chairman of the House Committee, Mr. SHUSTER of Pennsylvania, also Mr. OBERSTAR, who is the ranking member of the full committee, Mr. PETRI and also Mr. RAHALL. The four of them met with us, and I very much compliment them because they worked very cooperatively with Senators CHAFEE, myself, and Senator WARNER in figuring out this short-term solution. Sometimes negotiations between this body and the other body get a little protracted and unnecessarily so. That was not the case here. The Members I mentioned worked very hard and worked very well together. I thank them very much for all that they have done. This is a good compromise. It provides flexibility and it is something we can proudly pass, so long as we remember that next year we have major work ahead of us.

I particularly wish to thank our outstanding staff: Jimmie Powell, Dan Corbett, as well as Linda Jordan, and Cheryle Tucker, who are with Senator CHAFEE's staff, worked extremely effectively and hard, Ann Loomis and Ellen Stein with Senator WARNER, and Tracy Henke, the voice of Senator BOND. She is very, very good. I was very impressed with her in these negotiations. And two members of my own staff, of course, Kathy Ruffalo and Tom Sliter. I will not say they are better than the others, but they are very, very good. We have a good team, and we work very well together. I was really struck with just how closely we have been working together. Senator WARNER and Senator CHAFEE have alluded to it, but it is also at the staff level. It is cooperation and it is teamwork which I very much look forward to as we work out the 6-year bill next year.

I thank the chairman and I thank the chairman of the subcommittee.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I thank the Chair.

I would like to just comment on the legislation which we are passing here, the 6-month extension of the highway legislation. I compliment all of the Members on this side who have been involved in these negotiations for their success in bringing about a short-term extension.

As one of the numerous Members here who has been in correspondence as well as in conversation with the leadership on this issue for the last several weeks urging a short-term extension, I am pleased that we have reached one. As I think all of the participants know, last week when the first effort along these lines was undertaken, I offered, or attempted to offer as a substitute, to actually call up the bill which had been passed, Representative SHUSTER's bill, H.R. 2516. That legislation from the standpoint of my State would have provided more funds, much needed funds for our State of Michigan over the next 6 months, and I had hoped that perhaps we could have that legislation fully considered as part of this process. An objection was raised, and I understand the reasons for it, and consequently we did not have the opportunity to actually vote on the House legislation. Had we had that chance, I would have voted to support it, which is the reason I sought to bring it to the floor.

Nevertheless, moving forward with an extension of one sort or another—as long as it begins to move us in a direction, from Michigan's perspective, of fairness and equity with regard to transportation dollars—was important for us to accomplish for several reasons. First, because highway planning and construction need some sort of legislative framework in which to operate. In my State of Michigan, highway commissioners and contractors are now in a position to begin planning for next year's construction season. In addition, of course, it is vitally important that highway and trucking safety programs are provided the necessary funding to continue operating as well. In addition, this short-term extension does provide new funding for my State, funding which is at a level greater than that which we are used to under the current ISTEA formula that has been in effect in recent years.

Finally, the legislative extension provides a deadline of July 1 for us to pass follow-on legislation to ISTEA. That, in my judgment, will level the playing field during the legislative process and take away the incentives for some States with high levels of unobligated balances to engage in delaying and other types of dilatory tactics in order to force donor States to continue to operate under the old deal, which was a bad deal.

Let me also speak specifically about this legislation's impact on Michigan and our funding levels. Under the legislation passed here today, Michigan will receive $163 million in additional contract authority. This will provide Michigan with a total of $380 million in highway funds through May 1, or $650 million on an annual basis. This is $135 million more than Michigan averaged under ISTEA and $130 million more than we would have received under the original Senate formula that was proposed last week.

So I thank and compliment our Senate participants here, the leadership of the Environment and Public Works Committee, as well as the Subcommittee on Transportation and Public Works for the movement that has taken place since last week. This definitely, from the standpoint of Michigan, is a good start. But I want to stress that I see it as a good start, not the end of the story, as the Senator from Montana just indicated. There is much more to be done. A full 6-year bill is now the next item for us to consider with respect to transportation funding. Apparently it will be at the beginning of next year's session that we take up that 6-year plan. So I intend to continue working, as I have worked during this process, to ensure that Michigan's return on gas tax dollars is more equitable than it has been in the past.

Michigan is 1 of the 21 donor States. We have traditionally received back as little as 69 cents for every dollar of gas tax we have sent to Washington. Our high-water mark is usually, at the

best, in the 90-cents-back-per-dollar-sent-to-Washington range. But that doesn't happen very often.

As a result, the roads, the bridges and the other projects that fall under this legislation in our State have been dramatically underfunded. At the State level, action has been taken this year to provide more funding through an increase in the State gas tax to address in part these problems. But it is equally clear that, unless more funding is made available to Michigan from the Federal level, we will not be able to meet all of our transportation obligations as we move into the next century. The reason we are not receiving the level that we should is a result of the formulas that have been in place and the various other sorts of projects that have been in place during recent years.

So I stand here today to indicate my continued vigilance on this issue, my continued willingness to work with all of the Members on the Senate side, and anyone on the House side as well who will be participating in this process, for the purpose of securing Michigan its fair share. For too long we have been sending more highway dollars, more gas tax dollars to Washington than we have been receiving back. That has hurt our State. It is time for that to change. So we will continue the effort. I look forward to working with Senators CHAFEE and WARNER and BAUCUS and others.

In the remarks of the Senator from Virginia, he mentioned certain hardship States. I don't think the term "hardship" could be more applicable than it is to the State of Michigan. We suffer from the fact that our Interstate System is 7 years older on average than the rest of the country's. We have, as a result of the climate and the cold weather that we confront in our winters, far more seasonal challenges than most States must face.

For all of these reasons, combined with the fact that we have been a donor State, we do not have the infrastructure transportation system that the citizens of our State deserve. So this Senator will continue to work to ensure, when the final decisions are made and when the ISTEA package for 6 years into the future is ultimately resolved, that it reflects Michigan's needs, the hardships we have worked under, and the legitimate requirements that we have to address our economic and transportation challenges in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the Senator from Michigan mentioned that he was going to be vigilant. I can assure everybody within range he has been vigilant, continuously, on this legislation. As a matter of fact, I have not quite gotten to the situation where, when I see him coming down the hall, I will duck into a nearby doorway, but he has pressed Michigan's case very, very strongly. When he assures us that he is going to continue that vigilance, I am not sure I look forward to that with the greatest of pleasure.

Nonetheless, he argues his case very, very well in behalf of Michigan, and I am sure he will continue that vigorous presentation in the future. So I thank him because he does present his arguments well, and that is very, very helpful.

Mr. ABRAHAM. Will the Senator from Rhode Island yield? I would just like to thank the Senator from Rhode Island, as I said. While I know I have been a frequent visitor to his doorstep and to those of the other Members here, he consistently and very graciously listened to our case, and we look forward to working with him and thank him for his consideration and his willingness to work with us.

Mr. CHAFEE. Mr. President, the Senator from Montana was so right in recognizing the cooperation of the Members of the House. I worked with them, as did the other Members. Several times we had meetings, telephone calls with Representative SHUSTER, the chairman of the counterpart committee in the House, Representative PETRI, Representative OBERSTAR, and Representative RAHALL. All of them were very helpful. Obviously, you cannot get a compromise unless you get the other side to join in the compromise. Fortunately, they were helpful in achieving that.

Mr. President, also, when I listed the staff members that we worked so closely with, I omitted Brian Riley from the Budget Committee, who was extremely helpful to us. His knowledge and expertise were very, very useful.

Mr. LEVIN. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman of the Subcommittee on Transportation and Infrastructure regarding the bill we have before us.

Does this bill extend or otherwise reauthorize the inequitable formulas that were part of ISTEA?

Mr. WARNER. Only insofar as the fiscal year 1997 allocations are a reflection of the formulas that were operating in the final year of ISTEA. However, this bill is formula neutral. We are simply allowing States to use a portion of their unobligated balances with a nominal amount of new contract authority. This will not and should not change any States' relative bargaining position when we finally act on a longer-term authorization bill which provides new obligation authority to the States for fiscal year 1998 and beyond.

Mr. LEVIN. Is there anything in this bill that would prejudice efforts later in this Congress by me and other Senators from donor States to seek more equitable treatment for our States than we received under ISTEA, such as in Senate amendment No. 1376, which I offered on October 27.

Mr. WARNER. No. This is simply a stopgap measure to allow Federal Highway Administration, safety and transit programs, and to distribute limited highway obligation authority to the States so these important transportation programs can continue, albeit at a minimum level. Formula changes could occur next year and it is our intent they be retroactive.

Mr. LEVIN. Lastly, I understand that any contract authority distributed through this bill to a State will be subtracted from each State's allocation in fiscal year 1998 and later. Could the Senator comment on that statement?

Mr. WARNER. The Senator is correct. Though this bill cannot bind the outcome of the multi-year bill, we have an agreement that any contract authority distributed to a State will count against the amount that that state will be authorized to receive in fiscal year 1998 and beyond.

Mr. LEVIN. I thank the Senator for his assistance, and his continuing hard work on behalf of a fairer highway funding formula.

Mr. MOYNIHAN. Mr. President, Senators CHAFEE, BOND, WARNER, and BAUCUS are to be commended upon their successful negotiations with the House to produce a short-term extension to the Intermodal Surface Transportation Efficiency Act [ISTEA] of 1991. This bill will provide the States with the necessary funding while Congress completes its consideration of a 6-year authorization bill early next year.

I am pleased that the agreement authorizes the States to spend up to $9.7 billion in highway funds and up to nearly $3 billion in transit funds over the next 7 months. The bill also provides an additional $5.5 billion in advance contract authority for the future continuation of our highway program.

The bill provides States with flexibility to transfer money among program categories. The Secretary of Transportation is required to ensure, however, that all transferred funds be restored to their original intended use once a long-term bill ISTEA is passed. I intend to join with my colleagues to make sure that the Secretary faithfully carries out this directive and that none of ISTEA's key environmental programs, like CMAQ and Enhancements, will suffer because of the flexibility granted in this measure. The bill also provides $78.5 million directly to the metropolitan planning organizations, so they will not be adversely affected by this flexibility provision.

New York will be apportioned $325 million in new highway funds and $380 million in transit funds. With its existing balances, New York will be able to spend nearly $900 million over the next half year on transportation. I am confident that with this measure, New

York will be able to maintain its highway and transit construction program over the short term.

I am concerned, however, that come May, the House and Senate will still not be close to agreement and we will face the need to pass another short-term measure. It is essential that the process for passing any future ISTEA extensions be inclusive and address the needs of the transit program, which, unlike highways, will have almost no unobligated balances by May. ISTEA's goal was to create an intermodal transportation system and I will fight any attempt to divorce highway needs from transit needs.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAST-TRACK LEGISLATION

Mr. FORD. Mr. President, the Senate is in the process of considering fast-track legislation—a take-it-or-leave-it procedure for any trade agreements the administration sends to the Congress for approval. This procedure, created back in 1974, prevents Congress from taking any steps to improve trade agreements, even if there is unanimous agreement to do so.

While it has only been used five times since its creation, Americans need to understand that it amounts to an abdication of Congress' power, granted under article I, section 8 of the Constitution: "to regulate commerce with foreign nations."

Fast track does not provide the President with negotiating authority. The President already has that authority. Agreements are then submitted to Congress for its approval.

In fact, this President has concluded over 200 trade agreements since taking office, only 2 of which were approved by Congress under fast-track procedures.

Mr. President, much is at stake in this debate. The issue today is how we can best ensure that all Americans—corporate chiefs, shareholders, and workers—can benefit from expanded trade.

Supporters of fast-track legislation are misleading the American public when they claim our economic leadership is at stake. Last month's turmoil in the financial markets provided new evidence that the entire world takes its economic cues largely from what happens here in America.

This is also not a battle that pits free traders versus protectionists. With exports a key part of the U.S. economy, no one is discounting our economy's global nature. But the fact remains that this Nation is already the most open market on the Earth. And no one opposing fast track today is seeking to raise a tariff wall against goods from other nations.

The real issue is what America's trade policy should be for the 21st century. Do we continue doing things the way we have been doing them for the last 20 years? Or do we find the courage to develop a trade policy that benefits all Americans, from the corporate office to the assembly line to the storefront. And do we finally forge a true partnership between the executive and legislative branch to develop trade policy?

Fast-track supporters maintain that, without the fast-track procedure, Congress will simply amend any trade agreement to death. They say trade agreements involve too many players, are too complicated, and are too delicate to risk bringing before a Congress where most Members didn't have direct involvement in the negotiations.

This is nonsense. There are many, very complicated and delicate issues passed by Congress through the normal legislative process. This year's budget deal is a prime example, There were many players involved. The subject matter was broad and complex. Most Members did not play a direct role in the negotiations. And the final resolution involved a delicate compromise that could have easily fallen apart.

But Congress took up the entire package and passed it. The President signed it and we are now on our way to a balanced budget. I believe the same model could be applied to trade talks.

Mr. President, aside from the basic philosophical differences over how this Nation should approach trade policy, the fast-track bill reported by the Finance Committee forces the President to negotiate trade agreements in a vacuum. Under this legislation, the President is forced to ignore the lack of fair labor standards or adequate environmental standards in other countries.

We should not simply accept the premise that labor and environmental standards have nothing to do with trade. Any business in America recognizes that labor and environmental policy is, in fact, competitiveness policy. If they didn't believe it, they wouldn't oppose even modest increases in the minimum wage. If they didn't believe it, they wouldn't be concerned about new EPA regulations on clean air.

But the fact is, they do believe it. And so should Congress when it comes to the labor and environmental policies of our trading partners. They make a difference wherever goods are made, bought, or sold.

My colleagues should also be aware that the committee bill requires the President to ignore environmental and labor policy, while at the same time requiring him to negotiate on several other nontrade areas.

Patent and copyright law. Monetary policy. Food safety issues. Government procurement policies. All of these are included in the bill's principal negotiating objectives because the committee recognizes that these nontrade areas have an impact on trade.

We do use trade agreements to promote more consistent and more equitable regulatory systems around the world. And we need to recognize, once and for all, that the nonenforcement—or nonexistence—of labor and environmental standards jeopardizes American jobs and industry just as much as the nonenforcement and nonexistence of intellectual property laws.

One of the first agreements that would come before the Senate under fast track would be the accession of Chile to the NAFTA. So, it's fair to ask how well this agreement, negotiated and adopted under fast-track procedures, has operated for our country.

One year before the implementation of NAFTA, the United States had a trade surplus with Mexico of about $2 billion. Last year, the United States had a trade deficit with Mexico of nearly $17 billion—a $19 billion shift in trade over a 3-year period. The administration claims that 120,000 to 160,000 jobs have been created as a result of NAFTA. But the Labor Department's NAFTA Trade Adjustment Assistance Program has certified 136,000 workers as having lost their jobs as a result of NAFTA. Other estimates, including a recent one by the Economic Policy Institute, put the number at 400,000 jobs lost.

By far, the hardest hit has been the apparel sector, which has lost 158,000 workers in the last 28 months as apparel imports from Mexico have doubled.

NAFTA certainly has been a success—for Mexico. Unfortunately, America has fared much worse under the agreement.

Fast-track supporters argue that if we don't act now to expand the NAFTA to include Chile, and, ultimately, other South American countries, we will cede our leadership and fall behind to other trading partners.

But listen to what the pro-NAFTA 20th Century Fund has to say about the cost of not expanding NAFTA:

> What are the costs to the United States if NAFTA is not expanded? . . . Despite the growth of intraregional trade outside the NAFTA, the costs to the United States of failing to expand NAFTA are not high in strictly economic terms. Whatever occurs on the trade front, the United States will remain the region's dominant economy. NAFTA represents 75% of trade in the hemisphere. . .And NAFTA's exports and imports are more than ten times those of Mercosur, the next largest regional organization.

And the facts bear out what the 20th Century Fund says. In the past year, without fast track and without new

trade agreements, our trade surplus with South America has doubled, to $3.6 billion.

As bad as the national numbers are, they are still worse for my own State of Kentucky. Exports to Mexico account for just 3 percent of all Kentucky's exports and support just 950 jobs, according to the pro-NAFTA Council of the Americas. NAFTA resulted in an increase of just 4 million dollars' worth of exports to Mexico from Kentucky.

Unfortunately, the other side of the equation—imports from Mexico—has had a much more immediate and devastating impact on Kentucky. In 1993, over 30,000 Kentuckians worked in the apparel industry. Today, there are just 25,000 Kentucky apparel workers. The layoffs began soon after NAFTA passed and continue to this day. Just this past August, a major apparel manufacturer in my State laid off 2,000 workers.

When these jobs are lost and plants close, it is simply devastating to whole communities in Kentucky. I'd like to share with my colleagues an account of the plant closings we've suffered in Kentucky.

An August 8 story in the Louisville Courier-Journal talked about the latest blow to Kentucky's garment industry. Layoffs by Fruit of the Loom of 2,000 workers represents the latest loss to what the paper described as the "hemorrhaging garment-industry" in Kentucky. "At Fruit of the Loom alone, employment will have fallen from 11,000 2 years ago to 5,000 by the time the latest round of layoffs is completed * * *."

The vice president of Fruit of the Loom was blunt in his assessment. "We're being impacted by global competition resulting from international trade barriers. We can do the same work cheaper somewhere else."

Bill Parsons, executive director of the Lake Cumberland Area Development District where Fruit of the Loom is located, agrees.

Why would any good businessman want to stay in the U.S., where its going to cost $8.48 an hour to make a garment you can make for 48 cents somewhere else? It makes a lot of business sense when you're looking at the bottom line.

David and NaDena Agee know firsthand about the bottom-line. Another Courier-Journal story tells how they "have a mortgage on a house they bought two years ago when they were both making good salaries at the Fruit of the Loom Plant in Campbellsville. They also have a 19-month-old son who is growing up fast. But after October 8, neither David nor NaDena will have a job because of continuing layoffs at the plant. They are worried about how they will provide for their son."

Instead of telling hardworking Americans like the Agees how fast track will assure them of a stable future, supporters of fast track are simply looking the other way.

Mr. President, I understand that international trade is not just confined to NAFTA. But proponents of fast track won't find a convincing argument on the other side of the world either.

Our trade deficit is enormous and growing. In 1995, our trade deficit rang in at $105 billion. Last year's deficit was still higher—$114 billion. And this year we are on our way to our fourth consecutive year of record high trade deficits. The monthly trade deficit has increased each month this year except June.

Why do we have such enormous deficit? In the past, the experts have chalked it up to our persistent and large budget deficits. But now that we are in our fifth year of declining budget deficits and on our way to a balanced budget, that explanation has fallen out of favor.

Now, the experts are prepared to tell us the reason is a low savings rate compared to other countries—even though many of those other countries with higher savings rates don't have a Social Security system, as we do.

It seems any explanation of a trade deficit will do, so long as it has no connection to our trade policy. But that, in this Senator's mind, is where the problem is: our trade policy seems too often to be crafted for the benefit of other nations.

Month after month, I receive letters from Kentucky businesses asking for an end to a trade barrier an international trade agreement was supposed to resolve. This year, for example, I have received letters that: called for an end to Canada's exploitation of a NAFTA loophole to inundate the U.S. with wool suits made of Chinese fabric; demanded the Philippines implement a WTO decision against that country's system of using import licenses to keep American pork out; decried China's de facto ban on pork and tobacco products; called for better enforcement of our flat glass agreement with Japan; and, opposed the EU's proposal to accelerate the phase out of CFC's in an effort to disadvantage U.S. exports.

Mr. President, violations of existing agreements are particularly costly in the textile and apparel sector, where 4 to 10 billion dollars' worth of goods are illegally shipped to the United States. Countries like China and India routinely illegally label and ship their products through a third country in order to avoid an agreed upon quota.

Let me share a specific example of the noncompliance I'm talking about. After the enactment of the Uruguay round, the United States brought a case against Japan. Japan maintained a tax system designed to discourage the sale of imported distilled spirits, including Kentucky bourbon.

In November, 1996, the WTO found that the Japanese system violated the principal of national treatment—that a participating nation must accord imported and domestic products the same treatment.

How did Japan respond? Japan agreed to make the necessary changes to its tax law—by the year 2001, five years after the WTO decision! So now, the Japanese and American Governments are in negotiations over how long it's going to take Japan to fix a law it should never have adopted in the first place. What's more, there is now talk that the United States may accept "compensation" for Japan's refusal to amend its law. This would mean that U.S. distilled spirits exporters won't get a thing out of an agreement that was supposed to win them market access.

Mr. President, I want to close by reiterating what brings me and other fast-track opponents to the floor. It's not because we want to raise up new tariff walls. It's not because we are isolationists. It's not because we want to protect jobs from any competition whatsoever. It's simply because our trade policy has not been a good one for the people of my State, nor the vast majority of States. It's because there ought to be a way to negotiate trade agreements that make Congress a partner every step of the way. And it's because there are so many problems in the agreements we have today that demand to be fixed.

So let's work together to forge a new trade policy that truly opens markets overseas, that benefits all Americans and that includes important issues, like labor laws and environmental regulation.

Mr. President, let's put fast track on the right track.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, November 7, 1997, the Federal debt stood at $5,426,731,931,109.43 (Five trillion, four hundred twenty-six billion, seven hundred thirty-one million, nine hundred thirty-one thousand, one hundred nine dollars and forty-three cents).

One year ago, November 7, 1996, the Federal debt stood at $5,243,332,000,000 (Five trillion, two hundred forty-three billion, three hundred thirty-two million).

Twenty-five years ago, November 7, 1972, the Federal debt stood at $435,658,000,000 (Four hundred thirty-five billion, six hundred fifty-eight million) which reflects a debt increase of nearly $5 trillion—$4,991,073,931,109.43 (Four trillion, nine hundred ninety-one billion, seventy-three million, nine hundred thirty-one thousand, one hundred nine dollars and forty-three cents) during the past 25 years.

SENIOR CITIZEN HOME EQUITY PROTECTION ACT

The text of the bill (S. 562) to amend section 255 of the National Housing Act

to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, as passed by the Senate on November 9, 1997, is as follows:

S. 562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Citizen Home Equity Protection Act".

TITLE I—SENIOR CITIZEN HOME EQUITY PROTECTION

SEC. 101. DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.

Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and";

(2) in paragraph (9)(F), by striking "and";

(3) in paragraph (10), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services.".

SEC. 102. IMPLEMENTATION.

(a) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by section 101 in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under subsection (b).

(b) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by section 101. Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(3)(B) of such section).

TITLE II—TEMPORARY EXTENSION OF PUBLIC HOUSING AND SECTION 8 RENTAL ASSISTANCE PROVISIONS

SEC. 201. PUBLIC HOUSING CEILING RENTS AND INCOME ADJUSTMENTS AND PREFERENCES FOR ASSISTED HOUSING.

Section 402(f) of The Balanced Budget Downpayment Act, I (42 U.S.C. 1437aa note) is amended by striking "and 1997" and inserting ", 1997, and 1998".

SEC. 202. PUBLIC HOUSING DEMOLITION AND DISPOSITION.

Section 1002(d) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995 (42 U.S.C. 1437c note) is amended by striking "September 30, 1997" and inserting "September 30, 1998".

SEC. 203. PUBLIC HOUSING FUNDING FLEXIBILITY AND MIXED-FINANCE DEVELOPMENTS.

(a) EXTENSION OF AUTHORITY.—Section 201(a)(2) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437l note) is amended to read as follows:

"(2) APPLICABILITY.—Section 14(q) of the United States Housing Act of 1937 shall be effective only with respect to assistance provided from funds made available for fiscal year 1998 or any preceding fiscal year, except that the authority in the first sentence of section 14(q)(1) of that Act to use up to 10 percent of the allocation of certain funds for any operating subsidy purpose shall not apply to amounts made available for fiscal year 1998.".

(b) MIXED FINANCE.—Section 14(q)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437l(q)(1)) is amended by inserting after the first sentence the following: "Such assistance may involve the drawdown of funds on a schedule commensurate with construction draws for deposit into an interest earning escrow account to serve as collateral or credit enhancement for bonds issued by a public agency for the construction or rehabilitation of the development.".

SEC. 204. MINIMUM RENTS.

Section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 40) is amended in the matter preceding paragraph (1) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998".

SEC. 205. PROVISIONS RELATING TO SECTION 8 RENTAL ASSISTANCE PROGRAM.

Section 203(d) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134)) (42 U.S.C. 1437f note) is amended by striking "and 1997" and inserting ", 1997, and 1998".

TITLE III—REAUTHORIZATION OF FEDERALLY ASSISTED MULTIFAMILY RENTAL HOUSING PROVISIONS

SEC. 301. MULTIFAMILY HOUSING FINANCE PILOT PROGRAMS.

Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (b)(5), by inserting before the period at the end of the first sentence the following: ", and not more than an additional 15,000 units during fiscal year 1998"; and

(2) in the first sentence of subsection (c)(4)—

(A) by striking "and" and inserting a comma; and

(B) by inserting before the period at the end the following: ", and not more than an additional 15,000 units during fiscal year 1998".

SEC. 302. HUD DISPOSITION OF MULTIFAMILY HOUSING.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended by inserting after "owned by the Secretary" the following: ", including the provision of grants and loans from the General Insurance Fund for the necessary costs of rehabilitation or demolition,".

SEC. 303. MULTIFAMILY MORTGAGE AUCTIONS.

Section 221(g)(4)(C) of the National Housing Act (12 U.S.C. 1715*l*(g)(4)(C)) is amended—

(1) in the first sentence of clause (viii), by striking "September 30, 1996" and inserting "December 31, 2000"; and

(2) by adding at the end the following:

"(ix) The authority of the Secretary to conduct multifamily auctions under this subparagraph shall be effective for any fiscal year only to the extent and in such amounts as are approved in appropriations Acts for the costs of loan guarantees (as defined in section 502 of the Congressional Budget Act of 1974), including the cost of modifying loans.".

SEC. 304. CLARIFICATION OF OWNER'S RIGHT TO PREPAY.

(a) PREPAYMENT RIGHT.—Notwithstanding section 211 of the Housing and Community Development Act of 1987 or section 221 of the Housing and Community Development Act of 1987 (as in effect pursuant to section 604(c) of the Cranston-Gonzalez National Affordable Housing Act), subject to subsection (b), with respect to any project that is eligible low-income housing (as that term is defined in section 229 of the Housing and Community Development Act of 1987)—

(1) the owner of the project may prepay, and the mortgagee may accept prepayment of, the mortgage on the project, and

(2) the owner may request voluntary termination of a mortgage insurance contract with respect to such project and the contract may be terminated notwithstanding any requirements under sections 229 and 250 of the National Housing Act.

(b) CONDITIONS.—Any prepayment of a mortgage or termination of an insurance contract authorized under subsection (a) may be made—

(1) only to the extent that such prepayment or termination is consistent with the terms and conditions of the mortgage on or mortgage insurance contract for the project; and

(2) only if owner of the project involved agrees not to increase the rent charges for any dwelling unit in the project during the 60-day period beginning upon such prepayment or termination.

TITLE IV—REAUTHORIZATION OF RURAL HOUSING PROGRAMS

SEC. 401. HOUSING IN UNDERSERVED AREAS PROGRAM.

The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997, 1998, and 1999".

SEC. 402. HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES AND OTHER LOW-INCOME PERSONS AND FAMILIES.

(a) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

(b) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997, 1998, and 1999".

SEC. 403. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (q), by striking paragraph (2) and inserting the following:

"(2) ANNUAL LIMITATION ON AMOUNT OF LOAN GUARANTEE.—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such

amount as may be provided in appropriation Acts for such fiscal year.";

(2) by striking subsection (t) and inserting the following:

"(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1998 and 1999 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year."; and

(3) in subsection (u), by striking "1996" and inserting "1999".

TITLE V—REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PROGRAM

SEC. 501. PROGRAM EXPIRATION.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 502. BORROWING AUTHORITY.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 503. EMERGENCY IMPLEMENTATION OF PROGRAM.

Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking "September 30, 1996" and inserting "September 30, 1999".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS FOR STUDIES.

Subsection (c) of section 1376 of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)) is amended to read as follows:

"(c) For studies under this title, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999, which shall remain available until expended.".

TITLE VI—NATIVE AMERICAN HOUSING ASSISTANCE

SEC. 601. SUBSIDY LAYERING CERTIFICATION.

Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is amended—

(1) by striking "certification by the Secretary" and inserting "certification by a recipient to the Secretary"; and

(2) by striking "any housing project" and inserting "the housing project involved".

SEC. 602. INCLUSION OF HOMEBUYER SELECTION POLICIES AND CRITERIA.

Section 207(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137(b)) is amended—

(1) by striking "TENANT SELECTION.—" and inserting "TENANT AND HOMEBUYER SELECTION.—";

(2) in the matter preceding paragraph (1), by inserting "and homebuyer" after "tenant"; and

(3) in paragraph (3)(A), by inserting "and homebuyers" after "tenants".

SEC. 603. REPAYMENT OF GRANT AMOUNTS FOR VIOLATION OF AFFORDABLE HOUSING REQUIREMENT.

Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended by striking "section 205(2)" and inserting "section 205(a)(2)".

SEC. 604. UNITED STATES HOUSING ACT OF 1937.

(a) IN GENERAL.—Section 501(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (110 Stat. 4042) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively.

(b) UNITED STATES HOUSING ACT OF 1937.—Section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e) is amended by striking subsection (h).

SEC. 605. MISCELLANEOUS.

(a) DEFINITION OF INDIAN AREAS.—Section 4(10) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(10)) is amended to read as follows:

"(10) INDIAN AREA.—The term 'Indian area' means the area within which an Indian tribe or a tribally designated housing entity, as authorized by 1 or more Indian tribes, provides assistance under this Act for affordable housing.".

(b) CROSS-REFERENCE.—Section 4(12)(C)(i)(II) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12)(C)(i)(II)) is amended by striking "section 107" and inserting "section 705".

(c) CLARIFICATION OF CERTAIN EXEMPTIONS.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: "This subsection applies only to rental dwelling units (other than lease-purchase dwelling units) developed under—

"(1) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); or

"(2) this Act.".

(d) APPLICABILITY.—Section 101(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(d)(1)) is amended by inserting before the semicolon at the end the following: ", except that this paragraph only applies to rental dwelling units (other than lease-purchase dwelling units) developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) or under this Act".

(e) SUBMISSION OF INDIAN HOUSING PLAN.—Section 102(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(a)) is amended—

(1) in paragraph (1), by inserting "(A)" after "(1)";

(2) in paragraph (1)(A), as so designated by paragraph (1) of this subsection, by adding "or" at the end;

(3) by striking "(2)" and inserting "(B)"; and

(4) by striking "(3)" and inserting "(2)".

(f) CLARIFICATION.—Section 103(c)(3) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113(c)(3)) is amended by inserting "not" before "prohibited".

(g) APPLICABILITY OF PROVISIONS OF CIVIL RIGHTS.—Section 201(b)(5) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)(5)) is amended—

(1) by striking "Indian tribes" and inserting "federally recognized tribes and the tribally designated housing entities of those tribes"; and

(2) by striking "under this subsection" and inserting "under this Act".

(h) ELIGIBILITY.—Section 205(a)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" at the end; and

(2) by striking subparagraph (B) and inserting the following:

"(B) in the case of a contract to purchase existing housing, is made available for purchase only by a family that is a low-income family at the time of purchase;

"(C) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, is made available for lease-purchase only by a family that is a low-income family at the time the agreement is entered into; and

"(D) in the case of a contract to purchase housing to be constructed, is made available for purchase only by a family that is a low-income family at the time the contract is entered into; and".

(i) TENANT SELECTION.—Section 207(b)(3)(B) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137(b)(3)(B)) is amended by striking "of any rejected applicant of the grounds for any rejection" and inserting "to any rejected applicant of that rejection and the grounds for that rejection".

(j) AVAILABILITY OF RECORDS.—Section 208 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138) is amended—

(1) in subsection (a), by striking "paragraph (2)" and inserting "subsection (b)"; and

(2) in subsection (b), by striking "paragraph (1)" and inserting "subsection (a)".

(k) IHP REQUIREMENT.—Section 184(b)(2) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(b)(2)) is amended by striking "that is under the jurisdiction of an Indian tribe" and all that follows before the period at the end.

(l) AUTHORIZATION OF APPROPRIATIONS.—Section 184(l)(5)(C) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(l)(5)(C)) is amended by striking "note" and inserting "not".

(m) ENVIRONMENTAL REVIEW UNDER THE INDIAN HOUSING LOAN GUARANTEE PROGRAM.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following:

"(k) ENVIRONMENTAL REVIEW.—For purposes of environmental, review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other law that furthers the purposes of that Act, a loan guarantee under this section shall—

"(1) be treated as a grant under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

"(2) be subject to the regulations promulgated by the Secretary to carry out section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115).".

(n) PUBLIC AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—Title IV of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161 et seq.) is amended by adding at the end the following:

"SEC. 408. PUBLIC AVAILABILITY OF INFORMATION.

"Each recipient shall make any housing plan, policy, or annual report prepared by the recipient available to the general public.".

(2) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents by inserting after the item relating to section 407 the following:

"Sec. 408. Public availability of information.".

(o) NON-FEDERAL FUNDS.—Section 520(l)(5)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C.

11903a(l)(5)(B)) is amended by striking "and Indian housing authorities" and inserting "and units of general local government".

(p) INELIGIBILITY OF INDIAN TRIBES.—Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h–1) is amended by striking "fiscal year 1997" and inserting "fiscal year 1998".

(q) INDIAN HOUSING EARLY CHILDHOOD DEVELOPMENT PROGRAM.—

(1) REPEAL.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–11 note) is repealed.

(2) TECHNICAL CORRECTION.—

(A) IN GENERAL.—Section 501(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (110 Stat. 4042), and the amendment made by that section, is repealed.

(B) APPLICABILITY.—Section 519 of Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437a–1) shall be applied and administered as if section 501(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (104 Stat. 4042) had not been enacted.

(3) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall be construed to have taken effect on October 26, 1996.

(r) TRIBAL ELIGIBILITY UNDER THE DRUG ELIMINATION PROGRAM.—The Public and Assisted Housing Elimination Act of 1990 (42 U.S.C. 11901 et seq.) is amended—

(1) in section 5123, by inserting "Indian tribes," after "tribally designated housing entities,";

(2) in section 5124(a)(7), by inserting ", Indian tribe," after "agency";

(3) in section 5125(a), by inserting "Indian tribe," after "entity,"; and

(4) in section 5126, by adding at the end the following:

"(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).".

(s) REFERENCE IN THE PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.—Section 5126(4)(D) of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11905(4)(D)) is amended by inserting "of 1996" before the period.

AMENDING THE PROFESSIONAL BOXING SAFETY ACT

The text of the bill (S. 1506) to amend the Professional Boxing Safety Act, as passed by the Senate on November 9, 1997, is as follows:

S. 1506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.) is amended by—

(1) redesignating section 15 as 16; and

(2) inserting after section 14 the following:

"SEC. 15. PROTECTION FROM EXPLOITATION.

"(a) IN GENERAL.—No person described in paragraph (4), (5), (6), or (9) of section 2 may require a boxer to employ, retain, or provide compensation to any individual or business enterprise (whether operating in corporate form or not) designated by that person as a condition of—

"(1) such person's working with the boxer as a licensee, manager, matchmaker, or promoter;

"(2) such person's arranging for the boxer to participate in a professional boxing match; or

"(3) such boxer's participation in a professional boxing match.

"(b) ACTION TO ENFORCE CONTRACT.—In any action brought against a boxer by any such person, individual, or business enterprise to recover money for acting as a licensee, manager, matchmaker, or promoter for the boxer, the amount awarded may be reduced or denied, notwithstanding any agreement to the contrary, as violative of public policy if that person, individual, or enterprise is found by the court or administrative body before which the action was brought to have violated subsection (a) with respect to the boxer in connection with the subject of the action. Nothing in this subsection affects the enforcement of this Act under section 10.".

MESSAGES FROM THE HOUSE

At 10:12 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, each without amendment:

S. 669. An act to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

S. 1258. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

S. 1231. An act to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

S. 1347. An act to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 112. An act to provide for the conveyance of certain property from the United States to Stanislaus County, California.

H.R. 1129. An act to establish a program to provide assistance for programs of credit and other assistance for microenterprises in developing countries, and for other purposes.

H.R. 1502. An act to designate the United States Courthouse located at 301 West Main Street in Benton, Illinois, as the "James L. Foreman United States Courthouse".

H.R. 1805. An act to amend the Auburn Indian Restoration Act to establish restrictions related to gaming on use of land held in trust for the United Auburn Indian Community of the Auburn Racheria of California, and for other purposes.

H.R. 2232. An act to provide for increased international broadcasting activities to China.

H.R. 2283. An act to expand the boundaries of Arches National Park in the State of Utah to include portions of the following drainages: Salt Wash, Lost Canyon, Fish Seep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash, which are currently under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw, which is currently owned by the State of Utah.

H.R. 2402. An act to make technical and clarifying amendments to improve the management of water-related facilities in the Western United States.

H.R. 2476. An act to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers.

H.R. 2626. An act to make clarifications to the Pilot Records Improvement Act of 1996, and for other purposes.

H.R. 2920. An act to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.

H.R. 2977. An act to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and National Academy of Public Administration.

H.J. Res. 103. Joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress.

H.J. Res. 105. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 139. Concurrent resolution expressing the sense of Congress that the United States should fully participate in EXPO 2000 in the year 2000, in Hannover, Germany, and should encourage the academic community and the private sector in the United States to support this worthwhile undertaking.

H. Con. Res. 156. Concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country.

H. Con. Res. 194. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1377) to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1026) entitled "An Act to reauthorize the Export-Import Bank of the United States."

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2472) to extend certain programs under the Energy Policy and Conservation Act.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1787. An act to assist in the conservation of Asian elephants by supporting and

providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

H.R. 2731. An act for the relief of Roy Desmond Moser.

H.R. 2732. An act for the relief of John Andre Chalot.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 105. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 2513. An act to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 10, 1997 he had presented to the President of the United States, the following enrolled bills:

S. 813. An act to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

S. 1377. An act to amend the Act incorporating the American Legion to make a technical correction.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 986. A bill to amend title 38, United States Code, to make certain improvements in the housing loan programs for veterans and eligible persons, and for other purposes (Rept. No. 105–153).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1216. An original bill to approve and implement the OECD Shipbuilding Trade Agreement (Rept. No. 105–154).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1513. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of tax-exempt bond financing of certain electrical output facilities; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. BYRD, Mr. CAMPBELL, Mr. HOLLINGS, Mr. INOUYE, Mr. WELLSTONE, and Ms. SNOWE):

S. 1514. A bill to assess the impact of NAFTA, require the renogotiation of certain provisions of NAFTA, and provide for the withdrawal from NAFTA unless certain conditions are met; to the Committee on Finance.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 1515. A bill to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FORD:

S. 1516. A bill to improve the Federal contract tower program; to the Committee on Commerce, Science, and Transportation.

By Mr. ABRAHAM:

S. 1517. A bill to extend the Visa Waiver Pilot Program; considered and passed.

By Mr. BENNETT:

S. 1518. A bill to require publicly traded corporations to make specific disclosures in their initial offering statements and quarterly reports regarding the ability of their computer systems to operate after January 1, 2000; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND (for himself, Mr. CHAFEE, Mr. WARNER, Mr. BAUCUS, and Mr. D'AMATO):

S. 1519. A bill to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991; considered and passed.

By Mr. HUTCHINSON (for himself, Mr. BROWNBACK, Mr. NICKLES, and Mr. DOMENICI):

S. 1520. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. HATCH:

S. 1521. A bill to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices; to the Committee on the Judiciary.

By Mr. WARNER:

S.J. Res. 38. A joint resolution granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 155. A resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. BYRD, Mr. CAMPBELL, Mr. HOLLINGS, Mr. INOUYE, Mr. WELLSTONE, and Ms. SNOWE):

S. 1514. A bill to assess the impact of NAFTA, require the renegotiation of certain provisions of NAFTA, and provide for the withdrawal from NAFTA unless certain conditions are met; to the Committee on Finance.

NAFTA ACCOUNTABILITY ACT

Mr. DORGAN. Mr. President, if the North American Free-Trade Agreement is an example of trade agreements established under fast-track procedures, then it should be no surprise that the vast majority of American citizens oppose renewing fast-track authority to the President.

An editorial published earlier this year in the Bismarck, ND Tribune stated that before Congress grants fast-track authority to the President, "The American people deserve a much better accounting than we have received so far of the impact of the first three years of the NAFTA."

The question of accountability and the performance of our Nation's current trade policies is the underlying issue in the debate whether this Congress should provide renewed fast-track authority.

In a few weeks we will mark the fourth anniversary of the passage of NAFTA by Congress. It is not surprising that the proponents of fast track do not want to associate fast track with NAFTA. The simple fact is that NAFTA has been an unmitigated failure.

At a time when we have been hearing new promises being made to advance the cause of fast track, we need to remember the promises that were made to gain the passage of NAFTA.

We were promised increased exports, a greater number of jobs, and that these jobs would be higher paying jobs. We were promised improved living standards, reduced trade distortions, and improved competitiveness for the United States in North America and global markets. At the same time, the American public was promised that the environment would be protected, that drugs would be interdicted, that public welfare would be safeguarded, and basic human rights would be enhanced.

Yet, the facts show that NAFTA just doesn't measure up to its promises. The very first measure of failure is demonstrated in our trade balances with our NAFTA trading partners. The United States has gone from having a $2 billion trade surplus prior to NAFTA with Mexico to a $16 billion deficit this past year. At the same time, our trade deficit with Canada has more than doubled, escalating from $11 billion to $23 billion.

In its editorial review of NAFTA, the Bismarck Tribune concluded, "There

has been enough pain associated with NAFTA and other trade agreements for Americans to insist on a scorecard we can read and understand before we go further."

I agree that we need a scorecard. It is for this reason that I am introducing the NAFTA Accountability Act today, together with Senators BYRD, CAMPBELL, HOLLINGS, INOUYE, WELLSTONE, and SNOWE.

We need accountability. Promises that are made should be fulfilled. If they aren't, we need to go back to the drawing board and make the changes that are necessary to achieve the goals and promises that were originally set forth in NAFTA's preamble and statement of objectives.

This bill would establish benchmarks by which we could score NAFTA, including expanded markets, currency stability, jobs wages and living standards, U.S. manufacturing competitiveness, health and environment, illegal drugs, protection of rights, fair agricultural trade, and highway safety.

If NAFTA does not meet these benchmarks as promised, then the United States would provide notice and withdraw from NAFTA. In addition, the bill authorizes and directs the President to renegotiate provisions of NAFTA to correct trade deficits and currency distortions, to correct job loss, to protect public health and the environment, to interdict drug traffic, to correct agricultural provisions, and to ensure compliance with U.S. transportation standards.

We have watched our trade deficits with our NAFTA partners grow by 433 percent since this trade agreement took effect. The growth in these trade deficits mean that this Nation has suffered job losses. A recent analysis by the Economic Policy Institute concludes that there has been a net loss of 395,000 U.S. jobs as a result of NAFTA. In fact, the study demonstrates that every State has suffered net job losses as a result of the increased trade deficits under NAFTA.

These job losses range from 633 job losses in my home State of North Dakota to 38,406 job losses in California. Now 633 jobs may not sound like much, but that is twice the size of my hometown of Regent. ND. If a new employer provided that many jobs in an economic development program, it would be considered a major accomplishment in my State.

States which had significant production in automobiles, computers, electrical appliances, textiles, and apparel had jobs losses disproportionate to their share of overall U.S. job losses.

It should be noted that 228,000 of these job losses were attributed to the trade deficits with Mexico, while 167,000 of these job losses resulted from deficits with Canada. If we remember the promises of NAFTA, the promises were that this trade agreement would result in at least 220,000 high-paying jobs.

I am always intrigued by those that only look at one side of the trade ledger, and never account for the net trade balance. Unfortunately, we cannot get a good picture of this because the Commerce Department only makes estimates of exports on a State-by-State basis. There is no data compiled on a State-by-State basis of foreign imports. As a result, there is not even a statistical basis on which to look at the full ledger on trade balances on a State-by-State basis.

However, we can make some general comparisons that can be helpful. For example, one widely distributed study indicates that North Dakota ranked third among the States in increased exports to Mexico. While that sounds pretty fantastic, it also needs to be put into context. The 320-percent increase in annual exports from North Dakota to Mexico is from the base of $3.0 million which has now grown to $9.7 million in exports. While the increases are substantial as a percentage, they are not very significant in dollars terms in the State's overall economy. In fact, another economic analysis indicates that North Dakota had a trade deficit with Mexico in the neighborhood of $3.4 million.

Similarly, the export study reports that North Dakota had an increase of 35 percent in exports to Canada from $298 million to $402 million. Before we conclude that North Dakota is doing well as a result of NAFTA, we need to look at other pieces of my State's economy.

While North Dakota experienced an annual increase of $114 million in export sales to our NAFTA partners, at the same time North Dakota is losing $222 million annually in income from the unfair export of Canadian durum wheat and barley into the United States. In other words, the loss of annual agricultural income in a couple of farm commodities alone has cost North Dakota almost twice as it has gained in increased export sales.

I want to note that one of the provisions of the NAFTA Accountability Act would require the President to renegotiate the terms of NAFTA to prevent Canadian grain exports from unfairly displacing United States production. This is just one of many provisions within this legislation that would require that the promises made to secure the passage of NAFTA be kept.

Unfortunately, the American public did not get a warranty on the promises when NAFTA was passed. That is why they are rightfully skeptical of further fast-track trade procedures and the expansion of NAFTA. As indicated in the Bismarck Tribune editorial, Americans need a scorecard before we continue to go down on our current trade policy track. I would urge my colleagues to join me as sponsors of the NAFTA Accountability Act so that Americans would have that scorecard, as well as the means by which to make necessary corrections to NAFTA.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 1515. A bill to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; to the Committee on Energy and Natural Resources.

THE DAKOTA WATER RESOURCES ACT OF 1997

Mr. CONRAD. Mr. President, I rise today to introduce, along with Senator DORGAN, the Dakota Water Resources Act of 1997. This is landmark legislation for our home State of North Dakota. The legislation that we are introducing amends the 1986 Garrison Diversion Reformulation Act and fundamentally shifts the focus of the project from large-scale irrigation to delivery of drinking water to communities in our State and to our four Indian reservations.

The Dakota water resources project is necessary to assure the citizens of North Dakota an adequate supply of quality water for municipal, rural and industrial [MR&I] uses. In fact, without these amendments to the 1986 Garrison Act, many communities in North Dakota will be forced to be without clean and reliable water supplies. The importance of a clean, safe water supply cannot be overstated. The improvement of our water quality and the adequacy of future water supplies is critical to the economic future of North Dakota.

I direct the attention of my colleagues to this chart, which shows the difference between water supplies that is not atypical for rural North Dakota. This is a jar that has the water in many rural parts of our State, because the ground water is just not of high quality. This shows the water delivered to rural North Dakotans via pipeline. I think this tells the story. North Dakota needs safe, clean, reliable water. The bill we are introducing today is designed to deliver it.

Water development is essential for economic development, agriculture, recreation and improving the environment. This legislation will provide an adequate and dependable water supply throughout North Dakota, including communities in the Red River Valley. Water is an essential resource to sustain the population and economic growth of that region. A portion of the funding will also fund irrigation projects in North Dakota and on the Indian Reservations, as well as the development of fish and wildlife projects.

The U.S. Senate is well aware of the history of failed promises on water development projects on the Missouri River. People of our State and on reservations have sacrificed 550,000 acres of land, including homes, farms, and in many cases their livelihoods, for flood protection downstream. The Federal Government has failed to live up to its side of the bargain.

I ask the Senate today, please look at this legislation; let us have a debate and a discussion, but do not fail to honor the promises the Federal Government made to North Dakota. To compensate North Dakota for the loss of 550,000 acres of valuable Missouri River bottom land due to the construction of the Garrison and Oahe Dams, the Garrison diversion project was authorized in 1965. It was to provide affordable access to Missouri River water as a basic element of the State's long-range plans for water management and development. That promise has not been kept.

The next chart I have here shows the areas of our State that would be benefited by the legislation we are introducing today. This chart shows the northwest area water supply project, the Southwest pipeline project, and the other areas of the State, including the Red River Valley, that would have safe, clean, dependable sources of water as a result of this legislation.

Mr. President, North Dakotans are fully committed to a scaled back, modernized project. Within the State of North Dakota we have worked long and hard to produce a new project. The MR&I focus of the Dakota water resources project is the best way to move forward. It represents the best potential to meet North Dakota's water needs. We realized 6 years ago that the Garrison project of 1986 would never attain its original goals. Since that time the relevant interests in North Dakota have engaged in a bipartisan effort to reformulate Federal law to address the contemporary and future water needs of our State.

I believe this legislation will provide water to communities in need in North Dakota in an environmentally sensitive manner. It is important to note that we have involved representatives of the conservation community from both the national and State level to develop the legislation we introduce today. We are especially pleased to have the support of the North Dakota Chapter of the Wildlife Society for this legislation.

I also want to assure our neighbors to the north, in Canada, that we will abide by international obligations. The Dakota Water Resources Act contains provisions to ensure compliance with the Boundary Water Treaty of 1909 between the United States and Canada.

Mr. President, I would like to take a few moments to highlight some of the provisions in the Dakota Water Resources Act.

The Dakota Water Resources Act authorizes $300 million for MR&I projects across North Dakota and an additional $200 million for MR&I projects on the four Indian reservations within the State. These MR&I projects are essential to ensure a safe and clean water supply throughout North Dakota.

This legislation also includes $200 million to meet the comprehensive water quality and quantity needs of the Red River Valley. Also, the bill stipulates that the State of North Dakota will select one or more project features from options identified to meet those needs, including the delivery of Missouri River water to the Red River Valley.

This legislation includes debt forgiveness for the State of North Dakota for costs of previously constructed facilities that will not be utilized or will be only partially utilized.

This legislation includes $40 million for the construction of the Four Bears Bridge across Lake Sakakawea within the Fort Berthold Indian Reservation. Lake Sakakawea is the body of water which was created by the construction of Garrison Dam. The resulting lake not only flooded valuable farmland on the reservation, but divided the reservation. The current bridge, which is the only route to cross Lake Sakakawea, is functionally inadequate and cannot handle current traffic flows. The structure poses a significant safety hazard and hampers access to emergency and medical services.

The Dakota Water Resources Act contains numerous provisions to ensure that this project is constructed in an environmentally-sensitive manner. The legislation permits the State to establish a water conservation program, utilizing funds provided for MR&I. Also, this bill includes $25 million for a Natural Resources Trust, currently the Wetlands Trust, and an authorization of $1.5 million to fund a wetlands interpretive center. The purpose of the trust is to preserve, enhance, restore and manage wetlands and associated wildlife habitat, grassland conservation and riparian areas in the State of North Dakota.

This legislation contains other important provisions, including: authorization of $5,000,000 for recreation projects in North Dakota; authorization for a study of bank stabilization along the Missouri River below Garrison Dam; designation of the current Lonetree Reservoir as a wildlife conservation area; a requirement for the Federal Government to pay for operation and maintenance on mitigation lands; deauthorization of certain irrigation areas; additional flexibility for the Indian tribes in determining irrigation sites within the reservations; ensures no increase for rural electric cooperatives using power generated by the dams on the Missouri River; and a provision that "upon transfer of the Oakes Test Area to the State of North Dakota, but not later than one year after enactment of this act Federal funds authorized by this act may not be used to subsidize the irrigation of any crop at the Oakes Test Area."

The Dakota Water Resources Act represents a significant bipartisan effort within North Dakota to meet the contemporary and future water quantity and quality needs of our State and provide for the long-term economic development of North Dakota.

I look forward to working with the members and staff of the Senate Energy and Natural Resources Committee on this legislation, specifically Senator MURKOWSKI and Senator BUMPERS, the chairman and ranking member respectively. I also look forward to discussing the need for the Dakota Water Resources Act with my Senate colleagues and would invite their support for this legislation that is essential for the future of North Dakota.

Mr. President, this legislation has the unanimous support of the congressional delegation, the Governor, state legislative leaders, tribal leaders, North Dakota water interests, and the North Dakota Rural Electric Cooperatives. It also has the support of a major state conservation group and mayors of the major affected cities. The Dakota Water Resources Act is the consensus product of an extensive negotiating process.

I want to express my personal appreciation to each of the State elected leaders who served as the State negotiating team. I am deeply grateful for their efforts. They were undertaken in good faith, in a bipartisan spirit because we recognize the critical importance of the completion of this project for the future economic health and strength of our State.

Our State leaders have come together in an unprecedented way. I am submitting for the RECORD, and I will ask unanimous consent to have printed in the RECORD after my statement and after the bill, the letters of support, including a letter signed by Senator DORGAN, Congressman POMEROY, Governor Schafer, North Dakota Senate majority leader Gary Nelson, North Dakota Senate minority leader Tim Mathern, North Dakota House majority leader John Dorso, and North Dakota House minority leader Merle Boucher as well as myself. The eight of us served as the State negotiating team.

In addition to that, I am proud to say we have letters of support of the Standing Rock Sioux Tribe, the Spirit Lake Tribe, the Turtle Mountain Band of Chippewa Indians, and three affiliated tribes.

We will also submit for the RECORD separate letters from the North Dakota Chapter of the Wildlife Society, the Garrison Diversion Conservancy District, the North Dakota Water Users Association, the Cities of Grand Forks,

Fargo, Minot, Dickinson, and Williston, the Southwest Water Authority, the North Dakota Water Resource Districts Association, the Souris River Joint Water Resource Board, the West River Joint Water Resource Board, the Devils Lake Basin Joint Water Resource Board, the North Dakota Association of Rural Electric Cooperatives, the Greater North Dakota Association, which is the North Dakota Chamber of Commerce, the Fargo Chamber of Commerce, the Industrial Development Association of North Dakota, and the North Dakota Education Association.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD following my remarks and before the legislation itself.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CONRAD. Mr. President, this outpouring of support is unprecedented. In essence, our citizens are saying to Washington, take note. This is essential for our future.

Before I conclude, I would like to say that in addition to many fine people in North Dakota who helped in the crafting of this legislation, I want to recognize the special efforts of staff members of mine who worked long and hard to produce these results: Robert Van Heuvelen, Derik Fettig, Kirk Johnson, and Mary Knapp.

Their dedication in getting amendments drafted has contributed tremendously to the positive product we are introducing today. They have been instrumental in forging the consensus which is a hallmark of this legislation. Through careful attention to detail, endless rounds of communications with all interested parties and preparation of myriad of drafts, these four professionals have made a real mark. As many in North Dakota will attest, Robert, Derik, Kirk, and Mary exemplify the finest that we find among congressional staff. I thank them for their contribution today.

In addition to my own staff, I want to take this moment to also thank three other outstanding congressional staffers for their help in achieving this result: Doug Norell, the legislative director for Senator DORGAN, Andrea Nygren, Ruth Fleischer, and Mike Eggl of Senator DORGAN's staff, Karen Frederickson and Amy Goffe, the chief of staff and legislative assistant, respectively, for North Dakota Congressman EARL POMEROY. This has been a collaborative effort among the delegation, the State's elected leaders and their staffs. And I thank them for it.

I thank the Chair and yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened with interest to the presentation by my colleague, Senator CONRAD. He is presenting today, and I join him in presenting, a picture of water issues in North Dakota that are critically important to the future of our State. I would like to describe for my colleagues why this is the case and what we propose to do to respond to the water needs of our region.

We live in a semiarid State, Mr. President. North Dakota gets 15 to 17 inches of rainfall a year. About 100 years ago, John Wesley Powell told the North Dakota Constitutional Convention in the year 1888 that North Dakota would have a series of years when they would have abundant crops, and then for 2 or 3 years, they would have less rainfall. There will be failure of crops, and disaster will come on thousands of people who will become discouraged and leave.

That is the history of those who live on the border between humid and arid lands.

This is a picture showing some of the crusted dirt of parched soil that has not had enough moisture. What has happened in our State is exactly what was predicted a century ago. We are a wonderful, bountiful agricultural State, but we do suffer being a semiarid State with the lack of rainfall, lack of water. We wanted to try to do something about that, to provide some stability.

The Senator from North Dakota, Senator CONRAD, held up a picture that showed water in jars. It is interesting, I come from southwestern North Dakota and know a lot about the water-quality issue Senator CONRAD was talking about. A fellow brought a jar of water to one of our hearings, and he sat the jar on the table. You would have sworn it was tobacco juice; if not tobacco juice, at least strong coffee; and if not strong coffee, very strong tea. But, no, that jar of brown water was his drinking water. It was from his well.

We suffer water-quality problems in addition to the lack of water in North Dakota, which is a semiarid State. We have known now for a century the consequences of that. The consequences of that are imposed upon our economic well-being in a State that is a wonderful State, but suffers from having 42 of its 53 counties declining in population. Only 11 counties have a growing population.

Mr. President, I come from a county in southwestern North Dakota. It had a population of 5,000 when I left. It now has a population of 3,000. The neighboring county, about the same size as my home county, is called Slope County. It is the size of the State of Rhode Island in landmass. Nine hundred citizens live in Slope County, and last year there were only seven babies born in Slope County. I say that just to give people an understanding of the size of our State and what is happening in some of the rural counties where the population is shrinking and we are seeing outmigration. Yet we are a State that is recognized as one of the most bountiful agricultural States in America.

Something happened in the 1940's that portended for us a change. What happened in the 1940's was the discussion of the Pick-Sloan plan that would create flood control down the reaches of the Missouri River with a series of dams. In 1943, there was a great flood on the Missouri River, and it crippled the delivery of supplies for American troops fighting in World War II to the gulf ports. It brought home, more than anything, the need for reliable transportation and navigation on the river, for reliable flood control on the river.

From it was born the Pick-Sloan plan to try to harness the Missouri River and create a series of dams that would provide flood control and a range of other benefits.

As part of that plan, we were told in North Dakota, because the Federal Government wishes to harness the Missouri River and create six dams in order to do so, we would like you in North Dakota to do us a favor. We would like you to host a flood that comes and stays. We would like to create a 500,000-acre flood in North Dakota, about the size of the State of Rhode Island. We want to take a Rhode Island-size flood, put it in your State by backing up the river with a dam and you keep it there. A flood that comes and stays forever.

North Dakotans thought about that a little bit and said, "Gee, so you want to give us a Rhode Island-size flood, what does that mean for us?"

The Federal Government said, "Well, you need to understand the second half of this. We would like you to host a flood that comes and stays, but we propose to give you a very significant benefit. You are a semiarid State. We would like you to be able to take water from behind that dam and from that flood and move it all around your State in order to deal with water quality and water accessibility and irrigation all across your State."

The people of North Dakota thought, "Gosh, that sounds like a really good deal, something needed in our State."

From that was born the Garrison Diversion Project. Behind the Garrison Dam, the ability to divert water all around our State to irrigate, provide good quality drinking water, to provide assured supplies of water for municipal and industrial use in cities and, yes, even in the eastern part of our State who are served by the Red River, which has run dry in the past. All of that sounded good to North Dakota, so we got the flood.

Elbow Woods—where my dad lived as a young boy and used to herd horses up on the Indian reservation—Elbow Woods doesn't exist anymore. It is a community that is gone because now

where Elbow Woods stood is a lake, a flood. Elbow Woods and other communities were flooded, and the Indian population moved to the upland, so the flood came and stayed.

But when President Eisenhower went out to dedicate the dam that held back the water and created the flood and the people were moved and we had the Rhode Island-size flood, it took a while for the benefits to come to North Dakota. We had the cost now. The cost was this flood, but the benefits were something else. The benefits kept shrinking and shrinking because controversy developed, and finally we passed a piece of legislation in 1965 and another one in 1986 to try to make sure that we got the benefits we were promised.

At least part of the benefits were to, for example, move water throughout North Dakota. From the 1986 act, we finally have water coming to southwestern North Dakota. We have a plan to move water to northwestern North Dakota. These areas are areas from where we see this picture about the drinking water that looks like tobacco juice. This now represents an area that is getting water from the Missouri River, good quality water moved to all these communities, which helps them enormously. But more needs to be done. We cannot finish the project and complete the promise given to our State until we enact changes once more in the Garrison diversion legislation.

It has been enormously controversial. Canada has objected; environmental groups have objected. So we put together a group of elected officials who are the elected leaders of North Dakota—the Governor, the congressional delegation, the Republicans and Democrats who are leaders in the State legislature—House and Senate—and we created a negotiating team. All of us, which is pretty unusual, sat around a table for many, many months at various periods and negotiated a bipartisan solution that will finish this plan for North Dakota. When finished, we hope it will provide this kind of sight all across our State in small towns and big towns, on farms, in cities—clean drinking water enjoyed by North Dakota, opportunities from water delivery to all parts of our State. That is what we hope the benefits of this plan will be.

I have taken some time to give a much broader history of how we have gotten to this point, simply because I want people to understand, this does not have as its origin in our State coming to Washington saying, "Give us something, please; we'd like you to give us a plan, please." That was not the origin. The origin was the Federal Government going to North Dakota saying, "Please play host to a flood the size of the State of Rhode Island that will be forever in your State, and we will promise you that you will get from that an opportunity to move good quality water throughout the State for municipal, rural, and industrial purposes, and for irrigation."

What has happened to us is we bore the cost of the flood, but we never received the full flower of the benefits that were promised us under the act.

Senator CONRAD and I and our colleague, Congressman POMEROY, in the House, today offer a bipartisan piece of legislation that will, if completed, finally allow us to realize the full benefits of this project.

I am not going to go into all the details of it except to say that the compromise that we offer finally allows us to connect the waterworks, to get water to eastern North Dakota, and an assured supply of water for some of the largest communities in North Dakota that live along the Red River.

It addresses in a very significant way the concerns that were expressed by environmental organizations. It addresses the issues that were raised by a number of others who have had concerns about the project. In short, it says, let us finish this project in a way that satisfies the interests and needs of North Dakota, but also do it in a way that addresses the concerns others have raised about this project.

This project is fiscally responsible. It would in fact, if completed the way we envision, cut nearly $200 million from the current authorization. So we are talking about completing a project in a different way but cutting up to $200 million from the current authorized level for this project. The Act provides substantial environmental benefits, incentives for water conservation, the creation of a natural resources trust, and additional incentives for the State to establish and meet other specified conservation goals. So it provides substantial environmental benefits.

We believe that the cooperative effort with the congressional delegation and the State's political leaders have vastly strengthened this bill. I want to commend especially the North Dakota chapter of the Wildlife Society, which, incidentally, wrote a letter saying: "We support this compromise. This compromise meets the test of being environmentally sound."

The third test this bill meets is that it provides more in economic development than natural resource enhancement alone. Water is necessary for all life, but in a semi-arid plain State it is critical.

I began this description by talking about the outmigration from rural counties and the desperate need to try to pump some economic life into those counties. One way to do that is to have an assured supply of good water. The fourth test this bill meets is project completion. This finally would complete the project and allow North Dakota to realize the full promise that the Federal Government gave North Dakota.

Finally, our bill represents a rare consensus among all the major participants in State water development and conservation. It is a rare thing, I suppose, to hear these days that this is a bipartisan plan. It is the product of Republicans and Democrats sitting around a table, not describing themselves as partisans, not describing themselves by their political party, but describing themselves as leaders serving North Dakota's long-term interests. We did that. And I am very pleased with the result.

Senator CONRAD described the support across North Dakota. And we are going to put in the CONGRESSIONAL RECORD the letters of support from all of the people who have written us, communities and many, many others, for this project.

The PRESIDING OFFICER. The Senator has spoken for in excess of 10 minutes.

Mr. DORGAN. I ask unanimous consent to finish in 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Finally, Mr. President, let me add my compliments to Senator CONRAD himself. Senator CONRAD has played an instrumental role in getting us to this point. We would not be here without Senator CONRAD's leadership. Let me also commend Senator CONRAD's staff, and let me echo the words of praise that Senator CONRAD gave to Doug Norell, the legislative director of my staff, and Ruth Fleischer and Andrea Nygren, and so many others.

Congressman POMEROY has played a critically important role here. Governor Schafer, the State legislative leaders, State Senator Tim Mathern, State Representative Merle Boucher, State Representative John Dorso, State Senator Gary Nelson all were important in getting us to this point.

My hope is that we will now begin a process to move this legislation, have some hearings, and I hope at the end of this struggle—I am not sure when that end will occur; it is not clear that this is going to move quickly—but at the end of this struggle we in North Dakota will be able to look back and say, it was a long, hard fight, but we got what was promised for our State. And not only did we get what was promised, but it was important, critically important, for the long-term economy of North Dakota.

Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me just thank my colleague, Senator DORGAN. Senator DORGAN and his staff have worked tirelessly to produce this result. This isn't something we have just worked on the last few months. This

has been an effort of 6 years to bring us to this point. It is remarkable to have brought together such a broad cross-section of the State of North Dakota in support of a project as significant as this one.

I just want to thank my colleague for all of his efforts and all of his leadership. He was involved in the 1986 reformulation. He early on recognized that we had an additional opportunity here to have something develop that would secure the economic future of our State.

I think we should also acknowledge that we understand we face a tough struggle to pass this legislation. We know that we have determined opponents downstream, that we have other opponents as well, certain national environmental organizations. And the State of Minnesota and our neighbors to the north in Canada all have expressed reservations. But we have done our level best to address their concerns. We have brought forward a project that is environmentally sensitive, that is fiscally sound, and does meet the current and long-term water needs of the State of North Dakota, all within the context of changing what has already been approved by Congress.

Senator DORGAN made the point and made it well. We have an approved project that is even a bigger project than what we are proposing here today, but it is unlikely to ever be built. Now is the time to step forward and to propose reasonable alternatives that are alternatives that would secure the long-term interests of the State of North Dakota.

So, again, I want to especially thank my colleague from North Dakota.

Mr. DORGAN. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. DORGAN. It might be useful to discuss the plans as we proceed. We introduced the legislation today here in the Senate. It will be concurrently introduced in the House of Representatives by our colleague, Congressman POMEROY. At that point my expectation would be that we will want to hold some hearings.

This will likely be referred—without doing the Parliamentarian's job, I assume will be referred—to the Senate Energy and Natural Resources Committee on which I sit. We expect to request some hearings by the Senate Energy and Natural Resources Committee. My expectation is we would want to perhaps hold some North Dakota hearings with the joint leadership in North Dakota to have an opportunity to further discuss this project.

I want to emphasize something Senator CONRAD just indicated. There will be opposition. This is a bipartisan approach, but there will be opposition.

There is this old story about the radio announcer who was interviewing an old guy, some 85-year-old codger. And he said, "You've seen a lot of changes in your life, ain't you?" And the guy said, "Yeah, I sure have." The old guy added, "I've been against all of them, too."

You know, there are people like that. They are against all changes until it is demonstrated that change was good, and then they say, "OK, now let me just oppose the next change." So it is clear to me that we will have opposition.

The test for us, however, is to have developed a plan, which I think this plan meets, that is sensitive to all of the issues that are raised in opposition.

When environmental organizations say to us, "Well, we have some real problems with this," I think what we are able to say is we worked with major environmental organizations in our State and negotiated with them, made changes relative to the recommendations they made, and they, I am pleased to say, have sent us a letter saying, "We support this approach."

We think this approach is a good compromise, meets the environmental tests. So my expectation is that today is getting this piece of reform legislation to the starting line. We have a hill ahead of us. The question is, how steep, how long does it take to get up the hill and down the other side? We will get there. The question is, how difficult is this and what is the timeframe?

So I thought we might want to talk about that kind of approach today.

Mr. CONRAD. I just respond by saying, I think it is very important that we have hearings—and have hearings in North Dakota—to be able to hear from all affected interests there. We already have heard from virtually every affected interest in the State of North Dakota. They have sent us letters in support of this project.

There is absolutely an unprecedented degree of bipartisan support, virtually every affected interest in the State of North Dakota. But we also will look forward to hearings here because we understand there are people in opposition, there are tests in opposition. We want the opportunity to explain what we have done to respond to their concerns, because I think this is a remarkable effort to try to listen to what other people have said and to try to design a project that meets their concerns.

So I think we are looking forward to the opportunity to tell our story and to make our case. We believe it is a powerful one. As I indicated earlier, we believe this project is environmentally sensitive, fiscally sound, and in the long-term interests of the State of North Dakota and of the Nation.

So, again, I want to thank my colleague from North Dakota for all of his efforts in bringing us to this day.

Mr. DORGAN. If you might yield for one additional point.

I think what we say today when we introduce this legislation is, we say to the Federal Government, "Keep your promise. You made our State a promise. We expect the Federal Government to keep their promise." This legislation, in our judgment, the combined judgment of the Governor, the congressional delegation, the elected leaders of the State legislature, on a bipartisan basis, we believe this legislation allows the Federal Government to keep its promise.

There might be controversy here about this in this Chamber, but we would say that "You owe North Dakota this project. You promised it. We have the flood. The flood isn't going away. Now you must provide the benefits you promised, Federal Government." So that is what we say today to the Federal Government: Keep your promise.

We would say, I think, to those who are naysayers, those who look at this and say, "Well, we don't support this," we want to hear you. We are willing to listen. We are going to hold hearings. If you have a better approach, if you have a better plan, tell us. If you have problems with this, tell us what those problems are.

We want to address all the real problems that exist, but we intend at the end of the day to get for our State what was promised to our State. It is not just because we want to get something; it is because our State's economic future depends on our ability in the coming years to complete this project the way it was promised to North Dakota.

So let me, finally, Mr. President—and I thank Senator CONRAD for yielding—indicate that Senator CONRAD already mentioned that Bob Van Heuvelen and Derik Fettig and Kirk Johnson of his staff played a very important role in this, as did Karen Frederickson and Amy Goffe of Congressman POMEROY'S staff. I don't know if we mentioned Dave Sprynczynatyk working for Governor Schafer, and Murray Sagsveen and Bob Harms, as well as critically important staff members at the State level, to help us formulate this set of amendments that we offered today to the U.S. Senate.

Mr. CONRAD. If the Senator would just yield, I think we also want to acknowledge, I might say, the individuals from the State level that we have acknowledged in our statements. We should add Mike Dwyer, of the North Dakota Water Users, who played a critical role of shuttle diplomacy, going back and forth in the final days to reach conclusion here.

So this has been a true team effort, with Dave Sprynczynatyk, the State water engineer, and Maj. Gen. Murray Sagsveen working on behalf of the Governor and Bob Harms, of the Governor's staff, and, as I have indicated, Mike Dwyer of the North Dakota Water Users. All of them played very important roles, as did Mike Olson, Bill

Bicknell and Dick Kroger of the North Dakota Chapter of the Wildlife Society.

In the final hours, in the final days, it took a real coming together to achieve this result. We certainly appreciate all of their efforts.

I thank the Chair and yield the floor.

EXHIBIT 1

NORTH DAKOTA,
November 7, 1997.

Sen. FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.
Sen. DALE BUMPERS,
Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.
Rep. DON YOUNG,
Chairman, Committee on Resources, U.S. House of Representatives, Washington, DC.
Rep. GEORGE MILLER,
Ranking Member, Committee on Resources, U.S. House of Representatives, Washington DC.

GENTLEMEN: Today marks a significant milestone for the State of North Dakota. We, the elected political leaders of the state, have agreed to support the introduction and to urge the passage of the "Dakota Water Resources Act." The attached legislation, if enacted, will play an integral part in the economic future of our state.

We are proud that this legislation is the product of extensive and full consultation with people who represent nearly all aspects of the life of our state. It represents a cooperative effort which has not only reached across partisan political lines, but also has constructively engaged all affected interests of the state. It reflects the views of Republicans and Democrats, Tribal leaders, the North Dakota Chapter of the Wildlife Society, The North Dakota Water Users Association, and the Rural Electric Cooperatives.

Accordingly, we urge you to give this legislation your early review and full support.

Sincerely,

Kent Conrad, U.S. Senator; Byron Dorgan, U.S. Senator; Carl Pomeroy, U.S. Representative; Edward Schafer, Governor; Gary Nelson, Majority Leader, State Senate; Timothy Mathern, Minority Leader, State Senate; John Dorso, Majority Leader, State House; Merle Boucher, Minority Leader, State House.

Attachment.

NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY

STATEMENT CONCERNING THE NOVEMBER 7TH, 1997 PROPOSED AMENDMENTS TO GARRISON DIVERSION REFORMULATION ACT OF 1986

The North Dakota Chapter of The Wildlife Society supports the proposed amendments to Garrison Diversion Reformulation Act as described in the November 7, 1997 Discussion Draft. We strongly believe the cooperative effort with the Congressional Delegation and North Dakota's state political leaders has strengthened the bill. Throughout this effort we have sought to develop legislation that benefits North Dakotans through water development and minimizes potential impacts to our state's natural resources.

Modification of the 1986 Reformulation Act will benefit substantially more North Dakotans by emphasizing municipal, rural, and industrial water needs of the State. The November 6, 1997 additions also place an equal emphasis on recognition of the enhancement of fish and wildlife and other natural resources as a full project feature. We are pleased to see the designation of Lonetree as a wildlife conservation area. This change is consistent with the recognition of natural resource conservation as a project feature that benefits North Dakota and the State's economy.

We are also encouraged by the addition of funds and the increased opportunities for natural resource conservation in North Dakota presented by the evolution of the Wetlands Trust into the new Natural Resources Trust. We believe the establishment of an account within the Natural Resources Trust to operate and maintain wildlife development areas will benefit wildlife resources in the state. This will ensure the stated commitments of the project are met in the future.

The findings of the Environmental Impact Statement written by the Bureau of Reclamation will provide a framework for a project which minimizes impacts to North Dakota's natural resources and provides for opportunities to meet the comprehensive water needs of eastern North Dakota. We will gladly be a full participant in this process to help ensure that the water needs of Fargo, Grand Forks, and neighboring communities are met in an environmentally sound cost effective manner.

Our involvement in this legislation has not ended. We look forward to working with all parties involved to develop the corresponding report language to capture all points of agreement. Full involvement by all interested parties has produced a final bill that North Dakotans can embrace. We welcome the opportunity to cooperatively work on this and other issues effecting North Dakota's natural resource heritage.

NORTH DAKOTA EDUCATION ASSOCIATION,
Bismarck, ND, November 7, 1997.

Hon. KENT CONRAD,
U.S. Senator, Washington, DC.

DEAR SENATOR CONRAD: On behalf of the North Dakota Education Association, we encourage you to support the proposal to amend the 1986 Reformulation Act and complete the Garrison Division water facilities. The proposal you have developed is important to the future of our state.

We appreciate your efforts and encourage you to support the legislation that will enact a water policy for the state of North Dakota that has been long awaited.

Sincerely,

JOSEPH A. WESTBY.
Executive Director.

NORTH DAKOTA ASSOCIATION OF RURAL ELECTRIC COOPERATIVES,
Mandan, ND, November 7, 1997.

To: Sen. KENT CONRAD, Sen. BYRON DORGAN, Rep. EARL POMEROY, Gov. ED SCHAFER, Sen. GARY NELSON, Sen. TIM MATHERN, Rep. JOHN DORSO, and Rep. MERLE BOUCHER.
From: Dennis Hill, Executive Vice President.
Re: Amendments to 1986 Garrison Reformulation Act.

On behalf of the rural electric network in North Dakota, I want to commend each of you for the leadership you've provided to develop a set of amendments to the 1986 Garrison Reformulation Act. This process has been an impressive display of bi-partisan leadership that has resulted in a set of amendments that will finish a major water supply project for our state.

The rural electric network has long supported the completion of Garrison Diversion. We supported the 1965 Act, the 1986 Reformulation, and we now support these amendments that you have been able to craft that will help our state meet its future contemporary water needs.

We pledge our continuing support of this project and this process. Please let us know how can we be of help in moving this set of amendments through the Congress.

Again, thanks for the excellent leadership.

NORTH DAKOTA WATER USERS ASSOCIATION,
Bismarck, ND, November 7, 1997.

To: Gov. EDWARD SCHAFER, Sen. KENT CONRAD, Sen. BYRON DORGAN, Rep. EARL POMEROY, Sen. GARY NELSON, Sen. TIM MATHERN, Rep. JOHN DORSO, Rep. MERLE BOUCHER.
From: North Dakota Water Users Association.
Re: Garrison Amendments.

We would like to thank you for your considerable effort to achieve consensus on a proposal to further the Garrison project and meet the critical water needs of North Dakota. We sense there is a unity we have not had before among state water users, state wildlife interests, Tribes, power customers and others on how we should proceed in proposing to complete Garrison Diversion water supply facilities.

We fully support the amendments that have been developed to enable the 1986 Reformulation Act to be modified and implemented. While the amendments eliminate most of the irrigation opportunities provided in the 1965 and 1986 Acts, we will vigorously support the current proposal in the spirit of compromise with the many competing interests in this project, and with the belief that the proposal will meet the critical water needs of our state, including the opportunity to utilize the existing facilities to provide Missouri River water to meet the water needs of the Red River Valley.

We look forward to working with you and the Tribe, state wildlife interests, cities, rural water systems, other water users, power customers and others to secure approval and implementation of the proposed amendments.

MIKE DWYER,
Executive Vice President.
JACK OLIN,
President.

SOUTHWEST WATER AUTHORITY,
Dickinson, ND, November 7, 1997.

Gov. EDWARD SCHAFER,
State Capitol,
Bismarck, ND.
Sen. KENT CONRAD,
Hart Office Building,
Washington, DC.
Sen. BYRON DORGAN,
Hart Office Building,
Washington, DC.
Rep. EARL POMEROY,
Longworth Office Building,
Washington, DC.
Sen. GARY NELSON,
Casselton, ND.
Sen. TIM MATHERN,
Fargo, ND.
Rep. JOHN DORSO,
Fargo, ND.
Rep. MERLE BOUCHER,
Rolette, ND.

DEAR GENTLEMEN: The Southwest Water Authority Board of Directors supports the proposal to amend the 1986 Reformulation Act and the completion of Garrison Diversion water facilities.

Your joint effort on this issue is a reflection of the statewide support for water development in North Dakota. Garrison Diversion does not only support eastern North Dakota. We in southwestern North Dakota also benefit from this project.

Currently the Southwest Pipeline Project provides water to 15 communities, Assumption Abbey, Sacred Heart Monastery, and 1200 farms and ranches. Construction to these areas was possible because of funding through Garrison Diversions' Municipal, Rural, and Industrial Fund and the North Dakota Resource Trust Fund.

The cities of Hettinger, Reeder, and Glen Ullin, cited for excessive fluoride violations, await a new water supply. The Southwest Pipeline Project will be that new source of water. An additional 11 cities and approximately 2300 farms and ranches are waiting for water from the Southwest Pipeline Project. The amended 1986 Reformulation Act will supply funds necessary for completion of the Southwest Pipeline Project.

Your support and efforts are appreciated. The Southwest Water Authority offers its support and assistance to you as necessary.

Sincerely,

PINKIE EVANS-CURRY,
Manager/CEO.

DEVILS LAKE BASIN
JOINT WATER RESOURCE BOARD,
Devils Lake, ND, November 7, 1997.

Gov. EDWARD SCHAFER,
State Capitol,
Bismarck, ND.
Sen. GARY NELSON,
Casselton, ND.
Sen. KENT CONRAD,
Hart Office Building,
Washington, DC.
Sen. Tim Mathern,
Fargo, ND.
Sen. BYRON DORGAN,
Hart Office Building,
Washington, DC.
Rep. JOHN DORSO,
Fargo, ND.
Rep. EARL POMEROY,
Longworth Office Building,
Washington, DC.
Rep. MERLE BOUCHER,
Rolette, ND.

GENTLEMEN: On behalf of the Devils Lake Basin Joint Water Resource Board this is to communicate our support of the proposal to amend the 1986 Reformulation Act and complete the Garrison Diversion water facilities.

The proposal you have jointly and cooperatively developed will meet the water needs of North Dakota.

Your efforts to achieve consensus are greatly appreciated. We stand ready to provide necessary support and assistance.

Sincerely,

BEN VARNSON,
Chairman.

CITY OF MINOT,
OFFICE OF THE MAYOR,
November 7, 1997.

Gov. ED SCHAFER,
State Capitol,
Bismarck, ND.
Sen. KENT CONRAD,
Hart Office Building,
Washington, DC.
Sen. BYRON DORGAN,
Hart Office Building,
Washington, DC.
Rep. EARL POMEROY,
Longworth Office Building,
Washington, DC.
Sen. GARY NELSON,
Casselton, ND.
Sen. TIM MATHERN,
Fargo, ND.
Rep. JOHN DORSO,
Fargo, ND.
Rep. MERLE BOUCHER,
Rolette, ND.

DEAR GENTLEMEN: On behalf of the City of Minot, this is to communicate our support the proposal to amend the 1986 Reformulation Act and complete the Garrison Diversion water facilities.

The proposal you have jointly and cooperatively developed will finish a project that has languished far too long.

Your efforts to achieve consensus are greatly appreciated. We stand ready to provide necessary support and assistance.

Sincerely,

ORLIN W. BACKES,
Mayor.

INDUSTRIAL DEVELOPMENT
ASSOCIATION OF NORTH DAKOTA,
November 7, 1997.

Gov. EDWARD SCHAFER,
State Capitol,
Bismarck, ND.
Sen. KENT CONRAD,
Hart Office Building,
Washington, DC.
Sen. BYRON DORGAN,
Hart Office Building,
Washington, DC.
Rep. EARL POMEROY,
Longworth Office Building,
Washington, DC.
Sen. GARY NELSON,
Casselton, ND.
Sen. TIM MATHERN,
Fargo, ND.
Rep. JOHN DORSO,
Fargo, ND.
Rep. MERLE BOUCHER,
Rolette, ND.

DEAR GENTLEMEN: On behalf of the Industrial Development Association of North Dakota, and as a member of the North Dakota Water Coalition, we support the proposal to amend the 1986 Reformulation Act and completion of the Garrison Diversion water facilities plan. My understanding is that this is being offered under the "Dakota Water Resources Act of 1997".

Water is one of the predominant economic development issues for many of the communities in the state. Simply stated, we seem to have too much water in some areas and not enough in others. Therefore, we support the consensus efforts of the water coalition and our congressional delegation in crafting legislation that will help us build our future by developing water delivery systems across our state.

We appreciate your initiative in this important matter. We look forward to working with you in the future.

Sincerely,

THOMAS C. ROLFSTAD,
Immediate Past President.

CITY OF FARGO,
OFFICE OF THE MAYOR,
November 7, 1997.

Hon. KENT CONRAD,
U.S. Senate,
Hart Office Building,
Washington, DC.

DEAR SENATOR CONRAD: The latest draft amendments to the Garrison Diversion Reformulation Act of 1986 have been received and reviewed by Fargo staff and elected officials. We are very supportive of the proposed language.

As the State's largest City which continues to have a population growth of nearly 2% per year—this rate of increase has sustained for over 20 years—the need for an adequate, reliable and quality source of water is key to our future. The City has just completed construction of a state of the art water treatment facility having the capabilities of addressing all current and anticipated safe drinking water standards well into the 21st Century. While this facility is on line and treating water from the Red River of the North and the Sheyenne River, it will be of little use if water is not available in either of these water sources.

History bears out the fact that the lack of water in these rivers is a real possibility—in the 1930's low flow conditions prevented the use of water from the Red River for seven straight years. As late as 1975, severe rationing of water in Fargo was caused by low flows in the Red River.

The introduction of new legislation to continue the Garrison Diversion effort is very timely. The modifications to the established legislation will greatly enhance Fargo's and eastern North Dakota's potential as a growth area—for population, economic and agricultural purposes—in the Midwest.

Your continued support and work on this very important legislation is needed and appreciated. If we can do anything to further this legislative effort, please call on me.

Sincerely,

BRUCE W. FURNESS,
Mayor.

TURTLE MOUNTAIN BAND OF
CHIPPEWA INDIANS,
Belcourt, ND, November 7, 1997.

Hon. BYRON DORGAN,
U.S. Senate,
Hart Building,
Washington, DC.
Hon. KENT CONRAD,
U.S. Senate,
Hart Building,
Washington, DC.

DEAR SENATOR: The Turtle Mountain Band of Chippewa Indians approve the efforts of our congressional representatives in your effort with regard to the "Dakota Water Resources Act" We know how hard this type of legislation is to get bipartisan agreement and feel your efforts have been exceptional.

We of the Turtle Mountain Band of Chippewa Indians appreciate being invited to the October 27th, 1997 hearing on the Draft Garrison Amendments. We feel that the hearings were very productive and appreciate the cooperation and courtesies extended to the tribes of North Dakota.

We have reviewed the total "discussion draft" dated November 5, 1997 as was sent to us.

1. We feel this draft is well put together and generally portrays the feeling of the majority of attendees at the table. The Tribes of North Dakota agreed on the breakdown of the Native American authorizations and find them as was discussed.

2. We note that you have taken some of the suggestions put forth in Russell D. Mason, Sr. letter dated October 27, 1997 handed out at the hearings.

3. We note that in section 7(c) you have made specific reference to the Trenton Indian Service Area in the Turtle Mountain allocation and are pleased with that thought.

4. In the Section 7(c) page 14 line 22, you have included "along with adjacent areas" what is the intent of this?

The Turtle Mountain Band of Chippewa Indians feel this document is put together in the spirit of cooperation with the entities involved and look forward to doing whatever the Tribe can do to support the passage of this legislation. Please contact myself or Ken Loveland at any time if we can assist your efforts toward final passage of the Dakota Water Resources Act.

Respectfully yours,

RAPHAEL J. DECOTEAU.

STANDING ROCK SIOUX TRIBE,
November 7, 1997.

Hon. KENT CONRAD,
Hart Senate Building,
Washington, DC.

DEAR SENATOR CONRAD: The Standing Rock Sioux Tribe is in full support of the amendments to the Garrison Reformulation Act of 1986.

The Tribe especially appreciates the inclusion of the irrigation issues for the Standing Rock reservation and the $200 million requested for water systems on the reservation.

The Tribe hereby acknowledges the efforts of all our representatives in Congress and will continue to endorse the North Dakota Congressional delegation with regards to Indian Affairs.

I was very grateful for the opportunity to represent my tribe by giving testimony on this very important piece of legislation. I look forward to a continued effort on both our parts to ensure the very best for our State and my Tribe.

Sincerely,

CHARLES W. MURPHY,
Chairman.

S. 1515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dakota Water Resources Act of 1997".

SEC. 2. PURPOSES AND AUTHORIZATION.

Section 1 of Public Law 89–108 (79 Stat. 433; 100 Stat. 418) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "of" and inserting "within";

(B) in paragraph (5), by striking "more timely" and inserting "appropriate"; and

(C) in paragraph (7), by striking "providing irrigation for 130,940 acres of land" and inserting "providing for the development of municipal, rural, and industrial water systems, ground water recharge, augmented stream flows, irrigation, and enhanced fish and wildlife habitat and other natural resources";

(2) in subsection (b)—

(A) by inserting ", jointly with the State of North Dakota," after "construct";

(B) by striking "the irrigation of 130,940 acres" and inserting "irrigation";

(C) by striking "fish and wildlife conservation" and inserting "fish, wildlife, and other natural resource conservation";

(D) by inserting "augmented stream flows, ground water recharge," after "flood control,"; and

(E) by inserting "(as modified by this Act)" before the period at the end;

(3) in subsection (e), by striking "terminated," and all that follows and inserting "terminated."; and

(4) by striking subsections (f) and (g) and inserting the following:

"(f) NONREIMBURSABILITY OF FEATURES.—All features constructed by the Secretary before the date of enactment of the Dakota Water Resources Act of 1997, including the Oakes Test Area, shall be nonreimbursable.

"(g) AGREEMENT BETWEEN THE SECRETARY AND THE STATE.—The Secretary shall enter into an agreement with the State of North Dakota providing for the operation and maintenance of the completed unit facilities and the design and construction of authorized new unit facilities by the State. The Secretary shall be responsible for the cost of operation and maintenance of the proportionate share attributable to the facilities which remain unused.

"(h) MITIGATION AND ENHANCEMENT.—The Secretary shall be responsible for operation, maintenance, and replacement of mitigation and enhancement measures associated with features constructed under this Act.".

SEC. 3. FISH AND WILDLIFE.

Section 2 of Public Law 89–108 (79 Stat. 433; 100 Stat. 419) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1) If, before commencement of construction of the unit, non-Federal public bodies agree" and inserting "If non-Federal public bodies continue to agree"; and

(ii) by inserting "and the State of North Dakota" after "the Secretary"; and

(B) by striking paragraph (2);

(2) in subsection (d), by striking ": *Provided,* That" and all that follows through "years";

(3) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting "(1)" after "(e)";

(C) in the first sentence of paragraph (2) (as redesignated by subparagraph (A)), by striking "within ten years after initial unit operation"; and

(D) in the first sentence of paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking ", within ten years after initial operation of the unit,"; and

(ii) by striking "paragraph (1) of this subsection" and inserting "paragraph (2) of this subsection"; and

(4) in subsection (j)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 4. IRRIGATION FACILITIES.

Section 5 of Public Law 89–108 (100 Stat. 419) is amended—

(1) by striking "SEC. 5. (a)(1)" and all that follows through subsection (c) and inserting the following:

"SEC. 5. IRRIGATION FACILITIES.

"(a) In addition to the existing 5,000-acre Oakes Test Area, the Secretary is authorized to develop irrigation in the following project service areas: Turtle Lake (13,700 acres) and McClusky Canal (10,000 acres). The Secretary may also develop 1,200 acres of irrigation in the New Rockford Canal Service Area provided that the Secretary also implements user fees for full reimbursement. The Secretary is prohibited from developing irrigation in these areas in excess of the acreage specified herein, except that the Secretary is authorized and directed to develop up to 28,000 acres of irrigation in other areas of North Dakota (such as Nesson Valley and Horsehead Flats areas), not located in the Hudson Bay, Devils Lake, or James River drainage basins.";

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively;

(3) in the first sentence of subsection (b) (as redesignated by paragraph (2)), by striking "(a)(1)" and inserting "(a)"; and

(4) in the first sentence of subsection (c) (as redesignated by paragraph (2)), by striking "Lucky Mound (7,700 acres), Upper Six Mile Creek (7,500 acres)" and inserting "Lucky Mound (7,700 acres) and Upper Six Mile Creek (7,500 acres), or such other lands at Fort Berthold of equal acreage as may be selected by the tribe and approved by the Secretary,".

SEC. 5. POWER.

Section 6 of Public Law 89–108 (79 Stat. 435; 100 Stat. 421) is amended—

(1) in subsection (b)—

(A) by striking "Notwithstanding the provisions of" and inserting "Pursuant to the provisions of"; and

(B) by striking "revenues," and all that follows and inserting "revenues."; and

(2) in subsection (c)—

(A) in the first sentence, by striking "any reallocation" and all that follows and inserting "section 1(e) shall not result in any reallocation of project costs and shall not result in increased rates to Pick-Sloan Missouri Basin Program customers."; and

(B) by adding at the end the following: "Nothing in this Act shall alter or affect in any way the current repayment methodology for other features of the Pick-Sloan Missouri Basin Program.".

SEC. 6. MUNICIPAL, RURAL, AND INDUSTRIAL WATER SERVICE.

Section 7 of Public Law 89–108 (100 Stat. 422) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) in the second sentence—

(I) by striking "The non-Federal share" and inserting "Unless otherwise provided in this Act, the non-Federal share"; and

(II) by striking "this section shall be 25 percent" and inserting "this section and section 8(a) shall be 15 percent";

(ii) by inserting after the second sentence the following: "The State may use the Federal and non-Federal funds to provide grants or loans for municipal, rural, and industrial water systems. The State may continue to use funds from repaid loans for municipal, rural, and industrial water systems."; and

(iii) by striking the last sentence and inserting the following: "The Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in the State of North Dakota shall be eligible for funding under this section."; and

(B) by adding at the end the following:

"(4) PROJECT FEATURES FOR RED RIVER VALLEY WATER NEEDS.—

"(A) REPORT ON RED RIVER VALLEY WATER NEEDS AND DELIVERY OPTIONS.—Not later than 90 days after the effective date of the Dakota Water Resources Act of 1997, the Secretary, acting through the Commissioner of

the Bureau of Reclamation, and the State of North Dakota shall jointly submit to Congress a report on the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley. Such needs shall include, but not be limited to, augmenting stream flows and enhancing: municipal, rural, and industrial water supplies; water quality; aquatic environment; and recreation.

"(B) ENVIRONMENTAL IMPACT STATEMENT.—Not later than 180 days after the date of enactment of the Dakota Water Resources Act of 1997, the Secretary shall, in coordination with and with the concurrence of the State of North Dakota, prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

"(C) PROCESS FOR SELECTION.—After reviewing the final report required by section 7(a)(4)(A) and complying with the requirements of section 7(a)(4)(B), and after consultation with the Secretary of the Interior, the Secretary of State, and other interested parties, the State of North Dakota in coordination with affected local communities shall select 1 or more project features described in section 8(a)(1) that will meet the comprehensive water quality and quantity needs of the Red River Valley. The Secretary is authorized and directed to enter into, within 180 days after the record of decision has been executed, agreements in accordance with sections 1(g) and 7(a) to construct the feature or features selected by the State.

"(D) WATER CONSERVATION PROGRAM.—Funds provided in section 10(b)(1) and funds provided in section 10(b)(2) to carry out section 8(a) may be used by the State to develop and implement a water conservation program. The Secretary and State shall jointly establish water conservation goals to meet the purposes of the State's program and to improve the availability of water supplies to meet the purposes of this Act. If the State achieves the established water conservation goals, the non-Federal cost share established in section 7(a)(3) shall be reduced by 0.5 percent.".

(2) in subsection (b)—

(A) in the first sentence, by striking the period at the end and inserting "or such other feature or features as may be selected under subsection (a)(4)(C).";

(B) in the second sentence, by striking "conveyance" and inserting "a project feature selected under subsection (a)(4)(C)"; and

(C) by adding at the end the following: "In addition, the costs of construction, operation, maintenance, and replacement of Northwest Area Water Supply Project water treatment facilities deemed attributable to meeting the requirements of the Boundary Waters Treaty of 1909 shall also be nonreimbursable.".

(3) in subsection (c), by striking "and Fort Totten Indian Reservations" and inserting "Turtle Mountain (including the Trenton Indian Service Area), and Fort Totten Indian Reservations and adjacent areas"; and

(4) by adding at the end the following:

"(e) NONREIMBURSABILITY OF COSTS.—With respect to the Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in North Dakota, the costs of the features constructed on the Missouri River by the Secretary of the Army before the date of enactment of the Dakota Water Resources Act of 1997 shall be nonreimbursable.".

SEC. 7. SPECIFIC FEATURES.

(a) IN GENERAL.—Section 8 of Public Law 89–108 (100 Stat. 423) is amended by striking "SEC. 8." and all that follows through subsection (a) and inserting the following:

"SEC. 8. SPECIFIC FEATURES.

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary is authorized and directed to construct a feature or features to deliver Missouri River water to the Sheyenne River water supply and release facility or such other feature or features as are selected under section 7(a)(4)(C). The feature shall be designed and constructed to meet only the water delivery requirements of the irrigation areas, municipal, rural, and industrial water supply needs, ground water recharge, and streamflow augmentation (as described in section 7(a)(4)(A)) authorized in this Act. The feature shall be located, constructed, and operated so that, in the opinion of the Secretaries of the Interior and State, no violation of the Boundary Waters Treaty of 1909 would result. The Secretary may not commence construction on the feature until a master repayment contract consistent with the provisions of this Act between the Secretary and the appropriate non-Federal entity has been executed.

"(2) DEAUTHORIZATION OF LONETREE DAM AND RESERVOIR.—The Lonetree Dam and Reservoir is deauthorized, and the Secretary shall designate the lands acquired for the former reservoir site a wildlife conservation area.

"(3) The Secretary is authorized and directed to enter into an agreement with the State of North Dakota providing for the operation and maintenance of the Lonetree wildlife conservation area, the costs of which shall be paid by the Secretary.

(b) TAAYER RESERVOIR.—Section 8(b) of Public Law 89–108 (100 Stat. 423) is amended in the second sentence—

(1) by inserting "acting through the Commissioner of the Bureau of Reclamation" after "Secretary"; and

(2) by inserting ", including acquisition through donation or exchange," after "acquire".

SEC. 8. EXCESS CROPS.

Section 9 of Public Law 89–108 (100 Stat. 423) is amended by adding at the end the following: "Upon transfer of the Oakes Test Area to the State of North Dakota, but not later than 1 year after enactment of the Dakota Water Resources Act of 1997, Federal funds authorized by this Act may not be used to subsidize the irrigation of any crop at the Oakes Test Area.".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of Public Law 89–108 (100 Stat. 424; 106 Stat. 4669, 4739) is amended—

(1) in subsection (a)—

(A) in the first sentence of paragraph (1), by striking "$270,395,000 for carrying out the provisions of section 5(a) through section 5(c) and section 8(a)(1) of this Act" and inserting "to carry out section 5(a) $84,200,000"; and

(B) in the first sentence of paragraph (2), by striking "5(e) of this Act" and inserting "5(c)";

(2) in subsection (b)—

(A) in paragraph (1), by inserting after the first sentence the following: "In addition to the amount authorized under the preceding sentence, there is authorized to be appropriated $300,000,000 to carry out section 7(a)."; and

(B) in paragraph (2), by inserting after the first sentence the following: "In addition to the amount authorized under the preceding sentence, there are authorized to be appropriated $200,000,000 to carry out section 7(c), to be allocated as follows: $30,000,000 to the Fort Totten Indian Reservation, $70,000,000 to the Fort Berthold Indian Reservation, $80,000,000 to the Standing Rock Indian Reservation, and $20,000,000 to the Turtle Mountain Indian Reservation. Also, in addition to the amount authorized under the first sentence of this subsection, there are authorized to be appropriated $200,000,000 to carry out section 8(a).".

(3) in subsection (c)—

(A) by striking the second sentence and inserting the following: "In addition to the amount authorized under the preceding sentence, there are authorized to be appropriated $6,500,000 to carry out recreational projects and, subject to section 11(a)(2), $25,000,000 to carry out section 11. Of the funds authorized for recreational projects, up to $1,500,000 may be used to fund a wetland interpretive center in the State of North Dakota.";

(B) in the last sentence, by striking the period at the end and inserting "(including the mitigation and enhancement features).": and

(C) by adding at the end the following: "Expenditures for operation and maintenance of features substantially completed and features constructed before the date of enactment of the Dakota Water Resources Act of 1997, including funds expended for such purposes since the date of enactment of Public Law 99–294, shall not be subject to the authorization limits in this section. When the features authorized by section 8(a) are operational, a separate account in the Natural Resources Trust authorized in section 11 shall be established for operation and maintenance of the mitigation and enhancement lands associated with the unit.";

(4) in subsection (e), by striking "portion of the $61,000,000 authorized for Indian municipal, rural, and industrial water features" and inserting "amounts under subsection (b)"; and

(5) by adding at the end the following:

"(f) FOUR BEARS BRIDGE.—There is authorized to be appropriated, for demolition of the existing structure and construction of the Four Bears Bridge across Lake Sakakawea within the Fort Berthold Indian Reservation, $40,000,000.".

SEC. 10. NATURAL RESOURCES TRUST.

Section 11 of Public Law 89–108 (100 Stat. 424) is amended—

(1) in subsection (a)—

(A) by striking "Wetlands" and inserting "Natural Resources";

(B) by striking "The amount of each such annual contribution shall be as follows:";

(C) by striking paragraphs (1), (2), and (3);

(D) by redesignating paragraph (4) as paragraph (1); and

(E) by inserting after paragraph (1) (as redesignated by subparagraph (D)) the following:

"(2) ADDITIONAL FEDERAL CONTRIBUTION.—In addition to the amounts authorized in the preceding subsection, the total amount of the Federal contribution pursuant to this Act is increased by $25,000,000.

"(A) The amount of each annual Federal contribution authorized by this subsection shall be 5 percent of the total amount appropriated under section 10(b)(1) and under section 10(b)(2) to carry out section 8(a) of this Act.

"(B) The sums appropriated under section 11(a)(2)(A) shall not exceed $10,000,000, subject to the provisions of section 11(a)(2)(C).

"(C) The remaining $15,000,000 may not be appropriated until the features authorized by section 8(a) are operational and meeting the objectives of that section as determined jointly by the Secretary and the State.";

(2) in subsection (b), by striking "Wetlands Trust" and inserting "Natural Resources Trust"; and

(3) in subsection (c)—

(A) by striking "Wetland Trust" and inserting "Natural Resources Trust";

(B) by striking "are met" and inserting "is met";

(C) in paragraph (1), by inserting ", grassland conservation and riparian areas" after "habitat"; and

(D) in paragraph (2), by adding at the end the following:

"(C) The power to fund incentives for conservation practices by landowners.".

SEC. 11. BANK STABILIZATION.

The Secretary of the Interior shall cause to be performed a review of the options for stabilization of the banks of the Missouri River downstream of the Garrison Dam in the State of North Dakota.

Mr. DORGAN. Mr. President, I rise today to introduce the Dakota Water Resources Act of 1997. I introduce this bill jointly with my colleague, Senator KENT CONRAD, while our colleague in the U.S. House of Representatives, Representative EARL POMEROY, will introduce an identical companion bill.

This bill is the most important piece of legislation I will introduce for my State. I say this because the key to North Dakota's future is economic development based on water resource management and development. And the key to water development in my State is the Dakota Water Resources Act.

Over 100 years ago, John Wesley Powell of the U.S. Geological Survey told the North Dakota Constitutional Convention that the State would have:

. . . a series of years when they will have abundant crops; then for two or three years they will have less rainfall and there will be failure of crops and disaster will come on thousands of people, who will become discouraged and leave. That is the history of those who live on the border between humid and arid lands.

Well, I want to let my colleagues know that what was true in 1889 is still true in 1997. Thousands of people are leaving North Dakota for economic opportunity Denver, Minneapolis, and dozens of other places. Only 11 counties in North Dakota had population increases in the past decade. The root of the problem is the challenge of making a dependable living on farms in rural areas and of planning for a dependable economic future in major cities that do not now have reliable water supplies.

Before turning to the main features of the Dakota Water Resources Act, I thought my colleagues would find it useful to know how the stoppage of war supplies in 1943 brought us to introduction of this legislation in 1997.

KEEPING A PROMISE

This bill offers hope to North Dakotans that they will finally see the completion of a major Federal-State water development project that was promised over 50 years ago. The promise was that North Dakota would get a comprehensive water development project if it accepted a permanent Rhode Island-sized flood behind a dam built for downstream flood protection and generation of hydro-electric power primarily for out-of-State customers.

It all started in 1943 when a great flood on the Missouri River crippled the delivery to gulf ports of supplies for American troops fighting World War II. The Army Corps of Engineers and Bureau of Reclamation responded with the Pick-Sloan Missouri Basin Program to bring massive flood control with dams in the States of the Upper Missouri Basin. The dams were built under the authority of the 1944 Flood Control Act.

When the Garrison Dam and Reservoir were completed in 1955, North Dakota lost 550,000 acres of rich farmlands in the Missouri River Valley. The cumulative value of farming losses over several decades amounts to hundreds of millions of dollars. In addition, the State lost access to valuable coal and oil reserves. But the losses didn't stop here: valuable wildlife habitat, especially along game-rich river bottoms, also were lost.

In return, North Dakota expected to receive both a network of irrigation systems across the State to develop more than 1 million acres and access to reliable supplies of municipal, rural, and industrial water. The 1965 Reauthorization Act set the stage for the development of the Garrison diversion project. The project consisted of a network of canals throughout North Dakota to irrigate more than 250,000 acres. That plan eventually encountered some stiff opposition and had to be modified.

In 1986, I wrote the Garrison Diversion Reformulation Act to implement the Federal commitment to North Dakota in a way that addressed concerns raised about the project. That act provided substantial benefits to North Dakota, primarily in the form of water systems for nearly 200,000 North Dakotans in almost 100 communities. Three Indian reservations, with some of the worst water in the State, have started to realize the Reformulation Act's promise of safe drinking water as they have completed the first phase of their own MR&I programs.

Experts from North Dakota State University have conducted valuable research at the Oakes test area, also authorized by the 1986 act, on alternative crops such as beans, onions, and carrots, which were not traditionally grown in our State. This research provided the basis for farming diversification that will benefit our economic future. With such research in hand, the State will be able to carry out agricultural development in five areas authorized by the new bill.

In addition, the 1986 act provided for the purchase of 23,000 acres of wetlands, grasslands, and woodlands for wildlife mitigation and enhancement and authorized development of the 5,000-acre Kraft Slough National Wildlife Refuge.

RETHINKING THE PROMISE OF WATER DEVELOPMENT

Despite the Garrison act's benefits, much of its promise remains unrealized. We still have not completed a means of meeting the water needs of North Dakota's most populous area, the Red River Valley with key cities at Wahpeton, Fargo, Grand Forks, and Grafton, ND. That act also included authorizations for agricultural projects that were deemed to be too costly or too environmentally disruptive to pursue.

So the bipartisan leadership of the State, including the Governor, the majority and minority leadership of the State legislature, and the congressional delegation embarked on an effort to complete the project in a way that could meet the tough tests of fiscal responsibility, environmental protection, economic opportunity, project completion, and statewide support.

I want to commend publicly the efforts of my two congressional colleagues, Senator KENT CONRAD and Congressman EARL POMEROY, as well as Gov. Ed Schafer, and the bipartisan leadership of the North Dakota Legislature—State Senators Gary Nelson and Tim Mathern, and State Representatives John Dorso and Merle Boucher—for their creative and tireless efforts to build a statewide consensus for a bill that meets those tests.

DAKOTA WATER RESOURCES ACT OF 1997

Before turning to those tests, let me summarize the key components of the bill and their benefits to North Dakota. The bill provides:

$300 million for municipal, rural and industrial [MR&I] water systems in North Dakota;

$200 million to meet the comprehensive water needs of the Red River Valley;

$200 million for MR&I projects for four Indian reservations;

$40 million for construction of Four Bears Bridge across Lake Sakakawea;

$25 million for a natural resources trust to preserve, enhance, restore, and manage wetlands and associated wildlife habitat, grasslands, and riparian areas;

$5 million for recreation projects;

$1.5 million for a Wetlands Interpretive Center in North Dakota;

Debt forgiveness for expenses associated with features of the Garrison project previously constructed with Federal funds, but which now will go unused, or only partially used;

Authorization for the state to develop water conservation programs using MR&I funding;

Authorization for a study of bank stabilization along the Missouri River below Garrison Dam;

Designation of the current Lonetree Reservoir as a wildlife conservation area;

A provision requiring the Federal Government to pay for operation and maintenance on mitigation lands;

A provision that "upon transfer of the Oakes Test Area to the State of North Dakota, but not later than 1 year after enactment of this Act, federal funds authorized by this Act may not be used to subsidize the irrigation of any crops at the Oakes Test Area";

A provision giving Indian tribes flexibility in determining irrigation sites within the reservations;

A provision that the bill will not result in any rate increases for power generated by dams on the Missouri River; and

Authorization for the following irrigation areas: Turtle Mountain—13,700 acres, McClusky Canal—10,000 acres, Missouri River Basin—28,000 acres, Stand Rock Sioux Reservation—2,380 acres, Fort Berthold Reservation—15,200 acres, and New Rockford Canal—1,200 acres, provided user fees pay for the cost of irrigation at this site.

THE DAKOTA WATER RESOURCES ACT MEETS THE TEST

Let me return to my prior thought and show how the Dakota Water Resources Act of 1997 meets the tests I noted before.

First, it is fiscally responsible because it cuts nearly $200 million for irrigation projects and requires cost sharing by the State for the MR&I projects authorized by the bill. Further, it stretches Federal resources by allowing the State to make loans, rather than grants, under the MR&I program so that money can be recycled through a revolving fund and thereby benefit even more communities across the State. The MR&I programs for the State and tribes alike focus only on the highest priority water needs, which have been validated by the State Water Commission and the Bureau of Reclamation.

Second, the act provides substantial environmental benefits. It includes incentives for water conservation and the creation of a natural resources trust. The bill provides additional incentives for the State to establish and meet specified conservation goals. Also, it allows for the creation of a separate account in an expanded national resources trust to maintain sensitive mitigation tracts. Perhaps more notably, the bill includes for the first time as one of the defined project purposes "enhancement of fish and wildlife habitat and other natural resources."

Let me share with colleagues a letter and statement from the professional wildlife managers and biologists, the North Dakota Chapter of the Wildlife Society, which explains their support for the new legislation. The Society said, in part, that:

We strongly believe the cooperative effort with the Congressional Delegation and North Dakota's state political leaders has strengthened the bill. Throughout this effort we have sought to develop legislation that benefits North Dakotans through water development and minimizes potential impacts to our state's natural resources.

I want to commend the North Dakota Chapter of the Wildlife Society for its strong and explicit support for this legislation. Its members, especially Mike Olson, Dick Kroger, and Bill Bicknell, have played a key role in developing this bill.

Third test: This bill meets a third test by providing much more for economic development than natural resource enhancement alone. Water is necessary for all life, but in the semi-arid Plains States, such as North Dakota, it is often difficult to find a reliable supply of water to meet the needs of growing population centers and agriculture. Moreover, even where water is available, it often is undrinkable.

I remember seeing a constituent from the Dickinson area hold a glass of what appeared to be tobacco juice only to be informed that it was tap water. Several communities in southwestern North Dakota, where I grew up, cannot even comply with Environmental Protection Agency [EPA] standards implementing the Safe Drinking Water Act. Western North Dakota communities clustered around Minot and Dickinson will gain the benefits of reliable drinking water supplies from the northwest area water supply and the southwest pipeline, which are authorized in this bill.

The Dakota Water Resources Act of 1997 will assure an adequate and dependable water supply for at least one out of three North Dakotans in urban, rural, and native American communities. It will also promote industrial uses in North Dakota for manufacturing and agricultural processing and target water delivery to five project areas for agricultural development. Finally, the bill will enhance recreation through projects such as a Wetlands Interpretive Center.

The fourth test this bill meets is project completion. A major provision of the bill is to allow the State to choose, in consultation with the Secretary of the Interior, how to meet the water needs of the Red River Valley—North Dakota's fastest growing region. The legislation will permit the State to either complete an existing water supply system or choose alternative methods to meet the comprehensive water quality and quantity needs of Fargo, Grand Forks, Wahpeton, Grafton and other Red River Valley communities in both North Dakota and Minnesota. North Dakotans have waited 50 years to have this promise kept and this bill keeps the promise while meeting tough environmental standards, the requirements of the Boundary Waters Treaty with Canada and the test of fiscal responsibility.

Finally, our bill represents a rare consensus among all the major participants in State water development and conservation. To insure the most balanced and representative bill, the North Dakota congressional delegation, the Governor, and State legislative leaders worked cooperatively with the many State interest groups to reach consensus on what are often contentious issues. Evidence of our success in building that consensus on this bill is provided in the many letters from community leaders, cities, native American tribes, water users, rural electric cooperatives, water resource districts, the North Dakota Education Association, Chamber of Commerce, industrial development commission, and the North Dakota Chapter of the Wildlife Society, as noted before.

I ask that copies of all of these letters be entered into the RECORD at the end of my statement and that of my colleague, Senator CONRAD. However, I would like to give my colleagues a flavor of the support that this bill enjoys in my State.

SUPPORT ACROSS NORTH DAKOTA

In western North Dakota, Dickinson Mayor Fred Gengler says that nothing has improved the quality of life for citizens in western North Dakota more than a reliable supply of water made possible through water delivery funded by grants through the State of North Dakota. On behalf of the city of Minot, Mayor Orlin Backes says: "The proposal you have jointly and cooperatively developed will finish a project that has languished far too long." Williston's mayor, Ward Koeser, wrote that "Your efforts to address the water needs of the entire state, and in turn that of the Williston trade area, make it very easy to send this letter of support for your efforts."

Growing communities in eastern North Dakota, such as two of North Dakota's largest cities, Fargo and Grand Forks, need an assured supply of water to plan for their future growth. It may shock some of my colleagues to know that the Red River of the North, the source of catastrophic flooding last spring, is the major source of drinking and industrial water for nearly one-fourth of the State's population and that it has actually stopped flowing several times in the past 100 years.

For the past 20 years, Fargo has been an engine of growth in North Dakota and its population has grown by nearly 2 percent per year. If this rate of growth is sustained, its population would double in 36 years. This population growth is essential to building the statewide economy, including Fargo's.

The city of Fargo has just completed construction of a state-of-the-art water treatment facility to address community needs into the 21st century. But even the best treatment facilities need an adequate and dependable supply of

water to meet the current and future needs of a growing community. Not surprisingly, Mayor Bruce Furness of Fargo writes that this bill ". . . will greatly enhance Fargo's and eastern North Dakota's potential as a growth area—for population, economic, and agricultural purposes . . . ."

For her part, Mayor Pat Owens of Grand Forks said: "I strongly support the approach taken of implementing a comprehensive package that will benefit the State of North Dakota." Many of you will remember Mayor Owens as the steady hand that guided her city through tumultuous events of last spring's historic flood and the ensuing relief and recovery. She indicated that it was essential that Grand Forks have a reliable drinking supply for its citizens for the future.

The four native American tribes sent letters supporting the proposed legislation. Chairman Charles Murphy of the Standing Rock Sioux Tribe especially appreciated the Indian irrigation included in the bill. The three affiliated tribes of the Mandan, Hidatsa, and Arikara Nation at Fort Berthold, in a letter from Chairman Russell Mason, welcomed ongoing funding for MR&I water needs of the tribes. They are joined in support for the bill by the chairs of the Spirit Lake Nation and Turtle Mountain Band of Chippewa Indians, Myra Pearson, and Raphael DeCoteau, respectively.

It's rare for both water users and conservation groups to agree to support the same project. These groups are usually at loggerheads over policy. This legislation is a dramatic exception.

The water users embraced the bill as a sound compromise between water development and environmental protection. Mike Dwyer and Jack Olin, leaders of the North Dakota Water Users Association, stated that "We fully support the amendments that have been developed to enable the 1986 Reformulation Act to be modified and implemented." The Garrison Diversion Conservancy District, the historic manager of North Dakota's major water project, indicated its support in a letter from its manager, Warren Jamison. The chairman of the State Water Coalition and executive director of North Dakota's Rural Electric Cooperatives, Dennis Hill, pledged support to finish our State's major water supply project. Meanwhile, the North Dakota Chapter of the Wildlife Society convened a special session of their executive board, which issued the statement supporting the legislation noted before.

"WHAT GOOD WATER'S WORTH"

Many of the participants in the discussions leading to the consensus in support of this legislation say that their economic well-being and quality of life depend on passing the Dakota Water Resources Act of 1997. Perhaps I can illustrate this feeling with a picture and a quote.

It's as familiar as a picture of a kid taking a drink of clear, clean water from a hose in summer time.

It's as profound as Lord Byron speaking through "Don Juan": "Till taught by pain, men really know not what good water's worth." I can tell my colleagues that in North Dakota we know both the pain and the worth of good water.

This consciousness is what has brought such a wide array of North Dakota groups together behind the bill. Nearly everyone determined that solving this water problem was so important that we must rally behind a common approach. The supporters include Republicans and Democrats, and independents as well. The backers also number conservationists and water users, rural and urban communities, and tribal and State leaders who have joined together in the most impressive display of unity that I have seen this decade in North Dakota. Let me again say how much. I appreciate the efforts of my North Dakota colleagues in the congressional delegation and in State government, as well as all of our staffs, for their invaluable contributions in achieving this unity.

So I urge my colleagues to consider favorably the Dakota Water Resources Act of 1997 as the consensus fulfillment of the Federal commitment to North Dakota and the acknowledged program for water development in our State.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NORTH DAKOTA CHAPTER,
THE WILDLIFE SOCIETY,
Bismark, ND, November 7, 1997.

[Memorandum]

To: The Garrison Negotiating Team.
From: The North Dakota Chapter of The Wildlife Society.
Subject: Statement Concerning The Proposed Garrison Legislation.

On November 6, 1997, the North Dakota Chapter of The Wildlife Society convened a special session of the Executive Board to discuss the proposed Garrison legislation and the Chapter's position on current legislative amendments. As a result of this meeting, the Chapter issued the attached statement of support.

Sincerely,

WILLIAM B. BICKNELL,
NDCTWS—Executive Board.

Attachment.

STATEMENT CONCERNING THE NOVEMBER 7TH, 1997 PROPOSED AMENDMENT TO GARRISON DIVERSION REFORMULATION ACT OF 1986

The North Dakota Chapter of The Wildlife Society supports the proposed amendments to Garrison Diversion Reformulation Act as described in the November 7, 1997 Discussion Draft. We strongly believe the cooperative effort with the Congressional Delegation and North Dakota's state political leaders has strengthened the bill. Throughout this effort we have sought to develop legislation that benefits North Dakotans through water development and minimizes potential impacts to our state's natural resources.

Modification of the 1986 Reformulation Act will benefit substantially more North Dakotans by emphasizing municipal, rural, and industrial water needs of the State. The November 6, 1997 additions also place an equal emphasis on recognition of the enhancement of fish and wildlife habitat and other natural resources as a full project feature. We are pleased to see the designation of Lonetree as a wildlife conservation area. This change is consistent with the recognition of natural resource conservation as a project feature that benefits North Dakota and the State's economy.

We are also encouraged by the addition of funds and the increased opportunities for natural resource conservation in North Dakota presented by the evolution of the Wetlands Trust into the new Natural Resources Trust. We believe the establishment of an account within the Natural Resources Trust to operate and maintain wildlife development areas will benefit wildlife resources in the state. This will ensure the stated commitments of the project are met in the future.

The findings of the Environmental Impact Statement written by the Bureau of Reclamation will provide a framework for a project which minimizes impact to North Dakota's natural resources and provides for opportunities to meet the comprehensive water needs of eastern North Dakota. We will gladly be a full participant in this process to help ensure that the water needs of Fargo, Grand Forks. and neighboring communities are met in an environmentally sound cost effective manner.

Our involvement in this legislation has not ended. We look forward to working with all parties involved to develop the corresponding report language to capture all points of agreement. Full involvement by all interested parties has produced a final bill that North Dakotans can embrace. We welcome the opportunity to cooperatively work on this and other issues effecting North Dakota's natural resource heritage.

MANDAN, HIDATSA, & ARIKARA NATION—THREE AFFILIATED TRIBES,
FORT BERTHOLD INDIAN RESERVATION,
New Town, ND, November 7, 1997.

Re Final proposed amendments to the 1986 Garrison Reformulation Act, dated November 7, 1997.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: On behalf of the Three Affiliated Tribes, I want to thank you for the opportunity to present our views regarding the drafts of proposed legislation amending the Garrison Reformulation Act of 1986 to you and your staff over the past two weeks. We are especially appreciative that the municipal, rural and industrial water needs of the Tribes are being provided for through the new funding authorization contained in the legislation, and that funds are included in the legislation for a new Four Bears bridge that will serve not only our communities but also all of northwest North Dakota.

It is our understanding that you plan to introduce the bill in the few remaining days of this session of Congress, in the form as submitted to us today, November 7, 1997, and we strongly support your effort to do so. The bill, while it does not address all of our concerns, as further explained below, is a great step forward in the process of ensuring that

the water needs of the Tribe and its members are met. In crafting this legislation, we especially applaud your efforts to bring everyone to the table to discuss their views concerning this proposed bill.

We also want to thank you for the efforts you and your staff have made to address the concerns mentioned below. We recognize that significant changes have been made to the Final Amendments to the Garrison Diversion Reformulation Act of 1986 that you will soon introduce, and we thank you for those changes, including the change that allows some flexibility with regard to irrigation projects.

We do, however, have several remaining concerns about the bill as proposed. We know that there is insufficient time to address these concerns before the bill is introduced, but we are hopeful that with further discussion, these concerns can be addressed either in language within the bill or in final Committee Report language as the bill is being considered by Congress.

First, we would prefer that language be included in the bill, or in a Committee Report, that would assure us that the reserved water rights of the Three Affiliated Tribes to water from the Missouri River and its tributaries that flow through the Fort Berthold Reservation, expressed by the U.S. Supreme Court in the *Winters* case early in this century, are preserved in this legislation. This statement should be similar to the purpose expressed in the legislation to "preserve any existing rights of the State of North Dakota to use water from the Missouri River." We understand that consideration is being given to include such language in any Committee Report on the bill.

Second, we would ask that language be included in the bill which allows the Tribe the opportunity to seek Federal funds for additional irrigation sites, other than those authorized. While we do not now have additional sites in mind, additional studies and advances in irrigation techniques over time may well yield further areas which are suitable for irrigation.

At the same time, we would like to see additional authorization for funds for our irrigation projects. As your staff has indicated to us, present law seems to provide that all of the present Indian irrigation funds are earmarked for the Standing Rock Sioux Tribe. We do not in any way wish to take away such funds from the Standing Rock Sioux Tribe, but we believe our irrigation funding needs for the approximately 15,000 acres authorized under the present legislation are being neglected in this process. We understand that other opportunities may be present at in future legislation for additional authorization of and appropriation of Federal funds for these projects.

Third, we would prefer that language be included, again either in a Committee Report or in the legislation, which would include the Tribe as a participant in the Natural Resources Trust, as it has been renamed in Section 11 of the bill. The Three Affiliated Tribes and the Standing Rock Sioux Tribe lost significant wetlands and other wildlife habitat with the construction of the Garrison and Oahe dams, and should have just as much an opportunity for mitigation of those lost acres with funds from the Natural Resources Trust as does the rest of North Dakota.

While we realize that the Equitable Compensation Fund created for the Standing Rock Sioux Tribe and Three Affiliated Tribes may also be used for the same purposes as those of the Natural Resources Trust, the main thrust of those funds are for education, economic development and social welfare, as stated in the Equitable Compensation Act. These funds, used for the above purposes, barely begin to repair the economic and social losses to the members of the Three Affiliated Tribes caused by the destruction of their homelands along the Missouri River, and are unlikely to be used to purchase additional lands in compensation for loss of wetlands and other wildlife habitat.

Finally, we would hope that in Committee Report language or in the bill itself, language is included that will point out that the benefits being provided in this bill help implement the goals set forth in the Garrison Unit Joint Tribal Advisory Committee Report, dated May 23, 1986. The language should be similar to that already in the bill in the purposes regarding the Garrison Diversion Unit Commission Final Report, dated December 24, 1984. Such language simply recognizes what the bill actually does and we believe will assist in gaining political support for the bill both in Congress and otherwise. We do recognize that the JTAC Final Report is implicitly recognized by the mention of the Garrison Diversion Unit Commission Final Report in the bill.

As you know, we have provided suggested language to you and your staff regarding these concerns. As always, we look forward to working with you about moving the bill forward and addressing our concerns as summarized above.

Sincerely yours,

RUSSELL D. MASON, Sr.,
Chairman, Three Affiliated Tribes.

SPIRIT LAKE TRIBE,
Fort Totten, ND, November 7, 1997.

BYRON DORGAN,
Cannon House Office Building,
Washington, DC.

DEAR MR. DORGAN: The Spirit Lake Tribal Council has reviewed, and approves of the introduction of proposed Amendments to Garrison Diversion Reformation Act of 1986.

If you should need further assistance, please call my office at (701) 766-1226.

Sincerely,

MYRA PEARSON,
Chairperson.

FARGO CHAMBER OF COMMERCE,
Fargo, ND, November 7, 1997.

Senators KENT CONRAD and BYRON DORGAN,
Congressman EARL POMEROY,
Governor ED SCHAFER.

GENTLEMEN: This is written to provide you with information regarding our Chamber's legislative agenda, which includes the important issue of water development.

In recognition of the unique and varied water issues we face throughout North Dakota, the Fargo Chamber of Commerce became a member of the North Dakota Water Coalition. We support the Coalition's water development plan, which includes increasing the availability of quality water resources to support continued population and industrial growth across the state.

One of two primary goals of the North Dakota Water Coalition is to provide an adequate water supply across North Dakota through a workable and achievable Garrison Diversion Project. We believe that a completed water infrastructure in our state will benefit all North Dakotans. Thus, we endorse the proposal to amend the 1986 Reformulation Act to compete Garrison Diversion.

An adequate, reliable water supply is essential to sustaining communities and supporting economic development activities throughout our state. Thank you for your efforts on behalf of water development in North Dakota, including completion of the Garrison Diversion Project.

Sincerely,

DAVID K. MARTIN,
Public Affairs Manager.

CITY OF WILLISTON, NORTH DAKOTA,
Williston, ND, November 7, 1997.

Governor SCHAFER,
State Capitol,
Bismarck, ND.
Senator KENT CONRAD,
Hart Office Building,
Washington, DC.
Senator BYRON DORGAN,
Hart Office Building,
Washington, DC.
Representative EARL POMEROY,
Longworth Office Building,
Washington, DC.
Senator GARY NELSON,
Casselton, ND.
Senator TIM MATHERN,
Fargo, ND.
Representative MERLE BOUCHER,
Rolette, ND.
Representative JOHN DORSO,
Fargo, ND.

DEAR GENTLEMEN: It is with great pleasure that I communicate my support for your efforts in developing our water resources through the "Dakota Water Resources Act of 1997".

Historically, water has been a central part of the economy of the Williston trade region. We recognize water as North Dakotas greatest natural resource and the Missouri River as the greatest source of water in the state. Your efforts to develop this natural resource should be commended.

The "Dakota Water Resources Act of 1997" is a bold move to utilize Missouri River water throughout the entire state and its passage would be a great step towards the goal of developing a strong and balanced economy in North Dakota.

Your efforts to address the water needs of the entire state, and in turn that of the Williston trade area, make it very easy to send this letter of support for your efforts.

Thanks for your initiative and support to amend the 1986 Garrison Reformulation Act to address the major water concerns of the state of North Dakota.

Sincerely,

E. WARD KOESER,
Mayor.

CITY OF DICKINSON,
Dickinson, ND, November 7, 1997.

Governor EDWARD SCHAFER,
State Capitol,
Bismarck, ND.
Senator KENT CONRAD,
Hart Office Building,
Washington, DC.
Senator BYRON DORGAN,
Hart Office Building,
Washington, DC.
Representative EARL POMEROY,
Longworth Office Building,
Washington, DC.
Senator GARY NELSON,
Casselton, ND.
Senator TIM MATHERN,
Fargo, ND.
Representative JOHN DORSO,
Fargo, ND.
Representative MERLE BOUCHER,
Rolette, ND.

DEAR GENTLEMEN: Nothing has improved the quality of life for citizens of Dickinson

and southwest North Dakota more than the Southwest Pipeline Project.

This project would not be possible without Garrison Diversion, Rural and Industrial funding and grants through the State of North Dakota Resources Trust Fund.

On behalf of the citizens of Dickinson, we support the proposal to amend the 1986 Reformulation Act and complete the Garrison Diversion water facilities.

Sincerely,

FRED S. GENGLER,
Mayor, City of Dickinson.

SOURIS RIVER JOINT WATER RESOURCE BOARD: RENVILLE COUNTY WATER RESOURCE DISTRICT; WARD COUNTY WATER RESOURCE DISTRICT; MCHENRY COUNTY WATER RESOURCE DISTRICT; BOTTINEAU COUNTY WATER RESOURCE DISTRICT,

November 7, 1997.

[Memorandum]

To: Governor Edward Schafer, Senator Kent Conrad, Senator Byron Dorgan, Rep. Earl Pomeroy, Senator Gary Nelson, Senator Tim Mathern, Representative John Dorso, and Representative Merle Boucher.

From: Glenn Wunderlich, Chairman.

On behalf of the Souris River Joint Board, we want you to know that we support the introduction of the Garrison Diversion Amendments as the "Dakota Water Resources Act of 1997."

The jointly and cooperatively developed proposal will meet the water needs of North Dakota and provide affordable, high quality water to a large portion of the state. The economic well-being and quality of life in North Dakota depends on this proposal.

We truly appreciate your efforts to achieve consensus on this legislation. We stand ready to provide support and assistance as needed.

THE WEST RIVER
JOINT WATER RESOURCE BOARD,
Bismarck, ND, November 7, 1997.

[Memorandum]

To: Governor Edward Schafer, Senator Kent Conrad, Senator Byron Dorgan, Rep. Earl Pomeroy, Senator Gary Nelson, Senator Tim Mathern, Representative John Dorso, and Representative Merle Boucher.

From: Alfred Underdahl, Chairman.

The West River Joint Board would like to express its full support for the proposal to amend the 1986 Reformulation Act and complete the Garrison Diversion water facilities.

The proposal you have jointly and cooperatively developed is critical to the future of the state of North Dakota and will help us meet our many statewide water needs.

We want you to know that we greatly appreciate your efforts to achieve consensus.

NORTH DAKOTA WATER RESOURCE
DISTRICTS ASSOCIATION,
Bismarck, ND, November 7, 1997.

Governor EDWARD SCHAFER,
State Capitol,
Bismarck, ND.
Senator KENT CONRAD,
Hart Office Building,
Washington, DC.
Senator BYRON DORGAN,
Hart Office Building,
Washington, DC.
Representative EARL POMEROY,
Longworth Office Building,
Washington, DC.
Senator GARY NELSON,
Casselton, ND.
Senator TIM MATHERN,
Fargo, ND.
Representative JOHN DORSO,
Fargo, ND.
Representative MIKE BOUCHER,
Rolette, ND.

DEAR GENTLEMEN: The North Dakota Water Resource Districts Association strongly supports the proposal to amend the 1986 Reformulation Act and complete the Garrison Diversion water facilities.

The proposal you have jointly and cooperatvely developed will finish a project that has languished far too long and is critical to the future well-being of our state.

You efforts to achieve consensus are greatly appreciated. Feel free to call on us to provide necessary support and assistance.

Sincerely,

ARDEN HANER,
Chairman.

GARRISON DIVERSION
CONSERVANCY DISTRICT,
Carrington, ND, November 7, 1997.

Hon. KENT CONRAD,
U.S. Senator,
Hart Office Building,
Washington, DC.
Hon. EARL POMEROY,
U.S. Congressman,
Longworth Office Building,
Washington, DC.
Hon. BYRON DORGAN,
U.S. Senator,
Hart Office Building,
Washington, DC.
Hon. EDWARD T. SCHAFER,
Governor of North Dakota,
Bismarck, ND.

SENATOR CONRAD, DORGAN, CONGRESSMAN POMEROY, GOVERNOR SCHAFER: I have reviewed the Garrison Diversion Amendments and support their introduction as the "Dakota Water Resources Act of 1997." I believe, if enacted, this legislation will go far toward relieving the federal government from the onerous "trail of broken federal promises." While the promise of economic opportunity through federal irrigation has been decimated, this legislation will bring affordable, high quality water to a large portion of North Dakota. Indian and non-Indians will benefit from the water supplies provided by this legislation. In many cases, these amendments will restore spirits nearly broken by the drudgery of hauling poor quality water for many miles through severe weather conditions. Affordable access to a portion of North Dakota's rights to Missouri River water will be possible, and the 120 miles of canals and pumping stations that remain a scar on the belly of the prairie will finally be put to limited use.

The Amendments provide assurances that the Boundary Waters Treaty, with our Canadian friends, will not be violated. Environmental benefits for fish and wildlife resources are also included. The project is already referred to as a model for wildlife nutigation and enhancement. This legislation will further that reputation. Finally, thus legislation reduces the overall cost of the authorized project features while providing for returning on the existing investment.

I will submit this legislation to the Garrison Diversion Conservancy District's full board at their next meeting, with a strong recommendation that they adopt a resolution in support of its passage.

Sincerely,

WARREN L. JAMISON,
Manager.

GREATER NORTH DAKOTA ASSOCIATION,
Bismarck, ND, November 7, 1997.

Governor EDWARD SCHAFER.
Senator KENT CONRAD.
Senator BYRON DORGAN.
Representative EARL POMEROY.
Senator GARY NELSON.
Senator TIM MATHERN.
Representative JOHN DORSO.
Representative MERLE BOUCHER.

DEAR GENTLEMAN: We were informed that an agreement has been reached regarding the Garrison Diversion Project. On behalf of the Greater North Dakota Association, we support the proposal to amend the 1986 Reformulation Act and complete the Garrison Diversion water facilities. We understand this amendment will be introduced as the "Dakota Water Resources Act of 1997."

Water—quality and quantity—is the most limiting and valuable resource throughout the state. We believe that passage of the proposal you have jointly and cooperatively developed will assist North Dakota in developing its water resources so that water can best facilitate the growth of the state's four part economy and best serve the needs of our citizens, business, agriculture, industry and tourism.

The members of GNDA express their appreciation for your enlightened leadership to achieve consensus on the Garrison Diversion Project! We pledge our support in working cooperatively toward completing the Garrison Diversion project for the benefit of all North Dakotans.

Sincerely,

DALE O. ANDERSON,
President.

By Mr. BENNETT:

S. 1518. A bill to require publicly traded corporations to make specific disclosures in their initial offering statements and quarterly reports regarding the ability of their computer systems to operate after January 1, 2000; to the Committee on Banking, Housing, and Urban Affairs.

THE COMPUTER REMEDIATION AND SHARE HOLDER (CRASH) PROTECTION ACT OF 1997

Mr. BENNETT. Mr. President, there is a great adventure coming up. Everyone is looking forward to it and reservations are already being made. We are talking about the great New Year's Eve party on December 31, 1999, the New Year's Eve party of the millennium. Join with me in a moment of fantasy and speculation and consider yourself at that party.

You have made your reservations. You are in New York City so you can be part of the celebration in Times Square. This is going to be a wonderful event in your life.

You are wearing a name brand digital watch, one of the fancy ones that records not only the time and the day, but the year. So you have your watch

on, and you look at it to follow the time until we get to the magic moment. You are looking at your watch, and it says 11:59, December 31, 1999. At the stroke of midnight, your watch clicks over to midnight and goes blank.

What has happened? We have already seen that. Someone has taken a watch and set it ahead to that date to see what would happen. At the moment it goes to the year 2000, a circuit freezes open, the watch display disappears, the power from the battery fries the chip and the watch becomes useless. So at the moment of midnight, as you look at your watch, your watch becomes useless.

I know the Presiding Officer would not do this, but for the sake of the illustration, let's say you celebrate a little more than maybe you should, and you decide it is appropriate that you take a taxi back to your hotel. You don't have enough money for a taxi. No problem, there's an ATM machine and you have your ATM card with you. You put the ATM card in, push the buttons and wait for the money. Nothing happens, because the ATM machine is not geared to click over into the year 2000, and it won't give you any cash; it is frozen.

Somehow, Mr. President, with the help of maybe some of your friends, you get yourself to your hotel. The elevators won't work in the hotel because at midnight of the year 2000, the chip in the elevator said this elevator has not been inspected for 99 years, and it goes immediately to the bottom and stays there until an inspector shows up. So you are forced to stagger up the stairs to find your room. We hope you are using a key and not some other high technology to get into the room so that you can get a good night's sleep.

The next morning, you get up, go down and find the lobby filled with angry guests. None of them can check out because the hotel's computers that handle the checkout procedure are all frozen with the year 2000 problem. You stand there getting more and more angry until finally with manual checkout procedures, you get out of the hotel and say, "Can I get a car to the airport?"

"Unfortunately, Senator," says the manager of the hotel, "our cars won't start. They have computer chips in them that are geared to the year 2000, and we can only get you to the airport in old taxi cabs that are so old they have no computers, and today they are in great demand."

You show up at the airport finally, hours and hours late, sure you have missed your flight, only to discover that no flights have gone because the computer program that controls the flights and the reservations is all shut down because of the year 2000 problem that has not been fixed.

It is probably just as well that the flights are not flying, because the air traffic control system is managed by computers which have not been fixed for the year 2000 problem, and we would have no safety in the skies anyway. Whether you like it or not, Mr. President, you are stuck in New York for the foreseeable future.

When Monday comes, the 3d of January, and the opening of the stock market in the new millennium. The stock market can't open because all of the stock market procedures are run by computers, and inadequate precautions have been taken to get the stock market ready for the year 2000 circumstance and the computers have shut down everywhere.

You write a check only to discover that the automatic deposit that goes by computer into your checking account hasn't worked, because the bank in which you have your money is not year 2000 compliant and your check won't clear. The money is not in your account.

Every single circumstance that I have just described could easily happen if nothing is done between now and the year 2000. Some of the circumstances that I have just described inevitably will happen no matter how much we work to try to get the problem solved between now and the year 2000. Our challenge, as a society, is to see that as few of those problems that I have described happen. It is impossible to guarantee that none of them will happen. The one that you can be absolutely sure of, Mr. President, is that, if you're wearing the wrong brand, your watch will fry on that date.

How big a problem is the year 2000 problem? We have held hearings in my subcommittee and asked this question, and we have come up with two numbers, both of them large.

The first is the number that it will cost to fix the problem. The estimate that we have before our committee and in our subcommittee record is roughly $600 billion—$600 billion. That is a little less than 10 percent of our gross domestic product, which is currently running at $7 trillion. So 10 percent of that would be $700 billion. If we are $100 billion off, it is going to cost 10 percent of our gross domestic product to fix the problem—a very large number, a very large percentage.

The other number is even bigger. We have asked the question: How big is the potential liability that can come from lawsuits that people file in the year 2000? The answer we have is $1 trillion.

So we are looking at a problem in the economy that could cost us as much as 10 percent of GDP to fix, and if it is not fixed properly, it could cost us as much as one-seventh of the economy in lawsuits to deal with the liability.

I don't know of a problem we have faced here on the floor that has that kind of certainty connected with it and that kind of urgency connected with it. We, in politics, always try to create a disaster so that the politicians then can pass a law to fix it and then take credit for having averted the disasters. Many times the disasters we were talking about weren't coming anyway. This one you can count on. It is coming; it is there; it is quantifiable; it is very real.

A lot of folks have said to me, "No, no, no, Senator, don't get excited, this is a simple problem and Bill Gates will fix it for us." The idea is Bill Gates, or some other smart computer jockey, will sit down, spend a weekend coming up with a solution, mail it out to everybody, and we will put it in our computers like a magic fix, press a few buttons and the whole problem will go away. That is not possible, because it is not that kind of a problem and if you don't believe me look at the Microsoft website, under frequently asked questions, FAQ. There will be no magic bullet.

Here is the problem, Mr. President. The computer code was written 20, 30, sometimes as recently as 10, 15 years ago. It was important for cost reasons to hold down the number of areas in a field. I am using the language the computer folks talk about, the bits and the bytes, and so on. They will have a field, and if they have two digits, it is a whole lot cheaper to put the field in the code than if there are four, at least under the old languages in the old code. So, to save time, to save money, they put in a two-digit field instead of a four-digit field, assuming that no one needed to know the 19 of the year, they only needed to know the 61, 62, 71, 72, or whatever would come later.

Many of them assumed that these programs would long since be phased out by the year 2000, and if they gave any thought to the year 2000 problem at all, they were sure that their computer codes would not be in use at that time.

In fact, Mr. President, many of those codes are in use, and they are in use in the largest computer systems that we have in the country, in the mainframe systems that run most of American business.

Is it an easy problem to fix? Oh, yes, it is very simple; very simple. All you have to do is find that portion of the computer code where there is a two-digit field and change it to a four-digit field. That is not rocket science. What is not simple is finding where that field is in the first place.

The analogy that I heard that best describes it is this: Fixing a line of code is as simple as changing a rivet on the Golden Gate Bridge. The Golden Gate Bridge is held together by hundreds of thousands, if not millions, of rivets. You have the responsibility of finding every one and changing every one during rush hour, and if you miss one or two, the bridge will fall down. That is the enormity of the problem that we have here.

It is a simple, easy fix once you find it, but gargantuan in its size, because there are so many that must be found and, in many cases, with the older software, no one knows where the code is. Documentation was not an extended science at the time they were writing that code. No one knows where it is. You are on a search mission that can be tremendously frustrating. You can think you have everything, then you gear up the system and run it, only to discover there are still some rivets missing that you have not changed. There are still some fields of code that have not been expanded.

Mr. President, we have held four hearings in my subcommittee on this issue. The first one we had the banks and the financial institutions come in and testify as to the size of the problem from their point of view. It was very revealing.

They gave us this number which is what is driving my sense of urgency. They told us that if we do not have the year 2000 problem fixed by September of 1998 in the banking system, we are too late. September of 1998, that is less than a year away. Many people say, "Oh, 2000, this is 1997, we have 3 years to worry about it." No, Mr. President, we have less than 1 year to worry about it.

I asked the question, why must it be fixed by September of 1998? Back to my analogy about changing the rivets on the Golden Gate Bridge during rush hour. You have to test this system once you have replaced all of the fields with two digits with fields with four digits to make sure you got them all. The banking system can't test its computer programs while it is running all of its checks and deposits and transfer payments. So by September of 1998, when you supposedly have your system done, you have about 50 weekends left to test it. The experts who have looked at it said you have to have at least 50 in which to test it to keep changing the problems as they come along.

So I repeat, as far as the banking system is concerned, if people do not have their remedial program pretty well done by September of 1998, they are way behind the curve and, indeed, the witnesses who spoke to us said we are already in a circumstance where we are not talking about a total fix, we are talking about triage, the medical term that says when you bring in an accident victim or a gunshot victim, you do what is necessary to save the victim's life and then you worry about other things to restore him to health later on. Triage is the lifesaving activity; the return to health comes later on.

So we are talking about triage activity with respect to the year 2000 being in place by September of 1998. We are not talking about the total fix, because the total fix will have to take place for months and months after we pass the turn of the millennium.

Obviously, when we are talking numbers this big if the problem is not property solved, it can have serious implications for the economy. Dr. Ed Yardeni testified in our last hearing. He is an investor analyst who has been looking at this problem, and his first reaction to it when he looked at it was, "My gosh, if this thing isn't settled, this could, in fact, cause a recession." He put the chances of that happening at 30 percent, a recession of worldwide proportions, Mr. President—30 percent. That is enough to get our attention.

Why does he say there is a 30-percent chance of a worldwide recession of the problem isn't fixed properly?

He makes this very powerful point, going back to our last truly major recession which came as a result of the interruption in oil supplies in the early 1970's. The world runs on oil. If we cannot get a regular and dependable supply of oil, we cannot run our world economies. Today, the world still runs on oil, but it runs on information. And if there is an interruption in the flow of information, it will have implications far beyond your inability to get a taxi in New York on New Year's Day.

If the information in the banking system and in the financial markets, information in insurance and loans is all interrupted in ways that cause things to fail, it could in fact trigger this trillion dollars worth of liability that we are talking about and create a recession.

Many people said that to Dr.. Yardeni, "You're an alarmist saying there is a 30 percent chance of recession. Study the problem more so you understand it better." He has done it and raised his prediction from 30 percent to 35 percent. At the time we had the hearing, he prepared himself for the hearings to that he would be very much up to date on everything that was going on.

When he came before our subcommittee he said the chance of a worldwide recession occurring as a result of the year 2000 problem is now at 40 percent. The chances are going up as time runs out and people fail to react. The more time we have, the lower the chance. The less time we have, with a slow reaction time, the greater the chance.

Mr. President, we have learned in the hearings in my committee that this is a pervasive business problem, not just limited to the financial markets. Businesses rely on computer systems for nearly every aspect of their operations from operating medical equipment that administers chemotherapy, to calculating interest on loans, to launching and tracking satellites.

Failure in one computer system could not only devastate it, but we are so interconnected that it could have a ripple effect on other computer systems. So this brings us back to the fact that businesses are going to have to expend huge sums of money in order to deal with the risks connected with this. Some of the companies have already stepped forward and disclosed what they are going to do.

American Airlines puts the cost at $100 million to solve their year 2000 problem. GTE plans to spend $150 million. And outside of the business arena—my State of Utah has set aside $40 million to deal with their problems. The USAA group said they will spend as much as $75 million.

What about the companies in which you own stock, Mr. President? If you say you do not own any, then what about the companies that your pension funds own stocks? How much do they plan to spend in remediation or in contingency planning? If you check their disclosure statements, you probably will not find the answer, because more and more companies are saying, "We don't want to disclose how big a year 2000 problem we have because we don't want to tip off your competitors, we don't want to hurt the stock price, to in effect say to our investors that we've got this huge cost coming, while our competitors are not disclosing it."

And some of the regulators have said to us, "If a stockholder wants to know how big the problem is, he or she should call the company and ask." That is totally unacceptable, Mr. President. It is unfair and unrealistic to expect an individual shareholder in any company or a depositor at any financial institution to make the inquiries on his own and have any hope of getting a meaningful answer.

What we need is disclosure that is mandated by the regulators that everybody responds to. The burden must be upon the institution to disclose its readiness in this circumstance.

That is why, Mr. President, I am rising today to introduce the CRASH Protection Act of 1997. We love acronyms in Government. CRASH stands for "Computer Remediation And Share Holder" protection.

I hope that it will make our transition into next millennium much smoother than it would currently be. My legislation will require the Securities and Exchange Commission to amend its disclosure requirements in five specific ways.

First, it will require disclosure of a moving peg pinpointing any publicly traded corporation's progress with regard to the remediation of the five recognized phases of the year 2000 preparation. Awareness, these five are awareness, assessment, renovation, validation, and implementation. So there will be a disclosure of how a company is doing in those five areas.

Second, my bill will require a summary of the costs incurred by the company in connection with any remediation effort. Both sums already expended and those that can reasonably

be expected to be expended in the future. That is a cost that every shareholder deserves to know.

Third, it will require the disclosure of likely costs associated with the defense of lawsuits against the company or its directors and officers due to any liabilities incurred as a result of year 2000 problems.

Fourth, it will require an estimate and a detailed discussion of existing insurance coverage for the defense of lawsuits or the specific occurrence of any year 2000 failure, large or small, and finally it will mandate the disclosure of all contingency plans for computer system failure.

Mr. President, the SEC has commented on this issue. And I would like to read their appropriate paragraph. They say:

It is not, and will not, be possible for any single entity or collective enterprise to represent that it has achieved complete Year 2000 compliance and thus to guarantee its remediation efforts.

Again, Mr. President, it will not be possible for anyone to do that. Back to the statement:

The problem is simply too complex for such a claim to have legitimacy. Efforts to solve Year 2000 problems are best described as "risk mitigation". Success in the effort will have been achieved if the number and seriousness of any technical failures is minimized, and they are quickly identified and repaired if they do occur.

Mr. President, that statement more than any other reflects my concern that we must move forward to make sure that the year 2000 problem is taken seriously by publicly traded companies, their officers and their legal representatives.

It will be my goal to move this bill as quickly as possible after the first of the year because again may I stress, Mr. President, it is not midnight, December 31, 1999, tht is our deadline, it is September, 1998, in which the plans must be in place or they will not have the opportunity to be tested and get us out of the circumstance.

Finally, Mr. President, let me stress that year 2000 problems are not limited to the private-sector businesses. Studies have shown that our Government is well behind the curve in its remediation efforts.

As one of my staffers says that his grandmother, Maria Schwibinger, always told him "sweep your own stoop first." Government ought to focus on its own year 2000 problems as well as require that others do that.

The GAO has given many branches of Government unsatisfactory ratings in their management of the year 2000 problems. I have asked the GAO to report on the progress of the financial institution regulatory agencies. And they are doing that.

So far I have only one of their reports, and it is not reassuring. They have completed their review of the National Credit Union Administration and expressed a myriad of concerns about its preparedness for the date change.

Last Monday, I received NCUA's response to the GAO. And this response troubled me for several reasons.

No. 1, it made no effort to refute the GAO assertion that "For some credit unions, year 2000 problems could even result in their failures." We are not talking about expense here, we are talking about survival. And they do not refute that.

No. 2, it implicitly agreed with the GAO's assertion that NCUA does not have qualified staff to conduct examinations in complex systems areas. They had better get going in getting that qualified staff as quickly as they possibly can.

And, No. 3, its response plan for compliance on the part of the Nation's credit unions is all prospective in nature. They had no report of anything that they had done in the past.

Now, lest anybody think I am beating up on the credit unions, let me make it clear that this is the only report I have. It is entirely possible that the GAO's review of bank, insurance, and securities regulators, would be equally as devastating. So others need not take comfort in the fact that I am talking about credit unions and not about them. Their time may very well be coming.

So, Mr. President, I submit this bill and ask it be appropriately referred. I close with this final comment. I am doing everything I can. Chairman D'AMATO, as chairman of the full committee, is cooperating fully and leading the charge at the full committee level and doing everything he can to see to it that our Nation's financial institutions are prepared and ready for the year 2000 problem.

The Banking Committee and my subcommittee have no jurisdiction over the other areas of Government where this problem is real. We have no jurisdiction over the Defense Department, over the IRS, over the air traffic control system or any of the other myriad of agencies that have their own year 2000 challenges.

I am currently putting together a letter to the President in which I am calling upon him to appoint, through the use of his Executive power, some coordinating figure within the entire executive branch whose sole responsibility between now and that great New Year's Eve party will be to monitor, hector, prod, push, and otherwise produce results in every area of the executive branch.

I hope that if the Government will get involved in this at that kind of level, if the regulators in the financial areas will respond to the kind of prodding that is coming as a result of my bill, as shareholders react to the information that is made available to them if my bill passes, demand remediation efforts on the part of the companies that they own, that we will be able to look back on my opening comment on what the Presiding Officer could expect on New Year's Eve and say, instead of the disaster that Senator BENNETT outlined back in November 1997, we had some minor inconveniences.

Nothing could make me happier in this area than to see that my prediction will not come true, to have Dr. Yardeni, and other thoughtful people examining this issue, begin to move down their level of concern so that instead of a 40-percent chance of a worldwide recession, they are talking about a 35- or 30- or a 25- or a 20-percent chance or finally saying, well, by virtue of the reaction that was created, the chance of a worldwide recession is now down to practically nothing.

I would be very, very happy to be proven wrong by the reaction that is created as a result of the legislation that we will introduce today and the hearings that we have held. But I stress again in closing, Mr. President, this is the disaster that we can see. It is like the oil crisis in its size, but it can be prepared for and it can be mitigated against if we only will muster the will to recognize what we are facing and do the things we have to do. I am hoping that my legislation and the hearings held in my subcommittee will move us in that direction.

ADDITIONAL COSPONSORS

S. 497

At the request of Mr. COVERDELL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 950

At the request of Mr. MCCONNELL, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 950, a bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes.

S. 952

At the request of Mr. MCCONNELL, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 952, a bill to establish a Federal cause of action for discrimination and preferential treatment in Federal actions on the basis of race, color, national origin, or sex, and for other purposes.

S. 987

At the request of Mr. SPECTER, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 987, a bill to amend title

38, United States Code, to authorize a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for survivors of such veterans and to revise and improve certain veterans compensation, pension, and memorial affairs programs; and for other purposes.

S. 999

At the request of Mr. SPECTER, the names of the Senator from South Dakota [Mr. JOHNSON], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 999, a bill to specify the frequency of screening mammograms provided to women veterans by the Department of Veterans Affairs.

S. 1189

At the request of Mr. SMITH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1189, a bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

S. 1284

At the request of Mr. ROBERTS, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1284, a bill to prohibit construction of any monument, memorial, or other structure at the site of the Iwo Jima Memorial in Arlington, Virginia, and for other purposes.

S. 1307

At the request of Mr. DASCHLE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1307, a bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction of retiree health benefits and to extend continuation coverage to retirees and their dependents.

S. 1311

At the request of Mr. LIEBERMAN, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

S. 1321

At the request of Mr. TORRICELLI, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

SENATE CONCURRENT RESOLUTION 59

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 59, a concurrent resolution expressing the sense of Congress with respect to the human rights situation in the Republic of Turkey in light of that country's desire to host the next summit meeting of the heads of state or government of the Organization for Security and Cooperation in Europe (OSCE).

SENATE RESOLUTION 155—DESIGNATING "NATIONAL TARTAN DAY"

Mr. LOTT submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 155

Whereas April 6 has a special significance for all Americans, and especially those Americans of Scottish descent, because the Declaration of Arbroath, the Scottish Declaration of Independence, was signed on April 6, 1320 and the American Declaration of Independence was modeled on that inspirational document;

Whereas this resolution honors the major role that Scottish Americans played in the founding of this Nation, such as the fact that almost half of the signers of the Declaration of Independence were of Scottish descent, the Governors in 9 of the original 13 States were of Scottish ancestry, and Scottish Americans successfully helped shape this country in its formative years and guide this Nation through its most troubled times;

Whereas this resolution recognizes the monumental achievements and invaluable contributions made by Scottish Americans that have led to America's preeminence in the fields of science, technology, medicine, government, politics, economics, architecture, literature, media, and visual and performing arts;

Whereas this resolution commends the more than 200 organizations throughout the United States that honor Scottish heritage, tradition, and culture, representing the hundreds of thousands of Americans of Scottish descent, residing in every State, who already have made the observance of Tartan Day on April 6 a success; and

Whereas these numerous individuals, clans, societies, clubs, and fraternal organizations do not let the great contributions of the Scottish people go unnoticed: Now, therefore, be it

Resolved, That the Senate designates April 6 of each year as "National Tartan Day".

Mr. LOTT. Mr. President, I rise today to introduce a resolution designating April 6 of each year as "National Tartan Day," not only to recognize the outstanding achievements and contributions made by Scottish-Americans to the United States, but to better recognize an important day in the history of all free men, April 6.

It was nearly 700 years ago, on April 6, 1320, that a group of men in Arbroath, Scotland, enumerated a long list of grievances against the English king of the day, asserted their independence in no uncertain terms, and claimed that they, the people of Scotland, had the right to choose their own government. They wrote, "We fight for liberty alone, which no good man loses but with his life * * *"

These were daring words, because the Scots who wrote those words lived in dangerous times. Violence ruled the world. Wars were fought for property, for conquest, for great tracts of land in far away countries.

But the Scots who met on that cold April day, perhaps in the rain, were not fighting for property or conquest or estates. They wrote, "We fight for liberty alone." This was all they fought for. Liberty.

These were daring words—dangerous words—words that could bring certain death to them and their families. These Scotsmen were claiming liberty as their birthright. They were claiming they were born free men—and no king, no baron, no landlord with his troops could take this liberty from the men in Scotland.

These were words that lasted, long after kings and buildings had fallen into ruin. These were words that endured, like the mountains, hills and stones of Scotland.

These were words that reached across the years, the centuries, across the ocean. Over 450 years later, a group of men stood in a building in the British colony of Pennsylvania, on a hot summer's day, debating and then signing their own declaration of independence. They used the Arbroath Declaration as the template for their own thoughts, their own words. This was natural—many of the men in that room in Philadelphia, almost half, were of Scottish ancestry. The draftsman of the document was Thomas Jefferson—one of his ancestors had signed the Arbroath Declaration, all of those centuries before. The words of the Arbroath Declaration meant something to those men—they were daring words—words that would not be quiet, that would not lie quiet and still on some forgotten Scottish hill. The men in Philadelphia that day remembered those words—"We fight for liberty alone"—and the men in

Philadelphia signed their own declaration of independence.

The words and thoughts of those long-ago Scottish patriots live on in America. Liberty, true liberty, has been good to their descendants in America. Scottish-Americans have helped build this nation since the beginning. Three-fourths of all American presidents can trace their roots to Scotland. The contributions of Scottish-Americans are innumerable: Some of the great have included Neil Armstrong, Alexander Graham Bell, Andrew Carnegie, Thomas Alva Edison, William Faulkner, Malcolm Forbes, Billy Graham, Alexander Hamilton, Washington Irving, John Paul Jones, John Marshall, Andrew Mellon, Samuel F.B. Morse, James Naismith, Edgar Allen Poe, Gilbert Stuart, Elizabeth Taylor, to name only a few.

But beyond all of the accomplishments of Scottish-Americans, beyond all the wonderful inventions like the telegraph and telephone and electric light, all the works of literature, all the great businesses and charitable organizations founded by Scottish-Americans, beyond all of those accomplishments, are the words. "We fight for liberty alone * * * We fight for liberty alone, which no good man loses but with his life."

Those are haunting words. Those are words that haunted the men who passed them down for generations, wherever men dreamed of being free, words that haunted the men who rewrote them in Philadelphia on that hot, steamy day, words that have haunted generations of Americans. Words that have lived inside men, unspoken, as they marched to Yorktown, as they lined up quietly behind the cotton bales in New Orleans, marched to Mexico, sailed to Cuba and the Philippines, and Europe and the Pacific and Korea and the Persian Gulf. These are words that live inside all of us Americans, and especially inside our veterans: "We fight for liberty alone, which no good man loses but with his life." And how many have lost their lives for our freedom.

It is appropriate that we honor April 6 as National Tartan Day. The Scottish clansmen who met on that cold day and declared their independence were our clansmen, no matter what nation we hail from. They were our brothers.

Mr. President, I ask all my colleagues to support this resolution, so that we may never forget, so that the world, in some small way, may never forget, the beginnings of freedom in far-away, long-ago Arbroath.

AMENDMENTS SUBMITTED

THE WIRELESS TELEPHONE PROTECTION ACT

HATCH AMENDMENT NO. 1634

Mr. LOTT (for Mr. HATCH) proposed an amendment to the bill (S. 493) to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia; as follows:

On page 6, line 1, strike "The punishment" and insert the following:

"(1) "In general.—The punishment".

On page 6, line 2, strike "section".

On page 6, line 3, strike "(1)" and insert "(A)" and indent accordingly.

On page 6, line 7, strike "(A)" and insert "(i)" and indent accordingly.

On page 6, line 11, strike "(B)" and insert "(ii)" and indent accordingly.

On page 6, line 14, strike "and".

On page 6, line 15, strike "(2)" and insert "(B)" and indent accordingly.

On page 6, line 19, strike the punctuation at the end and insert "; and".

On page 6, between lines 19 and 20, insert the following:

"(C) in any case, in addition to any other punishment imposed or any other forfeiture required by law, forfeiture to the United States of any personal property used or intended to be used to commit, facilitate, or promote the commission of the offense.

"(2) APPLICABLE PROCEDURE.—The criminal forfeiture of personal property subject to forfeiture under paragraph (1)(C), any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (c) and (e) through (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853).".

KYL AMENDMENT NO. 1635

Mr. LOTT (for Mr. KYL) proposed an amendment to the bill S. 493, to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia; as follows:

On page 6, line 5, strike "that has become final and that was committed on a separate prior occasion." and insert ", which conviction has become final—".

On page 6, line 7, strike "(2),".

On page 6, line 11, strike "(1)," and insert "(1), (2),".

On page 6, beginning on line 16, strike "that has become final and that was committed on a separate prior occasion, that has" and insert "which conviction has become final,".

On page 7, line 24, after "subsection (a)(9)" insert ", provided that if such hardware or software is used to obtain access to telecommunications service provided by another facilities-based carrier, such access is authorized".

ADDITIONAL STATEMENTS

ABERDEEN FOSTER GRANDPARENTS

• Mr. DASCHLE. Mr. President, I would like to speak in honor of the special 25th annual banquet for the Foster Grandparents Program in Aberdeen.

I would like to recognize most especially Linda Dillavou for all the hard work and time she has put into the Foster Grandparent Program. The success of their operation is due in no small part to her dedication and hard work.

For the past 25 years, this Foster Grandparents organization has strengthened the Aberdeen community by providing services to children that local budgets cannot afford. It has built important bridges across the generations. Those of you gathered here this evening offer emotional support for those children who have been abused or neglected, mentor troubled teens and young mothers, and care for premature infants and children with physical disabilities. "Grannies" and "Granddads" serve one-on-one with children. They tutor, counsel, assist, guide or help in a variety of ways—whatever is needed. They serve in schools, hospitals, shelters, Head Start, and other child-serving facilities.

They represent one of South Dakota's growing resources. The United States is in the midst of a demographic revolution. There are twice as many older adults today as there were 30 years ago; soon nearly a quarter of the population will be more than 65 years old. By the middle of the next century, for the first time, the number of Americans over 65 will exceed those under 18.

For the most part, this transformation is portrayed as a source of new strains on South Dakota families, the economy, and the Federal budget. But the prevailing pessimism about the graying of America is blinding us to the great promise of this change. The talent and civic potential they provide for South Dakota is immeasurable. After all, our senior population is, quite possibly, this country's best increasing natural resource.

Why? They share the time they have. They offer practical wisdom, gained from experience, and carry with them a world otherwise lost to younger generations. Seniors also have special reason to become involved in the civic and voluntary work that others cannot perform. The awareness that comes with age inspires reflection about the legacy that we leave behind: we are what survives of us, especially through these children.

Their 25 year history is, indeed, impressive. To help us all appreciate how far this organization has come, I'd like to share the story of this organization's beginning—a story of a historical accident rather than enlightened vision.

President Johnson—in an attempt to help poor seniors—ordered the Office of Aging at the Department of Health, Education and Welfare to devise an initiative engaging low-income seniors in

community service for vulnerable children. When the office was unveiled, what would become the Foster Grandparent Program was rejected as preposterous by the Nation's most progressive children's organizations—mostly hospitals and large institutions for developmentally disabled youth. The seniors would have little to contribute to children, they complained; besides, they would spread disease and probably even lack the wherewithal to get to the job. The agencies actually refused to take the Government's money. Times have certainly changed.

Given this history, we should challenge ourselves to imagine new institutions that make full use of the resources of age for the next successful 25 years for the Aberdeen Foster Grandparents. Pilot programs suggest the kinds of contributions seniors might make. In Hilton Head, SC, a group of retired physicians and nurses have formed a free health clinic providing, among other things, preventive care for low-income families. In Virginia and Montana, the Senior Environmental Corps is dedicated to alerting doctors, the elderly, and the public to the special environmental hazards faced by the older population. In Massachusetts, a group of downsized electrical workers is helping young ex-criminal offenders make the transition to productive life in the community.

This Aberdeen Foster Grandparent Program—on the occasion of their 25th anniversary—is our best glimpse at how we can benefit from the energy and talent of older Americans on a grander scale. The record of the Foster Grandparent Program suggests that if we build appealing service opportunities for older adults, they will come forward and lend a hand.

I congratulate the Aberdeen Foster Grandparents on this very special occasion, and I thank them for giving selflessly of their time to make the past 25 years so successful.●

TELEMARKETING FRAUD PREVENTION ACT OF 1997

● Mr. KYL. Mr. President, I rise in support of the Telemarketing Fraud Prevention Act of 1997. It is long past time to punish criminals who have perpetrated fraudulent telephone scams.

Telemarketing fraud swindles Americans out of $40 billion every year, but one group in particular is especially hard hit: senior citizens. In fact, the Attorney General recently noted that the elderly are subject to a barrage of high-pressure sales calls, sometimes as many as five or more calls every day.

In a recent Associated Press story, the chief of the Financial Crimes Section of the Federal Bureau of Investigation, Mr. Chuck Owens, discussed criminals who commits telemarketing fraud. Mr. Owens stated as follows:

> We estimate that, conservatively, 50% of the time, these people victimize the elderly . . . Many times you've got senior citizens who basically need the money that they've saved to continue to provide for themselves in their elder years, and we've had numerous instances where they've taken every cent.

Over the past year, one especially heinous scheme has gained popularity among criminals. Past victims of telemarketing fraud are often called by a second swindler who promises to help recover the money lost in the first scam. However, once the victims turn over their recovery fees, the second swindler fails to lift a finger to help.

The Telemarketing Fraud Prevention Act directs the U.S. Sentencing Commission to provide enhanced penalties for those persons convicted of telemarketing fraud, and allows prosecutors to seek even greater penalties for those who mastermind fraudulent schemes. In addition, the act requires offenders to forfeit their ill-gotten gains, much in the same manner as drug dealers are forced to turn over the fruits of their crimes.

Although the original version of this bill mandated specific increases in sentencing levels, those provisions were removed during discussion with the minority in order to move this legislation forward. However, I note that the House recently approved legislation nearly identical to the original version of this bill, and I recognize that final passage of this bill must reconcile the House and Senate positions on the underlying issues. I am hopeful that the final version will contain the strongest possible deterrents for those who might consider taking up the unsavory practice of telemarketing fraud.

Mr. President, this bill presents an opportunity to curb the growing problem of telemarketing fraud, a crime which is especially cruel when targeted against the elderly and infirm. We should not let this opportunity pass.●

ENCRYPTION EXPORTS NEED LIBERALIZATION

● Mr. DORGAN. Mr. President, in the final days of this session, the Congress is emersed in a debate over our Nation's trade policy. In my judgement, we have not focused enough attention on our policies that are hindering our ability to compete internationally and policies that are increasing our trade deficits.

One issue that relates the ability of U.S. companies to compete internationally is the existing policy of the administration with respect to controls on the exportation of encryption technology. Currently, U.S. firms are the world leaders in encryption but other nations are gaining fast. Perhaps the greatest single factor in the erosion of U.S. dominance in encryption technology is the administration's export controls.

As some of my colleagues know, there are several bills introduced in Congress to address encryption. The Senate Commerce Committee has even reported legislation in this area and I and the Senator from Montana, Senator BURNS, have been pushing alternative legislation that would require more realistic export controls on encryption. However, the administration does not need Congress to pass a law to change their policy in this area and I would like to encourage the administration to review their current policy and apply more realistic export controls on encryption technology.

My understanding is that many other nations have multilaterally agreed to decontrol the export of computer software with encryption capabilities. Yet, the United States continues to impose unilateral controls. Thus, we have handicapped ourselves in the global market.

Commercial products from companies in Germany, Japan, and England are securing more of the international market share because those nation's impose fewer restrictions on their encryption exports than we do. Mr. President, our Olympic team could not win if they had to compete with ankle weights. The same is true for American computer hardware and software companies. They face real competition in the international market place and their ability to provide strong information security features is costing them sales of computer systems and software packages. Lost sales will mean lost jobs.

In my judgement we need to update American export control policy and catch up with modern realities of technology and the international market place. Unfortunately, rather than make real progress on this issue, the administration has raised all sort of new issues, such as attempting to impose more controls on domestic encryption. I hope that the administration will take a second look at their export controls and start making progress on developing a policy that will allow U.S. companies to compete. Short of that, I hope we will make some progress in the Senate in moving legislation sponsored by Senator BURNS, the Pro-CODE bill, which will require a relocation of export controls, but done in a manner that is sensitive to national security and law enforcement concerns.●

THE 50TH ANNIVERSARY OF THE KOREAN WAR

● Mr. WARNER. Mr. President, as part of the National Defense Authorization Act for Fiscal Year 1998, the conferees included a provision (sec. 1083) authorizing the Secretary of Defense to begin to plan, coordinate, and execute a program to commemorate the 50th anniversary of the Korean war.

The Department of the Army—under the able leadership of retired General

Kicklighter—has been designated to carry out this 50th anniversary program. A good friend of mine, Mr. Roy Martin, former mayor of Norfolk, VA, and currently chairman of the Gen. Douglas MacArthur Foundation in Norfolk, has taken the lead in planning a series of commemorative events for this very special anniversary.

As a veteran of the Korean war, I was disappointed to learn—the day after the defense authorization conference report was approved by the Senate—that the provision we included in our bill to commemorate this historic event was inadequate. The conferees acted in good faith to authorize a program worthy of the event. Unfortunately, new information came to light after the conclusion of our conference which revealed that the $100,000 we had authorized would not be sufficient.

In an effort to correct this oversight, at my request Senator THURMOND introduced S. 1507, a bill making technical corrections to the defense authorization bill, to provide $1 million for the Korean war celebration. That bill passed the Senate last evening, and the House has indicated that it will pass this legislation before the end of the current session.

While I understand that this will not be enough to fund the entire Korean war commemoration program, it will solve the immediate problem for fiscal year 1998.

I pledge to my follow Korean war veterans that I will work with the Department of the Army in the coming fiscal years to ensure that adequate funding is provided by the Congress to fund a commemoration that is worthy of the brave men and women who served so well on the battlefields of Korea.•

NATIONAL BIBLE WEEK

• Mr. BINGAMAN. Mr. President, in the spring, I was asked by the Laymen's National Bible Association to serve as a congressional cochairman for National Bible Week. The goal of the association is to encourage the reading and study of the Bible. I was pleased to agree to do this, and to join the association in announcing that November 23 through 30 of this year has been designated as National Bible Week. As we expect to adjourn before then, I take this opportunity to offer my support for the association's efforts.

This book, the "Good Book," has come down to us through the faithful over the centuries. The bedrock of religion for Jews and Christians, it is a boundless source of comfort, hope, action, love, guidance, and inquiry. Some of the most beautiful expressions of human experience, belief and thought are found in the Bible, flowing from the magnificence and grace of God.

Every day that the Senate is in session, our fine Chaplain, or his designee, offers a prayer drawn from the lessons in the Bible. This is a solemn, wonderful, reliable moment in the daily routine. Reading the book itself is the same.•

RECOGNITION OF IDAHO VPP SITES

• Mr. KEMPTHORNE. Mr. President, I rise to commend six industrial sites in my State that have received recognition by the Occupational Safety and Health Administration's Voluntary Protection Programs, known also as VPP.

The VPP is a cooperative organization between government and industry that was established in 1982 to emphasize and encourage safety, health, and environmental programs among labor, management, and government. This is done by recognizing certain industrial sites that have either achieved, or are making significant strides toward, excellence in worker safety and health protection. Mr. President, I am proud to say that six sites in Idaho have been recognized by the VPP.

The following sites, all in Soda Springs, IA, have been awarded highest recognition as star sites: the Agrium Conda Phosphate Operations; the J.R. Simplot Company's Conda Pump Station; the Kerr-McGee Corporation's Vanadium Facility; and Solutia, Inc.

In addition to these star sites, I would like to commend two additional industrial sites in Idaho, both run by Potlatch Corp., that have achieved recognition as Merit Sites: Jaype Plywood, in Pierce, ID; and Potlatch Corp.'s Consumer Products Division, in Lewiston. Mr. President, both of these Potlatch sites have employees who are represented by unions. Jaype Plywood workers belong to the International Association of Machinists and Aerospace Workers, Local WO358, and Potlatch's Consumer Products Division employees are represented by the United Paperworkers International Union, Locals 608 and 712, and the International Brotherhood of Electrical Workers, Local 73. I would like to say, in regard to these Potlatch sites being recognized by the VPP, that the cooperation that has been exhibited between organized labor and management represents, in my mind, the best way to achieve a truly productive working environment by avoiding division and intrusive government regulation that frequently is counterproductive to the best interests of both the laborers and management.

Mr. President, I would like to congratulate all of these industrial sites in Idaho for their efforts. VPP recognizes the cooperation of labor and management, working in conjunction with the government, to create a safe and healthy work environment for all who work at the sites. This spirit of cooperation has clearly achieved results, and as a U.S. Senator from Idaho, I would like to say again that I am very proud of the six sites in my State that have been recognized by the VPP.•

INDIAN DISTRIBUTION JUDGMENT FUND BILL

• Mr. LEVIN. Mr. President, I am pleased that H.R. 1604, the Indian distribution judgment fund bill, passed the Senate yesterday. This bill cleared the Senate with bipartisan support, including my Michigan colleague, Senator SPENCER ABRAHAM. I would like to thank my colleague in the House, Representative DALE KILDEE, for introducing this bill. I believe that H.R. 1604 will pass the House in the next few days and will then be signed into law by the President.

H.R. 1604 is a very important piece of legislation for several Michigan tribes. To fully understand this bill, it is necessary to understand Michigan history. In the Treaty of 1836, the Chippewa and Ottawa Indians of Michigan ceded over 12 million acres of land in Michigan to the Federal Government. Approximately 15 cents per acre was given to the tribes as compensation for this land.

In 1946, the U.S. Congress established the Indian Claims Commission, a body created to redress some of the worst injustices of the U.S. Government/Indian Nation treaty era. The Indian Claims Commission determined that the value of the land ceded by the Michigan tribes was 90 cents an acre, not 15 cents. In 1972, Congress appropriated $10 million as a final settlement for the land, but the money could not be distribute until the tribes reached an agreement on how the funds would be distributed. This amount has now grown to over $70 million.

Over the last few years, the tribes have worked among themselves to come to an agreement as to the means of distributing the funds. H.R. 1604 is the result of this consensus between the parties.

I would like to commend the tribal leaders for coming together to negotiate this agreement. It has taken many years and much negotiating. Tribal elder, Arthur LeBlanc, of the Bay Mills Indian Community, testified before the Senate Indian Affairs Committee on November 3, 1997, on behalf of H.R. 1604. Mr. LeBlanc, and other tribal members, will now be compensated for a settlement claim that has taken 25 years to fully resolve.

In closing, I offer my strong support for H.R. 1604 and am hopeful that it will pass the House quickly and that the tribes will receive compensation for their land as soon as possible.•

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997

• Mr. GORTON. Mr. President, I commend my colleagues in the House of

Representatives for their recent passage of H.R. 1534, the Private Property Rights Implementation Act. This long overdue legislation will provide a much needed boost to the thousands of homeowners, small landowners, farmers, and others who for years have had their constitutional rights compromised.

For too long, these landowners have seen their constitutionally guaranteed property rights eroded by expanding Government regulations. I believe the taking or restriction of the use of private property without due process and just compensation is directly contrary to our Constitution.

This predicament that too many private property owners find themselves in today was not always the case. So strong was the belief in private property ownership that our Nation's Founding Fathers guaranteed it in the Constitution's Bill of Rights. The fifth amendment to the Constitution states: "No person shall be * * * deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

For centuries, this constitutional directive was so respected that the needs of public concerns were adequately addressed without sacrificing private property rights. However, in the 1960's, 1970's, and 1980's our Nation's local, State, and Federal governments began to pass increasingly burdensome regulations governing air, water, land, and other natural resources, most of which had strong policy justification. The net, cumulative result, however, was a serious diminution of private property rights.

Unfortunately, fighting the Government over a taking in court is not only extremely expensive, it is time consuming and usually futile against the deep pockets of the Government, which has nothing to lose by drawing the battle out for years and years and wearing down opponents.

More than 80 percent of the time when property owners try to access Federal courts, they are thrown out on procedural grounds, before the merits are even considered. Of the 20 percent who are successful in having their cases heard in Federal court, it takes an average of nearly 10 years of litigation and negotiation to get through the process.

Governmental bodies at the State and local level often have legitimate reasons for restricting the use of private property for local zoning, environmental protection, and other purposes. Most State and local governments use their power responsibly, respecting the rights of private property owners when making land use decisions. Nevertheless, when a governmental body at any level infringes on an individual's constitutionally guaranteed rights, that person should at least have his day in court.

H.R. 1534 allows property owners whose rights have been violated the same access to Federal courts that other claimants have. For example, Federal environmental laws are readily enforced in Federal courts. First amendment claims against local governments also have no trouble getting heard in Federal court. Only private property rights are routinely dismissed or delayed. When landowners cannot afford to go to court to protect their legal and civil rights, the Government can use pressure to effectively take the land from the landowner.

As chairman of the Senate Interior Appropriations Subcommittee, I cannot help but be reminded of one of the most contentious issues that faced our subcommittee this year—the Headwaters Forest land acquisition. For years, the Government tried to use a variety of forestry and other environmental laws, including the Endangered Species Act, to force the landowner off a portion of its land.

The landowner filed a takings suit and now the Government has finally come to the bargaining table offering to pay for the property. As a result at the request of the Clinton administration, our Interior appropriations bill appropriates $250 million for the Headwaters acquisition. I cannot help but think that this landowner would never have received compensation if it had not had the substantial financial resources necessary to fight a long and contentious legal battle.

H.R. 1534 takes several steps to allow smaller, less wealthy landowners the same access to the Federal courts. Unlike other bills dealing with property rights, H.R. 1534 does not affect any environmental law, impact the budget, or define for the courts when a taking has occurred. Instead, the bill simply attempts to clear the many procedural hurdles that currently prevent most property owners from having their case heard in court in a fair and expeditious manner.

H.R. 1534 gives a property owner access to Federal court without having to spend years in an endless cycle of administrative appeals with Government agencies. The bill still requires the owner to attempt at least two appeals before going to court—but provides a clear end to the process. H.R. 1534 simply gives property owners the same access to Federal court that other claimants have.

Opponents of this legislation argue that this bill undermines the authority of State and local governments in zoning disputes. If this were the case, I would not be supporting H.R. 1534. I strongly believe that land use decisions should be made at the local level to the greatest extent possible. I believe in most cases it is in the best interests of landowners to have their cases decided at the local level. Rather than giving property owners another avenue or authority to sue cities and localities in Federal court, the House passed bill simply allows the decision to be made on the facts of the case without spending 10 years litigating on procedural questions.

Under H.R. 1534, local officials will still be in control of local zoning decisions. The Federal courts have consistently upheld local authority to make these decisions. The only role the Federal courts are given under this bill is the one they already have: to interpret the Constitution and determine whether individuals' rights have been violated.

Passage of H.R. 1534 will be a small but significant step in the battle to restore private property rights. The issues of compensation and adequate notification of landowners when takings occur also need to be addressed by this body. Nevertheless, passage of H.R. 1534 is a positive step. As a cosponsor of companion legislation S. 1204 introduced by Senator COVERDELL, I urge my colleagues in the Senate to pass this legislation soon and hope the President will sign this moderate bill when it comes to his desk.•

FDA MODERNIZATION AND ACCOUNTABILITY ACT

• Mrs. MURRAY. Mr. President, there are very few pieces of legislation that we will act on that has the kind of impact that S. 830 will have on improving the quality of lives for millions of Americans. Ultimately, this legislation will impact every Member of this body. S. 830 represents a historic piece of legislation that will reform and modernize the Food and Drug Administration.

This legislation will result in the more rapid approval of new, lifesaving drugs and medical devices without jeopardizing a strong public health protection role for the FDA. Millions of people will have access to break through medical technology faster. More children will also benefit from the rapid improvement in drugs and devices to treat serious and life-threatening illness. And, finally the FDA will be given the resources it needs to meet the challenges and demands of protecting the public health and approving safe and effective drugs in a more timely manner.

When I made the decision to seek a seat on the Senate Labor and Human Resources Committee I did so because I wanted to be directly involved in the development of education and public health reform. I am proud to have worked with Chairman JEFFORDS in his effort to shepherd through the FDA reform legislation. I know that at times this was a difficult task and his leadership and patience were truly tested. I want to thank him for his willingness to forge a bipartisan bill that addressed many of the concerns that I had early in the process. I also want to thank

Senator KENNEDY for his efforts on behalf of patients and consumers. Senator KENNEDY's hard work and commitment to a strong public health role for FDA resulted in some real improvements in this legislation.

The fact that we have before us today a bipartisan reform agreement is in itself a historic accomplishment. Prior to the 105th Congress I thought that I had a pretty good understanding of how the agency worked and where improvements needed to be made. What I discovered is that the drug and device approval process from lab to patient is a complex process involving numerous steps. The pressure on the FDA to improve safe and effective drugs and devices with minimal delay is overwhelming. In addition, the FDA must regulate billion dollar industries that have almost unlimited resources. What I have learned from this process is that the FDA is by far one of the most important public health agencies, but it is also one that we all seem to take for granted.

S. 830 is not just about the reform or modernization of a Federal agency. The activities of the FDA affect every single one of us, every single day. Whether it is taking an aspirin or brushing our teeth the FDA was involved. It ensured that the aspirin and the toothpaste was safe and effective. The FDA manufacturing standards protect these products so that we can feel confident that they were not contaminated or tampered with prior to our purchase.

The agency is also involved in making sure that new technology to diagnosis or screen for life-threatening illnesses is reliable and that the claims made by the manufacturer are consistent with the available technology. The FDA must also ensure the safety and effectiveness of all drugs as well. When we pick up a prescription like an antibiotic at the pharmacy, we never think twice about the safety or effectiveness of the drug. We simply assume that if taken properly it is safe and effective at treating an ear infection. It is because of the success of the FDA that we do take so much of this for granted.

This is not to say that there have not been problems in the past. But, I believe the changes and improvements made by S. 830 addresses some of these problems and that the commitment made by the chairman to maintain aggressive and effective oversight of the agency will prevent significant problems in the future. I know that there are some who are skeptical of the reforms and modernization called for in this legislation and they point to past problems at the agency as their proof. I am not dismissing past mistakes by the FDA, but I also do not believe we can allow the past errors to paralyze the agency. We have to move toward the future, and learn from the mistakes of the past.

The agency has been given a daunting task with limited resources. However, it has become obvious over the years that a major modernization was necessary in order to keep pace with the rapid changes in drugs and devices and the globalization of the biotech industry. In 1992 the Prescription Drug User Fee Act [PDUFA], the partnership between the agency and the prescription drug industry, was enacted. This major effort has proven to be a major success for the FDA, industry, and patients. I am pleased that we were able to include reauthorization of PDUFA in S. 830 that builds on the success of the 1992 legislation.

I am pleased that we have completed this process and are sending a solid, bipartisan bill to the President for signature. I am confident that enactment of S. 830, FDA Modernization and Accountability Act will prove to be one of the major accomplishments of the 105th Congress. I know that I am proud to have been directly involved in the development of this legislation.

I look forward to working with Chairman JEFFORDS and Senator KENNEDY in the same bipartisan manner as we tackle other public health reform initiatives.•

JONES ACT WAIVER—S. 1349

• Mr. MCCAIN. Mr. President, today the Committee on Commerce, Science, and Transportation agreed to be discharged from further consideration of S. 1349. The bill would waive the U.S. build and prior U.S. ownership requirements of the coastwise trade laws and allow the ferry *Prince Nova* to be employed in the coastwise trade.

Usually, Jones Act waiver bills such as S. 1349 are first considered by the Commerce Committee, and subsequently included in Coast Guard authorization legislation for final passage. In this case, the Commerce Committee did not have an opportunity to consider S. 1349 during the Committee's last executive session of this year. The Senator from Connecticut, however, requested the opportunity to have the Senate adopt the bill before the end of the first session.

Mr. President, the bill meets the Commerce Committee's usual criteria for adopting such waivers. Senator HOLLINGS, the ranking member of the Commerce Committee, and I agreed to request the Commerce Committee be discharged from further consideration of the bill so that the Senator from Connecticut's request could be accommodated.•

HAWAII'S EXCEPTIONALLY STRONG PATRIOTISM

• Mr. INOUYE. Mr. President, the Honolulu Star Bulletin's weekly article, "Hawaii's World," written by one of Hawaii's most respected journalists, A. A. (Bud) Smyser, commemorated Veterans Day with an article entitled, "Hawaii's Exceptionally Strong Patriotism." This article appeared in the Thursday, November 6, 1997 edition. I ask that Mr. Smyser's article be printed in the RECORD.

The article follows:

[From the Honolulu Star Bulletin, Nov. 6, 1997]

HAWAII'S EXCEPTIONALLY STRONG PATRIOTISM

(By A.A. Smyser)

For Veterans Day next Tuesday, I have a message from on high. The Defense Department's top officer in this half of the world calls Hawaii "the most patriotic community I know."

Adm. Joseph W. Prueher said that to a Chamber of Commerce of Hawaii lunch in July. He reiterated it recently when I asked for amplification.

He has been CINPAC (commander-in-chief Pacific) since January 1996, dealt with a lot of community matters, watched the turnouts of political and community leaders for Military Appreciation Week in May (which few if any other communities have), Memorial Day, Independence Day, Veterans Day and Pearl Harbor anniversary events.

He also is fully aware of the World War II contributions of Hawaii's soldiers of Japanese ancestry fighting to prove their loyalty. He is impressed by the still-continuing reunions of those groups with sons and daughters pledged to carry on.

He knows there are scratchy points in military-community relations such as the Makua Valley beach landing exercise, which he called off at the request of Governor Cayetano and leaders of the Leeward Oahu community.

But he has faith the community remains behind the essential use of Hawaii facilities to train fighting forces. He works closely with Sen. Daniel K. Inouye, who says "this community pulls out the stops for the military more than any place I've ever seen."

He's a Navy man, of course, who sees more of our mainland coasts than inland, but his Army deputy, Lt. Gen. Joseph DeFrancisco, concurs. The only place DeFrancisco can think of that comes close to matching us in showing its patriotism is the Gulf Coast area of Georgia around Fort Stewart and Hunter Army Airfield. Our Navy League chapter of 5,000 is the biggest in the U.S.

Servicemen in Hawaii get stickers for their ID cards that entitle them to kamaaina discounts in Waikiki and elsewhere. They also get auto license discounts and reduced tuition at the University of Hawaii.

There's a two-way street, of course. The armed services are among the very best Aloha United Way contributors. They provide emergency medical airlifts and rescues at sea, are prompt with community disaster relief. They have adopted 130 public and private schools for renovation help and grounds cleaning. They recently gave six schools 205 computers.

They host the Special Olympics for children with disabilities, serve as Big Brothers and Big Sisters, help tutor children in all grades, and dig in for projects like litter cleanup around Diamond Head. They co-host Hydrofest, join in community parades and open their bases for visitation. Veterans' medical facilities at Tripler Army Medical Center are first-rate.

Hawaii's high cost of living is a concern for many service people, alleviated by the fact that 78 percent are housed on base. Past

criticisms of our schools seem to have eased with more military-community interaction.

Most land use concerns have been quieted by creation of a joint military-civilian task force to review military needs and relinquish unneeded properties.

Makua is the current hot potato. The canceled beach landing would have been a first, but continuing use of the valley itself as a weapons training area remains a high priority need to the military, an intrusion to the civilian critics.

It is the kind of thing the Governor and other top civilian officials will have to weigh carefully in light of the $3.4 billion annual military spending here that is based heavily on our year-round training capability for all services.•

MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT

• Mr. JEFFORDS. Mr. President, I am very pleased that the Senate yesterday passed S. 537, the 5-year reauthorization of the Mammography Quality Standards Act. The original statute, now 5 years old, passed in 1992 with broad bipartisan support. Through the tireless efforts of Senator BARBARA MIKULSKI, the lead sponsor of the Mammography Quality Standards Reauthorization Act, we will be able to continue this critical program for women's health.

Prior to the passage of this legislation, breast tumors in women were often missed because of defective x ray equipment or inadequately trained personnel. Today, to operate lawfully, a mammography facility must be certified as providing quality mammography services. That means that a national uniform quality standard for mammography has been established. It requires that facilities use only properly trained personnel, establishes a control program to ensure the reliability, clarity, and accurate interpretation of the mammogram, and now each facility undergoes an annual inspection.

Breast cancer is currently the second leading cause of cancer deaths among American women. One woman in eight will develop breast cancer during her lifetime, and, during the nineties, it is estimated that 500,000 women will die from the disease. If breast cancer is detected early, however, the probability that a woman can survive is greater than 90 percent.

Currently, the most effective technique for early detection of breast cancer is mammography, an x ray procedure that can often locate small tumors and abnormalities up to 2 years before they can be detected by physical examination. However, mammography is one of the most technically challenging x ray procedures, and ensuring the quality of mammography services is difficult. To address concerns about variations in the quality of mammography service provided by the more than 10,000 facilities throughout the United States and its territories, the Congress passed the Mammography Quality Standards Act of 1992.

This reauthorization continues an important program that gives the women of America and their families an assurance that the quality of services for this vital test has improved, and will, hopefully, encourage even greater numbers to take advantage of this life saving diagnostic tool.•

NEW REPORT DOCUMENTING THE RISKS OF PRIVATIZING SOCIAL SECURITY

• Mr. REID. Mr. President, in the last several years a virtual cottage industry has sprung up in this city to promote the privatization of this Nation's Social Security system.

Phase out, partially privatize, or dismantle Social Security entirely, say the privatization advocates, and let each American citizen invest their payroll tax on Wall Street and become a millionaire by retirement. With Social Security requiring adjustments to maintain its long-term solvency, and the Dow Jones until recent days seeming to hit stratospheric highs almost every day, the notion of letting the private markets provide for retirement has had a certain appeal for privatizers.

Now a thoughtful and extremely sobering new economic analysis is warning us to plant our feet back on solid ground and take a hard look at the very considerable and too-little discussed risks of privatizing Social Security.

On October 21, 1997 I was pleased to sponsor a congressional staff briefing which unveiled a report written by economist John Mueller of the Lehrman, Bell, Mueller, Cannon, Inc. market-forecasting firm on behalf of the National Committee to Preserve Social Security and Medicare.

It is worth pointing out that this report is not the product of some anti-Wall Street or pro-big government partisan. John Mueller is a conservative, supply-side Republican who served for a number of years as the chief economist for Jack Kemp and the U.S. House Republican caucus.

After putting aside the usual optimistic rhetoric about privatization and actually examining the numbers, here's what John Mueller found:

That Social Security provides a measurably higher real return than all types of financial assets—including the stock market—when traditional calculations of risk are considered. In fact, financial asset returns, under the same economic conditions, are lower than the average return on a steady-state, pay-as-you-go Social Security system.

Social Security will be even more attractive, not less, than private investments in financial assets during the next 75 years, when actuarial projections contend that the U.S. economy is likely to slow to a 1.4 percent growth rate. The same economic and demographic factors that drove average, real stockmarket returns up by 10 percent annually in the past 20 years will drive Wall Street returns down to about 1.5 percent in the next 20 years.

Social Security, by financing a huge investment in human capital, has been an enormous engine for the growth of the U.S. economy. Privatization would result in lower investment, slower growth, and a smaller economy; the loss well could reach $3 trillion and cost the economy at least 4 percent in lost growth during the next 75 years.

Mr. President, I urge my colleagues to obtain a copy and read John Mueller's report: Three New Papers on "Privatizing" Social Security, One Conclusion: Bad Idea. I would be pleased to provide a copy to any colleague who may be interested.•

HONORING CONGREGATION B'NAI ABRAHAM ON THE OCCASION OF ITS 90TH ANNIVERSARY

• Mr. FEINGOLD. Mr. President, I want to offer my congratulations to congregation B'nai Abraham, located in Beloit, WI, as its members mark 90 years of service to the Jewish community in southern Wisconsin.

Mr. President, B'nai Abraham was founded on November 7, 1907, by a group of people who were collecting funds to help a destitute man. It was a highly appropriate beginning to a congregation dedicated to providing comfort, inspiration, solace, guidance, and support. Since then, the members of congregation B'nai Abraham have nurtured a strong sense of community responsibility, and the congregation has embraced the role of the synagogue, as with any house of religious faith, as a shelter and a center for renewal of the spirit.

But faith, like the body that carries it, only grows stronger with exercise, and by that I mean its application in our daily lives. The values I learned in my community, including diligence, compassion a sense of justice and feeling of responsibility to my community, have been cornerstones of my career in public service, and I have tried to apply those values in my work, including my efforts on bipartisan congressional reform, my support of Israel and the Middle East peace process, and my commitment to civil rights.

As with so many other Americans, the people who founded B'nai Abraham came from a culture whose members sought these shores to escape oppression, and they relied on one another for support even as the whole new world of challenge and opportunity spread itself out before them.

Mr. President, I grew up among the members of that community, and I counted on my congregation to provide

the grounding in values and traditions every young person needs as he or she is growing up, as well as a sense of spiritual and cultural refreshment. It is particularly important for people of faith who find themselves in the minority to have a place to worship and to pass along their values and traditions to their children.

B'nai Abraham places a very strong emphasis on education, and congregations like B'nai Abraham also serve to represent their members to others and promote the awareness of Jewish heritage in our communities.

In that way, B'nai Abraham's members not only educate their neighbors but also show how people of diverse backgrounds still share experiences, histories and concerns, which can be a powerful encouragement to the continued efforts of so many Americans to promote understanding, tolerance, and cooperation.

Mr. President, I am a member of many communities America, the State of Wisconsin and the town of Middleton, but without this community of faith that has done so much to guide and support me, I would be a poorer man.

So, Mr. President, let me offer my warmest congratulations to congregation B'nai Abraham, and may its members enjoy good health and good fortune as they prepare to celebrate 100 years.●

WIRELESS TELEPHONE PROTECTION ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 167, which is S. 493.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 493) to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Telephone Protection Act".

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

"(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

"(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured for altering or modifying a telecommunications instrument so that such instrument may be used to obtain unauthorized access to telecommunications services; or".

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

"(c) PENALTIES.—The punishment for an offense under subsection (a) section is—

"(1) in the case of an offense that does not occur after a conviction for another offense under this section that has become final and that was committed on a separate prior occasion.

"(A) if the offense is under paragraph (2), (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

"(B) if the offense is under paragraph (1), (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both; and

"(2) in the case of an offense that occurs after a conviction for another offense under this section, that has become final and that was committed on a separate prior occasion, that has a fine under this title or imprisonment for not more than 20 years, or both.".

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking "punished as provided in subsection (c) of this section" and inserting "subject to the same penalties as those prescribed for the offense attempted".

(c) DEFINITION OF SCANNING RECEIVER.—Section 1029(e) of title 18, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7)—

(A) by striking "The" and inserting "the"; and

(B) by striking the period at the end and inserting a semicolon; and

(3) in paragraph (8), by striking the period at the end and inserting "or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument; and".

(d) APPLICABILITY OF NEW SECTION 1029(a)(9).—

(1) IN GENERAL.—Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(g) It is not a violation of subsection (a)(9) for an officer, employee, or agent of, or a person under contract with, a facilities-based carrier, for the purpose of protecting the property or legal rights of that carrier, to use, produce, have custody or control of, or possess hardware or software configured as described in that subsection (a)(9).".

(2) DEFINITION OF FACILITIES-BASED CARRIER.—Section 1029(e) of title 18, United States Code, as amended by subsection (c) of this section, is amended by adding at the end the following:

"(9) the term 'facilities-based carrier' means an entity that owns communications transmission facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission under the authority of title III of the Communications Act of 1934.".

(e) AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR WIRELESS TELEPHONE CLONING.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones (including offenses involving an attempt or conspiracy to clone a wireless telephone).

(2) FACTORS FOR CONSIDERATION.—In carrying out this section, the Commission shall consider, with respect to the offenses described in paragraph (1)—

(A) the range of conduct covered by the offenses;

(B) the existing sentence for the offenses;

(C) the extent to which the value of the loss caused by the offenses (as defined in the Federal sentencing guidelines) is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offenses;

(E) the extent to which the Federal sentencing guideline sentences for the offenses have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guildlines for the offenses adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offenses to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factor that the Commission considereds to be appropriate.

AMENDMENT NO. 1634

(Purpose: To make an amendment relating to forfeiture to the United States of any real or personal property used or intended to be used to commit, facilitate, or promote the commission of certain offense)

Mr. LOTT. Senator HATCH has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HATCH, proposes an amendment numbered 1634.

The amendment is as follows:

On page 6, line 1, strike "The punishment" and insert the following:

"(1) IN GENERAL.—The punishment".

On page 6, line 2, strike "section".

On page 6, line 3, strike "(1)" and insert "(A)" and indent accordingly.

On page 6, line 7, strike "(A)" and insert "(i)" and indent accordingly.

On page 6, line 11, strike "(B)" and insert "(ii)" and indent accordingly.

On page 6, line 14, strike "and".

On page 6, line 15, strike "(2)" and insert "(B)" and indent accordingly.

On page 6, line 19, strike the punctuation at the end and insert "; and".

On page 6, between lines 19 and 20, insert the following:

"(C) in any case, in addition to any other punishment imposed or any other forfeiture required by law, forfeiture to the United States of any personal property used or intended to be used to commit, facilitate, or promote the commission of the offense.

"(2) APPLICABLE PROCEDURE.—The criminal forfeiture of personal property subject to forfeiture under paragraph (1)(C), any seizure

and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (c) and (e) through (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853).".

Mr. HATCH. Mr. President, I rise to urge my colleagues to support S. 493, the Wireless Telephone Protection Act. This important bill will close a glaring gap in the protection afforded by federal law to cellular telephone communications.

Law enforcement is alarmed by the increasingly prevalent practice of "cloning" cellular phones. Essentially, criminals operating scanners from the roadside or from buildings near urban freeways, copy identifying numbers for cellular phones. Using the data they obtain, these criminals alter other phones to access the accounts tied to the phone whose data was scanned, thus creating so-called "clone phones". They then either sell these phones, or use the clone phones themselves for criminal purposes. These phones are used for several weeks or months, until the legitimate customer notices the fraud when he or she gets the bill for phone service accessed by the clone phone.

The effects of these criminal schemes are twofold. First, this crime steals cellular service from the phone companies, which typically credit legitimate customers' accounts when alerted to the fraud. Second, the use of clone phones masks other criminal conduct by making criminal's calls difficult, if not impossible, to trace. S. 493, sponsored by Senator KYL, helps close this gap in the law by making it a federal crime to own or use the software or hardware needed to clone cell phones.

I also urge my colleagues to support an amendment to this bill, to ensure the confiscation of the equipment used to violate this law, and commit other frauds related to access devices. Presently, persons convicted of committing access device fraud under section 1029 of title 18 forfeit to the government the proceeds of their crime. However, there is no provision ensuring that the computers, hardware, software, and other equipment used to commit the crime is forfeited, as well. My amendment to this bill corrects this.

My amendment includes in the penalties for a violation of 18 U.S.C. 1029, the forfeiture of any personal property used to commit, facilitate, or promote the commission of the violation. I note for my colleagues that my amendment only addresses criminal forfeiture, so there must be a conviction for the assets to be seized. Second, my amendment only permits the forfeiture of personal property used to commit the offense—mainly, equipment. Houses, other buildings, or land could not be subject to forfeiture under this provision.

Mr. President, it is important that we close the gaps in the law that permit criminals to brazenly sell and use equipment to steal cellular phone service and evade law enforcement. It is equally important to get this equipment off the streets. I urge my colleagues to support my amendment and the underlying bill.

Mr. LOTT. I ask consent that the amendment be considered as read and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1634) was agreed to.

AMENDMENT NO. 1635

(Purpose: To make technical amendments)

Mr. LOTT. I understand Senator KYL has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. KYL, proposes an amendment numbered 1635.

The amendment is as follows:

On page 6, line 5, strike "that has become final and that was committed on a separate prior occasion," and inert ", which conviction has become final—".

On page 6, line 7, strike "(2),".

On page 6, line 11, strike "(1)," and insert "(1), (2),".

On page 6, beginning on line 16, strike "that has become final and that was committed on a separate prior occasion, that has" and insert "which conviction has become final,".

On page 7, line 24, after "subsection (a)(9)" insert ", provided that if such hardware or software is used to obtain access to telecommunications service provided by another facilities-based carrier, such access is authorized".

Mr. LOTT. I ask unanimous consent the amendment be considered as read and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1635) was agreed to.

Mr. LOTT. I ask unanimous consent the committee amendment, as amended, be agreed to, the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

The bill (S. 493), as amended, was considered read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

S. 493

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Telephone Protection Act".

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

"(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

"(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured for altering or modifying a telecommunications instrument so that such instrument may be used to obtain unauthorized access to telecommunications services; or".

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

"(c) PENALTIES.—(1) IN GENERAL.—The punishment for an offense under subsection (a) is—

"(A) in the case of an offense that does not occur after a conviction for another offense under this section, which conviction has become final—

"(i) if the offense is under paragraph (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

"(ii) if the offense is under paragraph (1), (2), (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both;

"(B) in the case of an offense that occurs after a conviction for another offense under this section, which conviction has become final, a fine under this title or imprisonment for not more than 20 years, or both; and

"(C) in any case, in addition to any other punishment imposed or any other forfeiture required by law, forfeiture to the United States of any personal property used or intended to be used to commit, facilitate, or promote the commission of the offense.

"(2) APPLICABLE PROCEDURE.—The criminal forfeiture of personal property subject to forfeiture under paragraph (1)(C), any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (c) and (e) through (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853).".

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking "punished as provided in subsection (c) of this section" and inserting "subject to the same penalties as those prescribed for the offense attempted".

(c) DEFINITION OF SCANNING RECEIVER.—Section 1029(e) of title 18, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7)—

(A) by striking "The" and inserting "the"; and

(B) by striking the period at the end and inserting a semicolon; and

(3) in paragraph (8), by striking the period at the end and inserting "or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument; and".

(d) APPLICABILITY OF NEW SECTION 1029(a)(9).—

(1) IN GENERAL.—Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(g) It is not a violation of subsection (a)(9) for an officer, employee, or agent of, or a person under contract with, a facilities-based carrier, for the purpose of protecting

the property or legal rights of that carrier, to use, produce, have custody or control of, or possess hardware or software configured as described in that subsection (a)(9): *Provided*, That if such hardware or software is used to obtain access to telecommunications service provided by another facilities-based carrier, such access is authorized.''.

(2) DEFINITION OF FACILITIES-BASED CARRIER.—Section 1029(e) of title 18, United States Code, as amended by subsection (c) of this section, is amended by adding at the end the following:

''(9) the term 'facilities-based carrier' means an entity that owns communications transmission facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission under the authority of title III of the Communications Act of 1934.''.

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(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones (including offenses involving an attempt or conspiracy to clone a wireless telephone).

(2) FACTORS FOR CONSIDERATION.—In carrying out this subsection, the Commission shall consider, with respect to the offenses described in paragraph (1)—

(A) the range of conduct covered by the offenses;

(B) the existing sentences for the offenses;

(C) the extent to which the value of the loss caused by the offenses (as defined in the Federal sentencing guidelines) is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offenses;

(E) the extent to which the Federal sentencing guideline sentences for the offenses have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offenses adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offenses to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factors that the Commission considers to be appropriate.

Mr. KYL. Mr. President, I am gratified that S. 493, the Cellular Telephone Protection Act, which would make it easier for Federal law enforcement to stop cell phone cloning, has unanimously been approved by the Senate. I expect that the bill will soon pass the House of Representatives, and be signed into law by the President. S. 493 is the first in a series of anticrime initiatives I introduced that are aimed at modernizing U.S. law to reflect changes in technology.

It is estimated that the cellular telecommunications industry lost $650 million due to fraud in 1995, much of it as a result of cloning. Cloned phones are popular among the most vicious criminal element. The feature story from the July/August edition of Time Digital, ''Lethal Weapon: How Your Cell Phone Became Gangland's Favorite Gadget'' quotes James Kallstrom, head of the FBI's New York office as describing cloners as ''hard-core criminals, child pornographers and pedophiles * * * violent criminals who use technology to avoid the law.''

On September 11, Representative BILL MCCOLLUM, chairman of the House Judiciary Crime Subcommittee, held a very useful hearing on cellular phone cloning. The hearing discussed legislative proposals to combat cellular phone fraud. Representatives of the Secret Service, FBI, and DEA all testified that legislation resembling S. 493 would be helpful in thwarting cell phone cloning.

The hearing revealed that cloned phones have become a staple of the major drug trafficking organizations. Anthony R. Bocchichio, of the DEA stated that, ''[International drug trafficking organizations] utilize their virtually unlimited wealth to purchase the most sophisticated electronic equipment available on the market to facilitate their illegal activities. We have begun to see that this includes widespread use of cloned cellular telephones.''

The Secret Service—the Federal agency charged with investigating cloning offenses—has doubled the number of arrests in the area of wireless telecommunications fraud every year since 1991, with 800 individuals charged for their part in the cloning of cellular phones last year. While the cell phone law (18 U.S.C. 1029) has been useful in prosecuting some cloners, the statute has not functioned well in stopping those who manufacture and distribute cloning devices.

In testimony before Mr. MCCOLLUM's Crime Subcommittee, Michael C. Stenger of the U.S. Secret Service stressed the need to revise our current cell phone statute:

> Due to the fact that the statute presently requires the proof of ''intent to defraud'' to charge the violation, the distributors of the cloning equipment have become elusive targets. These distributors utilize disclaimers in their advertising mechanisms aimed at avoiding a finding of fraudulent intent. This allows for the continued distribution of the equipment permitting all elements of the criminal arena to equip themselves with free, anonymous phone service.

Consistent with Mr. Stenger's recommendation, the Cellular Telephone Protection Act provides that—except for law enforcement and telecommunications carriers—there is no lawful purpose for which to possess, produce, or sell the ''copycat boxes'' for cloning a wireless telephone or its electronic serial number.

For S. 493 to apply, a prosecutor would need to prove that an individual ''knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured for altering or modifying a telecommunications instrument so that such instrument may be used to obtain unauthorized access to telecommunications services.'' Someone who does not know that a telecommunications device has been altered to modify a telecommunications instrument would not be criminally liable under this section.

To be clear, except for law enforcement and telecommunication carriers, there is no legitimate purpose for which to possess equipment used to modify cellular phones. Representatives from the Secret Service, DEA, and FBI testified to this point at the cellular fraud hearing. As Special Agent Stenger put it, ''There is no legitimate use for the equipment such as that designed to alter the electronic serial numbers in wireless telephones.''

The removal of the ''intent to defraud'' language in 18 U.S.C. 1029 only applies to the possession and use of the hardware and software configured to alter telecommunications instruments. This narrowly targeted proposal does not apply to those who are in the possession of cloned phones. Nor does it apply to those in the possession of scanning receivers, which do have some legitimate uses.

The Senate bill enjoys broad bipartisan support. Senators CLELAND, DEWINE, DORGAN, DURBIN, GORTON, HELMS, LOTT, MIKULSKI, and THURMOND have cosponsored S. 493. And a bipartisan House companion bill (H.R. 2460) has been introduced by Representatives SAM JOHNSON, BILL MCCOLLUM, and CHARLES SCHUMER.

I am hopeful that my colleagues will join in supporting this important piece of legislation.

LAW ENFORCEMENT TECHNOLOGY ADVERTISEMENT CLARIFICATION ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 1840 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 1840) to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be considered

read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1840) was considered read the third time and passed.

ALLOWING REVISION OF VETERANS BENEFITS DECISIONS BASED ON CLEAR AND UNMISTAKABLE ERROR

Mr. LOTT. I ask unanimous consent that the Veterans Committee be discharged from further consideration of H.R. 1090, and, further, the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1090) to amend title 38, United States Code, to allow the revision of Veterans benefits decisions based on clear and unmistakable error.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mrs. MURRAY. Mr. President, I rise to encourage the Senate to adopt H.R. 1090. This legislation is identical to my bill, S. 464, to address the issue of clear and unmistakable error. S. 464 was unanimously reported by the Veterans' Affairs Committee on which I proudly serve. I want to extend my thanks to both the chairman and ranking member of our committee for moving this important legislation in a timely and bipartisan manner .

Importantly, this legislation has been adopted by the House in three consecutive Congresses. Congressman LANE EVANS has long championed this legislation; I commend him for his persistent and determined leadership. This legislation has also long been a priority issue to the Disabled American Vetetans. It has been a pleasure for me to work with the DAV here in Washington, DC and with local DAV representatives in Washington State.

Clear and unmistakable errors are errors that have deprived and continue to deprive veterans of benefits for which their entitlement is undeniable. The status quo denies benefits to a small number of veterans who are legally entitled to the benefits in question. To deny a veteran a legally entitled benefit due to a bureaucratic error or other mistake is beyond comprehension in my mind.

In recent months, I've handled several cases with the Department of Veterans Affairs that directly involved clear and unmistakable errors. In one case, a veteran with a serious shoulder injury dating back to the Vietnam war was rated incorrectly for more than 20 years. In another case, a veteran with PTSD also dating to service in Vietnam was misdiagnosed for a lengthy period affecting his disability rating and benefits and the treatment he received. My legislation seeks to correct this. I believe that we must make available every opportunity to right a wrong on behalf of a veteran.

To the VA's credit, some cases of clear and unmistakable error are reversible but it depends on where the veteran is in the VA process. S. 464 and H.R. 1090 will codify the VA's current regulatory authority to review ratings decision based on claim of clear and unmistakable error.

Unfortunately, some cases of clear and unmistakable error no longer offer recourse to the veteran. S. 464 and H.R. 1090 will allow a veteran to request that the Board of Veterans' Appeals review its prior decision based on a claim of clear and unmistakable error. A veteran would also have the opportunity to challenge the Board of Veterans' Appeals decision at the Court of Veterans' Appeals.

The Congressional Budget Office has determined that this legislation is budget neutral. This legislation will not require additional resources for the VA or take needed resources from other VA programs or benefits.

So often we in Congress talk about providing for veterans or about meeting our obligations to veterans. That is what this bill is all about; it gives a veteran the right to request a review rather than subjecting an ailing vet to a sometimes faceless bureaucracy hesitant to correct its mistakes. In passing this legislation, the Senate will stand with veterans that have been deprived of benefits for which their entitlement is undeniable.

Many veterans have waited decades for this day. The Senate should end this wait now with a strong vote. A strong vote will also send a message to President Clinton. In closing, I call upon President Clinton to bring this legislative effort to a successful conclusion; to join us all to ensure that the system errs on behalf of a deserving veteran rather than the Federal Government.

Mr. LOTT. I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1090) was considered read the third time and passed.

VETERANS' BENEFITS DENIAL ACT OF 1997

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 923) to deny veterans benefits to persons convicted of Federal capital offenses.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 923) entitled "An Act to deny veterans benefits to persons convicted of Federal capital offenses.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. DENIAL OF ELIGIBILITY FOR INTERMENT OR MEMORIALIZATION IN CERTAIN CEMETERIES OF PERSONS COMMITTING FEDERAL CAPITAL CRIMES.

(a) PROHIBITION AGAINST INTERMENT OR MEMORIALIZATION IN CERTAIN FEDERAL CEMETERIES.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

"§2411. Prohibition against interment or memorialization in the National Cemetery System or Arlington National Cemetery of persons committing Federal or State capital crimes

"(a)(1) In the case of a person described in subsection (b), the appropriate Federal official may not—

"(A) inter the remains of such person in a cemetery in the National Cemetery System or in Arlington National Cemetery; or

"(B) honor the memory of such person in a memorial area in a cemetery in the National Cemetery System (described in section 2403(a) of this title) or in such an area in Arlington National Cemetery (described in section 2409(a) of this title).

"(2) The prohibition under paragraph (1) shall not apply unless written notice of a conviction or finding under subsection (b) is received by the appropriate Federal official before such official approves an application for the interment or memorialization of such person. Such written notice shall be furnished to such official by the Attorney General, in the case of a Federal capital crime, or by an appropriate State official, in the case of a State capital crime.

"(b) A person referred to in subsection (a) is any of the following:

"(1) A person who has been convicted of a Federal capital crime for which the person was sentenced to death or life imprisonment.

"(2) A person who has been convicted of a State capital crime for which the person was sentenced to death or life imprisonment without parole.

"(3) A person who—

"(A) is found (as provided in subsection (c)) to have committed a Federal capital crime or a State capital crime, but

"(B) has not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution.

"(c) A finding under subsection (b)(3) shall be made by the appropriate Federal official. Any such finding may only be made based upon a showing of clear and convincing evidence, after an opportunity for a hearing in a manner prescribed by the appropriate Federal official.

"(d) For purposes of this section:

"(1) The term 'Federal capital crime' means an offense under Federal law for which the death penalty or life imprisonment may be imposed.

"(2) The term 'State capital crime' means, under State law, the willful, deliberate, or premeditated unlawful killing of another human being for which the death penalty or life imprisonment without parole may be imposed.

"(3) The term 'appropriate Federal official' means—

"(A) the Secretary, in the case of the National Cemetery System; and

"(B) the Secretary of the Army, in the case of Arlington National Cemetery.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of such title is amended by adding at the end the following new item:

"2411. Prohibition against interment or memorialization in the National Cemetery System or Arlington National Cemetery of persons committing Federal or State capital crimes.".

(c) EFFECTIVE DATE.—Section 2411 of title 38, United States Code, as added by subsection (a), shall apply with respect to applications for interment or memorialization made on or after the date of the enactment of this Act.

SEC. 2. CONDITION ON GRANTS TO STATE-OWNED VETERAN CEMETERIES.

Section 2408 of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) In addition to the conditions specified in subsections (b) and (c), any grant made on or after the date of the enactment of this subsection to a State under this section to assist such State in establishing, expanding, or improving a veterans' cemetery shall be made on the condition described in paragraph (2).

"(2) For purposes of paragraph (1), the condition described in this paragraph is that, after the date of the receipt of the grant, such State prohibit the interment or memorialization in that cemetery of a person described in section 2411(b) of this title, subject to the receipt of notice described in subsection (a)(2) of such section, except that for purposes of this subsection—

"(A) such notice shall be furnished to an appropriate official of such State; and

"(B) a finding described in subsection (b)(3) of such section shall be made by an appropriate official of such State.".

Amend the title so as to read "An Act to amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes.".

Mr. LOTT. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 714) to extend and improve the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs, to extend certain authorities of the Secretary of Veterans Affairs relating to services for homeless veterans, to extend certain other authorities of the Secretary, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 714) entitled "An Act to extend and improve the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs, to extend certain authorities of the Secretary of Veterans Affairs relating to services for homeless veterans, to extend certain other authorities of the Secretary, and for other purposes.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EQUAL EMPLOYMENT OPPORTUNITY PROCESS IN THE DEPARTMENT OF VETERANS AFFAIRS

Sec. 101. Equal employment responsibilities.
Sec. 102. Discrimination complaint adjudication authority.
Sec. 103. Assessment and review of Department of Veterans Affairs employment discrimination complaint resolution system.

TITLE II—EXTENSION AND IMPROVEMENT OF AUTHORITIES

Sec. 201. Native American Veteran Housing Loan Program.
Sec. 202. Treatment and rehabilitation for seriously mentally ill and homeless veterans.
Sec. 203. Extension of certain authorities relating to homeless veterans.
Sec. 204. Annual report on assistance to homeless veterans.
Sec. 205. Expansion of authority for enhanced-use leases of Department of Veterans Affairs real property.
Sec. 206. Permanent authority to furnish non-institutional alternatives to nursing home care.
Sec. 207. Extension of Health Professional Scholarship Program.
Sec. 208. Policy on breast cancer mammography.
Sec. 209. Persian Gulf war veterans.
Sec. 210. Presidential report on preparations for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction.

TITLE III—MAJOR MEDICAL FACILITY PROJECTS CONSTRUCTION AUTHORIZATION

Sec. 301. Authorization of major medical facility projects.
Sec. 302. Authorization of major medical facility leases.
Sec. 303. Authorization of appropriations.

TITLE IV—TECHNICAL AND CLARIFYING AMENDMENTS

Sec. 401. Technical amendments.
Sec. 402. Clarification of certain health care authorities.
Sec. 403. Correction of name of medical center.
Sec. 404. Improvement to spina bifida benefits for children of Vietnam veterans.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EQUAL EMPLOYMENT OPPORTUNITY PROCESS IN THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 101. EQUAL EMPLOYMENT RESPONSIBILITIES.

(a) IN GENERAL.—(1) Chapter 5 is amended by inserting at the end of subchapter I the following new section:

"§ 516. Equal employment responsibilities

"(a) The Secretary shall provide that the employment discrimination complaint resolution system within the Department be established and administered so as to encourage timely and fair resolution of concerns and complaints. The Secretary shall take steps to ensure that the system is administered in an objective, fair, and effective manner and in a manner that is perceived by employees and other interested parties as being objective, fair, and effective.

"(b) The Secretary shall provide—

"(1) that employees responsible for counseling functions associated with employment discrimination and for receiving, investigating, and processing complaints of employment discrimination shall be supervised in those functions by, and report to, an Assistant Secretary or a Deputy Assistant Secretary for complaint resolution management; and

"(2) that employees performing employment discrimination complaint resolution functions at a facility of the Department shall not be subject to the authority, direction, and control of the Director of the facility with respect to those functions.

"(c) The Secretary shall ensure that all employees of the Department receive adequate education and training for the purposes of this section and section 319 of this title.

"(d) The Secretary shall, when appropriate, impose disciplinary measures, as authorized by law, in the case of employees of the Department who engage in unlawful employment discrimination, including retaliation against an employee asserting rights under an equal employment opportunity law.

"(e)(1)(A) Not later than 30 days after the end of each calendar quarter, the Assistant Secretary for Human Resources and Administration shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report summarizing the employment discrimination complaints filed against the individuals referred to in paragraph (2) during such quarter.

"(B) Subparagraph (A) shall apply in the case of complaints filed against individuals on the basis of such individuals' personal conduct and shall not apply in the case of complaints filed solely on the basis of such individuals' positions as officials of the Department.

"(2) Paragraph (1) applies to the following officers and employees of the Department:

"(A) The Secretary.

"(B) The Deputy Secretary of Veterans Affairs.

"(C) The Under Secretary for Health and the Under Secretary for Benefits.

"(D) Each Assistant Secretary of Veterans Affairs and each Deputy Assistant Secretary of Veterans Affairs.

"(E) The Director of the National Cemetery System.

"(F) The General Counsel of the Department.

"(G) The Chairman of the Board of Veterans' Appeals.

"(H) The Chairman of the Board of Contract Appeals of the Department.

"(I) The director and the chief of staff of each medical center of the Department.

"(J) The director of each Veterans Integrated Services Network.

"(K) The director of each regional office of the Department.

"(L) Each program director of the Central Office of the Department.

"(3) Each report under this subsection—

"(A) may not disclose information which identifies the individuals filing, or the individuals who are the subject of, the complaints concerned or the facilities at which the discrimination identified in such complaints is alleged to have occurred;

"(B) shall summarize such complaints by type and by equal employment opportunity field office area in which filed; and

"(C) shall include copies of such complaints, with the information described in subparagraph (A) redacted.

"(4) Not later than April 1 each year, the Assistant Secretary shall submit to the committees referred to in paragraph (1)(A) a report on the complaints covered by paragraph (1) during the preceding year, including the number of such complaints filed during that year and the status and resolution of the investigation of such complaints.

"(f) The Secretary shall ensure that an employee of the Department who seeks counseling relating to employment discrimination may elect to receive such counseling from an employee of the Department who carries out equal employment opportunity counseling functions on a full-time basis rather than from an employee of the Department who carries out such functions on a part-time basis.

"(g) The number of employees of the Department whose duties include equal employment opportunity counseling functions as well as other, unrelated functions may not exceed 40 full-time equivalent employees. Any such employee may be assigned equal employment opportunity counseling functions only at Department facilities in remote geographic locations (as determined by the Secretary). The Secretary may waive the limitation in the preceding sentence in specific cases.

"(h) The provisions of this section shall be implemented in a manner consistent with procedures applicable under regulations prescribed by the Equal Employment Opportunity Commission.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 515 the following new item:

"516. Equal employment responsibilities.".

(b) REPORTS.—(1) The Secretary of Veterans Affairs shall submit to Congress reports on the implementation and operation of the equal employment opportunity system within the Department of Veterans Affairs. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000.

(2) The first report under paragraph (1) shall set forth the actions taken by the Secretary to implement section 516 of title 38, United States Code, as added by subsection (a), and other actions taken by the Secretary in relation to the equal employment opportunity system within the Department of Veterans Affairs.

(3) The subsequent reports under paragraph (1) shall set forth, for each equal employment opportunity field office of the Department and for the Department as a whole, the following:

(A) Any information to supplement the information submitted in the report under paragraph (2) that the Secretary considers appropriate.

(B) The number of requests for counseling relating to employment discrimination received during the one-year period ending on the date of the report concerned.

(C) The number of employment discrimination complaints received during such period.

(D) The status of each complaint described in subparagraph (C), including whether or not the complaint was resolved and, if resolved, whether the employee concerned sought review of the resolution by the Equal Employment Opportunity Commission or by Federal court.

(E) The number of employment discrimination complaints that were settled during such period, including—

(i) the type of such complaints; and

(ii) the terms of settlement (including any settlement amount) of each such complaint.

(c) EFFECTIVE DATE.—Section 516 of title 38, United States Code, as added by subsection (a), shall take effect 90 days after the date of enactment of this Act. Subsection (e) of that section shall take effect with respect to the first quarter of calendar year 1998.

SEC. 102. DISCRIMINATION COMPLAINT ADJUDICATION AUTHORITY.

(a) IN GENERAL.—(1) Chapter 3 is amended by adding at the end the following new section:

"§ 319. Office of Employment Discrimination Complaint Adjudication

"(a)(1) There is in the Department an Office of Employment Discrimination Complaint Adjudication. There is at the head of the Office a Director.

"(2) The Director shall be a career appointee in the Senior Executive Service.

"(3) The Director reports directly to the Secretary or the Deputy Secretary concerning matters within the responsibility of the Office.

"(b)(1) The Director is responsible for making the final agency decision within the Department on the merits of any employment discrimination complaint filed by an employee, or an applicant for employment, with the Department. The Director shall make such decisions in an impartial and objective manner.

"(2) No person may make any ex parte communication to the Director or to any employee of the Office with respect to a matter on which the Director has responsibility for making a final agency decision.

"(c) Whenever the Director has reason to believe that there has been retaliation against an employee by reason of the employee asserting rights under an equal employment opportunity law, the Director shall report the suspected retaliatory action directly to the Secretary or Deputy Secretary, who shall take appropriate action thereon.

"(d)(1) The Office shall employ a sufficient number of attorneys and other personnel as are necessary to carry out the functions of the Office. Attorneys shall be compensated at a level commensurate with attorneys employed by the Office of the General Counsel.

"(2) The Secretary shall ensure that the Director is furnished sufficient resources in addition to personnel under paragraph (1) to enable the Director to carry out the functions of the Office in a timely manner.

"(3) The Secretary shall ensure that any performance appraisal of the Director of the Office of Employment Discrimination Complaint Adjudication or of any employee of the Office does not take into consideration the record of the Director or employee in deciding cases for or against the Department.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"319. Office of Employment Discrimination Complaint Adjudication.".

(b) REPORTS ON IMPLEMENTATION.—The Director of the Office of Employment Discrimination Complaint Adjudication of the Department of Veterans Affairs (established by section 319 of title 38, United States Code, as added by subsection (a)) shall submit to the Secretary of Veterans Affairs and to Congress reports on the implementation and the operation of that office. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000.

(c) EFFECTIVE DATE.—Section 319 of title 38, United States Code, as added by subsection (a), shall take effect 90 days after the date of enactment of this Act.

SEC. 103. ASSESSMENT AND REVIEW OF DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION COMPLAINT RESOLUTION SYSTEM.

(a) AGREEMENT FOR ASSESSMENT AND REVIEW.—(1) The Secretary of Veterans Affairs shall seek to enter into an agreement with a qualified private entity under which agreement the entity shall carry out the assessment described in subsection (b) and the review described in subsection (c).

(2) The Secretary shall include in the agreement provisions necessary to ensure that the entity carries out its responsibilities under the agreement (including the exercise of its judgments concerning the assessment and review) in a manner free of influence from any source, including the officials and employees of the Department of Veterans Affairs.

(3) The Secretary may not enter into the agreement until 15 days after the date on which the Secretary notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the entity with which the Secretary proposes to enter into the agreement.

(b) INITIAL ASSESSMENT OF SYSTEM.—(1) Under the agreement under subsection (a), the entity shall conduct an assessment of the employment discrimination complaint resolution system administered within the Department of Veterans Affairs, including the extent to which the system meets the objectives set forth in section 516(a) of title 38, United States Code, as added by section 101. The assessment shall include a comprehensive description of the system as of the time of the assessment.

(2) Under the agreement, the entity shall submit the assessment to the committees referred to in subsection (a)(3) and to the Secretary not later than June 1, 1998.

(c) REVIEW OF ADMINISTRATION OF SYSTEM.—(1) Under the agreement under subsection (a), the entity shall monitor and review the administration by the Secretary of the employment discrimination complaint resolution system administered within the Department.

(2) Under the agreement, the entity shall submit to the committees referred to in subsection (a)(3) and to the Secretary a report on the results of the review under paragraph (1) not later than June 1, 1999. The report shall include an assessment of the administration of the system, including the extent to which the system meets the objectives referred to in subsection (b)(1), and the effectiveness of the following:

(A) Programs to train and maintain a cadre of individuals who are competent to investigate claims relating to employment discrimination.

(B) Programs to train and maintain a cadre of individuals who are competent to provide counseling to individuals who submit such claims.

(C) Programs to provide education and training to Department employees regarding their rights and obligations under the equal employment opportunity laws.

(D) Programs to oversee the administration of the system.

(E) Programs to evaluate the effectiveness of the system in meeting its objectives.

(F) Other programs, procedures, or activities of the Department relating to the equal employment opportunity laws, including any alternative dispute resolution procedures and informal dispute resolution and settlement procedures.

(G) Any disciplinary measures imposed by the Secretary on employees determined to have violated the equal employment opportunity laws in preventing or deterring violations of such laws by other employees of the Department.

TITLE II—EXTENSION AND IMPROVEMENT OF AUTHORITIES

SEC. 201. NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM.

(a) EXTENSION OF PILOT PROGRAM.—Section 3761(c) is amended by striking out "September 30, 1997" and inserting in lieu thereof "December 31, 2001".

(b) OUTREACH.—Section 3762(i) is amended—

(1) by inserting "(1)" after "(i)";

(2) by inserting ", in consultation with tribal organizations (including the National Congress of American Indians and the National American Indian Housing Council)," after "The Secretary shall";

(3) by striking out "tribal organizations and"; and

(4) by adding at the end the following:

"(2) Activities under the outreach program shall include the following:

"(A) Attending conferences and conventions conducted by the National Congress of American Indians in order to work with the National Congress in providing information and training to tribal organizations and Native American veterans regarding the availability of housing benefits under the pilot program and in assisting such organizations and veterans in participating in the pilot program.

"(B) Attending conferences and conventions conducted by the National American Indian Housing Council in order to work with the Housing Council in providing information and training to tribal organizations and tribal housing entities regarding the availability of such benefits.

"(C) Attending conferences and conventions conducted by the Department of Hawaiian Homelands in order to work with the Department of Hawaiian Homelands in providing information and training to tribal housing entities in Hawaii regarding the availability of such benefits.

"(D) Producing and disseminating information to tribal governments, tribal veterans service organizations, and tribal organizations regarding the availability of such benefits.

"(E) Assisting tribal organizations and Native American veterans in participating in the pilot program.

"(F) Outstationing loan guarantee specialists in tribal facilities on a part-time basis if requested by the tribal government.".

(c) ANNUAL REPORTS.—Section 3762 is further amended by adding at the end the following new subsection:

"(j) Not later than February 1 of each year through 2002, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report relating to the implementation of the pilot program under this subchapter during the fiscal year preceding the date of the report. Each such report shall include the following:

"(1) The Secretary's exercise during such fiscal year of the authority provided under subsection (c)(1)(B) to make loans exceeding the maximum loan amount.

"(2) The appraisals performed for the Secretary during such fiscal year under the authority of subsection (d)(2), including a description of—

"(A) the manner in which such appraisals were performed;

"(B) the qualifications of the appraisers who performed such appraisals; and

"(C) the actions taken by the Secretary with respect to such appraisals to protect the interests of veterans and the United States.

"(3) The outreach activities undertaken under subsection (i) during such fiscal year, including—

"(A) a description of such activities on a region-by-region basis; and

"(B) an assessment of the effectiveness of such activities in encouraging the participation of Native American veterans in the pilot program.

"(4) The pool of Native American veterans who are eligible for participation in the pilot program, including—

"(A) a description and analysis of the pool, including income demographics;

"(B) a description and assessment of the impediments, if any, to full participation in the pilot program of the Native American veterans in the pool; and

"(C) the impact of low-cost housing programs operated by the Department of Housing and Urban Development and other Federal or State agencies on the demand for direct loans under this section.

"(5) The Secretary's recommendations, if any, for additional legislation regarding the pilot program.".

SEC. 202. TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) CODIFICATION AND REVISION OF PROGRAMS.—Chapter 17 is amended by adding at the end the following new subchapter:

"SUBCHAPTER VII—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

"§ 1771. General treatment

"(a) In providing care and services under section 1710 of this title to veterans suffering from serious mental illness, including veterans who are homeless, the Secretary may provide (directly or in conjunction with a governmental or other entity)—

"(1) outreach services;

"(2) care, treatment, and rehabilitative services (directly or by contract in community-based treatment facilities, including halfway houses); and

"(3) therapeutic transitional housing assistance under section 1772 of this title, in conjunction with work therapy under subsection (a) or (b) of section 1718 of this title and outpatient care.

"(b) The authority of the Secretary under subsection (a) expires on December 31, 2001.

"§ 1772. Therapeutic housing

"(a) The Secretary, in connection with the conduct of compensated work therapy programs, may operate residences and facilities as therapeutic housing.

"(b) The Secretary may use such procurement procedures for the purchase, lease, or other acquisition of residential housing for purposes of this section as the Secretary considers appropriate to expedite the opening and operation of transitional housing and to protect the interests of the United States.

"(c) A residence or other facility may be operated as transitional housing for veterans described in paragraphs (1) and (2) of section 1710(a) of this title under the following conditions:

"(1) Only veterans described in those paragraphs and a house manager may reside in the residence or facility.

"(2) Each resident, other than the house manager, shall be required to make payments that contribute to covering the expenses of board and the operational costs of the residence or facility for the period of residence in such housing.

"(3) In order to foster the therapeutic and rehabilitative objectives of such housing (A) residents shall be prohibited from using alcohol or any controlled substance or item, (B) any resident violating that prohibition may be expelled from the residence or facility, and (C) each resident shall agree to undergo drug testing or such other measures as the Secretary shall prescribe to ensure compliance with that prohibition.

"(4) In the establishment and operation of housing under this section, the Secretary shall consult with appropriate representatives of the community in which the housing is established and shall comply with zoning requirements, building permit requirements, and other similar requirements applicable to other real property used for similar purposes in the community.

"(5) The residence or facility shall meet State and community fire and safety requirements applicable to other real property used for similar purposes in the community in which the transitional housing is located, but fire and safety requirements applicable to buildings of the Federal Government shall not apply to such property.

"(d) The Secretary shall prescribe the qualifications for house managers for transitional housing units operated under this section. The Secretary may provide for free room and subsistence for a house manager in addition to, or instead of payment of, a fee for the services provided by the manager.

"(e)(1) The Secretary may operate as transitional housing under this section—

"(A) any suitable residential property acquired by the Secretary as the result of a default on a loan made, guaranteed, or insured under chapter 37 of this title;

"(B) any suitable space in a facility under the jurisdiction of the Secretary that is no longer being used (i) to provide acute hospital care, or (ii) as housing for medical center employees; and

"(C) any other suitable residential property purchased, leased, or otherwise acquired by the Secretary.

"(2) In the case of any property referred to in paragraph (1)(A), the Secretary shall—

"(A) transfer administrative jurisdiction over such property within the Department from the Veterans Benefits Administration to the Veterans Health Administration; and

"(B) transfer from the General Post Fund to the Loan Guaranty Revolving Fund under chapter 37 of this title an amount (not to exceed the amount the Secretary paid for the property) representing the amount the Secretary considers could be obtained by sale of such property to a nonprofit organization or a State for use as a shelter for homeless veterans.

"(3) In the case of any residential property obtained by the Secretary from the Department of Housing and Urban Development under this section, the amount paid by the Secretary to that Department for that property may not exceed the amount that the Secretary of Housing and Urban Development would charge for the sale of that property to a nonprofit organization or a State for use as a shelter for homeless persons. Funds for such charge shall be derived from the General Post Fund.

"(f) The Secretary shall prescribe—

"(1) a procedure for establishing reasonable payment rates for persons residing in transitional housing; and

"(2) appropriate limits on the period for which such persons may reside in transitional housing.

"(g) The Secretary may dispose of any property acquired for the purpose of this section. The proceeds of any such disposal shall be credited to the General Post Fund.

"(h) Funds received by the Department under this section shall be deposited in the General Post Fund. The Secretary may distribute out of the fund such amounts as necessary for the acquisition, management, maintenance, and disposition of real property for the purpose of carrying out such program. The Secretary shall manage the operation of this section so as to ensure that expenditures under this subsection for any fiscal year shall not exceed by more than $500,000 proceeds credited to the General Post Fund under this section. The operation of the program and funds received shall be separately accounted for, and shall be stated in the documents accompanying the President's budget for each fiscal year.

"§ 1773. Additional services at certain locations

"(a) Subject to the availability of appropriations, the Secretary shall operate a program under this section to expand and improve the provision of benefits and services by the Department to homeless veterans.

"(b) The program shall include the establishment of not fewer than eight programs (in addition to any existing programs providing similar services) at sites under the jurisdiction of the Secretary to be centers for the provision of comprehensive services to homeless veterans. The

services to be provided at each site shall include a comprehensive and coordinated array of those specialized services which may be provided under existing law.

"(c) The program shall include the services of such employees of the Veterans Benefits Administration as the Secretary determines appropriate at sites under the jurisdiction of the Secretary at which services are provided to homeless veterans.

"(d) The program under this section shall terminate on December 31, 2001.

"§ 1774. Coordination with other agencies and organizations

"(a) In assisting homeless veterans, the Secretary shall coordinate with, and may provide services authorized under this title in conjunction with, State and local governments, other appropriate departments and agencies of the Federal Government, and nongovernmental organizations.

"(b)(1) The Secretary shall require the director of each medical center or the director of each regional benefits office to make an assessment of the needs of homeless veterans living within the area served by the medical center or regional office, as the case may be.

"(2) Each such assessment shall be made in coordination with representatives of State and local governments, other appropriate departments and agencies of the Federal Government, and nongovernmental organizations that have experience working with homeless persons in that area.

"(3) Each such assessment shall identify the needs of homeless veterans with respect to the following:

"(A) Health care.

"(B) Education and training.

"(C) Employment.

"(D) Shelter.

"(E) Counseling.

"(F) Outreach services.

"(4) Each assessment shall also indicate the extent to which the needs referred to in paragraph (3) are being met adequately by the programs of the Department, of other departments and agencies of the Federal Government, of State and local governments, and of nongovernmental organizations.

"(5) Each assessment shall be carried out in accordance with uniform procedures and guidelines prescribed by the Secretary.

"(c) In furtherance of subsection (a), the Secretary shall require the director of each medical center and the director of each regional benefits office, in coordination with representatives of State and local governments, other Federal officials, and nongovernmental organizations that have experience working with homeless persons in the areas served by such facility or office, to—

"(1) develop a list of all public and private programs that provide assistance to homeless persons or homeless veterans in the area concerned, together with a description of the services offered by those programs;

"(2) seek to encourage the development by the representatives of such entities, in coordination with the director, of a plan to coordinate among such public and private programs the provision of services to homeless veterans;

"(3) take appropriate action to meet, to the maximum extent practicable through existing programs and available resources, the needs of homeless veterans that are identified in the assessment conducted under subsection (b); and

"(4) attempt to inform homeless veterans whose needs the director cannot meet under paragraph (3) of the services available to such veterans within the area served by such center or office.".

(b) CONFORMING AMENDMENTS.—(1) Section 1720A is amended—

(A) by striking out subsections (a), (e), (f), and (g); and

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(2) The heading of such section is amended to read as follows:

"§ 1720A. Treatment and rehabilitative services for persons with drug or alcohol dependency".

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 7 of Public Law 102–54 (38 U.S.C. 1718 note).

(2) Section 107 of the Veterans' Medical Programs Amendments of 1992 (38 U.S.C. 527 note).

(3) Section 2 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note).

(4) Section 115 of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note).

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 17 is amended—

(1) by striking out the item relating to section 1720A and inserting in lieu thereof the following:

"1720A. Treatment and rehabilitative services for persons with drug or alcohol dependency.";

and

(2) by adding at the end the following:

"SUBCHAPTER VII—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

"1771. General treatment.

"1772. Therapeutic housing.

"1773. Additional services at certain locations.

"1774. Coordination with other agencies and organizations.".

SEC. 203. EXTENSION OF CERTAIN AUTHORITIES RELATING TO HOMELESS VETERANS.

(a) AGREEMENTS FOR HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 3735(c) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1999".

(b) EXTENSION OF HOMELESS VETERANS COMPREHENSIVE SERVICE GRANT PROGRAM.—Section 3(a)(2) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1999".

(c) HOMELESS VETERANS' REINTEGRATION PROJECTS.—The Stewart B. McKinney Homeless Assistance Act is amended as follows:

(1) Section 738(e)(1) (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following new subparagraph:

"(G) $10,000,000 for fiscal year 1999.".

(2) Section 741 (42 U.S.C. 11450) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1999".

SEC. 204. ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS.

Section 1001 of the Veterans' Benefits Improvements Act of 1994 (38 U.S.C. 7721 note) is amended—

(1) in subsection (a)(2)—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new subparagraphs:

"(D) evaluate the effectiveness of the programs of the Department (including residential work-therapy programs, programs combining outreach, community-based residential treatment, and case-management, and contract care programs for alcohol and drug-dependence or abuse disabilities) in providing assistance to homeless veterans; and

"(E) evaluate the effectiveness of programs established by recipients of grants under section 3 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note), and describe the experience of such recipients in applying for and receiving grants from the Secretary of Housing and Urban Development to serve primarily homeless persons who are veterans."; and

(2) by striking out subsection (b).

SEC. 205. EXPANSION OF AUTHORITY FOR ENHANCED-USE LEASES OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY.

(a) FOUR-YEAR EXTENSION OF AUTHORITY.—Section 8169 is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 2001".

(b) REPEAL OF LIMITATION ON NUMBER OF AGREEMENTS.—(1) Section 8168 is repealed.

(2) The table of sections at the beginning of chapter 81 is amended by striking out the item relating to section 8168.

SEC. 206. PERMANENT AUTHORITY TO FURNISH NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.

(a) PERMANENT AUTHORITY.—Subsection (a) of section 1720C is amended by striking out "During" and all that follows through "furnishing of" and inserting in lieu thereof "The Secretary may furnish".

(b) CONFORMING AMENDMENTS.—(1) Subsections (b)(1) and (d) of such section are amended by striking out "pilot".

(2) The heading for such section is amended to read as follows:

"§ 1720C. Noninstitutional alternatives to nursing home care".

(3) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"1720C. Noninstitutional alternatives to nursing home care.".

SEC. 207. EXTENSION OF HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.

(a) EXTENSION.—Section 7618 is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1998".

(b) SUBMISSION OF OVERDUE REPORT.—The Secretary of Veterans Affairs shall submit to Congress not later than 180 days after the date of the enactment of this Act the report evaluating the operation of the health professional scholarship program required to be submitted not later than March 31, 1997, under section 202(b) of Public Law 104–110 (110 Stat. 770).

SEC. 208. POLICY ON BREAST CANCER MAMMOGRAPHY.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

"§ 7322. Breast cancer mammography policy

"(a) The Under Secretary for Health shall develop a national policy for the Veterans Health Administration on mammography screening for veterans.

"(b) The policy developed under subsection (a) shall—

"(1) specify standards of mammography screening;

"(2) provide recommendations with respect to screening, and the frequency of screening, for—

"(A) women veterans who are over the age of 39; and

"(B) veterans, without regard to age, who have clinical symptoms, risk factors, or family history of breast cancer; and

"(3) provide for clinician discretion.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7321 the following new item:

"7322. Breast cancer mammography policy.".

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall develop the national policy on mammography screening required by section 7322 of title 38, United States Code, as added by subsection (a), and shall furnish such policy in a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 60 days after the date of the enactment of this Act. Such policy shall not take effect before the expiration of 30 days after the date of its submission to those committees.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the policy developed under section 7322 of title 38, United States Code, as added by subsection (a), shall be in accordance with the guidelines endorsed by the Secretary of Health and Human Services and the Director of the National Institutes of Health.

SEC. 209. PERSIAN GULF WAR VETERANS.

(a) CRITERIA FOR PRIORITY HEALTH CARE.—(1) Subsection (a)(2)(F) of section 1710 is amended by striking out "environmental hazard" and inserting in lieu thereof "other conditions".

(2) Subsection (e)(1)(C) of such section is amended—

(A) by striking out "the Secretary finds may have been exposed while serving" and inserting in lieu thereof "served";

(B) by striking out "to a toxic substance or environmental hazard"; and

(C) by striking out "exposure" and inserting in lieu thereof "service".

(3) Subsection (e)(2)(B) of such section is amended by striking out "an exposure" and inserting in lieu thereof "the service".

(b) DEMONSTRATION PROJECTS FOR TREATMENT OF PERSIAN GULF ILLNESS.—(1) The Secretary of Veterans Affairs shall carry out a program of demonstration projects to test new approaches to treating, and improving the satisfaction with such treatment of, Persian Gulf veterans who suffer from undiagnosed and ill-defined disabilities. The program shall be established not later than July 1, 1998, and shall be carried out at up to 10 geographically dispersed medical centers of the Department of Veterans Affairs.

(2) At least one of each of the following models shall be used at no less than two of the demonstration projects:

(A) A specialized clinic which serves Persian Gulf veterans.

(B) Multidisciplinary treatment aimed at managing symptoms.

(C) Use of case managers.

(3) A demonstration project under this subsection may be undertaken in conjunction with another funding entity, including agreements under section 8111 of title 38, United States Code.

(4) The Secretary shall make available from appropriated funds (which have been retained for contingent funding) $5,000,000 to carry out the demonstrations projects.

(5) The Secretary may not approve a medical center as a location for a demonstration project under this subsection unless a peer review panel has determined that the proposal submitted by that medical center is among those proposals that have met the highest competitive standards of clinical merit and the Secretary has determined that the facility has the ability to—

(A) attract the participation of clinicians of outstanding caliber and innovation to the project; and

(B) effectively evaluate the activities of the project.

(6) In determining which medical centers to select as locations for demonstration projects under this subsection, the Secretary shall give special priority to medical centers that have demonstrated a capability to compete successfully for extramural funding support for research into the effectiveness and cost-effectiveness of the care provided under the demonstration project.

SEC. 210. PRESIDENTIAL REPORT ON PREPARATIONS FOR A NATIONAL RESPONSE TO MEDICAL EMERGENCIES ARISING FROM THE TERRORIST USE OF WEAPONS OF MASS DESTRUCTION.

(a) REPORT.—(1) Not later than March 1, 1998, the President shall submit to Congress a report on the plans, preparations, and capability of the Federal Government and State and local governments for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction. The report shall be submitted in unclassified form, but may include a classified annex.

(2) The report should be prepared in consultation with the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Director of the Federal Emergency Management Agency, and the head of any other department or agency of the Federal Government that may be involved in responding to such emergencies. The President shall designate a lead agency for purposes of the preparation of the report.

(b) CONTENTS.—The report shall include the following:

(1) A description of the steps taken by the Federal Government to plan and prepare for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction.

(2) A description of the laws and agreements governing the responsibilities of the various departments and agencies of the Federal Government, and of State and local governments, for the response to such emergencies, and an assessment of the interrelationship of such responsibilities under such laws and agreements.

(3) Recommendations, if any, for the simplification or improvement of such responsibilities.

(4) An assessment of the current level of preparedness for such response of all departments and agencies of the Federal Government and State and local governments that are responsible for such response.

(5) A current inventory of the existing medical assets from all sources which can be made available for such response.

(6) Recommendations, if any, for the improved or enhanced use of the resources of the Federal Government and State and local governments for such response.

(7) The name of the official or office of the Federal Government designated to coordinate the response of the Federal Government to such emergencies.

(8) A description of the lines of authority between the departments and agencies of the Federal Government to be involved in the response of the Federal Government to such emergencies.

(9) A description of the roles of each department and agency of the Federal Government to be involved in the preparations for, and implementation of, the response of the Federal Government to such emergencies.

(10) The estimated costs of each department and agency of the Federal Government to prepare for and carry out its role as described under paragraph (9).

(11) A description of the steps, if any, being taken to create a funding mechanism for the response of the Federal Government to such emergencies.

TITLE III—MAJOR MEDICAL FACILITY PROJECTS CONSTRUCTION AUTHORIZATION

SEC. 301. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Seismic corrections at the Department of Veterans Affairs medical center in Memphis, Tennessee, in an amount not to exceed $34,600,000.

(2) Seismic corrections and clinical and other improvements to the McClellan Hospital at Mather Field, Sacramento, California, in an amount not to exceed $48,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1998 that remain available for obligation.

(3) Outpatient improvements at Mare Island, Vallejo, California, and Martinez, California, in a total amount not to exceed $7,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1998 that remain available for obligation.

SEC. 302. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of an information management field office, Birmingham, Alabama, in an amount not to exceed $595,000.

(2) Lease of a satellite outpatient clinic, Jacksonville, Florida, in an amount not to exceed $3,095,000.

(3) Lease of a satellite outpatient clinic, Boston, Massachusetts, in an amount not to exceed $5,215,000.

(4) Lease of a satellite outpatient clinic, Canton, Ohio, in an amount not to exceed $2,115,000.

(5) Lease of a satellite outpatient clinic, Portland, Oregon, in an amount not to exceed $1,919,000.

(6) Lease of a satellite outpatient clinic, Tulsa, Oklahoma, in an amount not to exceed $2,112,000.

(7) Lease of an information resources management field office, Salt Lake City, in an amount not to exceed $652,000.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1998—

(1) for the Construction, Major Projects, account, $34,600,000 for the project authorized in section 301(1); and

(2) for the Medical Care account, $15,703,000 for the leases authorized in section 302.

(b) LIMITATION.—The projects authorized in section 301 may only be carried out using—

(1) funds appropriated for fiscal year 1998 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1998 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1998 for a category of activity not specific to a project.

TITLE IV—TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS.

(a) PLOT ALLOWANCE FOR DEATHS IN DEPARTMENT FACILITIES.—Section 2303(a)(2)(A) is amended by striking out "a Department facility (as defined in section 1701(4) of this title)" and inserting in lieu thereof "a facility of the Department (as defined in section 1701(3) of this title)".

(b) EDUCATIONAL ASSISTANCE ALLOWANCE FOR CERTAIN INDIVIDUALS PURSUING COOPERATIVE PROGRAMS.—Section 3015(e)(1) is amended—

(1) by striking out "(1) Subject to paragraph (2)" and inserting in lieu thereof "(1)(A) Except as provided in subparagraph (B) of this paragraph and subject to paragraph (2)"; and

(2) by adding at the end the following:

"(B) Notwithstanding subparagraph (A) of this paragraph, in the case of an individual described in that subparagraph who is pursuing a

cooperative program on or after October 9, 1996, the rate of the basic educational assistance allowance applicable to such individual under this chapter shall be increased by the amount equal to one-half of the educational assistance allowance that would be applicable to such individual for pursuit of full-time institutional training under chapter 34 (as of the time the assistance under this chapter is provided and based on the rates in effect on December 31, 1989) if such chapter were in effect.''.

(c) ELIGIBILITY OF CERTAIN VEAP PARTICIPANTS TO ENROLL IN MONTGOMERY GI BILL.—Section 3018C(a) is amended—

(1) in paragraph (1), by striking out ''the date of the enactment of the Veterans' Benefits Improvements Act of 1996'' and inserting in lieu thereof ''October 9, 1996,'';

(2) in paragraph (4), by striking out ''during the one-year period specified'' and inserting in lieu thereof ''after the date on which the individual makes the election described''; and

(3) in paragraph (5), by striking out ''the date of the enactment of the Veterans' Benefits Improvements Act of 1996'' and inserting in lieu thereof ''October 9, 1996''.

(d) ENROLLMENT IN OPEN CIRCUIT TELEVISION COURSES.—Section 3680A(a)(4) is amended by inserting ''(including open circuit television)'' after ''independent study program'' the second place it appears.

(e) ENROLLMENT IN CERTAIN COURSES.—Section 3680A(g) is amended by striking out ''subsections (e) and (f)'' and inserting in lieu thereof ''subsections (e) and (f)(1)''.

(f) CERTAIN BENEFITS FOR SURVIVING SPOUSES.—Section 5310(b)(2) is amended by striking out ''under this paragraph'' in the first sentence and inserting in lieu thereof ''under paragraph (1)''.

SEC. 402. CLARIFICATION OF CERTAIN HEALTH CARE AUTHORITIES.

(a) ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL SERVICES.—Section 1710(a)(2)(B) is amended by striking out ''compensable''.

(b) HOME HEALTH SERVICES.—Section 1717(a) is amended—

(1) in paragraph (1), by striking out ''veteran's disability'' and inserting in lieu thereof ''veteran''; and

(2) in paragraph (2)(B), by striking out ''section 1710(a)(2)'' and inserting in lieu thereof ''section 1710(a)''.

(c) AUTHORITY TO TRANSFER VETERANS RECEIVING OUTPATIENT CARE TO NON-DEPARTMENT NURSING HOMES.—Section 1720(a)(1)(A)(i) is amended by striking out ''hospital care, nursing home care, or domiciliary care'' and inserting in lieu thereof ''care''.

(d) ACQUISITION OF COMMERCIAL HEALTH CARE RESOURCES.—Section 8153(a)(3)(A) is amended by inserting ''(including any Executive order, circular, or other administrative policy)'' after ''law or regulation''.

(e) COMPETITION IN PROCUREMENT OF COMMERCIAL HEALTH CARE RESOURCES.—Section 8153(a)(3)(B)(ii) is amended in the second sentence by inserting '', as appropriate,'' after ''all responsible sources''.

SEC. 403. CORRECTION OF NAME OF MEDICAL CENTER.

The facility of the Department of Veterans Affairs in Columbia, South Carolina, known as the Wm. Jennings Bryan Dorn Veterans' Hospital shall hereafter be known and designated as the ''Wm. Jennings Bryan Dorn Department of Veterans Affairs Medical Center''. Any reference to that facility in any law, regulation, document, map, record, or other paper of the United States shall be deemed to be a reference to the Wm. Jennings Bryan Dorn Department of Veterans Affairs Medical Center.

SEC. 404. IMPROVEMENT TO SPINA BIFIDA BENEFITS FOR CHILDREN OF VIETNAM VETERANS.

(a) DEFINITIONS.—The text of section 1801 is amended to read as follows:

''For the purposes of this chapter—

''(1) The term 'child', with respect to a Vietnam veteran, means a natural child of a Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the Vietnam veteran first entered the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

''(2) The term 'Vietnam veteran' means an individual who performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, without regard to the characterization of the individual's service.''.

(b) APPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—(1) Section 1806 is amended to read as follows:

''§ 1806. Applicability of certain administrative provisions

''The provisions of sections 5101(c), 5110(a), (b)(2), (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title shall be deemed to apply to benefits under this chapter in the same manner in which they apply to veterans' disability compensation.''.

(2) The item relating to section 1806 in the table of sections at the beginning of chapter 18 is amended to read as follows:

''1806. Applicability of certain administrative provisions.''.

(c) AMENDMENTS TO VOCATIONAL REHABILITATION PROVISIONS.—Section 1804 is amended—

(1) in subsection (b), by striking out ''shall be designed'' and all that follows and inserting in lieu thereof the following: ''shall—

''(1) be designed in consultation with the child in order to meet the child's individual needs;

''(2) be set forth in an individualized written plan of vocational rehabilitation; and

''(3) be designed and developed before the date specified in subsection (d)(3) so as to permit the beginning of the program as of the date specified in that subsection.'';

(2) in subsection (c)(1)(B), by striking out ''institution of higher education'' and inserting in lieu thereof ''institution of higher learning''; and

(3) by adding at the end of subsection (d) the following new paragraph:

''(3) A vocational training program under this section may begin on the child's 18th birthday, or on the successful completion of the child's secondary schooling, whichever first occurs, except that, if the child is above the age of compulsory school attendance under applicable State law and the Secretary determines that the child's best interests will be served thereby, the vocational training program may begin before the child's 18th birthday.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1997.

Amend the title so as to read: ''An Act to amend title 38, United States Code, to revise, extend, and improve programs for veterans.''.

Mr. ROCKEFELLER. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I am enormously pleased that the Senate is considering S. 714, as amended, a bill that would make valuable changes to a number of veterans benefits and services. In the waning days of this session, the House and Senate Veterans' Affairs Committees were able to reach compromise on a wide range of programs and services for veterans—from programs to assist homeless veterans, to providing home loans to Native American veterans, and I urge my colleagues to give their unanimous support to this measure. It is particularly fitting that we make these improvements for veterans programs now, since tomorrow is Veterans Day.

Mr. President, because all the provisions of this measure—which I will refer to as the compromise agreement—are set forth in the joint explanatory statement which Senator SPECTER will place in the RECORD, I will discuss here only some of the issues which are of particular interest to me. The explanatory statement was developed in cooperation with the House Committee on Veterans' Affairs and that committee's chairman, BOB STUMP, will insert the same explanatory statement in the RECORD when the House considers this measure.

EXTENDING AND IMPROVING THE NATIVE AMERICAN HOUSING LOAN PILOT PROGRAM

Mr. President, section 201 of the compromise agreement will extend for 4 years the authority for the Native American Housing Loan Pilot Program, under section 3761, title 38, United States Code. This pilot program was created in 1993 to provide loans to eligible Native American veterans to purchase, build, or improve dwellings on Native American trust lands. This program is so important because commercial lenders will not finance the purchase of homes on Native American lands, as lenders cannot foreclose in the event of default. Therefore, the traditional VA loan guaranty program is not, in effect, available to Native American veterans residing on tribal lands.

This program has been very successful in financing purchases of homes by Pacific Islanders. However, it has been somewhat underutilized by other Native American populations. Therefore, this bill would also provide for enhanced outreach by VA to inform Native American veterans of the availability of this program. It further tasks VA with analyzing what is working and what could be improved in its administration of the program.

I would like to commend Senators AKAKA and CAMPBELL for their tireless advocacy on behalf of Native American veterans.

REINVENTING VA'S EEO SYSTEM

Title 1 of the compromise agreement will establish a new employment discrimination complaint system for the VA. This provision ensures that the employees who perform equal employment and opportunity (EEO) counseling and investigations are professional and independent by creating a new office to adjudicate complaints, separate from line management.

The Committee has had grave concerns about how VA has handled several high profile EEO complaints filed

against senior staff members. Therefore, this bill also provides for VA to submit a separate report regarding complaints filed against senior level employees, based on their personal conduct. I believe it is critical that VA's actions be subject to congressional scrutiny, in order to assure accountability.

I want to thank Senator GRAHAM for his leadership on this important issue.

SPINA BIFIDA ELIGIBILITY CLARIFIED

Mr. President, section 404 of the compromise agreement will clarify the eligibility—for compensation, health care, and educational assistance—of the children with spina bifida born to Vietnam veterans exposed to Agent Orange. Currently, the eligibility of the child is determined by looking to the veteran father. However, under title 38 of the United States Code, a former service member who received a dishonorable discharge is generally not considered a veteran, and is therefore not eligible for veterans benefits from the VA.

It was Congress' intention to provide benefits to all Vietnam veterans' children with spina bifida. Congress did not mean to exclude the children of veterans with dishonorable discharges.

This provision will clarify the eligibility criteria to include the child with spina bifida of a Vietnam veteran regardless of the character of his discharge. This is a minor modification in the law, but to the children who suffer from spina bifida, these benefits can make a significant difference in their lives. These benefits can improve their quality of health care, provide educational opportunities, and enhance their quality of life. It would be a great injustice if these children were denied these benefits because of their fathers' discharge status.

MAMMOGRAPHY POLICY

Section 208 of the compromise agreement seeks to address a discrepancy between VA's stated principles and their clinical practice with respect to breast cancer programs. Though a guiding principle of the Veterans Health Administration states that "the quality of care in VHA must be demonstratively equal to, or better than, what is available in the local community," in my view, VHA's breast cancer detection policy fails to achieve community standards because it only targets women between the ages of 50 to 69.

Section 208 requires the VA to adopt a comprehensive national policy on breast cancer detection. Rather than requiring the VA to adhere to a specific clinical standard, the provision relays the sense of the Congress that VA's policy be in accordance with guidelines issued by the Secretary of Health and Human Services and the Director of the National Institutes of Health.

Mr. President, it is very important that veterans have access to preventive diagnostic tests to protect their health. Because breast cancer is the leading cause of cancer in women, I look forward to receiving VA's national policy on breast cancer detection.

I thank Senator SPECTER for his leadership on this issue.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Mr. President, I am pleased that the authority for the Health Professional Scholarship Program has been extended for 1 year. Aspiring health professionals have a strong interest in the scholarship program, and it has proven to be an effective recruitment tool for the VA in the past. Staffing analyses done within the VA have identified a need to increase the levels of nurse practitioners and physician assistants to adjust to the shift from inpatient to outpatient care, and this program is well suited to assist individuals in these career paths. We will continue to evaluate this program and look for other opportunities that will increase both recruitment and retention of health professionals in the VA.

MAJOR MEDICAL FACILITY PROJECTS CONSTRUCTION AUTHORIZATION

Of the projects authorized under title III of this bill, I am especially pleased that we have included the authorizations for projects in northern California. I have been concerned that veterans in northern California have not been receiving convenient VA health care services ever since the Martinez VA Medical Center was closed in 1991.

The conference agreement authorizes VA to move ahead with plans to create an accessible network of VA health care by specifically authorizing funds for upgrades and enhancements to McClellan Hospital at Mather Field in Sacramento and improvements to the outpatient clinics at Mare Island in Vallejo and at Martinez. Once the McClellan Hospital is completed, VA expects capacity for 55 inpatient beds and 110,000 outpatient visits per year, and the projected workload for the outpatient clinics will exceed 140,000 outpatient visits per year.

CONCLUSION

Mr. President, in closing, I acknowledge the work of my colleagues in the House—Chairman BOB STUMP and ranking Minority Member LANE EVANS—and our Committee's Chairman, Senator SPECTER, in developing this comprehensive legislation.

Mr. President, I thank the staff who have worked extremely long and hard on this compromise—Mike Durishin, Jill Cochran, Mary Ellen McCarthy, Adam Sachs, Susan Edgerton, Carl Commenator, Pat Ryan, Mike Brinck, Ralph Ibson, Kingston Smith, Sloan Rappoport, and others on the House Committee, and Jim Gottlieb, Kim Lipsky, Mary Schoelen, Charlie Battaglia, Bill Tuerk, and John Bradley, with the Senate Committee. I also thank Bob Cover and Charlie Armstrong of the House and Senate Offices of Legislative Counsel for their excellent assistance and support in drafting this compromise agreement.

Mr. HUTCHINSON. Mr. President, I rise today in support of the Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act. As we approach Veterans Day, it is indeed fitting that this important legislation will soon become an integral part of title 38, of the United States Code.

This legislation addresses the critical issue of sexual harassment within the Department of Veterans Affairs and ensures that the rights of all employees will be protected. I would like to recognize the leadership of Chairman SPECTER and the support of Senators ROCKEFELLER and GRAHAM in the development of this necessary legislative remedy.

Specifically, this bill creates within the Department an Office of Employment Discrimination Complaints Resolution which will be headed by a director who shall be solely responsible for resolving complaints of unlawful employment discrimination within the Department. It requires that those employed in handling the complaints be properly trained and that complaints are handled in a fair and objective manner. The legislation further ensures that those individuals in top management positions are held to the same standards concerning equal opportunity employment law as those individuals that they manage and supervise.

The legislation requires that the Secretary of Veterans Affairs submit to Congress three reports on the implementation and operation of the equal opportunity employment system. These reports are due April 1, 1998, January 1, 1999, and January 1, 2000. In addition to the reports required of the Department, the legislation further stipulates that an assessment of the Employment Discrimination Complaint Resolution system be conducted by an independent contractor who has been approved by both the House and Senate Veterans' Affairs Committees. The first independent assessment is due June 1, 1998 with the second report due June 1, 1999.

Mr. President, our Nation's veterans and the over 200,000 Federal workers who support the nationwide network of the Department of Veterans Affairs programs and services must be assured that they can put veterans first in an environment that has zero tolerance for any type of sexual, emotional, or physical harassment.

Mr. FAIRCLOTH. Mr. President, I rise in support of the Department of Veterans Affairs Employment Discrimination Act. This legislation offers an effective and expeditious method for filing and processing sexual harassment and employment discrimination claims within the Department.

Over a year ago, the problem of sexual harassment with Veterans Affairs Department was brought to my attention by a case of widespread abuse at the VA Medical Center in Fayetteville, NC. Regrettably, this situation involved the director of the facility who was also the man responsible for handling complaints filed against him. Not surprisingly, claims of sexual harassment made against the director went nowhere, and he continued his reprehensible behavior without fear of being caught.

The legislation I introduced with my colleague from Florida, Senator GRAHAM, and my colleague from Arkansas, Senator HUTCHINSON, is a constructive measure that would prevent such a blatant abuse of authority from occurring again. This bill will create the Office of Employment Discrimination Complaint Adjudication [OEDCA] with a director who would report only to the Secretary or Deputy Secretary of VA. Centralizing authority within the OEDCA will restore a large amount of accountability to currently flawed system.

Mr. President, it is imperative that Congress provide the thousands of employees of the Veterans Affairs Department with a system they can rely upon to judiciously resolve employment discrimination claims. I urge my colleagues to support this legislation to prevent an incident such as the one that occurred in my State from happening again.

Mr. LOTT. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

WAIVING TIME LIMITATIONS IN REGARD TO MEDAL OF HONOR AWARD

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2813 now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2813) to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read three times and passed; that the motion to reconsider be laid upon the table; and that any statements relating thereto be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2813) was read the third time and passed.

CENSUS OF AGRICULTURE ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 276, H.R. 2366.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2366) to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2366) was read the third time and passed.

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 285, H.R. 1658.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1658) to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws.

The Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Atlantic Striped Bass Conservation Act Amendments of 1997".

SEC. 2. REAUTHORIZATION AND AMENDMENT OF ATLANTIC STRIPED BASS CONSERVATION ACT.

The Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Atlantic Striped Bass Conservation Act'.

"SEC. 2. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds and declares the following:

"(1) Atlantic striped bass are of historic commercial and recreational importance and economic benefit to the Atlantic coastal States and to the Nation.

"(2) No single government entity has full management authority throughout the range of the Atlantic striped bass.

"(3) The population of Atlantic striped bass—

"(A) has been subject to large fluctuations due to natural causes, fishing pressure, environmental pollution, loss and alteration of habitat, inadequacy of fisheries conservation and management practices, and other causes; and

"(B) risks potential depletion in the future without effective monitoring and conservation and management measures.

"(4) It is in the national interest to implement effective procedures and measures to provide for effective interjurisdictional conservation and management of this species.

"(b) PURPOSE.—It is therefore declared to be the purpose of the Congress in this Act to support and encourage the development, implementation, and enforcement of effective interstate action regarding the conservation and management of the Atlantic striped bass.

"SEC. 3. DEFINITIONS.

"As used in this Act—

"(1) the term 'Magnuson Act' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

"(2) The term 'Atlantic striped bass' means members of stocks or populations of the species Morone saxatilis, which ordinarily migrate seaward of the waters described in paragraph (3)(A)(i).

"(3) The term 'coastal waters' means—

"(A) for each coastal State referred to in paragraph (4)(A)—

"(i) all waters, whether salt or fresh, of the coastal State shoreward of the baseline from which the territorial sea of the United States is measured; and

"(ii) the waters of the coastal State seaward from the baseline referred to in clause (i) to the inner boundary of the exclusive economic zone;

"(B) for the District of Columbia, those waters within its jurisdiction; and

"(C) for the Potomac River Fisheries Commission, those waters of the Potomac River within the boundaries established by the Potomac River Compact of 1958.

"(4) The term 'coastal State' means—

"(A) Pennsylvania and each State of the United States bordering on the Atlantic Ocean north of the State of South Carolina;

"(B) the District of Columbia; and

"(C) the Potomac River Fisheries Commission established by the Potomac River Compact of 1958.

"(5) The term 'Commission' means the Atlantic States Marine Fisheries Commission established under the interstate compact consented to and approved by the Congress in Public Laws 77-539 and 81-721.

"(6) The term 'exclusive economic zone' has the meaning given such term in section 3(6) of the Magnuson Act (16 U.S.C. 1802(6)).

"(7) The term 'fishing' means—

"(A) the catching, taking, or harvesting of Atlantic striped bass, except when incidental to harvesting that occurs in the course of commercial or recreational fish catching activities directed at a species other than Atlantic striped bass;

"(B) the attempted catching, taking, or harvesting of Atlantic striped bass; and

"(C) any operation at sea in support of, or in preparation for, any activity described in subparagraph (A) or (B). The term does not include any scientific research authorized by the Federal Government or by any State government.

"(8) The term 'moratorium area' means the coastal waters with respect to which a declaration under section 5(a) applies.

"(9) The term 'moratorium period' means the period beginning on the day on which moratorium is declared under section 5(a) regarding a coastal State and ending on the day on which the Commission notifies the Secretaries that that State has taken appropriate remedial action with respect to those matters that were the case of the moratorium being declared.

"(10) The term 'Plan' means a plan for managing Atlantic striped bass, or an amendment to such plan, that is prepared and adopted by the Commission.

"(11) The term 'Secretary' means the Secretary of Commerce or a designee of the Secretary of the Secretary of Commerce.

"(12) The term 'Secretaries' means the Secretary of Commerce and the Secretary of the Interior or their designees.

"SEC. 4. MONITORING OF IMPLEMENTATION AND ENFORCEMENT BY COASTAL STATES.

"(a) DETERMINATION—During December of each fiscal year, and at any other time it deems necessary the Commission shall determine—

"(1) whether each coastal State has adopted all regulatory measures necessary to fully implement the Plan in its coastal waters; and

"(2) whether the enforcement of the Plan by each coastal State is satisfactory.

"(b) SATISFACTORY STATE ENFORCEMENT—For purposes of subsection (a)(2), enforcement by a coastal State shall not be considered satisfactory by the Commission if, in its view, the enforcement is being carried out in such a manner that the implementation of the Plan within the coastal waters of the State is being, or will likely be, substantially and adversely affected.

"(c) NOTIFICATION OF SECRETARIES—The Commission shall immediately notify the Secretaries of each negative determination made by it under subsection (a).

"SEC. 5. MORATORIUM.

"(a) SECRETARIAL ACTION AFTER NOTIFICATION.—Upon receiving notice from the Commission under section 4(c) of a negative determination regarding a coastal State, the Secretaries shall determine jointly, within thirty days, whether that coastal State is in compliance with the Plan and, if the State is not in compliance, the Secretaries shall declare jointly a moratorium on fishing for Atlantic striped bass within the coastal waters of that coastal State. In making such a determination, the Secretaries shall carefully consider and review the comments of the Commission and that coastal State in question.

"(b) PROHIBITED ACTS DURING MORATORIUM.—During a moratorium period, it is unlawful for any person—

"(1) to engage in fishing within the moratorium area;

"(2) to land, or attempt to land, Atlantic striped bass that are caught, taken, or harvested in violation of paragraph (1);

"(3) to land lawfully harvested Atlantic striped bass within the boundaries of a coastal State when a moratorium declared under subsection (a) applies to that State; or

"(4) to fail to return to the water Atlantic striped bass to which the moratorium applies that are caught incidental to harvesting that occurs in the course of commercial or recreational fish catching activities, regardless of the physical condition of the striped bass when caught.

"(c) CIVIL PENALTIES.—

"(1) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (b) shall be liable to the United States for a civil penalty as provided by section 308 of the Magnuson Act (16 U.S.C. 1858).

"(2) CIVIL FORFEITURES.—

"(A) IN GENERAL.—Any vessel (including its gear, equipment, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with, or as the result of, the commission of any act that is unlawful under subsection (b) shall be subject to forfeiture to the United States as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

"(B) DISPOSAL OF FISH.—Any fish seized pursuant to this Act may be disposed of pursuant to the order of a court of competent jurisdiction, or, if perishable, in a manner prescribed in regulations.

"(d) ENFORCEMENT.—A person authorized by the [Secretary] *Secretaries* or the Secretary of the department in which the Coast Guard is operating may take any action to enforce a moratorium declared under subsection (a) that an officer authorized by the Secretary under section 311(b) of the Magnuson Act (16 U.S.C. 1861(b)) may take to enforce that Act (16 U.S.C. 1801 et seq.). The [Secretary] *Secretaries* may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal department or agency and of any agency of a State in carrying out that enforcement.

"(e) REGULATIONS.—The [Secretary] *Secretaries* may issue regulations to implement this section.

"SEC. 6. CONTINUING STUDIES OF STRIPED BASS POPULATIONS.

"(a) IN GENERAL.—For the purposes of carrying out this Act, the Secretaries shall conduct continuing, comprehensive studies of Atlantic striped bass stocks. These studies shall include, but shall not be limited to, the following:

"(1) Annual stock assessments, using fishery-dependent and fishery-independent data, for the purposes of extending the long-term population record generated by the annual striped bass study conducted by the Secretaries before 1994 and understanding the population dynamics of Atlantic striped bass.

"(2) Investigations of the causes of fluctuations in Atlantic striped bass populations.

"(3) Investigations of the effects of water quality, land use, and other environmental factors on the recruitment, spawning potential, mortality, and abundance of Atlantic striped bass populations, including the Delaware River population.

"(4) Investigations of—

"(A) the interactions between Atlantic striped bass and other fish, including bluefish, menhaden, mackerel, and other forage fish or possible competitors, stock assessments of these species, to the extent appropriate; and

"(B) the effects of interspecies predation and competition on the recruitment, spawning potential mortality, and abundance of Atlantic striped bass.

"(b) SOCIO-ECONOMIC STUDY.—The Secretaries, in consultation with with the Atlantic States Marine Fisheries Commission, shall conduct a study of the socio-economic benefits of the Atlantic striped bass resource. The Secretaries shall issue a report to the Congress concerning the findings of this study no later than September 30, 1998.

"[(b)] *(c)* REPORTS.—The Secretaries shall make biennial reports to the Congress and to the Commission concerning the progress and findings of studies conducted under subsection (a) and shall make those reports public. Such reports shall, to the extent appropriate, contain recommendations of actions which could be taken to encourage the sustainable management of Atlantic striped bass.

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS; COOPERATIVE AGREEMENTS.

"(a) AUTHORIZATION.—For each of fiscal years 1998, 1999, and 2000, there are authorized to be appropriated to carry out this Act—

"(1) $800,000 to the Secretary of Commerce; and

"(2) $250,000 to the Secretary of the Interior.

"(b) COOPERATIVE AGREEMENTS.—The Secretaries may enter into cooperative agreements with the Atlantic States Marine Fisheries Commission or with States, for the purpose of using amounts appropriated pursuant to this section to provide financial assistance for carrying out the purposes of this Act.

"SEC. 8. PUBLIC PARTICIPATION IN PREPARATION OF MANAGEMENT PLANS AND AMENDMENTS.

"(a) STANDARDS AND PROCEDURES.—In order to ensure the opportunity for public participation in the preparation of management plans and amendments to management plans for Atlantic striped bass, the Commission shall prepare such plans and amendments in accordance with the standards and procedures established under section 805(a)(2) of the Atlantic Coastal Fisheries Cooperative Management Act.

"(b) APPLICATION.—Subsection (a) shall apply to management plans and amendments adopted by the Commission after the 6-month period beginning on the date of enactment of the Atlantic Striped Bass Conservation Act Amendments of 1997.

"SEC. 9. PROTECTION OF STRIPED BASS IN THE EXCLUSIVE ECONOMIC ZONE.

[*"(a) REGULATION OF FISHING IN EXCLUSIVE ECONOMIC ZONE.—The Secretary shall promulgate regulations governing fishing for Atlantic striped bass in the exclusive economic zone that the Secretary determines are—*

[*"(1) consistent with the national standards set forth in section 301 of the Magnuson Act (16 U.S.C. 1851);*

[*"(2) compatible with the Plan and each Federal moratorium in effect on fishing for Atlantic striped bass within the coastal waters of a coastal State; and*

[*"(3) sufficient to assure the long-term conservation of Atlantic striped bass populations.*]

"(a) REGULATION OF FISHING IN EXCLUSIVE ECONOMIC ZONE.—The Secretary shall promulgate regulations governing fishing for Atlantic striped bass in the exclusive economic zone that the Secretary determines—

"(1) are consistent with the national standards set forth in section 301 of the Magnuson Act (16 U.S.C. 1851);

"(2) are compatible with the Plan and each Federal moratorium in effect on fishing for Atlantic striped bass within the coastal waters of a coastal State;

"(3) ensure the effectiveness of State regulations on fishing for Atlantic striped bass within the coastal waters of a coastal State; and

"(4) are sufficient to assure the long-term conservation of Atlantic striped bass populations.

"(b) CONSULTATION; PERIODIC REVIEW OF REGULATIONS.—In preparing regulations under subsection (a), the Secretary shall consult with the Atlantic States Marine Fisheries Commission, the appropriate Regional Fishery Management Councils, and each affected Federal, State, and local government entity. The Secretary shall periodically review regulations promulgated under subsection (a), and if necessary to ensure their continued consistency with the requirements of subsection (a), shall amend those regulations.

"(c) APPLICABILITY OF MAGNUSON ACT PROVISIONS.—The provisions of sections 307, 308, 309, 310, and 311 of the Magnuson Act (16 U.S.C. 1857, 1858, 1859, 1860, and 1861) regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement shall apply with respect to regulations and any plan issued under subsection (a) of this section as if such regulations or plan were issued under the Magnuson Act.".

SEC. 3. REPEALS.

(a) ANADROMOUS FISH CONSERVATION ACT.—Section 7 of the Anadromous Fish Conservation Act (16 U.S.C. 757g) is repealed.

(b) ALBEMARLE SOUND-ROANOKE RIVER BASIN.—Section 5 of the Act entitled "An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes", approved November 3, 1988 (16 U.S.C. 1851 note; 102 Stat. 2984), relating to studies of the Albermarle Sound-Roanoke River Basin striped bass stock, is repealed.

(c) REGULATION OF FISHING IN EXCLUSIVE ECONOMIC ZONE.—Section 6 of the Act entitled "An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes", approved November 3, 1988 (102 Stat. 2986; 16 U.S.C. 1851 note) is repealed.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendments be agreed to; that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1658), as amended, was read the third time and passed.

EXTENDING VISA WAIVER PILOT PROGRAM

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1517, introduced earlier today by Senators ABRAHAM and KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1517) to extend the Visa Waiver Pilot Program.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1517) was deemed read the third time and passed, as follows:

S. 1517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 217(f) of the Immigration and Nationality Act is amended by striking "September 30, 1997." and inserting "April 30, 1998."

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, with regard to the Executive Calendar, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: No. 275, 392, 410, 412, and 427, and all nominations on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that the nominations be confirmed; that the motion to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Donna Jean Hrinak, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

Carolyn Curiel, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Stanley Louis McLelland, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Timothy Michael Carney, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

INTER-AMERICAN FOUNDATION

Frank D. Yturria, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2002.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Jeffrey Davidow, and ending Joseph Thomas Yanci, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 1997

Foreign Service nominations beginning Dominic Alfred D'Antonio, and ending David Michael Zimov, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 1997

Foreign Service nominations beginning Carl H. Leonard, and ending Joanne T. Hale, which nominations were received by the Senate and appeared in the Congressional Record of October 8, 1997

Foreign Service nominations beginning Richard B. Howard, and ending Richard T. Miller, which nominations were received by the Senate and appeared in the Congressional Record of October 9, 1997

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL DROUGHT POLICY ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 281, S. 222.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 222) to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Drought Policy Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States often suffers serious economic and environmental losses from severe regional droughts and there is no coordinated Federal strategy to respond to such emergencies;

(2) at the Federal level, even though historically there have been frequent, significant droughts of national consequences, drought is addressed mainly through special legislation and ad hoc action rather than through a systematic and permanent process as occurs with other natural disasters;

(3) several Federal agencies have a role in drought from predicting, forecasting, and monitoring of drought conditions to the provision of planning, technical, and financial assistance;

(4) there has never been one single Federal agency in a lead or coordinating role with regard to drought;

(5) the State, local, and tribal governments have had to deal individually and separately with each Federal agency involved in drought assistance; and

(6) the President should appoint an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Drought Policy Commission (hereafter in this Act referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 14 members. The members of the Commission shall include—

(A) the Secretary of Agriculture, or the designee of the Secretary, who shall serve as Chairperson of the Commission;

(B) the Secretary of the Interior, or the designee of the Secretary;

(C) the Secretary of the Army, or the designee of the Secretary;

(D) the Secretary of Commerce, or the designee of the Secretary;

(E) the Director of the Federal Emergency Management Agency, or the designee of the Director;

(F) the Administrator of the Small Business Administration, or the designee of the Administrator;

(G) two persons nominated by the National Governors' Association and appointed by the President, of whom—

(i) one shall be the governor of a State east of the Mississippi River; and

(ii) one shall be a governor of a State west of the Mississippi River;

(H) a person nominated by the National Association of Counties and appointed by the President;

(I) a person nominated by the United States Conference of Mayors and appointed by the President; and

(J) four persons appointed by the Secretary of Agriculture who shall be representative of groups acutely affected by drought emergencies, such as the agricultural production community, the credit community, rural water associations, and Native Americans.

(2) DATE.—The appointments of the members of the Commission shall be made no later than 60 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) VICE CHAIRPERSON.—The Commission shall select a Vice Chairperson from among the members who are not Federal officers or employees.

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY AND REPORT.—The Commission shall conduct a thorough study and submit a report on national drought policy, as provided under subsection (c).

(b) CONTENT OF STUDY AND REPORT.—In conducting the study and report, the Commission shall—

(1) determine, in consultation with the National Drought Mitigation Center in Lincoln, Nebraska, what needs exist on the Federal, State, local, and tribal levels to prepare for and respond to drought emergencies;

(2) review all existing Federal laws and programs relating to drought;

(3) review those State, local, and tribal laws and programs relating to drought the Commission finds pertinent;

(4) determine what differences exist between the needs of those affected by drought and the Federal laws and programs designed to mitigate the impacts of and respond to drought;

(5) collaborate with the Western Drought Coordination Council in order to consider regional drought initiatives and the application of such initiatives at the national level;

(6) make recommendations on how Federal drought laws and programs can be better integrated with ongoing State, local, and tribal programs into a comprehensive national policy to mitigate the impacts of and respond to drought emergencies without diminishing the rights of States to control water through State law; and

(7) include a recommendation on whether all Federal drought preparation and response programs should be consolidated under one existing Federal agency and, if so, identify such agency.

(c) SUBMISSION OF REPORT.—

(1) IN GENERAL.—No later than 18 months after the date of enactment of this Act, the Commission shall submit a report to the President and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) APPROVAL OF REPORT.—Before submission of the report, the contents of the report shall be approved by unanimous consent or majority vote. If the report is approved by majority vote, members voting not to approve the contents shall be given the opportunity to submit dissenting views with the report.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out the purposes of this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall not be compensated for service on the Commission, except as provided under subsection (b). All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Agriculture shall provide all financial, administrative, and staff support services for the Commission.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 4.

Mr. DOMENICI. Mr. President, I comment this body for passing the National Drought Policy act of 1997. Our Nation must not forget that while the Midwest United States has recently suffered from severe flooding, and my home State of New Mexico is currently not lacking precious rainfall, last year the Southwest experienced the worst drought in over 100 years. The results were nothing less than disastrous.

In New Mexico, for example, the drought decimated the State's agricultural community. Every county in the State received disaster declarations from the USDA. Farmers in the southern part of the State were forced to go to water wells, depleting an already-taxed aquifer. In northeastern New Mexico, winter wheat crops failed for the first time in anyone's memory. It was estimated that ranchers lost up to 85 percent of their capital, and 40 percent reductions in livestock herds was not uncommon.

The drought also had a catastrophic impact on New Mexico's forests. The incredibly dry conditions brought on by the drought sparked fires, which were exacerbated by the lack of water needed to extinguish them. In all, there were over 1,200 fires in New Mexico last year that burned over 140,000 acres of land and wiped out dozens of homes and businesses.

The drought also taxed municipal water systems to their limits, and forced many cities and towns to consider drastically raised water rates for their citizens. And the drought meant that critical stretches of the Rio Grande River were almost completely dry, which in turn meant vastly reduced amounts of water for wildlife such as the endangered silvery minnow.

However, New Mexico's problems were those of just one State; the 1995–96 drought devastated the entire Southwest. Arizona, California, Colorado, Nevada, Oklahoma, Texas, Utah, and Kansas were all severely damaged by the drought. We in the Southwest are fortunate that this year is proving to be a much better year for precipitation than the last. But we do not know what the next year will bring. Another drought could again send towns scrambling to drill new water wells, sweep fire across bone-dry forests, and force farmers and ranchers to watch their way of life blow away with the dust.

But I do not want to give the impression that severe droughts are solely the curse of the Southwest. Every region in the United States can be hit by these catastrophes. In 1976–77, a short but intense drought struck the Pacific Northwest, requiring the construction of numerous dams and reservoirs to secure millions of additional acre feet of

needed water. The 1988 Midwest drought caused over $5 billion in losses. And the infamous 7-year drought of 1986–93 experienced by California, the Pacific Northwest, and the Great Basin States caused extensive damage to water systems, water quality, fish and wildlife, and recreational activities. Recently, areas of Maryland, Virginia, and Pennsylvania suffered unusual drought conditions.

Yet, while drought is so pervasive and even though it seriously affects the economic and environmental well-being of the entire nation, the United States is poorly prepared to deal with serious drought emergencies. As a result of the hardships being suffered in every part of my State last year, I convened a special Multi-State Drought Task Force of Federal, State, local, and tribal emergency management agencies to coordinate efforts to respond to the drought. The task force was ably headed up by the Federal Emergency Management Agency, and included every Federal agency that has programs designed to deal with drought.

While FEMA has done a tremendous job in responding to sudden disasters such as flooding, the impact of drought emerges gradually rather than suddenly. Unfortunately, what the task force found was this: although the Federal Government has numerous drought related programs on the books, we have no integrated, coordinated system of implementing those programs. Drought victims in this Nation do not know who to turn to for help, and when they finally do find help, it is too late and totally inadequate. The gradual nature of drought devastation underscores the need for drought management rather than drought response.

We must be vigilant, and prepare ourselves for quick action when the next drought cycle begins. Last year's devastating drought and the chaotic manner in which governments responded to it, confirmed my belief that this legislation is needed. With recommendations from the Western Governors' Association, the National Governors' Association, and the Multi-State Drought Task Force, I introduced the National Drought Policy Act of 1997 in January. This legislation, which passed the Senate today, will be the first step toward finally establishing a coherent, effective national drought policy. S. 222 creates a commission comprised of representatives of those Federal, State, local, and tribal agencies and organizations that are most involved with drought issues. S. 222 charges the commission with providing recommendations on a permanent and systematic Federal process to address this particular type of devastating natural disaster. On the Federal side, the Commission will include representatives from USDA, Interior, the Army, FEMA, SBA, and Commerce—agencies which all currently have drought-related programs. Equally important will be the non-Federal members, including representatives from the National Governors' Association, the U.S. Conference of Mayors, and four persons representative of those groups that are always hardest hit by drought emergencies.

The Commission also will be charged with determining what needs exists on the Federal, State, local, and tribal levels with regard to drought; reviewing existing drought programs; and determining what gaps exist between the needs of drought victims and those programs currently designed to deal with drought. The Commission will then make recommendations on how Federal drought laws and programs can be better integrated into a comprehensive national drought policy.

In recognition of the national nature of drought emergencies, this effort has garnered bi-partisan support. Senator BOB KERREY and other witnesses encouraged amendments which include collaboration with the National Drought Mitigation Center as well as the Western Drought Coordination Council. These suggestions ensure that the Commission would receive important input from existing entities on the needs at the Federal, State, local, and tribal levels to prepare for and respond to drought emergencies.

Unfortunately, drought conditions are a way of life in my region of the country. But better planning on our part, and with the recommendations of the Drought Commission established under S. 222, may limit some of the damage. I look forward to passage of this legislation, which is important to the entire United States, in the House of Representatives early next year.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill, as amended, be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 222), as amended, was read a third time and passed.

COMMENDING THOSE WHO WORKED ON THE ISTEA BILL

Mr. LOTT. Mr. President, before I close, I do want to acknowledge the good work that was done on the ISTEA highway and transportation infrastructure bill. A number of Senators and Members of Congress worked on this legislation and did a very good job—of course, Senator CHAFEE, the chair of the committee; Senator BAUCUS, the ranking member; Senator WARNER; Senator BOND; and others.

Also, I want to thank their staffs for the work that they did well into the night last night. I know their names have already been mentioned, but I just want to add my commendations because I know that they really worked hard to get an agreement.

Of course, this was just a preliminary bout of what will be a major fight next year in getting the big long-term bill done.

ORDERS FOR WEDNESDAY, NOVEMBER 12, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Wednesday, November 12. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and that the Senate proceed to a period of morning business for not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, in conjunction with the previous consent, Wednesday the Senate will be in a period of morning business from 12 noon to 12:30 p.m. Following morning business, the Senate may consider and complete final action on the following items, all in an effort to adjourn the 1st session of the 105th Congress. Those items include: Additional motions if necessary with respect to the omnibus appropriations bill; the adoption-foster care legislation; and any legislative or Executive Calendar items cleared for action.

As previously announced, no rollcall votes will occur during Wednesday's session of the Senate, with sufficient notice being given to Senators if votes are necessary on Thursday, November 13.

So we could have a vote on an omnibus appropriations bill or it could be that we would have to have votes on the separate appropriations bills, and that could be as many as three. It will just depend on how negotiations go between House and Senate conferees and the leadership over the next couple days. Senators will be notified as soon as a decision is made concerning possible votes on Thursday.

The Senate will not be in session on Tuesday of this week in observance of the Veterans Day holiday.

ORDER FOR RECORD TO REMAIN OPEN

Mr. LOTT. Mr. President, I now ask unanimous consent that the RECORD remain open until 3 p.m. for the introduction of legislation and submission of statements today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

RECOGNITION OF SERVICE OF SENATOR KENNEDY

Mr. LOTT. Mr. President, I know others perhaps have already spoken about this, but I want to recognize the service of the Senator from Massachusetts. I understand he is the longest serving Senator in the history of the State of Massachusetts and that, as a matter of fact, this week was an anniversary.

How many years has the Senator served?

Mr. KENNEDY. It seems like only yesterday, but my Republican friends think 35 years is a long time to serve in the U.S. Senate.

Mr. LOTT. I thought we spent that much time on the Food and Drug Administration reform.

Mr. President, I do want to congratulate the Senator from Massachusetts. While we exchange views and quite often disagree, he certainly is a hardworking legislator that does good work for the positions he advocates and for his State. I congratulate him on his anniversary and for his service to the State of Massachusetts and to our country.

Mr. KENNEDY. I thank the majority leader.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Massachusetts.

Mr. KENNEDY. Thank you, Madam President.

TRIBUTE TO BILL SPRING OF BOSTON

Mr. KENNEDY. Madam President, as we conclude this session of Congress, I would like to take a moment to recognize a valued adviser, an extraordinary public servant, and an able advocate for high quality education and job training for all our citizens, Bill Spring of Boston.

Tragically, Bill was severely injured in an accident 2 weeks ago as he was walking home from work and he remains unconscious today. We are all very optimistic that Bill will regain good health. Our hearts go out to his wife Micho and his children. I want them to know how proud we are to have Bill as a friend and colleague. Our thoughts and prayers are with them at this difficult time.

Many of us in the Senate know Bill and worked with him during his years as a staff member of the Senate Labor Committee or as a senior adviser to President Carter. He has also served as a professor at Harvard and at Boston University, as a vice president of the Federal Reserve Bank of Boston, as a member of the Boston School Committee, and in many other valuable positions. In each capacity, Bill has always brought a brilliant intellect, an unyielding commitment to the principles of fairness and opportunity, an extraordinary creativity, and an unfailing ability to find a way forward, even in the most difficult times.

His leadership on education and job training has been outstanding. His understanding of the basic issues and his tireless pursuit of better policies and programs to improve the quality and quantity of opportunities for all Americans have made an immense contribution to public policy and to the lives of tens of thousands of individuals and their families.

In the policy arena, Bill Spring has been a leader in every significant debate and legislative achievement by Congress on employment and job training for over three decades. His judgment, his evaluation of alternatives, and his understanding of the needs of the people who need our help the most have been indispensable to the bipartisan progress we have made.

He has devoted special attention and energy to the serious problems of poor and minority youth. From the unprecedented youth employment and training program of the Carter administration to the current Out-of-School Youth Initiative in the pending work force development legislation, unanimously reported to the Senate last month, Bill Spring's guidance and direction have been superb.

In Boston and Massachusetts, Bill has had a key role in all the progress we have made in meeting the employment and training needs of workers and the needs of students for quality education and effective links between their learning and the work force.

The nationally renowned Boston Compact could not have been achieved without Bill Spring's design, support, and direction. The compact has become the most successful effort in the country to keep young men and women in school and assist their transition from school to their future careers. Thousands of youths in Boston now have different and better lives because of Bill's creativity and energy.

The new and successful relationship between the Boston Police Department, juvenile justice system, and the Boston school system is another of Bill Spring's major achievements. The success that Boston has achieved in reducing juvenile crime, including the elimination of juvenile murder for over 2 years, is an extraordinary tribute to his insight and leadership.

We wish him a speedy and full recovery, and a quick return to his leadership on all these vital issues.

ADJOURNMENT UNTIL 12 NOON, WEDNESDAY, NOVEMBER 12, 1997

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 12 noon, Wednesday, November 12, 1997.

Thereupon, the Senate, at 2:12 p.m., adjourned until Wednesday, November 12, 1997, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 10, 1997:

DEPARTMENT OF STATE

DONNA JEAN HRINAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

CAROLYN CURIEL, OF INDIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

STANLEY LOUIS MCLELLAND, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA.

TIMOTHY MICHAEL CARNEY, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

INTER-AMERICAN FOUNDATION

FRANK D. YTURRIA, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2002.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING JEFFREY DAVIDOW, AND ENDING JOSEPH THOMAS YANCI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 1997.

FOREIGN SERVICE NOMINATIONS BEGINNING DOMINIC ALFRED D'ANTONIO, AND ENDING DAVID MICHAEL ZIMOV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 1997.

FOREIGN SERVICE NOMINATIONS BEGINNING CARL H. LEONARD, AND ENDING JOANNE T. HALE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 8, 1997.

FOREIGN SERVICE NOMINATIONS BEGINNING RICHARD B. HOWARD, AND ENDING RICHARD T. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 9, 1997.

EXTENSIONS OF REMARKS

HONORING THE 41ST PRESIDENT OF THE UNITED STATES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I want to take this opportunity to honor a man of courage, of dignity, of character. A man who dedicated his life to God, family, and country. A man whose service to the country began in his teenage years as a pilot in World War II, continued during his tenure as CIA Director and Vice President, and climaxed with his election as the 41st President of the United States. I am speaking about George Herbert Walker Bush.

Yesterday, the library chronicling his life was dedicated. It stands as a tribute to his unwavering belief in the greatness of this country and his admiration of the American people. It is a monument to his compassion and humanity in difficult times, as well as his firmness and determination to do what is right even if it came at a personal cost. He is a gentleman in every sense of the world who put the interests of the country before his own.

On a personal note, I wish to thank him for the support and encouragement he gave me since the beginning of my career in Congress.

I thank him for his defense of democratic ideals and his commitment to freedom for the people of Cuba.

The American people and the world were well served by George Bush—a decent and honest man; a public servant; a husband, father, and grandfather.

I join the praises of all those who participated or attended the dedication ceremony, and extend my best wishes for the future. I hope that he will remain involved in the public arena and share his insight and experience with future generations.

Again, thank you, President Bush.

NATIONAL COUNCIL OF SENIOR CITIZENS: KYL AMENDMENT WOULD PUT ELDERLY AND DISABLED CITIZENS AT SERIOUS FINANCIAL AND MEDICAL RISK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. STARK. Mr. Speaker, following is a letter from the National Council of Senior Citizens spelling out why the Kyl-Archer amendment is bad for seniors and the disabled and for the Medicare Program.

I urge Members to oppose this amendment. As the public begins to understand what this amendment would do, they will overwhelmingly reject this proposal and the Members who vote for it.

NATIONAL COUNCIL OF SENIOR CITIZENS,
Silver Spring, MD, October 30, 1997.

DEAR SENATOR: The National Council of Senior Citizens strongly opposes any legislation which would reopen the Balanced Budget Act (BBA) for the purpose of limiting or repealing the two-year bar to any Medicare billings after a doctor enters a private payment contract with Medicare-eligible person. Passage of H.R. 2497, the Medicare Beneficiary Freedom to Contract Act of 1997, would decimate the Medicare program by removing cost protections while reducing the supply of doctors serving the needs of the overwhelming majority of Medicare users.

NCOA opposed, and continues to oppose, the inclusion of the original Kyl Amendment to the Medicare program. Such a provision, allowing a doctor to contract privately for medical care payments outside of the Medicare program, promises to shred three decades of essential quality, consumer, and financial protections which have been incorporated into Medicare.

As enacted, the Kyl Amendment did include the provision barring for two years other Medicare billings subsequent to an agreement for privately-paid Medicare-covered services. Clearly, this could inhibit widespread utilization of the private contract option by many doctors who have not heretofore, in large numbers, declined Medicare payments. Removal of this bar would open the Medicare program to opportunities for many doctors to coerce patients into giving up their Medicare protection in the name of "freedom to contact."

Fewer than 5% of all doctors decline to treat Medicare patients, and only 1% of Medicare beneficiaries have trouble finding doctors. The current doctor-patient Medicare market works well, with no shortage of physicians willing to accept Medicare payments. H.R. 2497 will allow doctors to legally pick and choose patient-by-patient, service-by-service, and dictate payment levels to vulnerable persons needing professional services. Instead of freedom, this would cripple Medicare's ability to hold down health care costs and would put elderly and disabled citizens at serious financial and medical risk.

We pledge every effort to defeat H.R. 2497 or any similar bill and to restore Medicare to its responsibility to cover the costs of an essential set of quality medical services provided by competent doctors and institutions on a uniform and universal basis.

Sincerely,

STEVE PROTULIS,
Executive Director.

HONORING THE LYNCHBURG FERRY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. BENTSEN. Mr. Speaker, I rise today to honor the historic Lynchburg Ferry for 175 years of service to the residents of Harris County, TX.

The Lynchburg Ferry links East Harris County's bustling present with its historic past and continues to ease transportation for travelers today. Local leaders, residents, and teachers and students from the Goose Creek Independent School District recently gathered in nearby David G. Burnet Park to celebrate 175 years of the ferry and share stories about the area as it was in days gone by. The event was organized to thank the people who have operated the ferry for so many years.

The Lynchburg Ferry is one of the Nation's oldest continually running, free-of-charge ferries, carrying thousands of cars each week near the confluence of the San Jacinto River and the Houston Ship Channel. Free service was begun by Harris County in 1890, and the Lynchburg Ferry remains Texas' only free, county-operated ferry.

The ferry operates in an area stepped in Texas history. Burnet Park, near the ferry landing, contains the remaining five acres of the original 279-acre homestead of David G. Burnet, the first provisional president of the Republic of Texas, who lived there from 1836–58. Burnet once competed with Sam Houston for prestige and power within the Republic of Texas and was a leader in the battle for independence. Also nearby was the home of Nathaniel Lynch, one of Stephen F. Austin's Old Three Hundred settlers. Lynch settled where Buffalo Bayou runs into the San Jacinto. In 1822 Lynch started a hand-pulled ferry that he thought would make his fortune and still bears his name today.

The Lynchburg Ferry played a role in one of the key events of Texas' drive for independence. It was here that settlers fled from the advancing Mexican Army under the command of General Santa Anna as he crossed the Brazos River in 1836. Tired after walking for days through heavy rains and battling a measles epidemic, these settlers took the ferry to safety and headed for Liberty and Beaumont. Shortly following the boatlift, the forces of Sam Houston defeated Santa Anna and the Mexican troops at the Battle of San Jacinto.

In 1936, a Houston school teacher bought the land surrounding the ferry in order to create a park in Burnet's honor. World War II put those plans on hold, and in the 1950's the land was given to Harris County, which created the park.

Mr. Speaker, I recognize the Lynchburg Ferry for 175 of service and for the important role it has played in Texas history.

RESOLVING THE CREDIT UNION MEMBERSHIP CONTROVERSY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. LAFALCE. Mr. Speaker, a year has passed since the U.S. District Court for the District of Columbia issued its order, on October 25, 1996, barring occupation-based credit unions from adding any new members from employer or trade groups that are not part of the core common-bond group in their original charter. The ruling placed a cloud of uncertainty over the operations of nearly 3,600 credit unions that continues to this day.

The credit union case, National Credit Union Administration versus First National Bank & Trust, et. al., is now before the Supreme Court with a decision expected sometime early next year. At issue in the case are conflicting interpretations of the definition of credit union membership in the 1934 Federal Credit Union Act. Since 1982 the credit unions have interpreted this definition as permitting them to incorporate multiple common-bond groups within their membership. The banks interpret the same provision as limiting credit union membership to the core common-bond group in a credit union's original charter.

While the difference between these interpretations may seem minimal from the outside, it is extremely important to credit unions, like many in my district in western New York, that have a core membership in companies that have downsized in recent years or that have tried to reach out in their community to serve residents and groups who otherwise might have limited access to financial services.

Like many of my colleagues, I strongly support credit unions and believe they play a significant and necessary role in meeting the banking and credit needs of a huge segment of our population. While I believe credit unions require new opportunities to grow and compete, I am sensitive to complaints that larger credit unions not be allowed to exceed their original charter and simply duplicate the role and services of banks.

The issue for public policy is now to balance the need for continued membership growth by credit unions with the need to assure that credit unions do not simply duplicate the role of banks or compete unfairly with other local financial institutions.

Unfortunately, it appears that few in Congress want to address this issue and prefer to let it be resolved by the Supreme Court. I disagree. It is Congress' responsibility, not the Court's, to update a depression-era statute to conform with today's market realities.

Over the past several months I have worked to develop a legislative proposal to effectuate the best public policy on this issue. I do not intend to introduce the proposal at this time. Instead, I wish to offer it as a vehicle for discussion and as a guideline for future action, if needed.

I do not presume that the approach I am proposing is necessarily the right or only answer to the membership controversy. It is certainly not an approach that either the credit unions or the banks are likely to welcome or support at this time. But either party that loses the court decision will certainly view this as an extremely reasonable proposal. And it is possible that the Court may deny standing in the current case, leaving all parties in the same position of uncertainty as a year ago.

I believe that now, before the Court acts, is the time to discuss policy options and to determine what makes good public policy. Waiting until after a decision will only harden the positions of both parties. I would encourage the credit unions and the banks to come together and consider options for resolving the issue in legislation rather than additional years of litigation. The approach I am outlining or somewhere close to it, could well be where we end up on the issue.

Mr. Speaker, I have inserted a copy of my proposal elsewhere in today's RECORD. I offer it for the consideration of my colleagues as a beginning point for future discussion.

TRIBUTE TO THE SERVICE OF NEW JERSEY STATE SENATOR JOHN EWING

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to recognize New Jersey State Senator John H. Ewing. Senator Ewing has dedicated the last 31 years to representing the citizens of Somerset County and the surrounding area in many ways. Senator Ewing served 2 years on the Somerset County Board of Chosen Freeholders starting in 1966. In 1967 he successfully ran for a seat in the New Jersey General Assembly where he served for 10 years until he was elected to the New Jersey State Senate in 1977. While in the Senate he has served on the Joint Appropriations Committee and as chairman of the Senate Education Committee. His interest in the need to ensure a quality education for New Jersey's children is well known by educators and parents from all around the State.

Senator Ewing not only served his State, but served his country as well. He served in World War II, winning a Bronze Star for Valor. Because of the bravery of men like Jack Ewing the people of our Nation and many others around the world are free today. His wartime courage remains an extremely significant contribution to humanity because were it not for the men and women who risked life and limb during the Second World War, we might not have the freedom here to pay tribute to his legacy. I thank him for that service.

Senator Ewing is retiring from the New Jersey State Senate at the end of this year. He has served the people of central New Jersey very well. We will all miss his energetic and dedicated service. It is my hope that he and his wife Ally will have a long, happy, and healthy retirement. It is certainly well deserved.

A TRIBUTE TO LUKE MARANO, SR.

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to a great Philadelphian, Luke Marano, Sr., who will be honored this Sunday as the Philadelphia Committee of Boys Towns of Italy's 1997 Man of the Year. Mr. Marano is the chairman of the 83-year-old Philadelphia Macaroni Co., and has distinguished himself through his continued contributions to the community.

Since taking over the operations of the Philadelphia Macaroni Co. from his grandfather, who started the business back in 1914, Luke has taken a hands-on approach to making it a continued success. He knows how to run every machine in the plant, and has expanded operations three times since 1973. Producing nearly 100 million pounds of pasta per year, Philadelphia Macaroni is one of the largest family enterprises in the U.S. pasta business today. Under Luke's direction, the company recently broke ground for a new durum flour mill in North Dakota. Indicative of his success in the industry, in 1992 Luke was named Pasta Man of the Year by the National Pasta Association.

But aside from his business successes and contributions to the Philadelphia business community, Luke Marano is compassionate and generous in his public life. When he is honored this Sunday, it will be for his generosity in aiding the cause of the Boys Towns of Italy. This worthy charity, founded after WWII by Monsignor Carroll-Abbing, provides food, clothing, and shelter to needy children throughout Italy, a cause Luke Marano has long been a supporter of.

Mr. Speaker, in light of his years of success in the pasta business, and his dedication to worthy causes such as the Boys Towns of Italy, I ask that my colleagues join me today in honoring a great American and fellow Philadelphian, Luke Marano, Sr.

HAPPY BIRTHDAY TO ETTA WEISS OSMAN

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to wish Etta Weiss Osman a very happy 85th birthday. Born Etta Weiss in Brooklyn on November 25, 1912, Etta is the youngest of six siblings. She married Haskel Osman on September 1, 1935, and they enjoyed 47 years of happiness together before Haskel's passing in 1982. Brooklyn's loss was Florida's gain when Etta and Haskel moved south in 1972, but we are fortunate that Etta still returns to Brooklyn for frequent visits.

Etta is blessed with a large, loving family—four children, eleven grandchildren and four great-grandchildren. On the occasion of her birthday, we would all do well to emulate Etta Weiss Osman, who continues to embody the

proverb that happiness is not a destination, it is a method of life.

THE SILVER ANNIVERSARY OF TRESSLER ADOPTION SERVICES

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. GOODLING. Mr. Speaker, for the past two and a half decades, Tressler Adoption Services has provided an invaluable service to the community by helping to place special needs children in the care of loving and caring families. The courage and conviction that they have devoted to helping these extraordinary children has not gone unnoticed and I applaud their efforts.

Tressler Adoption Services has given more than 2,500 children a second change in life. The priceless opportunities afforded to these special needs children may not have been realized had Tressler not been the stewards of their good fortune. Tressler should serve as a model for other communities, demonstrating how best to care for the most vulnerable people in our society.

November is National Adoption Month, and I believe that our Nation must embrace, on a year-round basis, our less fortunate youths despite the shortcomings that life has dealt them. Under the leadership of Barbara Holtan, Tressler has soared in matching these youngsters, who otherwise may have languished in foster care with loving families and providing them with a home.

It is with regret that the business of the House has precluded me from attending the celebration of Tressler's silver anniversary on this day, November 9th. Nonetheless, my best wishes do go out to them.

On the 25th anniversary of the founding of Tressler Adoption Services, the community in south central Pennsylvania graciously thanks you and commends you on your years of good service. May many more productive years lie ahead.

AMERICA DOESN'T LOVE ALL ITS CHILDREN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. STARK. Mr. Speaker, "should the child of a poor American family have the same chance of avoiding preventable illness or of being cured from a given illness as does the child of a rich American family?"

That is the question.

That is the question brilliantly posed in the following essay by Uwe Reinhardt from the Journal of the American Medical Association's November 5 issue.

It is a profoundly moral and religious question.

America's answer to the question is, I am sad to say, no. Unlike other advanced industrial societies, America is saying no to millions of its children and their parents. In many ways, we really are not a nation or a society. We say we are, but we are practicing the social Darwinism of every man, woman, and child for himself.

We do not love all our children.

[From the Journal of the American Medical Association, Nov. 5, 1997]

WANTED: A CLEARLY ARTICULATED SOCIAL ETHIC FOR AMERICAN HEALTH CARE

(By Uwe Reinhardt)

Throughout the past 3 decades, Americans have been locked in a tenacious ideological debate whose essence can be distilled into the following pointed question: As a matter of national policy, and to the extent that a nation's health system can make it possible, should the child of a poor American family have the same chance of a avoiding preventable illness or of being cured from a given illness as does the child of a rich American family?

The "yeas" in all other industrialized nations had won that debate hands down decades ago, and these nations have worked hard to put in place health insurance and health care systems to match that predominant sentiment. In the United States, on the other hand, the "nays" so far have carried the day. As a matter of conscious national policy, the United States always has and still does openly countenance the practice of rationing health care for millions of American children by their parents' ability to procure health insurance for the family or, if the family is uninsured, by their parents' willingness and ability to pay for health care out of their own pocket or, if the family is unable to pay, by the parents' willingness and ability to procure charity care in their role as health care beggars.

At any moment, over 40 million Americans find themselves without health insurance coverage, among them some 10 million children younger than 18 years. All available evidence suggests that this number will grow.[1] America's policymaking elite has remained unfazed by these statistics, reciting the soothing mantra that "to be uninsured in these United States does not mean to be without care." There is, to be sure, some truth to the mantra. Critically ill, uninsured Americans of all ages usually receive adequate if untimely care under an informal, albeit unreliable, catastrophic health insurance program operated by hospitals and many physicians, largely on a voluntary basis. Under that informal program, hospitals and physicians effectively become insurance underwriters who provide succor to hard-stricken uninsured and who extract the premium for that insurance through higher charges to paying patients. The alarming prospect is that the more effective the techniques of "managed care" will be in controlling the flow of revenue to physicians and hospitals, the more difficult it will be to play this insurance scheme otherwise known as the "cost shift." It can be expected that, within the next decade, the growing number of the nation's uninsured will find themselves in increasingly dire straits.

But these straits have never been smooth for the uninsured, notwithstanding the soothing mantra cited earlier. Empirical research must have convinced policymakers long ago that our nation rations health care, health status, and life-years by ability to pay. It is known that other socioeconomic factors (such as income, family status, location, and so on) being equal, uninsured Americans receive, on average, ony about 50% of the health services received by equally situated insured Americans.[2] This appears to be true even for the subgroup of adults whose health status is poor or only fair.[3] Studies have shown that uninsured Americans relying on the emergency departments of heavily crowded public hospitals experience very long waits before being seen by a physician, sometimes so long that they leave because they are too sick to wait any longer.[4-6] Studies have found that after careful statistical control for a host of socioeconomic and medical factors, uninsured Americans tend to die in hospitals from the same illness at up to triple the rate that is observed for equally situated insured Americans[7] and that, over the long run, uninsured Americans tend to die at an earlier age than do similarly situated insured Americans.[8] Indeed, before the managed care industry cut the fees paid physicians sufficiently to make fees paid by Medicaid look relatively attractive to physicians and hospitals, even patients insured by that program found it difficult to find access to timely care. In one study, in which research assistants approached private medical practices pretending to be Medicaid patients in need of care, 63% of them were denied access because the fees paid by Medicaid were then still paltry relative to the much higher fees from commercial insurers.[9]

If the champions of the uninsured believe that the assembly and dissemination of these statistics can move the nation's policymaking elite to embrace universal coverage, they may be in for a disappointment. The working majority of that elite not only are unperturbed by these statistics, but they believe that rationing by price and ability to pay actually serves a greater national purpose. In that belief they find ample support in the writing of distinguished American academics. Commenting critically on the State Childrens' Health Insurance Program enacted by Congress in August 1997 as part of its overall budget bill, for example, Richard Epstein author of the recently published Mortal Peril: Our Inalienable Right to Health Care?,[10] warns darkly that the new federal plan "introduces large deadweight administrative costs, invites overuse of medical care and reduces parental incentives to prevent accidents or illness." Summing up, he concludes: "We could do better with less regulation and less subsidy. *Scarcity matters, even in health care*" (italics added).[11]

Clearly, the scarcity Epstein would like to matter in health care would impinge much more heavily on the poor than it would on members of his own economic class, as Epstein surely is aware. In his view, by the way, Epstein finds distinguished company in former University of Chicago colleague Milton Friedman, the widely celebrated Nobel laureate in economics, who had proposed in 1991 that for the sake of economic efficiency, Medicare and Medicaid be abolished altogether and every American family have merely a catastrophic health insurance policy with a deductible of $20,000 per year or 30% of the previous 2 years' income, whichever is lower.[12] Certainly, Epstein and Friedman would be content to let price and family income ration the health care of American children. They rank prominently among the "nays."

In his book, Epstein frames the debate over the right to health care as a choice between the "maximization of social wealth" as a national objective and the "maximization of utility," by which he means human happiness. "Under wealth maximization," he writes, "individual preferences count only if

they are backed by dollars. Preferences, however genuine, that are unmediated by wealth just do not count."[10] One implication of resource allocation with the objective of wealth maximization is that a physician visit to the healthy infant of a rich family is viewed as a more valuable activity than is a physician visit to the sick child of a poor family.[13] If one does not accept that relative valuation, then one does not favor wealth maximization as the binding social objective.

Although conceding that wealth maximization does imply a harsh algorithm for the allocation of scarce resources, Epstein nevertheless appears to embrace it, even for health care. Establishing positive legal rights to health care regardless of ability to pay, he argues, could well be counterproductive in the long run, because it detracts from the accumulation of wealth. "Allowing wealth to matter [in the allocation of health] is likely to do far better in the long run than any policy that insists on allocating health care without regard to ability to pay. To repeat, any effort to redistribute from rich to poor in the present generation necessarily entails the redistribution from the future to the present generation."[13] Applying his proposition to the question posed at the outset of this commentary, the argument seems to be that poor children in one generation can properly be left to suffer, so that all children of future generations may be made better off than they otherwise would have been.

One need not share Epstein's social ethic to agree with him that, over the long run, a nation that allocates resources generously to the unproductive frail, whether rich or poor, is likely to register a relatively slower growth of material wealth than does a nation that is more parsimonious vis-à-vis the frail.[10] Nor does one need to share his social ethic to admire him for his courage to expose his conviction so boldly for open debate. Deep down, many members of this nation's policymaking elite, including many pundits who inspire that elite, and certainly a working majority of the Congress, share Epstein's view, although only rarely do they have the temerity to reveal their social ethnic to public scrutiny. Although this school of thought may not hold a numerical majority in American society, they appear to hold powerful sway over the political process as it operates in this country.[14] In any event, they have for decades been able to preserve a status quo that keeps millions of American families uninsured, among them about 10 million children.

At the risk of violating the American taboo against class warfare, it is legitimate to observe that virtually everyone who shares Epstein's and Friedman's distributive ethic tends to be rather comfortably ensconced in the upper tiers of the nation's income distribution. Their prescriptions do not emanate from behind a Rawlsian[15] veil of ignorance concerning their own families' station in life. Furthermore, most well-to-do Americans who strongly oppose government-subsidized health insurance for low-income families and who see the need for rationing health care by price and ability to pay enjoy the full protection of government-subsidized, employer-provided, private health insurance that affords their families comprehensive coverage with out-of-pocket payments that are trivial relative to their own incomes and therefore spare their own families the pain of rationing altogether. The government subsidy in these policies flows from the regressive tax preference traditionally accorded employment-based health insurance in this country, whose premiums are paid out of pretax income.[16] This subsidy was estimated to have amounted to about $70 billion in 1991, of which 26% accrued to high-income households with annual incomes over $75,000.[17] The subsidy probably is closer to $100 billion now—much more than it would cost for every uninsured American to afford the type of coverage enjoyed by insured Americans. In fairness it must be stated that at least some critics of government-financed health insurance—Epstein among them—argue against this tax preference as well.[10] But that untoward tax preference has widespread supporters among members of Congress of all political stripes, and also in the executive suites of corporate America.

This regressive tax preference would only be enlarged further under the medical savings accounts (MSAs) now favored by organized American medicine. Under that concept, families would purchase catastrophic health insurance polices with annual deductibles of $3000 to $5000 per family, and they would finance their deductible out of MSAs into which they could deposit $3000 to $5000 per year out of the family's pretax income. In terms of absolute, after-tax dollars, this construct effectively would make the out-of-pocket cost of a medical procedure much lower for high-income families (in high marginal tax brackets) than it would for low-income families. It is surely remarkable to see such steadfast support in the Congress for this subsidy for the well-to-do, in a nation that claims to lack the resources to afford every mother and child the peace of mind and the health benefits that come with universal health insurance, a privilege mothers and children in other countries have long taken for granted. Unwittingly, perhaps, by favoring this regressive scheme to finance health care, physicians take a distinct stand on the preferred distributive ethic for American health care. After all, can it be doubted that the MSA construct would lead to rationing childrens' health care by income class?

Typically, the opponents of universal health insurance cloak their sentiments in actuarial technicalities or in the mellifluous language of the standard economic theory of markets,[18] thereby avoiding a debate on ideology that truly might engage the public. It is time, after so many decades, that the rival factions in America's policymaking elite debate openly their distinct visions of a distributive ethic for health care in this country, so that the general public can decide by which of the rival elites it wishes to be ruled. A good start in that debate could be made by answering forthrightly the pointed question posed at the outset.

FOOTNOTES

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SALUTE TO REPRESENTATIVE STEPHEN CHEN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. PAYNE. Mr. Speaker, I rise today to welcome Taiwan's new representative, Dr. Stephen Chen, to Washington. Prior to his present assignment, Dr. Chen was deputy secretary-general in the office of the President, Taiwan.

Representative Chen is a career diplomat, having served his country in nearly every corner of the world. Fluent in English, Chinese, Portuguese, and Spanish, Chen is a master communicator. He will certainly bring to the Hill his vast knowledge of foreign policy issues affecting his country and ours.

At a time of our country seeking better relations with the People's Republic of China, it is indeed a privilege to have someone like Representative Chen representing the Republic of China, a free democratic and sovereign country, which deserves a much strong presence in the world.

HONORING RADX TECHNOLOGY IN THE FIGHT AGAINST BREAST CANCER

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. BENTSEN. Mr. Speaker, I rise to recognize the tremendous contribution RADX Technology of Houston has made in the battle against breast cancer.

In October, we celebrated Breast Cancer Awareness Month, which included highlighting

efforts by medical providers, community organizations, and businesses to ensure that all women have access to the breast cancer screening and treatment they need. It is particularly gratifying to acknowledge the efforts of the management and employees of RADX Technology, whose generosity is helping achieve this goal and save lives.

RADX has donated a new, more cost-effective mammography screening system to The Rose Diagnostic Clinic, which will help The Rose tremendously in its life-saving mission of providing affordable and accessible breast cancer screening to all women regardless of their ability to pay. This new machine, the mammoscope, has great potential to save lives because it will reduce the time between screening and diagnosis.

The Rose, a non-profit organization under the leadership of founder Dr. Dixie Melillo and executive director Dorothy Weston, operates three neighborhood clinics in the Houston area. Since it was founded in 1986, The Rose has performed more than 72,000 procedures, with 6,030 women receiving services free through The Rose Sponsorship Program for medically underserved women.

The Rose is always seeking to expand the reach and quality of its services, and it depends on the generosity of paying patients and community and business contributors to do so. RADX, which builds viewing systems for general radiography and mammography films, has helped meet a crucial need with a donation of the mammoscope, an $18,000 device. Kathryn Earle, RADX purchasing manager, proposed the project after reading about The Rose and recognizing they would need to be able to read multiple mammograms efficiently to continue to increase their patient load. Using the mammoscope, The Rose will be able to increase the productivity of radiologists for both screening and diagnosis.

This project was a hands-on team effort of virtually all 60 RADX employees from management team members to warehouse works. The mammography viewing system was built from scratch by employees volunteering their time after hours and on weekends. RADX approached key suppliers to donate items for the project. Even the transportation of the system to The Rose was donated.

I congratulate all involved in this vital project, including executive director James Hinds and purchasing manager Kathryn Earle of RADX and Dr. Dixie Melillo and executive director Dorothy Weston of The Rose.

The value of the mammoscope and this partnership between The Rose and RADX cannot be overstated. One in 8 women can expect to develop breast cancer during her lifetime, and one in 28 women will die from it. Every 15 minutes, a woman dies from breast cancer. During this decade, it is estimated that more than 1.8 million women, and 12,000 men, will be diagnosed with breast cancer. Nearly half a million will die of this disease. Such statistics can be numbing, but they are all too real to those of us whose families have been affected by breast cancer.

But the saddest fact of all is that so many of these deaths are preventable. With the exception of skin cancer, breast cancer is the most survivable of cancers and when detected in its earlier stages, it has a 95 percent survival rate. So it is vital that women conduct regular breast self-examinations and obtain regular mammograms.

Because of The Rose and the tremendous generosity of RADX and its employees, more women will be able to get the screening and treatment they need. And most importantly, more lives will be saved.

RESOLVING THE CREDIT UNION MEMBERSHIP CONTROVERSY:

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. LAFALCE. Mr. Speaker, I am inserting for the RECORD a draft bill entitled, the "Credit Union Growth and Improvement Act." As I have explained elsewhere in remarks today, I am not introducing this legislation at this time. Rather, I am offering it for the consideration of my colleagues as a framework for future action, if legislation is needed. I also encourage the parties involved in the controversy over credit union membership to consider this proposal as a basis for possible compromise that can avoid years of continued litigation.

A discussion draft of the bill follows:

H.R.—

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Union Growth and Improvement Act".

SEC. 2. DEFINITION OF MEMBERSHIP.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended—

(1) in the 1st sentence—

(A) by striking "Federal credit union membership shall consist of" and inserting "(a) IN GENERAL.—Subject to subsection (b), Federal credit union membership shall consist of"; and

(B) by striking ", except that" and all that follows through the period at the end of such sentence and inserting a period; and

(2) by adding at the end the following new subsection:

"(b) MEMBERSHIP FIELD.—

"(1) IN GENERAL.—Except as otherwise provided in paragraph (2), the membership of any Federal credit union shall be limited to—

"(A) 1 or more groups—

"(i) each of which has (within such group) a common bond of occupation or association; and

"(ii) each of which has the principal location of such group within the same well-defined and limited community or rural district; or

"(B) groups within a well-defined community, neighborhood, or rural district.

"(2) EXCEPTIONS.—In the case of any Federal credit union whose field of membership is determined under paragraph (1)(A), clause (ii) of such paragraph shall not apply with respect to—

"(A) any such credit union the field of membership of which is limited to the employees of a single employer, such as a large corporation or a government agency or department, which has places of employment in more than 1 geographical location;

"(B) any group described in clause (i) of such paragraph which—

"(i) does not meet the requirement of clause (ii) of such paragraph; and

"(ii) was admitted to membership in such credit union before October 25, 1996; or

"(C) any credit union the membership of which is transferred to another credit union in any merger or consolidation undertaken by the Board, as conservator or liquidating agent, or any appropriate State credit union supervisor.".

SEC. 3. GEOGRAPHICAL GUIDELINES FOR FIELD OF MEMBERSHIP APPROVAL.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended by inserting after subsection (b) (as added by section 2 of this Act) the following new subsection:

"(c) REGULATIONS REQUIRED.—

"(1) IN GENERAL.—The Board shall prescribe regulations to carry out clause (ii) of subsection (b)(1)(A).

"(2) CRITERIA FOR IMPLEMENTING GEOGRAPHIC REQUIREMENTS.—The criteria established by the Board for purposes of carrying out the requirements of subsection (b)(1)(A)(ii), and the factors taken into account by the Board in making any determination under such subsection, may differ from the criteria established by the Board for purposes of carrying out the requirements of subsection (b)(1)(B) and the factors taken into account by the Board in making any determination under such subsection.

"(3) LIMITED EXCEPTION FOR UNDERSERVED AREAS.—Notwithstanding clause (ii) of subsection (b)(1)(A), in the case of a Federal credit union described in such subsection the Board may allow the membership of the credit union to include a group the principal location of which is not the principal location of any of the other groups comprising the membership of such credit union if the Board determines that the community or rural district in which group is located—

"(A) is not served by other credit unions; and

"(B) is underserved, based on data from other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), by other depository institutions (as defined in such section).".

SEC. 4. CRITERIA FOR APPROVAL OF EXPANSION OF MEMBERSHIP.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended by inserting after subsection (c) (as added by section 3 of this Act) the following new subsection:

"(d) CRITERIA FOR APPROVAL PROCESS.—The Board may not approve any application by a Federal credit union to include any additional group within the field of membership of such credit union unless the Board determines that—

"(1) such credit union has not engaged in any unsafe or unsound practice (as defined in section 206(b)) during the 1-year period preceding the filing of the application;

"(2) the credit union has adequate reserves against losses on current loans and potential losses associated with the expansion of the membership;

"(3) the credit union has the administrative capability to serve the proposed membership group and the financial resources to meet the need for additional employees and fixed assets to serve the new membership group;

"(4) the credit union is meeting the need for credit and services of the current membership of the credit union according to standards established, by regulation, by the Board that take into account—

"(A) the number and types of groups already included within the membership of the credit union;

"(B) the penetration rates for such groups;

"(C) the type and number of services provided by the credit union to members;

"(D) the average loan-to-share ratio of the credit union;

"(E) the adequacy of the marketing strategy of the credit union; and

"(F) such other factors as the Board determines to be appropriate;

"(5) the expansion of the field of membership of the credit union to include the proposed group will not result in—

"(A) serious competitive injury to another insured credit union serving the same community or rural district in which group is located; or

"(B) unreasonable competition for other depository institutions (as defined in section 3 of the Federal Deposit Insurance Act) serving the same community or rural district; and

"(6) the credit union has met any additional requirements as the Board may prescribe in regulations.".

SEC. 5. CRITERIA FOR APPROVAL OF EXPANSION OF MEMBERSHIP.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended by inserting after subsection (d) (as added by section 4 of this Act) the following new subsection:

"(e) INDIRECT MEMBERSHIP RESTRICTIONS.—

"(1) EMPLOYEE-BASED GROUPS.—The Board may not approve any application by any existing Federal credit union described in subsection (b)(1)(A) to expand the membership of such credit union to include a group consisting of more than 1,000 employees of any business or group of related business.

"(2) OCCUPATION-BASED GROUPS.—The Board may not approve any application by any existing Federal credit union described in subsection (b)(1)(A) to expand the membership of such credit union to include a group consisting of more than 2,000 persons who have a common bond of occupation.

"(3) ASSOCIATION-BASED GROUPS.—The Board may not approve any application by any existing Federal credit union described in subsection (b)(1)(A) to expand the membership of such credit union to include a group consisting of more than 5,000 members of a nonoccupation-based association or nonprofit organization.

"(4) NEW CREDIT UNION.—Any group described in paragraph (1), (2), or (3) may be included in the field of membership of a Federal credit union at the time the credit union organization certificate of such credit union is submitted for approval to the Board under section 104.

"(5) EXCEPTIONS.—Paragraphs (1), (2), and (3) shall not apply to—

"(A) any group which was admitted to the membership of a Federal credit union before October 25, 1996;

"(B) the merger of 2 or more credit unions; and

"(C) the transfer of the membership of any credit union to another credit union in any merger or consolidation undertaken by the Board, as conservator or liquidating agent, or any appropriate State credit union supervisor.

"(6) NO LIMIT ON GROWTH OF GROUPS.—No provision of paragraph (1), (2), or (3) shall be construed as imposing any restriction on the number of members which comprise a group described in any such paragraph after such group has been included within the field of membership of any Federal credit union.".

SEC. 6. COMMUNITY REINVESTMENT REQUIREMENTS FOR CERTAIN LARGE CREDIT UNIONS.

(a) STANDARDS FOR MEETING THE CREDIT AND SERVICE NEEDS OF CREDIT UNION MEMBERS.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following new subsection:

"(w) STANDARDS FOR MEETING THE CREDIT AND SERVICE NEEDS OF CREDIT UNION MEMBERS.—

"(1) IN GENERAL.—The Board shall establish, by regulation, standards for meeting the credit and service needs of members of any insured credit union that take into account—

"(A) the number and types of groups included within the membership of the insured credit union;

"(B) the penetration rates for such groups;

"(C) the type and number of services provided by the credit union to members;

"(D) the average loan-to-share ratio of the credit union;

"(E) the adequacy of the marketing strategy of the credit union; and

"(F) such other factors as the Board determines to be appropriate;

"(2) COMPLIANCE WITH THE COMMUNITY REINVESTMENT ACT OF 1977.—The Board prescribe regulations, in consultation the Federal banking agencies (as defined in section 3(z) of the Federal Deposit Insurance Act), establishing—

"(A) standards for compliance with the requirements of the Community Reinvestment Act of 1977 by insured credit unions described in section 804(c); and

"(B) the sanctions for violating such requirements, including disapproval of an application, by any credit union which violates such requirements for the inclusion of a new group, for the inclusion of a new group within the field of membership of such credit union.

"(3) ANNUAL REVIEW.—The Board shall conduct an annual review of the extent to which any credit union described in section 804(c) of the Community Reinvestment Act of 1977 is in compliance with the requirements of the Community Reinvestment Act of 1977 to determine whether continued compliance is necessary.".

(b) AMENDMENTS TO COMMUNITY REINVESTMENT ACT OF 1977.—Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following new subsection:

"(c) APPLICABILITY TO CERTAIN LARGE CREDIT UNIONS.—

"(1) IN GENERAL.—Any insured credit union (as defined in section 101(7) of the Federal Credit Union Act)—

"(A) the field of membership of which includes 2 or more groups each of which has (within such group) a common bond of occupation or association;

"(B) which has total assets of $25,000,000 or more; and

"(C) which fails to meet the standards established by the National Credit Union Administration Board (hereafter in this subsection referred to as the 'Board') under section 206(w)(1) of the Federal Credit Union Act, as determined by the Board,

shall be treated as a regulated financial institution for purposes of this title.

"(2) TREATMENT OF NATIONAL CREDIT UNION ADMINISTRATION BOARD.—For purposes of this title, the Board shall be treated as an appropriate Federal financial supervisory agency with respect to any insured credit union described in paragraph (1).

"(3) STRATEGIC PLAN OPTION.—The regulations prescribed by the Board for governing compliance with this title by insured credit unions described in paragraph (1) shall include an option to allow any such credit union to develop a strategic plan for meeting the obligations of the credit union under this title—

"(A) in consultation with members of the credit union and local officials and community organization in the communities served by such credit union: and

"(B) subject to the approval of the plan by the Board.".

SEC. 7. NATIONAL CREDIT UNION ADMINISTRATION BOARD MEMBERSHIP.

Section 102(b) of the Federal Credit Union Act (12 1752a(b)) is amended—

(1) by striking "(b) The Board" and inserting "(b) MEMBERSHIP AND APPOINTMENT OF BOARD.—

"(1) IN GENERAL.—The Board"; and

(2) by adding at the end the following new paragraph:

"(2) APPOINTMENT CRITERIA.—

"(A) EXPERIENCE IN FINANCIAL SERVICES.—In considering appointments to the Board under paragraph (1), the President shall give consideration to—

"(i) individuals with experience in financial services and institutions other than credit unions; or

"(ii) individuals with experience in State regulation of credit unions or other financial institutions.

"(B) LIMIT ON APPOINTMENT OF CREDIT UNION OFFICERS.—Not more than 1 member of the Board may be appointed to the Board from among individuals who, at the time of such appointment, are, or have recently been, involved with any insured credit union as a committee member, director, officer, employee, or other institution-affiliated party.

HONOREES IN ANNUAL TRIBUTE TO WOMEN

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. DUNCAN. Mr. Speaker, the Knoxville YWCA last week held its annual Tribute to Women Program. The featured speaker was former Senator Nancy Kassebaum Baker, who has already become a very active member of the East Tennessee community in the relatively short period of time that she has been married to former Senator Howard Baker.

Six of the most outstanding women in the Knoxville area were chosen as special honorees this year. IO would like to congratulate them for the great work they have done over the years, and I would like to call to the attention of all of my colleagues and other readers of the CONGRESSIONAL RECORD the editorial covering this program in the Knoxville News Sentinel.

WORTHY OF RECOGNITION

HONOREES IN ANNUAL TRIBUTE TO WOMEN ARE LEADERS IN THEIR FIELDS, COMMUNITY

Women are an instrumental part of any community, and the YWCA recognizes this in its annual Tribute to Women.

This year's banquet, held last week at the Hyatt Regency, honored women in six categories for their outstanding contributions.

The categories are arts, business and government, education, human services, science and technology and volunteer community service.

We add our congratulations to each of the honorees:

Julie Warren Martin in the arts category, an artist, who has become a significant part of the Knoxville arts community through her work as a professional and her commitment

to champion the arts through community leadership.

Dr. Cheryl Kershaw in education, a part-time adjunct professor at the University of Tennessee and a consultant with individual schools and school systems as a partner in her firm, Educational Resources.

Hildegard M. Schuller in human services, a distinguished professor of comparative pathology at the UT College of Veterinary Medicine. A central component of her research has been how smoking affects the placenta in pregnant women and how it affects children.

Dr. Carolyn T. Hunasker in science and technology, a member of the Environmental Sciences Division of Oak Ridge National Laboratory. She has conducted research in environmental impact assessment, water quality characterization and modeling and landscape ecology.

Margaret Bemhower Manrod in volunteer community service, who has dedicated much of life to volunteer work. She is a co-founder of the East Tennessee Coalition on Breast and Cervical Cancer, which was the model for the state Department of Health's coalition.

Lillian G. Bean in business and government, clerk of the Knox County Circuit, Sessions and Juvenile courts. She has been elected to the position five times.

All of these women are leaders—in their fields, in our community.

Nancy Kassebaum Baker, a former Republican senator from Kansas now married to former Tennessee Sen. Howard Baker Jr., was a good choice for a speaker. She speaks from experience when she talks about women's contributions.

As she said at the event, "I think that (the tribute) shows women are in the forefront in improving the quality of life in one's community."

We join with the YWCA in commending these six honorees and in recognizing the accomplishments and contributions of all women.

DISAPPROVING CANCELLATIONS TRANSMITTED BY PRESIDENT OCTOBER 6, 1997

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 2631 to disapprove the President's line-item veto of 38 military construction projects.

Despite the recent action by Congress to set the budget on a glide path to balance, we must remain vigilant against wasteful spending. Nothing undermines confidence in Congress so much as when our constituents pick up the morning newspaper and read about how some well-positioned Member of Congress inserted some favored pork barrel project into an appropriation bill in the dead of night.

Clearly, this is not the case with the 38 military construction projects we are considering today. The White House admits that many of these projects were canceled in error on the basis of inaccurate information. Further, nearly all the projects were included in the Pentagon's long-term defense plan. These projects are not examples of the type of wasteful and excessive spending that the line-item veto was intended to address.

I have long supported giving the President the tools necessary to root out wasteful spending projects. In previous years I voted to grant the President a form of the line-item veto to rescind unnecessary spending; under this version, it would take a majority of the House and Senate to disapprove the President's veto. I continue to believe that it is inadvisable to give any President a line-item veto that requires two-thirds of both Houses of Congress to override. The requirement for a supermajority to override unwisely shifts too much power to the executive branch.

Despite this concern, I intend to fully support the President's veto of truly wasteful spending projects. As I have indicated, the 38 military construction projects before us today do not meet that test.

I urge my colleagues to support H.R. 2631.

INTRODUCTION OF THE RIGHTS OF THE CHILD ACT OF 1997

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. SANDERS. Mr. Speaker, today I am reintroducing legislation calling for President Clinton to submit to the U.S. Senate and for the U.S. Senate to ratify the U.N. Convention on the Rights of the Child. America needs to affirm these fundamental human rights for all children. Our Nation remains one of a handful of nations that have not seen fit to affirm civil, political, economical, social, and humanitarian rights for children.

Why should we do this? Let me cite just one example.

It is wrong that at least 200 million defenseless children are working around the world today without any hope of ever seeing the inside of a classroom. Many of these abused children are making products exported for sale in our shopping malls, sporting goods stores, and oriental rug shops all across America.

Consider the plight of millions of child laborers, some as young as 4 years old, who are sold into virtual slavery; that is, bonded and indentured servants, and chained to looms for 14 hours a day hand-knotting the oriental rugs that grace the foyers and living rooms of countless homes and offices all across our country.

Exploited children toil in factories, mines, fields, at looms, and even in brothels, sacrificing their youth, health, and innocence for little or no wages.

They are hand-stitching the Nike and Adidas soccer balls that our kids practice with every day. The very same soccer balls that were used at the Atlanta Olympics last year.

They are sewing the blouses and slacks that Kathie Lee Gifford was paid $7 million a year to promote for Walmart stores until she was embarrassed last year.

They are making Mattel Barbie Dolls that little girls across America play with every day.

They are even sharpening the surgical instruments used in our hospital operating rooms.

This situation is totally unacceptable and there are actions that must be taken to stop this affront to basic human decency. That is why I authored the recently enacted law to prohibit the importing of any products made by forced or indentured child labor for the first time in our Nation's history.

At the same time, our standing to push for a crackdown on child labor around the world would be strengthened if we would ratify the U.N. Convention on the Rights of the Child.

I firmly believe trade is not an end in itself, but a means toward attaining more economic justice, social responsibility, and environmental sustain ability in the United States and the global economy.

The fact that current trade rules go to great lengths to protect property rights, while ignoring the rights of working people—especially children—says much about the absurd priorities of our current trade policies.

Inside and outside the halls of government, we have the power to change this sorry state of affairs. Access to the American marketplace and consumer purchasing power are powerful sources of leverage that should be used to encourage foreign producers and importers to treat defenseless children and all workers with dignity and respect.

We need a trading system that protects the fundamental rights of children and all working people and not just the property rights of corporations and financiers. I am especially delighted that some Vermont teenagers have already begun to speak out and demand action in defense of kids overseas who cannot help themselves. I applaud their human rights leadership and I hope this Congress will go beyond the recently enacted ban that I authored to cut foreign aid to countries that fail to enforce their own child labor laws and to keep any imports made by children under 14 who are employed in manufacturing or mining out of the U.S. marketplace as has been proposed by Senator HARKIN, Congressman FRANK, and myself.

Mobilizing the global community against the scourge of child labor is critically important. Certainly, this effort will be greatly enhanced if America joins 169 other nations that have already ratified the U.N. Convention on the Rights of the Child.

CONGRATULATING AMERICAN LEGION LEON BURSON POST NO. 395 OF PLANO, IL

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. HASTERT. Mr. Speaker, I rise today to congratulate the members and auxiliary of American Legion Leon Burson Post No. 395 in Plano, Il, on the post's 78th anniversary.

Mr. Speaker, the Leon Burson Post No. 395 of the American Legion was granted its charter in 1919, shortly after the guns fell silent in World War I, and the Legion auxiliary was chartered in 1920. The servicemen and women who banded together to form this post shortly after our soldiers and sailors returned home were interested in keeping their spirit of

camaraderie alive. They came together through the American Legion with a goal toward serving their community and their fellow veterans, and they have been meeting that challenge ever since.

Working with other community organizations, including other service clubs, civic groups and churches of varied faiths, the men and women of the Leon Burson Post have served their community faithfully and well. They participate in programs to benefit hospitalized veterans, they support the Illinois Boys and Girls State programs, sponsor Boy Scout and Cub Scout organizations, work with the local Mothers Against Gangs group, and host the annual Plano Youth Tackle Football banquet. They have held fundraisers for local residents who have needed assistance in meeting long-term health care needs and have even provided scholarships for local students. I could go on and on with the projects and programs these men and women have participated in, but let me just say that those that I have mentioned are but a brief sample of the fine efforts displayed by these dedicated post members.

Mr. Speaker, it is organizations such as these that continue to make our Nation strong. I urge my colleagues to join me in celebrating the post's anniversary, and to congratulate American Legion Leon Burson Post No. 395 of Plano, IL for their efforts on behalf of their community and our Nation.

INTRODUCTION OF LEGISLATION TO HOLD OWNERS OF PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION LIABLE FOR UNPAID REFUNDS OF UNEARNED INSTITUTIONAL CHARGES

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. ALLEN. Mr. Speaker, I am today introducing legislation which would amend the Higher Education Act of 1965 to authorize the Secretary of Education to hold owners of proprietary institutions liable for unpaid refunds of unearned institutional charges.

Mr. Speaker, this legislation is necessary to protect students caught in the occasional mismanagement of higher education institutions. Students should be able to attend an educational institution and trust that their tuition and financial aid dollars are being handled properly. When this is not the case, the Secretary should have the power to impose appropriate sanctions not only against the proprietary institution involved, but also against the owner of the institution.

This legislation covers owners of for-profit institutions. I want to be clear that public and private non-profit institutions would not be affected by this legislation. Trustees of public and private colleges and universities would not be considered as owners or proprietors of an institution for the purposes of this legislation.

My bill will solidify the Secretary's power to hold the owner or owners of a proprietary higher education institution liable for financial losses to the Federal Government and student assistance recipients. Presently the Secretary has the general legislative power to do so, but there is no meaningful mechanism in place to collect funds owed. Therefore, the Secretary has only been able to seek recourse from institutions, not their owners. Many institutions fail to make unearned refunds because they are bankrupt. My bill provides the Secretary with the mechanism to collect the funds. It does so by holding the owner liable in the same way that an individual would be responsible for penalties for the nonpayment of taxes.

Taxpayer dollars should be protected to ensure the continued availability and viability of student financial aid programs. A person who has left one proprietary institution without the resources to pay refunds due and owing to students should not be able to start another school without compensating students who are owed refunds. Yet this can happen now. My legislation corrects this problem by requiring that a proprietary institution of higher education may be provisionally certified only if the prospective owner provides the Secretary with financial guarantees.

Mr. Speaker, next year when we consider the Higher Education Reauthorization, I expect that interest in this legislation will grow. I urge my colleagues to support this legislation in the months to come.

COMMUNITY EMPLOYMENT PARTNERSHIP ACT OF 1997

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mrs. LOWEY. Mr. Speaker, today I am very pleased to join my good friend and colleague from Connecticut, Mrs. JOHNSON, in introducing the Community Employment Partnership Act of 1997. This bipartisan legislation will provide communities across the country with a significant new tool in moving millions of Americans from welfare to work by establishing tax incentives for not-for-profit employers.

The central challenge of the new Federal welfare reform law is to help millions of public assistance recipients enter the work force. However, currently only profit-making employers are provided with the tools, principally in the form of the work opportunity tax credit, to recruit, hire, and train long-term welfare recipients.

Across the Nation, not-for-profits such as hospitals, nursing homes, universities, and community-based organizations remain a major untapped resource for hiring people on welfare. Many not-for-profit employers that are in need of entry-level workers are located in cities with high concentrations of welfare recipients and easy access to mass transit. This helps eliminate one of the major impediments to welfare recipients keeping a job: the cost and time of getting to and from work.

It is clear that if we want to ensure the maximum level of participation from all employers in moving people from welfare to work, we must pass legislation that expands the work opportunity tax credit program to include not-for-profit employers. Our legislation will do just that through a graduated tax credit to reduce not-for-profits' Federal payroll tax liability. Specifically, this legislation will provide a 20-percent tax credit on payroll taxes from the date of hire for the first $6,000 in wages for those working 120 to 399 hours each calendar year quarter and a 30-percent credit for the first $6,000 in wages for people working 400 hours or more.

I know first-hand that in the New York metropolitan area, including hospitals, universities, and other not-for-profits in the welfare-to-work effort will not only help tens of thousands of welfare recipients become self-sufficient, it will also give these institutions the financial means to better support their communities and meet their own pressing labor needs. That is why the Community Employment Partnership Act has been endorsed by the Non-Profit Coordinating Committee of New York.

Mr. Speaker, our legislation is clearly a win-win situation for communities across the Nation. I urge my colleagues to join us in this effort.

A TRIBUTE TO LT. TRACY A. BARKHIMER

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. KOLBE. Mr. Speaker, I rise today to recognize a truly outstanding naval officer, Lt. Tracy Anne Barkhimer, U.S. Navy. Lieutenant Barkhimer will soon be completing her assignment as liaison officer in the Navy's Office of Legislative Affairs, Rayburn House Office Building. It is a distinct pleasure for me to recognize a few of her many outstanding accomplishments.

A native of Staten Island, NY, Lieutenant Barkhimer received a bachelor of engineering degree in electrical engineering and an unlimited tonnage/any ocean third mates' license in the U.S. Merchant Marine from the State University of New York Maritime College and was commissioned an ensign in August 1988. Lieutenant Barkhimer completed naval aviation training in the T–34C airplane and in the H–57B helicopter in Pensacola, FL, and was designated an unrestricted naval aviator in June 1990.

After receiving her wings of gold, Lieutenant Barkhimer was transferred to the H–46 Helicopter Fleet Replacement Squadron in San Diego, CA for training in the Sea Knight helicopter. In August 1991, she reported to Helicopter Combat Support Squadron Eleven [HC–11] as an operations officer. During her tour, she deployed as a copilot for 6 months aboard U.S.S. *Wabash* [AOR5], participating in Operations Desert Shield and Desert Storm. Lieutenant Barkhimer also flew marines under combat conditions to the shores of Mogadishu, Somalia as U.S. forces worked to secure the airport and the U.S. Embassy. While on shore, Lieutenant Barkhimer performed duties as the squadron NATOPS officer, nuclear safety officer, assistant administrative officer and administrative department head for 3 months.

Lieutenant Barkhimer then deployed aboard U.S.S. *Camden* [AOE2] as assistant officer in

charge/operations officer of a two-plane detachment with a compliment of 30 maintenance personnel. During this 6-month deployment, she participated as an aircraft commander in Operations Desert Storm and Restore Hope. Upon successful completion of her second deployment, she returned to PC–11 as administrative officer and reached the 1,000 flight hours in model milestone. In January 1995, Lieutenant Barkhimer was handpicked as a liaison officer to the House of Representatives for the Navy's Chief of Legislative Affairs.

Lieutenant Barkhimer has made a lasting contribution during her 3-year tenure at the Navy Liaison Office. She has processed thousands of sensitive constituent inquiries for the 104th and 105th Congresses in a timely, highly efficient, and caring manner.

Lieutenant Barkhimer planned and escorted numerous staff delegation orientation trips to various Navy and Marine Crops units and installations across the United States, introducing key congressional military advisors to the issues and challenges facing the sea services. Her extensive professional knowledge of aviation, surface and submarine programs, and impressive ability to communicate Navy legislative priorities.

Lieutenant Barkhimer flawlessly planned and executed three major overseas congressional delegation trips, two of which were led by myself. Her meticulous attention to detail and outstanding organizational skills were absolutely essential to the success of these trips.

Mr. Speaker, Tracy Barkhimer and her husband Eric have made significant sacrifices during her 9-year naval career. Tracy has spent a significant amount of time away from her family to support the vital role the U.S. Navy plays in executing our national security strategy. Lieutenant Barkhimer is a great credit to the U.S. Navy and to this great country she so proudly serves. Recently selected to the highly competitive Aviation Engineering Duty Officer Program, she now departs Capitol Hill to take on a new challenge at the Naval Air Systems Command in Patuxent River, MD as the V–22 Osprey Avionics Systems Project Officer. I call upon my colleagues from both sides of the aisle to wish her every success as well as fair winds and following seas, always.

THE WELFARE REFORM PROGRAM IS SUCCESSFUL IN SOUTH CAROLINA

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. SPENCE. Mr. Speaker, I am pleased to report to my colleagues that the welfare reform that we have enacted is achieving the results that we intended in South Carolina. When I was in my district recently I met with Mr. Chester J. Tomson, Jr., who is the director for Orangeburg County of the South Carolina Department of Social Services [DSS]. During that meeting, and in a subsequent letter, Mr. Tomson relayed to me the success that he is experiencing in his County as a result of the welfare reform that was enacted by the Congress. Since the welfare reform initiative began in South Carolina, in January of 1996, the Orangeburg County DSS Office has placed 985 heads of households in full time employment at minimum wage. It is estimated by the staff of that Office that nearly 85 percent of those who were placed in jobs have stayed in that employment for at least 30 days and that many have been employed for over 1 year.

In regard to articles that have been published about fears that welfare reform would result in incidents of children having to be placed in foster care due to neglect, as well as for other causes associated with changes in the welfare system, those concerns have been shown to be unfounded in Orangeburg County. In January 1996, the intake rate for children in Orangeburg County averaged 35 to 40 cases per month, and the DSS Office there reports that this rate has not changed.

According to the Orangeburg County DSS Office, most of the client families that they serve are headed by single parents who are female, with positions that have been traditionally held by females difficult to find there. In this County, which is the second largest geographically in the State, the unemployment rate is 10 percent, there is a high incidence of illiteracy, and there is no rural public transportation system. Yet, they are making inroads in helping their disadvantaged population to find work and improve their lives. I would like to take this opportunity to commend the staff of the Orangeburg County DSS on their dedication and wish them much continued success.

INTRODUCTION OF LEGISLATION TO ENHANCE CHILD SUPPORT ENFORCEMENT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. CARDIN. Mr. Speaker, today I introduced legislation to provide new tools for the enforcement of child support orders in this Nation. In the process of shaping the 1996 comprehensive welfare reform bill it became clear that effective child support enforcement was among the best means this Nation has to end welfare as we know it. The bill I introduced today will assist State and Federal officials in dealing with some of their toughest delinquency cases.

This legislation would establish tough enforcement measures for dealing with foreign nationals who are noncustodial parents with children living in this Nation. The bill would deny entry visas and residency status to those falling more than $5,000 behind in court-ordered child support payments. In addition, naturalization could not take place until one is in compliance with support orders. The bill would allow these foreigners to attend court hearings and other related legal proceedings in this Nation. It also provides new authority for immigration officers to serve court orders, summons, and other legal process at the border—when we best know the whereabouts of foreign nationals.

These provisions are similar to existing child support enforcement measures imposed on U.S. citizens, such as the denial of drivers and/or other professional licenses, as well as passports. These penalties also generally become applicable when one is more than $5,000 behind in payments. This issue was brought to my attention by a constituent who could not collect ordered payments from a foreign national, though the irresponsible parent regularly traveled in and out of this country on business. As we make it tough on Americans who are irresponsible, we should do the same with foreign nationals.

I urge my colleagues to join me in support of this legislation to provide new tools for child support enforcement. I would also ask that the text of the legislation be printed in the RECORD at this point.

TRIBUTE TO MARILYN DONLIN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. LEVIN. Mr. Speaker, I rise today to pay tribute to an educator, and an exceptional community activist, Marilyn Donlin of Warren, MI.

I have known Marilyn Donlin and her husband Bert for many, many years. We first became acquainted through democratic Party activities in Metropolitan Detroit. I have since had the good fortune and pleasure of renewing our friendship and working relationship beginning in 1992, when I was first elected to represent the city of Warren in the new 12th congressional district.

After graduating from Cass Technical High School in Detroit, Marilyn Donlin received a bachelor of philosophy from the University of Detroit and a masters of arts from Saginaw Valley State University. In addition to her involvement in high school and college with the concert and marching bands, no one would be surprised to learn that Marilyn chose the debate team and national forensic league as her other extracurricular activities.

While Marilyn Donlin taught school for Warren's Fitzgerald Public Schools from 1957 to 1955, her pioneering spirit and strong personality assured that Marilyn would be a leader in her community. While serving as president of the Fitzgerald Education Association, [MEA–NEA] from 1984 to 1995, when she spoke of her work, her focus was on the children she taught, their individual lives and struggles.

Marilyn Donlin's institutional knowledge of community politics and activities is unparalleled. Her participation in Democratic Party activities are too numerous to name, spanning decades in the Metro Detroit community. Yet, even a chronological list of her involvement wouldn't do justice to the role Marilyn has played over the years. She is a leader. She is an organizer. She is a mentor. She is truly a pioneer and has been an important progressive force in her community.

Certainly, the results of her work and activism have benefitted individuals in her community—she cares about people and the issues which impact their lives. However, Marilyn's prominent role in politics and public life have had an impact far beyond policy and government action. She has played a significant part

in advancing the role of women in politics and public service. She has done this quietly, yet effectively. I know she realizes the importance of this achievement and I hope she realizes the tremendous impact she has had.

It has been my sincere pleasure to work with Marilyn Donlin through the years. I wish her the best as she embarks upon her third retirement. There is no doubt that as she immerses herself in her next endeavor, our communities will continue to reap the benefits of her work.

ON THE INTRODUCTION OF THE NATIONAL BEVERAGE CONTAINER RECYCLING INITIATIVE ACT

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. ALLEN. Mr. Speaker, I rise today to introduce the National Beverage Container Recycling Initiative Act. This comprehensive beverage container redemption bill is based on the current redemption law in my State, Maine.

There is one simple reason why I believe the Maine bottle bill should be the model for Federal legislation: it works. In fact, Maine leads the Nation with a 96 percent redemption rate on all types of returnables.

We have over 20 years experience with our Maine bottle bill. But then, we have over three centuries of experience with the basic Yankee values that underlie the concept of the bottle bill: common sense, frugality and a respect for the environment that sustains us.

After enacting the bottle bill through referendum with 54 percent of the vote in 1976, Mainers reaffirmed the law 3 years later when 67 percent of the voters opposed a repeal initiative. In 1989, to build upon the bottle bill's success, the Maine legislature extended deposits to all glass, metal and plastic beverage containers under 4 liters, except for milk cartons.

Mainers have grown so accustomed to returning their bottles and cans that recycling has become a way of life. In 1993, Maine people recycled over 425,000 tons of material, which equals one-third of the municipal waste generated statewide, and is 50 percent higher than the national average.

Recycling is a $1.6 billion industry in Maine, employing 8,100 people in good jobs paying an average of over $20,000 a year. Beaches and roads in Maine are cleaner, our volume of trash collected has been reduced, and jobs have been created, all due to the bottle bill.

My proposal would place a 5-cent deposit on regular beer, wine, and soda bottles. The bill would also extend the 5-cent deposit to so-called new-age beverage containers. These are mostly glass juice containers such as Snapple, Very Fine, and Gatorade. These beverages constitute over 20 percent of the national beverage market. Maine is currently the only State with a deposit and refund on these containers.

My bill would also place a 15-cent deposit on wine and spirit containers. As an incentive to implement the bottle bill, retailers would receive a 2-cent per container fee for their participation in the program. Unclaimed deposits would go to the States to help fund their environmental programs.

The benefits of a national bottle bill are obvious: cleaner highways, beaches and communities. But there is more to a bottle bill than improving the appearance of our country. Recycling creates jobs, reduces the volume of heavy solid waste at landfills and transfer stations, and saves energy. Moreover, a bottle bill engages all people in the task of protecting our natural resources.

I am convinced that a bottle bill modeled on Maine's extraordinarily successful program would benefit the entire Nation. Already nine other States have some form of bottle bill in effect. The 77 million Americans who live in these bottle bill States already recycle more than the rest of the 186 million Americans in States without bottle bills. In 1995, EPA reported that the 10 bottle bill States recycled 1.63 million tons of beverage containers, 300,000 more tons than the 1.33 million tons recycled by the other 40 States combined.

As I introduced this important bill, I cannot help but offer an appropriate paraphrase of a timeless political adage, which I hope this legislation will bring to life: "as Maine recycles, so recycles the nation."

INTRODUCTION OF THE POSTSECONDARY ADULT VOCATIONAL EDUCATION ACT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mrs. LOWEY. Mr. Speaker, today I am introducing the Postsecondary Adult Vocational Education Act [PAVE] to promote vocational and higher education as a means of helping welfare recipients to become self-sufficient.

Last year, Congress enacted a sweeping welfare reform law with my support. The new welfare system is designed to provide needy families with job preparation, work, and support services to enable them to leave the welfare program and become self-sufficient. In particular, it permits a limited number of adult welfare recipients to pursue vocational educational training—but only for 1 year. I believe this provision is inadequate. The fact is, nearly half of all jobs in the 21st century will require some postsecondary education.

That is why I have introduced the PAVE Act. This legislation would permit more welfare recipients to attend institutions of higher education for up to 2 years—enough time to earn a vocational or community college degree. In addition, those who attend college while on welfare would be permitted to fulfill their additional work requirements through college work-study. Working on campus will cut down on the time and expenses of commuting that make it so difficult for single mothers to meet their work and family responsibilities.

In my district there are a number of effective higher education programs that are helping welfare recipients find and keep good jobs, including the JobSTAR Program at Westchester Community College and the CLOUT Program at Pace University. Programs around the country are having similar success. By expanding the vocational and higher education opportunities available under the new welfare law, the PAVE Act will enable more welfare recipients to gain the knowledge and employment skills they need to support their families on their own and leave the welfare rolls once and for all.

The Postsecondary Adult Vocational Education Act is a commonsense proposal that will help pave the road to self-sufficiency. I invite my colleagues to join me and cosponsor this important legislation.

FEDERAL CHILD CARE CENTERS, H.R. 2982

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. GILMAN. Mr. Speaker, I rise today to urge my colleagues to support H.R. 2982, the Quality Child Care for Federal Employees Act. With the topic of child care on every news program and magazine cover, we here in the House need to look at this problem and begin to bring about changes in child care throughout America, especially in federally owned buildings.

Unfortunately, these Federal child care centers are not forced to maintain the same standards as privately owned facilities. Not only do these centers not have to comply with the State or local codes regarding child care centers, but in addition they do not follow basic fire and health codes because they are Federal facilities. This legislation will mandate that all Federal child care centers comply with State and local fire and health ordinances in addition to all other child care center codes.

This is an important first step in improving our Nation's child care and in ensuring the safety of our children who spend a great deal of their formative years in such centers. I urge my colleagues to join in supporting the thousands of children in day care by supporting my bill, H.R. 2982.

APPLAUDING HOUSE COLLEAGUES FOR CHINA VOTES

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. CALVERT. Mr. Speaker, I rise today to applaud my colleagues for passing by overwhelming majority nine separate bills assailing China's human rights record, its weapons sales, its treatment of religious minorities, its support of compulsory abortion, and its relationship with Taiwan. Virtually all Americans share the same goals with regard to ending China's oppressive practices, but many disagree on the means necessary to accomplish those goals. These bills strongly show the anger and frustration of this Congress toward the Communist Chinese regime.

As former President Ronald Reagan did with the "Evil Empire," I believe the United States must continue to maintain firm dialog with its adversaries, contain them militarily, and saturate them with Western, pro-freedom influences. I believe a similar combination will work on China. I am tough on China and any country that allows human rights abuses and religious persecutions.

As a subcommittee chairman, I denied President Clinton's ill-thought plan for a $50 million coal plant for China. I also recently took part in an event sponsored by the Congressional Human Rights Caucus and "adopted" Gyaltsen Choezom, a Tibetan nun, and Qin Musheng, and evangelical pastor, who are imprisoned by the Chinese Government for the peaceful expression of their political beliefs or the practice of their religion. I will join other colleagues in advocating for the release of their adopted prisoners with the Chinese Government. I am committed to improving human rights and establishing true religious freedom for all of the people of China.

CHARTER SCHOOL AMENDMENTS ACT OF 1997

SPEECH OF

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools:

Mr. SMITH of Oregon. Mr. Chairman, I rise today to offer additional comments regarding an amendment I offered to the Charter Schools Amendments Act of 1997 that will enable Oregon to continue its efforts to give students and parents broad choices in public education.

I would like to thank the Chairman of the Committee on Education and the Workforce, Mr. GOODLING, and the Chairman of the Subcommittee on Early Childhood, Youth and Families, Mr. RIGGS, for their work in bringing this important legislation before us today.

I also appreciate the work of my colleague from Oregon, Ms. HOOLEY, for her hard work on this issue. I want to thank her for her efforts.

Charter schools are innovative public schools that are held accountable for academic results in exchange for freedom from burdensome regulations. The Charter Schools Amendment Act will carefully target funding for the Federal Public Charter Schools Program.

Currently, Oregon has implemented the charter school concept under enabling State statutes. This State legislation gives local school boards broad authority to establish new schools or restructure existing schools to be innovative and flexible in the way they educate children. However, my home State of Oregon does not have a specific charter school law.

Therefore, under this bill, Oregon, which this year received the final year of a 3-year Federal Public Charter Schools Program grant, would be ineligible for continued funding.

Mr. Chairman, my amendment simply makes it clear that States, which have received a 3-year grant, are not prohibited from receiving a 2-year grant extension. This amendment would extend Oregon's eligibility until 1999, when our State legislature, which meets every 2 years, convenes again and has the opportunity to pass a specific State charter school law.

My amendment will enable the State of Oregon to apply for continued support to provide creative, flexible educational options for students and families.

MADONNA UNIVERSITY'S 50TH ANNIVERSARY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to congratulate Madonna University on its 50th anniversary.

Founded in 1947 by the Felician Sisters of Livonia, Madonna University has grown from a student body of 9 to one of 4,000.

Throughout the years, Madonna has undergone many changes. In 1962, Madonna expanded its curriculum to include a 4-year degree program in nursing. In 1972, men were admitted for the first time to degree programs and Madonna's curriculum was expanded to include programs in criminal justice, radiologic technology, and fire protection and occupational safety.

In 1975, Madonna initiated an interpreting program for communication with deaf persons and the first deaf students were admitted to the college. In 1991, Madonna College was renamed Madonna University.

Madonna University is one of the gems in my congressional district. This institution of higher learning provides dedicated students with the opportunity to develop their skills and receive a first class education.

It is with great appreciation that I extend my congratulations to the board of trustees, President Sister Mary Francilene, the alumni, and the students of Madonna University.

THE GUARDIANS OF FREEDOM

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, this Veterans Day, I would like to share with my colleagues a very poignant letter I received yesterday from my constituent, Dr. Peter Tarasoff of Randolph, NJ. Dr. Tarasoff returned earlier this year from his service as a U.S. Army Military Reserve physician in support of Operation Joint Endeavor in Europe, and recently retired with the rank of lieutenant colonel.

As someone who has the unique view of serving patients in our armed services and as a private physician, Dr. Tarasoff recognizes what we often forget—that 365 days a year, there are American men and women in harm's way around the world, in more than 100 countries, protecting our freedoms. Dr. Tarasoff writes:

Having now completed more than 20 years of service with the Army Medical Corps, I have retired and thankfully, returned to civilian life and my family. As our military forces continue to downsize and the responsibilities placed upon their shoulders increase, I hope the American public will continue to remember the tremendous job being done on all our behalves by the men and women of the uniformed services. I am concerned, however, that this might not be the case.

I hope that you and your colleagues in the Congress will take every opportunity, such as Veterans Day, Armed Forces Day, to remind all Americans of this. I still recall very clearly December 25, 1996, a bitterly cold day in Germany, when during formation, our unit commander remarked, "None of us will ever forget Christmas 1996. This is the year that we give to our country the gifts of our talent, service, and time in the name of freedom. Our families give even more through their willingness to support things at home and maintain us here with their love and devotion. Democracy is expensive and a few often pay the dues for many."

So, Mr. Speaker, this Veterans Day, I would ask my fellow Americans to stop and thank a veteran for paying the price of freedom, and think about our men and women serving overseas—they won't have the day off.

FREE LEYLA ZANA, KUDISH PARLIAMENTARIAN JAILED IN TURKEY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. PORTER. Mr. Speaker, I come to the floor today to express my profound outrage at the treatment of an elected official in Turkey. Leyla Zana—a Kurdish parliamentarian, duly elected by the people of her district—has been arrested and jailed in turkey for the crime of expressing her political opinions and beliefs. To be precise, Ms. Zana had the temerity to express her views at a meeting of the Commission on Security and Cooperation, here in Washington. Her prosecution is a crime against democracy and a crime against freedom. For nearly 3 weeks, a group of Kurds and Americans have been fasting in front of the Capitol in silent protest of Leyla Zana's incarceration. One of these individuals was forced to end his vigil yesterday because his health was threatened.

Last week, over 150 of my colleagues and I sent a letter to President Clinton asking him to demand Leyla Zana's freedom. I regret to say, however, that I do not have high hopes that our Government will take her case seriously. Our administration—like those before it—has maintained a policy of ignoring outrageous Turkish human rights abuses, and papering over the fault lines in Turkish democracy.

For the past week, many of my colleagues and I have taken to the floor to express our genuine outrage at the human rights abuses in

China. The litany of human rights abuses that we heard about is, unfortunately, what we have come to expect from countries like China. What we should not expect or tolerate is for a country like Turkey—ostensibly a western, European, democratic country—to have the same type of human rights problems. Yet Leyla Zana's case demonstrates that freedom of expression, freedom of thought and political dissidence are nearly as dangerous in Turkey as they are in China today. Turkey is our close ally, a partner in NATO and the European theater. How can we criticize China, but expect so little from Turkey? This hypocrisy must end.

It is even more shameful that Turkey's harassment of the Kurdish people does not end at its own borders. In the past 3 weeks, Turkey has openly waged an indiscriminate attack on Kurdish villages in Northern Iraq. Turkey has said that they are merely pursuing the PKK into Northern Iraq, but the facts bear out a different story. The use of napalm and cluster bombs against civilians in Northern Iraq is irrefutable evidence that Turkey does not care who it hurts in its mindless military effort to eradicate the Kurds. I am ashamed to say that our Government—the same government that marshaled the entire international community when these same Kurds were attacked by Saddam Hussein—has done nothing to criticize this lawless behavior on the part of our ally Turkey. Instead we have allowed Turkey to willfully disrupt our own efforts to negotiate a peaceful settlement between the Kurdish groups in Northern Iraq.

The United States has a moral responsibility to speak out against such behavior whether it comes from China or Turkey. I hope that my colleagues will join me in expressing their outrage at Turkey's outrageous actions at home and beyond its borders, and our own administration's "see no evil" policies.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. KIND. Mr. Speaker, today is the end of the line for those of us who support campaign finance reform. Today, it is expected that we will complete our legislative session, and will adjourn for the rest of the year. We will adjourn without having been given a vote on campaign finance reform. The leadership of this House has rejected the pleas of myself and many of my colleagues to bring a bill to the floor for a debate and vote.

It is obvious that the current system is broken and needs dramatic change. Too much money is being spent on campaigns. This has prohibited many qualified individuals from running for office, it has created disgust with the democratic process, and it has resulted in some of the lowest voter turnout in years. It is our responsibility as elected officials to change the current system.

There have been some promises that the House will consider a campaign finance reform bill in March of next year. It will be too late. Next year is an election year and even if we do pass legislation which will change the current system, which is still unlikely, it will be too late for the 1998 election cycle. That means a continued escalation of spending in campaigns, more soft money expenditures, more independent expenditures by special interest groups, and ultimately more public dissatisfaction with the process.

I have risen each day and made a statement calling for a vote on campaign finance reform. The leadership has failed to respond to my call. More importantly, they have failed to respond to the demands of the public for an end to the big money race.

I hope that when we return next year we will respond to the demands of the public and allow a vote on campaign finance reform. The people of my district demand that we take action.

EXPLANATION OF VOTES DURING MEDICAL ABSENCE

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. RILEY. Mr. Speaker, for medical reasons, I was absent during the following rollcall votes. Had I been present, I would have been recorded in the following manner.

TUESDAY NOVEMBER 4, 1997

On rollcall No. 572, a bill to require the Secretary of the Interior to exchange certain lands located in Hinsdale County, CO, I would have voted "aye."

On rollcall No. 573, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, I would have voted "aye."

On rollcall No. 574, a bill to reaffirm the Federal relationship of the Burt Lake Band as a distinct federally recognized indian tribe, I would have voted "nay."

WEDNESDAY, NOVEMBER 5, 1997

On rollcall No. 575, a motion to approve the Journal, I would have voted "aye."

On rollcall No. 576, a quorum call, I would have voted "present."

On rollcall No. 577, a bill to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, I would have voted "aye."

Mr. Speaker, I rise today in strong support of H.R. 2676, legislation that will once and for all establish a taxpayer bill of rights. Our Tax Code has grown from 11,400 words in 1913, to 5.5 million words in the current code. Enough is enough. The Tax Code is too complicated and too hard to understand for most Americans. Each year, Americans spend more than 5 billion hours and $157 billion preparing their tax returns.

It is time to reign in the IRS, which too often seems to operate as if it's above the law. Recent hearings in both the House and Senate have shown that the IRS will stop at almost nothing in its harassment of law-abiding citizens. With its vast array unchecked powers it is not surprising that the IRS has used its authority to needlessly destroy families, close businesses, put people out of work, and shatter dreams. Unfortunately, current law makes it impossible for innocent taxpayers to fight back.

I think a recent Newsweek Magazine article said it best: The IRS has too much muscle, too much money, and too little oversight. The agency is out of control and it is not going to fix itself. Only Congress can do that. In my view, we should overhaul—if not eventually abolish—the IRS.

Then we should scrap the Tax Code and replace it with one that is fairer and flatter.

Today, the House has an opportunity to take an important first step. By passing H.R. 2676, the Internal Revenue Service Restructuring and Reform Act, we can show the American people that their Government exists to serve them, not itself. This bill will rein in the out-of-control monster that the IRS has become. It will create new administrative and oversight structures, and it will give taxpayers new protections and rights. More importantly, H.R. 2676 will shift the burden of proof from the taxpayers to the IRS. In other words, the IRS will no longer be free to harass the American people.

For too long, Mr. Speaker, the table has been tilted in favor of the IRS. As result, the IRS has abused its power and mistreated millions of taxpayers. I, like the American people, won't stand for it any longer. As an elected official and a representative of the people, neither should you.

On rollcall No. 578, on agreeing to the rule, I would have voted "aye."

Mr. Speaker, over the last few weeks, Congress has been engulfed in a debate about China. The House will consider nine legislative initiatives that focus directly on China. This Policy for Freedom initiative includes legislation that attempts to deal with the Chinese sale of military hardware, the Chinese Government's inability to protect intellectual property rights, the Government's failure to accept different religions, and human rights. These debates, which have been continuing since Nixon re-established relations in the 1960's and the 1989 Tiannamen Square massacre, are particularly poignant this week because of the formal meetings this week between Mr. Jiang Zemin, the President of the People's Republic of China [PRC] and President Clinton.

Mr. Speaker, I firmly believe that we must closely examine our relationship with China. There are human rights violations and atrocities being committed in China that are too horrible to ignore. Innocent people are being persecuted because of their religious beliefs. Sadly, people who step outside the prescribed bounds are dealt with in a draconian manner—monasteries in Tibet are defamed and burned, Christians in Singapore are arrested, and religious dissidents throughout all of China are prohibited from expressing their beliefs.

In addition to religious persecution, China has exchanged high technology military hardware with rogue countries that threaten Middle East and Near East peace. China has knowingly sold precision cruise missiles to Iraq and continued to share nuclear secrets with North Korea, despite vehement opposition from the United States. China has routinely ignored intellectual property rights of individuals and corporations, allowing copyright pirates to market merchandise without paying the creators.

I am pleased that Congress will take up nine bills this week that will send a message to the Chinese Government. America is the beacon of democracy and freedom for the world. We have a moral obligation to stand up to those who dismiss the protection of human rights and those who refuse to protect and preserve the sanctity of life. We in Congress cannot sit here with the knowledge that innocent people are being targeted by an authoritarian and repressive regime. The failure of the U.S. Congress to act would send a message of appeasement and blindness to the Communist Government of China. We must stand up for our beliefs or we betray the ideals for which we were elected to champion. Mr. Speaker, it is my hope that Congress sees the value within the Policy for Freedom and passes these bills so that the people and Government of China know that we here in the United States are not going to turn a blind eye to actions of China.

On rollcall No. 579, an amendment to extend the congressional review period for licensing nuclear exports to China from 30 to 120 days and to provide for expedited procedures for consideration of a joint resolution of disapproval for any licensing, I would have voted "aye."

On rollcall No. 580, a bill to provide for improved monitoring of human rights violations in the Peoples Republic of China, I would have voted "aye."

On rollcall No. 581, a motion to table the motion to appeal the ruling of the Chair, I would have voted "aye."

On rollcall No. 582, a bill to provide for certain measures to increase monitoring of products of the People's Republic of China that are made with forced labor, I would have voted "aye."

On rollcall No. 583, a motion to table the measure, I would have voted "aye."

On rollcall No. 584, a motion to adjourn, I would have voted "aye."

THURSDAY, NOVEMBER 6, 1997

On rollcall No. 585, a motion to adjourn, I would have voted "nay."

On rollcall No. 586, a motion to adjourn, I would have voted "nay."

On rollcall No. 587, on ordering the previous question, I would have voted "aye."

On rollcall No. 588, a motion to table the motion to reconsider the vote, I would have voted "aye."

On rollcall No. 589, a rule waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, I would have voted "aye."

On rollcall No. 590, a motion to table the motion to reconsider, I would have voted "aye."

On rollcall No. 591, a motion to adjourn, I would have voted "nay."

On rollcall No. 592, a bill urging the executive branch to take action regarding the acquisition by Iran of C–802 cruise missiles, I would have voted "aye."

On rollcall No. 593, a motion to table the motion to reconsider, I would have voted "aye."

On rollcall No. 594, a motion to adjourn, I would have voted "nay."

On rollcall No. 595, a bill to prohibit the use of United States funds to provide for the participation of certain Chinese officials in international conferences, programs, and activities and to provide that certain Chinese officials shall be ineligible to receive visas and excluded from admission to the United States, I would have voted "aye."

On rollcall No. 596, a motion to table the motion to reconsider, I would have voted "aye."

On rollcall No. 597, a motion to adjourn, I would have voted "nay."

On rollcall No. 598, a bill to condemn those officials of the Chinese Communist Party, the Government of the Peoples Republic of China, and other persons involved in the enforcement of forced abortions by preventing such persons from entering or remaining in the United States, I would have voted "aye."

On rollcall No. 599, a motion to table the motion to reconsider, I would have voted "aye."

On rollcall No. 600, a motion to adjourn, I would have voted "nay."

On rollcall No. 601, a bill to implement the provisions of the Taiwan Relations Act concerning the stability and security of Taiwan and United States cooperation with Taiwan on the development and acquisition of defensive military articles, I would have voted "aye."

On rollcall No. 602, a motion to table the motion to reconsider, I would have voted "aye."

On rollcall No. 603, a motion to adjourn, I would have voted "nay."

On rollcall No. 604, a motion to appeal the ruling of the Chair, I would have voted "aye."

On rollcall No. 605, a bill to require the United States to oppose the making of concessional loans by international financial institutions to any entity in Peoples Republic of China, I would have voted "aye."

FRIDAY, NOVEMBER 7, 1997

On rollcall No. 606, a motion to adjourn, I would have voted "nay."

On rollcall No. 607, a bill to authorize appropriations for fiscal year 1998 for intelligence and intelligence related activities of the U.S. Government, the community management account, and the Central Intelligence Agency retirement and disability system, I would have voted "aye."

On rollcall No. 608, a motion that the Committee rise, I would have voted "nay."

On rollcall No. 609, a motion that the Committee rise, I would have voted "nay."

On rollcall No. 610, an amendment to strike provisions in the bill that identify specific priorities for charter school grant funding to states that meet certain requirements, I would have voted "nay."

On rollcall No. 611, a bill to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, I would have voted "aye."

Mr. Speaker, Americans want charter schools. Why? Because charter schools work, They work because they allow parents, teachers and communities demand something new from students—academic excellence and discipline—without interference from Federal and State education bureaucracies.

Charter schools are gaining popularity across the Nation. Today, 30 States, the District of Columbia, and Puerto Rico have passed legislation allowing charter schools to open. This fall, nearly 700 schools are in operation, serving more than 170,000 students. Many more are waiting for State approval.

The charter schools movement is simple. First, under the charter school arrangement, parents and teachers are freed from the bureaucratic restrictions of traditional schools. Ideally, this means that the charter school is not bound to the State's codes for educational curriculum, personnel, scheduling, or financial administration. In other words, parents and teachers—not bureaucrats in the State capitol or Washington—are free to decide how to best to run their schools. In return, these new school entrepreneurs are held accountable for results, namely high student achievement.

Unfortunately, there are significant barriers between these innovative schools and success. The most daunting of these barriers require access to start-up capital flexible State laws that will encourage the establishment of charter schools. I believe that H.R. 2616, the Charter Schools Amendments Act of 1997, will help new charter schools overcome these barriers.

Specifically, this legislation will help improve the process of creating new charter schools in more States. For the first time, States will be given incentives to adopt stronger charter school laws. Under H.R. 2616, States that give local school administrators a high degree of fiscal autonomy will be eligible to receive increased funding for their charter school programs. Additionally, these States must also agree to increase the number of charter schools allowed to open each year and provide for academic accountability. H.R. 2616, also ensures that charter school grant money actually gets to the classroom. Under the bill, at least 95 percent of Federal charter school funds go to the State and local level.

Mr. Speaker, the charter schools movement has grown out of the need and demand for parental and teacher control of public schools. With their wide acceptance from both educators and parents, charter schools can no longer be considered an experiment in education reform. They are the future of education reform. For this reason, I strongly support H.R. 2616.

On rollcall No. 612, a motion to table the motion to reconsider, I would have voted "aye."

On rollcall No. 613, a bill to ensure that commercial activities of the People's Liberation Army of China or any Communist Chinese military company in the United States are monitored and are subject to the authorities under the International Emergency Economic Powers Act, I would have voted "aye."

On rollcall No. 614, a bill making appropriations for the Departments of Labor, Health and Human Services, Education and related agencies for the fiscal year ending September 30, 1998, I would have voted "nay."

Mr. Speaker, I rise in opposition H.R. 2264. While this legislation does include critical Hyde amendment language that will prevent Federal funding of abortions through State managecare health plans I am concerned about several provisions of the bill. I am also pleased that this bill did not include funding for the President's misguided national testing program, but did include $20 million for charter schools. However, H.R. 2264 does include a

$5 million increase in title X funding a $273 million increase from the President's budget request and $5.7 billion more than the fiscal year 1997 bill, and finally an unacceptable compromise on needle exchange programs.

The original House version of H.R. 2264 contained a critical provision that would have banned Federal funding of needle exchange programs for drug abusers. In my opinion, Federal funds should not be used to encourage or support illegal drug abuse. Accordingly, I stand in opposition to the conference report.

SATURDAY, NOVEMBER 8, 1997

On rollcall No. 617, a bill disapproving the cancellations transmitted by the President on October 6, 1997, regarding military construction appropriations, I would have voted "aye."

On rollcall No. 618, a bill to reform, extend, and repeal certain agricultural research, extension, and education programs, and for other purposes, I would have voted "aye."

On rollcall No. 619, a bill to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, FL, I would have voted "aye."

On rollcall No. 620, a bill to increase the child care credit for lower-income working parents, and for other purposes, I would have voted "aye."

On rollcall No. 621, a motion to adjourn, I would have voted "aye."

Mr. Speaker, I rise in support of House Resolution 122, the Tactile Currency for the Blind and Visually Impaired Act. I am an original cosponsor of this legislation, which encourages the Bureau of Engraving and Printing to make cost-effective design changes to this Nation's currency so that it will be better identifiable by the blind and visually impaired.

I strongly believe that it is important that the visually impaired in this country are given the opportunity to have a better chance at living independently by making their money more accessible to them.

Mr. Speaker, tactile marks will make an important difference in the lives of the visually impaired, including those individuals involved in programs offered by exceptional organizations like the Alabama Institute for the Blind and Deaf in Talladega, AL, and its associated programs within the Alabama School for the Blind, The Helen Keller School of Alabama, the E.H. Gentry Technical Facility, and the Alabama Industries for the Blind.

I urge my colleagues to join me in supporting the visually impaired because it is vitally important that every individual in this country is given an equal chance to live his or her life at the best of his or her capacity.

SUNDAY, NOVEMBER 9, 1997

On rollcall No. 622, a motion to table, I would have voted "aye."

TRIBUTE TO GEMILIA HALL HERRING AND RUTH HALL WILKERSON

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. THOMAS. Mr. Speaker, the African-American Network of Kern County hosted its seventh annual Community Awards Night on November 8, 1997, and selected several outstanding Kern County citizens in recognition of their lifelong efforts to improve the way of life that thousands of people, young and old, black and white, enjoy.

Gemilia Hall Herring and Ruth Hall Wilkerson are recipients of the African-American Network of Kern County's 1997 Historical Award. This award is given in recognition of the efforts of those who preserve and promote understanding of the history of the African-American pioneers of Bakersfield.

These two women, grandchildren of Mary and Willis Monroe Hall who were Kern County pioneers in 1884, have provided outstanding service to their community as founding members of the Allenworth Historical Park and Museum in Kern County. Named after Colonel Allenworth, who in the 1860's became the highest ranking black man in the U.S. Army, the park has for the past 22 years presented the historical significance of the African-Americans who came as pioneers to Kern County and those that followed in their footsteps.

Over the years, Gemilia Hall Herring and Ruth Hall Wilkerson have raised and loved families, but their love and respect for their heritage has been a bonus for all of us in Kern County. We thank them for giving of their talent and time to ensure that none of us forget the legacy that came before.

The women I honor here are leaders at home, but often through their quiet bearing, are not recognized. We salute them.

RECOGNIZING THE HONORABLE ARNOLD M. ALVAREZ-GLASMAN ON HIS RETIREMENT FROM THE MONTEBELLO CITY COUNCIL

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. TORRES. Mr. Speaker, on Thursday, November 13, 1997, the Honorable Arnold M. Alvarez-Glasman, Montebello City Councilman will be recognized at a special dinner for his 12 years of exemplary service to the residents and businesses of the City of Montebello.

Councilman Alvarez-Glasman, or "Arnie" as he is affectionately known, will conclude his tenure on the Council later this month. First elected to the Council in 1985, he became the youngest Council member in Montebello's 77 year history. Two years later, when selected mayor, Arnie became the City's youngest mayor. He served as mayor on three different occasions, 1987–88, 1991–92 and 1995–96. Arnie has been a tireless advocate for Montebello's DARE education program, after-school child care facilities and the expansion of City facilities to accommodate the community's needs into the 21st century.

In addition to his duties on the Council, Arnie has participated in a variety of youth programs, from coaching little league to teaching high school students about California's legislative system. Having lived in Montebello for over 30 years, Arnie has actively participated in the Montebello Lions, Beverly Hospital Foundation, Montebello Junior Baseball Association, Don Bosco Technical Institute Alumni Association and the California YMCA Youth and Government, Model Legislature and Court Program.

Professionally, as a longtime and distinguished member of the California State Bar, Arnie serves as the City Attorney for the cities of Pomona and South Gate and also as the Agency General Counsel for the Redevelopment Agencies of both cities. He also has represented the cities of Los Angeles, Fullerton and Bradbury as special counsel in land use and related litigation matters. As a founding partner of the Montebello law firm, Alvarez-Glasman & Colvin, he has helped amass an impressive client list, including the cities of Pomona, South Gate, San Fernando, Los Angeles and Chino and the Redevelopment Agencies of Los Angeles, Pomona, Baldwin Park, San Bernardino and South Gate and the counties of Los Angeles, San Bernardino, Fresno, Del Norte, Alameda, Sierra, San Mateo, Kings, Sacramento, San Diego, Sonoma and Imperial.

In 1974, Arnie earned his Bachelor of Arts with Honors in Political Science from California State Polytechnic University at Pomona and in 1977, he graduated with his Juris Doctorate from Loyola University Law School of Los Angeles. Arnie and his lovely wife, Lydia, have two daughters, Shelly and Natalie.

Since 1993, I have had the high honor and distinct pleasure of representing the City of Montebello. During that time, Arnie and I have developed a close working relationship, dealing with and responding to the issues facing Montebello residents and businesses. For 12 years, Arnie's efforts on the Council have been inspired by the principle of selfless and dedicated service to our community. He is the personification of a true public servant, one who has responded to the call of helping others and ensuring that the future is bright for our children and grandchildren.

As he retires from public office, I am confident that Arnie, however, will not retire from active participation in civic and community activities. Indeed, the residents and businesses of Montebello will not let him. Throughout my tenure in the Congress, I have enjoyed working with Arnie in his official capacity and I look forward to his continued counsel and guidance in the years ahead.

Mr. Speaker, I ask my colleagues to join me in saluting Councilman Arnold Alvarez-Glasman on his 12 years of devoted and selfless public service to the City of Montebello and in thanking him for a job well done. I also ask my colleagues to wish Councilman Alvarez-Glasman well in his future endeavors.

TRIBUTE TO D. KIRK OGLESBY

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. GRAHAM. Mr. Speaker, I rise today to honor a dedicated individual from the Third District of South Carolina. Mr. D. Kirk Oglesby, Jr. has been devoted to the administrative medical profession for more than 40 years. His retirement from the Anderson Area Medical Center brings to a close a remarkable career, one that has greatly benefited the city of Anderson and surrounding communities.

Like many in the medical profession, Mr. Oglesby leaves behind a legacy of care and compassion.

Born in Gastonia, NC, Kirk graduated Phi Beta Kappa from Davidson College. From there, he attended Duke University and received his certificate in hospital administration.

Early in his career, Kirk Oglesby developed the family practice residency. This program which meets the primary care needs for many families in the Anderson area, has grown tremendously since its inception in the 1970's.

This year marks 30 years of service to the Anderson Area Medical Center. Throughout his tenure as president, Mr. Oglesby has witnessed the Anderson Area Medical Center change from a primary care hospital into a sophisticated health care system. It has been through his guidance that the hospital is committed to promoting healthy lifestyles among members of the community.

But Kirk Oglesby has served his community in many other ways. He has been a long standing member of the Rotary Club and the Chamber of Commerce. Students at the Clemson University College of Commerce and Industry and the College of Nursing have benefited from the time he has spent with them and his wealth of experience.

His distinguished work with the South Carolina Hospital Association and the American Hospital Association have benefited all Americans as these organizations have worked to make the health care system in the United States the greatest in the world. To his credit, the American Hospital Association bestowed on Kirk their Distinguished Service Award in 1997.

Because of his many achievements and great contributions to his State, in 1993 former Governor Carroll Campbell awarded him South Carolina's highest civilian award, the Order of the Palmetto.

I am gratified to know that Kirk will stay in Anderson after his retirement and continue to serve his community for many years to come. His service to the people of Anderson and to the Third Congressional District will be both missed and admired for many years to come.

THANKING OUR VETERANS

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. SANDLIN. Mr. Speaker, I rise today to pay tribute to our country's veterans. In less than 2 weeks, most Americans will gather with friends and family to count their blessings and give thanks as we celebrate Thanksgiving. As Americans, we have a great deal to be thankful for: we are in a time of peace; we are living longer, healthier lives than ever before; we have a growing economy and the highest standard of living in the world; and we enjoy civil liberties and civil rights unequaled by any civilization in history. We have much to be thankful for, indeed. But Tuesday—Veterans Day—is also a day of thanksgiving.

November 11 has long been a day of tribute to those who bravely served our country in the Armed Forces, many of whom gave their lives to preserve the freedom we too often take for granted. In 1954, President Eisenhower pronounced November 11 "Veterans Day" to honor the veterans of all American conflicts. Previously, November 11 was known as Armistice Day, a reference to the November 11, 1918, armistice between the Allies and the Central Powers in World War I. For those who endured its horrors, World War I was called the war to end all wars.

Unfortunately, war has continued to be a part of our history, and the tragic list of heroes and heroines has continued to grow with each new conflict: World War II, Korea, Vietnam, and the gulf war. Even in peacetime, many servicemen and servicewomen have died while maintaining our military readiness. As Americans who enjoy freedoms unparalleled on this earth, we are deeply indebted to the more than 600,000 brave men and women who have paid liberty's supreme price in this century, not to mention those who gave their lives in the wars and conflicts of the two previous centuries in our Nation's history.

One way we can repay the debt owed our veterans is by honoring their sacrifice and recognizing that the bounties we enjoy today exist because of that sacrifice. Another is to honor our commitment to provide assistance to our veterans, particularly the disabled or elderly. Many veterans sacrificed opportunities for higher education to serve their country. Others sustained injuries that left them disabled for life. Still others were killed, leaving spouses and young children to fend for themselves. Veterans benefits, such as health care and housing assistance, are a small price to pay in exchange for the security of our way of life.

We can also pay tribute by teaching our children reverence. We should teach them the value of freedom and instill in them an appreciation for the terrible price that so many Americans paid willingly and courageously. Our children, the future of our country, should know that the privilege of being an American is also a responsibility. Each of us is honor bound to uphold the principles of democracy and the liberties born of a government that is run by the people and for the people. They should know that we enjoy these freedoms only because we have been willing to fight for them, and that they, too, could face the terrible reality of war in their lifetimes. Most importantly, they should know that the peace bought by the lives of so many of our veterans should not be squandered, but nurtured so that it may flourish for generations to come.

On Tuesday, in cities and towns across the country, there will be parades, speeches, and memorial services honoring the memories of veterans—our friends and relatives who served our country. As we participate in these events, let us remember to tell our children that, like the appreciation we express on Thanksgiving Day, the appreciation we express on Veterans Day should not end when the clock strikes midnight. Our thanks and appreciation should continue each day, because we have much for which to be thankful, and many veterans to thank.

HONORING THADDEUS "TED" MUSIALKIEWICZ

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. HINCHEY. Mr. Speaker, I would like to take this opportunity to recognize a man who has devoted his life to serving the community of New York's Ulster County.

Thaddeus "Ted" Musialkiewicz began his involvement in local activities at a very young age. From organizing youth athletic teams to founding and serving as scoutmaster in a local Boy Scout troop, Ted took a keen interest in the lives of those around him. He truly enjoyed being involved with his neighbors, and, Mr. Speaker, that feeling was reciprocated.

While devoting a great deal of his time to community groups, Ted managed to establish himself as a successful businessman and craftsman. He was eventually named president of the Town of Ulster's Business Association where his capable leadership helped to guide local businesses to prosperity.

Outside of his proficient professional career and generous community service, Ted selflessly entered into the civic arena by serving as both councilman and supervisor for the Town of Ulster. Once again, he used this leadership opportunity to promote a better standard of living for all of those around him. His outstanding accomplishments in this capacity are epitomized by his efforts in opening the Town of Ulster Public Library. This building, which continues to serve the Ulster community, will forever be a lasting legacy to Ted's selfless work on behalf of his peers.

Although Ted was constantly busy with one project or another, he found the time to maintain strong ties to his ethnic community. In characteristic fashion, he was, and remains today, extraordinarily active in the White Eagle Benevolent Society, working to preserve Polish-American values and promote the academic success of Polish-American students.

Mr. Speaker, I want to join my friends in the White Eagle Benevolent Society in honoring Thaddeus Musialkiewicz for his charitable service to his community and tireless commitment to elevating those around him. I am proud to call Ted my friend and wish him and his family well.

H.R. 2616, THE CHARTER SCHOOL AMENDMENTS ACT OF 1997

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools:

Mrs. MINK of Hawaii. Mr. Chairman, I rise today in opposition to H.R. 2616, the Charter Schools Amendments Act of 1997. This bill

which purports to expand charter school funding in fact limits Federal funding opportunities for charter school projects in many States that do not meet the prescriptive "priorities" set forth in this bill.

Under H.R. 2616 half of the funding and eventually all of it will be given only to those States with laws which promote charter schools to the greatest extend. In order to be considered for funding, State laws must meet the following criteria: (1) encourage the highest degree of flexibility for charter schools; (2) allow for the increase of charter schools each year, and (3) require a periodic review and evaluation. Those States which do not meet these criteria, including my State, will actually find it more difficult to qualify for Federal funds than under the current system.

States will be forced to change their State charter schools laws to specifically in order to tap into Federal resources.

It is simply inconceivable to me that this bill was crafted by the same Republican Majority which harangues about local control of education day in and day out in this Congress. This bill flies directly in the face of local control, by unabashedly attempting to influence State law to encourage the highest degree of flexibility within their charter schools and increase charter schools at a rapid pace.

As a supporter of real local control over our education system, I cannot support this bill.

The supporters of this bill have offered no evidence that there are any problems with the Federal charter schools grant program as it currently exists. This bill simply seeks to reward states that pursue the most aggressive and radical approach to charter schools.

This I believe is a serious mistake. Charter schools are a fairly new type of player in our education system. States and school districts should be free to experiment and implement this new type of school. However, the role of the Federal Government should not be to encourage one type of reform over another.

Furthermore, studies are mixed at best as to whether charter schools improve academic performance. Many serious problems have been raised in those States which have proceeded rapidly in establishing charter schools, including problems involving discrimination, accountability of public dollars, fiscal stability, and services to children with disabilities.

The current Federal charter school program provides for an evaluation and assessment of charter schools. This will be a helpful study for school districts and States in determining whether charter schools are improving academic achievement and improving the overall school system. It is premature and unwise to make these significant changes to the Federal charter school program without the benefit of the national evaluation.

Mr. Speaker, this legislation will hinder efforts in my State to move forward on charter schools at their own pace, taking into consideration local issues that arise with respect to moving forward on charter schools. This is an unfair bill that borders on real intrusion in local education efforts, I urge my colleagues to vote against it.

INDIAN GOVERNMENT PROMOTES TERRORISM TO UNDERMINE NATIONALISM AMONG OPPRESSED MINORITIES

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. BURTON of Indiana. Mr. Speaker, I have recently been made aware of more examples of how the Government of India promotes acts of terrorism to discredit legitimate nationalism among the people of Punjab, Khalistan, Christian Nagaland, Kashmir, Manipur, and the other minority nations that India occupies.

Rodney Redden is an Australian tourist who was seriously wounded in a train bombing that occurred on October 2, 1997, near Delhi, India. As you know, the Indian authorities have blamed this bombing on a Sikh militant organization called Shaheed Khalsa, which probably does not even exist. Even the state-controlled Indian press reported that no one had ever heard of this organization until it suddenly emerged to claim responsibility for this bombing.

Another example of India's violent efforts to undermine nationalist movements is the recent slaughter of innocent bus passengers near Jaluki, Nagaland. The passengers belonged to the Kuki ethnic minority. Although this tragic incident serves the useful purposes of dividing Manipur, and discrediting the freedom movement in neighboring Nagaland, all at the same time. Both States are struggling for their freedom from Indian rule. Both have been subjected to mass murders at the hands of the Indian Government. For years, these two peoples have lived together peacefully. Why should one suddenly decide to destroy the other? Apparently, the central government is funneling money to violent elements on both sides.

In the eyes of the Indian Government, there is no such thing as a peaceful advocate for Khalistan, a peaceful advocate for a free Kashmir, a peaceful advocate for an independent Nagaland, or a peaceful advocate for the freedom and national self-determination of any of the captive nations of South Asia. To India, they simply do not exist.

Well, I know two advocates for freedom from the subcontinent. One is Dr. Gurmit Singh Aulakh, president of the Council of Khalistan. Another is Dr. Ghulam Nabi Fai of the Kashmiri American Council. These two gentlemen do not advocate violence. They advocate peaceful, Democratic, nonviolent struggle for the freedom of their homelands, Khalistan and Kashmir. Yet, according to the Indian regime, they are terrorists.

Mr. Speaker, the people of America and the world, and the fair-minded, thinking Members of this Congress know better. The truth was revealed 3 years ago when the Indian newspaper Hitvada reported that the Indian regime paid the late Governor of Punjab, Surendra Nath, the equivalent of $1.5 billion to create and then support covert state-sponsored terrorism, not only in Punjab, Khalistan, but in neighboring Kashmir as well. Yes, the country that is one of the five largest recipients of United States aid, the country that calls itself "the world's largest democracy," paid a public official $1.5 billion to foment terrorism so that it could pit the freedom-loving people of Punjab, Khalistan, and Kashmir against each other. In view of this violent, divide-and-conquer tactic, I would ask the obvious question: Who are the real terrorists here? Clearly the real terrorist organization is the Government of India.

Mr. Speaker, there is no reason why the hard-working taxpayers of this country should be forced to support this brutal terrorist regime. We should cut off all aid to India, declare it a terrorist nation, and embrace the freedom movements in Khalistan, Kashmir, Nagaland, Manipur, Assam, and throughout the occupied, oppressed nations of South Asia.

TRIBUTE TO JOSEPHINE TRIPLETT

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. THOMAS. Mr. Speaker, the African-American Network of Kern County hosted its seventh annual Community Awards Night on November 8, 1997, and selected several outstanding Kern County citizens in recognition of their lifelong efforts to improve the way of life that thousands of people, young and old, black and white, enjoy.

The recipient of this year's Frederick Douglass Leadership Award is Mrs. Josephine Triplett, a friend and associate from our days together at Bakerfield College. Josephine Triplett is the recipient of an award named after an American hero who believed in freedom for all people in America, who helped Harriet Beecher Stowe establish an industrial school for young people, who after meeting with President Lincoln during the Civil War built two regiments of black soldiers including his two sons, and who supported voting rights for women.

Josephine Triplett's worthiness of the Frederick Douglass Leadership Award can be found in his writings when he said: "The whole history of progress of human liberty shows that if there is no struggle, there is no progress. Those who profess to favor freedom and yet deprecate agitation, are men who want crops without plowing up the ground; want rain without thunder and lightning; want the ocean without the awful roar of its many waters." Josephine Triplett is an agitator, a quiet one perhaps, but she manifests a clear commitment to children, to women, to those in need. As a professor of child development at Bakerfield College, she has been an advocate for infant nutrition and early childhood instruction. She works tirelessly at training college students to pursue these same goals as they go beyond the academic degree. The care and concern she has for others are obvious from the moment her warm personality and ready smile are in your presence.

Josephine Triplett has a distinguished record with the Martin Luther King, Jr. Center as well as serving as the curator of the Allenworth State Historic Park. She has assisted with the Southern California Association

for the Education of Young Children and has many, many more worthy organizations that she lends her time and commitment and seemingly limitless energy.

Josephine Triplett is one of those Americans who is a leader at home, but often through quiet bearing, is not recognized. We salute her.

RECOGNIZING THE MEXICAN AMERICAN GROCERS ASSOCIATION FOUNDATION ON ITS 20TH ANNIVERSARY CELEBRATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. TORRES. Mr. Speaker, this year marks the 20th anniversary of the Mexican American Grocers Association Foundation [MAGAF], a scholarship foundation which has awarded over $1,000,000 to students attending junior colleges and public and private colleges and universities throughout the country.

MAGAF is the brainchild of the Mexican American Grocers Association [MAGA]. MAGA is a nationally recognized advocacy and trade organization, representing the interests of retailers, vendors and others involved in the grocery industry. It was this intimate involvement in and knowledge of the grocery industry which led MAGA's board of directors to found MAGAF, For the past 20 years, MAGAF has provided the financial resources for disadvantaged, deserving students of Mexican/Latino heritage to pursue college degrees in business administration or business-related fields. It is MAGAF's hope that these young scholars, upon graduation, will seek careers within the grocery industry.

MAGAF was established on the premise that private industry has a responsibility to return to the community some of what it has earned. In its tireless dedication to provide needed financial resources to college students, MAGAF also has gained the strong support of others in the grocery industry. Each summer and fall, the giants of the grocery industry attend annual fundraisers to support MAGAF's efforts. It is this cooperative relationship and commitment which has enhanced the diversity of the executives and business owners currently working in the grocery industry.

I am proud to be a longtime supporter of MAGAF. It is a commendable endeavor which provides needed resources to promising college students and its help ensures, upon their graduation, that the grocery industry has a prospective workforce that is diverse and well educated. Because of MAGAF's efforts, today, highly qualified and educated Mexican/Latinos fill positions in the sales, merchandising and marketing segments of the grocery industry.

Mr. Speaker, I ask my colleagues to join me in congratulating the Mexican American Grocers Association Foundation on its 20th anniversary of providing financial assistance to our community's college bound students and to wish it well in its future endeavors.

FREE LEYLA ZANA

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. FILNER. Mr. Speaker, as I speak here tonight, members of the Kurdish community are conducting a vigil for peace and a hunger strike to spotlight the continuing oppression of the Kurdish people. I rise tonight for one simple reason: to express my solidarity with the hunger strikers and my support for the Kurdish people's struggle for freedom, justice—and self-determination. The symbol of that struggle is a fellow democratically elected representative, the imprisoned Kurdish leader, Leyla Zana.

In Turkey today, Mr. Speaker, innocent Kurdish civilians are being massacred, entire Kurdish villages are being destroyed, and millions of Kurds are forced from their homes, forced to the cities where unemployment and inflation are extremely high. The entire region of southeastern Turkey has been ravaged—it has become an economic and humanitarian disaster area. This is simply unacceptable. This is a cause for alarm for a country that uses American arms to commit such crimes. United States-made weapons should never again be used against the Kurds or against anybody else, as they were at the ancient Kurdish city of Halabia, where over 5,000 Kurdish civilians, mostly women and children, were gassed to death. Never again.

Leyla Zana has committed her life's work to pursuing a peaceful and just resolution to the enduring Kurdish question. I hope my colleagues will learn her story—an incredible story of self-education, political growth, heroism and courage.

The Turkish Government feared Leyla Zana was progressing too far in her endeavors for peace and now she shares a prison cell with a convicted murderer. But they cannot imprison her picture, her words, her courage, and her inspiring story.

An initiative has been undertaken in the U.S. House of Representatives in pursuit of Leyla Zana's freedom. I, and 143 of my colleagues in Congress, have signed a letter to President Clinton urging him to seek Leyla Zana's immediate and unconditional release from prison. More Members of Congress are standing with Leyla Zana and the Kurdish people now than ever before. Without a doubt, the U.S. Congress is becoming more aware of, and more sympathetic to, the plight of the Kurdish people.

Kurds in Iran, Iraq, Syria, as well as Turkey live as second-class citizens, denied the basic human rights of life, liberty, and the pursuit of happiness. Because of the inspiring work of Leyla Zana and thousands of others, the oppression of the Kurdish minority will someday come to an end. To achieve this result, it is far better to use peaceful measures and end the longstanding violence. Thus, we must embrace Leyla Zana for risking her life for the Kurdish people, not through violence, but through peaceful and democratic activism.

So, Mr. Speaker, I salute those who are fasting today in support of the freedom of Leyla Zana. And I say to the Government of Turkey: in the name of humanity, free Leyla Zana.

THE COMMUNITY EMPLOYMENT PARTNERSHIP ACT OF 1997

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, today my colleague, NITA LOWEY and I are introducing the Community Employment Partnership Act [CEPA] which is designed to encourage the not-for-profit community to increase their participation in the national initiative to move more than 2 million Americans from welfare dependency into productive work. Through CEPA, not-for-profit employers, for the first time, will be allowed to participate in the work opportunity tax credit hiring incentives that are currently available to for-profit companies which hire entry-level workers.

During the last Congress, when we enacted welfare reform, we embarked on a bold new initiative to move millions of able-bodied welfare recipients into the work force. At the time we understood this new initiative, many of us realized that if the private sector were to provide jobs for those leaving the welfare rolls, they would need an incentive to offset the added costs of hiring, training, and retaining a category of people who face significant obstacles to succeeding in the workplace. These obstacles include problems with minimal job skills, low self-esteem, and little, if any, work history. In order to encourage for-profit employers to hire welfare recipients, I strongly supported the enactment of the work opportunity tax credit which is designed to offset the added costs involved.

Unfortunately, at that time, we did not develop a mechanism for extending these hiring tax incentives to the nonprofit community. In many cases, the largest employers in inner-city and rural communities, where most welfare recipients reside, are nonprofits such as hospitals, universities, museums, and community-based organizations. That they are not eligible is ironic since many nonprofit employers view as part of their primary mission service to those on welfare. As a result, nonprofits are often more acclimated to working with hard-to-employ individuals than their for-profit brethren. Another advantage of making not-for-profit employers eligible for WOTC is that they often provide full-time jobs with a career path, and generally offer their employees benefits.

In addition, numerous stories have come to light regarding the time and financial burden faced by welfare recipients who must travel long distances from their homes in the inner city or in rural America to the suburbs where most new jobs are becoming available. For the welfare recipient, who generally does not have a car, this means long and costly trips on public or privately organized transportation. The long hours that newly employed welfare recipient must be away from home requires them to string together unreliable and often expensive day care arrangements, including relying on family members, friends, and day care centers. Allowing not-for-profit organizations eligibility for tax credits would, for those

recipients able to find employment in their communities, significantly reduce the travel burden and in turn, help to reduce the critical day care problems faced by those hoping to move from welfare to work.

Despite the ideal match between the mission, location, and type of jobs offered by not-for-profits, they have not participated in the welfare to work initiative to the extent we would like because insufficient resources have been made available to them to help offset the added costs involved in hiring those on welfare. CEPA would help to overcome this obstacle by reducing the largest tax burden faced by not-for-profits—the payroll tax—by allowing them to offset their total Federal payroll tax burden by any work opportunity tax credits earned for hiring an eligible worker. The Community Employment Partnership Act would: Track the existing eligibility standards for the work opportunity tax credit; and provide not-for-profits with a graduated tax credit against their total Federal payroll taxes of 20 percent versus 25 percent under WOTC from the date of hire for the first $6,000 in wages paid an eligible worker by a not-for-profit for those who work at least 120 hours and to up 399 hours; and 30 percent versus 40 percent under WOTC from the date of hire for the first $6,000 in wages paid an eligible worker by a not-for-profit for those who work at least 400 hours.

The reduction in the credit amounts equalize the value of the credit between nonprofit employers and for-profit employers. This is because under WOTC, the amount of the employer's wage deduction is reduced by the amount of the credit which has the effect of reducing the value of the tax incentive to the for-profit employer.

The credits would be taken against a not-for-profit employer's quarterly payroll tax liability.

A payment to the Social Security trust fund would continue to be treated as having been made on the date it is ordinarily made.

Both Congresswoman LOWEY and I strongly believe that the enactment of the Community Employment Partnership Act is important if we are to enlist the not-for-profit community into providing good jobs to the millions of Americans who will be coming off the welfare rolls in the coming years.

INTRODUCTION OF THE BROWNFIELDS RECLAMATION ACT OF 1997

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. STOKES. Mr. Speaker, I rise to introduce the Brownfields Reclamation Act of 1997. This bill is good for the American people and good for the country.

The Brownfields Reclamation Act of 1997 creates jobs, improves the health and safety of the American people, promotes economic development, and cleans up the environment.

One of the most critical environmental and economic problems facing our Nation's cities and rural communities today is the tremendous difficulty in redeveloping abandoned industrial and/or commercial sites and properties, due to many years of environmental contamination.

Not only have we found cleanup costs to be high, the potential liabilities for past contamination discourage prospective purchasers and developers from investing in the renewal of abandoned urban and rural properties. This compounding situation contributes dramatically to joblessness and poverty across the Nation.

As such, contaminated properties also end up contributing to suburban sprawl, compromised health and safety, and exacerbation of the problems associated with job loss, frustration, despair, and poverty in rural and urban America. This national concern has come to be known as the "Brownfields problem."

Mr. Speaker, my legislation, the Brownfields Reclamation Act of 1997 will enhance efforts of State and local jurisdictions to improve their physical environments. It will reduce the public health risks from exposure to contaminated sites. And, it will promote economic development and growth by increasing business and employment opportunities.

Mr. Speaker, while we still have a long way to go with regard to restoring neighborhoods and communities, the Brownfields Reclamation Act of 1997 represents a giant step forward in the revitalization of our cities and rural areas that have been adversely impacted by contaminated sites and related properties.

This bill reaffirms our Nation's commitment to revitalized communities across this country. I look forward to working with my colleagues, the administration, community organizations, and others to ensure that this critical legislation, the Brownfields Reclamation Act, is enacted into law.

IN HONOR OF KENNETH BLOOMHORST FOR HIS ENDURING SYMBOL OF ENVIRONMENTAL PROTECTION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. MILLER of California. Mr. Speaker, it is my honor to rise today to pay tribute to Kenneth Bloomhorst for his contribution to environmental protection in this country. Mr. Bloomhorst has the distinction of having created the symbol that represents the U.S. Environmental Protection Agency.

Created over 25 years ago, his work remains the symbol for the Agency that is recognized around the country and in many parts of the world for the protection of the environment and our Nation's health. Mr. Bloomhorst, who was vice president and art director for an Indianapolis advertising agency, MWB, Inc., illustrated the seal and his firm contributed it to the EPA.

On October 18, 1971, then President Richard Nixon signed Executive Order No. 11628 to establish a seal for the EPA and provided the following description of Mr. Bloomhorst's creation.

"A flower with a bloom which is symbolic of all the elements of the environment. The bloom is a sphere, the component parts of which represent the blue sky, green earth, blue-green water. A white circle within the sphere denotes either the sun or the moon. All are symbolic of a clean environment and are superimposed on a disc with a white background, circled by the title 'UNITED STATES ENVIRONMENTAL PROTECTION AGENCY' in blue letters."

Mr. Bloomhorst, in an interview with the Fairborn Daily Herald in November 1971, said, "The symbol at a quick glance represents a flower, but it means even more when inspected closely. The flower is like the mother earth. If it is not protected, it will wither and die. The purpose of the EPA is to keep the environment clean, alive and beautiful."

Symbols are important in our society, just as are our actions. Mr. Bloomhorst's seal was created at the dawn of the American environmental movement. Today, a quarter century later, environmental protection remains one of Americans' most important values. Yet too often, this value has been portrayed as in conflict with other values, such as economic growth and job creation even though it has been shown time and again that environmental protection and economic growth can, and I would argue must, go hand in hand to guarantee a sustainable future for ourselves, our children, and the many generations to come.

The test for our society as we enter the next century is to preserve the value that Mr. Bloomhorst portrayed in the EPA seal and to integrate this value of environmental protection into the activities of all Americans and into the policies of our Government. Without the work of the EPA and the environmental laws that it has overseen, such as the Clean Water Act and the Clean Air Act, America would be a far more dangerous and unhealthy place than it is today. Those who have tried to undermine this agency on behalf of shortsighed, narrow interests have learned that the environment remains a perilous political battleground.

Mr. Bloomhorst today continues to be an illustrator with an interest in the environment. As environmental protection has been such an important focus in current events, I believed it was important to rise today to congratulate Mr. Bloomhorst for seeing his seal become a permanent fixture in our country's landscape and to thank him for his important contribution to our history.

THE BANK EXAMINATION REPORT PROTECTION ACT OF 1997

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. McCOLLUM. Mr. Speaker, I rise today in support of legislation I am introducing, the Bank Examination Report Protection Act [BERPA] of 1997. This bill would establish that all confidential supervisory information shall be the property of the Federal banking agency that created or requested the information and shall be privileged from disclosure to any other person. The Federal banking agency may waive this privilege at its discretion. There are

other appropriate exceptions in the bill, such as for the Comptroller General of the United States and for law enforcement.

Essentially, the issue of privilege is one that must be addressed. The fact that financial institutions may lose their privilege on information turned over to a regulator has made them more hesitant to share all relevant information with their regulators. This, in turn, makes it more difficult for the regulators to do a thorough job in their examinations of the institutions.

In fact, this legislation is strongly supported by all the affected Federal banking regulators. I would like to introduce into the record the letter that they have forwarded to me supporting this legislation. It is signed by: Alan Greenspan, Chairman of Board of Governors of the Federal Reserve System, Eugene A. Ludwig, Comptroller of the Currency, Norman E. D'Amours, Chairman of the National Credit Union Administration, Nicolas P. Retsinas, Director of the Office of Thrift Supervision, and Andrew C. Hove, Chairman of the Federal Deposit Insurance Corporation.

I would like to make sure my colleagues are aware that this legislation would maintain existing privileges and protect any materials created by the regulators. This would not prevent litigants from discovering the underlying facts of any action. All nonprivileged sources would still be available in discovery. This would simply ensure that examination materials—the critically important function of which is facilitate free-flowing communication between the examiner and the institution to maximize the effectiveness of the supervisory process—are not turned into a weapon against the regulated financial institution.

BERPA would ensure that the safety and soundness of our institutions is maintained through a vigorous and thorough supervisory process. This process is not complete when institutions are not forthcoming with information for fear of having information that was at one time privileged suddenly become subject to subpoena. Therefore, not only does this help the supervisory process, but also the consumers and taxpayers that insure these institutions. I urge my colleagues to support this legislation.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, FEDERAL DEPOSIT INSURANCE CORPORATION, NATIONAL CREDIT UNION ADMINISTRATION, OFFICE OF THE COMPTROLLER OF THE CURRENCY, OFFICE OF THRIFT SUPERVISION,
September 17, 1997.

Hon. BILL MCCOLLUM,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCCOLLUM: Thank you for requesting our comments on the draft Bank Examination Report Protection Act of 1997. The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, and the National Credit Union Administration (Agencies) support the proposed legislation because it will help protect the integrity of the examination process.

First, the legislation will help preserve the cooperative, non-adversarial exchange of information by supervised institutions with their examiners and the candid internal analysis of examiners, by codifying and strengthening the examination privilege. Second, the proposed legislation will enforce existing, nationwide uniform procedures for handling and accessing supervisory information requiring third party litigants to seek supervisory information directly from the Agencies and not indirectly from the supervised institutions. Third, the proposed legislation will resolve the supervised institutions' concerns that their privileges will be waived if they voluntarily permit the Agencies to have access to privileged information that is otherwise essential to an examiner's assessment of safety and soundness. We believe that the proposed legislation favorably resolves many of the unsettled issues regarding the handling of and access to supervisory information, while preserving a process, including judicial review, by which third parties may seek access to supervisory information. Indeed, the Agencies will continue to seek to accommodate the reasonable requests of third party litigants and to release information in appropriate circumstances.

We hope this responds fully to your request. If we may be of any further assistance, please do not hesitate to contact our respective Agencies.

Sincerely,

EUGENE A. LUDWIG,
Comptroller, Office of the Comptroller of the Currency.

ANDREW C. HOVE,
Chairman, Federal Deposit Insurance Corporation.

ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System.

NICOLAS P. RETSINAS,
Director, Office of Thrift Supervision.

NORMAN E. D'AMOURS,
Chairman, National Credit Union Administration.

HONORING JOSEPH WASSER

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. HINCHEY. Mr. Speaker, I would like to take just a moment to congratulate Joe Wasser upon his retirement at the end of this year. Joe has served as Sheriff of Sullivan County up in my district for the past 20 years. But that alone far from captures the breadth and depth of his service to the public. Joe has served as a wonderful role model to us all by being not only a very fine public servant but also a plain old-fashioned good citizen. Joe's many achievements truly are too numerous to mention, but with this session of Congress winding to a close I just wanted to say congratulations to him and wish him many more years of happiness and good health.

THE PARENTS AND TEACHERS KNOW BEST ACT

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. GRAHAM. Mr. Speaker, I am introducing legislation today, the Parents and Teachers Know Best Act, that would send funds currently appropriated to the Goals 2000 Program directly to every local school district in the Nation with few strings attached.

All Members of Congress care about our Nation's children. We all want to see America's education system work better, our children obtain the best education they can and succeed to the best of their abilities.

But our debate over Federal policy is not about who cares more, but how to effectively improve education in America.

Goals 2000 is a Federal program where the Department of Education administers and monitors national education standards. The establishment of this program was the beginning of the Clinton administration's strategy to substantially increase the role of the Federal Government in our local schools. It is the hallmark of the Clinton administration's attempt to transfer authority to run our country's schools from local communities to Washington.

While this administration failed to nationalize our Nation's health care system, they are trying through a slow, step-by-step process to federalize our Nation's schools. For example, as part of this process, the Clinton administration and the Department of Education are continuing to pursue, without congressional authorization and in direct contravention of current law, their proposal for a system of national testing. These national tests will clearly and quickly lead to a national curriculum designed by favored interest groups and Federal bureaucrats.

My legislation begins an effort to roll back the rising tide of nationalization and federalization. This bill will significantly reduce the Federal role in determining standards but will maintain the funding. It cuts the layers of bureaucracy and red tape that bog down our goal of improving our children's education. It requires money go directly to every school district in America with few strings attached.

The Goals 2000 Program has done little, if anything, to improve the performance of America's students in the classroom. Indeed, by taking money that could best be used by a teacher in a classroom and giving it to a bureaucrat, this program has prevented local school districts from using their tax dollars to improve schools.

According to the National Center for Education Statistics, Federal spending for education was estimated to be $100.5 billion in fiscal year 1997, an increase of $37.7 billion, or 60 percent, since fiscal year 1990. Even after adjusting for inflation, Federal support for education increased 31 percent. We certainly have not seen a 31-percent improvement in our education system. We are spending enough money, but we are spending it in the wrong ways.

My bill will abolish the increasingly intrusive role of the Federal Government in education

and give educators at the local level the freedom they need to educate students in a way that meets the unique needs of their community. I believe decisions about education should be left up to local communities, principals, teachers and parents.

Because of this growing Federal interference, State and local governments are spending too little money in the classroom, and too much money on bureaucracy. According to the Digest of Education Statistics, in 1993 only $141 billion out of $265 billion spent on elementary and secondary education was spent on instruction. The National Center for Education Statistics pointed out that in 1994 only 52 percent of staff employed in public elementary and secondary school systems were teachers. These statistics clearly demonstrate the need to get more funding into the classroom.

This legislation also promotes accountability in education. By giving the control of these funds to local school boards, parents can hold local leaders accountable. If parents are unsatisfied with the performance of their schools, they can vote their school board officials out of office. Parents can't vote a nameless, faceless Federal bureaucrat out of their office.

Some have characterized Goals 2000 as a voluntary program. Supposedly, States can receive grant money from the program without any direction or coercion. To believe the Federal bureaucracy, whether overseen by a liberal or conservative administration, would not try to mandate and control education programs through national standards, or leave their imprint on how the money is spent is, at best, naive.

Since the inception of the U.S. Department of Education in 1979, its budget has doubled to over $32 billion. Now, 50 percent of all mandates regarding how to educate children emanate from Washington. However, they only provide 6 percent of the money. Test scores remain low, dropout rates are stagnant, and, overall, the Nation's education system is lagging behind other industrialized countries.

The Parents and Teachers Know Best Act will encourage parental involvement in education, as well as empower teachers and local school board officials to establish or continue education programs that meet the unique needs of their community.

My goal is to put the money in the hands of those who know our children's names, those who know how to educate our children best—parents, teachers and locally elected school board officials. At the end of the day, if we are not able to educate our children locally, then no amount of Washington benevolence will save us.

TRIBUTE TO DR. JOSEPH ANDERSON, JR.

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. THOMAS. Mr. Speaker, the African-American Network of Kern County hosted its seventh annual community awards night on November 8, 1997, and selected several outstanding Kern County citizens in recognition of their lifelong efforts to improve the way of life that thousands of people, young and old, black and white enjoy.

Dr. Joseph Anderson, Jr. is the recipient of the African-American Network of Kern County's Humanitarian Award for 1997. A humanitarian is an individual who through personal effort has contributed with excellence to the community as a whole and this speaks directly to the life and career of Dr. Anderson.

An internal and pulmonary physician since the 1960's, Dr. Joseph Anderson has practiced medicine during 40 years of tremendous growth in technology and research in health care. He can look back knowing that the decision he made to go into medicine came at the moment in history that medicine started its most significant advances in the history of mankind.

While maintaining an active practice, Dr. Anderson gave of his time to the people of Kern County through dozens of service organizations, including those promoting the appreciation of music, young people, the environment, health care, and religion.

Dr. Anderson can proudly look back at his life and know he is seen as a great humanitarian because of the thousands of people who have a better physical and mental outlook on life due his efforts.

Dr. Anderson is one of those Americans who is a leader at home, but often through quiet bearing, is not recognized. We salute him.

INTRODUCTION OF THE CHILD ABUSE AND PREVENTION ENFORCEMENT ACT

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Ms. PRYCE of Ohio. Mr. Speaker, today, I, along with Representative TOM EWING of Illinois and Representative JIM GREENWOOD of Pennsylvania, introduced the Child Abuse Prevention and Enforcement Act, CAPE Act. This bill builds upon the foundation of the Child Abuse and Neglect Enforcement Act [CANEA], which was introduced by my close friend, and former colleague, Susan Molinari.

As the mother of a wonderful young child, it breaks my heart to know that nearly 2,000 children die each year of abuse and neglect. In 1 recent year alone, there were 992,617 substantiated cases of child abuse and neglect in our country. As a Federal legislator, I believe we must continue marshaling our Federal resources in a way that helps State and local officials in their fight against child abuse and their efforts to help the innocent victims of such abuse.

The CAPE Act contains a number of important provisions designed to assist State and local law enforcement and child protective services workers in fighting child abuse and providing assistance to the innocent victims.

First, the bill helps States provide access to criminal conviction records by child protective and child welfare workers. This will help such workers identify whether troubled children may be victims of abuse at the hands of adult caregivers.

Second, the bill helps States provide law enforcement instant and timely access to court child custody, visitation, protection, guardianship, or stay away orders. This will help police establish the validity of urgent complaints that children have been snatched by an abusive ex-spouse, so that such complaints can be pursued in a timely manner, particularly when courthouses are closed. This provision addresses a very real problem which was brought to my attention by the Ohio State attorney general Betty Montgomery.

Third, this bill allows major Federal law enforcement grant funds to be used by State and local police for enforcement of child abuse and neglect law. This adds an additional $500 million which may be used in the fight against child abuse and neglect.

Fourth, the bill doubles the amount of Federal funding to States which may be used for victims of child abuse. This will significantly increase funding for things such as training for child protective workers, child advocacy centers, and support for court-appointed special advocates.

In addition, I, and the other sponsors of the bill, will request that the General Accounting Office study the amount of documents required under the Child Abuse Prevention and Treatment Act and other Federal laws related to child abuse and make recommendations on reducing the number of paperwork requirements. This is the first step which the sponsors are taking towards reducing the paperwork required of child welfare workers, so that they will be able to spend more time working with children they serve.

We must never give up the fight to protect our Nation's children from abuse and neglect. While I do not believe the CAPE Act will end child abuse, it would provide a another arrow in the quiver to be used in the fight.

RETIREMENT OF JERRY B. HEDRICK, JR.

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to recognize and honor a respected leader in the health care industry and a friend, Jerry B. Hedrick, Jr. He has tirelessly contributed his insight and guidance to positively effect the public policies of health care companies in our country. He is retiring after 22 years of service to the pharmaceutical industry culminating as vice president, government affairs of Hoechst Marion Roussel.

Mr. Hedrick joined Marion Laboratories, a predecessor company to Marion Merrell Dow, Inc. and Hoechst Marion Roussel, in 1975 as a consultant. In 1976 he was named manager of special projects and administration and in 1983 advanced to director of state government affairs. He assumed the position of vice president, government affairs in January 1988, and continued in this role with Marion Merrell Dow, Inc. until August 1995 when he was named to his present position.

In addition to his accomplished career in the pharmaceutical industry, Jerry is equally renowned as an announcer and participant in the American Quarter Horse Association and the American Rodeo Association. He was chosen by his peers in the United Rodeo Association to announce the finals and championships 10 years in a row. He also served in the same capacity for the Quarter Horse Association championships for a similar period.

Mr. Hedrick is a leader in his community where he actively participates with several organizations. He is a member of the Greater Kansas City Chamber of Commerce; he is one of the founding trustees of the Midwest Bioethics Center, he sits on the advisory council at Emporia State University and he is the current Kansas State director for the American Quarter Horse Association. He is also involved with the Heart of America Council of the Boys Scouts of America and volunteers his time to help the Dream Factory, an organization dedicated to granting the wishes of very ill children. I can attest to his strong desire to make a difference in his personal and professional life.

Through his work and volunteer efforts Jerry has made many positive contributions. Mr. Speaker, please join me in honoring and acknowledging the lifelong achievements of Jerry B. Hedrick and in wishing him the best upon his retirement.

RECOGNIZING DR. TADAHIRO SEKIMOTO

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. CRANE. Mr. Speaker, I rise today to recognize Dr. Tadahiro Sekimoto, who is the Chairman of the Board of NEC Corp. His goal of peace, progress and prosperity for all is a goal we all share. Mr. Speaker, his statement offers a vision for the multinational corporation in the next millennium which I believe will be of interest to political and business leaders in our country and around the world:

CALLING WORLD LEADERS TO ACTION TO ADDRESS THE NEW ROLES AND RESPONSIBILITIES OF THE MULTINATIONAL CORPORATION IN THE NEW CENTURY

(By Dr. Tadahiro Sekimoto)

As we approach the start of a new millennium, it is—I believe—time for those of us in positions of international stewardship to help illuminate the way to a new century of peace, progress, and prosperity for all.

GREAT CHANGE

During the half century that I have been in the information technology (IT) industry, I have been privileged to be an eye-witness to its creation of astounding change, perhaps the most dramatic of which has been the world's rapid advance toward a more universal society characterized by the accelerated movement of labor goods, technology, and capital across frontiers.

This 20th Century phenomenon is making us increasingly dependent upon each other because it is dissvoling the largely arbitrary boundaries between many of the societal underpinnings—especially nation states, and thus economies—with which we and our ancestors have lived more or less comfortably over the past millennia.

To what can we attribute the steady disintegration of these once very convenient lines of demarcation, this new mobility and rapidly expanding cross-border and hence cross-cultural interaction? Clearly, advances in science and technology, including IT, are playing significant roles in the unfolding drama-roles so enduring, in fact, that they are producing a new economy (and its resultant new society) and requiring us to write another chapter in the history of our civilization.

This new episode, which some call the "Information Age", is dramatically transforming, largely for the better, most aspects of daily life in most parts of the world. But perhaps even more important, it is leading to a new society that will be based on an ability to understand and respond to the needs and wishes of individuals everywhere in the world.

ALSO GREAT CHALLENGES

With the expansion of this new information economy and society throughout the universe will come radical new roles for our world institutions, including companies like mine. But what are these new roles going to be? How will they transform our multinational giants, the successful management of which challenges us greatly even today? What will this enterprise be like in the future? What should it be like?

By no means do I believe that I have crystal-clear vision of the future. But I have begun trying to understand it and its urgent demands. And in my mind, the most compelling challenge of the international corporation in the 21st century is the need to maintain a concern for the environment.

It is clear that the well-being of all people go hand-in hand with economic progress. And from my vantage point it seems that additional advances in science and technology are key to producing this much needed harmony that is increasingly important to our survival.

More effective management of competition's chaotic expansion is the second most serious new responsibility that the Information Age is requiring us to assume. And I believe that cooperation at all levels—including those of global, regional, national, local, and corporate—is the essential element here. World institutions will simply have to invent and engage in novel forms of collaboration at the same time they compete. In the business community we refer to this more contemporary and useful way of operating as the "complementarian" mode where sometimes we compete, sometimes we cooperate, and more often we do both.

The mutually beneficial working relationship between the IT industries of the United States and Japan aptly illustrates this complementarian concept. The U.S. is strong in software. This is not surprising: America's economy has been information-intensive for some time. Augmenting your strength in software is Japan's power in hardware-reflective of our highly advanced position in the Industrial Age. For some time now the two industries and countries have astutely engaged in a symbiotic association that is probably typical of what will occur much more frequently in the complementarian climate of the 21st century.

The third most serious challenge facing us at the start of the next millennium is, in my view, figuring out how world institutions—including corporations—can most effectively manage their new roles. The perceptive business executive knows what his organization's responsibilities are today. But what will they be in the decades ahead as the information economy and society broaden and inform more and more aspects of our lives?

One answer is that in the 21st century the multinational enterprise can no longer be parochial; its mission of service must encompass its entire community because, to paraphrase Adam Smith, it too—just like other world institutions—exists to serve and strengthen its societies.

So the multinational's notion of corporate stewardship will have to change—as it already has in some more enlightened U.S. companies. Increasingly, all of us business leaders are going to have to expand our philanthropy considerably beyond where we are accustomed to giving. If, for instance, our contributions have been exclusively economic, we might need to move into social, technical and other cultural and geographic spheres as well.

NEW MANAGEMENT STRATEGIES ARE ESSENTIAL

Despite these and other seriously demanding challenges—to which I have given decades of thought—I believe strongly in mankind's ability to successfully manage this increasing interaction among nations and the resultant Information Age for the benefit of humanity, both our generation and the generations that follow us.

Some large corporations that reach well beyond their own national boundaries have already started creating and employing different, more suitable management strategies for the future, and I am gratified to report that mine is one of them.

The highly complex nature of our business as a leading international IT supplier and multi-media pioneer has required us to learn how to operate much more efficiently and effectively. For instance, in recent decades we have successfully situated many corporate functions, including R & D and manufacturing, in what we consider the optimum locations in the world. In like manner, we have bought and sold in the world's most suitable markets—wherever they are. I am gratified to say that this optimization of resources has given us a strong competitive edge.

It is also an idea that has broad application: We use it to help us put the right person in the right job—again, wherever in the world that position is located. One of the advantages of this policy: We are developing another competitive benefit—that of building a management team composed of the most capable professional from a number of countries around the world, not just from Japan alone. And as you might expect, this new troop is enriching everything we do with all the unique strengths of the many and diverse national cultures represented in it.

In the process of deploying the concept of resource optimization throughout our company—and puzzling over what the 21st century might demand of us in terms of new management strategies—we were struck by the growing need to recognize both the requirements of the group, or the whole, and the more personalized focus of the new era. But now to join the two seemingly divergent positions in compatible fashion? From the Greek words holos, meaning, "whole" and on, signifying "individual", I coined the term "holonic" to indicate the need to harmonize the two.

So today we are successfully employing "holonic" management to assure the prosperity of the corporation as a whole while simultaneously respecting and honoring the sovereignty of the individual—whether that individual is a company subsidiary, a company employee, or a member of one of the

hundreds of communities around the world in which we operate. And this more sympathetic, complementary management strategy has become another competitive advantage for us.

Experience has taught us that one of the keys to employing it profitably is the sharing of information. Another is establishing and nurturing a culture of the term or the subsidiary or the corporation—so that members have a meaningful concept around which to rally and with pride produce something they consider significant.

In fact, these two notions—the sharing or information and the development of a mutually-engaging culture—have become so important, at least from our observation, that we have added them to the three resources we have historically identified and valued: People, property and money.

And I am convinced that the successful 21st century leaders—of nation states, city states, suburban and rural communities, corporations, and the like—are going to be those who best assure and most favorable, enriched conjunction of the whole and the individual. I am also confident that information technology will continue to provide opportunities for world leaders to exchange ideas and share resources and will pay an increasingly significant role in the enhancement of all our lives.

MY CALL TO ACTION—A NEW DIALOGUE FOR THE NEW CENTURY

Now you know something of my thoughts about the upcoming millennium and my efforts to position my company and my country advantageously for it. This leads me to share with you my great interest in building on the wisdom of world leaders from essential disciplines, by bringing us together to identify vastly more creative ways to help all people achieve their desired goals in the new century.

It used to be that the complementary and productive partnership between and among business and financial leaders, elected politicians and government officials was sufficient to assure prosperity and peace. The now seriously-outdated nature of this limited collaboration has inspired us to consider an expansion—actually a doubling of the size of the group to include distinguished heads of labor, academic, and the media as well.

I refer to this new alliance as the "neohexagon". And I am issuing invitations to neohexagon leaders throughout the world, in developing as well as developed countries, to join me in dialogue focused on identifying the best management practices for the 21st century and preparing our organizations and our societies for the better tomorrow that our grandchildren and their great-grandchildren deserve.

COMMENDING RICHARD MORROW

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. WEYGAND. Mr. Speaker, I would like to take this opportunity to rise and commend Mr. Richard Morrow of West Warwick, RI, for his act of extreme courage and heroism.

Just 2 weeks ago, while traveling home after visiting his father, this gentleman came upon the scene of an accident. A car had struck a tree and caught fire. Surveying the situation, Mr. Morrow witnessed two people in the auto. Risking his own life, he began a daring rescue attempt of the occupants, quickly pulling the passenger to safety.

He then returned to the vehicle to free the driver, who, semi-conscious and bleeding profusely from head wounds, was trapped in the crumpled wreckage. With flames lapping the driver's feet, Mr. Morrow struggled to rip open the door and drag the man across the street. He then used his own clothing to smother the flames burning the driver.

Only seconds later, the car exploded, ripping apart the front section of the auto, where only moments earlier the driver lay dying.

Responding to the scene, police referred to Mr. Morrow as a hero. Mr. Speaker, Richard Morrow's actions were heroic. Without any concern for his own personal safety, he calmly took charge of a life-threatening situation and saved the lives of William Burgess and his passenger Wayne Curtis. I ask all of my colleagues to join me in commending Mr. Morrow for his actions.

A TRIBUTE TO THE CREW OF THE U.S.S. BULLHEAD (SS–332)

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Ms. KAPTUR. Mr. Speaker, although the end of the Second World War occurred over a half-century ago, Americans still honor and continue to remember the hundreds of thousands of men and women who paid the ultimate sacrifice in this, the greatest conflict of all human history.

I would like to take this time to honor the brave men who served on the U.S.S. *Bullhead* (SS–332). The U.S.S. *Bullhead* was the last major vessel lost by the United States in World War II, and with it went the lives of 84 American sailors.

On August 6, 1945, the U.S.S. *Bullhead* was plying the waters of the Java Sea when it was suddenly attacked by Japanese aircraft, which proceeded to drop 500-pound bombs on the American submarine. Although presumed to have been sunk, the actual fate of the U.S.S. *Bullhead* could not be determined.

On August 23, 1945, the U.S. Navy announced that "The U.S.S. *Bullhead* is overdue and presumed lost." The U.S.S. *Bullhead* was the 52d U.S. submarine lost during World War II. It wasn't until long after the end of the war that the fate of the U.S.S. *Bullhead* and its crew was learned following the release of Japanese records.

Mr. Speaker, in honoring the crew of the U.S.S. *Bullhead*, I wish to extend special appreciation to Mr. Richard L. Henshaw of Toledo, OH, who has strived to maintain the memory and honor of this submarine and its gallant crew.

Mr. Speaker, I wish to include for the RECORD the following official history of the U.S.S. *Bullhead*:

Bullhead (SS–332) was laid down on 21 October 1943 at Groton, Conn., by the Electric Boat Co.; launched on 16 July 1944; sponsored by Mrs. Howard Doyle; and commissioned on 4 December 1944, Comdr. Walter T. Griffith in command.

Following a month's shakedown cruise in Narragansett Bay, the submarine sailed on 9 January 1945 for Key West, Fla., where she received two weeks of additional training before pushing on to Panama. She emerged from the canal on 11 February and headed for Hawaii. On the first day out, a near disaster occurred. During a practice dive, the main induction failed to close rapidly enough because of low hydraulic pressure, and tons of water flooded in before it could be shut. The ship was saved by shifting ballast, pumping out water, and continuing the dive. She proceeded on without incident and reached Pearl Harbor on 26 February.

At the end of her voyage repairs, *Bullhead* left Pearl Harbor on 9 March. Ten days later, she paused at Guam to refuel and then got underway on the 21st for the northern port of the South China Sea and her first war patrol. The submarine hunted off Formosa through 30 March without encountering any enemy ships before shaping a course for Hong Kong. En route, she shelled targets on enemy-occupied Pratas Island. While off Hong Kong, she also provided lifeguard services for Allied aviators. On 8 April, an American "Liberator" mistakenly bombed *Bullhead*. All the bombs missed her, fortunately, by at least 75 yards and, while severely shaken, she sustained no damage.

On 16 April, four miles off the China coast, the submarine recovered the crew of a downed Army aircraft, taking on board three survivors and the bodies of three casualties. The submarine terminated the patrol on 28 April in the Philippines when the safely arrived at the newly constructed base at Subic Bay, Luzon.

Upon completion of her refit there, *Bullhead* spent eight days in training exercises off the coast of Luzon before getting underway again on 21 May for her second war patrol. This time, the submarine operated in a wolf pack with *Bergall* (SS–320) and *Kraken* (SS–370) in a coordinated sweep of the Gulf of Siam and the Java Sea.

Bullhead entered the patrol area on 25 May but encountered no suitable targets until 30 May, when she made a machinegun attack on a 150–ton schooner and claimed to have sunk the Japanese vessel. On 4 June, the submarine moved to a new station south of Anabas Island, but this area proved to be barren.

On the 16th, she entered the western end of the Java Sea, *Bullhead* discovered her next victim on the 18th. Once again, she trained her machine guns on a maru, a 700-ton vessel which sank soon after suffering a hit at the waterline. Later that day, the submarine sighted a small convoy of two merchantmen and two escort vessels but was unable to attack because the ships took shelter along the Java coast.

On the morning of the 19th, *Bullhead* engaged in a surface battle with two subchasers and two picket boats and took credit for sinking one 700-ton subchaser and damaging a smaller one of some 500 tons. The remaining Japanese vessels tried to take cover behind a point of land, but *Bullhead* closed the shore and continued firing on the boats. The encounter did not end until the submarine exhausted her supply of 5-inch ammunition.

On 25 June, *Bullhead* opened fire with her 40-millimeter gun on a small Japanese vessel, set the boat ablaze, and believed that the Japanese boat had been sunk. She completed this patrol on 2 July when she moored at Fremantle, Australia.

Despite claiming to have sunk several vessels, *Bullhead* was not officially credited

with destroying any Japanese shipping during this patrol. During a brief refit period, the submarine received another 5-inch gun. The submarine left Fremantle on 31 July to begin her third patrol. She was to transit Lombok Strait and patrol in the Java Sea with several other American and British submarines.

Bullhead rendezvoused with a Dutch submarine, *O–21*, on 2 August and transferred mail to her. Four days later, the submarine reported that she had safely passed through the strait and was in her patrol area. No further word was ever received from her; and, on 24 August, she was reported overdue and presumed lost.

Postwar analysis of Japanese records revealed that a Japanese army plane depthcharged a submarine off the Bali coast near the northern mouth of Lombok Strait on 6 August. The pilot claimed two direct hits and reported a gush of oil and air bubbles at the spot where the target went down. It was presumed that the proximity of mountains shortened her radar's range and prevented *Bullhead* from receiving warning of the plane's approach. The submarine went down with the loss of all hands. Her name was struck from the Navy list on 17 September 1945.

Bullhead won two battle stars for her World War II service.

ELECTRONIC FINANCIAL SERVICES EFFICIENCY ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. DREIER. Mr. Speaker, I am pleased to join my colleague, Representative RICHARD BAKER, as an original cosponsor of H.R. 2937, the Electronic Financial Services Efficiency Act. The purpose of this legislation is to facilitate electronic commerce by promoting technologies that can authenticate agreements in the conduct of consumer and financial transactions using the Internet and other forms of digital communications.

It is estimated that commerce on the Internet will grow from $200 million in sales in 1995 to tens of billions of dollars by the year 2000. Therefore, it is critically important, given the explosive growth of electronic commerce and its ability to circumvent geographical and legal boundaries, that the Federal Government encourage the private sector development of uniform standards for electronic authentication while not imposing rigid rules that may stifle innovation. It is equally important that any effort to preempt State digital signature laws not accord such a preemption solely to one particular provider of authentication services.

H.R. 2937 provides for a national system that is competitively and technologically neutral. It establishes a National Association of Certification Authorities [NACA], which would function as a self-regulatory organization consisting of registered providers of electronic authentication services. NACA will maintain a market-oriented approach to the regulation of electronic commerce by promoting a clear and predictable legal environment to insure that competition and consumer choice are the hallmark of the emerging global digital marketplace.

Such a system will also have beneficial applications for the delivery of Government benefits and services. With appropriate safeguards to protect against fraud and privacy violations, citizens will be able to pay their taxes, access Social Security records, and make Freedom of Information Act requests in a secure environment. Even the House of Representatives is looking to digital communications as a means to conduct much of its administrative transactions and disclosure requirements in the future.

Mr. Speaker, it would be a mistake for Congress to establish a system that relies on Government to regulate electonic commerce. Despite the rapid advancements in information technologies and our comprehension of them, we continue to know too little about future technology advancements and their potential applications. Nobody could envision just 2 years ago how the Internet would be used today as a means for transacting business, and nobody has a clear vision of how electronic commerce will be conducted 2 years from now.

H.R. 2937 places the responsibility for setting the rules governing the authentication and security of electronic commerce in the hands of the people most knowledgeable about that technology. Only as that technology becomes more standardized and widely understood, and as problems arise that cannot be adequately addressed by a set of voluntary rules, should we begin to consider the need for direct Government oversight or regulatory intervention.

How we establish the rules of the road governing electronic commerce is one of the most important economic challenges facing Congress as our country transitions into a 21st century information economy. H.R. 2937 will allow us to establish those rules in a way that promotes competition and innovation, and I urge my colleagues to join us as cosponsors of this legislation.

HONORING MR. JESSE BROWN

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. JACKSON of Illinois. Mr. Speaker, I rise to applaud the efforts and accomplishments of my constituent, Mr. Jesse Brown, who helps people and families look to and plan for the future. Mr. Brown, the president and chief executive officer of RENCO, a national money management firm, works assiduously to ensure that the reluctant, uninitiated, and underinvested have the opportunity to engage in the market now, in order to get their piece of the pie later.

Unfortunately, many of my constituents on the South Side of Chicago and in the south suburbs, have not benefited from the reportedly robust economy. For those in my district with skills and no decent-paying job, with children but no child care, with health concerns yet no health care coverage, the current boom seems more like a bust. Too many of my constituents live day-to-day and paycheck-to-paycheck; at wit's end while trying to make the ends meet. Although the stock market plunge in October made headlines in almost every paper in the country, for them, the scare was not new or news. Their angst and insecurity is constant and simmering.

Yet, Mr. Brown goes to the places where my constituents gather—at civic halls, at church meetings, and at community forums—to give some fiscal guidance and good news. In a recent article in the Wall Street Journal, Mr. Brown described his mission to spread the word of financial prosperity. Surely, those words are falling on receptive ears. Mr. Brown takes the principles and parlance of Wall Street to Main Street, so that more people near the margins might step into the winner's circle. Knowing that his potential clients may distrust banks and brokers, Mr. Brown ventures beyond the Loop and Lasalle Street to be wherever they are.

Undoubtedly, Mr. Brown knows that families are at the point of challenge—struggling to stretch their incomes to provide for eager children preparing for college at one end and ailing parents with escalating needs at the other. In the middle of this cross-generational pull, lay baby boomers, who are preparing for their own retirement, and concerned about the fate of both the Social Security and Medicare programs. In response to the familial quandary, Mr. Brown prescribes an old-fashioned tenet, with a newfangled twist: take money from each paycheck and instead of hiding it under the mattress or in the shoe box, put it into mutual funds, stocks or bonds. Mr. Brown assures that the short-term sacrifice yields long-term security.

Most recently, Mr. Brown has encapsulated his advice and formula for financial success between the covers of his first book, "Pay Yourself First." As a result, Mr. Brown's work, more of my constituents are learning of and investing in the historic bull market, and growing larger nest eggs. Thus, while helping to grow the Nation's economy, families from my district are meeting their tough financial challenges. From their perspective, the coming years now seem more promising and prosperous. On their behalf, I commend the outstanding contributions that Mr. Brown has made to their lives and to the district.

85TH ANNIVERSARY OF THE FIRST SCOUTS OF AMERICA

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Ms. MCCARTHY. Mr. Speaker, I rise today to celebrate the 85th anniversary of an organization that helps to develop our Nation's future leaders: The Girl Scouts of America. On November 14, 1997, I will join with Girl Scouts from the 5th District of Missouri in a nationwide camp-out to mark this important occasion. By working to develop the self-esteem and skills of girls at an early age, this group empowers these young women to make a successful transition to adulthood. I still carry with me the values I learned as a Girl Scout and credit many of my achievements to these early lessons. Whether it was learning the

value of a hard-earned dollar through the sales of Girl Scout cookies, or how to make new friends and keep the old, my memories as a Girl Scout are some of my fondest. Girl Scouting provides a classroom without walls, and teaches girls compassion, leadership, and citizenship through community service embodied in its pledge: "On my honor, I will try: to serve God and my country. To help people at all times, and to live by the Girl Scout law. I will do my best: to be honest and fair, friendly and helpful, considerate and caring, courageous and strong, responsible for what I say and do, and to respect myself and others, respect authority, use resources wisely to make the world a better place, and to be a sister to every Girl Scout." Mr. Speaker, please join with me in honoring the success of the Girl Scouts on their 85th anniversary, a truly American institution that brings out the very best in our young people.

ADVANCEMENT OF WOMEN IN SCIENCE, ENGINEERING, AND TECHNOLOGY DEVELOPMENT ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mrs. MORELLA. Mr. Speaker, in an effort to support women in our changing economy, I am introducing the Commission on the Advancement of Women in Science, Engineering, and Technology Development Act. Women account for more than 45 percent of the U.S. labor force; yet in the fields of science, engineering, and technology, they are underrepresented and face barriers in recruitment, retention, and advancement.

According to the Department of Labor, only 8.7 percent of electrical engineers are women. That's lower than the percentage of female clergy, 11 percent. Among technology jobs, computer programming attracts the most women; 29 percent are female.

High-technology companies are part of the fastest-growing U.S. industry, which dominates both domestic and world markets. Yet these companies are battling a very serious shortage of skilled high-technology professionals. If the lack of women hinders the growth of this industry, then it will hold back the Nation's economy.

Statistics show that the percentage of degrees awarded to women in science at the bachelors, masters, and doctoral level is higher than the percentage of women actually pursuing careers in science. Women make up about a third of science students, but only a fifth of science professionals. Consequently, women are still a great, untapped source of creative science thinking as the United States moves into the next century. Science needs to increase its percentage of women professionals.

The American Medical Association reports that the number of women physicians has quadrupled in the last 20 years. While women are becoming more commonplace in the medical profession, they still are nudged away from technology, from attitudes at colleges and universities to the cultural drawbacks in computer companies.

While we, as a nation, are growing more aware of problems that beset women in the fields of science, engineering, and technology, few policies have been implemented to combat the problems women are facing in these occupations. Now, more than ever, we need a broad research project to consolidate information and identify intervention models that work.

The Advancement of Women in Science, Engineering, and Technology Development Act would set up a commission to study the barriers that women face in these fields. The commission would identify and examine the number of women in science, engineering, and technology and the specific occupations where they are underrepresented. The commission also would describe the practices and policies of employers relating to the recruitment, retention, and advancement of women scientists and engineers. The commission then would determine if these practices and policies are comparable to their male counterparts, and issue recommendations to government, academia, and private industry based on successful programs.

In addition, the bill directs the National Science Foundation [NSF] to conduct a study of the educational opportunities available to women who want to enter the fields of science, engineering, and technology. The NSF then must report its findings within 1 year and issue recommendations to Congress on how to improve educational opportunities for women who wish to enter the fields of science, engineering, and technology.

Mr. Speaker, the Advancement of Women in Science, Engineering, and Technology would be a first step in countering the roadblocks for women in our rapidly evolving high-technology society. This bill would help women break through the "Glass Ceiling" and the "Silicon Ceiling" in the fields of science, engineering, and technology, and would bring our Nation closer to creating a highly effective high-technology economy for the 21st century.

INTRODUCTION OF THE CLINICAL RESEARCH ENHANCEMENT ACT OF 1997

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mrs. LOWEY. Mr. Speaker, I am pleased to introduce today the Clinical Research Enhancement Act of 1997. This legislation will better enable us to translate basic science discoveries into improvements in medical treatment. I am pleased to be joined by Congresswoman NANCY JOHNSON as the primary cosponsor of this important legislation.

The difficulties faced by clinical researchers and their patients threaten progress in medicine and our country's international competitive edge in biomedical science. We are losing a generation of physician scientists because of limited research funding, medical tuition indebtedness, and obstacles created by our increasingly competitive health care system. While the Clinical Research Enhancement Act of 1997 cannot address all these problems, it can help us to recruit and retain talented clinical investigators to insure that advances in basic biomedical science are more readily translated into improvements in patient care.

In 1994, the Institute of Medicine [IOM] issued a groundbreaking report outlining the crisis facing clinical research. The IOM report found that numerous obstacles confront clinical researchers at various points in their careers. Furthermore, the IOM concluded that we simply are not training the number of clinical scientists necessary to address the rapid discoveries occurring in basic biomedicine. Studies by the National Research Council, National Academy of Sciences, and the National Institutes of Health have also highlighted the problems facing clinical research.

The Clinical Research Enhancement Act of 1997 will improve Federal support of clinical research by:

Improving the peer review process for clinical research grants and establishing innovative science awards that will be reviewed by scientists who are particularly knowledgeable about clinical research;

Strengthening the general clinical research centers [GCRC's] which now serve as the hub of NIH-supported extramural clinical research activity;

Enhancing the career development of clinical scientists by creating new awards that will be similar to existing NIH career awards but focused on clinical investigators who pursue initial research projects with a mentor prior to independent pursuit of research;

Creating innovative medical science awards for more established researchers in order to improve funding for projects involving potential clinical applications of a basic discovery which are tested on a small number of patients;

Providing support for scientists seeking advanced degrees in clinical investigation in order to address the need for structured, academic training in clinical investigation; and

Expanding the existing loan repayment program available to clinical researchers who are based at the NIH campus to make it available to NIH-supported clinical scientists at centers around the country.

The Clinical Research Enhancement Act of 1997 has the support of over 100 medical, scientific, and academic organizations. I want to especially commend the American Federation for Medical Research for their leadership on this important issue.

I urge my colleagues to cosponsor this legislation which will help to ensure that our Federal investment in basic biomedical science is translated into improvements in medical care.

I request that the accompanying materials be included in the RECORD.

As a coalition of organizations concerned about improving the quality of health care, the National Health Council strongly supports the Clinical Research Enhancement Act. As you know, it has been more than three years since the Institute of Medicine (IOM) documented the major challenges confronting clinical research in our country. Your bill would implement a number of the IOM recommendations for addressing these problems. It is critically important that the NIH move forward as rapidly as possible with these initiatives.

The NIH is the major funding source in the United States for basic biomedical research.

However, the major dividends from this investment are discoveries that improve our ability to prevent, effectively treat, and cure disease and disability. The NIH must foster not only the basic research that begins this process but also the translational research through which a basic science discovery is applied to a medical problem. There is generous industry support for clinical research and clinical trials aimed at the development of new products. However, private funding is extremely limited for initial translational research that may have little or no commercial product potential. Examples of such research include studies of nutritional therapies, new approaches to disease prevention, transplantation techniques, behavioral interventions, and studies of off-label uses of approved drugs. In the past, such research was often subsidized from patient care revenues to academic medical centers. However, competition in the health care marketplace has begun to erode this source of funding; therefore, NIH must play an expanded role in providing support for this research. The Clinical Research Enhancement Act would foster NIH funding opportunities for this type of research through the establishment of ''innovative medical science awards.'' Such studies will focus on translating basic research discoveries into tools that health care professionals can use to cure disease and relieve suffering.

In addition, we support provisions of the bill that would foster opportunities for physicians to pursue careers in clinical research. There is ample evidence that American physicians are opting out of careers in science for a variety of reasons. Steps must be taken to rebuild our nation's supply of well-trained physician scientists if the United States is to continue its leadership of the world in medical science.

Finally, the bill would direct the NIH to improve the peer review of patient-oriented research. Studies have documented the fact that clinical research proposals are at a disadvantage when reviewed by NIH study sections because of NIH's primary focus on basic biomedical research. This must be changed, as proposed in your bill, so that scientific opportunities to improve medical care are not lost.

The undersigned organizations are extremely grateful for your leadership in addressing the problems confronting clinical research. We support your initiative to assure that the NIH invests in the translational research that holds the key for patients around the country who are waiting for a cure. We are pleased to endorse the Clinical Research Enhancement Act.

Alzheimer's Association, American Autoimmune Related Diseases Association, American Diabetes Association, American Kidney Fund, American Paralysis Association, Digestive Diseases National Coalition, Epilepsy Foundation of America, Foundation Fighting Blindness, Juvenile Diabetes Foundation International.

Glaucoma Research Foundation, Myasthenia Gravis Foundation, National Alopecia Areata Foundation, National Multiple Sclerosis Society, National Osteoporosis Foundation, National Tuberous Sclerosis Association, Paget Foundation, Sjogren's Syndrome Foundation, Tourette Syndrome Association.

AMERICAN FEDERATION FOR MEDICAL RESEARCH,
Washington, DC, November 7, 1997.

Hon. NANCY JOHNSON,
Hon. NITA LOWEY,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVES JOHNSON AND LOWEY: I write to express the strong support of the American Federation for Medical Research for the legislation you will introduce to enhance clinical research programs at the National Institutes of Health. The AFMR is a national organization of 6,000 physician scientists engaged in basic, clinical, and health services research. Most of our members receive NIH support for their basic research but are finding it increasingly difficult to obtain public or private funding for translational or clinical research—studies through which basic science discoveries are translated to the care of patients. In the past, academic medical centers provided institutional support for this research through revenues generated by patient care activities. However, as the health care marketplace has become increasingly competitive, academic centers have all but eliminated internal subsidies, clinical research or the training of clinical investigators. In fact, the Association of American Medical Colleges has estimated that these institutions have lost approximately $800 million in annual ''purchasing power'' for research and research training within their institutions. In this context, the $60 million in spending entailed in your legislation (representing less than one-half of one percent of the NIH budget) would seem an extremely modest investment in a much-needed program to reinvigorate our nation's clinical research capabilities.

The Clinical Research Enhancement Act is a conservative approach to a severe problem. The Institute of Medicine (IOM) expressed alarm about the challenges confronting clinical research in a 1994 report, and your bill is based on the initiatives recommended by the IOM:

The IOM recommended that the General Clinical Research Centers program be strengthened. Your bill would codify this program, which has existed since the late 1950's, so that the Congress will have greater discretion over GCRC funding.

The IOM recommended enhanced career development in clinical investigation, and your bill proposes such awards.

The IOM noted problems with the NIH peer review of clinical research. Your bill directs the NIH to improve the peer review process for such research and establishes ''innovative science awards'' that will be reviewed by scientists knowledgeable in clinical investigation.

The IOM recommended programs to relieve the tuition debt of physicians pursuing clinical research careers. Your bill would expand an existing NIH intramural program for this purpose to the extramural community.

The IOM recommended structured, didactic training in clinical investigation. Your bill authorizes funding for advanced degree (master's and Ph.D) training in clinical research as successfully initiated at several institutions around the country.

The list of almost 150 organizations that support the Clinical Research Enhancement Act indicates the consensus of scientific, medical, consumer, and patient organizations that steps must be taken as soon as possible to stop the deterioration of the U.S. clinical research capacity, to reinvigorate the clinical research programs of academic medical centers, and to assure that the American people and the American economy benefit from the translation of basic science breakthroughs to improved clinical care and new medical products. The American Federation for Medical Research is pleased to have the opportunity to express its strong support for your legislation.

Sincerely,

JEFFREY KERN, M.D.,
President.

THE ADVANCE PLANNING AND COMPASSIONATE CARE ACT OF 1997

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. LEVIN. Mr. Speaker, the Advance Planning and Compassionate Care Act of 1997 seeks to improve the medical care of individuals nearing the end of their lives so that they and their families can have confidence that this care respects their own desire for autonomy and dignity.

The compassionate care bill builds on the Patient Self-Determination Act enacted in 1990. The Patient Self-Determination Act requires health care facilities to distribute information to patients regarding existing State laws on living wills, medical powers-of-attorney, and other advance directives, which enable individuals to document the type of care they would like to receive at the end of their lives. Since passage of that legislation, there has been an increase in the number of individuals who have an advance directive, but a recent Robert Wood Johnson study found that many people do not understand the importance of discussing their advance directives with family members and their health care provider. For example, while 20 percent of hospitalized patients had an advance directive, less than half of those patients had talked with any of their doctors about having a directive and only about one-third had their wishes documented in their medical record.

The compassionate care bill takes another important step in raising public awareness of important end-of-life medical issues and improving the quality of the care individuals receive during this period.

The bill improves the type and amount of information available to consumers by making sure that when a person enters a hospital, nursing home, or other health care facility, there is, when requested, a knowledgeable person available to discuss end of life care. This will facilitate good decisionmaking on medical care based on the patient's own needs and values. The bill requires that if a person has an advance directive it must be placed in a prominent part of the medical record where all the doctors and nurses can clearly see it. It also establishes a 24-hour hotline and information clearinghouse to provide consumers with information.

The bill also ensures that an advance directive which is valid in one State will be honored in another State, as long as the contents of the advance directive do not conflict with the laws of the other State. In addition, the bill requires the Secretary of Health and Human

Services to gather information and consult with experts on the possibility of a uniform advance directive for all Medicare and Medicaid beneficiaries, regardless of where they live. A uniform advance directive would enable people to document the kind of care they wish to get at the end of their lives in a way that is easily recognizable and understood by everyone.

The compassionate care bill also focuses on the need to improve end-of-life care for Medicare beneficiaries. This bill will encourage seniors and families to have more open communication with health care providers concerning their preferences for end-of-life care. The bill also addresses the need to develop models of compassionate care and quality measures for medical care during this period.

Currently, there are few standards available to assess the quality of care provided to Medicare beneficiaries at the end of their lives. The tremendous geographic variation in medical care that currently exists reinforces the notion that many people do not receive care driven by quality concerns, but rather by the availability of medical resources in the community and other factors not related to quality care.

The bill requires the Secretary of Health and Human Services, in conjunction with the Health Care Financing Administration, National Institutes of Health, and the Agency for Health Care Policy and Research, to develop outcome standards and other measures to evaluate the quality of care provided to patients at the end of their lives.

The only Medicare benefit aimed at improving end-of-life care for Medicare beneficiaries is hospice care, which only serves a small number of beneficiaries. In 1994, the Medicare hospice benefit was provided to 340,000 patients for the last few weeks of their lives. The hospice benefit is limited to beneficiaries who have a terminal illness with a life expectancy of 6 months or less. A review of studies done by an Institute of Medicine panel found that 40 to 80 percent of patients with a terminal illness were inadequately treated for pain "despite the availability of effective pharmacological and other options for relieving pain."

The compassionate care bill provides funding for demonstration projects to develop new and innovative approaches to improving end-of-life care provided to Medicare beneficiaries, in particular those individuals who do not qualify for, or select, hospice care. Also, it includes funding to evaluate existing pilot programs that are providing innovative approaches to end-of-life care.

With a few exceptions, Medicare does not generally pay the cost of self-administered drugs prescribed for outpatient use. The only outpatient pain medications currently covered by Medicare are those that are administered by a portable pump. The pump is covered by Medicare as durable medical equipment, and the drugs associated with that pump are also covered. It is widely recognized among physicians treating patients with cancer and other life-threatening diseases that self-administered pain medications, including oral drugs and transdermal patches, offer alternatives that are equally effective at controlling pain, more comfortable for the patient, and much less costly than the pump. The bill requires Medicare coverage for self-administered pain medications prescribed for outpatient use for patients with life-threatening disease and chronic pain.

Instead of allowing these important end-of-life issues to be eclipsed by the debate over physician-assisted suicide, this legislation seeks to ensure that the medical care of patients at the end of their lives reflects their desires, increases comfort to the extent possible and is of the highest quality.

INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1997

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. SANDLIN. Mr. Speaker, I rise today in strong support of H.R. 2676, the IRS Restructuring and Reform Act. I thank the gentleman from Maryland [Mr. CARDIN] and the gentleman from Ohio [Mr. PORTMAN] for their hard work on this issue. I am a cosponsor of their legislation, H.R. 2292, which is the foundation of the legislation we are passing today, and I have been a strong supporter of initiatives to improve customer service, increase management accountability, and give the taxpayer expanded rights.

The oversight board should bring private sector expertise to the IRS, streamlining procedures, easing citizen interaction, and improving efficiency. The provisions regarding the oversight board have been carefully drafted to avoid privacy violation and conflict of interest concerns while still injecting the experience and skills of business managers and tax experts to the IRS agency. Taxpayers should see immediate and long lasting improvements in the service and efficiency of the agency.

The provisions in this bill that shift some of the burden of proof in tax disputes from the taxpayer to the IRS encourage my belief that the Government can become more responsive and more accountable to the people. When law-abiding citizens live in fear of threats from Government bureaucrats, it is time to change the way the Government conducts its business. Most taxpayers accept IRS challenges to valid exemptions because they are intimidated or can't afford to fight the Federal Government in court. By shifting the burden of proof to align the IRS code with the values of our criminal justice system, the IRS is forced to back up its challenges so that law-abiding taxpayers are not forced to forfeit money that is legally theirs.

These reforms are only the first step in our struggle to reduce the impact of Federal taxes on taxpayer's lives. The real problem is the several thousand page Tax Code, created by Congress, that the IRS attempts to administer. This year alone, Congress added 600 pages to the Code by passing $85 billion in tax cuts. When a tax cut makes the Tax Code more complex, you know it is time to scrap this Code and start over with one that is simple, fair, and understandable.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. BOYD. Mr. Speaker, today, November 9, I was unavoidably detained and missed the vote on H.R. 1129. Had I been present, I would like the RECORD to reflect that I would have voted "yes."

INTRODUCTION OF THE CLINICAL RESEARCH ENHANCEMENT ACT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to announce with my good friend from New York, Congresswoman NITA LOWEY, the introduction of the Clinical Research Enhancement Act that will improve the quality of health care by enhancing our investment in clinical research. We introduced a similar bill in the 104th Congress, and I am once again glad to be working with Congresswoman LOWEY and the health research community, led by the American Federation for Medical Research, on this proposal.

Clinical research is the critical component we need to bring the discoveries of basic research to the patient in the form of medical treatments. Our Government makes significant investments each year in basic research through the National Institutes of Health. In fact, the Federal Government is the major source of investment in basic biomedical research. However, it is crucial that the Government focus not only on basic research but also on the translational research that utilizes the discoveries of basic research to improve our ability to prevent, treat, and cure disease and disability.

While there is industry support for clinical research and clinical trials, private funding is very difficult to secure for the initial steps of translational research, which may have little or no commercial potential. Examples of this initial research include nutritional therapies, new approaches to disease prevention, transplantation techniques, behavioral interventions, and studies of off-label uses of approved drugs. These initial steps of clinical research used to be subsidized in part from patient care revenues to academic medical centers. As we heard in our debate on Medicare reform and graduate medical education, however, these teaching hospitals are more and more stretched for teaching and patient care dollars. They are finding it much more difficult to maintain their teaching role, let alone their investment in clinical research. Therefore, it is more important than ever that NIH devote greater attention and resources to providing support for clinical research.

Without the important link of clinical research, the investment that our country makes in basic research does not have the impact on the quality of health care that it could have. We have heard concerns from the research

community that clinical research based on our basic research discoveries is going on overseas because it does not have financial support in the United States. It would be ironic if our expanding commitment to medical research, as evidenced in by NIH's growing budget, should create jobs overseas because we fail to address the need to fund clinical research, the link between basic research and a vital biomedical industry on our soil.

This legislation also will encourage more of our young researchers and physicians to pursue careers in clinical research. The data demonstrates that American physicians and researchers are choosing not to pursue careers in clinical investigation in large part due to the lack of positions and funding for such research.

It is important that we take steps to rebuild our Nation's supply of well-trained physician scientists if the United States is to continue its leadership in the medical sciences. This legislation encourages physicians and researchers by establishing grant and loan repayment programs to support the training and research of clinical investigators.

I encourage my colleagues to examine this legislation carefully and discuss the issue with clinical researchers in their district. Many of them will highlight the needs that we have heard from researchers and universities across the Nation. Numerous polls have also shown that health care research is strongly supported by the American public. This legislation will make that research much more powerful and real in their lives.

TRIBUTE TO JOHNNY McCLOUD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a community leader in my district. Johnny McCloud, a minister, an activist, and organizer in Toledo, OH died suddenly on October 23, 1997 at the age of 52 years.

Born and raised in Florida and Georgia, Johnny completed undergraduate studies and graduate studies at Southwestern Christian University, Abilene Christian University, University of South Florida, and Valdosta State College. He also attended International Seminary in Orlando, FL for post graduate work. A lifelong learner, his studies ranged from biology and medicine, to counseling and education, to administration and the Bible. He taught school, worked for the Economic Planning and Opportunity Association, and ran his own business. A noted orator, he was most known as a minister with North Side Church of Christ and Glass City Church of Christ, and as the executive director of the J. Frank Troy Senior Center in Toledo.

Johnny McCloud's civic and community work was legion. He was highly involved in many organizations, for most of which he was an officerholder, including the National Caucus and Center of Black Aged, National Black Alcoholism Council, Northwestern Ohio Regional Council on Alcoholism, Interdenominational Ministerial Alliance, Interracial Religious Coalition, EOPA of Greater Toledo, Selective Service Board, the Republican Party, Neighborhood Business and Economic Development Committee, IBPOE, Holy Hill No. 4 Chapter—AF & AM, Rachel Chapter—OES, Amaranth Chapter, Matrons Council, and Order of Masons. In all of these activities, he offered total commitment and dedication to all of these causes.

Our heartfelt prayers are with his family and friends during this extremely difficult time. May his son Willie, his mother Evelyn Parker, and sister Betty Braham find some measure of comfort and peace in the condolences and gratitude of our community.

CELEBRATING VETERANS DAY

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. WEYGAND. Mr. Speaker, at 11 a.m. on November 11, 1918 an agreement to end World War I was reached. That war claimed the lives of 116,708 Americans. Since then 499,428 Americans have given their lives to protect our freedom. We should also remember the hundreds of thousands who were wounded and the millions who have served without injury for that very same cause.

Over the last few weeks the House has passed several bills recognizing some very worthy veterans. In fact, just a few weeks ago the House passed a bill recognizing the heroism of David Champagne, a great American—a great Rhode Islander. Tuesday we will recognize the heroism of all Veterans and their invaluable contribution to the United States.

Tuesday we will celebrate Veterans Day, a day set aside to honor and give thanks to those millions of veterans who have fought or have given their lives for our freedom.

The United States has, under its control, the greatest weapon in the world. It is not any bomb, gun, ship, or plane it is it's soldiers, sailors, airmen, and women. The men and women in uniform are a primary reason we enjoy the luxuries we do. Without their perseverance and dedication this country would not be as great and as free as it is today.

In recent days we have seen tensions flare up in the gulf. I have no doubt our soldiers will, once again, if asked, respond without hesitation and without question to protect our security.

I ask all Americans to take a moment and reflect on the freedoms they have and about those who have sacrificed to preserve them.

Thanks to the millions of veterans across America.

DAKOTA WATER RESOURCES ACT OF 1997

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. POMEROY. Mr. Chairman, I rise today to introduce the Dakota Water Resources Act of 1997. My colleagues, Senator CONRAD and Senator DORGAN, are introducing a companion bill in the Senate today. This bill represents an unprecedented agreement among North Dakota's congressional delegation, the States' elected leaders and a variety of State organizations.

After years of negotiations, this legislation embodies a bipartisan effort to meet the comprehensive water needs of North Dakota, including the State's four Indian reservations. Without a dependable source of quality water the State's potential for economic development will be crippled.

The Dakota Water Resources Act amends the Garrison Diversion Reformulation Act of 1986 and would refocus the project from large-scale irrigation to the delivery of safe water. Throughout North Dakota, people realize that the project as outlined under the 1986 Act will not happen, and they support the more affordable, realistic provisions that would meet the State's water needs.

Right now, much of the State lacks a supply of quality water. Many communities have unresolved Safe Drinking Water Act compliance problems. Rural water systems and regional water supply systems have been formed to meet the water needs, but much more needs to be done to complete those systems.

To meet cities and towns' needs for safe water, the act authorizes $300 million for municipal, rural and industrial water systems (MR&I) projects. It allows the State to provide grants or loans to MR&I systems. This means the State could establish a revolving loan fund and continue to use funds from repaid loans for MR&I systems.

In conjunction with the State's need for MR&I, it is important to note the additional authorization of $200 million which would provide for MR&I on the four Indian reservations. Additionally, authorization for irrigation on the reservations is included in this legislation, along with a provision which gives tribes the flexibility to determine which sites to irrigate within the reservation. The Standing Rock, Fort Berthold, Turtle Mountain and Fort Totten Indian Reservations would finally be able to meet their long overdue water needs with these provisions.

Another major feature of this legislation which has not been realized under the 1986 Act is the ability to meet the water needs of the Red River Valley in North Dakota. This would provide $200 million for the State to choose the method of delivering Missouri River water to the Red River Valley. The communities of Fargo, and Grand Forks, as well as other towns up and down the valley would have a reliable source of water for continued growth in population and commercial activity.

Any project that would be completed under the Act must comply with the Boundary Waters Treaty of 1909. We fully intend, and are required, to comply with the 1909 treaty between the United States and Canada when considering completion of any component of the project.

In addition to meeting the State and the Indian reservation's comprehensive and future water needs, this Act involves significant environmental achievements. A Natural Resources Trust would receive $25 million to preserve, enhance, restore, and manage wetlands and

associated wildlife habitat, grassland conservation and riparian areas in the State.

Other sections of the Act include authorization for the State to develop water conservation programs using MR&I funding. A bank stabilization study along the Missouri River below the Garrison Dam would be authorized. Also, the current Lonetree Reservoir would be designated as a wildlife conservation area.

All of these provisions and the entire Dakota Water Resources Act have been worked out with painstaking detail among numerous groups. I would like to personally thank the Senators from North Dakota, Senator KENT CONRAD and Senator DORGAN and their very capable staff, as well as North Dakota's State engineer and counsel, for their tireless work on the extraordinary agreement.

I would also like to specifically note the support of the North Dakota Chapter of the Wildlife Society. Their input and support has been crucial to the development of this legislation.

Many other groups have given their attention, time, and support to this comprehensive plan. It is rare that a bipartisan agreement such as this could be reached among an all-Democratic congressional delegation, and a Republican governor, as well as the majority and minority leaders of the State Senate and House of Representatives. But not only did these people agree that this legislation is important for the State's economic development, but a wide variety of groups concurred.

For the RECORD, I submit letters of support from the following: North Dakota Wildlife Society; North Dakota Rural Electric Cooperative; North Dakota Water Users Association; North Dakota Water Resource Districts Association; Souris River Joint Water Resource Board; West River Joint Water Resources Board; Devils Lake Basin Joint Water Resource Board; Southwest Water Authority; Garrison Diversion Conservancy District; North Dakota Education Association; the cities of Fargo, Grand Forks, Minot, Williston, and Dickinson; Spirit Lake Sioux Tribe; Three Affiliated Tribes; Standing Rock Sioux Tribe; Turtle Mountain Band of Chippewa; the Industrial Development Association; the Fargo Chamber of Commerce; and the Greater North Dakota Association.

NORTH DAKOTA,
November 7, 1997.

Senator FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.
Senator DALE BUMPERS,
Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.
Representative DAN YOUNG,
Chairman, Committee on Resources, House of Representatives, Washington, DC.
Representative GEORGE MILLER,
Ranking Member, Committee on Resources, House of Representatives, Washington, DC.

GENTLEMEN: Today marks a significant milestone for the State of North Dakota. We, the elected political leaders of the state, have agreed to support the introduction and to urge the passage of the "Dakota Water Resources Act." The attached legislation, if enacted, will play an integral part in the economic future of our state.

We are proud that this legislation is the product of extensive and full consultation with people who represent nearly all aspects of the life of our state. It represents a cooperative effort which has not only reached across partisan political lines, but also has constructively engage all affected interests of the state. It reflects the views of Republicans and Democrats, Tribal leaders, the North Dakota Chapter of the Wildlife Society, The North Dakota Water Users Association, and the Rural Electric Cooperatives.

Accordingly, we urge you to give this legislation your early review and full support.

Sincerely,

KENT CONRAD
U.S. Senator.
BYRON DORGAN
U.S. Senator.
EARL POMEROY
U.S. Representative.
EDWARD SCHAFER
Governor.
GARY NELSON
Majority Leader, State Senate.
TIMOTHY MATHERN
Minority Leader, State Senate.
JOHN DORSO
Majority Leader, State House.
MERLE BOUCHER
Minority Leader, State House.

Attachment.

GARRISON DIVERSION,
Carrington, ND, November 7, 1997.

Hon. KENT CONRAD,
U.S. Senator,
Washington, DC.
Hon. EARL POMEROY,
U.S. Congressman,
Washington, DC.
Hon. BYRON DORGAN,
U.S. Senator,
Washington, DC.
Hon. EDWARD T. SCHAFER,
Governor of North Dakota,
Bismarck, ND.

SENATOR CONRAD, DORGAN, CONGRESSMAN POMEROY, GOVERNOR SCHAFER: I have reviewed the Garrison Diversion Amendments and support their introduction as the "Dakota Water Resources Act of 1997." I believe, if enacted, this legislation will go far toward relieving the federal government from the onerous "trail of broken federal promises." While the promise of economic opportunity through federal irrigation has been decimated, this legislation will bring affordable, high quality water to a large portion of North Dakota. Indian and non-Indians will benefit from the water supplies provided by this legislation. In many cases, these amendments will restore spirits nearly broken by the drudgery of hauling poor quality water for many miles through severe weather conditions. Affordable access to a portion of North Dakota's rights to Missouri River water will be possible, and the 120 miles of canals and pumping stations that remain a scar on the belly of the prairie will finally be put to limited use.

The Amendments provide assurances that the Boundary Waters Treaty, with our Canadian friends, will not be violated. Environmental benefits for fish and wildlife resources are also included. The project is already referred to as a model for wildlife mitigation and enhancement. This legislation will further that reputation. Finally, this legislation reduces the overall cost of the authorized project features while providing for return on the existing investment.

I will submit this legislation to the Garrison Diversion Conservancy District's full board at their next meeting, with a strong recommendation that they adopt a resolution in support of its passage.

Sincerely,

WARREN L. JAMISON,
Manager.

NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY, STATEMENT CONCERNING THE NOVEMBER 7, 1997 PROPOSED AMENDMENTS TO GARRISON DIVERSION REFORMULATION ACT OF 1986

The North Dakota Chapter of The Wildlife Society supports the proposed amendments to Garrison Diversion Reformulation Act as described in the November 7, 1997 Discussion Draft. We strongly believe the cooperative effort with the Congressional Delegation and North Dakota's state political leaders has strengthened the bill. Throughout this effort we have sought to develop legislation that benefits North Dakotans through water development and minimizes potential impacts to our state's natural resources.

Modification of the 1986 Reformulation Act will benefit substantially more North Dakotans by emphasizing municipal, rural, and industrial water needs of the State. The November 6, 1997 additions also place an equal emphasis on recognition of the enhancement of fish and wildlife habitat and other natural resources as a full project feature. We are pleased to see the designation of Lonetree as a wildlife conservation area. This change is consistent with the recognition of natural resource conservation as a project feature that benefits North Dakota and the State's economy.

We are also encouraged by the addition of funds and the increased opportunities for natural resource conservation in North Dakota presented by the evolution of the Wetlands Trust into the new Natural Resources Trust. We believe the establishment of an account within the Natural Resources Trust to operate and maintain wildlife development areas will benefit wildlife resources in the state. This will ensure the stated commitments of the project are met in the future.

The findings of the Environmental Impact Statement written by the Bureau of Reclamation will provide a framework for a project which minimizes impacts to North Dakota's natural resources and provides for opportunities to meet the comprehensive water needs of eastern North Dakota. We will gladly be a full participant in this process to help ensure that the water needs of Fargo, Grand Forks, and neighboring communities are met in an environmentally sound cost effective manner.

Our involvement in this legislation has not ended. We look forward to working with all parties involved to develop the corresponding report language to captures all points of agreement. Full involvement by all interested parties has produced a final bill that North Dakotans can embrace. We welcome the opportunity to cooperatively work on this and other issues effecting North Dakota's natural resource heritage.

CITY OF GRAND FORKS,
Grand Forks, ND, November 7, 1997.

Congressman EARL POMEROY,
Washington DC.

DEAR CONGRESSMAN POMEROY: My staff and I have reviewed the "November 7, 1997 Discussion Draft Proposed Amendments to Garrison Diversion Reformulation Act of 1986." I strongly support the approach taken of implementing a comprehensive package that will benefit the state of North Dakota.

I acknowledge and support delivery of water to eastern North Dakota and top water management priority for continued economic growth. It is essential that the necessary measures are taken to assure that the City of Grand Forks and all of eastern North Dakota receives a reliable drinking water source for the future.

Thank you for your hard work to introduce these amendments.

Sincerely,

PATRICIA A. OWENS,
Mayor.

CITY OF FARGO,
OFFICE OF THE MAYOR,
Fargo, ND, November 7, 1997.

Hon. EARL POMEROY,
House of Representatives, Washington DC.

DEAR CONGRESSMAN POMEROY: The latest draft amendments to the Garrison Diversion Reformulation Act of 1986 have been received and reviewed by Fargo staff and elected officials. We are very supportive of the proposed language.

As the State's largest City which continues to have a population growth of nearly 2% per year—this rate of increase has sustained for over 20 years—the need for an adequate, reliable and quality source of water is key to our future. The City has just completed construction of a state of the art water treatment facility having the capabilities of addressing all current and anticipated safe drinking water standards well into the 21st Century. While this facility is on line and treating water from the Red River of the North and the Sheyenne River, it will be of little use if water is not available in either of these water sources.

History bears out the fact that the lack of water in these rivers is a real possibility—In the 1930's low flow conditions prevented the use of water from the Red River for seven straight years. As late as 1975, severe rationing of water in Fargo was caused by low flows in the Red River.

The introduction of new legislation to continue the Garrison Diversion effort is very timely. The modifications to the established legislation will greatly enhance Fargo's and eastern North Dakota's potential as a growth area—for population, economic and agricultural purposes—in the Midwest.

Your continued support and work on this very important legislation is needed and appreciated. If we can do anything to further this legislative effort, please call on me.

Sincerely,

BRUCE W. FURNESS,
Mayor.

TURTLE MOUNTAIN, BAND
OF CHIPPEWA INDIANS,
Belcourt, ND, November 7, 1997.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.
Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SENATOR: The Turtle Mountain Band of Chippewa Indians approve the efforts of our congressional representatives in your effort with regard to the "Dakota Water Resources Act". We know how hard this type of legislation is to get bipartisan agreement and feel your efforts have been exceptional.

We of the Turtle Mountain Band of Chippewa Indians appreciate being invited to the October 27th, 1997 hearing on the Draft Garrison Amendments. We feel that the hearings were very productive and appreciate the cooperation and courtesies extended to the tribes of North Dakota.

We have reviewed the total "discussion draft" dated November 5, 1997 as was sent to us.

1. We feel this draft is well put together and generally portrays the feeling of the majority of attendees at the table. The Tribes of North Dakota agreed on the breakdown of the Native American authorizations and find them as was discussed.

2. We note that you have taken some of the suggestions put forth in Russell D. Mason, Sr. Letter dated October 27, 1997 handed out at the hearings.

3. We note that in section 7(c) you have made specific reference to the Trenton Indian Service Area in the Turtle Mountain allocation and are pleased with that thought.

4. In the section 7(c) page 14 line 22, you have included "along with adjacent areas".

The Turtle Mountain Band of Chippewa Indians feel this document is put together in the spirit of cooperation with the entities involved and look forward to doing whatever the Tribe can do to support the passage of this legislation. Please contact myself or Ken Loveland at any time if we can assist your efforts toward final passage of the Dakota Water Resources Act.

Respectfully yours,

RAPHAEL J. DECOTEAU.

SPIRIT LAKE TRIBE,
Fort Totten, ND, November 7, 1997.

Hon. EARL POMEROY,
Washington, DC.

DEAR MR. POMEROY: The Spirit Lake Tribal Council has reviewed, and approves of the introduction of proposed Amendments to Garrison Diversion Reformation Act of 1986.

If you should need further assistance, please call my office at (701) 766-1226.

Sincerely,

MYRA PEARSON,
Chairman.

NORTH DAKOTA WATER
USERS ASSOCIATION,
Bismarck, ND, November 7, 1997.

Memo to: Governor Edward Schafer, Senator Kent Conrad, Senator Byron Dorgan, Rep. Earl Pomeroy, Senator Gary Nelson, Senator Tim Mathern, Rep. John Dorso, Rep. Merle Boucher

Re Garrison Amendments.

We would like to thank you for your considerable effort to achieve consensus on a proposal to further the Garrison project and meet the critical water needs of North Dakota. We sense there is a unity we have not had before among state water users, state wildlife interests, Tribes, power customers and others on how we should proceed in proposing to complete Garrison Diversion water supply facilities.

We fully support the amendments that have been developed to enable the 1986 Reformulation Act to be modified and implemented. While the amendments eliminate most of the irrigation opportunities provided in the 1965 and 1986 Acts, we will vigorously support the current proposal in the spirit of compromise with the many competing interests in this project, and with the belief that the proposal will meet the critical water needs of our state, including the opportunity to utilize the existing facilities to provide Missouri River water to meet the water needs of the Red River Valley.

We look forward to working with you and the Tribes, state wildlife interests, cities, rural water systems, other water users, power customers and others to secure approval and implementation of the proposed amendments.

MIKE DWYER,
Executive Vice President.
JACK OLIN,
President.

NORTH DAKOTA WATER RESOURCES
DISTRICTS ASSOCIATION,
Bismarck, ND, November 7, 1997.

Governor EDWARD SCHAFER,
State Capitol, Bismarck, ND.
Senator KENT CONRAD,
Washington, DC.
Senator BYRON DORGAN,
Washington, DC.
Rep. EARL POMEROY,
Washington, DC.
Senator GARY NELSON,
Casselton, ND.
Senator TIM MATHERN,
Fargo, ND.
Rep. JOHN DORSO,
Fargo, ND.
Rep. MERLE BOUCHER,
Rolette, ND.

DEAR GENTLEMEN: The North Dakota Water Resource Districts Association strongly supports the proposal to amend the 1986 Reformulation Act and complete the Garrison Diversion water facilities.

The proposal you have jointly and cooperatively developed will finish a project that has languished far too long and is critical to the future well-being of our state.

Your efforts to achieve consensus are greatly appreciated. Feel free to call on us to provide necessary support and assistance.

Sincerely,

ARDEN HANER,
Chairman.

STANDING ROCK SIOUX TRIBE,
November 7, 1997.

Hon. EARL POMEROY,
Washington, DC.

DEAR CONGRESSMAN POMEROY: The Standing Rock Sioux Tribe is in full support of the amendments to the Garrison Reformulation Act of 1986.

The Tribe especially appreciates the inclusion of the irrigation issues for the Standing Rock reservation and the $200 million requested for water systems on the reservation.

The Tribe hereby acknowledges the efforts of all our representatives in Congress and will continue to endorse the North Dakota Congressional delegation with regards to Indian Affairs.

I was very grateful for the opportunity to represent my tribe by giving testimony on this very important piece of legislation. I look forward to a continued effort on both our parts to ensure the very best for our State and my Tribe.

Sincerely,

CHARLES W. MURPHY,
Chairman, Standing Rock Sioux Tribe.

SENATE—*Wednesday, November 12, 1997*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, without whom we can do nothing of lasting value, but with whom there is no limit to what we can accomplish, we ask You to infuse us with fresh strength and determination as we press toward the goal of finishing the work of this 1st year of the 105th Congress. Help us to do all we can, in every way we can, and as best we can to finish well. Inspire us all to follow the cadence of Your drumbeat.

Bless the Senators in these crucial hours. Replace any weariness with the second wind of Your spirit. Rejuvenate those whose vision is blurred by stress, and deliver those who may be discouraged or disappointed. In the quiet of this moment, we return to You, recommit our lives to You, and receive Your revitalizing energy. We accept the psalmist's reorienting admonition, "Wait on the Lord; be of good courage, and He shall strengthen your heart; wait, I say, on the Lord!"—Psalm 27:14. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Kansas, is recognized.

SCHEDULE

Mr. ROBERTS. Mr. President, the Senate will be in a period of morning business until 12:30. If there are no requests for morning business, the Senate may recess for several hours, as the Senate awaits House action on the remaining appropriations matters.

As previously announced, no rollcall votes will occur during today's session. If rollcall votes are necessary tomorrow, the votes will be scheduled within a 4-hour time span. The leader is now attempting to ascertain that 4-hour period. Also, if rollcalls will be necessary during Thursday's session of the Senate, Senators will be notified as soon as a decision is made concerning those possible votes on Thursday.

The Senate is also attempting to complete its business for the first session of the 105th Congress. Therefore, many executive and legislative items are in the clearance process. Needless to say, the cooperation of all Senators is necessary, and the leader and all concerned thank all Members for their patience.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Monday, November 10, 1997, the Federal debt stood at $5,428,066,600,045.67 (Five trillion, four hundred twenty-eight billion, sixty-six million, six hundred thousand, forty-five dollars and sixty-seven cents).

Five years ago, November 10, 1992, the Federal debt stood at $4,081,507,000,000 (Four trillion, eighty-one billion, five hundred seven million).

Ten years ago, November 10, 1987, the Federal debt stood at $2,393,483,000,000 (Two trillion, three hundred ninety-three billion, four hundred eighty-three million).

Fifteen years ago, November 10, 1982, the Federal debt stood at $1,139,807,000,000 (One trillion, one hundred thirty-nine billion, eight hundred seven million).

Twenty-five years ago, November 10, 1972, the Federal debt stood at $436,177,000,000 (Four hundred thirty-six billion, one hundred seventy-seven million) which reflects a debt increase of nearly $5 trillion—$4,991,889,600,045.67 (Four trillion, nine hundred ninety-one billion, eight hundred eighty-nine million, six hundred thousand, forty-five dollars and sixty-seven cents) during the past 25 years.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Kansas, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. In my capacity as a Senator from the State of Kansas, I ask unanimous consent that the Senate stand in recess until 2 p.m.

There being no objection, the Senate, at 12:30 p.m., recessed until the hour of 2:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

MORNING BUSINESS

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Indiana, asks unanimous consent that there now be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each.

Is there objection? The Chair hears none, and it is so ordered.

In my capacity as a Senator from the State of Indiana, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

REPORT ON THE CONTINUATION OF THE EMERGENCY REGARDING WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT—PM 80

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On November 14, 1994, in light of the dangers of the proliferation of nuclear, biological, and chemical weapons ("weapons of mass destruction"—[WMD]) and of the means of delivering such weapons, I issued Executive Order 12938, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration, unless I publish in the *Federal Register* and transmit to the Congress a notice of its continuation.

The proliferation of weapons of mass destruction continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I am advising the Congress that the national emergency declared on November 14, 1994, and extended on November 14, 1995 and November 14, 1996, must continue in effect beyond November 14, 1997. Accordingly, I have extended the national emergency declared in Executive Order 12938 and have sent the attached notice of extension to the *Federal Register* for publication.

The following report is made pursuant to section 204(c) of the International Emergency Economic Powers

Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), regarding activities taken and money spent pursuant to the emergency declaration. Additional information on nuclear, missile, and/or chemical and biological weapons [CBW] nonproliferation efforts is contained in the most recent annual Report on the Proliferation of Missiles and Essential Components of Nuclear, Biological and Chemical Weapons, provided to the Congress pursuant to section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), also known as the "Nonproliferation Report," and the most recent annual report provided to the Congress pursuant to section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102–182), also known as the "CBW Report."

CHEMICAL AND BIOLOGICAL WEAPONS

The three export control regulations issued under the Enhanced Proliferation Control Initiatives [EPCI] remained fully in force and continue to be applied in order to control the export of items with potential used in chemical or biological weapons or unmanned delivery systems for weapons of mass destruction.

Chemical weapons continue to pose a very serious threat to our security and that of countries friendly to us. On April 29, 1997, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the "Chemical Weapons Convention" or [CWC]) entered into force with 87 of the CWC's 165 signatories as original States Parties. The United States was among their number, having deposited its instrument of ratification on April 25. As of November 5, 104 countries had become States Parties.

Russia did not complete its legislative approval process in time to be among the original CWC States Parties. In our March meeting in Helsinki, President Yeltsin did, however, assure me of his understanding of the importance of the CWC to Russia's own security. On October 31, 1997, the Russian Duma (lower house) approved ratification of the CWC. On November 5, 1997, the Russian Federation Council unanimously approved the CWC and the Russian government deposited its instrument of ratification. Russia's ratification makes it possible for Russia to join the United States in playing a leadership role in ensuring that all of the Convention's benefits are realized.

Given Russia's financial situation during this difficult period of transition to a market economy, serious concerns have been raised about the high costs of environmentally sound destruction of the large stocks of chemical weapons Russia inherited from the former Soviet Union. Through the Cooperative Threat Reduction Program, we are working with Russia to help address these complex problems, and we will continue to do so now that Russia has ratified the CWC.

The Organization for the Prohibition of Chemical Weapons [OPCW] has been established to achieve the object and purpose of the CWC, to ensure the implementation of its provisions and provide a forum for consultation and cooperation among States Parties. The executive organ of the OPCW, the Executive Council, has met five times since May to oversee decisions related to inter alia data declarations, inspections, and organizational issues. The United States plays an active role in ensuring effective implementation of the Convention.

The CWC is an ambitious undertaking by the world community to ban an entire class of weapons of mass destruction. Its members have committed themselves to totally eliminating chemical weapons stocks and production facilities, prohibiting chemical weapons-related activities, banning assistance for such activities and restricting trade with non-Parties in certain relevant chemicals. Destruction of U.S. chemical weapons stocks is moving forward. Other CWC States Parties have now taken on a similar task, and we are working hard with the other members of the CWC to make membership in this treaty universal.

The United States is determined to ensure full implementation of the concrete measures in the CWC that will raise the costs and the risks for any state or terrorist attempting to engage in chemical weapons-related activities. The CWC's declaration requirements will improve our knowledge of possible chemical weapons activities, whether conducted by countries or terrorists. Its inspection provisions provide for access to declared and undeclared facilities and locations, thus making clandestine chemical weapons production and stockpiling more difficult, more risky, and more expensive.

Countries that refuse to join the CWC will be politically isolated and banned from trading with States Parties in certain key chemicals. The relevant Treaty provision is specifically designed to penalize in a concrete way countries that refuse to join the rest of the world in eliminating the threat of chemical weapons.

The United States also continues to play a leading role in the international effort to reduce the threat from biological weapons. We are an active participant in the Ad Hoc Group striving to create a legally binding protocol to strengthen and enhance compliance with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the "Biological Weapons Convention" or (BWC)). This Ad Hoc Group was mandated by the September 1994 BWC Special Conference. The Fourth BWC Review Conference, held in November 1996, commended the work done by the Ad Hoc Group and urged it to complete the protocol as soon as possible but not later than the next Review Conference to be held in 2001. A draft rolling text was introduced by the Chairman at the July Ad Hoc Group session. Work is progressing on insertion of national views and clarification of existing text, largely drawn from the consultative phase of Ad Hoc Group work since 1994. Three-week sessions are scheduled for January, July, and September of 1998. Another 2-week session will be scheduled for either March or December of 1998. Early completion of an effective BWC protocol is high on our list of nonproliferation goals.

The United States continues to be a leader in the Australia Group [AG] chemical and biological weapons nonproliferation regime. Last year, the United States supported the entry into the AG of the Republic of Korea, which became the group's 30th member in time for the October 1996 plenary.

The United States attended this year's annual AG plenary session from October 6–9, 1997, during which the Group continued to focus on strengthening AG export controls and sharing information to address the threat of CBW terrorism. At the behest of the United States, the AG first began in-depth political-level discussion of CBW terrorism during the 1995 plenary session following the Tokyo subway nerve gas attack earlier that year. At the 1996 plenary, the United States urged AG members to exchange national points of contact for AG terrorism matters. At the 1997 plenary, the AG accepted a U.S. proposal to survey all AG members on efforts each has taken to counter this threat.

The Group also reaffirmed the members' collective belief that full adherence to the CWC and the BWC is the best way to achieve permanent global elimination of CBW, and that all states adhering to these Conventions have an obligation to ensure that their national activities support this goal.

AG participants continue to seek to ensure that all relevant national measures promote the object and purposes of the BWC and CWC. The AG nations reaffirmed their belief that existing national export licensing policies and chemical weapons-related items fulfill the obligation established under Article I of the CWC that States Parties never assist, in any way, the acquisition of chemical weapons. Given this understanding, the AG members also reaffirmed their commitment to continuing the Group's activities now that the CWC has entered into force.

The AG also reaffirmed its commitment to continue to provide briefings for non-AG countries, and to promote regional consultations on export controls and nonproliferation to further

awareness and understanding of national policies in these areas.

During the last 6 months, we continued to examine closely intelligence and other reports of trade in chemical weapons-related material and technology that might require action, including evaluating whether sanctions under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 were warranted. In May 1997, we imposed sanctions on seven Chinese entities and one Hong Kong company for knowingly and materially contributing to Iran's CW program through the export of dual-use chemical precursors and/or chemical production equipment and technology. In September 1997, we imposed sanctions on a German citizen and a German company determined to have been involved in the export of chemical production equipment to Libya's CW program.

The United States continues to cooperate with its AG partners in stopping shipments of proliferation concern. By sharing information through diplomatic and other channels, we and our AG partners have been successful in interdicting various shipments destined to CBW programs.

MISSILES FOR WEAPONS OF MASS DESTRUCTION DELIVERY

During the reporting period, the United States carefully controlled exports that could contribute to unmanned delivery systems for weapons of mass destruction and closely monitored activities of potential missile proliferation concern. We also continued to implement U.S. missile sanctions law, in cases where sanctionable activity was determined to have occurred. In August 1997, we imposed sanctions against two North Korean entities determined to have engaged in missile proliferation activities. Similar sanctions imposed in May 1996 remain in effect against two entities in Iran and one entity in North Korea for transfers involving Category II Missile Technology Control Regime [MTCR] Annex items.

During this reporting period, MTCR Partners continued to share information about proliferation problems with each other and with other potential supplier, consumer, and transshipment states. Partners also emphasized the need for implementing effective export control systems. This cooperation has resulted in the interdiction of missile-related materials intended for use in missile programs of concern.

The United States was an active participant in the MTCR's June 1997 Reinforced Point of Contact Meeting [RPOC]. At the RPOC, MTCR Parnters engaged in useful discussions of regional missile proliferation concerns, as well as steps the Partners could take to increase transparency and outreach to nonmembers.

In July 1997, the United States also played a leading role at the Swiss-hosted MTCR workshop on the licensing and enforcement aspects of transshipment. The workshop was successful in focusing attention on the enforcement problems raised by proliferators' misuse of transshipment and fostered a productive exchange of ideas on how countries can better address such activity.

The United States worked unilaterally and in coordination with its MTCR Partners to combat missile proliferation and to encourage nonmembers to export responsibly and to adhere to the MTCR Guidelines. Since the last report, we have continued our missile nonproliferation dialogue with China, the Republic of Korea [ROK], North Korea [DPRK], and Ukraine. In the course of normal diplomatic relations, we also have pursued such discussions with other countries in Central Europe, the Middle East, and Asia.

In June 1997, the United States and the DPRK held a second round of missile talks, aimed at freezing the DPRK's indigenous missile development program and curtailing its missile-related export activities. The DPRK appeared willing to consider limits on its missile-related exports, in return for sanctions-easing measures, but did not engage in discussion of limits on its missile development program. We intend to pursue further missile talks with the DPRK.

In July 1997, we held another round of nonproliferation talks with the ROK. These talks were productive and made progress toward facilitating ROK membership in the MTCR.

In response to reports that Iran had acquired sensitive items from Russian entities for use in Iran's missile development program, the United States intensified its high-level dialogue with Russia on this issue. We held a number of productive discussions with senior Russian officials aimed at finding ways the United States and Russia can work together to prevent Iran's ballistic missile development program from acquiring Russian technology and equipment. This process is continuing.

NUCLEAR WEAPONS

In a truly historic landmark in our efforts to curb the spread of nuclear weapons, the 50th U.N. General Assembly on September 10, 1996, adopted and called for signature of the Comprehensive Nuclear Test Ban Treaty [CTBT], negotiated over the previous 2½ years in the Conference on Disarmament in Geneva. The overwhelming passage of this U.N. resolution (158–3–5) demonstrates the CTBT's strong international support and marks a major success for United States foreign policy. On September 24, 1996, I and other international leaders signed the CTBT in New York.

During 1997, CTBT signatories have conducted numerous meetings of the Preparatory Commission in Vienna, seeking to promote rapid completion of the International Monitoring System established by the Treaty. On September 23, I transmitted the CTBT to the Senate, requesting prompt advice and consent to ratification.

The CTBT will serve several United States national security interests in banning all nuclear explosions. It will constrain the development and qualitative improvement of nuclear weapons; end the development of advanced new types; contribute to the prevention of nuclear proliferation and the process of nuclear disarmament; and strengthen international peace and security. The CTBT marks an historic milestone in our drive to reduce the nuclear threat and to build a safer world.

Formal preparations for the year 2000 Review Conference for the Treaty on the Non-Proliferation of Nuclear Weapons [NPT] began in 1997 with the first of three annual Preparatory Committee meetings of the Parties to the Treaty. The United States is committed to working to ensure that the 2000 NPT Review Conference will further strengthen the NPT and reinforce global nuclear nonproliferation objectives. Since the 1995 NPT Conference, eight additional states have joined the NPT, leaving only five states worldwide currently outside the NPT regime. The NPT Exporters (Zangger) Committee added China to its membership in 1997.

The Nuclear Suppliers Group [NSG] continued its efforts to upgrade control lists and export control procedures. NSG members confirmed their agreement to clarifications to the nuclear trigger list to accord with trigger list changes agreed to by the members of the NPT Exporters (Zangger) Committee, and the International Atomic Energy Agency published these understandings on September 16, 1997. The NSG also is actively pursuing steps to enhance the transparency of the export regime in accordance with the call in Principles 16 and 17 of the 1995 NPT Review and Extension Conference.

The NSG held an export control seminar in Vienna on October 8 and 9, 1997, which described and explained the role of the NSG (and the Zangger Committee) in preventing nuclear proliferation. The NSG also continued efforts to enhance information sharing among members regarding the nuclear programs of proliferant countries by (1) ''officially'' linking the NSG members through a dedicated computer network allowing for real-time distribution of license denial information, and by (2) creating a separate session for exchange of information on the margins of the NSG plenary meeting.

NSG membership will increase to 35 with the acceptance of Latvia. The ultimate goal of the NSG is to obtain the agreement of all suppliers, including nations not members of the regime, to

control nuclear and nuclear-related exports in accordance with the NSG guidelines.

EXPENSES

Pursuant to section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I report that there were no expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order 12938 during the semiannual reporting period.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 12, 1997.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on November 10, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 282. An act to designate the United States Post Office building located at 153 East 110th Street, New York, New York, as the "Oscar Garcia Rivera Post Office Building."

H.R. 681. An act to designate the United States Post Office building located at 313 East Broadway in Glendale, California, as the "Carlos J. Moorhead Post Office Building."

H.R. 1057. An act to designate the building in Indianapolis, Indiana, which houses the operations of the Indianapolis Main Post Office as the "Andrew Jacobs, Jr. Office Building."

H.R. 1058. An act to designate the facility of the United States Postal Service under construction at 150 West Margaret Drive in Terre Haute, Indiana, as the "John T. Myers Post Office Building."

H.R. 1377. An act to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

H.R. 1479. An act to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Building and United States Courthouse."

H.R. 1484. An act to redesignate the United States courthouse located at 100 Franklin Street in Dublin, Georgia, as the "J. Roy Rowland United States Courthouse."

H.R. 2129. An act to designate the United States Post Office located at 150 North 3rd Street in Steubenville, Ohio, as the "Douglas Applegate Post Office."

H.R. 2564. An act to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McCloskey Postal Facility."

H.R. 2631. An act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105-45.

H.J. Res. 104. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills and joint resolution were signed on November 10, 1997, during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 1522. A bill to authorize the Secretary of Agriculture to provide assistance to rural cooperatives; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1523. A bill to allow for the investment of joint Federal and State funds from the civil settlement of damages from the *Exxon Valdez* oil spill; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 1524. A bill require the Secretary of Health and Human Services to conduct an ongoing study of the health consequences of nuclear weapons tests; to the Committee on Labor and Human Resources.

By Mr. SPECTER (for himself and Mr. BIDEN):

S. 1525. A bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1522. A bill to authorize the Secretary of Agriculture to provide assistance to rural cooperatives; to the Committee on Agriculture, Nutrition, and Forestry.

THE RURAL COOPERATIVE ACT

Mr. HARKIN. Mr. President, I am pleased to introduce the Rural Cooperative Act, a measure proposed by the administration. Under current law, the Rural Business—Cooperative Services within the Rural Development Administration provides a wide variety of services for farm cooperatives. They conduct economic analysis, provide advice on how to form and best operate cooperatives and a wide variety of other services for farm cooperatives, including how to deal with the complex laws under which cooperatives operate.

Farm cooperatives are very important in rural America. They allow farmers to come together to purchase goods, to sell their products, and to process their agricultural commodities under farmer ownership. Some cooperatives only perform one of those functions. Some do two or three of them. In all cases, they allow farmers to come together and more effectively bargain for a fair price.

Funding for cooperative services within the Department of Agriculture has been under considerable constraint in recent years and it is now difficult for the Department to provide the full range of services allowed by law to farm cooperatives. I do not want to see those services reduced. But, I do agree with the administration, that cooperative services should also be available to those in rural areas, in addition to farmers who want to form cooperatives. Therefore, I am introducing the administration-proposed bill to broaden the responsibilities of the Department in this area. I do so, requesting that the administration increase its request for funding to carry out these additional responsibilities and will be urging that the Appropriations Committee appropriately increase funding in this area.

The bill provides that rural residents who are considering forming a cooperative for one of a number of purposes or who have formed a cooperative may receive a variety of kinds of assistance from USDA.

The types of cooperatives that would benefit would include those purchasing consumer goods, business products or services, health care, utilities, communications, child and day care, housing, credit, insurance, or other goods or services. It would also include cooperatives that market goods made by members or goods made by the cooperative.

The Department could provide advice for such cooperatives including conducting economic surveys and analysis of proposed cooperative activities. It would also conduct surveys of cooperatives and issue reports about them as well as promote rural cooperative principles and practices.

The bill authorizes such sums as might be necessary to carry out the purposes of the act.

I urge that the Congress consider and pass this bill in the coming year.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1523. A bill to allow for the investment of joint Federal and State funds from the civil settlement of damages from the *Exxon Valdez* oilspill; to the Committee on the Judiciary.

INVESTMENT OF "EXXON VALDEZ" TRUST FUNDS LEGISLATION

Mr. MURKOWSKI. Mr. President, I rise to introduce legislation that will allow more sensible investment of the funds jointly received by the Federal Government and the State of Alaska from the civil settlement of damages arising from the *Exxon Valdez* oilspill.

The settlement provided for Exxon to pay the Federal and State governments a total of $900 million over a 10-year period ending in 2001. Approximately $280 million remains to be paid under this agreement. Under the consent decree, the money is to be used for the recovery of damaged resources, and is to be managed as a joint Federal-State trust fund, administered by the Exxon

Valdez Oil Spill Trustee Council, which includes representatives of three Federal and three State agencies. Under the consent decree, moneys not immediately expended are to be placed with the U.S. District Court, Fifth Circuit Court Registry Investment System.

Recently, the trustees requested that Congress adopt measures to allow them to invest this money outside the Court Registry Investment System, in which earnings are limited to approximately 5 percent, and are further reduced by fees of 10 percent of the earnings. In the opinion of the trustees, even extremely conservative investment outside the court registry could yield an additional $20 to $30 million by 2002, which could greatly enhance continuing restoration projects.

This bill responds to the trustees' request. It will allow investment outside the court registry system. Let me emphasize, however, that this authority is entirely discretionary. The trustees may use it to reinvest settlement moneys or not, as they deem appropriate. Further, Mr. President, as an added protection, the district court must approve any reinvestment.

The bill also directs that the earnings on the new investment be used for marine research and monitoring, and for community and fishing industry economic restoration. This provision is needed to ensure attention to these important areas.

Here again, let me make sure I am absolutely clear. The bill I am offering does not prevent the purchase of land or easements. It simply directs that the earnings—and only the earnings—on new investment go to other, equally valid purposes.

The trustee council has already spent a large part of the money received from Exxon on land acquisition and easements that limit the use of land it has not purchased outright. To date, the total is about 424,000 acres, and the trustees' intention is to purchase or restrict as much as 750,000 acres.

The Federal Government already owns 248 million acres of Alaska—more than the eastern seaboard from Maine to Florida, which is home to one-third of the entire population of the United States. Inside the spill area, there already are 20 different parcels of protected State and Federal lands, including the Kodiak National Wildlife Refuge, Katmai National Park and Preserve, and the Chugach National Forest and Copper River Delta Critical Habitat Area.

Many of the trustees' additional land acquisitions have been for the purpose of habitat protection, and are valuable to the trustees' restoration mission, but some have included the purchase of land that has already been logged or land on which public access is restricted despite being purchased by public funds. These purchases are not so easy to justify.

The trustees have already published plans to spend almost all of the $900 million. By the time Exxon makes its last payment, the only money not already spent will be the 12 percent the council is tucking away in a restoration reserve.

After inflation-proofing, interest on this account could provide about $2.1 million annually for long-term research and economic reconstruction projects—or could vanish in more land acquisitions.

Finally, Mr. President, my bill also provides for the new investment authority to sunset in 2002 unless the trustees bring to Congress their thoughts on how an independent board might be created to administer the funds remaining after 2002. Personally, I'd like to see them recommend an independent, scientifically-oriented group to guide a long-term research program—a board that would call for proposals, arrange for scientific peer review, publish findings, and so forth, without the appearance of conflict that exists when the trustees are funding projects in which their own agencies are involved.

This is a responsible approach to a difficult issue. It gives the trustees the additional investment authority they want without prohibiting them from spending principal or the earnings from investments that remain in the court registry system however they choose, including more land acquisition. It does, however, encourage them to look at some areas that are equally important to the task of once again making whole both the resources and the people affected by the oil spill.

Mr. President, I ask unanimous consent for the text of the bill to be printed in the RECORD. I hope that we can take it up early next year, and urge my colleagues' support.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding any other provision of law, upon the joint motion of the United States and the State of Alaska and the issuance of an appropriate order by the United States District Court for the District of Alaska, the joint trust funds or any portion thereof, including any interest accrued thereon, previously received or to be received by the United States and the State of Alaska pursuant to the Agreement and consent decree issued in *United States* v. *Exxon Corporation*, et al. (No. A91-082 CIV) and *State of Alaska* v. *Exxon Corporation*, et al. (No. A91-083 CIV) (hereafter referred to as the "Consent Decree"), may be deposited in appropriate accounts outside the Court Registry, including the Natural Resource Damage Assessment and Restoration Fund (hereafter referred to as the "Fund") established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1992 (Pub. L. 102-154, 43 U.S.C. 1474b) and such accounts outside the United States Treasury consisting of income-producing obligations and other instruments or securities of a type or class that have been determined unanimously by the federal and state natural resource trustees for the *Exxon Valdez* oil spill to have a high degree of reliability and security: *Provided*, That any joint trust funds in the Fund and any such outside accounts that have been approved unanimously by the trustees for expenditure by or through a state or federal agency shall be transferred promptly from the Fund and such outside accounts to the State or United States upon the joint request of the governments: *Provided further*, that the transfer of joint trust funds outside the Court Registry shall not affect the supervisory jurisdiction of such District Court under the Consent Decree or the Memorandum of Agreement and Consent Decree in *United States* v. *State of Alaska* (No. A91-081-CIV) over all expenditures of the joint trust funds: *Provided further*, That nothing herein shall affect the requirement of section 207 of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for the Incremental Cost of "Operation Desert Shield/Desert Storm" Act of 1992 (Pub. L. 102-229, 43 U.S.C. 1474b note) that amounts received by the United States and designated by the trustees for the expenditure by or through a federal agency must be deposited into the Fund, *Provided further*, That any interest accrued under the authority in this section may be used only for grants for marine research and monitoring (including applied fisheries research) and for community and economic restoration projects (including projects proposed by the fishing industry and facilities), *Provided further*, That the federal trustees are hereby authorized to administer such grants: *Provided further*, That the authority provided in this section shall expire on September 30, 2002, unless by September 30, 2001 the trustees have submitted to the Congress a proposal to authorize in federal statute a board to administer funds invested, interest received, and grants awarded from such interest.

By Mr. HARKIN:

S. 1524. A bill require the Secretary of Health and Human Services to conduct an ongoing study of the health consequences of nuclear weapons tests; to the Committee on Labor and Human Resources.

NATIONAL CANCER INSTITUTE HEALTH STUDY LEGISLATION

Mr. HARKIN. Mr. President, I rise to introduce a bill requiring studies of the health effects of nuclear weapons testing. This would build upon the study by the National Cancer Institute that was released October 1 of this year.

On October 1, following some major news coverage, the NCI testified before the Senate Labor, HHS, and Education Appropriations Subcommittee on their efforts to connect nuclear weapons testing with thyroid cancer. The NCI testimony and the report released that day were startling. Atomic bomb tests in Nevada during the 1950's exposed millions of Americans—particularly children—to large amounts of radioactive iodine-131. The levels of radioactive iodine exposure is far worse than previously reported by the Government. Hot spots where the iodine-131 fallout was greatest includes many

counties far away from Nevada, including New York, Massachusetts, and Iowa.

Hot spots were identified as receiving as high as 5–16 rads of exposure of iodine-131, with children being exposed to a risk up to 10 times higher. Iodine-131, which accumulates in the thyroid gland, has been linked to thyroid cancer. To give some understanding of the enormity of the U.S. atomic tests in Nevada, 116 million curies of iodine-131 were released in the United States above ground tests. This compares to 7.3 million from Chernobyl disaster the former Soviet Union. The NCI report clearly shows that the U.S. atomic tests exposed a lot of people to risks now considered unacceptable.

The topic hits very close to home for me. During the 1950's, I was living in the small town of Cumming located in south-central Iowa. Along with many Iowans, I lived in the hot spots detailed by the NCI study. Further, like many of my neighbors, I drank milk from the cows kept on our farm. This increased the risk faced by myself and my family because radioactive iodine accumulates in milk.

The NCI report has attracted a lot of attention. Much of this stems from the history of nuclear weapons testing. As we all know, the U.S. Government was fairly cavalier with its nuclear weapons program during the early days of the cold war. Historians can argue about the reasons, but most people recognize the terrible toll suffered by the American public because of our nuclear weapons program. Only recently has the extent of exposure to radiation and other hazards to the "down winders" living near nuclear weapons sites such as the Nevada test site, Hanford in Washington State, and the Marshall Islanders in the South Pacific.

So it is no surprise that a report detailing exposure to millions of Americans would attract attention. However, we need to continue the research into the health impact of nuclear weapons testing. That is why I am introducing this bill to require further study by the Department of Health and Human Services.

The HHS study will build upon the NCI study. There is strong evidence that exposure to other radioactive isotopes that were spread by nuclear weapons tests such as strontium 90, cesium 137 and barium 140 could lead to bone cancer, leukemia, higher infant mortality, and a host of other illnesses. This needs to be examined. So do the nuclear weapons tests that took place not only at the Nevada test site, but at other places as well. For example, the NCI report did not examine the nuclear weapons testing conducted by the United States in Mississippi, Alaska, New Mexico, Colorado, or the South Pacific. The studies should research not only the United States nuclear weapons program, but also tests by foreign nations including the Soviet Union and its successor states, France, China, India, and Great Britain.

I also believe that such studies should be conducted in an open manner. For example, this bill will require that the studies fall under the review authority of the Advisory Committee on Energy Related Studies and other entities established by the Federal Government to ensure public accountability over health related studies pertaining to nuclear weapon research, production, and testing. The bill also requires that HHS report to Congress within 90 days of passage as to its plan for completing the studies, as well as report to Congress each year on its progress.

This is a simple bill that seeks some understanding of the health consequences of our nuclear weapons testing program. I would ask my fellow colleagues to review and support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ONGOING STUDY ON HEALTH CONSEQUENCES OF NUCLEAR WEAPONS TESTS.

(a) REQUIREMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct an ongoing study of the health consequences of nuclear weapons tests.

(2) COVERED TESTS.—In conducting the study, the Secretary shall, to the maximum extent practicable, consider nuclear weapons tests (including above ground tests and below ground tests) by the United States, France, Great Britain, India, the People's Republic of China, the Soviet Union and its successor states, and any other foreign nation that has conducted nuclear weapons tests.

(3) PARTICULAR EXPOSURES.—In conducting the study, the Secretary shall consider, in particular, the following:

(A) The health consequences of exposure to plutonium, strontium-90, iodine-131, radioactive cesium, and any other radioactive element produced by a nuclear weapon test.

(B) The health consequences of exposure to such elements for high-risk populations and for the general population.

(4) REVIEW.—The Secretary shall provide on an-going basis for guidance and review of the conduct of the study, and review of the results of the study, by the Advisory Committee on Energy-Related Epidemiologic Research of the Department of Health and Human Services and by such other entities engaged in the review of governmental studies relating to nuclear weapons activities as the Secretary considers appropriate.

(b) REPORTS.—

(1) PRELIMINARY PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report setting forth the Secretary's plan for the conduct of the study under this section. The report shall set forth an estimate of the annual costs of the study.

(2) ANNUAL REPORTS.—Not later than one year after the date of the submittal of the report under paragraph (1), and annually thereafter, the Secretary shall submit to Congress a report on the results of the study during the one-year period preceding the date of the report.

(c) FUNDING.—The Secretary of Energy shall transfer to the Secretary of Health and Human Services each fiscal year, from amounts appropriated for the Department of Energy for such fiscal year for weapons activities, such amounts as the Secretary of Energy and the Secretary of Health and Human Services jointly determine appropriate to permit the Secretary of Health and Human Services to conduct activities relating to the study under this section during such fiscal year.

By Mr. SPECTER (for himself and Mr. BIDEN):

S. 1525. A bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty; to the Committee on the Judiciary.

THE PUBLIC SAFETY OFFICERS EDUCATIONAL ASSISTANCE ACT OF 1998

Mr. SPECTER. Mr. President, I seek recognition today to join Senator BIDEN in introducing the Public Safety Officers Educational Assistance Act of 1998. The purpose of this bill is to build on legislation we passed last Congress and provide education benefits to the families of slain or disabled State and local public safety officers.

Last year, Congress passed the Federal Law Enforcement Dependents Assistance Act. This law provides for the education of the spouse and dependent children of Federal law enforcement officers who die or are totally disabled in the line of duty.

I was moved to introduce last year's legislation after meeting with the widow of Mr. Bill Degan, the U.S. marshal who was killed in the tragic incident at Ruby Ridge. Mrs. Karen Degan, his widow, brought to my attention the fact that the families of slain Federal law enforcement officers were not eligible to receive the educational benefits which the Government gives to the families of slain soldiers in our armed services. My legislation eliminated this disparity.

The program we created last year, however, is only available to the children of Federal law enforcement officers. Yet the idea behind the law applies equally to all public safety officers, Federal, State, or local. When someone gives his or her life protecting the safety and well-being of the general public, it is the very least we can do to ensure that the officer's children and/or spouse can continue on the educational path they would have followed had their parent or spouse not been killed in the line of duty.

Today we seek to remedy this disparity between Federal and non-Federal officers by introducing the Public

Safety Officers Educational Assistance Act of 1998. This legislation will extend these same educational benefits to the dependents of all public safety officers—Federal, State, county and local law enforcement officers, correctional officers, and fire and rescue personnel—who have given their lives in the line of duty.

Under this bill, the Attorney General will administer a program which will provide up to $4,485 per child, per year to attend a 4-year college. This is the same amount of educational assistance the Federal Government provides to the dependents of slain or disabled veterans and Federal law enforcement officers. I would note that this program is subject to appropriations and does not constitute an entitlement.

I would prefer that we did not have to worry about death and disabling injuries for public safety officials, but it is a fact of life that every year there are tragic losses. We are obligated to remember the families of those officers who have paid the ultimate price to keep our streets and homes safe.

Mr. BIDEN. Mr. President, last year the Senate passed the Federal Law Enforcement Dependents Assistance Act. A law which provides for the education of the spouse and dependent children of Federal law enforcement officers who die or are totally disabled in the line of duty.

The purpose of the legislation was to remove a significant financial burden from the families of these deceased officers and to allow them to continue on the educational path they would have followed had their parent or spouse not been killed in the line of duty.

This fall, several young men and women were able to go to college under this program. Unfortunately, this program is only available to the children of Federal law enforcement officers.

Mr. President, I rise today to introduce the Public Safety Officers Educational Assistance Act of 1998. This legislation will extend these same educational benefits to the dependents of all public safety officers—Federal, State, county, and local law enforcement officers, correctional officers, and fire and rescue personnel—who have given their lives in the line of duty.

Under my bill, the Attorney General will administer a program which will provide up to $4,485 per child, per year to attend a 4-year college. This is the same amount of educational assistance the Federal Government provides to veterans.

It is critical that we remember the families of those officers who have made the ultimate sacrifice to keep our streets and homes safe. This bill is intended to allow the dependents of public safety officers to continue with their education as they would have been able to do had their parent not been killed or totally disabled in the line of duty.

I have long been concerned about the plight of families of public safety officers killed in the line of duty—this summer, I introduced an amendment to the Budget Reconciliation Act which provides for the favorable tax treatment of survivor death benefits paid to the families of fallen officers. In that vein, this legislation offers assurance to those in the public safety profession—and even to those considering service as public safety officers—that their loved ones will be able to attain their educational goals in their absence.

ADDITIONAL COSPONSORS

S. 71

At the request of Mr. DASCHLE, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 567

At the request of Mr. SMITH, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 567, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 834

At the request of Mr. HARKIN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 834, a bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES.

S. 852

At the request of Mr. LOTT, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 981

At the request of Mr. LEVIN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

S. 1029

At the request of Mr. DEWINE, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 1029, a bill to provide loan forgiveness for individuals who earn a degree in early childhood education, and enter and remain employed in the early child care profession, to provide loan cancellation for certain child care providers, and for other purposes.

S. 1141

At the request of Mr. JOHNSON, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

S. 1283

At the request of Mr. BUMPERS, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1287

At the request of Mr. JEFFORDS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1287, a bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

S. 1320

At the request of Mr. ROCKEFELLER, the names of the Senator from Kentucky [Mr. FORD], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1320, a bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf war for purposes of determining a service connection relating to such illnesses, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits Program to ensure the availablity of adequate health care for

Medicare-eligible beneficiaries under the military health care system.

S. 1367

At the request of Mrs. HUTCHISON, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 1367, a bill to amend the act that authorized the Canadian River reclamation project, Texas to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project.

S. 1504

At the request of Mr. GRAHAM, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1504, a bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HOLLINGS, the names of the Senator from South Dakota [Mr. DASCHLE], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of Senate Concurrent Resolution 52, a concurrent resolution relating to maintaining the current standard behind the "Made in USA" label, in order to protect consumers and jobs in the United States.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. GREGG, the names of the Senator from California [Mrs. BOXER], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution declaring the annual memorial service sponsored by the National Emergency Medical Services Memorial Service Board of Directors to honor emergency medical services personnel to be the "National Emergency Medical Services Memorial Service."

SENATE CONCURRENT RESOLUTION 59

At the request of Mr. ABRAHAM, his name was added as a cosponsor of Senate Concurrent Resolution 59, a concurrent resolution expressing the sense of Congress with respect to the human rights situation in the Republic of Turkey in light of that country's desire to host the next summit meeting of the heads of state or government of the Organization for Security and Cooperation in Europe [OSCE].

AMENDMENT NO. 1543

At the request of Mr. KERRY his name was added as a cosponsor of amendment No. 1543 proposed to S. 1139, an original bill to reauthorize the programs of the Small Business Administration, and for other purposes.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, November 12, 1997, at 2 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on judicial nominations.

COMMITTEE ON THE JUDICIARY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, November 12, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on the Copyright Office report on compulsory licensing of broadcast signals.

SUBCOMMITTEE ON READINESS

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 1 p.m. on Wednesday, November 12, 1997, in open session, to receive testimony on military training and readiness impact of the protocols to the framework convention on climate change.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO J. FRED CARBINE

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to J. Fred Carbine. Fred died this summer at the age of 59. I had the honor of knowing Fred both as a partner and a friend. He will be remembered as much for his professional accomplishments as for his humor.

Fred began his memorable career after passing the bar in 1962. He served as a Rutland County grand juror and was the first assistant clerk for the Vermont House of Representatives from 1963 until 1968. Fred then filled a seat on the board of aldermen until 1978, during which time he served as board president for 7 years. After his tenure as an alderman, he opened a law practice, at which I had the great pleasure of having him as a partner.

Among his many interests, Fred was a member and governor of the Rutland Moose Lodge, for which he was awarded the order's highest degree in 1985. True to his nature, Fred gave a great deal back to his community. He worked with the Salvation Army, Knights of Columbus, and the Masonic Temple, among many others.

Fred had a marvelous wit and a wonderful sense of humor. He loved to tell stories and always thought the best of everyone.

Fred Carbine had many friends, and I consider myself lucky to be one of them. He was a brilliant lawyer and a wonderful man. I would like to extend my condolences to the family and friends of Fred Carbine.•

THE CHILDREN'S INN

• Mr. JOHNSON. Mr. President, I rise today to recognize the Children's Inn of Sioux Falls, SD, and to pay tribute to two women, Connie Kolbrek and Marlene Weires, whose dedicated service has enlightened the lives of many South Dakota women and children.

This fall, the Children's Inn is celebrating its 20th anniversary of providing emergency outreach services to women and children in the greater Sioux Falls community. When the Children's Inn first opened its doors in an unfurnished two-bedroom bungalow, its primary directive was to provide emergency shelter for children who are victims of abuse and neglect. Staff members realized that an unsafe environment for children was also unsafe for adult victims of abuse, and the inn extended its outreach to all victims of domestic violence. Shortly thereafter, it became apparent that the inn's services were in high demand, and the inn moved to larger facilities and expanded its staff. Currently, the inn serves as many as 3,000 people annually and employs 39 staffers. While the inn continues to function under its founding purpose, it has expanded its services to include a crisis phone line, drop-in counseling, support groups for women and children, parenting classes, and classes for abusers.

Mr. President, the Children's Inn clearly has filled a significant void in the lives of many Sioux Falls women and children, and the 20th anniversary is a true milestone. However, none of its success would be realized today if it were not for the tireless work of Connie Kolbrek and Marlene Weires. Connie served as the first executive director from 1977 to 1984. Her dedication and commitment to children helped to transform the inn from a simple idea on paper to a mainstay in the Sioux Falls nonprofit community. Marlene has served as the inn's executive director from 1985 until present, and her selfless service has produced many of the extension services which are available to the public today. Although Marlene is planning her retirement, I am confident that she will maintain her peripheral support. The Children's Inn and the women and children of Sioux Falls were blessed with her many years of service.

Again, I applaud the Children's Inn on its 20th anniversary, and recognize the selfless work of the staff. Mr. President, I yield the floor today, knowing that the Children's Inn is a beacon of hope for many victims of abuse and neglect.•

AWARD DINNER HONORING ORVILLE AND RUTH MERILLAT

• Mr. ABRAHAM. Mr. President, I rise today in recognition of Orville and Ruth Merillat. Mr. and Mrs. Merillat are long time residents of their community, and on Tuesday, November 18,

1997, they will receive the Great Sauk Trail Council of Boy Scouts of America's Award as its Distinguished Citizens of the Year for 1997.

Orville and Ruth Merillat are great stewards to their community. In 1946, they began transforming a small business into the largest one of its kind in the United States. Manufacturing kitchen and bath cabinetry, the Merillats have devoted their time, resources, and financial success to make the community of Lenawee County a better place to live. They have unselfishly committed all they have gained to their business, their employees, and their community.

Therefore, it is with great respect and gratitude that I extend my most sincere congratulations to Orville and Ruth Merillat. Their dedication to their community, and all of Michigan is truly inspirational. It is with great honor that I rise today to recognize the accomplishments of the Merillats as Lenawee County's Distinguished Citizens of the Year.●

IN HONOR OF THE HUGHES' 50TH WEDDING ANNIVERSARY

● Mr. MOYNIHAN. Mr. President, I would like to call to your attention a most momentous and joyful occasion. Rose Marie Pitman and John Lawrence Hughes will celebrate their 50th wedding anniversary on November 27, 1997.

Rose Marie Pitman, daughter of Reine and Hugo Pitman, and John Lawrence Hughes, the son of Margaret and John Hughes, were wed at the Chapel of the Royal Hospital in London, England 50 years ago. Living and working for many years in New York City and Connecticut, the Hughes family includes sons Timothy and Ian, and daughter Sandra.

In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of till death do us part seriously, demonstrating successfully the timeless principles of love, honor, and fidelity.

Mr. President, I ask that you join me, our colleagues, and the entire Hughes family in recognizing the wonderful sense of achievement and happiness that marks the occasion of the Lawrence and Rose Hughes' golden wedding anniversary.●

TRIBUTE TO HENRY CARRIS

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to a good friend and great Vermonter, Henry Carris. Henry died on June 25, 1997, at the age of 85. As founder of Carris Reels, a nationally recognized enterprise, Henry was the epitome of everything that is good about business.

He understood the importance of appreciating his good fortune and giving something back to the community. Henry was an active advocate for improved educational opportunities in the Rutland area. Accordingly, he served on the Rutland School Board and was instrumental in developing the Rutland Area Art Association.

In addition, Henry was a member of the board for Rutland's Regional Medical Center and was selected to act as president for the local chamber of commerce. In light of his outstanding achievements and dedication to the people of Vermont, Henry was named "Man of the Year" for Rutland and "Citizen of the Year" for the State.

At a ceremony recognizing his achievements, he stressed the importance of family and friends. Henry clearly understood the secrets to success and was more than willing to share the wealth of his wisdom.

For those of us who had the good fortune to know him, Henry Carris' energy and enthusiasm left an indelible impression. He exemplifies what all of us should strive to achieve. I would like to extend my condolences to his family and friends.●

DISTRICT OF COLUMBIA APPROPRIATIONS BILL

● Ms. MOSELEY-BRAUN. Mr. President, on Sunday evening, the Senate completed its work on H.R. 2607, a bill providing appropriations for the District of Columbia for fiscal year 1998.

I have serious concerns with several provisions of this bill—provisions which I, in good conscience, cannot support.

Perhaps these problems could have been resolved had this bill been considered early and passed on time. There is a time to debate, however, and a time to act. This session of the 105th Congress is nearing a close, and that fact means that we must enact a D.C. funding bill—now.

One of my concerns centers on a provision included in the bill that will grant permanent residence to almost 250,000 nationals of Central America and Eastern Europe. Those covered by the provisions, including Nicaraguans, Cubans, Salvadorans, and Guatemalans, fled to the United States and sought haven during the civil wars in Central America in the 1980's. These individuals have been allowed to remain here temporarily under various Government immigration programs and court settlements.

The 1996 Immigration Act, however, denied recourse to permanent residency for most of this class. This provision grants permanent residence to these nationals on a case-by-case basis if their return would pose unusual hardship.

While I support this provision, I must once again state for the record my strong objections to the decision by the conferees to exclude approximately 18,000 Haitian refugees from this provision. This exclusion was not only patently unfair, but suggests almost a tin ear on the racial implications of this action. In the absence of a good reason for this exclusion, I can see no other justification for denying these individuals equal relief. I am certain that this is not the signal this body intended to send.

I am heartened, however, that an agreement has been reached with the Justice Department that will allow these Haitians to remain in the country until this matter is resolved legislatively. I am also encouraged by the commitment made by congressional leadership to take up this issue during the next session of Congress. I encourage all of my colleagues to support legislation that I have cosponsored, along with Senators GRAHAM, MACK, ABRAHAM, and KENNEDY that would resolve this issue.

I am also troubled by a provision in this bill that would prohibit the District of Columbia from using local revenues to fund full reproductive health services for women.

Clearly it is within the jurisdiction of Congress to restrict Federal funds for abortion services. That decision was upheld in 1980 by the Supreme Court in the Harris versus McRea decision. In that same ruling, however, the Court clearly asserted that decisions on abortion services for poor women, financed with State funds, were within the authority of the States.

Unfortunately for the people of the District of Columbia the Court has provided no such protection. The people of this city, therefore, cannot make decisions regarding the use of locally raised revenue, for abortion services or any other purpose.

The result is that the District is used as a guinea pig for Congress' social experiments. In this instance, opponents of full access to reproductive health services, including abortion, for poor women are furthering their agenda at the expense of democracy.

Again, I would have liked to have these matters resolved before the vote, however, I am hopeful that we can rectify them in the next session.●

THE 50-STATE CIRCULATING QUARTER

● Mr. CHAFEE. Mr. President, the Senate has approved unanimously a bill I introduced with Senator D'AMATO which will permit each State to design the back of the circulating quarter dollar. I would like to express my gratitude to Senator D'AMATO for his work to ensure passage of this proposal before adjournment and to the long list of colleagues who cosponsored this bill.

As we all know, the circulating quarters in use today are Washington/Eagle quarters. They have a bust of George Washington on the "head" side and an eagle on the "tail" side. Under this legislation, beginning in 1999, the mint will strike only statehood quarters until all 50 States are represented. Only the design on the back of quarters will change. There will be no changes whatsoever to the size, weight, or other

specifications of quarters. This uniformity is necessary to ensure that these new quarters will continue to work in vending machines, telephones, parking meters, and for other similar transactions.

This program will operate for 10 years, with the mint producing five different statehood coins per year. The order in which States will be represented is based on the order in which States ratified the Constitution and joined the Union.

Some might ask what the purpose of this proposal is; why not leave well enough alone. It is my hope that this proposal will spark interest in every State across our Nation about its unique history. I hope that school children begin to study the history of their States in search of an appropriate individual or emblem to represent their States on the reverse side of these quarters. I hope that artists, coin collectors, historians, and scholars debate and ultimately join together to suggest an appropriate representation for their State.

I know that there are a wide range of appealing options for my own State of Rhode Island. Of course, there is the founder of Rhode Island, Roger Williams or Anne Hutchinson, who, like Roger Williams, dedicated her life to the principles of religious freedom and tolerance. There is the Anchor of Hope, which is our State motto and is shown on our flag. Rhode Island is the Ocean State, so a seascape would be interesting proposal, as would be a lighthouse or a gull.

As the coins are minted, I hope that school children as well as adults will collect these coins, and, in doing so, will become curious about the places these coins represent. This modest proposal could lead to a greater interest in geography and history.

The final design for each State will be selected by the Secretary of the Treasury in consultation with the appropriate Governor, the Commission on Fine Arts, and the Citizens Commemorative Coin Advisory Committee. Each State will nominate a design to the Secretary.

Last year, legislation was enacted which instructed the Secretary of the Treasury to study the feasibility of a circulating commemorative coin. That study found that there is considerable public interest in the circulating commemorative quarter and that collecting such coins would produce significant earnings. The bill that the Senate approved today will implement this program. Identical legislation has been approved by the House, and I urge the President to sign it into law when it reaches his desk.●

TRIBUTE TO GERALD T. LLOYD

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to a good friend and great Vermonter, Gerald T. "Giggy" Lloyd. After 40 years of dedicated service as fire chief for Rutland, VT, Giggy retired this summer.

Giggy's memorable career has been spent protecting the people of Vermont against fires. However, his concern about safety extends beyond the people he protects. He is also concerned about the safety of the people in his department. After 13 years as fire chief, Giggy has accomplished many remarkable tasks. When he first became fire chief in 1985, his first concern was for the members of his department. He set out to improve their equipment and better train the employees to protect them against harm, and he has accomplished that task. Since Giggy has been fire chief, there have been no serious injuries within the department. Giggy's dedication and concern for others is an outstanding example for everyone to follow.

Giggy has extended himself beyond being fire chief as well. He became the city's fire prevention officer in 1976 and worked tenaciously to increase the use of safety features such as smoke alarms and fire resistant doors.

Giggy Lloyd has courageously committed his life to protecting the people of Vermont, and he is the finest example of Vermont 's commitment to excellence. Once again, I would like to extend my best wishes on Giggy Lloyd's retirement and congratulate him on a job well done.●

ORDERS FOR THURSDAY, NOVEMBER 13, 1997

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Thursday, November 13. I further ask unanimous consent that on Thursday, immediately following the opening prayer, the routine requests through the morning hour be granted and that the Senate proceed to a period of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COATS. Mr. President, for the benefit of our colleagues, tomorrow the Senate will be in a period of morning business from 10 a.m. until 11 a.m. It is hoped that during tomorrow's session of the Senate, the Senate will be able to complete its business for the first session of the 105th Congress.

As Members are aware, the Senate is awaiting House completion of the appropriations process. As previously announced, Members will be notified as to if or when rollcall votes will be necessary during Thursday's session. If votes are necessary, they will be scheduled within a 4-hour time span.

In addition, Members are reminded that there are a number of legislative and executive items that may be cleared prior to Senate adjournment, therefore, Members' cooperation is greatly appreciated in conjunction with that process.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. COATS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 2:36 p.m., adjourned until Thursday, November 13, 1997, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, November 12, 1997*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. PETRI].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 12, 1997.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Lutheran Social Services of Virginia, Fairfax, VA, offered the following prayer:

Almighty God, at this noon day hour when in this House Your servants come together as a body to accomplish Your work on behalf of us all, we acknowledge our utter dependence on Your many and various gifts and seek Your benediction on our humble efforts to do Your will.

As the psalmist reminds us all, that unless You add Your blessings to our work, we who desire to build the city labor in vain to build it.

Therefore, bless all those who stand guard and keep watch in our land, keeping us safe by night and day from the many perils that may befall us.

Bless the hearths and the homes of our land in such a way that little children may experience love and know security and all people live together in harmony.

And bless the worn and beaten paths to the centers of worship in our land that all people will give thanks to their Creator during this harvest season and that all people will seek Your guidance as we gather to walk the road toward peace and happiness for all. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York [Mr. SOLOMON] come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1090. An act to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error;

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices;

H.R. 2366. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes; and

H.R. 2813. An act to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1604. An act to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission;

H.R. 1658. An act to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws; and

H.R. 1847. An act to improve the criminal law relating to fraud against consumers.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 156. An act to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes;

S. 222. An act to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies;

S. 318. An act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes;

S. 493. An act to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

S. 537. An act to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 1115. An act to amend title 49, United States Code, to improve the on-call notification process, and for other purposes.

S. 1354. An act to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

S. 1505. An act to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

S. 1506. An act to amend the Professional Boxing Safety Act (P.L. 104–272).

S. 1511. An act to amend section 3165 of the National Defense Authorization Act for Fiscal Year 1998 to clarify the authority in the section.

S. 1517. An act to extend the Visa Waiver Pilot Program.

S. 1519. An act to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991; and

S. Con. Res. 67. Concurrent resolution expressing the sense of Congress that the museum entitled "The Women's Museum: An Institute for the Future", in Dallas, Texas, be designated as a millennium project for the United States.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 62) "An act to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage," with an amendment.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 714) "An act to amend title 38, United States Code, to revise, extend, and improve programs for veterans."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 923) "An act to amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 10, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Monday, November 10, 1997 at 10:50 a.m.:

That the Senate Passed without amendment H.R. 282.

That the Senate Passed without amendment H.R. 681.

That the Senate Passed without amendment H.R. 1057.

That the Senate Passed without amendment H.R. 1058.

That the Senate Passed without amendment H.R. 1479.

That the Senate Passed without amendment H.R. 1484.

That the Senate Passed without amendment H.R. 2129.

That the Senate Passed without amendment H.R. 2564.

That the Senate Passed without amendment H.R. 2631.

That the Senate Passed without amendment H.J. Res. 105.

With warm regards,

ROBIN H. CARLE,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4, rule I, the Speaker signed the following enrolled bills and joint resolution on Monday, November 10, 1997:

H.R. 282, to designate the U.S. Post Office Building located at 153 East 110th Street, New York, NY, as the "Oscar Garcia Rivera Post Office Building";

H.R. 681, to designate the U.S. Post Office Building located at 313 East Broadway in Glendale, CA, as the "Carlos J. Moorhead Post Office Building";

H.R. 1057, to designate the building in Indianapolis, IN, which houses the operations of the Indianapolis main post office as the "Andrew Jacobs, Jr. Post Office Building";

H.R. 1058, to designate the facility of the U.S. Postal Service under construction at 150 West Maggaret Drive in Terre Haute, IN, as the "John T. Myers Post Office Building";

H.R. 1377, to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings;

H.R. 1479, to designate the Federal building and U.S. courthouse located at 300 Northeast First Avenue in Miami, FL, as the "David W. Dyer Federal Building and U.S. Courthouse";

H.R. 1484, to redesignate the U.S. courthouse located at 100 Franklin Street in Dublin, GA, as the "J. Roy Rowland U.S. Courthouse";

H.R. 2129, to designate the U.S. Post Office located at 150 North 3rd Street in Steubenville, OH, as the "Douglas Applegate Post Office";

H.R. 2564, to designate the U.S. Post Office located at 450 North Centre Street in Pottsville, PA, as the "Peter J. McCloskey Postal Facility";

H.R. 2631, disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45; and

House Joint Resolution 105, making further continuing appropriations for the fiscal year 1998, and for other purposes.

A PROPER BALANCE OF EXPANDED TRADE AND PRESERVATION OF AMERICAN VALUES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, in the aftermath of President Clinton's decision to withdraw fast-track legislation, the time has come to forge a new policy that provides direct access for labor, environmental health, and safety concerns to be addressed in negotiating future trade agreements.

Those of us who opposed fast track did not do so because we oppose expanded trade but because the pending legislation gives Congress only one vote on trade legislation that may have profound impact on American workers and the quality of our lives.

If the President were to embrace trade procedures that require consideration of labor and environmental standards followed by adequate enforcement and then subject the negotiated agreement to congressional approval, I believe the President's trade agreements would pass in Congress with a large consensus.

I am sending a letter today to the President and will ask support from my colleagues who opposed fast track to discuss and explore alternatives which properly balance expanded trade and the preservation of American values.

DOES THE WHITE HOUSE TAKE THE AMERICAN PEOPLE FOR FOOLS?

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, as we race toward adjournment tomorrow night, and I think we will, let me just say that if I may use the words of the President this past weekend, I think we have another case of a no-brainer. If we have a political party that suddenly discovers after an election that over $3 million in campaign contributions has to be returned because it came from foreign sources and everyone is taking the fifth amendment because no one wants to talk about it, that is a no-brainer that something is very wrong, Mr. Speaker.

Mr. Speaker, does the White House really take the American people as fools? Thirty-nine House and Senate witnesses, beginning with John Huang and Mark Middleton, are taking the fifth; 11 witnesses, beginning with Charlie Trie and Pauline Kanchanalak, have left the country; 11 foreign witnesses, beginning with Stephen and James Riady, refuse even to be interviewed. Why would we not conclude that they have something to hide?

If 70 people have taken the fifth or fled the country about raising Chinese money, why would anyone not conclude that crimes have been committed by someone?

INTRODUCTION OF RESOLUTION CALLING FOR RESOLVING PEACEFULLY THROUGH DIPLOMATIC MEANS THE SITUATION IN IRAQ

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, as divided as this House was on fast track, we are as united on the subject of dealing with Iraq. Today, I am introducing a resolution supported by Members across the political spectrum which has a message for Saddam Hussein in Bagdad.

At the conclusion of the gulf war, the United Nations decided to find and to destroy all of Iraq's capability to produce chemical, biological, and nuclear weapons and the missiles capable of delivering them.

For 6½ years, Iraq has pursued a policy of deception, lies, concealment, harassment, and intimidation in a deliberate effort to hamper the work of the inspectors designed to eliminate Iraq's ability to produce weapons of mass destruction.

Recently Iraq has escalated its noncompliance by refusing to permit United States citizens of the inspection team from carrying out their responsibility.

My resolution calls for resolving peacefully, through diplomatic means, this matter with full Iraqi compliance. Short of that, my resolution calls for military action undertaken under the broadest feasible multinational basis, preferably under United Nations' auspices, and, if necessary, my resolution calls for the United States to take military action to assure the destruction of Iraq's capability to produce and deliver weapons of mass destruction.

EASIER TO FIND ELVIS THAN A GOOD FACTORY JOB HERE IN AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Kodak is laying off 10,000 workers. Now

if that is not enough to overexpose your most recent negative, Fruit of the Loom is cutting 3,000 jobs and moving to Mexico. Unbelievable. It is getting easier to find Charlie Trie and Elvis than it is to find a good factory job here in America.

Beam me up. I think it is time for Congress to ask themselves a very simple little commonsense question: If our trade program is so great, why does Japan not do it? Think about that.

I yield back all the balance of jobs and say one last thing here. From snapshots to long johns, American workers just keep getting their assets kicked.

IT IS TIME FOR A NEW TRADE POLICY THAT BRINGS PROSPERITY TO OUR COUNTRY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, the defeat of fast track trade authority earlier this week could perhaps mark a turning point for new trade policy in this country, a trade policy finally in the favor of the vast majority of Americans as opposed to a few multinational corporations, and foreign interests have been doing so well with our failed trade policy. As my colleagues know, our trade policy has not changed one bit since World War II, not one bit.

Despite 50 years of dramatic changes in the world economy, we have gone from being the world's greatest creditor nation to the world's greatest debtor nation in international trade. We have seen our standard of living erode, we have lost our industrial base, and the defenders of the so-called free trade policy say, well, it is working exactly as we intended. Well, what do we intend; $160 billion trade deficit this year? Is that what we intend? Is that a success? No.

Fast track was the last gasp for the apologists for a failed and archaic trade policy. It is time for a new trade policy that brings prosperity to this country, projects our values in terms of the environment, projects our values in terms of worker safety and standard of living.

Once again, America should stand tall and lead the world to a prosperity for all of us, not just a select few.

PASS THE TOUGH PRUDENT BUDGET OF THE D.C. APPROPRIATION BILL

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I am asking for a bipartisan vote for the D.C. appropriation.

There are issues in this bill I would change, and my colleagues may feel the same. But Congress is not a consensus organization. Moreover, this is not Congress' money. There is only a token amount of Federal money in this appropriation, and that is mostly from the D.C. rescue package, not new money.

Imagine how it would feel if my colleagues had to come before this body to get permission to spend money raised by their taxpayers at home.

The issues that divided the House into two camps, such as vouchers, are gone. So are some items that would cripple the control board and management reform.

I agree with Mr. TAYLOR and Mr. DAVIS and some of the criticisms that they have of the control board in the District. I am most willing to work with them.

This is a tough, prudent budget of the kind the Congress has demanded. The District has accepted it. Let us pass it.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I would call up House Resolution 314 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 314

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee before November 15, 1997, providing for consideration or disposition of any of the following:

(1) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(2) A bill or joint resolution that includes provisions making continuing appropriations for fiscal year 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(3) The bill (H.R. 2621) to extend trade authorities procedures with respect to reciprocal trade agreements, and for other purposes.

(4) The bill (S. 1454) to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

SEC. 2. It shall be in order at any time before November 15, 1997, for the Speaker to entertain motions to suspend the rules, provided that the object of any such motion is announced from the floor at least one hour before the motion is offered. In scheduling the consideration of legislation under this authority, the Speaker or his designee shall consult with the minority leader or his designee.

□ 1215

The SPEAKER pro tempore (Mr. PETRI). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield half our time to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 314 waives the provisions of clause 4(b) of rule XI, requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules, against resolutions reported from the Committee on Rules before November 15, 1997, providing for consideration of a bill or joint resolution making general appropriations for the fiscal year ending September 30, 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

In addition, the rule applies the waiver to a special rule reported before November 15, 1997, providing for consideration of a bill or a joint resolution making continuing appropriations for the fiscal year ending September 30, 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

Second, the rule also applies this waiver to a special rule providing for consideration of the bill, H.R. 2621, to extend trade authority procedures with respect to reciprocal trade agreements.

Third, the rule also applies the waiver of clause 4(b) of rule XI to S. 1454, legislation ensuring a 6-month extension of ISTEA.

Finally, the rule further provides that the Speaker may entertain motions to suspend the rules at any time before November 15, 1997, provided that the object of the motion is announced from the floor at least 1 hour before the motion is offered.

Of course, this resolution provides that the Speaker shall consult with the minority leader in scheduling legislation under this authority to suspend the rules.

Mr. Speaker, this is a straightforward resolution, extending through Friday the provisions of House Resolution 305 that passed last week. The first part of this rule, and we were speaking with complexities before, but this will lay it out in layman's language, the first part of this rule will permit same-day consideration of rules for general appropriation bills, for appropriation conference reports, and we

have four pending, as you know, and continuing appropriations resolutions through this Friday.

The second part of this resolution provides that the Speaker may entertain motions of the House to suspend the rules through Friday. What that means is we can take up suspension bills between now and Friday. It simply provides for additional suspension-of-the-rules days.

These provisions of House Resolution 314 are customary toward the end of a session in order to permit the House to expedite its business and adjourn. That is what we are all looking forward to. In fact, the resolution does not depart from the standing rules of the House for consideration of legislation at the end of a session.

Nonetheless, the fact is we are uncertain as to the specific adjournment date, and we in the Committee on Rules felt this rule would simplify the orderly consideration of the necessary funding bills for the coming fiscal year.

Mr. Speaker, we all agree that the rules for expedited procedures on appropriation measures and on suspension measures should see limited use at the end of any session. This resolution will ensure that the appropriations conference reports can be passed in a timely manner, and we are not held over for another week or two in this session. Its passage will help ensure that.

Mr. Speaker, this resolution was favorably reported by the Committee on Rules on November 8. This resolution was modified by a unanimous consent agreement with the minority last Sunday night, at which time we were here until about 2 o'clock in the morning. The unanimous consent agreement changed the dates covered in House Resolution 314 to Friday of this week, and added ISTEA to the measure covered under the waiver of clause 4(b) of rule XI.

Mr. Speaker, the first year of this Congress has resulted in the first balanced budget in 30 years. I have been here for 20 years, and I have never seen one. It provides for less government bureaucracy and more tax cuts for the American people, putting money back into their pockets, so they can either spend it or invest it, but they can do it at their will instead of the will of this Congress. I would urge my colleagues to support this.

Now, Mr. Speaker, let me just run down some of those accomplishments that I just talked about. First, we had the first major tax cut in 16 years. We are now cutting, rather than raising, taxes. This tax cut provided for $250 billion in net tax relief over the next 10 years, $91 billion in 5 years. Over 72 percent of that tax relief went to middle-class-income families, those with incomes between $20,000 and $70,000.

We also provided for $41 million for children, families who were given a $500 tax credit to help working families offset the cost of raising and caring for children. Families with education expenses were helped by the provisions of HOPE scholarships and penalty-free withdrawals from IRA's for college and other educational expenses.

Family farms and small businesses were provided death tax relief. In other words, the inheritance tax exemption now for farmers now is something where farmers will not have to sell their property, the heirs will not have to sell it, in order to pay off the inheritance taxes.

First-time homebuyers were aided by the creation of American Dream IRA's, from which they can now make tax-free withdrawals for buying a home and fulfilling the American dream.

Mr. Speaker, you have to remember that today, anyone who has a mortgage on their home, if they are paying, let us say, $9,000 in interest, one-third of that interest is caused by the irresponsibility of this Federal Congress and this Government over the years in running deficits, so that if we are able to balance the budget, that means that the interest that young people have to pay, or anybody has to pay, on their mortgage will be reduced by one-third once we can get this under control. If we were able to save them $3,000 of after-tax income, that is money they could well spend on educating their children.

This Congress has provided broad-based permanent capital gains tax relief to spur investment, to create jobs, and increase economic growth. The top rate was reduced from 28 percent down to 20 percent, and the bottom rate from 15 percent down to 10 percent.

Mr. Speaker, that means that somebody who might have worked for Sears Roebuck, maybe a couple who worked for Sears Roebuck for all of their lives, they are not noted for paying high salaries, but they have great stock option plans, and many of their employees, many of whom I know, have saved that stock all these years. Now when they get ready to retire and perhaps move to Florida, or whatever they want to do, they can sell that stock, and the Government will not take all the money. The maximum amount of money they would take would be 20 percent in high income, or maybe just 10 percent, on all of the capital gains that they have seen on that stock over the last 30 or 40 years. That is a real accomplishment by this Congress.

This Congress has produced the first balanced budget in 30 years. We are now cutting rather than increasing spending. Instead of having a projected deficit of $300 billion in the year 2000, we are actually now going to have a surplus. Can you believe that? What a turnaround that will be and what that will mean to the average American in this country, as I have just outlined.

The budget was last balanced in 1969, the year man first walked on the Moon. The work of this Congress will result in a balanced budget in the year 2002 and budget surpluses thereafter.

We have saved Medicare from bankruptcy for 10 years down the road, providing more choice and affordability, affordable quality health care which our seniors deserve.

Federal spending has been reduced to 18.9 percent of the gross domestic product by the year 2002, the first time since 1974 that spending has fallen below 20 percent of the GDP. We will have achieved $182 billion in entitlement savings over the next 5 years and $700 billion over the next 10 years.

The growth of total Federal spending has been slowed to 3 percent per year. Mr. Speaker, that is really getting a handle on things. Even the growth of annually-appropriated spending has been slowed to less than one-half of 1 percent a year over the next 5 years as compared to 6 percent a year over the past 10 years.

Let me repeat that. The annual growth of appropriated spending has been slowed to less than one-half of 1 percent a year over the next 5 years, compared to 6 percent a year over the past 10 years. That is fiscal responsibility.

The 105th Congress accomplishments have not all been financial. The House has passed legislation moving children from foster care to permanent loving homes. We have passed comprehensive housing reform to help low-income families, the first major reform effort in decades in this Congress. Just in the last week we have passed the first IRS reform and restructuring package in four decades. This effort has followed on the heels of major education reform measures, such as charter school expansion and educational vouchers to give more hope to children eager to learn and to give choices to parents who want the best education for their children.

Congress has overwhelmingly passed a ban on partial-birth abortions, a gruesome procedure that should be outlawed in any civilized society.

In the aftermath of our Veterans Day celebrations, we should also note that earlier this year the House overwhelmingly passed an amendment to the Constitution, my constitutional amendment which I offered, banning the desecration of the American flag. It passed this House with over 300 votes, far more than the 290 needed to achieve two-thirds. It now rests over in the Senate where we are still, if you can believe, two votes short of passing this very, very important constitutional amendment.

Mr. Speaker, all of these accomplishments represent a real move to shift power and money and influence from Washington to people and families in States and communities. The record proves that Congress and the administration can achieve common goals

without compromising our respective fundamental principles, and showing the American people that we can work together to solve their problems.

Adoption of this rule will speed our ability to take this record to the people who sent us here, our constituents.

Mr. Speaker, in a few minutes when this debate comes to a close, I would just hope it could pass on a voice vote. I would say this to the Republican and Democrat leadership, that if this matter does not pass providing for the two-thirds availability of bills to come to this floor, we are in about an hour going to have to recess until 5 o'clock waiting for Members to come back. No votes were allowed until after 5 o'clock, and that means we would not be able to take up suspensions. I would hope that the Republican and Democratic leadership could get together and allow this House to continue working from now until 5 o'clock. There are precious few hours left before we adjourn, hopefully sometime around 6 o'clock Thursday evening.

First major tax cut in 16 years. We are now cutting rather than raising taxes.

This tax cut provided $250 billion in net tax relief over the next 10 years—$91 billion in 5 years.

Over 72 percent of the tax relief went to middle-income families—income of $20,000 to $70,000.

Forty one million children were given a $500 tax credit to help working families offset the costs of raising and caring for children.

Families with education expenses were helped by the provision of HOPE scholarships and penalty-free withdrawals from IRA's for college and other educational expenses.

Family farms and small businesses were provided death tax relief.

First time homebuyers were aided by the creation of American Dream IRA's from which they can now make tax free withdrawal for buying a home and fulfilling the American dream.

This Congress has provided broad-based permanent capital gains tax relief to spur investment, create jobs, and increase economic growth. The top rate was reduced from 28 percent to 20 percent and the bottom rate from 15 percent to 10 percent.

This Congress has produced the first balanced budget in 30 years. We are now cutting rather than increasing spending.

The budget was last balanced in 1969, the year man first walked on the Moon.

The work of this Congress will result in a balanced budget in 2002 and budget surpluses thereafter if not even sooner.

We have saved Medicare from bankruptcy for 10 years, providing more choice and the affordable quality health care that our seniors deserve.

Federal spending has been reduced to 18.9 percent of the Gross Domestic Product by 2002—the first time since 1974 that spending has fallen below 20 percent of the GDP.

We will have achieved $182 billion in entitlement savings over the next 5 years and $700 billion over the next 10 years.

The growth of total Federal spending has been slowed to 3 percent a year.

Even the growth of annually appropriated spending has been slowed to less than one-half of 1 percent a year over the next 5 years as compared to 6 percent a year over the past 10 years.

The 105th Congress' accomplishments have not all been financial.

The House has passed legislation moving children from foster care to permanent loving homes.

We have passed comprehensive housing reforms to help low-income families—the first major reform effort in decades.

Just in the last week we have passed the first IRS reform and restructuring package in four decades.

This effort has followed on the heels of major education reform measures such as charter school expansion and educational vouchers to give hope to children eager to learn and give choice to parents who want the best for their kids.

Congress has passed comprehensive welfare reform—moving people from welfare to work and from dependency to self-sufficiency.

Congress has overwhelmingly passed a ban on partial birth abortions, a gruesome procedure that should be outlawed in any civil society.

In the aftermath of our Veterans Day celebrations, we should also note that earlier this year the House also overwhelmingly passed my amendment to the Constitution banning the desecration of the American flag.

This astounding account is in addition to all that this Congress did under the Contract With America in the 104th Congress.

Mr. Speaker, all of those accomplishments represent a real move to shift power, money, and influence from Washington to people and families in States and communities.

The record proves that Congress and the administration can achieve common goals without compromising our respective fundamental principles and showing the American people that we can work together to solve problems.

Adoption of this rule will speed our ability to take this record to the people who sent us here—our constituents.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the customary 30 minutes.

Mr. Speaker, as Thomas Jefferson notes in the very first section of Jefferson's Manual, the minority in any legislative body looks to the rules of that body as its best and often only defense against the potential tyranny of the majority.

Therefore, we look with skepticism on any special rule that would seek to bypass the rules protection of the rights of all Members. Under rule XI, clause 4(b), a two-thirds vote is required to consider a rule on the same day that the Committee on Rules reports it. This provision is designed to afford all Members a day to examine the language of the rule on the underlying legislation before voting on them.

Martial law procedures allow a rule to be considered on the same day as it is reported with a majority rather than a two-thirds vote.

□ 1230

While protections of Members' rights are important and should not be lightly weighed, it is unfortunately common at the end of a session to suspend temporarily in limited cases some of these protections.

This rule, as amended by unanimous consent Monday morning, would waive the 1-day layover requirement for a rule providing for consideration of specified bills if reported before November 15. This would expand the martial law provisions currently in effect by extending them through Friday and adding the temporary ISTEA bill to the appropriations bills and continuing resolutions that are currently eligible for this expedited procedure. The rule would also allow the consideration of bills under the suspension of the rules through November 15 with at least 1 hour notice to Members and upon consultation with the minority leader.

Today we are 43 days into the 1998 fiscal year, and we have 3 more appropriations bills yet to pass. We need to expeditiously complete the work we should have finished before October 1. Martial law provisions for overdue appropriations bills have become a regrettable, but a traditional feature of the last day of the session.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PETRI). The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this resolution are postponed until later today.

PROVIDING FOR CONSIDERATION OF S. 738, AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 319 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 319

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in

the House the bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes. The bill shall be considered as read for amendment. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to commit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, again I yield one-half hour to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. Again, during consideration of the resolution, all time yielded is for debate purposes only.

Mr. Speaker, House Resolution 319 provides for the consideration of S. 738, Amtrak reform and authorization, which shall be considered as read. The resolution provides that the amendment now printed in the Committee on Rules report shall be considered as adopted, and that all points of order against the bill as amended are waived.

House Resolution 319 also provides for 1 hour of debate, equally divided and controlled between the chairman and ranking minority member of the Committee on Transportation and Infrastructure, and finally, the resolution provides 1 motion to commit with or without instructions.

Mr. Speaker, this rule allows the House to consider the Senate bill reforming Amtrak and authorizing appropriations for Amtrak, with the inclusion of an additional amendment in the nature of a substitute that had been suggested by the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER].

The addition to the Senate bill reflects essentially the same reforms that were endorsed by the House last year by a rather overwhelming vote of 406 to just 4 negative votes. This amendment that we have self-enacted in the rule has bipartisan support and is crucial to achieving real reform of Amtrak.

Under this bill, the House would accept the labor and liability provisions worked out in the Senate bill. Also, the provisions in the amendment crafted by the gentleman from Pennsylvania [Mr. SHUSTER], which have no Senate counterpart, include, and this is very important, include: the restructuring of Amtrak's board of directors toward a more business-oriented, private sector board; reforming Amtrak's capital structure; and increasing the flexibility of Amtrak's route structure.

We all know that these real reforms must be made to keep Amtrak viable; indeed, to keep it out of bankruptcy. Mr. Speaker, it is vitally important that Amtrak be maintained. Amtrak is important to our entire Nation, but especially important to the Northeast which the gentlewoman from Rochester, NY [Ms. SLAUGHTER] represents and the Hudson Valley area that I represent. Thousands of my constituents rely on Amtrak service to get to work every day and to visit friends and family on weekends and holidays.

Mr. Speaker, we need to move this bill through Congress as quickly as we possibly can. Amtrak's ability to provide nationwide service at the present level is seriously threatened. It cannot continue unless we pass this legislation.

For years, there has been underinvestment in Amtrak's equipment and in their facilities, which has led to declining service quality and reduced reliability. But passage of Amtrak reform legislation will give Amtrak the much-needed boost of capital funds that will allow it to upgrade its equipment and gain independence from the Federal Government, and those are 2 very, very key issues: gain independence from the Federal Government and to upgrade its equipment, which is in dire need right now for the safety of its passengers.

Mr. Speaker, I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of this very important legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the gentleman from New York [Mr. SOLOMON], for yielding me the customary half-hour.

Mr. Speaker, I rise in opposition to this rule. Just days ago, the Senate passed their version of the Amtrak bill without a single dissenting vote. The Senate bill includes consensus language on both the labor and liability issues, the issues that caused the most controversy in the House version of that measure. But, instead of taking the Senate bill straight to the House floor in its present form, the Committee on Rules self-executes the Shuster substitute that threatens any chance of passing this critical bill before the Congress adjourns.

The self-executing language includes a provision dealing with the board of directors that, if included, will not pass the Senate. By self-executing this provision instead of making it a free-standing substitute amendment, the House will be precluded from voting up or down on the Senate bill.

Mr. Speaker, Amtrak is on the verge of bankruptcy. It desperately needs the funds that were provided in the reconciliation bill passed by the Congress earlier this year. Those funds, as my colleagues know, are contingent on the passage of an Amtrak reform package.

The House bill was abruptly pulled after the defeat of the Quinn amendment. Since that time, the Senate has worked out most of the concerns of the legislation, and if we do not act now, there is little chance that Amtrak reform legislation will be enacted this year.

If this rule passes, we will move to recommit the bill with instructions. The motion to recommit will make in order the Senate-passed bill, which will give the House an opportunity to vote up or down on the Senate version of the bill, and I would like to say again that that bill passed the Senate without a single dissenting vote.

Mr. Speaker, the Senate bill is the bill that the President says that he will sign. If we truly want to save Amtrak, we must give Members the opportunity to vote on this bill as it passed the Senate. I urge a "no" vote on the rule and a "yes" vote on the motion to recommit.

Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentlewoman for yielding, and I also want to thank the gentleman from New York [Mr. SOLOMON] for getting this rule to the floor.

I am going to talk as much about the merits of the bill and the predicament we find ourselves in as about the rule, because that is what is important. The issue is whether or not we want to save Amtrak, and what I was impressed by, by the gentleman from New York [Mr. SOLOMON] in the Committee on Rules meeting, it seems like forever ago but it was just Thursday night, I believe, late Thursday night, but what I was impressed by was his recognition, and I think the recognition of the Committee on Rules, that something has to be done.

I say to my colleagues, the situation is this: If we want to save Amtrak, we have to pass a bill that can immediately be approved by the Senate, or better yet, not go back to the Senate.

Amtrak is in this situation. If we leave this House today or tomorrow or Friday and there has not been Amtrak reform passed, when we come back and then when we are able finally to get around to Amtrak, which will probably be March or April, there will not be an Amtrak as we know it, and indeed there may not be an Amtrak.

Why do I make that kind of dire prediction? The one thing that all of us have agreed upon through the many debates that have been held on this House floor over the past several years, and particularly in the past 2 months, is that Amtrak has great financial

problems. What is necessary for Amtrak is to be able to access the $2.3 billion worth of capital that this Congress made available to it in the budget package just a couple of months ago, but that capital cannot be accessed until reform legislation passes.

Well, my colleagues will say, fine, why not go ahead and let the House pass whatever kind of reform legislation? The reality of the situation is that the Senate has passed that reform legislation. The Senate did the heavy lifting that the House has not been able to come to closure on.

If we remember, the two main issues, labor and liability reform, the Senate has done that. We fought ourselves to a standstill here on the House floor just a couple of weeks ago over those two issues. The bill was pulled, if we recall, because of the fact that there was not agreement on it. The Senate has taken those issues on and has reached compromises that everyone has signed off on, on the labor and the liability provisions.

Now we get down to the fact that we are going to get out of here in a couple of days, and now comes forward some measures dealing with predominantly the board of directors. And whether or not the House passes its provisions dealing with the board of directors and sends it over to the Senate, the Senate has made quite clear it will not accept those provisions. That means a lengthy, at best, conference. The administration, incidentally, has also made clear it will not accept those provisions.

The reality is, send those provisions over to the Senate and there will not be an Amtrak bill. No Amtrak bill, no access to capital. No Amtrak bill, no ability to go to the banks in the next month to extend its line of credit.

That is the other thing I forgot to mention. We talked about accessing capital that the Congress has already approved. Amtrak in December needs to go back to the major banks to extend its line of credit. If this reform legislation does not pass, the chances are likely it will not.

Now, some have urged passing some kind of resolution, or we all put language, happy talk, in the CONGRESSIONAL RECORD about the fact that Congress loves Amtrak and as soon as it gets back in January or February it will act on this. Do we want to take that to the bank? I do not think so. Amtrak does not want to take it either.

So the reality is, Mr. Speaker, we need to make sure that we pass the legislation that has already been adopted by the Senate. To those who say well, the Senate language, did they cave in to labor or did they cave in to trial lawyers or did they cave in to somebody, this is the Lott-Hutchison bill, Senator TRENT LOTT of Mississippi and Senator KAY BAILEY HUTCHISON of Texas and others, not exactly the arbiters of organized labor or of trial lawyers.

So this is truly a compromise that has been reached at all levels. It is a compromise that people can feel comfortable about. I pledge to my chairman, the gentleman from Pennsylvania [Mr. SHUSTER], as the ranking member of the Subcommittee on Railroads, that I would be happy to work and sign off on whatever hearings he wants to hold when we come back to look at subsequent legislation that does deal with the board of directors.

But I plead with my colleagues, particularly those of us who believe in Amtrak, that we do not leave this Congress this year without enacting the Amtrak reform legislation.

Now, the only way to do that is to effectively pass the Senate bill. We can load this thing up all we want, and it is going right down across the Rotunda into the other body and it is going to sit there. So that is why we are in this predicament.

Mr. Speaker, I am one who often stands on the floor and says, well, we ought not to just take a Senate bill, we ought to of course have our own voice. The fact is, though, in the last Congress, the 104th Congress that ended last year, plus this Congress, we have had this bill on the floor several times. It has been pulled, I believe, four times this year alone.

□ 1245

So we in the House have not been able to reach the compromises necessary. The compromises reached in the Senate language do the heavy lifting that needs to be done today, in this session of Congress.

In terms of the board of directors, that is a much knottier question. That gets to who appoints the board and what is their role. I would urge that that be held off for subsequent legislation, which I am pledged to work on with the majority in the next Congress.

But by passing the reform legislation, the Senate bill today, then we can immediately send this bill to the President. It does not even go back for a conference. We can send this bill to the President, and when the Amtrak reform legislation has passed, they can access the capital for capital investment, particularly modernizing the Northeast corridor, making sure the high-speed rail is installed. That is the one section that turns a profit. They can get to the banks right away. They can get their line of credit.

But let us not kid ourselves. Vote for any other thing but the Senate language which will be in the motion to recommit, and we will vote to not save Amtrak. I wish I could say that there was some other way, but there is not.

The position we are going to find ourselves in is that there will be a period of time for debate when this rule is approved, presuming it is approved. There will be a period of time for debate. The first motion will be the Oberstar motion to recommit.

I urge my colleagues to recognize that that motion is the only way we can save Amtrak, because what that motion does is to strip out the House language, add it onto the Senate bill, and simply adopts the Senate-passed legislation. That is the key vote, the Oberstar motion to recommit.

I want to say once again, particularly to my colleagues on the other side of the aisle, this is not done in any way to confront the majority. This recommittal motion is what I would consider the necessary measure to save Amtrak, particularly fiscally.

But my pledge is, then, on the other issues that have been raised in the House bill, to immediately begin working with the majority on whatever hearings they want to have, whatever markups; we will work with them, whatever negotiations they want, because Amtrak will not be finished at this point.

Those on the other side and those on this side who say Amtrak needs to be revisited, they are correct. But at least let us, for the first time in many years, get Amtrak in a situation where it can truly go to the banks in December with reform, newly passed reform legislation.

Let us at least let Amtrak get to the banks in December with newly passed reform legislation that guarantees it the access to capital, that permits it to get the line of credit. That is the most important thing that we can do for Amtrak, and then begin making the investments.

Let me just say something about the board of directors. I am happy to work on changing the makeup of the board of directors next year. The worst thing I think we can do today, at a time when Amtrak has such fiscal instability, the worst thing we could do is try to enact legislation that radically alters a board of directors that has to go to negotiate for a line of credit in the next few weeks. Let that process take place, if it must take place, let it take place next year.

Chairman SOLOMON made a good observation in the Committee on Rules. This Congress goes out in the next couple of days. It will not come back effectively in January, except for the State of the Union Message. There will be some working time during February. The earliest we are looking at being able to bring Amtrak legislation back up if we do not pass it today is March. My guess is that it will probably be after that.

So therefore, once again, I urge my colleagues, I plead with my colleagues, to adopt the Oberstar recommittal motion, because that will adopt the Senate bill and permit this legislation immediately to go to the President.

In reality, there is no other way to save Amtrak. We are not going to be here much longer. The only way to save Amtrak is to approve the Senate bill and vote for the Oberstar motion to recommit. I urge my colleagues to take this very, very necessary and vital step.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if this rule is adopted, and I would like to restate what the gentleman said, if this rule is adopted, the first vote during consideration of the bill will be on the Oberstar motion to adopt the Senate bill, and that truly is the vote that will save Amtrak.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. I yield myself such time as I may consume, Mr. Speaker.

Mr. Speaker, I would say to my friend, the gentlewoman from New York [Ms. SLAUGHTER], that the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee, is on his way here. If she did need additional time, we would let her take some of her time back, because now I will have two speakers. So I would just inform her of that.

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from Delaware [Mr. CASTLE], the former Governor.

Mr. CASTLE. Mr. Speaker, let me thank the distinguished chairman of the Committee on Rules. I have run over here, so I am a little out of breath, but I am delighted to be able to be here. I did hear some of the debate. I know the gentleman from Pennsylvania [Mr. SHUSTER] is also on his way.

I think it is very important that we focus on the problems of Amtrak. I am not going to get into the debate of the nitty-gritty of what has happened in the Senate, where it is now versus where the House might go under the Committee on Transportation and Infrastructure.

But before we leave in the next 24 or 48 hours, I hope that each and every one of us will understand that the future of rail passenger transportation in the United States of America is at hand. If we are not able to resolve the problems which exist now, we run the distinct risk of potential failure of Amtrak and the end of rail service as we know it now, or at least a worsening of the problem. I do not know, frankly, if it would go into bankruptcy. We hear these things.

I have looked at the Senate version of this. I have spent the last couple of days reading this carefully. I have made some discoveries which I think should enlighten us in the House. One is that they have an Amtrak reform council, which I believe is acceptable to virtually everybody involved in this, which would give large control to the House and to the Senate as sort of a super board overlooking the board of directors which would help decide the direction of Amtrak. And, most importantly, we would have access to all the information which is needed. It would provide us the information we need to make the very, very important decisions in the financing and the future of Amtrak. That is crucial. We are about to yield $2.3 billion in capital improvements as well as operating expenses. We need to have that information. The Amtrak reform council does that. I think it is important that we focus on that.

In addition, I think some of the suggestions which are being made by the gentleman from Pennsylvania [Mr. SHUSTER] are very sound suggestions and ones we should also look at. I hope we would be able to sit down with the Senate and perhaps resolve some of the differences that exist there.

I think, for example, giving up some of the voting rights of the stock owned by the Government is something which may make some sense with respect to how we run Amtrak. When we look at the actual board and look at the difference between the Senate and House proposals, it is not that overwhelming.

My view is this: We should have the best people possible on that board who are not politically motivated or answering to anybody who can run Amtrak. If I had my druthers, frankly, I would go out and pick the seven best managers of businesses I could find and put them on that board and let them run it. But I would hope we could come up with something that would allow us to have the best board possible.

The bottom line is, I hope we do not get in a position of passing a bill or recommitting a bill over the objections of the chairman of the Committee on Transportation and Infrastructure without resolution of this with the Senate. I would hope in the next 24 hours we could sit down with the Senate and the House together and try to work out some compromise on which everybody can agree, so we can thwart and avoid the problem of an impasse here in Congress in which we do not go forward with Amtrak.

We could wait perhaps, and perhaps there would not be economic failure, but if that happens, when the waiting game begins in Congress, it tends to go on and on. This is the moment, I think, for us to all act.

I would hope that all parties involved in this could pay close attention to the details involved, we could resolve it, we could go forward and make Amtrak a better passenger rail carrier, and we could indeed be able to, at some point a decade or two later, look at this as a dark period in the life of passenger rail traffic but understand that we have now fixed it and we now have made America's passenger rail service the best in the world, not just in this country.

We are not going to do it unless we sit down and talk to one another. I think we should continue to move forward, and I am glad the rule is moving forward, but I think we should work towards a final resolution of this.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I include for the RECORD a letter dated November 12, 1997, from Rodney E. Slater, Secretary of Transportation.

The letter referred to is as follows:

DEPARTMENT OF TRANSPORTATION,
THE SECRETARY OF TRANSPORTATION,
Washington, DC, November 12, 1997.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The House of Representatives is scheduled to consider a substitute amendment to S. 738, the "Amtrak Reform and Accountability Act of 1997." I am writing to urge strongly that the House of Representatives approve the motion to be offered by Representative Oberstar to recommit the bill, thus enabling passage of the Senate Amtrak reform legislation.

Legislation has passed the Senate to reform Amtrak, thus enabling it to serve better as a national passenger rail system. That bill, S. 738, would afford Amtrak the ability to undertake significant reforms with its workforce and position Amtrak to address better future liability issues. The Senate bill represents many weeks of negotiations and is a compromise that passed unanimously. If adopted without change, it will free up $2.3 billion in capital funding that Amtrak desperately needs to improve its equipment and infrastructure throughout the nation.

Instead, an amendment has been included in the Rule accompanying the Amtrak bill dealing with the Board of Directors that could have grave implications for the future of Amtrak. The proposed amendment is intended to substantially change the manner in which the Amtrak Board is appointed. This approach is unnecessary and will present serious problems as Amtrak approaches its most critical and uncertain time. Perhaps more importantly, House action making controversial changes to the Senate-passed bill is likely to delay final passage, thus delaying the release of the $2.3 billion and casting doubts on Amtrak's financial future.

Concerns have been raised in recent days about the constitutionality of the Amtrak Board. Let me assure you that if the House adopts the Senate-passed version of S. 738 the President will sign this bill. This Administration intends to implement the Senate-passed Amtrak bill in a manner that is consistent with the Constitution.

Amtrak needs reform to become the national passenger rail system that this nation needs and deserves. At stake is the ability of Congress to pass legislation that will help ensure Amtrak's long-term financial stability. I urge the House to oppose changes to

S. 738 and that it act to send this bill, without change, to the President for his signature.

Sincerely,

RODNEY E. SLATER.

Mr. WISE. Mr. Speaker, I have just been handed a letter from Secretary Slater, Secretary of the U.S. Department of Transportation, writing about the legislative situation today and strongly urging the House of Representatives to approve the recommittal motion to be offered by our ranking member, the gentleman from Minnesota [Mr. OBERSTAR].

He notes that the Senate bill that will be in the recommittal motion and has passed the Senate unanimously, the Lott-Hutchison bill, represents many weeks of negotiations and is a compromise that passed unanimously. If adopted without change, it will free up to $2.2 billion in capital funding, not operation and maintenance but capital funding, that Amtrak desperately needs to improve its equipment and infrastructure throughout the Nation.

He also says that if the House adopts the Senate-passed version of Senate bill 738, the President will sign this bill. The administration intends to implement the Senate-passed Amtrak bill in a manner that is consistent with the Constitution. He is adding his voice and that of the administration to the urging that the House adopt the Senate language in the Oberstar recommittal motion.

Mr. Speaker, I think it should be noted that the Senate-passed language, as I have noted previously, contains significant labor and liability reforms. The contracting-out provisions that have proved so nettlesome in this body, the labor protection provisions, particularly dealing with the up to the possible 6 years of labor protection, although in reality I believe it averaged out about to $1,000 per severed employee in the past 2 years, those provisions have all been compromised and have become the subject of collective bargaining.

On the liability provisions, for the first time there is a global cap of $200 million on liability related to passengers, Amtrak passengers. They were able also to reach agreement on the troublesome area of both punitive damages and indemnification.

They did what Congress here with the House has constantly ground to a halt on, and that is not because people have not tried. Chairman Shuster has been very active in trying, and our side, as well. But they were able to accomplish this and then passed it unanimously. We ought to take advantage of their labors and their accomplishments.

We also ought to note that it is not easy over here. This bill has been pulled four times alone from this floor because we were not able to reach agreement on these very, very difficult issues. Now we have a bill before us on which all the parties have signed off, labor, management, on the liability issues, a wide range of groups, they have signed off on it. We can pass that bill today and we can have it on its way to the President, and Amtrak then has passed the reform legislation that is so vital to it.

Does it close the book on Amtrak legislation? No. The gentleman from Delaware [Mr. CASTLE], who has been very articulate and active in this, stated it well, the need for continuing negotiations and continuing discussions. Amtrak requires that. Our side stands ready to work with the chairman and with others to make that happen.

Mr. Speaker, I would just urge the Members, once again, to support the Oberstar recommittal motion. It is the only way we can get this bill to the President quickly this week, knowing that if we vote down this recommittal motion and we send the bill to the Senate, when we come back and are able to take up the Amtrak legislation, we will not recognize Amtrak from what it is today. It will be significantly impaired financially, and we will have lost an incredible opportunity that we have been striving to get to for many years.

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Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], one of the Members that has been a Member of this body longer than we have, and there are not many of them anymore. He is chairman of the Committee on Transportation and Infrastructure that I used to serve on, and he is one of the most respected Members of this body.

Mr. SHUSTER. Mr. Speaker, I thank my good friend the gentleman from New York [Mr. SOLOMON] for yielding me the time.

Mr. Speaker, I am sure it is well-known that from the very beginning my objective has been to save Amtrak, although there are some in this body and the other body who would just as soon see it go into bankruptcy. And to save it, we have said from the beginning that we need to change the labor protection, we need to reform it, we need to reform liability. And there are other things as well which we believe need to be done.

But the labor provisions and the liability provisions are very, very crucial. And, indeed, the Senate has acted. There are provisions in those areas of labor reform and liability reform and contracting out, which is a subset of labor, that are not as strong as many would like them to be, but, nevertheless, they are acceptable. So the biggest stumbling blocks that have been before us are, indeed, now acceptable.

There is, however, at least one additional factor which is of extreme importance. And in a few moments, I will add an entirely new dimension to the extraordinary importance of our dealing with a restructuring of the board. Many of us believe, and of course we respect the other body, but the last time we checked the Constitution, this was a bicameral legislature. This House is not a potted plant. We have an obligation to do what we believe is right as well, and then work together with the other body in attempting to craft an acceptable compromise.

The one area in which we have great difficulty is in the area of the structure of the board. We believe that for the proposed reforms to be meaningful, to actually be put in place, that we must have a board of directors which is a more independent, more business-oriented board of directors. And so, to that end, that is exactly what we have proposed.

It is, interestingly, ironically essentially what my good friend the gentleman from Minnesota [Mr. OBERSTAR], the ranking Democrat of the committee, proposed in the legislation as it was working its way through the committee. So this is not something that is dropped on us out of the sky. It is something which in the past has had bipartisan support. Nevertheless, we are told that there is opposition to it now.

I point out that our proposal gives the President the ability to appoint the seven members in some consultation with the leaders of the House and the Senate. We think that is reasonable, and we support that. However, and let me emphasize this, there is an entirely new dimension to this entire issue now, and that new dimension, which I have just been made aware of, is that the Justice Department says that the makeup of the board in the Senate bill coming to us is unconstitutional. Let me repeat that. The Justice Department informs us that the makeup of the board as coming to us in the Senate bill is unconstitutional. It violates the appointments clause.

That adds a whole new dimension to this debate. It is no longer a question of whether we simply think our structure of the board is better than the structure of the board proposed by somebody else. It is beyond our control. The Justice Department says it is unconstitutional.

As chairman of the committee, I would be derelict in my duties if I were to bring this bill to the floor recognizing that it has been said by the Justice Department that what I bring to the floor is unconstitutional. Therefore, unless we can get agreement, I shall not bring this bill to the floor. Unless we can get agreement, I will immediately move to hold hearings that deal with the constitutionality to invite the Justice Department to come up and testify. And only when we can satisfy ourselves that whatever we do

is constitutional, then we can move ahead to save Amtrak.

So unless we can work this out, I again want to emphasize, No. 1, the Justice Department says the bill as sent to us by the Senate is unconstitutional. No. 2, as chairman of the committee, I will not bring this bill to the floor unless we can work this out in some fashion. And No. 3, also as chairman of the committee, I will move immediately to hold hearings on the constitutionality question so we can clear it up so we can be back here early next year if we fail to work something out today and tomorrow, so we can be back as early next year as possible to deal with it so that whatever we bring to the floor will be constitutional rather than unconstitutional. I hope and I feel great responsibility to make that very clear to my colleagues.

Mr. Speaker, I include for the RECORD the letter from the Justice Department.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 24, 1997.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Department of Justice on the reported bill, S. 738, the "Amtrak Reform and Accountability Act of 1997." We have several concerns about the role of the General Accounting Office ("GAO") in developing a liquidation plan and the proposed competition of the Amtrak board of directors.

Section 204 of the bill could be read to direct Amtrak to incorporate recommendations of the GAO into its liquidation plan. Such a construction would violate the constitutional separation of powers doctrine. Section 411 of the bill would amend 49 U.S.C. §24302(a), which governs the composition of Amtrak's board of directors. Because certain directors would not be appointed in conformity with the Appointments Clause of the Constitution, art. II, §2, cl. 2, it is likely that the statute's vesting of significant authority in the board is unconstitutional.

1. Section 204: Action Plans

The bill would establish an "Amtrak Reform Council" composed of nine members.[1] Section 204 calls for the development of two action plans if the Council finds that Amtrak business performance will prevent it from meeting the financial goals set forth in section 201, or if it finds that Amtrak will need grant funds more than five years after enactment of the bill. The Council is to construct and submit to Congress an action plan providing for a "rationalized intercity rail passenger system." Amtrak is to develop an action plan for "the complete liquidation of Amtrak." Amtrak must submit its plan to Congress "after having the plan reviewed by the Inspector General of the Department of Transportation and the General Accounting Office for accuracy and reasonableness." Section 204(c). If Congress has not enacted a law to establish a restructured and rationalized rail system within ninety days of receiving the actions plans, the bill directs Amtrak to implement its liquidation plan "after such modification as may be required to reflect the recommendations, if any, of the Inspector General of the Department of Transportation and the General Accounting Office." Section 204(c)(2).

The GAO is an arm of the Congress. *See* 31 U.S.C. §§702–03 (GAO is independent of the executive departments and headed by Comptroller General; Comptroller General removable by impeachment or by joint resolution of Congress for cause); *Bowsher* v. *Synar*, 478 U.S. 714 (1986) (Comptroller General is subject to the control of Congress). The constitutional separation of powers doctrine forbids Congress from aggrandizing itself by enacting legislation that confers non-legislative authority on Congress, its agents, its appointees, or anyone subject to its direct control. *See, e.g., id.* If section 204(c)(2) were read to require Amtrak to adhere to the recommendations of the GAO, the GAO would exercise executive authority. This would violate the anti-aggrandizement principle. *See id.* at 727–34. To avoid the serious constitutional question that such a reading would present, we interpret section 204(c)(2) as directing Amtrak to consider, rather than to adopt, any recommendations made by the GAO regarding the liquidation plan. *See Edmond v. United States*, 117 S. Ct. 1573, 1578 (1997) (Court avoids interpreting act in manner that could be clearly unconstitutional if another reasonable interpretation available); *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490, 500 (1978) (Court will decline to read act so as to give rise to a serious constitutional question).

2. Section 411: Amtrak's Board of Directors

Amtrak is a government-created and government-controlled corporation. *See* Rail Passenger Service Act of 1970 §101, 84 Stat. 1328; 49 U.S.C. 49 U.S.C. §24302(a). Amtrak's charter sets forth the "public interest 'goals'" that Congress intended for it to pursue, and its structure allows the federal government to exert control "not as a creditor but as a policy maker." *Lebron v. National R.R. Passenger Corp.*, 513 U.S. 374, 399 (1995).

In *Lebron*, the Supreme Court held that Amtrak is a Federal government entity for the purpose of determining whether it has violated an individual's First Amendment rights. *Id.* at 400. While the First Amendment was the only constitutional provision at issue in *Lebron*, the Court did characterize Amtrak as "an agency of the Government, for purposes of the constitutional obligations of Government * * * " *id.* at 399. We see "no principled basis for distinguishing between the status of a federal entity vis-a-vis constitutional obligations relating to individual rights and vis-a-vis the structural obligations that the Construction imposes on federal entities." Memorandum for the General Counsels of the Federal Government, from Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, Re: *The Constitutional Separation of Powers between the President and Congress* at 27 n.71 (May 7, 1996) ("Dellinger Memo"). We therefore believe that under its best reading, *Lebron* implies that any official of Amtrak who exercises significant authority must be appointed pursuant to the Appointments Clause, U.S. Const. art. II, §2. *See generally Buckley v. Valeo*, 424 U.S. 1, 124–26 (1976) (per curiam).

S. 738 would vest significant authority in the Amtrak board. Amtrak is to "operate as a national rail passenger transportation system which provides access to all areas of the country." section 101(a). The Amtrak directors have the authority to make significant discretionary decisions regarding the acquisition "operation and maintenance of equipment and facilities necessary for intercity and commuter rail passenger transportation, the transportation of mail and express, and auto-ferry transportation." 49 U.S.C. §24305(a). Amtrak also "may acquire by eminent domain" property "necessary for intercity rail passenger transportation." *id.* §24311(a). We therefore think it apparent that the bill would vest significant authority in the Amtrak board. As such, the directors must be appointed in conformity with the Appointments Clause.

A. Directors required to be chief executive officers of a State or municipality

Section 411 of the bill would amend 49 U.S.C. §24302(a)(1)(C) to require the President to appoint four members of the Amtrak board with the advice and consent of the Senate. Among these four directors are to be:

one chief executive officer of a State, and one chief executive officer of a municipality, selected from among the chief executive officers of State[s] and municipalities with an interest in rail transportation.

Section 411(2).

Limiting the eligible appointees to these chief executive officers does not leave sufficient "scope for the judgment and will of the person or body in whom the Constitution vests the power of appointment." *Civil Service Commission*, 13 Op. Att'y Gen. 516, 520–21. We suggest eliminating the requirement that the nominees be chief executive officers of a State and a municipality. The statute instead might provide for the President to appoint directors with expertise in local government, or to consult with one or more associations of State and local government officials before making these appointments.

B. Directors appointed by the President alone

Three of the directors would be appointed solely by the President. One is to be a representative of a commuter authority, one is to have expertise in finance and accounting principles, and one is to be a representative of the general public.[2] Section 411(5). While principal officers must be appointed by the President with the advice and consent of the Senate, Congress may provide for the appointment of inferior officers by the President alone, the head of a department, or a court of law. *See Buckley*, 424 U.S. at 132. Accordingly, vesting the authority to make these appointments in the President is permissible if the directors are inferior officers.

"The line between 'inferior' and 'principal' officers is one that is far from clear," *Morrison v. Olson*, 487 U.S. 654, 671 (1988), and "[t]he nature of each government position must be assessed on its own merits." *Silver v. United States Postal Serv.*, 951 F.2d 1033, 1040 (9th Cir. 1991). "Inferior" does not mean "petty or unimportant." *See United States Attorneys—Suggested Appointment Power of the Attorney General*, 2 Op. O.L.C. 58, 58–59 (1978). "Generally speaking, the term 'inferior officer' connotes a relationship with some higher ranking officer or officers below the President . . . ." *Edmond*, 117 S. Ct. at 1580. As such, the work of an inferior officer will usually be "directed and supervised at some level by others who were appointed by presidential nomination with the advice and consent of the Senate." *Id.* at 1581. Accordingly, "an officer responsible only to the President for the exercise of significant discretion in decision making is probably a principal officer." Dellinger Memo at 30. "[A]n officer who is subject to control and removal by an officer other than the President should be deemed presumptively inferior." *Id.*

We think it unlikely that these three directorships can be characterized as inferior

Footnotes at end of article.

offices. The Amtrak board exercises broad authority over nationwide rail service. *See* 49 U.S.C. §24302(f) (board may adopt bylaws governing the operation of Amtrak). The board appoints the President of Amtrak, as well as all other officers of the corporation. *Id.* §24303(a) and (b). Finally, the members of the Amtrak board are directly responsible to the President and to no other Executive officer. We therefore recommend that section 411 be amended to provide for the appointment of these directors by the President with the advice and consent of the Senate.

C. Amtrak's president

The president of Amtrak serves as a director on the Amtrak board. 49 U.S.C. 24302(a)(1)(B). The Amtrak president is appointed by the board, and serves as its chairman. 49 U.S.C. 24303 (a). Because a majority of the directors who would appoint the Amtrak president would not themselves be appointed in conformity with the Appointments Clause, the President's appointment does not comply with the Appointments Clause.[3]

Thank you for the opportunity to present our views. Please contact us if we may be of further assistance. The Office of Management and Budget has advised us that from the standpoint of the Administration's program, it has no objection to submission of this letter.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

FOOTNOTES

[1]The Council will be composed of the Secretary of Transportation, two individuals appointed by the President, two individuals appointed by the Majority Leader of the Senate, one member appointed by the Minority Leader of the Senate, two individuals appointed by the Speaker of the House, and one individual appointed by the Minority Leader of the House. Section 203.

[2]We do not think that these more general qualifications limit the class of potential nominees as significantly as does the requirement that two directors be chief executive officers of a State and of a municipality.

[3]We do not address any other constitutional issues that might be raised by this appointment.

Ms. SLAUGHTER. Mr. Speaker, I yield the remainder of my time to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, let me respond very quickly to the statements of the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished chairman.

First of all, in terms of the constitutionality, the letter that I have from Secretary Slater contests that. And, of course, the proper place for that is to be discussed over months. But the reality is that the Amtrak board, which if it were to continue under the Senate language, has been in existence for a long time for many, many years. All of a sudden we are now hearing concerns about the unconstitutionality of it.

At any rate, that is something that can be resolved at a more leisurely pace over the next months, but should not be something that can be taken up on the floor today or tomorrow. And it also should be noted that, in the Senate legislation, there is a reform board that has some teeth in it as well, an oversight panel that is appointed that goes, I believe, partly to addressing the concerns of the chairman.

The second is that I am interested because it was the chairman that I believe was just a couple weeks ago repeating my words in debate 2 years ago, and he was talking about the need to pass this legislation immediately. Well, now I am reciting the words of the chairman, because it is important to pass this legislation immediately and also to recognize that it is not a finished product and that the legislation that we pass today is the basic reform of Amtrak, and then we can come back and deal with the issues of the board as well.

I am concerned about one statement I heard, which is, if we do not reach agreement today on this board matter, the bill gets pulled. If the bill gets pulled, I think we have got a significantly different Amtrak when we get back. And I would sure hate for us to worry about angels dancing on the heads of pins when we have a chance to pass a significant legislation that lets Amtrak access the capital that this Congress voted for to give Amtrak the ability to do.

I would urge support of the Oberstar recommittal motion, pass the basic legislation now, and come back later in the next few months and work on the very genuine concerns of the chairman, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SOLOMON. Mr. Speaker, I am prepared to close if the gentlewoman from New York [Ms. SLAUGHTER] would like to yield back her time.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. I will be as brief as I can.

But let me just say that what has happened to the railroad system in this country is so, so sad. I sort of grew up, beginning back in 1930, and we had a good railroad system in this country. And then something happened to it. Today, we are the greatest Nation in the world, and yet we have the worst railroad system in the world of any industrialized nation in the world. Something happened.

I guess back in the Eisenhower days, they began to develop the national road system, which is now administered by each individual State with all the interstate highways that we have. But yet, we never did anything to try to solve the problems of the railroads. I do not know what the answer is. Sometimes I wonder, you know, the States on behalf of the Federal Government own the beds of all the interstate highways throughout this country, and maybe the States on behalf of the Federal Government ought to own the railroad beds and then let the free enterprise system work. I do not know what the answer is, but it is a shame, because we need a viable railroad system in this country, and we need Amtrak.

My good friend, the gentleman from West Virginia [Mr. WISE], who left the floor, he is noted for a Member that does his homework. He certainly articulates his position. Unfortunately, I just have to agree with him, we agree that we must, must save Amtrak. But I do not believe that the legislation before us, the Senate legislation, can pass. It cannot satisfy members of the Committee on Transportation and Infrastructure. It cannot satisfy the Members of this body.

Consequently, if we pass the amendment that the gentleman from Pennsylvania [Mr. SHUSTER] is proposing to the Senate bill, I think there is ample time over in the Senate to take up the measure, since both Houses really will be in a position of treading water from now until the time we adjourn, just waiting for these four appropriations bills to be adopted so that we can go home.

That is why I was sad to see us not be able to take the vote on the two-thirds rule that we just debated a few minutes ago, because once we had done that, then we could take up the Amtrak bill, and we could send it over to the Senate, and it would give them an extra 5 or 6 hours to deal with this matter. But, unfortunately, that cannot happen now because all the votes are going to be delayed until 5.

So, again, I would just say that we must, must make sure that we are going to go away from here this weekend with the Amtrak legislation taken care of, because Amtrak, in my opinion, will not be solvent. The gentleman from West Virginia [Mr. WISE] repeated my remarks up in the Committee on Rules Sunday, in which I said there would be no meaningful legislation taken up during the month of January. We will be off most of the month of January, coming back for only a day or two. And then much of the month of February is taken up with the work period over the Presidential recess period.

So I just hope we can pass this rule and we can pass the legislation that will follow it so that we can pass and get legislation dealing with the solvency of Amtrak into the law before we go home this weekend.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this motion will be postponed until later today.

CONTINUATION OF EMERGENCY REGARDING WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–169)

The SPEAKER pro tempore (Mr. PETRI) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

On November 14, 1994, in light of the dangers of the proliferation of nuclear, biological, and chemical weapons (''weapons of mass destruction''—(WMD)) and of the means of delivering such weapons, I issued Executive Order 12938, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration, unless I publish in the *Federal Register* and transmit to the Congress a notice of its continuation.

The proliferation of weapons of mass destruction continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I am advising the Congress that the national emergency declared on November 14, 1994, and extended on November 14, 1995 and November 14, 1996, must continue in effect beyond November 14, 1997. Accordingly, I have extended the national emergency declared in Executive Order 12938 and have sent the attached notice of extension to the *Federal Register* for publication.

The following report is made pursuant to section 204(c) of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), regarding activities taken and money spent pursuant to the emergency declaration. Additional information on nuclear, missile, and/or chemical and biological weapons (CBW) nonproliferation efforts is contained in the most recent annual Report on the Proliferation of Missiles and Essential Components of Nuclear, Biological and Chemical Weapons, provided to the Congress pursuant to section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), also known as the ''Nonproliferation Report,'' and the most recent annual report provided to the Congress pursuant to section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102–182), also known as the ''CBW Report.''

CHEMICAL AND BIOLOGICAL WEAPONS

The three export control regulations issued under the Enhanced Proliferation Control Initiative (EPCI) remained fully in force and continue to be applied in order to control the export of items with potential use in chemical or biological weapons or unmanned delivery systems for weapons of mass destruction.

Chemical weapons continue to pose a very serious threat to our security and that of countries friendly to us. On April 29, 1997, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the ''Chemical Weapons Convention'' or (CWC)) entered into force with 87 of the CWC's 165 signatories as original States Parties. The United States was among their number, having deposited its instrument of ratification on April 25. As of November 5, 104 countries had become States Parties.

Russia did not complete its legislative approval process in time to be among the original CWC States Parties. In our March meeting in Helsinki, President Yeltsin did, however, assure me of his understanding of the importance of the CWC to Russia's own security. On October 31, 1997, the Russian Duma (lower house) approved ratification of the CWC. On November 5, 1997, the Russian Federation Council unanimously approved the CWC and the Russian government deposited its instrument of ratification. Russia's ratification makes it possible for Russia to join the United States in playing a leadership role in ensuring that all of the Convention's benefits are realized.

Given Russia's financial situation during this difficult period of transition to a market economy, serious concerns have been raised about the high costs of environmentally sound destruction of the large stocks of chemical weapons Russia inherited from the former Soviet Union. Through the Cooperative Threat Reduction Program, we are working with Russia to help address these complex problems, and we will continue to do so now that Russia has ratified the CWC.

The Organization for the Prohibition of Chemical Weapons (OPCW) has been established to achieve the object and purpose of the CWC, to ensure the implementation of its provisions and provide a forum for consultation and cooperation among States Parties. The executive organ of the OPCW, the Executive Council, has met five times since May to oversee decisions related to *inter alia* data declarations, inspections, and organizational issues. The United States plays an active role in ensuring effective implementation of the Convention.

The CWC is an ambitious undertaking by the world community to ban an entire class of weapons of mass destruction. Its members have committed themselves to totally eliminating chemical weapons stocks and production facilities, prohibiting chemical weapons-related activities, banning assistance for such activities and restricting trade with non-Parties in certain relevant chemicals. Destruction of U.S. chemical weapons stocks is moving forward. Other CWC States Parties have now taken on a similar task, and we are working hard with the other members of the CWC to make membership in this treaty universal.

The United States is determined to ensure full implementation of the concrete measures in the CWC that will raise the costs and the risks for any state or terrorist attempting to engage in chemical weapons-related activities. The CWC's declaration requirements will improve our knowledge of possible chemical weapons activities, whether conducted by countries or terrorists. Its inspection provisions provide for access to declared and undeclared facilities and locations, thus making clandestine chemical weapons production and stockpiling more difficult, more risky, and more expensive.

Countries that refuse to join the CWC will be politically isolated and banned from trading with States Parties in certain key chemicals. The relevant Treaty provision is specifically designed to penalize in a concrete way countries that refuse to join the rest of the world in eliminating the threat of chemical weapons.

The United States also continues to play a leading role in the international effort to reduce the threat from biological weapons. We are an active participant in the Ad Hoc Group striving to create a legally binding protocol to strengthen and enhance compliance with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the '''Biological Weapons Convention'' or (BWC)). This Ad Hoc Group was mandated by the September 1994 BWC Special Conference. The Fourth BWC Review Conference, held in November 1996, commended the work done by the Ad Hoc Group and urged it to complete the protocol as soon as possible but not later than the next Review Conference to be held in 2001. A draft rolling text was introduced by the Chairman at the July Ad Hoc Group session. Work is progressing on insertion of national views and clarification of existing text, largely drawn from the consultative phase of Ad Hoc Group work since 1994. Three-week sessions are scheduled for January, July, and September of 1998. Another 2-week session will be scheduled for either March or December of 1998. Early completion of an effective BWC protocol is high on our list of nonproliferation goals.

The United States continues to be a leader in the Australia Group (AG) chemical and biological weapons nonproliferation regime. Last year, the United States supported the entry into

the AG of the Republic of Korea, which became the group's 30th member in time for the October 1996 plenary.

The United States attended this year's annual AG plenary session from October 6–9, 1997, during which the Group continued to focus on strengthening AG export controls and sharing information to address the threat of CBW terrorism. At the behest of the United States, the AG first began in-depth political-level discussion of CBW terrorism during the 1995 plenary session following the Tokyo subway nerve gas attack earlier that year. At the 1996 plenary, the United States urged AG members to exchange national points of contact for AG terrorism matters. At the 1997 plenary, the AG accepted a U.S. proposal to survey all AG members on efforts each has taken to counter this threat.

The Group also reaffirmed the members' collective belief that full adherence to the CWC and the BWC is the best way to achieve permanent global elimination of CBW, and that all states adhering to these Conventions have an obligation to ensure that their national activities support this goal.

AG participants continue to seek to ensure that all relevant national measures promote the object and purposes of the BWC and CWC. The AG nations reaffirmed their belief that existing national export licensing policies on chemical weapons-related items fulfill the obligation established under Article I of the CWC that States Parties never assist, in any way, the acquisition of chemical weapons. Given this understanding, the AG members also reaffirmed their commitment to continuing the Group's activities now that the CWC has entered into force.

The AG also reaffirmed its commitment to continue to provide briefings for non-AG countries, and to promote regional consultations on export controls and nonproliferation to further awareness and understanding of national policies in these areas.

During the last 6 months, we continued to examine closely intelligence and other reports of trade in chemical weapons-related material and technology that might require action, including evaluating whether sanctions under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 were warranted. In May 1997, we imposed sanctions on seven Chinese entities and one Hong Kong company for knowingly and materially contributing to Iran's CW program through the export of dual-use chemical precursors and/or chemical production equipment and technology. In September 1997, we imposed sanctions on a German citizen and a German company determined to have been involved in the export of chemical production equipment to Libya's CW program.

The United States continues to cooperate with its AG partners in stopping shipments of proliferation concern. By sharing information through diplomatic and other channels, we and our AG partners have been successful in interdicting various shipments destined to CBW programs.

MISSILES FOR WEAPONS OF MASS DESTRUCTION DELIVERY

During the reporting period, the United States carefully controlled exports that could contribute to unmanned delivery systems for weapons of mass destruction and closely monitored activities of potential missile proliferation concern. We also continued to implement U.S. missile sanctions law, in cases where sanctionable activity was determined to have occurred. In August 1997, we imposed sanctions against two North Korean entities determined to have engaged in missile proliferation activities. Similar sanctions imposed in May 1996 remain in effect against two entities in Iran and one entity in North Korea for transfers involving Category II Missile Technology Control Regime (MTCR) Annex items.

During this reporting period, MTCR Partners continued to share information about proliferation problems with each other and with other potential supplier, consumer, and transshipment states. Partners also emphasized the need for implementing effective export control systems. This cooperation has resulted in the interdiction of missile-related materials intended for use in missile programs of concern.

The United States was an active participant in the MTCR's June 1997 Reinforced Point of Contact Meeting (RPOC). At the RPOC, MTCR Partners engaged in useful discussions of regional missile proliferators' concerns, as well as steps the Partners could take to increase transparency and outreach to nonmembers.

In July 1997, the United States also played a leading role at the Swiss-hosted MTCR workshop on the licensing and enforcement aspects of transshipment. The workshop was successful in focusing attention on the enforcement problems raised by proliferators' misuse of transshipment and fostered a productive exchange of ideas on how countries can better address such activity.

The United States worked unilaterally and in coordination with its MTCR Partners to combat missile proliferation and to encourage nonmembers to export responsibly and to adhere to the MTCR Guidelines. Since the last report, we have continued our missile nonproliferation dialogue with China, the Republic of Korea (ROK), North Korea (DPRK), and Ukraine. In the course of normal diplomatic relations, we also have pursued such discussions with other countries in Central Europe, the Middle East, and Asia.

In June 1997, the United States and the DPRK held a second round of missile talks, aimed at freezing the DPRK's indigenous missile development program and curtailing its missile-related export activities. The DPRK appeared willing to consider limits on its missile-related exports, in return for sanctions-easing measures, but did not engage in discussion of limits on its missile development program. We intend to pursue further missile talks with the DPRK.

In July 1997, we held another round of nonproliferation talks with the ROK. These talks were productive and made progress toward facilitating ROK membership in the MTCR.

In response to reports that Iran had acquired sensitive items from Russian entities for use in Iran's missile development program, the United States intensified its high-level dialogue with Russia on this issue. We held a number of productive discussions with senior Russian officials aimed at finding ways the United States and Russia can work together to prevent Iran's ballistic missile development program from acquiring Russian technology and equipment. This process is continuing.

NUCLEAR WEAPONS

In a truly historic landmark in our efforts to curb the spread of nuclear weapons, the 50th U.N. General Assembly on September 10, 1996, adopted and called for signature of the Comprehensive Nuclear Test Ban Treaty (CTBT), negotiated over the previous 2½ years in the Conference on Disarmament in Geneva. The overwhelming passage of this U.N. resolution (158–3–5) demonstrates the CTBT's strong international support and marks a major success for United States foreign policy. On September 24, 1996, I and other international leaders signed the CTBT in New York.

During 1997, CTBT signatories have conducted numerous meetings of the Preparatory Commission in Vienna, seeking to promote rapid completion of the International Monitoring System established by the Treaty. On September 23, I transmitted the CTBT to the Senate, requesting prompt advice and consent to ratification.

The CTBT will serve several United States national security interests in banning all nuclear explosions. It will constrain the development and qualitative improvement of nuclear weapons; end the development of advanced new types; contribute to the prevention of nuclear proliferation and the process of nuclear disarmament; and strengthen international peace and security. The CTBT marks an historic milestone in our drive to reduce the nuclear threat and to build a safer world.

Formal preparations for the year 2000 Review Conference for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) began in 1997 with the first of three annual Preparatory Committee meetings of the Parties to the

Treaty. The United States is committed to working to ensure that the 2000 NPT review Conference will further strengthen the NPT and reinforce global nuclear nonproliferation objectives. Since the 1995 NPT Conference, eight additional states have joined the NPT, leaving only five states worldwide currently outside the NPT regime. The NPT Exporters (Zangger) Committee added China to its membership in 1997.

The Nuclear Suppliers Group (NSG) continued its efforts to upgrade control lists and export control procedures. NSG members confirmed their agreement to clarifications to the nuclear trigger list to accord with trigger list changes agreed to by the members of the NPT Exporters (Zangger) Committee, and the International Atomic Energy Agency published these understandings on September 16, 1997. The NSG also is actively pursuing steps to enhance the transparency of the export regime in accordance with the call in Principles 16 and 17 of the 1995 NPT Review and Extension Conference.

The NSG held an export control seminar in Vienna on October 8 and 9, 1997, which described and explained the role of the NSG (and the Zangger Committee) in preventing nuclear proliferation. The NSG also continued efforts to enhance information sharing among members regarding the nuclear programs of proliferant countries by (1) "officially" linking the NSG members through a dedicated computer network allowing for real-time distribution of license denial information, and by (2) creating a separate session for exchange of information on the margins of the NSG plenary meeting.

NSG membership will increase to 35 with the acceptance of Latvia. The ultimate goal of the NSG is to obtain the agreement of all suppliers, including nations not members of the regime, to control nuclear and nuclear-related exports in accordance with the NSG guidelines.

EXPENSES

Pursuant to section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I report that there were no expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order 12938 during the semiannual reporting period.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 12, 1997.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 1 o'clock and 14 minutes p.m.), the House stood in recess until approximately 5 p.m. today.

□ 1705

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SUNUNU] at 5 o'clock and 5 minutes p.m.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 11, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: This letter is to officially notify you of my resignation as United States Representative to the First District of Pennsylvania. President Clinton has given me the opportunity to continue my lifetime of public service by nominating me to be Ambassador to Italy, the nation of my heritage.

I love this body and leave it with bittersweet emotions—I move onto exciting new challenges but I leave so many good friends and colleagues. I feel so strongly about so many of the people I have served with over the past seventeen years. There is that saying attributable to Harry Truman that if you want a friend in Washington, buy a dog. For me, nothing can be further from the truth. I have made friends here, on both sides of the aisle, who I will keep and cherish for the rest of my life.

I thank the people of the First District for the opportunity to serve them, this country and this institution. It has been a great honor.

Thank you.

Sincerely,

THOMAS M. FOGLIETTA.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1, the Chair will now put the question on adoption of those resolutions on which further proceedings were postponed earlier today.

Without objection, votes will be taken in the following order: House Resolution 319; and House Resolution 314, as amended.

There was no objection.

PROVIDING FOR CONSIDERATION OF S. 738, AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of agreeing to House Resolution 319 on which the yeas and nays are ordered.

The Clerk read the title of the resolution, as amended.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 324, nays 72, not voting 36, as follows:

[Roll No. 629]

YEAS—324

Abercrombie	Fossella	McCarthy (MO)
Aderholt	Fowler	McCarthy (NY)
Andrews	Fox	McCollum
Archer	Frank (MA)	McCrery
Armey	Franks (NJ)	McDade
Bachus	Frelinghuysen	McGovern
Baker	Furse	McHugh
Baldacci	Gallegly	McInnis
Ballenger	Ganske	McIntyre
Barcia	Gekas	McKeon
Barr	Gibbons	McKinney
Barrett (NE)	Gilchrest	McNulty
Bartlett	Gillmor	Meek
Barton	Gilman	Mica
Bass	Goode	Millender-McDonald
Bateman	Goodlatte	Miller (CA)
Bentsen	Goodling	Miller (FL)
Bereuter	Goss	Minge
Berry	Graham	Mink
Bilbray	Granger	Mollohan
Bilirakis	Green	Moran (KS)
Bishop	Greenwood	Moran (VA)
Blagojevich	Gutierrez	Murtha
Bliley	Gutknecht	Myrick
Blumenauer	Hamilton	Nadler
Blunt	Hastert	Nethercutt
Boehlert	Hastings (FL)	Neumann
Boehner	Hastings (WA)	Ney
Bonilla	Hayworth	Northup
Bono	Hefley	Nussle
Borski	Herger	Oberstar
Boswell	Hill	Ortiz
Boucher	Hilleary	Oxley
Boyd	Hilliard	Packard
Brown (FL)	Hinchey	Pallone
Bryant	Hinojosa	Pappas
Bunning	Hobson	Parker
Burr	Hoekstra	Pascrell
Burton	Holden	Paul
Buyer	Horn	Paxon
Calvert	Hostettler	Payne
Camp	Hulshof	Pease
Campbell	Hunter	Peterson (PA)
Canady	Hutchinson	Petri
Cannon	Hyde	Pickering
Cardin	Inglis	Pitts
Carson	Istook	Pombo
Castle	Jackson-Lee (TX)	Pomeroy
Chabot	Jenkins	Porter
Chambliss	Johnson (CT)	Portman
Chenoweth	Johnson (WI)	Poshard
Christensen	Johnson, E. B.	Quinn
Clay	Johnson, Sam	Rahall
Clayton	Jones	Ramstad
Clyburn	Kaptur	Rangel
Coble	Kasich	Redmond
Coburn	Kelly	Regula
Collins	Kennelly	Reyes
Cook	Kildee	Riggs
Costello	Kilpatrick	Rivers
Cox	Kim	Rodriguez
Cramer	Kind (WI)	Rogan
Crane	King (NY)	Rogers
Crapo	Kingston	Rohrabacher
Cunningham	Klink	Ros-Lehtinen
Danner	Klug	Rothman
Davis (FL)	Knollenberg	Roukema
Davis (VA)	Kolbe	Roybal-Allard
Deal	Kucinich	Royce
DeFazio	LaHood	Ryun
DeLauro	Lampson	Salmon
DeLay	Largent	Sanchez
Diaz-Balart	Latham	Sanders
Dickey	LaTourette	Sandlin
Dixon	Lazio	Sanford
Doolittle	Leach	Sawyer
Doyle	Levin	Saxton
Dreier	Lewis (CA)	Schaefer, Dan
Duncan	Lewis (GA)	Schaffer, Bob
Ehlers	Lewis (KY)	Scott
Ehrlich	Linder	Sensenbrenner
Emerson	Lipinski	Serrano
Engel	Livingston	Sessions
English	LoBiondo	Shadegg
Ensign	Lowey	Shaw
Everett	Lucas	Shays
Ewing	Luther	Shimkus
Farr	Maloney (CT)	Shuster
Fattah	Maloney (NY)	Sisisky
Fawell	Manton	Skeen
Filner	Manzullo	Skelton
Foley	Mascara	Slaughter
Forbes		

Smith (MI)	Tauzin	Watkins
Smith (NJ)	Taylor (NC)	Watts (OK)
Smith (TX)	Thomas	Weldon (FL)
Smith, Linda	Thompson	Weldon (PA)
Snowbarger	Thornberry	Weller
Snyder	Thune	Weygand
Solomon	Thurman	Whitfield
Souder	Tiahrt	Wicker
Spence	Torres	Wise
Spratt	Traficant	Wolf
Stearns	Turner	Woolsey
Stokes	Upton	Wynn
Strickland	Vento	Yates
Stump	Walsh	Young (AK)
Sununu	Wamp	Young (FL)
Talent	Waters	

NAYS—72

Ackerman	Eshoo	Moakley
Allen	Etheridge	Obey
Baesler	Evans	Olver
Barrett (WI)	Fazio	Pastor
Becerra	Ford	Pelosi
Berman	Gejdenson	Peterson (MN)
Bonior	Hall (OH)	Pickett
Brown (CA)	Hall (TX)	Price (NC)
Brown (OH)	Harman	Roemer
Callahan	Hefner	Sabo
Clement	Hooley	Sherman
Condit	Hoyer	Skaggs
Conyers	Jackson (IL)	Stabenow
Coyne	Jefferson	Stenholm
Cummings	Kanjorski	Stupak
Davis (IL)	Kennedy (MA)	Tanner
DeGette	Kennedy (RI)	Tauscher
Delahunt	Kleczka	Taylor (MS)
Dellums	LaFalce	Tierney
Deutsch	Lofgren	Velázquez
Dicks	Markey	Visclosky
Doggett	Martinez	Watt (NC)
Dooley	Matsui	Waxman
Edwards	McHale	Wexler

NOT VOTING—36

Brady	Houghton	Pryce (OH)
Combest	John	Radanovich
Cooksey	Lantos	Riley
Cubin	McDermott	Rush
Dingell	McIntosh	Scarborough
Dunn	Meehan	Schiff
Flake	Menendez	Schumer
Frost	Metcalf	Smith (OR)
Gephardt	Morella	Smith, Adam
Gonzalez	Neal	Stark
Gordon	Norwood	Towns
Hansen	Owens	White

□ 1740

Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SANCHEZ, Messrs. CLAY, HASTINGS of Florida, DAVIS of Florida, BLUMENAUER, SANDERS, SNYDER, Ms. KILPATRICK, Messrs. FRANK of Massachusetts, COSTELLO, BORSKI, THOMPSON, WEYGAND, SAWYER, MOLLOHAN, LEVIN, Ms. BROWN of Florida, Mr. BLAGOJEVICH, Ms. ROYBAL-ALLARD, Messrs. DIXON, FATTAH, NADLER, KLINK, MURTHA, Ms. MCKINNEY, Ms. WOOLSEY, Messrs. ENGEL, BARCIA, MCNULTY, MILLER of California, STRICKLAND, SPRATT, FARR of California, GOODE, MASCARA, Mrs. KENNELLY of Connecticut, Mr. VENTO, Ms. SLAUGHTER, Messrs. CRAMER, ANDREWS, PALLONE, KIND, WYNN, DEFAZIO, PAYNE, DOYLE, BOUCHER, MALONEY of Connecticut, RODRIGUEZ, KILDEE, BENTSEN, GREEN, Ms. RIVERS, Messrs. GUTIERREZ, LUTHER, RANGEL, HINOJOSA, STOKES, REYES, Mrs. LOWEY, Messrs. HINCHEY, YATES, SCOTT, SKELTON, TURNER, Mrs. THURMAN, Mr. SISISKY, Ms. CARSON, Ms. DELAURO, Messrs. LEWIS of Georgia, JOHNSON of Wisconsin, MANTON, MINGE, BALDACCI, and Mrs. MALONEY of New York changed their vote from "nay" to "yea."

Mr. HEFNER changed his vote from "yea" to "nay."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

The SPEAKER pro tempore (Mr. SUNUNU). The pending business is the question of agreeing to House Resolution 314, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 213, nays 193, not voting 26, as follows:

[Roll No. 630]

YEAS—213

Aderholt	Diaz-Balart	Hutchinson
Archer	Dickey	Hyde
Armey	Doolittle	Inglis
Bachus	Dreier	Istook
Baker	Duncan	Jenkins
Ballenger	Dunn	Johnson (CT)
Barr	Ehlers	Johnson, Sam
Barrett (NE)	Ehrlich	Jones
Bartlett	Emerson	Kasich
Barton	English	Kelly
Bass	Ensign	Kim
Bateman	Everett	King (NY)
Bereuter	Ewing	Kingston
Bilbray	Fawell	Klug
Billrakis	Foley	Knollenberg
Bliley	Forbes	Kolbe
Blunt	Fossella	LaHood
Boehlert	Fowler	Largent
Boehner	Fox	Latham
Bonilla	Franks (NJ)	LaTourette
Bono	Frelinghuysen	Lazio
Bryant	Gallegly	Leach
Bunning	Ganske	Lewis (CA)
Burr	Gekas	Lewis (KY)
Burton	Gibbons	Linder
Buyer	Gilchrest	Livingston
Callahan	Gillmor	LoBiondo
Calvert	Gilman	Lucas
Camp	Goodlatte	Manzullo
Campbell	Goodling	McCollum
Canady	Goss	McCrery
Cannon	Graham	McDade
Castle	Granger	McHugh
Chabot	Greenwood	McInnis
Chambliss	Gutknecht	McIntosh
Chenoweth	Hastert	McKeon
Christensen	Hastings (WA)	Metcalf
Coble	Hayworth	Mica
Coburn	Hefley	Miller (FL)
Collins	Herger	Moran (KS)
Cook	Hill	Morella
Cox	Hilleary	Nethercutt
Crane	Hobson	Neumann
Crapo	Hoekstra	Ney
Cunningham	Horn	Northup
Davis (VA)	Hostettler	Nussle
Deal	Hulshof	Oxley
DeLay	Hunter	Packard
Pappas	Ryun	Stump
Parker	Salmon	Sununu
Paul	Sanford	Talent
Paxon	Saxton	Tauzin
Pease	Schaefer, Dan	Taylor (NC)
Peterson (PA)	Schaffer, Bob	Thomas
Petri	Sensenbrenner	Thornberry
Pickering	Sessions	Thune
Pitts	Shadegg	Tiahrt
Pombo	Shaw	Traficant
Porter	Shays	Upton
Portman	Shimkus	Walsh
Quinn	Shuster	Wamp
Ramstad	Skeen	Watkins
Redmond	Smith (MI)	Watts (OK)
Regula	Smith (NJ)	Weldon (FL)
Riggs	Smith (TX)	Weldon (PA)
Rogan	Smith, Linda	Weller
Rogers	Snowbarger	Whitfield
Rohrabacher	Solomon	Wicker
Ros-Lehtinen	Souder	Wolf
Roukema	Spence	Young (AK)
Royce	Stearns	Young (FL)

NAYS—193

Abercrombie	Green	Murtha
Ackerman	Gutierrez	Nadler
Allen	Hall (OH)	Oberstar
Andrews	Hall (TX)	Obey
Baesler	Hamilton	Olver
Baldacci	Harman	Ortiz
Barcia	Hastings (FL)	Pallone
Barrett (WI)	Hefner	Pascrell
Becerra	Hilliard	Pastor
Bentsen	Hinchey	Payne
Berman	Hinojosa	Pelosi
Berry	Holden	Peterson (MN)
Bishop	Hooley	Pickett
Blagojevich	Hoyer	Pomeroy
Blumenauer	Jackson (IL)	Poshard
Bonior	Jackson-Lee (TX)	Price (NC)
Borski	Jefferson	Rahall
Boswell	Johnson (WI)	Rangel
Boucher	Johnson, E.B.	Reyes
Boyd	Kanjorski	Rivers
Brown (CA)	Kaptur	Rodriguez
Brown (FL)	Kennedy (MA)	Roemer
Brown (OH)	Kennedy (RI)	Rothman
Cardin	Kennelly	Roybal-Allard
Carson	Kildee	Rush
Clay	Kilpatrick	Sabo
Clayton	Kind (WI)	Sanchez
Clement	Kleczka	Sanders
Clyburn	Klink	Sandlin
Condit	Kucinich	Sawyer
Conyers	LaFalce	Scott
Costello	Lampson	Serrano
Coyne	Lantos	Sherman
Cramer	Levin	Sisisky
Cummings	Lewis (GA)	Skaggs
Danner	Lipinski	Skelton
Davis (FL)	Lofgren	Slaughter
Davis (IL)	Lowey	Smith, Adam
DeFazio	Luther	Snyder
DeGette	Maloney (CT)	Spratt
Delahunt	Maloney (NY)	Stabenow
DeLauro	Manton	Stenholm
Dellums	Markey	Stokes
Deutsch	Martinez	Strickland
Dicks	Mascara	Stupak
Dingell	Matsui	Tanner
Dixon	McCarthy (MO)	Tauscher
Doggett	McCarthy (NY)	Taylor (MS)
Dooley	McDermott	Thompson
Doyle	McGovern	Thurman
Edwards	McHale	Tierney
Engel	McIntyre	Torres
Eshoo	McKinney	Turner
Etheridge	McNulty	Velázquez
Evans	Meek	Vento
Farr	Menendez	Visclosky
Fattah	Millender-McDonald	Waters
Fazio	Miller (CA)	Watt (NC)
Filner	Minge	Waxman
Ford	Mink	Wexler
Frank (MA)	Moakley	Weygand
Furse	Mollohan	Wise
Gejdenson	Moran (VA)	Woolsey
Goode		Wynn
Gordon		Yates

NOT VOTING—26

Brady	Cubin	Gephardt
Combest	Flake	Gonzalez
Cooksey	Frost	Hansen

Houghton	Owens	Schumer
John	Pryce (OH)	Smith (OR)
Meehan	Radanovich	Stark
Myrick	Riley	Towns
Neal	Scarborough	White
Norwood	Schiff	

□ 1808

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF LEGISLATION WHICH MAY BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY AND TOMORROW

Mr. DREIER. Mr. Speaker, pursuant to House Resolution 314, I wish to announce the following suspensions which may be considered today, Wednesday, November 12, 1997, and Thursday, November 13, 1997:

S. 1519, ISTEA;

H.R. 2979, a bill to authorize acquisition of certain real property for the Library of Congress;

Senate Concurrent Resolution 61, authorizing printing of a revised edition of the publication entitled "Our Flag";

Senate Concurrent Resolution 62, authorizing printing of the brochure entitled "How Our Laws Are Made";

Senate Concurrent Resolution 63, authorizing printing of the pamphlet entitled "The Constitution of the United States of America";

House Concurrent Resolution 190, authorizing the use of the rotunda of the Capitol for the congressional Christmas celebration;

S. 1378, a bill to extend the authorization of use of official mail in the location and recovery of missing children;

S. 1507, a bill to amend the National Defense Authorization Act for fiscal year 1998 to make certain technical corrections;

H.R. 2709, Iran Missile Proliferation Sanctions Act of 1997;

H.R. 764, Bankruptcy Amendments of 1997;

H.R. 2440, a bill to make technical amendments to section 10 of title 9, United States Code;

House Joint Resolution 95, granting the consent of Congress to the Chickasaw Trail Economic Development Compact;

House Joint Resolution 96, granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact;

H.R. 1753, a bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000;

S. 1228, 50 States Commemorative Coin Program Act;

H.R. 1271, FAA Research, Engineering, and Development Authorization Act of 1997;

H.R. 1658, Atlantic Striped Bass Conservation Act Amendments of 1997;

H.R. 1604, a bill to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians;

S. 1079, an act to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation;

S. 731, a bill to extend the legislative authority for construction of the National Peace Garden memorial;

S. 1354, a bill to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers;

S. 1505, a bill to make technical and conforming amendments to the Museum and Library Services;

S. 1417, a bill to provide for the design, construction, furnishing and equipping of a Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center;

H.R. 867, Adoption Promotion Act of 1997;

House Concurrent Resolution 137, expressing the sense of the House of Representatives concerning the urgent need for an international criminal tribunal to try members of the Iraqi regime for crimes against humanity;

House Resolution 282, congratulating the Association of South East Asian Nations;

House Resolution 231, urging the President to make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam;

House Concurrent Resolution 172, expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia;

House Concurent Resolution 130, a concurrent resolution concerning the situation in Kenya;

And House Resolution 273, condemning the military intervention by the Government of Angola into the Republic of the Congo.

RECESS

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:45 p.m.

Accordingly (at 6 o'clock and 11 minutes p.m.), the House stood in recess until approximately 6:45 p.m.

□ 1853

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SNOWBARGER] at 6 o'clock and 53 minutes p.m.

AMENDING THE RULES OF THE HOUSE TO REPEAL EXCEPTION TO REQUIREMENT THAT PUBLIC COMMITTEE PROCEEDINGS BE OPEN TO ALL MEDIA

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

Resolved, That (a) clause 3(f) of rule XI of the Rules of the House of Representatives is amended by repealing subdivision (2) and by redesignating subdivisions (3) through (13) as subdivisions (2) through (12), respectively.

(b) Clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by striking ", except as provided by clause 3(f)(2)".

(d) The first sentence of clause 3(e) of rule XI of the Rules of the House of Representatives is amended by striking ", except as provided in paragraph (f)(2)".

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, on this very important subject, to me this subject, Mr. Speaker, is a question of truth and do we believe that the American people have the right to discern the truth.

House Resolution 301 is a straightforward rule. It is a straightforward rule change to repeal the exception to the requirement that public committee proceedings be open to all media, all types of media. This resolution continues the process we began in 1995 of opening up our committee proceedings to enhance public scrutiny and greater accountability. The resolution repeals clause 3(f)(2) of House rule XI, known inside this building as the camera rule.

As Members recall, when we began the 104th Congress under new management for the first time in 40 years, we instituted an openness policy that said that committee meetings and hearings that are open to the public shall also be open to the media. This sunshine rule reaffirms the right of the public to have all types of media cover most of our proceedings, making it clear that such coverage is no longer treated as a privilege to be granted and taken away at the discretion of a committee or subcommittee.

The only deviation from this policy has been the exception found in clause 3(f)(2) giving subpoenaed witnesses the absolute right to decide, for whatever reason, to pull the plug on certain types of media coverage of their testimony at an otherwise public hearing.

Mr. Speaker, this exception to the sunshine rule is a holdover from another era. We heard testimony in the

Committee on Rules from the distinguished dean of this House, the gentleman from Michigan, [Mr. JOHN DINGELL], who is one of the most respected and probably one of the most feared committee chairmen ever to serve in this body. Mr. DINGELL cautioned us not to repeal this exception for subpoenaed witnesses, and he raised the specter of the McCarthy hearings that took place nearly half a century ago.

None of us is proud of that period in the history of this institution. Certainly, we have learned a lot. Clearly, there were excesses as powerful Members of Congress overstepped the bounds of fairness. When the House first began the process of evolving into the modern television age in 1970, Members, remembering the McCarthy era, wisely took a go-slow approach to phasing in audio and visual media coverage of congressional proceedings.

But, Mr. Speaker, that was more than a quarter of a century ago. Time does fly. As my children and my grandchildren are constantly reminding me, times have changed. Like it or not, we are living in an era of high technology and instant global communication. Television, radio, and even cyberspace are commonplace in our lives and have become part of the daily media diet of countless Americans. Congress just has to get on with the program, even if we are sometimes a bit slow about embracing the modern technological revolution.

My colleagues are aware that C-SPAN is a huge success among the American people precisely because our constituents have come to expect and rely upon seeing for themselves what it is we do, without the filter of someone else's pen or an editor deciding how to package certain information for public consumption; just straight stuff, no spin doctors; viewers draw their own conclusions.

Mr. Speaker, I come from the Sunshine State, aptly named for more than just the one most obvious reason, about our wonderful climate, especially at this time of year. We also have in Florida sunshine rules for all levels of government. I have found time and again that sunshine is the best antidote to excess and abuse, and it is indeed the path to truth.

I know there is concern about protecting reluctant witnesses from unfair questioning or uncivil badgering before a committee of this House. But rather than turning off the cameras, shutting down the radio, and prohibiting still photography, I submit to my colleagues that the better option is to let all the sunshine in, remembering that the print media are still there. If a witness is unfairly treated by any Member of this House, it will be clear to the people who witness that occurrence on television or on the radio.

Furthermore, I expect that our committee chairmen will take control of proceedings under their charge if things get out of hand. It comes down to the fact that I have faith in the American people and I have faith in the Members who run our committees.

It is my view that the American people are smarter than some of our colleagues seem to think. They can discern for themselves if they are seeing and hearing a witch-hunt or a show trial or some type of proceeding or some kind of personal grandstanding.

My friend, the distinguished gentleman from Massachusetts [Mr. MOAKLEY], vice chairman of the Committee on Rules and former chairman, for whom I have the utmost respect, has lamented the fact that this rules change does some sort of violence to the concept of the people's House.

Indeed, this is the people's House, but I would argue just the opposite, that if this truly is the people's House and we want to share it with the people, why would we want to arbitrarily restrict the people's ability to see what goes on in our committee rooms?

□ 1900

Mr. Speaker, it is my view that the best way to rein in a bully on a committee dais is to expose him or her to public scrutiny. Audio and visual coverage of the committee event is as much a check on a runaway Member who wishes to bully a witness as it is a check on a witness who may have something to hide from full public scrutiny.

I would like for one moment to assure my colleagues that this rules change does nothing, let me repeat, does nothing to the crucial and truly meaningful witness protections that exist in our House rules under rule XI, clause 2. Clause 2(g) provides clear guidance to the committees and subcommittees of the House about when it is appropriate to conduct their business in closed session with no media or outsiders present. These guidelines account for instances where material discussed pertains to national security information, for example, perhaps sensitive law enforcement information, information that would tend to defame, degrade, or incriminate any person, or information that would violate any law or will of this House. That is quite a broad spectrum. In such cases, a committee may, with a full quorum present, vote by majority to close the proceedings to all except Members and appropriate staff.

In addition, clause 2(k)(5) of rule XI provides that whenever it is asserted that testimony at a hearing may tend to defame, degrade, or incriminate any person, such testimony will be taken in closed session if the committee determines by majority vote of those present, a requisite number being present, that the testimony may tend to defame, degrade, or incriminate any person.

That sounds like a lot of parliamentary lawyerese-type talk, but the bottom line is that there are mechanisms to close meetings to all media coverage if there is justification without arbitrarily discriminating against certain types of media.

I should also point out that nothing we do in our House rules in any way limits a witness' constitutional right, specifically the option to take the fifth amendment and refuse to answer questions.

Mr. Speaker, I would like to point out that the other body does not have a similar rule to the one we are considering repealing today. There is no absolute ability for a subpoenaed witness at a proceeding in the other body to arbitrarily decide to shut off broadcast coverage of his or her testimony. Life has actually gone on quite well over there in the other body, I believe, without such a rule, and I think that should be of some comfort to those Members who believe the sky might fall in if we make the change proposed here today and let the full sunshine in.

Mr. Speaker, I would also like to point out to Members that this effort was one that was undertaken by Democrat Members as well as Republican Members. The legislative history of committee proceedings in the House has examples of several distinguished Democrat then committee chairmen expressing their interest in seeing this exception to media coverage eliminated.

In sum, this rule is a change that will further the cause of sunshine and accountability in the people's House. I hope my colleagues will support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my very dear friend the gentleman from Florida [Mr. GOSS] for yielding me the time.

Mr. Speaker, in case any of my colleagues are unclear about what is about to happen, the House is now debating a resolution that takes away the fundamental right guaranteed to witnesses by the House rules. These rules were put in place to protect American citizens and others who are asked to stand before Congress and to tell the truth, and they should be protected at all costs.

Furthermore, Mr. Speaker, there is no reason on Earth to rush this resolution, but, for some reason, the Republican leadership is doing it anyway. The majority leader did not announce this resolution on the Friday when he announced the schedule for the week. This resolution was not listed on the floor schedule that was distributed on Monday morning. The Committee on Rules held a hearing after dark on Tuesday, which raised serious and technical questions and never came close to resolving moral or political

concerns. Mr. Speaker, the Committee on Rules still marked up the resolution; and here we are today.

Mr. Speaker, there is no reason whatsoever the House should be acting so carelessly and so dangerously. But, as they say, "There is no business like show business." And our friend, the gentleman from Indiana [Mr. BURTON], plans hearings for Thursday and will continue between sessions. And someone wants to be sure that the witnesses who testify before this committee are stripped of any protection under the rules.

Mr. Speaker, the rule my colleagues want to repeal was adopted in response to the shameful abuses of this House in the McCarthy era. Some say it originated with a suicide note. A young cancer researcher named William K. Sherwood was subpoenaed to appear on camera before the committee. Two days before his scheduled appearance, he wrote a note expressing his fierce resentment at being televised and then jumped from the hotel window to his death. Largely in reaction to this event, Mr. Speaker, camera and live broadcasts were banned from the committee hearings from 1957 until 1970, when the Congress enacted the Legislative Reorganization Act.

The 1970 act, which grew out of an extensive and lengthy hearing process by a special subcommittee, contained the identical language, word for word, that is in current rules, the same language that my colleagues seek to repeal.

Senator Javits, while serving in the House, was one of the first Members to champion the use of TV cameras in Congress; however, even he knew how it might impact on the rights of witnesses. And in February 1952 he said, "The indiscriminate use of television and radio could very easily in many cases work out to invade the individual's rights." Mr. Speaker, how right he was.

Representative Hugh Scott, chairman of a rules subcommittee in the Republican-controlled 1983 Congress, said in March 1955 that a code of fair committee procedures must "protect a witness from distraction, harassment, or nervousness caused by radio, TV, and motion picture coverage of hearings." The closest we have to that warning is clause 3(f) of rule XI. And if Members on that side of the aisle have their way, that soon will be gone.

Witnesses do not have the opportunity to rebut statements made to them by Members of the panel. They cannot object to a question that is misleading or incriminating. They can be held in contempt if they refuse to answer any question, regardless of how inappropriate that question may be. They can bring a lawyer with them, Mr. Speaker, but that lawyer is virtually powerless to halt an unfair line of questioning. And to further subject these witnesses to unwanted television and radio coverage is a flagrant abuse of power by the members of the committee.

Mr. Speaker, committees do make mistakes. Recently the gentleman from Indiana [Mr. BURTON] subpoenaed the records of the wrong Chi Wong. And they did it again. They subpoenaed the records of the wrong Li Ping Chen. They subpoenaed the records of a Li Ping Chen Hudson, who had nothing to do with fundraising. And these subpoenas were for documents, Mr. Speaker, but these innocent citizens might just as easily have been called to be grilled before a rolling TV camera.

The protection provided in clause 3(f)(2) of rule XI is all that a witness can use to protect him or herself from such exploitation. Now even that small refuge is to be taken away, leaving witnesses at the mercy of an often hostile panel.

Mr. Chairman, when I was chairman of the Committee on Rules, I, too, heard from the frustrated chairmen who wanted to repeal this rule because an individual invoked their rights. They said the rule inhibits freedom of the press. I told them that the first amendment rights of the press and public's right to know are in no way diminished by the rule in its present form.

The print and broadcast press are not excluded from a hearing, and nothing in the rule prevents any reporter from fully covering the hearing. But American citizens do have a right to privacy, which includes a right to avoid the limelight of a camera, and when Congress compels an individual to testify, he or she should have the absolute right to demand that the cameras be turned off.

Mr. Speaker, I deeply regret that we are moving in this direction today. I can only implore you and the majority not to strip away this vital protection from those witnesses who are mandated to testify by order of congressional subpoena.

Just the other day in this Chamber, we passed a measure to reform the Internal Revenue Service by a vote of 425 to 4. The legislation was so widely approved because of stories of the IRS as an overzealous tax collector treating American citizens with suspicion, making the average citizen prove his innocence, intimidating Americans.

Let us not allow the reputation of this institution to be besmirched by the image of rude, arrogant, browbeating Members attacking poor, innocent Americans called to appear before the committee against their will. Please, Mr. Speaker, do not strip away this very, very small protection. Mark my word, Mr. Speaker, we will come to regret this day if we pass this rule.

Finally, I must remind my colleagues, if they repeal this rule, only Members of Congress will be shielded from the cameras when their reputations are at stake in a congressional investigation. That is not right.

Mr. Speaker, as my friend, the gentleman from Florida [Mr. GOSS], said, this is the people's House. This is the people's House. Let us protect the people's rights. So I urge my colleagues to defeat this rule.

Ordinary Americans should have the same protections that Members of Congress have.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, might I inquire what the time counts are?

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from Florida [Mr. GOSS] has 22 minutes remaining. The gentleman from Massachusetts [Mr. MOAKLEY] has 21 minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I pause to let the smoke screen clear for just a moment so we can see what is really at stake here, Mr. Speaker, and I suppose, just as importantly, what this proposed rule change is not about.

This rule change, despite the smoke screen thrown up by its opponents, is not about somebody who may have committed suicide two generations ago, as tragic as I am sure that is. This is not, Mr. Speaker, about an effort to shield Members of Congress. It is not a question about taking anybody's rights away.

As we let the smoke screen clear, Mr. Speaker, what we see is a very simple rule change that is at the heart of both common sense and the way that Congress operates and was envisaged to operate by our Founding Fathers. For one only has to look in Jefferson's Manual, Mr. Speaker, in the rules of this House, going back over 200 years, to see a common underpinning of openness in the proceedings of this great body. And it is only from time to time when there is perceived an overriding need to place limitation on that openness that that great principle envisaged by our Founding Fathers of openness and public access to all that we do should be entertained.

The rule before us today is very simple. It simply states that no subpoenaed witness can hold the Congress hostage and can prevent the American people from knowing what it is pursuant to the people's business that they are testifying about. That is all it does. It does not take away the majority right of a majority of any committee of this Congress for good and sufficient reasons, including if they believe that the rights of a witness require privacy, that the broadcasting, the photographing, the recording must be turned off.

Congress and individuals before this Congress continue to retain that possibility, that right. This rule simply says

that a witness who comes forward under subpoena cannot for their own reasons hide behind the cloak of secrecy and not let the American people know why it is they are before the Congress and what they are testifying about. It takes away that hammer that they can hold over the openness that we otherwise enshrine in those proceedings.

□ 1915

It is very interesting, Mr. Speaker, that the gentleman from California [Mr. LANTOS], a very learned and senior Member of the other side, took to the floor in September and October 1989 when he happened to be in the majority and argued, apparently very eloquently, that the very rule which we are simply moving tonight to amend and open up does not serve the interests of the American people, nor, and I quote the gentleman from California, is the rule required as a protection to any witness, close quote. He says that he, quote, fully disagrees with this rule because, and I further quote Mr. LANTOS, I believe the American people are entitled to open government.

Mr. Speaker, the gentleman from California [Mr. LANTOS] was right then and he is right now. It is openness that is at the heart of our business here in this Congress. We provide fully to protect the interests of each and every witness, subject only to the vagaries of members of the committee. I urge very strongly that this arcane, outdated, unnecessary, and arbitrary rule which closes off certain avenues of reporting of what is going on and not others be adopted in favor of openness and the public's right to know.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

The last speaker is correct. The gentleman from California [Mr. LANTOS] did argue for this. I was chairman of the Committee on Rules when he came before me to ask that this rule be changed. I did not think it should be changed then when I was chairman, and I do not think it should be changed now when I am not chairman. I do not think it is a political matter. It really does deprive the witnesses going before that committee of probably the only right they have.

Mr. Speaker, I yield 7 minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, because of the nature of this rule that is before the House, I would request of my friends that control the time on the Republican side that they allow at this time my questioning the presence of a quorum and that we have a quorum call of the House, so that all the Members of the House can take part and listen to the debate we are having.

Mr. SOLOMON. If the gentleman will yield, both cloakrooms have notified the Members, and I am sure they are watching if they are not here. They have been duly notified. I would be glad to notify ours again if the gentleman would like to do the same.

Mr. KANJORSKI. At 7:17 when I am about to speak, let the record show that there are less than 20 Members of Congress on either side of the aisle present in the Chamber.

Mr. Speaker, I am on the Democratic side, but I do not stand today as a Democrat. I stand today first and foremost as an American and secondly as a Member of one of the finest institutions I have ever had the opportunity to be a part of, the House of Representatives of the United States.

I come here with a heavy heart, because I have a tradition in this House that goes back to 1953. I am probably the only Member of this House that participated in the McCarthy hearings in the Senate and many of the un-American activity hearings of the House of Representatives in that period of time. I am here because many of my friends are on both sides of the aisle, and I think about this issue as an institutional issue. We are about to close the opportunity to protect or allow for the protection of privacy and individual rights of private citizens, one of the few interferences that I can imagine and one of the few protections that private citizens have had for the last 50 years before this House.

We know that in 1952, a request for noncoverage by television and radio was made and then-Speaker Sam Rayburn granted that permission. That was carried through the tradition of Joseph Martin as Speaker of this House in the 83d Congress; it was carried through into 1955 when another request was made and Sam Rayburn granted that request, that television and radio be turned off, and in every other respect a record and public appearance was had by that witness.

In 1957, because of that same question, of carrying open television and radio of a witness, there was actually one individual from California, a cancer researcher, that instead of being televised, took his life, because as he wrote in his note, he had a fierce resentment of being televised and he felt that he preferred death over being assassinated by publicity.

As a result of that act and the common rules of the House maintained by the precedents of Sam Rayburn, we folded into the reorganization rules of the House in 1970 a permanent right that an average American citizen, called upon to testify by a committee of this Congress involuntarily, through subpoena, would have the right to protect their privacy by not being displayed on tens of millions or hundreds of millions of television sets and heard on the airwaves the world over; that if they felt that their individual liberties would be impacted that way, they should have a right to assert a right not to be televised and not to be heard on radio.

Today, the Congress is about to strip that right away, even though I understand that in some instances it has been used and abused. I think an official of the United States Government should never have the right to assert this. I suggested to the chairman of the Committee on Rules that an amendment be in order that the person would have the right to assert the right of privacy and not be televised, but that two-thirds of the members of any investigating committee could overrule that right, and in any instance where a Cabinet officer, an official of this government were called, I would have been one of those two-thirds that would override that right.

But instead, by carte blanche, we are going to change the rule and say an individual involuntarily called to testify before this Congress, regardless of the significance or insignificance of their testimony, is going to have their privacy invaded to the extent that their picture and voice can travel the world over, when on the other hand, and I cited some of my friends on the other side, absolute hunting licenses for irresponsible Members of this body now and in the future, who can make any statement of fact in the presentation of their question and slander or libel that American citizen, who will have no recourse in law because we as Members of Congress are cloaked with absolute immunity in the actions on this House floor or in the committee. I think that unfairness is unforgivable and it is dastardly.

I will make the point, we are coming very close in this House to tyranny by the majority. Mr. Speaker, the Constitution of the United States and the laws of this land have not been written for the protection of the majority. They have their protection in a system of government such as ours. The Constitution and laws of this land are put into place to protect the minority. Sometimes that minority is just one individual who does not want to surrender his family, himself, his reputation to degradation from irresponsible statements or irresponsible publicity.

Before any Member on the Republican side or the Democratic side casts their vote, just remember that this is really an issue of individual rights in this country. We have life, liberty and the pursuit of happiness. We have already had one life taken because of this fear. The liberty now is at risk of a private citizen who just for any number of reasons, good or bad, may not want to subject his family or himself to the insult or the embarrassment of going public with any story. He may not want to be subjected or libeled in public by an irresponsible Member of Congress, or slandered. And we are going to do away with that right and give no recourse to our private citizens.

I think it is a sad day in the Congress of the United States when we, with all the might and power of the subpoena and all the might and power that is placed in us by our fellow citizens in the Constitution, feel that we must arm ourselves against the lowest of low individual, the single individual who may want to protect his right to privacy.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado, Mr. DAN SCHAEFER.

(By unanimous consent, Mr. DAN SCHAEFER of Colorado was allowed to speak out of order.)

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1173

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 1173.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

Mr. HYDE. I thank the gentleman for yielding me this time.

Mr. Speaker, a democracy depends on an informed electorate. If the information about how the government is being run or what the truth is about controversial issues is withheld from the public, from the people who are the ultimate governors in this representative democracy, we have a flawed democracy.

When we only permit the print media to cover hearings, to cover important testimony, we are depending then on the news as filtered through the bias, the space limitations, the concerns of the journalist to get the information. We deprive the public of the immediacy, the graphic, unvarnished, spin-free version of the truth by not letting them see with their own eyes. The Lucky Luciano rule is what this is, back in the old days when the big boys did not want their pictures on television, so they took pictures of their hands, as I recall, in the Kefauver committee.

But it just seems to me we have here a classic conflict of rights. One right is the right to privacy and the other is the right of the people to know. And in that conflict, they both cannot prevail. In my judgment, the right of the people to know is absolutely indispensable.

Yes, you can be abused. Yes, you can be slandered. You can be slandered in the print media, you can be slandered in conversations and certainly in campaigns. It seems to be the vogue. But I would hope in a committee made up of Democrats and Republicans, somebody would have the courage to defend the witness if somebody is being abusive.

I have seen Members of Congress be abusive to people. I have also seen them shut up and be told they are liars and give as good as they get and get as good as they give. I know if the gentleman from Massachusetts [Mr. MOAKLEY] were present or the gentleman from Pennsylvania [Mr. KANJORSKI] were present in a hearing and a witness was being abused, they would not stand for it, and the abuser would not come out unscathed.

This is not an easy question. This is a tough question. We have a conflict of rights, a conflict of interest. But it seems to me the paramount right is for the public to know, and they should not have to rely on the narrow availability, the judgment, the taste, the writing ability of print journalists. Not everybody can see those papers, not everybody reads the paper every day. But you put the good old C–SPAN on and you know what is going on. That is an advantage for democracy.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

This bill does not deprive the press in the room. Cameramen can be in the room, television men can be in the room. They just cannot use their devices. But they can reduce to writing what they hear. They can get pictures of the person going into the committee and coming out of the committee. The public's right to know is not stifled one iota here.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. I thank the gentleman for yielding me this time.

Mr. Speaker, I oppose this resolution because I believe it is necessary to give witnesses the right to protect their reputation by preventing TV cameras and print photographers from a hearing. I do so because of a hearing that took place last week which really magnified the irresponsibility and the improperness of the majority's conduct that the gentleman from Illinois [Mr. HYDE] just spoke of in structuring their oversight investigations.

The problem is not necessarily the rule but how are we going to apply it in our job as Members of the U.S. Congress. Every day the majority party wants new investigations. Every day we have more and more calls for investigations. What do you have when you have political people doing political investigations? You get more politics. We do not get to the truth of the matter but rather we get more and more politics. That is what investigation and oversight has been used for in this Congress with the new majority party.

I am a former law enforcement officer. I was trained to assure that the accused of a crime, that their behavior was based on facts that could prove the guilt or innocence of an individual. Unfortunately, the majority's standards are much lower than that of law enforcement, because the majority, and especially the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce, held a hearing, and there were leaks before we had the hearing and they promised with the leaks, to get the media there, that there would be a smoking gun that would have the fingerprints of the Vice President on it.

□ 1930

That was to get everybody to show up, and, lo and behold, we go up to the hearing, and we have a memo from the majority counsel once again saying we are having a hearing, that, quote, and I am going to quote from the memo by the majority party, there is no smoking gun which opens us up to partisan criticism for engaging in a witch hunt.

And that is exactly what they did. They said in the same memo that, we are going to make people come and testify under oath because, quote, it forces key players to deny allegations of misconduct under oath, and, I will quote again, it generates an enormous press opportunity for us, end of quote.

Mr. Speaker, 40 years ago, the same kind of tactics took place by a Senator from Wisconsin. He made a mockery of the congressional investigations and of Congress itself, just like we had last week after 21 hours of testimony, not one scintilla, not one scant of evidence of any wrongdoing, but these people were drawn before the TV cameras for 21 hours to deny their innocence.

The rule prohibiting the filming of testimony without the witness' consent was adopted in response to what happened 40 years ago. It should continue today because the same abuses occur by the majority party.

Mr. Speaker, we should not be holding hearings so that witnesses are forced to deny their innocence and for a press opportunity. I urge my colleagues to oppose this resolution and stand up for a fair investigatory process.

Mr. GOSS. Mr. Speaker, I yield to the gentleman from Alabama [Mr. CALLAHAN], the distinguished subcommittee chairman of the Committee on Appropriations.

CONFERENCE REPORT ON H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. CALLAHAN submitted the following conference report and statement on the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–401)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2159) "making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes," having met,

after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $683,000,000 to remain available until September 30, 2001: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until 2013 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1998 and 1999: Provided further, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $48,614,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1998.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $32,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $60,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1998 and 1999: Provided further, That such sums shall remain available through fiscal year 2006 for the disbursement of direct and guaranteed loans obligated in fiscal year 1998, and through fiscal year 2007 for the disbursement of direct and guaranteed loans obligated in fiscal year 1999: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $41,500,000, to remain available until September 30, 1999: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 1999, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1998, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $650,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; (7) up to $98,000,000 for basic education programs for children; and (8) a contribution on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of the Foreign Assistance Act of 1961.

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,210,000,000, to remain available until September 30, 1999: Provided, That of the amount appropriated under this heading, up to $22,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that Agency: Provided further, That of the amount appropriated under this heading, up to $14,000,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated

under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, not to exceed $2,500,000 shall be transferred to ''International Organizations and Programs'' for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That none of the funds made available under this heading may be used for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES).

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the ''Foreign Assistance and Related Programs Appropriations Act, 1985'' (as enacted in Public Law 98–473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

CYPRUS

Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $5,000,000 shall be made available to support activities in Burma, along the Burma-Thailand border, and for activities of Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CAMBODIA

None of the funds appropriated in this Act may be made available for the Government of Cambodia: Provided, That the restrictions under this heading shall not apply to humanitarian, demining or election-related programs or activities: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That 30 days after enactment of this Act, the President shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $190,000,000, to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961; of modifying concessional loans extended to least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended; and of modifying any obligation, or portion of such obligation for Latin American countries to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501); $27,000,000, to remain available until expended: Provided, That not to exceed $1,500,000 of such funds may be used for implementation of improvements in the foreign credit reporting system of the United States government.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 1999.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, including the cost of guaranteed loans designed to promote the urban and environmental policies and objectives of part I of such Act, $3,000,000, to remain available until September 30, 1999: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $6,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Central and Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the ''Foreign Service Retirement and Disability Fund'', as authorized by the Foreign Service Act of 1980, $44,208,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $473,000,000: Provided, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $29,047,000, to remain available until September 30, 1999, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,400,000,000, to remain available until September 30, 1999: Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for Jordan: Provided further, That of the funds made available under this heading in previous Acts making appropriations for foreign operations, export financing, and related programs, notwithstanding any provision in any such heading in such previous Acts, up to $116,000,000 may be allocated or made available for programs and activities under this heading including the Middle East Peace and Stability Fund: Provided further, That in carrying out the previous proviso, the President should seek to ensure to the extent feasible that not more than 1 percent of the amount specified in section 586 of this Act should be derived from funds that would otherwise be made available for any single country: Provided further, That funds provided for the Middle East Peace and Stability Fund by a country in the region under the

authority of section 635(d) of the Foreign Assistance Act of 1961, and funds made available for Jordan following the date of enactment of this Act from previous Acts making appropriations for foreign operations, export financing, and related programs, shall count toward meeting the earmark contained in the fourth proviso under this heading: Provided further, That up to $10,000,000 of funds under this heading in previous foreign operations, export financing, and related programs appropriations Acts that were reprogrammed for Jordan during fiscal year 1997 shall also count toward such earmark: Provided further, That, in order to facilitate the implementation of the fourth proviso under this heading, the requirement of section 515 of this Act or any similar provision of law shall not apply to the making available of funds appropriated for a fiscal year for programs, projects, or activities that were justified for another fiscal year: Provided further, That for fiscal year 1998 such portions of the notification required under section 653 of the Foreign Assistance Act of 1961 that relate to the Middle East may be submitted to the Congress as soon as practicable, but no later than March 1, 1998: Provided further, That during fiscal year 1998, of the local currencies generated from funds made available under this heading for Guatemala by this Act and prior Appropriations Acts, the United States and Guatemala may jointly program the Guatemala quetzales equivalent of a total of up to $10,000,000 for the purpose of retiring the debt owed by universities in Guatemala to the Inter-American Development Bank.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 1999.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $485,000,000, to remain available until September 30, 1999, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 532 of this Act shall apply.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

(g) Not to exceed $200,000,000 of the funds appropriated under this heading may be made available for Bosnia and Herzegovina exclusive of assistance for police training.

(h) Not to exceed $7,000,000 of the funds made available for Bosnia and Herzegovina may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees for said country.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $770,000,000, to remain available until September 30, 1999: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be made available to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment;

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures; and

(3) funds may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(c) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian and refugee relief.

(d) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining, or nonproliferation programs.

(e) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(f) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(g) Funds appropriated under title II of this Act, including funds appropriated under this heading, may be made available for assistance for Mongolia: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under this heading or in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(i) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(j)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of Russia, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Notwithstanding paragraph (1) assistance may be provided for the Government of Russia if the President determines and certifies to the Committees on Appropriations that making such funds available (A) is vital to the national security interest of the United States, and (B) that the Government of Russia is taking meaningful steps to limit major supply contracts and to curtail the transfer of technology and technological expertise related to activities referred to in paragraph (1).

(k) Of the funds appropriated under this heading, not less than $225,000,000 shall be made available for Ukraine, which sum shall be provided with the understanding that Ukraine will undertake significant economic reforms which are additional to those which were undertaken

in the previous fiscal year: Provided, That 50 percent of the amount made available in this subsection, exclusive of funds made available for election related initiatives and nuclear reactor safety activities, shall be withheld from obligation and expenditure until the Secretary of State determines and certifies no later than April 30, 1998, that the Government of Ukraine has made significant progress toward resolving complaints made by United States investors to the United States embassy prior to April 30, 1997: Provided further, That funds made available under this subsection, and funds appropriated for Ukraine in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 as contained in Public Law 104–208 shall be made available to complete the preparation of safety analysis reports at each nuclear reactor in Ukraine over the next three years.

(l) Of the funds appropriated under this heading, not less than $250,000,000 shall be made available for assistance for the Southern Caucasus region: Provided, That of the funds provided under this subsection 37 percent shall be made available for Georgia and 35 percent shall be made available for Armenia: Provided further, That of the funds made available for the Southern Caucasus region, 28 percent should be used for reconstruction and remedial activities relating to the consequences of conflicts within the region, especially those in the vicinity of Abkhazia and Nagorno-Karabakh: Provided further, That if the Secretary of State after May 30, 1998, determines and reports to the relevant Committees of Congress that the full amount of reconstruction and remedial funds that may be made available under the previous proviso cannot be effectively utilized, up to 62.5 percent of the amount provided under the previous proviso for reconstruction and remediation may be used for other purposes under this heading.

(m) Funds provided under the previous subsection shall be made available for humanitarian assistance for refugees, displaced persons, and needy civilians affected by the conflicts in the Southern Caucasus region, including those in the vicinity of Abkhazia and Nagorno-Karabakh, notwithstanding any other provision of this or any other Act.

(n) Funds made available under this Act or any other Act may not be provided for assistance to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh: Provided, That the restriction of this subsection and section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421); and

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity.

(o) None of the funds appropriated under this heading or in prior appropriations legislation may be made available to establish a joint public-private entity or organization engaged in the management of activities or projects supported by the Defense Enterprise Fund.

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $222,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1999.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $215,000,000: Provided, That during fiscal year 1998, the Department of State may also use the authority of section 608 of the Act, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That not later than sixty days after the date of enactment of this Act, the Secretary of State in consultation with the Director of the Office of National Drug Control Policy shall submit a report to the Committees on Appropriations containing: (1) a list of all countries in which the United States carries out international counter-narcotics activities; (2) the number, mission and agency affiliation of United States personnel assigned to each such country; and (3) all costs and expenses obligated for each program, project or activity by each United States agency in each country: Provided further, That of the amount made available under this heading not to exceed $5,000,000 shall be allocated to operate the Western Hemisphere International Law Enforcement Academy: Provided further, That 10 percent of the funds appropriated under this heading shall not be available for obligation until the Secretary of State submits a report to the Committees on Appropriations providing a financial plan for the funds appropriated under this heading and under the heading "Narcotics Interdiction".

NARCOTICS INTERDICTION

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $15,000,000, to remain available until expended, in addition to amounts otherwise available for such purposes, which shall be available for assistance, including procurement, for support of air drug interdiction and eradication and other related purposes: Provided, That funds appropriated under this heading shall be made available subject to the regular notification procedures of the Committee on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $650,000,000: Provided, That not more than $12,000,000 shall be available for administrative expenses: Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

REFUGEE RESETTLEMENT ASSISTANCE

For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $5,000,000.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $133,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO): Provided, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That not to exceed $30,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: Provided further, That such funds may be obligated to KEDO only if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that: (1)(A) the parties to the Agreed Framework are taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with the other provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors and that such canning and safe storage is scheduled to be completed by April 1, 1998; and (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended: Provided further, That the President may waive the certification requirements of the

preceding proviso if the President determines that it is vital to the national security interests of the United States: Provided further, That no funds may be obligated for KEDO until thirty calendar days after submission to Congress of the waiver permitted under the preceding proviso: Provided further, That the obligation of any funds for KEDO shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of the Korean Peninsula Energy Development Organization, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities: Provided further, That of the funds made available under this heading, up to $10,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO), in addition to funds otherwise made available under this heading for KEDO, if the Secretary of State certifies and reports to the Committees on Appropriations that, except for the funds made available under this proviso, funds sufficient to cover all outstanding debts owed by KEDO for heavy fuel oil have been provided to KEDO by donors other than the United States.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading may be made available to support grant financed military education and training at the School of the Americas unless: (1) the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel; (2) the Secretary of Defense certifies that the Secretary of State, in consultation with the Secretary of Defense, has developed and issued specific guidelines governing the selection and screening of candidates for instruction at the School of the Americas; and (3) the Secretary of Defense submits to the Committees on Appropriations a report detailing the training activities of the School of the Americas and a general assessment regarding the performance of its graduates during 1996.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,296,550,000: Provided, That of the funds appropriated under this heading, not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 shall be available for assistance for Jordan: Provided further, That during fiscal year 1998 the President is authorized to, and shall, direct drawdowns of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $25,000,000 under the authority of this proviso for Jordan for the purposes of part II of the Foreign Assistance Act of 1961, and any amount so directed shall count toward meeting the earmark in the previous proviso: Provided further, That section 506(c) of the Foreign Assistance Act of 1961 shall apply, and section 632(d) of the Foreign Assistance Act of 1961 shall not apply, to any such drawdown: Provided further, That of the funds appropriated by this paragraph, a total of $18,300,000 should be available for assistance for Estonia, Latvia, and Lithuania: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That $50,000,000 of the funds appropriated or otherwise made available under this heading should be made available for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $60,000,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $657,000,000: Provided further, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: Provided further, That funds appropriated under this paragraph shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $105,000,000 only for Greece and $150,000,000 only for Turkey.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $23,250,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That none of the funds under this heading shall be available for Guatemala: Provided further, That not more than $350,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1998 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $77,500,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $47,500,000, to remain available until September 30, 1999.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,034,503,100, to remain available until expended, of which $234,503,100 shall be available

to pay for the tenth replenishment: Provided, That none of the funds may be obligated or made available until the Secretary of the Treasury certifies to the Committees on Appropriations that procurement restrictions applicable to United States firms under the terms of the Interim Trust Fund have been lifted from all funds which Interim Trust Fund donors proposed to set aside for review of procurement restrictions at the conclusion of the February 1997 IDA Deputies Meeting in Paris.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667, and for the United States share of the increase in the resources of the Fund for Special Operations, $20,835,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $30,000,000 to remain available until expended, which shall be available for contributions previously due.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $150,000,000, of which $50,000,000 shall be available for contributions previously due, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $45,000,000, to remain available until expended and which shall be available for contributions previously due.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $56,500,000, to remain available until expended of which $250,000 shall be available for contributions previously due: Provided, That none of the funds appropriated under this heading that are made available for the Community Adjustment and Investment Program shall be used for purposes other than those set out in the binational agreement establishing the Bank: Provided further, That of the amount appropriated under this heading, not more than $41,250,000 may be expended for the purchase of such capital shares in fiscal year 1998.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not to exceed $318,750,000.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $192,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $25,000,000 of the funds appropriated under this heading may be made available to UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1998, and that no later than February 15, 1998, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1998: Provided further, That any amount UNFPA plans to spend in the People's Republic of China in 1998 shall be deducted from the amount of funds provided to UNFPA after March 1, 1998, pursuant to the previous provisos: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA): Provided further, That not less than $4,000,000 should be made available to the World Food Program.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, as amended, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Antiterrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination

of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1998, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1998.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua and Liberia, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Disease Programs Fund", "Development Assistance", "International organizations and programs", "Trade and Development Agency", "International narcotics control", "Narcotics Interdiction", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, anti-terrorism, demining and related programs", "Foreign Military Financing Program", "International military education and training", "Peace Corps", "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: Provided, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1999.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

REPORTING REQUIREMENT

SEC. 519. Section 25 of the Arms Export Control Act is amended—

(1) in subsection (a), by striking "Congress" and inserting in lieu thereof "appropriate congressional committees";

(2) in subsection (b), by striking "the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives" and inserting in lieu thereof "any of the congressional committees described in subsection (e)"; and

(3) by adding the following subsection:

"(e) As used in this section, the term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.".

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, Haiti, Liberia, Pakistan, Panama, Peru, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, basic education, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival, and basic education activities, and activities relating to research on, and the treatment and control of acquired immune deficiency syndrome in developing countries: Provided, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1997" and inserting in lieu thereof "1998".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 530. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part

II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 535. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

EXTENSION OF AUTHORITY TO OBLIGATE FUNDS TO CLOSE THE SPECIAL DEFENSE ACQUISITION FUND

SEC. 536. Title III of Public Law 103–306 is amended under the heading "Special Defense Acquisition Fund" by striking "1998" and inserting "2000".

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 537. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 538. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 539. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia and Herzegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 540. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing; and

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 541. (a) Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a) for Bolivia, Colombia, and Peru may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 542. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 and 11 of part I, and chapter 4 of part II, of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1998, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 543. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 544. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 545. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: Provided, That not to exceed $500,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 546. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the Sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 547. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 548. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 549. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 550. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance.

Any such report shall include a detailed explanation of the assistance estimated to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 551. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 552. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 553. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $25,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That sixty days after the date of enactment of this Act, and every one hundred eighty days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

LANDMINES

SEC. 554. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That not later than 90 days after the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit a report to the Committees on Appropriations describing potential alternative technologies or tactics and a plan for the development of such alternatives to protect anti-tank mines from tampering in a manner consistent with the "Convention on the Prohibition, Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction".

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 555. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 556. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

EQUITABLE ALLOCATION OF FUNDS

SEC. 557. Not more than 18 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 558. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act;

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 559. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation

would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 560. (a) AUTHORIZATIONS.—The Secretary of the Treasury may, to fulfill commitments of the United States: (1) effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) $285,772,500 for paid-in capital, and $984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) $1,600,000,000 for the International Development Association; (3) $400,000,000 for the Asian Development Fund; and (4) $76,832,001 for paid-in capital, and $4,511,156,729 for callable capital of the Inter-American Development Bank in connection with the eighth general increase in the resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.

(b) CONSIDERATION OF ENVIRONMENTAL IMPACT OF INTERNATIONAL FINANCE CORPORATION LOANS.—Section 1307 of the International Financial Institutions Act (Public Law 95–118) is amended as follows:

(1) in subsection (a)(1)(A) strike "borrowing country" and insert in lieu thereof "borrower";

(2) in subsection (a)(2)(A) strike "country"; and

(3) at the end of Section 1307, add a new subsection as follows:

"(g) For purposes of this section, the term 'multilateral development bank' means any of the institutions named in Section 1303(b) of this Act, and the International Finance Corporation.".

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to use the voice and vote of the United States to strongly encourage their respective institutions to—

(1) provide timely public information on procurement opportunities available to United States suppliers, with a special emphasis on small business; and

(2) systematically consult with local communities on the potential impact of loans as part of the normal lending process, and expand the participation of affected peoples and nongovernmental organizations in decisions on the selection, design and implementation of policies and projects.

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

SEC. 561. (a) BILATERAL ASSISTANCE.—The President is authorized to withhold funds appropriated by this Act under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which knowingly grants sanctuary to persons in its territory for the purpose of evading prosecution, where such persons—

(1) have been indicted by the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law; or

(2) have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government; or

(D) any government which was an ally of the Nazi government of Germany.

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 562. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Haiti unless the President reports to Congress that the Government of Haiti—

(1) is conducting thorough investigations of extrajudicial and political killings;

(2) is cooperating with United States authorities in the investigations of political and extrajudicial killings;

(3) has substantially completed privatization of (or placed under long-term private management or concession) at least three major public enterprises; and

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights.

(b) EXCEPTIONS.—The limitation in subsection (a) does not apply to the provision of humanitarian, electoral, counter-narcotics, or law enforcement assistance.

(c) WAIVER.—The President may waive the requirements of this section on a semiannual basis if the President determines and certifies to the appropriate committees of Congress that such waiver is in the national interest of the United States.

(d) PARASTATALS DEFINED.—As used in this section, the term "parastatal" means a government-owned enterprise.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 563. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1997.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 564. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

ASSISTANCE TO TURKEY

SEC. 565. (a) Not more than $40,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available for Turkey.

(b) Of the funds made available under the heading "Economic Support Fund" for Turkey, not less than fifty percent of these funds shall be made available for the purpose of supporting private nongovernmental organizations engaged in strengthening democratic institutions in Turkey, providing economic assistance for individuals and communities affected by civil unrest, and supporting and promoting peaceful solutions and economic development which will contribute to the settlement of regional problems in Turkey.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 566. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF CROATIA

SEC. 567. None of the funds appropriated or otherwise made available by title II of this Act may be made available to the Government of Croatia to relocate the remains of Croatian Ustashe soldiers, at the site of the World War II concentration camp at Jasenovac, Croatia.

BURMA LABOR REPORT

SEC. 568. Not later than one hundred twenty days after enactment of this Act, the Secretary of Labor in consultation with the Secretary of State shall provide to the Committees on Appropriations a report addressing labor practices in Burma.

HAITI

SEC. 569. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 570. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice so funds to the unit may be resumed.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 571. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the United States expects that the items will not be used in East Timor: Provided, That nothing in this section shall be construed to limit Indonesia's inherent right to legitimate national self-defense as recognized under the United Nations Charter and international law.

TRANSPARENCY OF BUDGETS

SEC. 572. Section 576(a)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended to read as follows:

"(1) does not have in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces and security forces;".

Section 576(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended to read as follows:

"(2) has not provided to the institution information about the audit process requested by the institution.".

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 573. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or canton described in subsection (d).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (d).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (d), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the U.S. position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or canton and a nonsanctioned contiguous country, entity, or canton, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or canton and if the portion of the project located in the sanctioned country, entity, or canton is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by U.S. armed forces that promote good relations between such forces and the officials and citizens of the areas in the U.S. SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement; or

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity.

(2) FURTHER LIMITATIONS.—Notwithstanding paragraph (1)—

(A) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or canton described in subsection (d), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(B) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or canton described in subsection (d) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(d) SANCTIONED COUNTRY, ENTITY, OR CANTON.—A sanctioned country, entity, or canton described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(e) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or canton upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (e)(1), the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(f) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or canton have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(g) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term ''country'' means Bosnia-Herzegovina, Croatia, and Serbia-Montenegro (Federal Republic of Yugoslavia).

(2) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina and the Republika Srpska.

(3) CANTON.—The term ''canton'' means the administrative units in Bosnia and Herzegovina.

(4) DAYTON AGREEMENT.—The term ''Dayton Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(5) TRIBUNAL.—The term ''Tribunal'' means the International Criminal Tribunal for the Former Yugoslavia.

(h) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this subsection, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefitting from any financial or technical assistance or grants provided to any country or entity described in subsection (d).

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

SEC. 574. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 1997'' and inserting ''1997, and 1998''; and

(B) in subsection (e), by striking ''October 1, 1997'' each place it appears and inserting ''October 1, 1998''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''September 30, 1997'' and inserting ''September 30, 1998''.

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 575. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: ''and $60,000,000 for fiscal year 1998''.

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: ''Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.''.

DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES

SEC. 576. Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: '', including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.''.

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT IMPLEMENT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 577. (a) None of the funds appropriated under this Act may be made available for the Government of the Russian Federation unless within 30 days of the date this section becomes effective the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

(b) This section shall become effective one hundred fifty days after the enactment of this Act.

U.S. POLICY REGARDING SUPPORT FOR COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

SEC. 578. (a) FINDINGS.—Congress makes the following findings:

(1) The ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political and economic ties between countries of the South Caucasus and Central Asia and the West will foster stability in the region.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asia will provide positive incentives for international private investment, increased trade, and other forms of commercial interactions with the rest of the world.

(5) The Caspian Sea Basin, overlapping the territory of the countries of the South Caucasus and Central Asia, contains proven oil and gas reserves that may exceed $4,000,000,000,000 in value.

(6) The region of the South Caucasus and Central Asia will produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence of the countries of the South Caucasus and Central Asia.

(b) GENERAL.—The policy of the United States in the countries of the South Caucasus and Central Asia should be—

(1) to promote sovereignty and independence with democratic government;

(2) to assist actively in the resolution of regional conflicts;

(3) to promote friendly relations and economic cooperation;

(4) to help promote market-oriented principles and practices;

(5) to assist in the development of infrastructure necessary for communications, transportation, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(6) to support United States business interests and investments in the region.

(c) DEFINITION.—In this section, the term ''countries of the South Caucasus and Central Asia'' means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

PAKISTAN

SEC. 579. (a) OPIC.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting '', or Pakistan'' after ''China''.

(b) TRADE AND DEVELOPMENT.—It is the sense of Congress that the Director of the Trade and Development Agency should use funds made available to carry out the provisions of section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to promote United States exports to Pakistan.

REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS

SEC. 580. The President shall provide to the Congress a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international, for fiscal year 1997, planned obligations for such activities in fiscal year 1998, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than November 15, 1997.

AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING

SEC. 581. (a) IN GENERAL.—Section 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) by striking paragraphs (1) and (2)(A) and inserting the following:

''(1) INSURANCE AND FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234 (b) and (c), shall not exceed in the aggregate $29,000,000,000.'';

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by amending paragraph (2) (as so redesignated) by striking ''September 30, 1997'' and inserting ''September 30, 1999''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 235(a) of that Act (22 U.S.C. 2195(a)), as redesignated by subsection (a), is further amended by striking ''(a) and (b)'' and inserting ''(a), (b), and (c)''.

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 582. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act

shall be withheld from obligation and expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

(c) WAIVER.—Funds may be provided for a country without regard to subsection (a) if the President determines that to do so is in the national security interest of the United States.

WAR CRIMES PROSECUTION

SEC. 583. Section 2401 of title 18, United States Code (Public Law 104–192; the War Crimes Act of 1996) is amended as follows—

(1) in subsection (a), by striking "grave breach of the Geneva Conventions" and inserting "war crime";

(2) in subsection (b), by striking "breach" each place it appears and inserting "war crime"; and

(3) so that subsection (c) reads as follows:

"(c) DEFINITION.—As used in this section the term 'war crime' means any conduct—

"(1) defined as a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party;

"(2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907;

"(3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party and which deals with non-international armed conflict; or

"(4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians.".

INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAMS FOR LATIN AMERICA

SEC. 584. (a) EXPANDED IMET.—The Secretary of Defense, in consultation with the Secretary of State, should make every effort to ensure that approximately 30 percent of the funds appropriated in this Act for "International Military Education and Training" for the cost of Latin American participants in IMET programs will be disbursed for the purpose of supporting enrollment of such participants in expanded IMET courses.

(b) CIVILIAN PARTICIPATION.—The Secretary of State, in consultation with the Secretary of Defense, should identify sufficient numbers of qualified, non-military personnel from countries in Latin America so that approximately 25 percent of the total number of individuals from Latin American countries attending United States supported IMET programs and the Center for Hemispheric Defense Studies at the National Defense University are civilians.

(c) REPORT.—Not later than twelve months after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall report in writing to the appropriate committees of the Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next three fiscal years.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 585. None of the funds appropriated or otherwise made available by this Act may be provided to the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Congress that the central Government of the Democratic Republic of Congo is cooperating fully with investigators from the United Nations in accounting for human rights violations committed in the Democratic Republic of Congo or adjacent countries.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 586. Of the funds appropriated by this Act under the headings "Economic Support Fund", "Foreign Military Financing", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", not more than a total of $5,402,850,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: Provided, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of enactment of this Act obligated or allocated for other recipients may not during fiscal year 1998 be made available for activities that, if funded under this Act, would be required to count against this ceiling: Provided further, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

AGRICULTURE

SEC. 587. The first proviso of subsection (k) under the heading "Assistance for the New Independent States of the Former Soviet Union" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended by striking "not less than" and inserting in lieu thereof "up to".

ENTERPRISE FUND RESTRICTIONS

SEC. 588. Section 201(l) of the Support for East European Democracy Act (22 U.S.C. 5421(l)) is amended to read as follows:

"(l) LIMITATION ON PAYMENTS TO ENTERPRISE FUND PERSONNEL.—

"(1) No part of the funds of an Enterprise Fund shall inure to the benefit of any board member, officer, or employee of such Enterprise Fund, except as salary or reasonable compensation for services subject to paragraph (2).

"(2) An Enterprise Fund shall not pay compensation for services to—

"(A) any board member of the Enterprise Fund, except for services as a board member; or

"(B) any firm, association, or entity in which a board member of the Enterprise Fund serves as partner, director, officer, or employee.

"(3) Nothing in paragraph (2) shall preclude payment for services performed before the date of enactment of this subsection nor for arrangements approved by the grantor and notified in writing to the Committees on Appropriations.".

CAMBODIA

SEC. 589. The Secretary of the Treasury should instruct the United States Executive Directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 590. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1998 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

SEC. 591. For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees in support of the development objectives of the Foreign Assistance Act of 1961 (FAA), up to $7,500,000, which amount may be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and funds appropriated by this Act under the heading "Assistance for Eastern Europe and the Baltic States", to remain available until expended: Provided, That up to $500,000 of the funds appropriated by this Act under the heading "Operating Expenses of the Agency for International Development" may be made available for administrative expenses to carry out such programs: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to development credit authority) of the Foreign Assistance Act of 1961, as added by section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this paragraph: Provided further, That direct loans or loan guarantees under this paragraph may not be provided until the Director of the Office of Management and Budget has certified to the Committees on Appropriations that the Agency for International Development has established a credit management system capable of effectively managing the credit programs funded under this heading, including that such system: (1) can provide accurate and timely provision of loan and loan guarantee data; (2) contains information control systems for loan and loan guarantee data; (3) is adequately staffed; and (4) contains appropriate review and monitoring procedures.

AUTHORIZATION FOR POPULATION PLANNING

SEC. 592. (a) Not to exceed $385,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance.

(b) Such funds may be apportioned only on a monthly basis, and such monthly apportionments may not exceed 8.34 percent of the total available for such activities.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998".

And the Senate agree to the same.

SONNY CALLAHAN,
JOHN EDWARD PORTER,
RON PACKARD,
JOE KNOLLENBERG,
MIKE FORBES,
JACK KINGSTON,
R.P. FRELINGHUYSEN,
BOB LIVINGSTON,
NANCY PELOSI,
SIDNEY R. YATES,
NITA M. LOWEY,
ESTEBAN E. TORRES,
DAVID OBEY,
Managers on the Part of the House.
MITCH MCCONNELL,
ARLEN SPECTER,

JUDD GREGG,
RICHARD SHELBY,
R.F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
TED STEVENS,
THAD COCHRAN,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
FRANK R. LAUTENBERG,
TOM HARKIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

The conference agreement appropriates $683,000,000 for the subsidy appropriation of the Export-Import Bank instead of $632,000,000 as proposed by the House and $700,000,000 as proposed by the Senate. The appropriations are available for four years, and the level provided anticipates significant participation by the Eximbank in the Partnership for Freedom.

The conferees note that the Administration requested authority to transfer funds from "Assistance for the New Independent States of the Former Soviet Union" to this account, and that the Senate had provided transfer authority of up to $22,000,000 for that purpose. The conference agreement, instead, provides significant funding above the request for Eximbank, without reserving any specific amount for the New Independent States. The conferees expect that Eximbank will coordinate its activity in the region with the Special Advisor to the President and the Secretary of State on Assistance to the New Independent States.

Authority is provided as proposed by the Senate for up to $50,000,000 to be used for tied aid grants, and funds designated in this or prior Acts for tied aid grants may be used for other purposes, subject to notification.

A one year extension of the Export-Import Bank's basic authority is included in title V.

EXPORT-IMPORT BANK OF THE UNITED STATES

ADMINISTRATIVE EXPENSES

The conference agreement appropriates $48,614,000 for administrative expenses of the Export-Import Bank as proposed by the House instead of $46,614,000 as proposed by the Senate.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PROGRAM ACCOUNT

The conference agreement appropriates $60,000,000 for program expenses of the Overseas Private Investment Corporation (OPIC) as proposed by the Senate. The House bill contained no provision on this matter.

The conference agreement also extends the authorization for OPIC for two years, in section 581, and allows the agency to combine its existing statutory ceilings on financing and insurance within an overall credit ceiling of $29,000,000,000 as proposed by the Senate.

The managers are concerned about the viability of projects supported by OPIC in Gaza, and direct OPIC to move expeditiously and report to the Committees no later than December 15, 1997 on its efforts to resolve claims and defaulted investments that the Executive branch encouraged to locate in Gaza.

TRADE AND DEVELOPMENT AGENCY

The conference agreement appropriates $41,500,000 for the Trade and Development Agency instead of $43,000,000 as proposed by the Senate and $40,000,000 as proposed by the House.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

The conference agreement appropriates $650,000,000 as proposed by the House. The Senate bill contained no provision on this matter. The managers agree with the House report language regarding the use of the funds appropriated under this heading, including $100,000,000 for a grant to UNICEF and $25,000,000 for polio eradication. The grant for UNICEF does not preclude AID from providing additional funding for specific UNICEF projects as may be applicable.

The managers also concur with House and Senate report language on infectious diseases. An increase of $50,000,000 is to be made available from funds under this heading to strengthen global surveillance and control of infectious diseases as proposed by the House instead of an increase of $30,000,000 as proposed by the Senate in bill language under "Development Assistance".

The total amount available for infectious diseases in fiscal year 1998 should be $207,000,000, consisting of $121,000,000 for HIV/AIDS, $50,000,000 for this new initiative, and the balance from funds to combat infectious diseases derived from sources other than funding for Child Survival activities.

In implementing programs, projects, and activities to combat infectious diseases, the conferees agree with the Senate report language and expect AID to consult closely with the Appropriations Committees, the National Institute of Allergy and Infectious Diseases of the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), and other relevant agencies involved in international health issues, including the World Health Organization (WHO).

The funding increase should be used for programs, projects, and activities for the prevention and control of such infectious diseases as tuberculosis, malaria, yellow fever, acute respiratory infections, and diseases that are resistant to antimicrobial drugs.

The conferees strongly encourage support for the Global Tuberculosis Initiative, which is to be coordinated by the World Health Organization (WHO) with support and input from the U.S. Centers for Disease Control and the Agency for International Development. Funds should be used in support of the initiative to provide assistance in Eastern Europe and Russia and other WHO identified "hot zones"—Mexico, Vietnam, the Philippines and Central America—for implementation of the Directly Observed Treatment Strategy (DOTS); as bridge funds to purchase fixed-dose combination anti-TB drugs; to strengthen monitoring and surveillance of tuberculosis and drug-resistant tuberculosis; to provide technical support to limit drug-resistant tuberculosis hot zones; and to enhance information dissemination, education, and research programs. In addition, the conferees support the plan for a regional tuberculosis control initiative proposed by the Gorgas Memorial Institute and recommend that $2,000,000 be made available for this activity in Latin America and Southeast Asia. Finally, the conferees urge AID to consult closely with any nongovernmental organizations (NGO's) with demonstrated expertise and long-standing experience in international tuberculosis control as funds in the area of TB control are obligated.

The conferees intend that a total of $121,000,000 shall be made available for both bilateral and multilateral HIV/AIDS prevention and control programs. The conferees recommend that funding through nongovernmental and private voluntary organizations operating at the community level be maximized, and that U.S. funding for UNAIDS be maintained. The conferees expect that the United States will continue to build upon its leadership role in combating this pandemic.

The conferees recommend that $98,000,000 be provided for basic education programs. The conferees support the use of basic education funds to address the educational needs of children who are in or have been subjected to situations of hazardous and exploitative labor.

The conferees support the Senate report language regarding the International Foundation for Education and Self-Help (IFESH).

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $1,210,000,000 for "Development Assistance" instead of $1,167,000,000 as proposed by the House and $1,358,093,020 as proposed by the Senate.

The conference agreement includes language from the Senate amendment which inserts authority to obligate funds pursuant to title V of the International Security and Development Cooperation Act of 1980 (African Development Foundation), and section 401 of the Foreign Assistance Act of 1969 (Inter-American Foundation) under this heading. The conference agreement provides authority apportioning directly up to $22,000,000 for the Inter-American Foundation and up to $14,000,000 for the African Development Foundation. The Senate provided allocations for these two foundations at levels of $20,000,000 and $11,500,000, respectively. The House bill had provided separate appropriations accounts for the foundations, together with authority to provide grants to the foundations under "Development Assistance".

The conferees support the House report language regarding the funding levels for Latin America and the Caribbean and for sub-Saharan Africa. The conferees also note that sub-Saharan Africa is undergoing major transitions that require creative and nontraditional approaches to dealing with fundamental development issues.

Institution-building and capacity-building are the most pressing problems that need to be addressed by AID programs in Africa. Therefore the conferees are concerned that large non-project assistance programs (NPA), such as the one currently being funded for Malawi (which has received nearly $700,000,000 in AID resources since 1962), could perpetuate aid dependencies. The conferees request that AID undertake a thorough review of such assistance programs to determine whether or not current AID strategies are consistent with building self-reliance, and to report to the Committees on Appropriations on the results of such review by March 1, 1998. In addition, the conferees request that AID include a summary of proposed NPA by country in the fiscal year 1999

budget request, including an indication for the reason such assistance is being proposed in lieu of assistance to build institutions and country-capacity and whether past NPA has resulted in higher economic growth and a decrease in development dependence.

The conferees concur with the House report language encouraging AID to utilize funds made available for nongovernmental organizations in southern and eastern Sudan outside government control to include capacity building activities in addition to traditional disaster relief programs.

The conferees agree with language in the House report that expresses concern over the decline in recent years of budgetary resources that have been made available for international agriculture development assistance. The decline of this important segment of U.S. assistance, together with the corresponding decline in the number of international agriculture experts at AID and the State Department, should be reversed. The conferees also strongly support funding for collaborative research support programs (CRSP's).

The conference agreement also includes language allowing not to exceed $2,500,000 to be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD). The Senate amendment contained similar language. The House bill contained no provision on this matter. The conferees note that IFAD has many years of experience in working with smallholder farmers, and in microenterprise development, to alleviate poverty and hunger among the rural poor. Many of AID's goals and program initiatives are similar to those of IFAD. The conferees encourage AID to examine how it could work more closely with IFAD.

The conferees direct that not less than $500,000 shall be made available for support of the United States Telecommunications Training Institute, in accordance with information received from the Agency for International Development. This organization provides valuable communications and broadcast training to professionals around the world. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The conference agreement does not contain Senate language requiring that not less than $15,000,000 shall be available only for the American Schools and Hospitals Abroad (ASHA) program. However, the managers direct the Agency for International Development to fully uphold its commitment to the Appropriations Committees to obligate at least $15,000,000 for the American Schools and Hospitals Abroad program in fiscal year 1998.

The conference agreement recommends $14,000,000 for AID's Office of Women in Development, and the managers encourage AID to undertake the institutional changes needed to expand support for women in development and to provide appropriate support for the Girls' and Womens' Education Initiative.

The conferees note the contribution of the Leahy War Victims Fund in assisting war victims in over a dozen countries since its inception in 1989. Recently, world attention has focused increasingly on the problem of landmines, and the need for additional funds for the care and rehabilitation, including social and economic reintegration, of landmine victims. Accordingly, the conferees recommend that up to $7,500,000 be made available for such activities.

The conference agreement also includes Senate language to allow not to exceed $25,000 for oversight of assistance programs for displaced and orphaned children and victims of war.

The conference agreement also deletes Senate language requiring that not less than 65 percent of the funds made available for family planning assistance shall be made available directly to the agency's central Office of Population. However, the managers strongly support AID's central population office, which plays a vital role in AID's efforts to stabilize global population growth rates.

The managers agree with the Senate report language on microenterprise regarding poverty lending programs, including the allocation of $135,000,000 for such purposes.

The managers strongly support the fertilizer-related research and development being conducted by the International Fertilizer Development Center (IFDC) and direct the Administrator of AID to make at least $3,000,000 available for the core grant to IFDC.

The conference agreement prohibits funds from being made available for any activity in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES).

The conferees recognize the importance of commercial law reform in the Caribbean as an essential part of future business development and increased trade between the United States and the region, and strongly support the business facilitation activities undertaken by the Caribbean Law Institute.

The conferees endorse the House report language on proposed cooperation between AID and the National Aeronautics and Space Administration, including the establishment of a collaboration with NASA's Global Hydrology and Climate Center.

The conferees recognize that the volunteers of the International Executive Service Corps (IESC) promote the long-term interests of the United States by creating new businesses, increasing employment, and raising living standards. Therefore the conferees strongly urge AID to provide IESC with grant funds at a level comparable with fiscal year 1997 to ensure the continued availability of their services worldwide, and an additional amount to enable the organization to renew activities in Latin America and the Caribbean.

The conferees support the scholarship programs known as the Cooperative Association States for Scholarships (CASS) and expect AID to continue funding for this program at the same level provided in fiscal year 1997.

The conferees also support the continuation of AID's programs in Yemen, which are helping that country make the transition to democracy.

POPULATION, DEVELOPMENT ASSISTANCE

The conference agreement deletes Senate language proposing a separate appropriations account of $435,000,000 for development assistance population activities. The funding for such activities is provided as part of the "Development Assistance" account in the conference agreement.

PRIVATE AND VOLUNTARY ORGANIZATIONS

The conference agreement includes language from the Senate amendment providing that funds appropriated under title II of this Act should be made available to private and voluntary organizations (PVO's) at a level which is at least equivalent to the level provided in fiscal year 1995. The House bill included similar language.

CYPRUS

The conference agreement includes Senate language providing that not less than $15,000,000 of the funds appropriated under "Development Assistance" and "Economic Support Fund" be made available for Cyprus, to be used only for scholarships, administrative support, bicommunal projects, and measures aimed at reunification of the island. The House bill contained no provision on this matter.

BURMA

The conference agreement includes a total of $5,000,000 from "Development Assistance" and "Economic Support Fund" to support democracy and humanitarian programs in Burma. Such funds may be made available notwithstanding any other provision of law and are subject to notification. The Senate amendment specified the uses for the funds and the funding source was limited to "Development Assistance". The House bill contained no provision on this matter.

The conferees have provided assistance to support activities designed to restore democracy in Burma and to provide humanitarian programs for Burmese exiles and refugees. The assistance has been provided to underscore U.S. support for Aung San Suu Kyi and her supporters.

The conferees note strong concern about the severe restrictions imposed on Aung San Suu Kyi. Although not under formal arrest, she is unable to move about freely and visitors must be approved by the State Law and Order Restoration Council. As a result, family, friends, associates, journalists and advocates for restoring her to office have been denied access. In addition, she has drawn public attention to the continuation of a campaign of violence, intimidation and terror being waged against her party members with the goal of destroying the democratic opposition.

The conferees expect that not less than $3,000,000 of the funds made available for Burma be provided to support democracy activities and $2,000,000 be provided to support humanitarian initiatives along Burma's borders. The conferees oppose any expenditure of funds in Burma.

GUATEMALA CLARIFICATION COMMISSION

The conference agreement does not include language from the Senate amendment providing that not less than $1,000,000 shall be made available to support the Guatemala Clarification Commission. The House bill did not address this matter.

The conferees support the provision of sufficient funds to enable the commission to complete its work, and urge the Department of State to closely monitor the commission's resource needs and to seek additional support from other donors.

CAMBODIA

The conference agreement includes language prohibiting funds for the Government of Cambodia, except for support for demining, humanitarian assistance, and elections. In addition, the conference agreement includes a provision similar to that in the Senate amendment requiring a report from the President on the results of the investigation of the Federal Bureau of Investigation into the bombing attack in Phnom Penh of March 20, 1997.

The House bill had two provisions on this matter; one would have prohibited funding directly to the Government of Cambodia, and one would have prohibited funding to the Government and funding through international financial institutions for Cambodia. The Senate amendment included a prohibition on funding for activities and programs in Cambodia except under certain conditions, and also made United States support

for loans through international financial institutions dependent on similar conditions.

Political violence in Cambodia reached a crisis point in July when forces loyal to Second Prime Minister Hun Sen seized control and ousted First Prime Minister Ranariddh from both the coalition government and the country. Subsequent to this takeover, Hun Sen forces engaged in a systematic campaign of summary executions, torture and kidnappings, much of which has been verified and documented in an August 21, 1997, United Nations Center for Human Rights report.

In response to these events, the Secretary of State announced a temporary suspension and review of U.S. assistance programs. The conferees believe that, in effect, Hun Sen gained power by a coup which would normally require the termination of U.S. assistance under section 508 of this Act.

To assure no assistance is provided to Hun Sen or his supporters, the conferees have prohibited most bilateral aid for the Government of Cambodia. The Secretary of the Treasury should instruct U.S. Executive Directors to international financial institutions to use the voice and vote of the United States in opposition to loans to Cambodia.

In restricting bilateral aid, the conferees have exempted demining, elections and humanitarian programs which directly benefit Cambodia's citizens. The conferees hope that Hun Sen's opponents will be allowed to return to Cambodia and safely participate in open, fair elections. The conferees expect the Committees on Appropriations to be notified prior to the initiation or renewal of any program in Cambodia.

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $190,000,000 for "International Disaster Assistance" as proposed by the House instead of $195,000,000 as proposed by the Senate.

The conferees support the House report language on activities in Kosova and assistance for internally displaced persons in Northern Iraq.

DEBT RESTRUCTURING

The conference agreement appropriates $27,000,000 as proposed by the House instead of $34,000,000 as proposed by the Senate.

The agreement includes language to allow modification of concessional loans made under section 411 of the Agricultural Trade Development and Assistance Act of 1954, the Commodity Credit Corporation Charter Act, the Food for Peace Act of 1966, or the Agricultural Trade Act of 1978, to Latin American countries which have completed Paris Club debt agreements. Debt relief for Jordan was completed in fiscal year 1997, and therefore language affecting Jordan in the House bill and Senate amendment has been deleted.

The conference agreement on legislative language follows the House in not retaining the proposed requirement for notifications for the obligations of funds from this account. In lieu of the House report language request for quarterly reports on obligations made from this account, the conferees request the following actions for debt restructuring activity in this account:

1. on the basis of final appropriations action, an annual notification should be provided at the beginning of the fiscal year listing expected poorest country debt reduction and buyback/swap activities for the upcoming fiscal year;

2. the Committees on Appropriations should be informed should action subsequently be anticipated for additional countries, or involve deeper relief;

3. signed bilateral agreements to implement bilateral agreements should be submitted to the Committees on Appropriations prior to the entry into force of such agreements; and

4. a final report should be provided at the end of the fiscal year listing Paris Club ad referendum agreements, signature and/or entry into force of bilateral debt reduction agreements, obligation of funds for poorest country debt reduction, and buyback/swap agreements concluded during the fiscal year.

The conference agreement also provides up to $1,500,000 for the Department of Treasury to improve the foreign credit reporting system of the U.S. Government.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

The conference agreement incorporates House language allowing for funds under this heading to be used for the cost of guaranteed loans designed to promote the urban and environmental policies and objectives of part I of the Foreign Assistance Act. The Senate amendment did not contain such language.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement appropriates $473,000,000 as proposed by the Senate instead of $468,750,000 as proposed by the House.

The conferees are very concerned about the lack of progress in the implementation of the New Management System (NMS) and request that AID regularly report to the Committees on Appropriations on the status of this program.

ECONOMIC SUPPORT FUND

The conference agreement appropriates $2,400,000,000 instead of $2,541,150,000 as proposed by the Senate and $2,375,000,000 as proposed by the House.

THE MIDDLE EAST

The conference agreement inserts language proposed by the Senate which earmarks $1,200,000,000 for Israel, $815,000,000 for Egypt and $150,000,000 for Jordan. The conference agreement also provides that aid to Egypt is provided with the understanding that Egypt will undertake significant economic reforms and that in providing aid to Egypt and Israel the President shall ensure the level of aid does not cause an adverse impact on the total level of non-military exports from the United States to each country.

The conference agreement inserts language proposed by the House which provides that of the funds made available in previous Acts making appropriations for foreign operations, export financing, and related programs, notwithstanding any provision of any similar heading in such previous Acts, up to $116,000,000 may be made available to support Economic Support Fund programs and activities, including the Middle East Peace and Stability Fund. The language also provides that the President should seek to ensure to the extent feasible that not more than 1 percent ($54,000,000) of the amount specified in section 586 shall be derived from any single country. The conference agreement further provides that any funds provided to the Middle East Peace and Stability Fund by a country in the region pursuant to the general authorities of section 635(d) of the Foreign Assistance Act of 1961, as well as funds made available for Jordan from previous Act, shall count toward meeting the earmark for Jordan. In addition, the conference agreement stipulates that up to $10,000,000 in fiscal year 1997 funds reprogrammed for Jordan shall also count toward the Jordan earmark in fiscal year 1998. The conference agreement also includes language modifying certain notification requirements in order to facilitate the implementation of the authorities provided under this heading and the requirements of section 586, "Assistance for the Middle East."

HAITI

The conference agreement strikes language proposed by the Senate earmarking not less than $500,000 for the Special Investigative Unit (SIU) of the Haiti National Police and providing that up to $250,000 may be made available to assist orphanages in Haiti. The managers expect not less than $500,000 be made available to the SIU and concur with the Senate that a professional SIU, fully supported by its Government, is essential to the rule of law in Haiti and that programs to assist Haitian children in orphanages should be continued under the current dire economic conditions in Haiti. No later than 45 days after enactment of this Act, the Secretary of State is requested to report to the Committees on the proposed fiscal year allocation for these programs in Haiti.

PALESTINIAN-ISRAELI COOPERATION

The conferees recommend that $500,000 be made available to support the Palestinian-Israeli Cooperation Program to promote better understanding and mutual respect between Israelis and Palestinians at a time when the Middle East Peace process is threatened by violence and terrorist acts.

IRAQ

The conferees note that the people of Iraq continue to suffer under the repressive rule of Saddam Hussein, despite efforts of the international community to provide humanitarian assistance to the truly needy in Iraq. In particular, the conferees are concerned that humanitarian assistance provided by private religious and charitable groups may not be reaching intended beneficiaries in Iraq. The conferees direct the Department of State to work with these groups to coordinate monitoring activities and to apply international pressure to make certain that innocent victims in Iraq are not denied humanitarian assistance provided by private charitable organizations.

TIMBER TRADE IN THAILAND AND CAMBODIA

The conferees remain very concerned by reports that despite efforts by the Administration and Thai officials to deter the export of timber from Cambodia through Thailand, this illegal trade continues and may be increasing due to recent political turmoil in Cambodia. Reports implicate Cambodian political and military officials, as well as Thai border guards in this profitable trade. Although the conferees have not repeated past conditions on assistance to Thailand, the conferees expect the Administration to use its influence with both the Thai and Cambodian authorities to produce concrete results in stemming this illegal trade.

GUATEMALA

Authority is provided to use local currency generated by AID programs, in Guatemala to prepay the debts owed by several universities to multilateral development banks. Full repayment of the debt was made for many years, until devaluation of the local currency made prompt repayment in hard currency extremely difficult. The affected institutions have made major contributions to the peace and reconciliation process in Guatemala, and the authority is provided in recognition of that fact. Similar authority was provided for El Salvador in 1992.

SOUTH PACIFIC REGIONAL FISHERIES TREATY

The conferees note that the South Pacific Regional Fisheries Treaty requires the

United States to contribute $14,000,000 annually to the South Pacific Island states and expect that this treaty obligation will be met.

INTERNATIONAL FUND FOR IRELAND

The conference agreement appropriates $19,600,000 for the "International Fund for Ireland" as proposed by the House. The Senate amendment did not contain a provision on this matter.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates $485,000,000 as proposed by the Senate instead of $470,000,000 as proposed by the House.

The conference agreement includes House language deleted by the Senate that prohibits funds from being used for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to efforts of United States troops to promote peace in said country. The agreement also includes language, similar to that contained in both the House bill and the Senate amendment, that authorizes the President to withhold funds made available for economic revitalization for Bosnia and Herzegovina if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina is not in compliance with the Dayton agreement regarding the removal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian and Bosnian officials has not been terminated.

The conference agreement retains language from the House limiting the assistance for Bosnia and Herzegovina to $200,000,000. However, this limitation excludes funds for police training and related expenses. The conference agreement includes up to $15,000,000 for this purpose. The conferees endorse the House report language encouraging the State Department to seek funds from other nations for police training activities in Bosnia, and expect that any proposal to provide more than $15,000,000 for police training and related expenses will be subject to notification.

The conference agreement also includes House language not in the Senate amendment to allow for up to $7,000,000 for modifying direct loans and loan guarantees for Bosnia and Herzegovina.

The conferees recognize that realtors in the United States have had success in working with the Eastern Europe Real Property Foundation. Building and privatizing real estate markets is still a priority in building a free and democratic economy. The conferees recommend funding at up to $2,000,000 over the next two years to continue to develop professional associations with ethics and laws that will lead to a private real estate market throughout Central Europe.

The conferees recommend that AID and the Department of State make best efforts to provide funding at the fiscal year 1996 level for the Russian, Eurasian, and East European Research and Training Program (title VIII), both in this account and in "Assistance for the New Independent States of the Former Soviet Union".

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

The conference agreement appropriates $770,000,000 instead of $625,000,000 as proposed by the House and $800,000,000 as proposed by the Senate. The conferees did not include Senate language that allowed for the transfer of up to $22,000,000 to the Export-Import Bank and up to $8,000,000 to the Micro and Small Enterprise Program of AID.

RUSSIA-IRAN

The conference agreement provides that fifty percent of the funds allocated for the Government of Russia shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with certain goods and services related to nuclear and ballistic missile programs in Iran. The managers also include a provision allowing the President to waive the provisions of the paragraph if he finds that continuing assistance to the Government of Russia is vital to the national security interests of the United States and that the Government of Russia is taking meaningful steps to limit major supply contracts and curtail the transfer of technology. The Senate had no similar waiver provision.

GAZPROM FINANCING

The managers understand that the Chairman of the Export Import Bank signed a memorandum of understanding with Gazprom in 1994 providing up to $750 million in guarantees of commercial loans for the purchase of American equipment and services to improve the efficiency and productivity of Russian oil and gas fields. Since implementation, the Bank has approved or has under consideration $338 million in financing.

In 1996, the Iran Libya Sanctions Act went into effect requiring the President to impose sanctions against companies which invest more than $20 million in the development of Iran's energy sector. The managers are concerned by reports that Gazprom has agreed to participate in a $2 billion project to develop Iranian energy fields. The managers strongly oppose the use of Bank financing to directly or indirectly support the development of Iranian gas and oil fields and urge the Board of the Bank to suspend all Gazprom transactions for a period of review to assure no funds are used for these purposes.

UKRAINE

The conference agreement earmarks $225,000,000 for Ukraine with the understanding that Ukraine will undertake significant economic reforms which are additional to those which were undertaken in previous years.

The conferees take note of important developments which have enhanced stability in Ukraine including the introduction of a new currency, passage of a Constitution and completion of a new NATO-Ukraine security agreement. The conferees take note of President Kuchma's recent initiatives to combat corruption, privatize state owned enterprises and replace senior officials opposed to serious reforms. While welcome, these efforts must be expanded and measured by immediate, concrete progress on legal, political and economic reforms. Reforms, especially in the agriculture sector, are essential if U.S. and multilateral assistance is to achieve meaningful results. Without them, it will be difficult for Ukraine to prosper and secure its political independence.

To encourage results, the conferees have withheld 50 percent of the funding for Ukraine until the Secretary of State is able to certify that specific cases involving U.S. companies have been resolved. The conferees have taken this action with the view that the private sector is key to Ukraine's economic growth. Resolution of these cases, as well as similar complaints by Ukrainian firms, and improvements in the legal system are necessary if Ukraine is to restore private sector confidence and attract investment capital.

With parliamentary elections scheduled in March 1998, the managers strongly support expanded political party training and election-related activities to encourage informed participation and an open, fair process. The conferees remain concerned that the current Rada has opposed many of President Kuchma's reform initiatives. The conferees note that the outcome of the elections could have a significant impact on the future assistance program as well as private sector investment.

The managers expect that not less than $25,000,000 of the funds allocated to Ukraine be transferred to the Department of Energy's International Nuclear Safety Program for simulators, training, and safety analysis at nuclear reactors in Ukraine. The managers direct the Department of Energy's INSP office to consult with the Senate and House committees prior to any allocation of funds. The conference agreement also includes language modifying prior year language on nuclear safety analyses to extend the time available for such activities in Ukraine.

The conference has deleted House language terminating assistance to the Government of Ukraine if the President determines and reports to the Committees that the Government of Ukraine is engaged in military cooperation with the Government of Libya. There was no similar Senate provision, and the conferees have been assured by the State Department that there is no cooperation with Libya at the present time. The managers caution Ukraine to move immediately to halt any and all transfers of weapons to terrorist states.

COMMERCIAL LAW REFORM

The Senate version of the bill included $25,000,000 for commercial law reform in Ukraine. The House bill did not include such a provision.

The conferees express strong support for commercial law reform in Ukraine. The conferees strongly urge AID to set aside funds for comprehensive legal restructuring in Ukraine necessary to support a decentralized market-oriented economic system, including the enactment of all necessary substantive commercial law procedures, the implementation of reforms necessary to establish an independent judiciary and bar, the education of judges, attorneys, law students, and related public education.

SOUTHERN CAUCASUS REGION

The conference agreement provides for a new Southern Caucasus Region funding category that is not contained in the House bill or Senate amendment. The managers seek to make the maximum use of American assistance as an incentive for the regional parties to cooperate with the Minsk Group and other international mediators seeking to bring peace to the South Caucasus. The managers are convinced that the ready availability of international reconstruction aid, including the potential U.S. initial contribution provided in this conference agreement, will encourage leaders to make peace. The managers intend that emphasis be placed on restoring transportation, telecommunications, an other infrastructure that promote regional economic integration.

The managers include in the $250,000,000 made available for the Southern Caucasus specific funding for three areas of United States national interest in the region:

(1) up to $70,000,000 to aid the refugees and internally displaced persons affected by the

conflicts in the Caucasus, and if feasible, provide the United States share of an international effort to reconstruct the regions most affected by the conflict once interim settlements are agreed to. The managers direct the Coordinator to move forthwith to provide assistance of $12,500,000 for victims of the Nagorno-Karabakh conflict and $5,000,000 for victims of the Abkhazia conflict;

(2) the amount of $87,500,000 for Armenia (not including, under the previous category, aid for Armenians residing outside the boundaries of Armenia), a country in the center of a volatile region that cannot prosper without renewed trade and communications with its sometimes hostile neighbors; and

(3) the amount of $92,500,000 for Georgia (not including, under the previous category, aid for Georgians displaced from Abkhazia) a key country providing regional leadership for conflict resolution and economic reform. Training and infrastructure support for customs and border control by Georgian officials should be a high priority for use of these funds.

In order to facilitate United States leadership in the Minsk Group process, the managers have included in the conference agreement language renewing Congressional concern about blockades of Armenia, but have exempted humanitarian aid to refugees and displaced persons throughout the Southern Caucasus from restrictions imposed by the FREEDOM Support Act. This should facilitate American assistance to residents of Nagorno-Karabakh as well as persons displaced from neighboring regions of Azerbaijan.

The bill again contains language which restates section 907 of the FREEDOM Support Act (P.L. 102–511). The managers recognize that restrictions contained in section 907 are applicable to assistance to the Government of Azerbaijan.

The conference agreement does not exempt reconstruction aid from the restrictions imposed by the FREEDOM Support Act. The managers assume that in the event that an interim settlement is reached with regard to Nagorno-Karabakh, any blockades will be lifted and the President will be in a position to make the determination necessary to lift such restrictions.

In addition to provisions included in prior year Appropriations Acts, the conference agreement allows for limited support for United States commercial entities, as proposed by the Senate, by clarifying that the Foreign Commercial Service and the Trade and Development Agency can function in Azerbaijan. Both House and Senate provisions relating to the Export-Import Bank were deleted from the conference agreement.

It is the intent of the conferees that in the case of any assistance funded or otherwise provided pursuant to this Act, the direct beneficiaries of which are required by law to be United States entities (e.g., in which guaranties or insurance are provided to U.S. entities), such assistance shall not be considered assistance to a foreign country or government, and therefore is not covered by restrictions on such assistance.

In order to provide flexibility for the Executive branch, the conference agreement includes a provision allowing the Secretary of State to use up to $43,750,000 from the Southern Caucasus funding category for other areas of the former Soviet Union, if she reports to Congress that the full amount cannot be effectively utilized. The managers anticipate that this provision would be used only if an interim settlement proposed by the Minsk Group is not agreed to by May 30, 1998.

ARMENIA

Because of concern about the impact of the continuing physical isolation of Armenia from several of its neighbors and the uneven performance of her economy, the conferees direct that the Agency for International Development and other United States Government agencies provide no less than $82,500,000 for technical and humanitarian assistance requested by the Government of Armenia and qualified non-governmental organizations in Armenia. This level of assistance is provided with the understanding that Armenia will undertake significant economic reforms which are additional to those which were undertaken in previous years.

As Armenian Prime Minister Kocharian recently stated, "further economic growth largely depends on foreign investment and from that point of view, the role of the Armenian diaspora can scarcely be overestimated." Without a favorable investment climate, no amount of American Government assistance will bring prosperity to Armenia or its neighbors.

GEORGIA

Because of the constructive role undertaken by Georgia in attempting to resolve regional conflicts and its economic and democratic progress, the conferees direct that the Agency for International Development and other United States Government agencies provide no less than $87,500,000 for technical, security, and humanitarian assistance requested by the Government of Georgia and qualified non-governmental organizations in Georgia.

LACK OF PRIORITY FOR HEALTH, POPULATION, AND ENVIRONMENT PROGRAMS

The conferees are distressed that the NIS assistance program has made Health, Population, and Environment projects a low priority. Virtually all of the New Independent States have severe health and environmental problems. Unfortunately, the positive changes in the areas of democratization and privatization in these republics has been accompanied by a steady deterioration in the quality of health care. Health indicators in virtually all republics reflect this trend. Few if any environmental guidelines or laws exist in the NIS republics, and there is little capacity to implement them even where there do exist. A low percentage of women in the NIS have access to family planning services. Dramatic reductions in abortion rates have been achieved in areas where U.S. resources have been made available for such services.

The conferees have agreed to provide a $145,000,000 or 23 percent increase in the funds for the NIS program for fiscal year 1998. The magnitude of the problems mentioned above should not prevent the Coordinator from devoting additional resources to them, particularly in light of the large increase in the NIS account. The conferees expect the priorities reflected in the fiscal year 1998 NIS program, including the Partnership for Freedom, to be revisited and that significant additional resources will be devoted to the Health, Population, and Environmental programs.

RUSSIAN FAR EAST

The Russian Far East is widely recognized as vital to the overall development of the Russian Federation's economy. Its rich natural resource base and proximity to robust Pacific rim economies have attracted the attention of many international companies, but the investment climate remains difficult because of governance issues in the region.

The Russian Far East presents a unique set of investment opportunities which have been overlooked in past United States economic cooperation initiatives in Russia. As the Partnership for Freedom program will designate selected regions in the Russian Federation as especially attractive for American investment, the managers direct the Coordinator to designate at least one such region in the Russian Far East. The conferees also urge the Board of the United States Russia Investment Fund (TUSRIF) to develop a lending mechanism to increase investment in small- to medium-sized business projects in the Russian Far East.

RURAL AND AGRICULTURAL REGIONS OF RUSSIA AND CENTRAL ASIA

The failure of a market economy to develop in rural and agricultural regions of the Russian Federation, Ukraine, and Central Asia is noted with concern by the conferees. The Coordinator is encouraged to take the lagging pace of reform in rural Russia into account as he selects regions of concentration for United States technical cooperation. To this end, consideration should be given to forging links between American institutions and Russian agricultural universities and institutes, as well as strengthening and replicating ongoing collaborative efforts between academic and commercial enterprises. Also, the Administrator of AIDS is requested to provide in writing no later than December 15, 1997, the Agency's strategic objectives (including a financial plan) with region to economic growth in rural areas of the Central Asian republics, including public health and environmental indicators and the role of American-Israel cooperative research and development in the region.

NIS COORDINATOR PERSONNEL PRESENCE IN REGION

The conferees are concerned about the lack of personnel in the New Independent States coordinating United States assistance programs. The Office of the Coordinator of NIS assistance has no full time personnel in Moscow and only one full time position in the Southern Caucasus. As the office charged with developing and coordinating all U.S. assistance programs in the New Independent States, it is imperative that adequate personnel resources be made available in the region. The conferees expect this situation to be addressed promptly.

HEALTH ISSUES RESULTING FROM THE CHORNOBYL NUCLEAR ACCIDENT

The conferees urge AID to supplement the generosity tens of thousands of Americans have directed to the victims of the Chornobyl nuclear tragedy. Active consideration should be given to providing ways to decontaminate fresh milk in Ukraine and Belarus in order to increase its acceptability to children and mothers. The conferees request that the Coordinator work with relevant federal agencies to determine the viability of installing and operating effective and affordable technology to decontaminate milk supplies in the contaminated region. Emphasis should be placed on the development of privately-owned dairies and milk processing plants. This priority supersedes any non-conforming "strategic objectives" of USAID.

CRIME AND CORRUPTION

The conferees agree with the House report language characterizing officially tolerated corruption as the biggest impediment to private investment and economic growth in the former Soviet Union. The report requested by the House from the Secretary of State

and the Coordinator should be provided to both Committees no later than 90 days following enactment of this Act.

ENTERPRISE FUNDS

The conference agreement does not reserve any funds for the Trans-Caucasus Enterprise Fund as proposed by the Senate. The House bill did not address this matter.

The conference agreement includes a Senate provision that none of the funds provided under this heading or in prior appropriations Acts may be made available to invest in a joint public-private management entity established by the Defense Enterprise Fund.

During fiscal year 1997, the Defense Enterprise Fund (DEF) received a final installment of $15,000,000 of a $71,000,000 commitment from the United States Government. Release of these resources was conditioned upon an understanding by the DEF senior management that the funds would be directly invested in defense conversion projects and related activities. The managers expect that during fiscal year 1998, none of the government funds provided to the DEF will be used for any other purposes. The conference language is not intended to limit or prevent the managers of the Fund from raising private capital or receiving contributions from multilateral financial institutions to invest in the Fund's projects or activities.

The conferees direct the Coordinator for United States Assistance to the New Independent States, in consultation with the implementing agency, to submit a report to the Committees on Appropriations no later than 60 days after the date of enactment of this Act on the rate of obligation and risk and anticipated returns associated with commitments made to the United States-Russia Investment Fund (TUSRIF). The report shall include a recommendation on the continued relevance and advisability of the initial planned life of project funding commitment for TUSRIF.

CIVIL SOCIETY AND CONTINUED DEVELOPMENT OF A FREE PRESS

The conferees endorse the House report language on civil society and continued development of a free press. In addition, the Coordinator is encouraged to continue support for the long-term development of an independent print media in Russia and Ukraine, utilizing organizations with demonstrated experience in working with print media in countries of the region.

ENDORSEMENT OF OTHER PRIORITIES IN THE PARTNERSHIP FOR FREEDOM

The managers endorse the House report language on the important role of American business centers and centers for business skills development in the Partnership for Freedom initiative. The conferees also support the Senate report language with regard to expansion of support for sustainable programs at Russian agricultural institutions.

MONGOLIA

The conference agreement deletes the Senate earmark of $12,000,000 for Mongolia, but retains authority for funds provided under this heading to be used in Mongolia.

Positive economic and political developments in Mongolia make clear that a robust program of assistance especially in the areas of judicial, tax, banking, commercial and related legal code reforms could have a major impact securing free market democracy. The managers believe the current conditions in Mongolia offer a unique opportunity to carry out significant, permanent reforms in a short period with minimal resources and yet a lasting impact. Therefore, the managers direct that not less than $12,000,000 be made available from development assistance funds and resources made available under the New Independent States heading.

In addition, the managers are concerned about continued reports that AID intends to close its mission in Ulan Bator at the end of fiscal year 1998. The managers oppose closure of the mission at this time and request consultation in advance of any such decision. While Mongolia represents a unique opportunity to provide short term support and quickly graduate a nation from U.S. aid programs, a closure in 1998 would compromise prospects for successfully completing reforms.

The managers strongly encourage the Coordinator and the Administrator to coordinate completion of programs to modernize the Mongolian energy sector. The managers recognize that the Mongolian Government is committed to infrastructure development and environmental protection, the latter adding value to the economy because of the potential for ecotourism. Institutions such as the Academy of Natural Sciences can help Mongolian scientists through cooperative research programs that promote environmentally sensitive economic development in Mongolia.

DISTRIBUTION OF CONTRACTS TO SMALL AND DISADVANTAGED BUSINESS

In fiscal year 1996 because of concern that small and disadvantaged businesses were not receiving a fair share of contracts from AID, particularly in the NIS programs, the Conference report contained language directing AID to take immediate measures to ensure that all contractors be given a fair chance to perform and receive contracts. While the initial actions taken by AID were encouraging, recent actions have brought AID commitment to this directive into doubt. The conferees expect AID to adhere to the earlier directive with respect to allowing small and disadvantaged contractors the opportunity to compete fairly for AID contracts.

INDEPENDENT AGENCY

PEACE CORPS

The conference agreement appropriates $222,000,000 as propose by the House instead of $206,000,000 as proposed by the Senate.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

The conference agreement appropriates $215,000,000 for "International Narcotics Control". The House bill proposed $230,000,000 for this account, while the Senate amendment contained an appropriation of $216,200,000.

In addition, the conference agreement includes $15,000,000 in a new account, "Narcotics Interdiction", in order to provide the Bureau of International Narcotics and Law Enforcement Affairs (INL) with the flexibility and funds to procure Black Hawk helicopters for the Colombian National Police. The bureau is directed to use the funds in this account, together with base funds from "International Narcotics Control", to procure three Black Hawk utility helicopters, including maintenance and training, for the National Police solely for conternarcotics purposes, at a cost of $36,000,000. In addition, $14,000,000 should be made available to provide upgrades for UH–IH Huey helicopters for the Colombian National Police solely for counternarcotics purposes.

The managers are extremely concerned about reports that Colombian heroin is flooding the U.S. market. According to the Drug Enforcement Administration, 60 percent of all heroin recently seized on American streets is of Colombian origin. The new appropriations account, together with base funds in "International Narcotics Control", is intended to address the equipment shortfall of the Colombian National Policy.

The conferees are also concerned that helicopters for drug interdiction were removed from Guatemala several years ago. The transit of drugs through Guatemala has reemerged as a serious problem, and the managers would support the proposed redeployment of helicopters from Bolivia to that country.

The conference agreement includes language from the House bill, deleted by the Senate amendment, that allows the Bureau to use section 608 of the Foreign Assistance Act, without regard to its restrictions, to receive non-lethal excess property from an agency of the U.S. government for use in a foreign country, subject to notification.

The conference agreement does not contain Senate language providing not less than $10,000,000 for law enforcement training and education and not less than $22,000,000 for anti-crime programs. However, the conferees expect that not less than the 1997 levels for each such activity ($9,000,000 and $20,000,000, respectively) will be provided in fiscal year 1998.

The conference agreement includes language requiring a report from the Secretary of State, in consultation with the Office of National Drug Control Policy, 60 days after enactment on overseas counter-narcotics activities. The Senate amendment would have prohibited funding for counter-narcotics activities until such report was submitted. The House bill did not address this matter.

The conferences agreement includes language from the Senate amendment providing not to exceed $5,000,000 for the operations of a Western Hemisphere International Law Enforcement Academy; however, the reference to the Organization of American States is deleted. Although the House bill did not address this matter, the conferees endorse the House report language regarding the regional training center.

The conference agreement includes language withholding from obligation 10 percent of the funds appropriated under "International Narcotics Control" and "Narcotics Interdiction" until the Secretary of State submits a financial plan for the use of all funds made available in these accounts.

The conferees support the development of plant pathogens capable of destroying illicit drug crops and expect the Department to fund research on such biocontrol agents, such as the program at Montana State University.

The conferees support the intent of the Senate report language on international crime and the need for the Secretary of State to reestablish a task force on international crime.

The conferees are very concerned that many people in Ecuador are being denied due process in its judicial system. Many of them, including several United States citizens, have been held for months or years without regard to rights accorded them under Ecuadoran and international law. The conferees strongly urge the Department of State to actively encourage Ecuadoran law enforcement and judicial officials they cooperate with under the International Narcotics Control programs to fulfill their responsibilities in a manner consistent with requirements of law and treaty obligations.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement includes Senate language, not in the House bill, that provides

not less than $80,000,000 for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

The conferees remain strongly committed to assisting the Government of Israel to resettle refugees in Israel from the former Soviet Union, Eastern Europe, and elsewhere. Since 1989, Israel has absorbed more than 700,000 refugees from countries of distress. The funds provided in the conference agreement assist in the transportation and initial absorption costs for more than 100,000 refugees per year. While there has been a modest decrease in the number of refugees coming to Israel this year, the conferees note that the historically unprecedented numbers still arriving and in need continue to strain the resources of the Government of Israel. Should the current decline in the number of refugees arriving in Israel continue, the conferees expect this program to be funded at $70,000,000 in fiscal year 1999 and $60,000,000 in fiscal year 2000.

The conferees believe the United States should play a leadership role in helping to establish a fund through the United Nations High Commissioner for Refugees for vulnerable refuge children, particularly those separated from their parents. The conferees recommend that approximately $5,000,000 in fiscal year 1998 funds be made available for this purpose.

The conferees also support the House report language on assisting Tibetan refugees.

REFUGEE RESETTLEMENT ASSISTANCE

The conference agreement appropriates $5,000,000 for "Refugee Resettlement Assistance" as proposed by the House. The Senate amendment contained no provision on this matter.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement appropriates $133,000,000 for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" instead of $129,000,000 as proposed by the Senate and $118,000,000 as proposed by the House.

DEMINING ACTIVITIES

The conference agreement recommends $20,000,000 be utilized to support global demining activities. The conferees strongly support programs to locate and remove landmines and other unexploded ordnance, including mine awareness and education, mapping and marking, and training of deminers. In addition, the conferees urge the Department of State, in consultation with the humanitarian demining training program at the Department of Defense, to explore opportunities for the United States to provide technical advice and assistance to Russia and other new independent states in the clearance of landmines, including the southern Caucasus region.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

The conference agreement provides that not to exceed $30,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for administrative expenses and heavy fuel oil costs associated with the Agreed Framework as proposed by the Senate, instead of $25,000,000 as proposed by the House. The conference agreement also stipulates that the President must certify that canning activities associated with the Agreed Framework are scheduled to be completed by April 1, 1998. The conference agreement provides that an additional $10,000,000 may be made available to KEDO if the Secretary of State certifies that additional funds have been provided by foreign donors to KEDO sufficient to cover all outstanding debts owed by KEDO for heavy fuel oil. The managers also agree that none of the funds in this bill that are made available for KEDO in fiscal year 1997 may be used to contribute to the light-water nuclear reactors being provided to North Korea under the terms of the Agreed Framework.

NONPROLIFERATION ACTIVITIES

The conference agreement recommends $15,000,000 for the Nonproliferation and Disarmament Fund. The conferees strongly support the core nonproliferation activities of the NDF. The NDF is designed to provide the Secretary of State with a flexible funding source to respond to urgent, unanticipated nonproliferation activities of immediate concern to the United States. Longer term programmatic activities, such as export controls, should be funded separately outside of the NDF account and therefore subject to the normal conditions for legislative oversight and review. For this reason the conference agreement recommends that $3,000,000 in NADR account funds be used to support export control related activities.

The conferees also note that there may be numerous nonproliferation programs which could logically be included in the NADR account in order to facilitate the continued rationalization of government-wide nonproliferation programs and activities. The conferees stress that the Committees on Appropriations are prepared to work with the Administration in this ongoing rationalization process as the Administration prepares its fiscal year 1999 request.

TITLE III—MILITARY ASSISTANCE

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement appropriates $50,000,000 as proposed by the House instead of $47,000,000 as proposed by the Senate.

SCHOOL OF THE AMERICAS

The conference agreement retains language proposed by the House which makes the obligation of funds under this heading to support IMET training at the School of the Americas contingent upon certification by the Secretary of Defense that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel; second, the Secretary of State, in consultation with the Secretary of Defense, has developed and issued specific guidelines governing the selection and screening of candidates for instruction at the School of the Americas; and third, the Department of Defense has submitted to the Committees on Appropriations a report detailing the training activities of the school of the Americas and a general assessment regarding the performance of its graduates during 1996.

GUATEMALA AND INDONESIA

The conference agreement includes language proposed by the House which limits Indonesia and Guatemala to expanded IMET only and, in the case of Guatemala, the conferees expect the administration to obligate funds subject to the regular notification procedures of the Committees on Appropriations. The conferees agree that expanded IMET for Guatemala shall be used to support the peace settlement and that qualified nonmilitary personnel should be well represented in such courses to the extent practical.

CIVILIAN PARTICIPATION IN IMET

The conference agreement also includes language proposed by the Senate which allows IMET participation by civilian personnel who are not members of a government if their participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights.

MONGOLIA

The conferees commend the Department of Defense for the Department's implementation of the fiscal year 1997 IMET program in mongolia in a manner consistent with the objectives outlined in the Statement of Managers or Public law 104–208. The conferees urge continued support for its important program in Mongolia, particularly in the expanded IMET area.

FOREIGN MILITARY FINANCING PROGRAM (GRANT PROGRAM)

The conference agreement appropriates $3,296,550,000 instead of $3,308,950,000 as proposed by the Senate and $3,259,250,000 as proposed by the House.

THE MIDDLE EAST

The conference agreement inserts earmarks for Israel, Egypt and Jordan which provide that not less than $1,800,000,000 shall be available for grants only or Israel, not less than $1,300,000,000 shall be available for grants only for Egypt, and not less than $75,000,000 shall be available for assistance for Jordan. The conference agreement also directs the President to draw down not less than $25,000,000 in defense equipment and services for Jordan, the aggregate value of which shall count against the earmark for Jordan.

POLAND, HUNGARY AND THE CZECH REPUBLIC

The conference agreement provides that not less than $50,000,000 in funds made available for FMF grants and FMF loans should be made available for Poland, Hungary, and the Czech Republic to facilitate the integration of these nations into NATO.

THE BALTIC NATIONS

The conference agreement provides that $18,300,000 should be made available to Estonia, Latvia and Lithuania. These funds are provided to enhance programs aimed at improving the military capabilities of these nations and to strengthen their interoperability and standardization with NATO, including the development of a regional airspace control system. Given progress in economic reform and meeting military guidelines for prospective NATO members, the conferees believe the Baltic nations will make an important contribution to enhancing stability and peace in Europe and are strong candidates for NATO membership.

The conference agreement retains House language which provides that the obligation of funds for any non-NATO country participating in the Partnership for Peace shall be subject to notification.

FMF LOAN PROGRAM

The conference agreement also appropriates $60,000,000 as proposed by the House for the subsidy cost of direct loans instead of $74,000,000 as proposed by the Senate. The conference agreement provides that these funds are available to support not to exceed $657,000,000 in direct loans as proposed by the House instead of $759,500,000 as proposed by the Senate.

The conference agreement deletes a Senate earmark of $8,000,000 for loans to Estonia,

Latvia, and Lithuania. Increased assistance for these countries is provided under the grant FMF program.

The conference agreement retains the House levels of $105,000,000 and $150,000,000 as ceilings on FMF loans to Greece and Turkey respectively instead of $122,500,000 and $175,000,000 as proposed by the Senate.

FMF ADMINISTRATIVE EXPENSES

The conference agreement includes House language which provides that not more than $350,000,000 of the funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1998, instead of $355,000,000 as proposed by the Senate.

FMF LOAN CRITERIA

The conference managers are extremely concerned that the Administration has apparently abandoned its long-standing credit criteria for determining eligibility for the FMF loan program. The conferees note that previous year funds were made available to support the FMF loan program based upon a clear understanding, provided by the Administration at the time the funds were being requested, of its loan criteria and its intended application. The conferees note that the current application of the FMF loan program is not consistent with these presentations. The conferees direct the Secretary of State, in consultation with the Secretary of Defense, Secretary of the Treasury, the Director of the Office of Management and Budget, and in coordination with the Director of the Congressional Budget Office, to review the current FMF loan policy and its application to current and proposed program participants and to report to the Committees on Appropriations, within 180 days of enactment of this Act, on these issues, to include a statement specifically detailing Administration FMF loan policy and credit risk criteria. The conferees also direct the Secretary of Defense to report to the Committees on Appropriations on a quarterly basis, beginning January 1, 1998, on the current credit risk ratings for potential and current FMF loan program participants.

PEACEKEEPING OPERATIONS

The conference agreement provides $77,500,000 for peacekeeping operations as proposed by the House instead of $75,000,000 as proposed by the Senate.

MULTILATERAL FORCE AND OBSERVERS

The conferees note that the current Director General of the Sinai Multilateral Force and Observers is concluding his last term in office. The conferees expect a report from the Secretary of State, prior to the release of the U.S. share of the Observer Force funding, on the status of efforts to replace the Director General.

AFRICAN CRISIS RESPONSE INITIATIVE

The conferees note that funds provided to support the African Crisis Response Initiative should be utilized to foster the growth of democracy and the protection of human rights in Africa and should not be directed to undemocratic governments with a history of human rights abuses by their militaries. The conferees agree with the Department of State that "it is important that countries selected to receive additional training and equipment have military establishments that accept the supremacy of democratic civilian government." The conferees expect the Administration to consult closely with the Committees on Appropriations, prior to obligating such funds, to ensure this minimum standard is met.

MOROCCO

The conferees congratulate both Morocco and the POLISARIO for reaching an agreement to allow a free, fair and transparent referendum on the future of the people of the Western Sahara, and recognize the efforts of United Nations Personal Envoy James Baker in reaching this agreement. The conferees expect full implementation of the terms of the agreement and encourage the Department of State to play an active role in ensuring full implementation. The conferees also urge both parties to engage in the exchange of all prisoners of war, political prisoners and political detainees.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT GLOBAL ENVIRONMENT FACILITY

The conference agreement appropriates $47,500,000 instead of $60,000,000 as proposed by the Senate and $35,000,000 as proposed by the House.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The conference agreement appropriates $1,034,503,100 instead of $1,034,500,000 as proposed by the Senate and $606,000,000 as proposed by the House.

The agreement prohibits obligation of IDA funds until the Secretary of the Treasury certifies that procurement restrictions on American firms under the Interim Trust Fund have been lifted. Both the House and Senate bills included similar language on this matter.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

The conference agreement appropriates $30,000,000 for the Multilateral Investment Fund, all of which was previously due. The House bill contained no funds for this program.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

The conference agreement appropriates $150,000,000 for the Asian Development Fund as proposed by the Senate instead of $100,000,000 as proposed by the House. Of this amount, $50,000,000 was previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

The conference agreement includes $45,000,000 for the African Development Fund, instead of $50,000,000 as proposed by the House (including Section 579 of the House bill). The Senate amendment did not include any funds for this institution. The entire amount provided was previously due.

NORTH AMERICAN DEVELOPMENT BANK

The House bill and the Senate amendment included $56,500,000 for the North American Development Bank, and the conference agreement includes language providing that $250,000 of these funds are for contributions previously due. In addition, language is included that limits to $41,250,000 the amount of funds that may be expended in fiscal year 1998 for purchase of capital shares in the bank. This action is being done solely for budgetary reasons and does not reflect any lack of support for the North American Development Bank.

LOANS TO THE INTERNATIONAL MONETARY FUND; NEW ARRANGEMENTS TO BORROW

The conference agreement does not appropriate funds for the proposed New Arrangements to Borrow. The Senate proposed $3,521,000,000, denominated as the dollar equivalent of IMF Special Drawing Rights. The House bill did not include any appropriation for this purpose. The managers defer this item without prejudice.

AUTHORIZATIONS FOR INTERNATIONAL FINANCIAL INSTITUTIONS

The statutory authority required by the Secretary of the Treasury to activate several of the appropriations provided for international financial institutions is found in section 560 of the conference agreement.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement appropriates $192,000,000 instead of $194,000,000 as proposed by the House and $277,000,000 as proposed by the Senate. The conference agreement does not include funding for the United Nations Children's Fund (UNICEF) in this account, as proposed by the Senate. Funding of $100,000,000 for UNICEF is contained in "Child Survival and Disease Programs Fund" under title II.

The conference agreement includes House language on the United Nations Population Fund (UNFPA) that limits funding to UNFPA to one-half of the funding ceiling of $25,000,000 prior to March 1, 1998, and requires that no later than February 15, 1998, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1998. In addition, the language requires that any amount UNFPA plans to spend in the People's Republic of China in 1998 will be deducted from the amount of funds provided to UNFPA after March 1, 1998. Finally, with respect to any funds made available to UNFPA, the language requires UNFPA to maintain such funds in a separate account and not to commingle them with any other funds.

The conference agreement does not contain Senate language providing $5,000,000 for the World Food Program, but does include language indicating that $4,000,000 should be made available for this purpose. The House bill contained no provision on this matter.

The conference agreement deletes House language prohibiting the use of funds for the United Nations development group or any similar organization. The House bill provision, as well as House and Senate report language, reflect concern about proposals formerly under consideration at the United Nations that would have merged and consolidated UNICEF with other United Nations development organizations, thereby threatening UNICEF's unique mission for the children of the world and its ability to raise private sector funding. Since the reform plan announced by the Secretary-General on July 16, 1997, appears to preserve the special mandate of UNICEF for children, the conference agreement does not contain this funding prohibition. However, the managers intend to monitor closely the impact upon UNICEF of the implementation of the United Nations reform plan. The managers expect that the independence of UNICEF will be continued and that its ability to work for the survival, protection, and development of vulnerable children will remain uncompromised. The managers expect this to be a top priority of the Department of State as well, and expect to receive regular consultations as the reform plan proceeds.

The conferees support the Administration's request level for the United Nations Development Program (UNDP), but expect that not less than $98,000,000 should be made

available for UNDP in fiscal year 1998. The conferees also support the work of the United Nations Voluntary Fund for Victims of Torture and expect that the Administration will make every effort to support this organization at the highest level possible.

TITLE V—GENERAL PROVISIONS

Sec. 501. Obligations during last month of availability

The conference agreement contains House language providing that not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability, except for funds under the headings "International Disaster Assistance" and "United States Emergency Refugee and Migration Assistance Fund". The Senate amendment contained no provision on this matter.

Sec. 502. Prohibition of bilateral funding for international financial institutions

The conference agreement includes language proposed by the House which prohibits funds in title II being used to carry out the provisions of section 209(d) of the Foreign Assistance Act, notwithstanding section 614 of said Act. The Senate amendment contained no provision on this matter.

Sec. 509. Transfers between accounts

The conference agreement includes House language providing that the exercise of the authority under this section shall be subject to the regular notification procedures of the Committees on Appropriations, except for transfers specifically referred to in this Act. The Senate amendment did not include the requirement for notification.

Sec. 512. Limitation on assistance to countries in default

The conference agreement includes a waiver for Liberia from the requirements of section 620(q) of the Foreign Assistance Act as proposed by the House. The Senate addressed this matter in section 561 of the Senate amendment.

Sec. 513. Commerce and trade

The conference agreement restores House language at the end of subsection (a) that provides authority to the Board of the Export-Import Bank to waive the prohibition on the use of funds to establish or expand production of commodities that could adversely affect United States producers. The Senate amendment did not contain this provision.

Sec. 515. Notification requirements

The conference agreement makes "Child Survival and Disease Programs Fund", as proposed by the House, subject to the notification requirements of this section. The Senate amendment had deleted the reference to this account.

Sec. 519. Reporting requirement

The conference agreement amends permanent law as proposed by the Senate to provide that the reports required by section 25(a)(1) of the Arms Export Control Act shall be submitted to the Committees on Appropriations. The House bill required such reports, but did not amend permanent law.

Sec. 520. Special notification requirements

The conference agreement adds "Panama" as proposed by the House to the list of countries subject to the special notification requirements of this section. It also deletes "Russia" from this list, as proposed by the Senate. The Senate provisions adding "Guatemala" and "Dominican Republic" are not included in the conference agreement.

Sec. 522. Child survival, AIDS and other activities

The conference agreement includes Senate language limiting to $10,000,000 the funds that may be made available to reimburse specified organizations for certain activities in support of family planing activities, child survival activities, and activities relating to research on, and the treatment and control of, HIV/AIDS, as well as Senate language including basic education activities under the authority of the section. the House bill had similar language, but the limitation was $8,000,000 and did not include basic education activities.

Sec. 526. Authorization requirement

The conference agreement includes Senate language waiving the authorization requirements of section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities act for the funds appropriated in this Act. The House bill made these funds subject to these authorization requirements.

Sec. 536. Extension of authority to obligate funds to close the special defense acquisition fund

The conference agreement includes language proposed by the House which amends title III of Public Law 103–306 to extend through fiscal year 2000 the authority to obligate funds to close the Special Defense Acquisition Fund. The Senate amendment contained no provision on this matter.

Sec. 537. Authorities for the Peace Corps, the Inter-American Foundation and the African Development Foundation

The conference agreement restores House language providing authority for the Inter-American Foundation and the African Development Foundation to operate in foreign countries notwithstanding other provisions of this or other Acts. The Senate amendment deleted the language providing such authority.

Sec. 539. Special authorities

The conference agreement deletes "Cambodia" from the provisions that exempt assistance to that country from any other provision of law as proposed by the Senate, but restores House language exempting humanitarian assistance for the peoples of Bosnia and Herzegovina and Croatia from any other provision of law.

The conference agreement also deletes Senate language allowing for the use of up to $40,000,000 under the authority (relating to unanticipated contingencies) of section 451 of the Foreign Assistance Act. The House bill does not address the matter. The permanent statutory limit is $25,000,000.

The conference agreement includes language in a new subsection (d) which enables the President to waive section 1003 of Public Law 100–204, relating to prohibitions regarding the Palestinian Liberation Organization, if the President determines that it is important to the national security interests of the United States.

Sec. 540. Policy on terminating the Arab League boycott of Israel

The conference agreement includes language proposed by the House which deals with the decision in 1997 by the Arab League to reinstate the boycott of Israel and encourages the President to take certain specific steps in response to this decision.

Sec. 542. Eligibility for assistance

The conference agreement includes House language regarding exemptions from restrictions on certain assistance if carried out by nongovernmental organizations. The Senate amendment included similar language, but did not include "Assistance for Eastern Europe and Baltic States" under the terms of the provision. This section allows development assistance to be provided for nongovernmental organizations in cases where such assistance would otherwise be barred because of a statutory prohibition on assistance to a country. Under this authority, assistance provided through nongovernmental organizations may only marginally benefit the government of a country otherwise prohibited from receiving assistance through, for example, the necessary use of government facilities by nongovernmental organizations providing assistance to the people of that country. Except in such limited circumstances, the fact that assistance may be provided through nongovernmental organizations does not mean that the assistance can be provided to the government. Rather, the provision was first enacted in recognition that a government's actions should not automatically bar assistance to the people of a country through nongovernmental channels. It is with this intention that the conferees have expanded the scope of the current authority to include the former Soviet Union and Eastern Europe.

Sec. 545. Prohibition on publicity or propaganda

The conference agreement includes House language limiting to $500,000 the amount that may be made available to carry out the provisions of section 316 of Public Law 96–533 relating to hunger and development education. The Senate bill did not include a limitation.

Sec. 546. Purchase of American-made equipment and products

The conference agreement combines this section with section 558, as proposed by the Senate. The language require, to the greatest extent practicable, that any entity receiving assistance under this Act should receive notice that it is the Sense of the Congress that all equipment and products funded by this Act should be American-made.

Sec. 550. Prohibitions on assistance to foreign governments that export lethal military equipment to countries supporting international terrorism

The conference agreement provides that the prohibition on assistance called for in subsection (a) applies with respect to a contract entered into after October 1, 1997 instead of "April 24, 1996" as proposed by the House and "after the date of enactment of this Act" as proposed by the Senate.

Sec. 553. War crimes tribunals drawdown

The conference agreement changes the designation of the section title to include the word "drawdown" as proposed by the Senate.

Sec. 557. Equitable allocation of funds

The conference agreement inserts House language providing that not more than 18 percent of the funds appropriated to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act that are made available for Latin America and the Caribbean region may be made available, through bilateral and regional programs, to provide assistance to any one country in such region. The Senate bill did not include this provision.

Sec. 560. Authorization requirement for international financial institutions

The conference agreement includes language from title IV of the Senate amendment authorizing appropriations over several years of $1,600,000,000 for the International Development Association (IDA), $285,772,500

for paid-in capital of the European Bank for Reconstruction and Development, $400,000,000 for the Asian Development Bank, and $76,832,001 for paid-in capital of the Inter-American Development Bank. The House bill authorized $606,000,000 for the IDA.

The conference agreement also amends current law to require the International Finance Corporation to comply with environmental standards that apply to other multilateral institutions. It also includes a provision (from Senate section 568) relating to procurement opportunities available to United States suppliers and community participation in the planning and implementation of multilateral bank projects.

The multilateral lending banks are encouraged to undertake an assessment of the transparency and integrity of procurements they finance, including a finding on the utility of using independent third party procurement monitoring services. Such services may help U.S. companies compete for MDB procurement awards.

Sec. 561. Sanctions against countries harboring war criminals

The conference agreement inserts House language on this matter, except that there is no reference to the International Criminal Tribunal for the former Yugoslavia. Under subsection (a), the language authorizes the President to withhold funds for countries harboring war criminals as described in this section. Under subsection (b), the language states the President should instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, assistance to countries described in this section. The Senate amendment would have required that assistance be withheld, and would have limited the application of the provision to war criminals indicted by the International Criminal Tribunal for Rwanda.

Sec. 562. Limitation on assistance to Haiti

The conference agreement inserts a substitute provision limiting assistance to the Government of Haiti (updating what is known as the Dole Amendment). The conference substitute is similar to the Senate provision, but requires that the privatization of at least three major state enterprises be substantially completed as proposed by the House.

Sec. 563. Requirement for disclosure of foreign aid in report of Secretary of State

The conference agreement continues and updates prior year language requiring that the annual report on the voting record of foreign countries at the United Nations include a side-by-side comparison showing the amount of U.S. assistance provided to each country in fiscal year 1997. The Senate bill was identical except that it referenced the fiscal year 1996.

Sec. 564. Restrictions on voluntary contributions to United Nations agencies

The conference agreement includes House language prohibiting payment of any voluntary contribution to the United Nations (including the United Nations Development Program) if the U.N. implements any taxation on any United States national or corporation. The Senate amendment did not address this matter.

Sec. 565. Assistance to Turkey

The conference agreement inserts language which limits "Economic Support Funds" to Turkey to $40,000,000; provides that not less than 50 percent of such funds shall be made available for the purposes of supporting private nongovernmental organizations engaged in strengthening democratic institutions in Turkey, providing economic assistance for individuals and communities affected by civil unrest, and supporting and promoting peaceful solutions and economic development which will contribute to the settlement of regional problems in Turkey. The conferees agree that the cash transfer and direct project assistance components of Turkey's assistance are not severable and if, for whatever reason, the directed assistance were not provided and spent in the manner provided in subsection (b), the Government of Turkey would not receive the direct government-to-government assistance. Furthermore, the conferees also agree that the Agency for International Development will be responsible for administering the project elements of subsection (b) utilizing NGO's, PVO's and other instrumentalities consistent with the purposes outlined in subsection (b) and in consultation with the Committees on Appropriations.

The conferees also expect that the implementation of subsection (b) will be carried out in consultation with the Government of Turkey, which should include the participation of nongovernmental organizations where necessary and appropriate. The conferees note that it is neither the intent of the conference, nor is it the effect of this provision, to impinge upon Turkey's national sovereignty.

The Senate amendment did not contain a provision on this matter.

Sec. 566. Limitation on assistance to the Palestinian Authority

The conference agreement includes language which provides that none of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II (Economic Support Fund) of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority. The conference agreement allows the President to waive this prohibition if it is determined that it is "important to the national security interests of the United States." The waiver is effective for a period of not more than six months at a time and shall not apply beyond twelve months after enactment of this Act.

Both the House bill and the Senate amendment included similar provisions banning funds for the Palestinian Authority and the P.L.O. but each would have allowed for the provision of funds based upon a detailed but different Presidential certification. Both House and Senate bills include identical language (Sections 552) which bans assistance to the P.L.O.

Sec. 567. Limitation on assistance to the Government of Croatia

The conference agreement includes language proposed by the House that bars use of funds made available to the Government of Croatia in title II to relocate the remains of Croatian Ustashe soldiers to the site of the World War II concentration camp at Jasenovac, Croatia. The Senate bill did not address this matter.

Sec. 568. Burma labor report

The conference agreement includes language requiring a report from the Secretary of Labor, in consultation with the Secretary of State, on labor practices in Burma. The Senate amendment included the requirement for a report from the Secretary of Labor, as well as details regarding contents of the report. The House bill did not address this matter.

The conferees request the report address allegations and details on child labor practices, workers' rights, the forced relocation of laborers, and the use of forced labor to support the tourism industry and the construction of the Yadonna gas pipeline. To assure an understanding of its accuracy, the conferees also expect an evaluation of the cooperation and access afforded in Burma to the officials engaged in the preparation of the report.

Sec. 569. Haiti

The conference agreement includes Senate language making the Government of Haiti eligible to purchase defense articles and services under the Arms Export Control Act for the Haitian National Police and Coast Guard, subject to notification. The House bill contained no provision on this matter.

Sec. 570. Limitation on assistance to security forces

The conference agreement includes language, similar to that in the Senate amendment, which prohibits funds in this Act from being provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring responsible members of the security forces to justice. The language also provides that nothing in this section shall be construed to withhold funds from any unit credibly alleged to be involved in gross violations of human rights. In addition, if funds are withheld pursuant to this section, the Secretary is directed to inform promptly the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice so funds to the unit may resume.

The conferees are aware that there may be instances when providing information to a foreign government would compromise sources and methods, or endanger witnesses. The phrase "to the maximum extent practicable" ensures, among other things, that sources, methods and the safety of witnesses are fully protected. By "taking effective measures to bring responsible members of the security forces unit to justice", the conferees intend that the government carry out a credible investigation and that the individuals involved face appropriate disciplinary action or impartial prosecution in accordance with local law.

The House bill contained no provision on this matter.

Sec. 571. Limitations on transfer of military equipment to East Timor

The conference agreement includes language which requires that any agreement for sale, transfer, or licensing of any lethal equipment or helicopters for Indonesia entered into by the United States shall state that the United States expects that such items will not be used in East Timor. The conference agreement also provides that nothing in this section shall be construed to limit Indonesia's inherent right to legitimate national self-defense as recognized under the United Nations Charter and international law.

The conferees recognize Indonesia's important contribution to regional security and its inherent right of self-defense under the United Nations Charter. The conferees note, however, that U.S. military equipment has been used by Indonesian troops in East Timor. The conferees are concerned that

U.S. military equipment not be used in a manner inconsistent with international law, particularly with respect to the observance of human rights and therefore have included bill language which makes clear that such items should not be used in East Timor.

The House bill did not contain a provision on this matter.

Sec. 572. Transparency of budgets

The conference agreement includes Senate language amending section 576(a)(1) and (a)(2) of Public Law 104–208 to require that countries have in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces and security forces in order to receive U.S. support for multilateral assistance through international financial institutions, and to condition U.S. support for such assistance on the requirement that information be provided to the international financial institution on such audit process if requested by such institution. The House bill contained no provision on this matter.

Sec. 573. Restrictions on funding to countries providing sanctuary to indicted war criminals

The conference agreement includes language prohibiting bilateral assistance and the support of the United States for certain multilateral assistance, for countries and entities not in compliance with the war crimes provisions of the Dayton peace accords for the former Yugoslavia. The Senate bill contained language which prohibited most support for such countries and entities until measurable progress was made with respect to the arrest and transfer to The Hague of indicted war criminals. The House addressed the issue of war crimes in the former Yugoslavia in section 565 of the House bill, which would have authorized the President to withhold assistance to countries that granted sanctuary to war criminals.

The conferees expect that the provision of United States assistance to Croatia and Bosnia through international financial institutions will be coordinated with U.S. foreign policy objectives. With respect to the exemption in the section for bilaterally and multilaterally funded cross-border infrastructure projects, the conferees intend that the exemption should apply only to projects which are predominantly located in and predominantly benefit a nonsanctioned entity and include a small portion that extends into a contiguous sanctioned entity for the purpose of completing the project. The conferees note that Republicka Srpska has failed to arrest and transfer any of the 53 publicly indicted war criminals believed to be in its territory.

Sec. 574. Extension of certain adjudication provisions

The conference agreement includes Senate language that extends for an additional year (until October 1, 1998) the provisions of section 599D and 599E of Public Law 101–167; these provisions establish categories of aliens for purposes of refugee determinations, and provide for the adjustment of immigrant status for certain Soviet and Indochinese aliens. The House bill did not contain a provision on this matter.

The managers expect that this matter will be addressed in the future by the committees of jurisdiction, and do not anticipate making another extension in an appropriations act.

Sec. 575. Additional requirements relating to stockpiling of defense articles for foreign countries

The conference agreement includes language proposed by the Senate which in subsection (a) amends section 514(b)(2)(A) of the Foreign Assistance Act by authorizing additions to defense stockpiles for foreign countries of $60,000,000 for fiscal year 1998. Subsection (b) amends section 514(b)(2)(B) of the same act to authorize, for fiscal year 1998, not more than $40,000,000 for stockpiles in the Republic of Korea and not more than $20,000,000 for stockpiles in Thailand. The House bill did not contain a provision on this matter.

Sec. 576. Delivery of drawdown by commercial transportation services

The conference agreement includes Senate language which amends section 506 of the Foreign Assistance Act of 1961, as follows: (1) requires a report to Congress detailing all defense articles, defense services, and military education and training delivered to a recipient country or international organization upon delivery of such articles or upon completion of such services, including whether any savings were realized by utilizing commercial transport services; and (2) authorizes, as part of any drawdown of defense or other articles or commodities, that such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from agency assets. The House bill did not contain a provision on this matter.

Sec. 577. To prohibit foreign assistance to the Government of Russia should it implement laws which would discriminate against minority religious faiths in the Russian Federation

The conference agreement inserts a new provision instead of language proposed by the Senate. The House did not address this matter.

The conference substitute is effective 150 days after enactment. Upon its effective date, the President is allowed 30 days to certify the Congress that the Government of the Russian Federation has not implemented any measure that discriminates against religion in violation of international agreements that include Russia. In the absence of such certification, funds appropriated under the Act may not be obligated for the Government of the Russian Federation.

The managers note continued Congressional concern over the issue of religious freedom in the Russian Federation. Despite the personal intervention of the Vice President and many members of Congress, President Yeltsin signed into a law a measure which could threaten religious freedom in Russia.

The conferees consider implementation of the new law on religion by national, regional, and local entities in Russia to be the determining factor regarding religious freedom. The operative phase in this section should be interpreted by the Administration as giving it discretion to determine if the Russian government's actions are discriminatory.

The conferees acknowledge the advances that the Russian Federation has made in the areas of human rights and democratic political reforms. Congress has saluted its past willingness to allow freedom of speech, assembly, and religion. The managers remain optimistic that religious diversity and freedom of religious expression can survive in the Russian Federation.

Sec. 578. U.S. policy regarding support for countries of the South Caucasus and Central Asia

The conference agreement includes Senate language supporting the development of strong political and economic ties between countries of the Southern Caucausus and Central Asia regions and the West; the language also addresses United States policy with regard to the independence of Southern Caucasus and Central Asia republics and resolutions of regional conflicts.

Sec. 579 Pakistan

The conference agreement includes language proposed by the Senate to amend section 239(f) of the Foreign Assistance Act of 1961 to exempt the Overseas Private Investment Corporation from provisions in the Foreign Assistance Act prohibiting OPIC activity in Pakistan and expressing the sense of the Congress that the Director of the Trade and Development Agency should "use funds made available" to promote United States exports to Pakistan. The conference agreement deletes language proposed by the Senate to amend section 638(b) of the Foreign Assistance Act of 1961 to exempt Pakistan from prohibitions on certain training activities. The House bill did not address this matter.

Sec. 580. Requirements for the reporting to Congress of the costs to the Federal Government associated with the proposed agreement to reduce greenhouse gas emissions

The conference agreement includes Senate language, except for a date change, requiring the President to report on federal expenditures for climate and global change programs and activities. The report is required by November 15, 1997, rather than October 15, 1997, as in the Senate amendment. The House did not address the matter. The managers are concerned about the Administration's failure to comply with a similar information request in the fiscal year 1997 Foreign Operations Export Financing and Related Programs Appropriations Act.

Sec. 581. Authority to issue insurance and extend financing

The conference agreement includes Senate language extending the operations of the Overseas Private Investment Corporation for two additional years within an overall credit ceiling of $29,000,000,000. It does not include a Senate provision extending the operations of the Export-Import Bank.

Sec. 582. Withholding assistance to countries violating United Nations sanctions against Libya

The conference agreement language is similar to that in the Senate amendment requiring the President to withhold 5 percent of the funds (other than humanitarian and development assistance) allocated to any country that is violating sanctions against Libya. The language also includes a provision to allow the President to waive this section if he determines that to do so is in the national security of the United States.

If the President exercises his waiver authority under this section, the determination is to be provided in writing to the Committees on Appropriations.

Sec. 583. War crimes prosecution

The conference agreement includes language similar to that in the Senate amendment that amends the War Crimes Act of 1996. The language is identical to the language of H.R. 1348, which passed the House of Representatives on July 29, 1997. This provision defines war crimes for the purposes of the War Crimes Act. The House bill did not address this matter.

Sec. 584. International military education and training programs for Latin America

The conference agreement includes language similar to that proposed by the Senate which provides that the Secretary of Defense, in consultation with the Secretary of State, should make every effort to ensure that approximately 30 percent of IMET funds for Latin America will be used to support enrollment in expanded IMET courses. In addition the conference agreement provides that the Secretary of State, in consultation with the Secretary of Defense, should identify sufficient numbers of qualified, nonmilitary personnel from countries in Latin America so that approximately 25 percent of the total of individuals from Latin American countries attending United States supported IMET programs and the Center for Hemispheric Defense Studies at the National Defense University are civilians. Not later than twelve months after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall report in writing to the appropriate committees of the Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next three fiscal years.

The House bill did not contain a provision on this matter.

Sec. 585. Aid to the Government of the Democratic Republic of Congo

The conference agreement modifies Senate language regarding assistance to the Democratic Republic of Congo. It would prohibit assistance to the central government of the Democratic Republic of Congo until the President reports that said government is cooperating fully with investigators from the United Nations in accounting for human rights violations committed in the Democratic Republic of Congo or adjacent countries. The House bill did not contain a provision on this matter.

Sec. 586. Assistance for the Middle East

The conference agreement inserts language which provides that of the funds appropriated by this Act under the headings "Economic Support Fund", "Foreign Military Financing", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", not more than a total of $5,402,850,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups, unless the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to exceed $5,402,850,000 and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations. The conference agreement also includes language which would prevent the use of prior year funds in the accounts listed in this section but allocated for recipients outside of the Middle East region to fund programs covered by the limitation on funds for Middle East countries and activities required by this section. The conferees included this provision in order to make certain that prior year funds for other regions such as Africa and Latin America would not be used to support Middle East related activities.

Sec. 587. Agriculture

The conference agreement modifies subsection (k) under the heading "Assistance for the New Independent States of the Former Soviet Union" in the Foreign Operations, Export Financing and Related Programs Act, 1997, by striking "not less that" and inserting "up to" with regard to $35,000,000 made available for agricultural projects, including those undertaken through the Food Systems Restructuring Program.

Sec. 588. Enterprise fund restrictions

The conference agreement includes a modification to Senate language limiting payments to enterprise fund personnel. the conferees agree to limit certain forms of future compensation unless notified in advance by the Committee on Appropriations.

Sec. 589 Cambodia

The conference agreement includes language stating the Secretary of the Treasury should instruct the United States Executive Directors of international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia. The language is similar to that included in the House bill and the Senate amendment.

Sec. 591. Development credit authority

The conference agreement provides $7,500,000 for a new enhanced credit authority and $500,000 to be derived from AID operating expenses. The managers intend for the credit facility to fund a program in the Russian Far East providing market rate loans and guarantees to finance non-sovereign and sovereign development projects. These projects shall concentrate on development of the energy sector, telecommunications and infrastructure requirements, especially improvements to ports. The managers believe U.S. expertise, technology and services have the potential to make a significant contribution to the development of the region's vast natural resources while generating income, jobs and economic growth. The managers believe this credit facility should complement resources and activities provided by U.S. trade promotion agencies to the private sector.

No later than 60 days after the date of enactment of this Act, the managers request a report from the Coordinator of Assistance for the New Independent State clarifying a development strategy for the Russian Far East including an evaluation of the current and potential contribution of each agency funded by this Act.

Sec. 592. Authorization for population planning

The conference agreement includes House language limiting to $385,000,000 the funds available under title II of this Act for population planning activities or other population assistance. The Senate included a separate appropriations account for these activities at a level of $435,000,000. The conference agreement also includes language providing for monthly apportionments for this funding at a level of not to exceed 8.34 percent.

CASH FLOW FINANCING

The conference agreement strikes language proposed by the House requiring that FMF procurements in excess of $100,000,000 which are approved for cash flow financing shall be subject to notification. A similar notification requirement is included in permanent law (Public Law 104–164). The Senate bill contained no provision on this matter.

RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

The conference agreement does not include language from the Senate amendment prohibiting the lifting of sanctions, prohibitions, or requirements of section 1511 of Public Law 103–160 regarding Serbia or Montenegro unless certain specified conditions are met. The House bill contained no provision on this matter.

USE OF AMERICAN RESOURCES

The conference agreement deletes House language regarding the use of American resources. However, this provision has been merged in its entirely with section 546 of the conference agreement.

GUATEMALA

The conference agreement strikes both the House and Senate language and includes under the heading "International Military Education and Training" language limiting Guatemala to expanded IMET only.

NORTH KOREA

The conference agreement deletes language proposed by the House which requires the Secretary of State, in consultation with the Secretary of Defense, to submit semiannual reports to the Committees on Appropriations on the status of the North Korean military. This report is already required in permanent law. The Senate bill did not contain a similar provision.

SENSE OF THE CONGRESS RELATING TO INTERNATIONAL ADOPTION LAWS AND PRACTICES OF PARAGUAY

The conference agreement deletes a Sense of the Congress resolution dealing with the plight of Americans seeking to adopt children in Paraguay. The managers have been informed by the Department of State that the Secretary has become personally involved in this matter, and that a new adoption law is expected to be passed in Paraguay at any time. The Senate amendment did not contain a provision on this matter.

WITHHOLDING OF ASSISTANCE TO AGENCY SUPPORTING NUCLEAR POWER PLANT IN CUBA

The conference agreement strikes language proposed by the House which would prohibit funds under the heading "Nonproliferation, Antiterrorism, Demining, and Related Programs" that are made available for the International Atomic Energy Agency from being made available for programs and projects in Cuba. The Senate bill had no similar provision. The conferees remain convinced that the Juragua nuclear facility in Cuba is extremely unsafe and should not be completed. The conferees therefore direct the Secretary of State, prior to the obligation of funds for the IAEA, to certify to the Committees on Appropriations that none of the funds provided will be used to facilitate the activation of the Juragua nuclear plant in Cuba.

LIMITATION ON PROCUREMENT OUTSIDE OF THE UNITED STATES

The conference agreement deletes House language restricting the use of United States funds in foreign countries to buy products or services, including defense articles or defense services, from certain other foreign nations. The Senate bill did not include a similar provision.

AUTHORIZATION FOR NATO EXPANSION

The conference agreement strikes a provision proposed by the House which provides

that no funds in this Act may be used to pay for NATO expansion not authorized by law. The conferees note that the authorization of funds to support the future enlargement of NATO's is within the purview of responsibilities of the relevant authorization committees of the House and Senate. The Senate did not include a similar provision.

TRANSFER AMENDMENT

The conference agreement deletes House language that reduced amounts otherwise available for the Economic Support Fund by $25,000,000 and increased the amount available for the African Development Fund by the same amount.

SENSE OF CONGRESS REGARDING COSTS OF THE PARTNERSHIP FOR PEACE PROGRAM AND NATO EXPANSION

The conference agreement strikes the House language on this matter, however, the conferees strongly support the intent of the language which states that all member nations of NATO should contribute their proportionate share to pay for costs of the Partnership for Peace program and any future costs attributable to NATO expansion. The conferees direct the Secretary of State, in consultation with the Secretary of Defense, to report to the appropriate committees of the Congress within 90 days of enactment of this Act on the efforts being undertaken by the United States to ensure that the United States does not bear an unfair or disproportionate share of the financial burden of NATO enlargement. The Senate amendment did not address this matter.

INTERNATIONAL FINANCIAL INSTITUTION POLICIES

The Senate provision relating to procurement opportunities available to United States suppliers and community participation in the planning and implementation of multilateral bank projects is incorporated in section 560 of the conference agreement.

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

The conference agreement deletes Senate language amending section 105 of Public Law 104–164 to extend the authorities of such section to fiscal years 1998 and 1999. The House bill did not contain a provision on this matter.

SENSE OF THE SENATE REGARDING ESTONIA, LATVIA, AND LITHUANIA

The conference agreement does not include Sense of the Senate language regarding Estonia, Latvia, and Lithuania, proposed by the Senate but not addressed in the House bill. The conferees strongly support increased security relations between NATO and the Baltic nations and the conference agreement includes a fifty percent increase over the level requested by the administration in grant Foreign Military Financing assistance for Latvia, Lithuania and Estonia.

PROMOTION OF RELIGIOUS FREEDOM AND HUMAN RIGHTS

The conference agreement does not include language proposed by the Senate, but not addressed in the House bill, regarding an annual report on religious persecution and establishing a Prisoner Information Registry. In addition, the Senate language contained a provision expressing the Sense of the Congress that a Commission on Security and Cooperation in Asia should be established.

The managers agree to defer to Leadership initiatives to move freestanding legislation on the major issue of religious freedom.

UNITED STATES INTELLIGENCE ACTIVITIES RELATED TO MONITORING HUMAN RIGHTS ABUSES AND RELIGIOUS PERSECUTION

The conference agreement deletes Senate language requiring the President to undertake additional reporting to the Intelligence Committees. The managers defer to the committees of jurisdiction in this matter.

SENSE OF THE SENATE ON THE EUROPEAN COMMISSION'S HANDLING OF THE BOEING AND MCDONNELL DOUGLAS MERGER

The conference agreement deletes Senate language expressing the Sense of the Senate regarding European objections to a merger of two major American firms. The House bill did not contain a provision on this matter.

USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP

The conference agreement deletes Senate language authorizing, notwithstanding any other provision of law, funds to be made available for activities in the People's Republic of China through the United States-Asia Environmental Partnership program. The House bill did not address this matter.

LIBERATION TIGERS OF TAMIL EELAM

The conference agreement deletes Senate language expressing the Sense of the Senate that the State Department should list the Liberation Tigers of Tamil Eelam as a terrorist organization. The House bill did not address this matter.

LIMITATION ON INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR PERU

The conference agreement deletes language proposed by the Senate prohibiting IMET funds for Peru unless the President certifies that the Government of Peru is taking all necessary steps to ensure that United States citizens held in prisons in Peru are accorded timely, open and fair legal proceedings in civilian courts. The House bill did not contain a similar provision.

The conferees direct the Secretary of State, the Secretary of the Treasury, and the Administrator of the Agency for International Development to use the diplomatic and financial resources and influence available to them to encourage the Government of Peru to take all necessary steps to ensure that United States citizens held in prisons in Peru are treated humanely and accorded timely, open and fair legal proceedings in civilian courts. The conferees request that, no later than March 1, 1998, the Secretary of State submit a report to the Committees on Appropriations describing the Administration's efforts to achieve these ends and the response of the Government of Peru.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follow:

New budget (obligational) authority, fiscal year 1997	$12,311,119,710
Budget estimates of new (obligational) authority, fiscal year 1998	16,888,168,980
House bill, fiscal year 1998	12,311,414,980
Senate bill, fiscal year 1998	16,859,708,000
Conference agreement, fiscal year 1998	13,190,968,080
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1997	+879,848,370
Budget estimates of new (obligational) authority, fiscal year 1998	−3,697,200,900
House bill, fiscal year 1998	+879,553,100
Senate bill, fiscal year 1998	−3,668,739,920

SONNY CALLAHAN,
JOHN EDWARD PORTER,
RON PACKARD,
JOE KNOLLENBERG,
MIKE FORBES,
JACK KINGSTON,
R.P. FRELINGHUYSEN,
BOB LIVINGSTON,
NANCY PELOSI,
SIDNEY R. YATES,
NITA M. LOWEY,
ESTEBAN E. TORRES,
DAVID OBEY,
Managers on the Part of the House.
MITCH MCCONNELL,
ARLEN SPECTER,
JUDD GREGG,
RICHARD SHELBY,
R.F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
TED STEVENS,
THAD COCHRAN,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
FRANK R. LAUTENBERG,
TOM HARKIN,
Managers on the Part of the Senate.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I have been very surprised to hear my colleague from Florida, Mr. GOSS, and my colleague from Illinois, Mr. HYDE, both of whom I have a great deal of respect for, decry this rule that has been in effect for so many years as too traditional. I think my colleague from Florida said times have changed, and the gentleman from Illinois talked about traditions having to change.

Mr. Speaker, I think that this is a tradition that should not change because it is based on protections that were put into place, in effect, in reaction to the McCarthy era of the House Un-American Activities Committee, specifically the Hollywood 10 hearing.

Mr. Speaker, we know, those of us who have seen clips or videos from that day, know that witnesses were filmed, blacklisted, their lives were destroyed. Why would we want to go back to that? Why do we not learn the lessons of the past and not repeat the mistakes that were made in the past?

Now I heard the gentleman from Florida [Mr. GOSS] say that we should not have to worry about possible abuse because if there was abuse, people would understand, they would react and say, well, that witness is being abused and is that not terrible that that is happening? Well, my colleagues know how TV is. People turn TV on and off. They might watch the individual being scrutinized or being harassed and not watch the reaction.

So the suggestion that somehow someone is going to be watching this process for half an hour or an hour and

2 hours and see both sides, that is not the way things often happen. People sometimes flick on the TV for a minute or two, and that person is defamed.

Then I heard the gentleman from Illinois [Mr. HYDE] say, well, this is a classic conflict of rights, the right of the public to know. Well, I think that there was an understanding when this rule was put into place that there was a conflict of rights and that this was the compromise. As was said previously, there is no reason. The cameras can come into the room, the cameraperson can come into the room, the broadcast media can be there, the print media can be there, they just cannot film the person while they are testifying. That was the compromise.

Mr. Speaker, I just am concerned that the type of protections that were talked about by my Republican colleagues are not going to exist. The gentleman from Illinois [MR. HYDE] said, well, someone will defend the witness; the gentleman from Pennsylvania [Mr. Kanjorski] or the gentleman from Massachusetts [Mr. MOAKLEY] or others will get up there and defend the witness.

We have no guarantee of that. We have no guarantee that the public is going to really understand or that they are going to watch the whole proceedings or that someone is going to step forward and defend the witness. That person is out there, they are out there on their own, and they should have the right to be able to turn off the camera, because it does happen on occasion that people are abused, and we do not want to go back to the mistakes of the past.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I thank the gentleman from Massachusetts for yielding this time to me.

I am in a very unusual position on this debate, Mr. Speaker, because for 24 years of my life I worked as a radio and television newscaster, and I had to stand up to authorities that did not want cameras to come in and show the light. But I want to tell you, in 5 years in the House of Representatives, I have seen an abuse by stories that are leaked out to the news media.

Mr. Speaker, last week I think was a prime example in the Committee on Commerce, the Subcommittee on Oversight and Investigations, when we had, leading up to a hearing on a company called Molten Metals that was associated with two former staffers of the Vice President, news leaks to all the newspapers telling us how, really, they thought these people were guilty. Then we saw a memo from the majority saying in fact they had no evidence, there was no smoking gun, but that this hearing or these hearings provided a wonderful opportunity to get news media, to bring the news media in and make people look like they are guilty, to make these people deny the allegations being brought before them.

That is not the way this House is supposed to run. That is not the way a democracy is supposed to run. We should be able to have hearings; we should be able to get to the bottom of these matters; we should have television as we have here. But when a witness must be subpoenaed, they should have the right to not be on television. They should have the right to be able to speak just for the printed record. We should not have a repeat of the kind of assassination in the news media that led to that individual back in 1957 feeling so outside the system that he had to take his own life.

We have seen recently, and whether it is the Republicans or whether it is the Democrats, we should not put up with an abuse of this system. A person being subpoenaed before the House of Representatives should be able to say whether or not they want to appear on television before the entire world, whether they want to be on trial before the entire world or whether they want to speak for the legislative record.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I will be brief.

As my colleagues know, the rule we are proposing to repeal allows a subpoenaed witness to arbitrarily, for no reason at all, to demand that TV cameras and radios be turned off, still photography cease, and radios again be turned off while the witness is testifying before a committee.

Now, as my colleagues know, I can recall when I was in the minority on the Foreign Affairs Committee, and the committee called Colonel Oliver North before us, and we had some majority members who got up and they derided and demeaned Ollie North.

And do my colleagues know what happened? I stood up as a minority member, and I told those Members that they were rude, they were crude, they were arrogant, and they could not carry Ollie North's water. Do my colleagues know what happened? They ended up looking bad on television back home before their constituents, and they shut up.

And any Member has that right. We used to do the same thing with a very arrogant subcommittee chairman who used to deride and demean members of the Reagan administration. Do my colleagues know what? We did the same thing to him. Do my colleagues know what happened after a little while? He became respectful. When he called witnesses, he treated them with a little respect.

That is all we have to do, stand up for the rights of these people.

Now by repealing this rule that lets subpoenaed witnesses arbitrarily force out TV and radio so that the American people cannot see them, my colleagues know they have a right to see those people. Mr. Speaker, if Members vote to repeal this antisunshine rule, we will then have rules identical to the Senate.

Now think about this. For the last 60 years, the Senate will have, or we will have the exact same rules as the Senate. I have never once watched anyone derided, defamed, or demeaned over in the Senate. Our rules would then end up exactly the same.

Members should know that if they come over here and they vote no on this rule, they are turning off the TV coverage to their constituents. If they vote yes, they are voting to leave that TV on so that they could see what we are doing down here.

Mr. Speaker, I am going to advise my colleagues to get over here and vote yes on this.

Mr. Speaker, I thank the gentleman from Sanibel, Florida for yielding to me to support a measure which will provide for more sunshine in committee proceedings, and will enhance public interest and education in Congress.

In several high-profile congressional investigations in recent years certain witnesses, subpoenaed to appear before House committees, have invoked a little-known House rule which denied all media the ability to fully report on those proceedings.

This House rule allows a subpoenaed witness to arbitrarily demand that TV cameras be turned off, still photography cease, and radio coverage end as well, while the witness is testifying before the committee.

The assertion of this right before several committees since the late 1980's have given many Members—on both sides of the aisle—firsthand experience with the rule.

Several Members who are very active in their committee work have found the rule frustrating and have approached me on the House floor to discuss it.

Congressional hearings serve an important educational role in our system of government. Opponents of this rule change will rightly point out that federal courts are not televised.

Congressional investigative hearings serve a completely different constitutional purpose—oversight of the nation's laws, educating the public about the activities of their government, and ultimately, a legislative function.

Before we can properly make new laws, we must fully understand the functioning of current laws.

Mr. Speaker, the sweeping changes in electronic communications, and the vast number and scope of news media outlets available to cover government events, has also led Members to wonder if this rule may be archaic.

The Chairman of the Executive Committee of the Radio-Television Correspondents' Galleries, Mr. Vic Ratner, wrote to the Rules Committee for the second year in a row requesting that the Committee repeal this House rule.

This rule, the Radio-TV Correspondents' rightly argue, unfairly discriminates against the electronic media.

The print press, when this rule is invoked, are allowed to use the tools of their trade—pad and pen—while cameras and mikes are switched off.

The Rules Committee found the practical concerns of Members and the arguments of the Radio-TV Correspondents' be well-founded.

By repealing this rule, House committees, in their infinite wisdom, can consider whether to close a meeting and expel all press and public, if an assertion is made that testimony may tend to defame, degrade, or incriminate any person.

Witnesses enjoy several important protections, which require committee votes, under current House rules. (clauses 2 (g) and (k) of rule 11). These rules will remain in effect, if we proceed to repeal this arbitrary no-cameras rule.

House Members may be so accustomed to TV coverage of the House floor and its committees that they may forget that for many years the practice of the House was to not allow television broadcast of committee proceedings.

It was not until 1970 that the House permitted committees the ability to adopt rules allowing TV broadcast coverage, if a committee voted to do so.

In 1995, as part of the historic Republican opening day reform package, we revised this rule to allow more sunshine to illuminate committee proceedings for the public.

Under the new House rule, any meeting or hearing must be open to all media coverage if the session is open to the public, which in fact most hearings and meetings are.

I consider House Resolution 301 a natural follow-through to those sunshine reforms adopted at the beginning of the 104th Congress.

I believe the House can, from time to time, adapt itself to new technology and at the same time assist in the education of the public about Congress.

We should keep in mind that an informed citizenry is critical to the success of our Republic.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I still say the people's right of privacy is probably a little more important than the people's right to know, and individuals where people are mandated to come before a committee without any protection, they cannot rebut the committee. As chairman or as Member, they cannot cross-examine them. A person is just helpless, and a hostile Congressman could really make an upstanding citizen look like a criminal.

Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Speaker, I thank the gentleman for yielding me such time.

Mr. Speaker, I come before my colleagues in opposition to this rule, and I will give them just a few very quick examples of why we should not be passing that.

I listened very intently to what the gentleman from New York [Mr. SOLOMON] said. He is very right in terms of allowing the people back home to see what we do. Very important, because if we misbehave, they can see that.

But last week before the Committee on Banking and Financial Services, we had a very important witness. She came in and testified with regard to drug cartel money and how it is laundered through Colombian banks, United States businesses and United States banks, and we as members of the Committee on Banking and Financial Services were very, very attentive to her situation and what she was saying. She provided us with very important information.

But the fact of the matter is, she also was part of that laundering of drug money. She came before us even though there were threats on her life. She came before us because she wanted to provide this information to us.

In order to protect this witness who came without subpoena before the Committee on Banking and Financial Services, she was screened off from the press, although they could hear her testimony, no TV cameras, no photographs, and her voice was disguised.

Now, if she were to be subpoenaed before our committee, she would not have the right to say no TV cameras, no photographs. Only we, as Members of Congress, or the chairman could say that.

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That is wrong, because clearly this witness was providing valuable information to us as Members of Congress, and we would have been putting her life in danger. This rule would remove that. This is wrong.

For those people who think we, in fact, have to have cameras all the time, I would say to them this is not the land of Shirley Temple or the Wizard of Oz. This is not Hollywood, this is the U.S. Congress. Respect people's rights. Get the information and testimony you need, and do not, do not, take away the personal rights, and particularly in a case like this, potentially their life.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would make a few points. I have listened very closely to the debate here and up in the Committee on Rules, and there has been a good deal of Member interest. We have talked about this in our conference and with a lot of Members who have asked questions about this. I think that we are getting to the point where we are beginning to understand here that the truth is what matters; the truth of what actually happens is what is important.

I guess I could find some instances where people have been savaged in print and saved by TV. I do not know how many instances there are, but I suspect that Ollie North might think that he was such a person, and probably many other people would think that.

It is very hard to explain away nervousness for people who speak before cameras. Some people are more accustomed to it than others. Some people take it more naturally than others. But the fact is nervousness as you are speaking tends to evoke sympathy. People viewing would say, gee, if there is a problem there, it is understood. If it is so egregious, there is a way for the committee to deal with that.

I think you can go on with the statement about mistakes show up on TV, and they do show up. Congress occasionally makes mistakes, and when they show up on TV, it is useful for people to see we make mistakes, learn from them, and go on to the next thing, rather than hide the mistakes and sweep them under the rug, which I think the American people are truly tired of. I think when a panel beats up on a witness, and I can think of a few cases where that happens, there is generally sympathy in this country for the witness, and less than sympathy for the panel.

So I think as you go through this and take a look at all of the examples that have been suggested to us, we are talking about a problem that does not really exist. We are not changing the Constitution, we are not changing the laws of the land, and we are not going into some new horizon. We are doing what the other body does.

I note that all of the media support this resolution, all of the media, the print media, the broadcast media, the TV media. Everybody wants to be sure that the media can operate as the watchdog that we expect the media to be, without the spin doctors, without the filters, the raw truth of what actually is happening there.

I have great faith that the people in our country, the people who elect us, the people who hire us and fire us in the people's House, are smart enough and capable enough to discern what is right and what is not right. I think they understand grandstanding. I think they understand a charade when they see it. I think they understand spin when they see it. I think it is important to see it, and that is why we are moving the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan [Mr. DINGELL], a gentleman who has conducted more hearings than anybody in this House and has been more successful in his hearings probably than anybody else in the House.

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from Michigan is recognized for 3½ minutes.

Mr. DINGELL. Mr. Speaker, I thank my good friend for yielding me time.

Mr. Speaker, as my good friend and colleague, the ranking minority member of the Committee on Rules, has observed, I have conducted probably more hearings of an investigative character than anybody in this body. Never have I been inhibited, nor has our committee ever been inhibited, by the presence of the rule before us. We were always able to get the facts out, and the media, regardless of whether they were print or electronic, were always able to get the story back to the American people about what was going on and what the witness said.

The whole verbatim testimony can be made available through any of the media. The only thing is that we preserve some small shred of dignity to the individual who appears before a congressional committee to say, I do not want to be photographed here by cameras from the stills or movies or other kinds of electronic cameras, and to be protected in that right. He can be photographed going in; he can be photographed going out. All the media is present in the room and can take down his testimony verbatim and publish it the following day or that same day. They can put it on the 5, 6, 10 or 11 o'clock news. The witnesses who appear before him and after him can be photographed in full.

I do not think that this is too much to ask, because what it is really about here is decency. Never, as I mentioned, have we been thwarted in getting the full facts.

This rule that is now in place was put in place at the suggestion of a Republican Member in the House, the future leader in the Senate, Hugh Scott, when the Republicans last controlled this body.

It was because of the unseemly spectacle of Congressional investigations, where Members of Congress abused and bullied and harassed witnesses, and when irresponsible charges were made about the loyalty of decent and law-abiding citizens, and when the reputations of ordinary Americans were destroyed.

We are not talking about, I remind you, about getting the full facts. The full facts will come out. The media will have full access to the facts and full participation in the process. The only thing is some small shred of decency will be afforded to the individuals. Hearsay testimony is permitted in investigations. Members of Congress can say or do anything in the course of a hearing, regardless of how false, slanderous, defamatory or outrageous it might happen to be.

It should be noted that the whole matter finally came to an end when the counsel for the Army appeared before a Senate committee, Mr. Joseph Welch, and he had to say it. Senator McCarthy had made one more outrageous accusation, at this time about a member of Welch's law firm, and Welch looked the Senator in the eye and he simply said, "Have you no decency, sir?"

I think that that is really the question. It is not about rights of the public to know. The public will know. The public will have the story reported to them in full, in extraordinary detail. The public will understand. The individual will have some small shred of decency afforded to him. The witnesses before him and after him will be heard. The public can make an intelligent choice.

Never, never, never in all the 14 years that I have run investigative committees have we in any way been inhibited from getting the story to the American people. They can know, they should know, and they will know, under the current rules. This is unnecessary.

Mr. Speaker, we are here tonight debating a change of the House Rules because the Rules Committee and members of the Government Reform and Oversight Committee want to repeal a rule protecting the right of a witness subpoenaed to appear before Congress. The current rule allows a subpoenaed witness to request that cameras and broadcast microphones be turned off. All members of the press, both broadcast and print, may remain at the hearing and report on the hearing, much like they would report on a trial that has no TV cameras present. The hasty repeal of a rule that dates back to 1970, and has its genesis in the post-McCarthy era, is wrong.

I have probably conducted more investigative hearings than any current Member of Congress, and I can state categorically that this rule is rarely invoked and has never thwarted a full investigation into the truth, nor a full reporting of the facts.

I know of no reason why this rule is being rushed to the floor. Television media are not disadvantaged by this rule. Reporters may stay in the room and report exactly what occurred in the hearing. They may report the testimony verbatim, just as print journalists may. Yes, we do give the right to turn off the camera to the witness who is forced against his or her will to be here, but there is a good reason.

The rule protecting a witness from unwanted cameras was first proposed by then-Representative and future Senate Republican Leader Hugh Scott in 1954 when Republicans last controlled the House. At that time, the unseemly spectacle of Senator Joseph McCarthy calling in dozens of American citizens, some famous and some not, before a national television audience to defend their reputations was fresh in the public's mind. Three years later, in 1957, a young researcher called before the House Un-American Activities Committee committed suicide, because, as he wrote in his suicide note, he had a "fierce resentment of being televised."

On one occasion at a hearing I conducted, a witness, Michael Milken, requested that the cameras be turned off. I immediately honored the request. He was represented by the late Edward Bennett Williams, my former law professor, and a man I deeply respected. He had explained the reasoning behind this witness right in his 1962 book, One Man's Freedom: "The average person is extremely nervous when he appears before any court or committee. It is unfair to ask him to appear before the entire country as well."

We do not need a return to the McCarthy excesses of the 1950's, nor a repeat of the tragedy of 1957. Along with all Americans I want openness in government, but the American people are also sensitive to the possible consequences of an unrestrained media force on individuals who do not want this attention.

A witness who is forced to appear before a committee of Congress has very few rights. He may not confront his accusers through cross-examination. Objections to questions may be easily overruled by the chairman. Hearsay testimony is permitted. Under the Speech and Debate clause of the Constitution, Members of Congress may say anything during the course of a hearing, even if it is false, slanderous, or defamatory.

The purpose of the rule that is being repealed is to show that the Congress does, in fact, respect the individual. It shows that whether or not the Constitution provides a right to some form of privacy, that the Congress respects the right of an individual not to be improperly harassed.

There was a time in our not too distant past when certain Congressmen and Senators forgot about the importance of showing respect to the individual. We should not forget those terrible McCarthy hearings, which brought such disrespect upon the Congress. The American people intuitively knew what was taking place was wrong, but it took the eloquent words of the counsel to the Senate committee, Joseph Welch to say it. When Senator McCarthy had made yet one more accusation, this time about a member of Welch's law firm, Welch look the Senator in the eye, and simply said, "Have you no decency, sir at long last?"

That is what this rule is about—simple decency. It is a recognition that whether the Congress has nearly limitless power to investigate, simple rules of decency must apply. Maybe the individual is afraid of cameras; maybe the individual has a disability; maybe the individual has a religious objection to cameras. It matters not what the reason is. The existing rule is a statement that this House will conduct itself with a respect of the individual. It is the one rule that a single individual may invoke. No majority of the committee can override this rule.

In the end, the benefits of the rule will go not just to the individual, but to the Congress itself, because if we are not seen as fair, as respectful, and decent, we only hurt the respect for this institution.

The Congress has already voted that the investigative phase of allegations of misconduct by Members before the Committee on Standards of Official Conduct will be conducted without the cameras running. Should not every American have the same right as a Member of Congress?

Vote no on this dangerous return to our past.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. I thank the gentleman from Florida for yielding me time.

Mr. Speaker, I am the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce. We have not issued a subpoena in the 3 years that we have been in the majority on that subcommittee. I would like to just make a couple of points.

Number one, whether we have this rule change or not, the Congress gives the power to ultimately decide whether to televise or not televise to the television networks. They have the right under the first amendment to choose to televise or not to televise. We are not changing that.

Number two, any witnesses that are not subpoenaed do not have the right to revoke television coverage. If they choose to appear voluntarily before our committee, and the networks choose to televise that particular hearing, then it is televised.

Number three, if we grant this rule change, the committee still has the authority to vote to prohibit cameras if there is a sensitivity involved in the issue that the majority of that committee on a bipartisan basis feels that it should not be televised.

So I would hope that we would vote this rule change. We should not give a witness the right to prevent the American people from knowing what it is that a witness is or is not going to say when it is a national issue and an issue of pressing public policy.

Again, I would reiterate the Subcommittee on Oversight and Investigations of the Committee on Commerce has yet to issue a subpoena to any witness in the 3 years we have been in the majority. We ask our witnesses to appear voluntarily, and I would say 95 percent of the time the witnesses do appear.

So I hope we vote for the rule change and let the American people know what it is that is going on before the committees of Congress.

Mr. GOSS. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Georgia is recognized for 8 minutes.

Mr. GINGRICH. Mr. Speaker, I do appreciate very much the gentleman from Florida yielding me this time. I will not use it all.

I wanted to rise on this topic because I think it is a very, very important question for the House, and one that every Member of the House should weigh in their own conscience.

I came to the U.S. House as a freshman in 1978, in the election of 1978. I was sworn in in January of 1979, and the House was dark. Only in April of that year was television permitted in the House, and at the time there were many cries that it would permanently ruin the process. The Senate at that time refused to be televised.

Over a period of years, several things happened. We live in an electronic age. We live in an age where people use the Internet, they use television, they use radio, they surf the Net, they surf channels. And in that electronic age, Senators began to realize that, all of a sudden, the coverage which had historically been dominated by the Senate was shifting to the House because it was a more immediate, a more real, a more vivid institution.

I think today if someone were to come to the floor and say, let's repeal televising the House, let's close down C–SPAN, let's make it impossible to take televised debate off the floor of the House, people would look at them in wonderment. They would say, how could you think of that? Because the modern news is in large part an electronic news. It is a process of immediacy that is quite unusual.

Now we come to the question of committees. What is the purpose of holding a committee hearing? It is to learn the truth, to listen to opinions, to inform the Members and to inform the public.

We live in an age where murder trials are televised; we live in an age where television is virtually ubiquitous; we live in an age where people are pretty aware of and sensitive to the process of television. And what is the proposed change here? What is this dramatic, bold new breakthrough? It is to adopt the rules which are already in force in the Senate. That is right, exactly the same protections that already exist in the Senate.

Now, I have yet to hear any Senator suggest that the Senate should quit televising hearings. I have not heard a single Democrat or Republican suggest that there is anything wrong with any hearing on any topic, as long as it does not involve national security.

If it involves defamation of a person, if it involves something which could affect their livelihood, the committee in the House or the committee in the Senate has the right to close the hearing for good reason. If it involves national security, the committee has the right to exclude the media for good reason.

But the normal, standard set in the Senate is that a hearing is a hearing, and that this is the people's Congress, and, therefore, the people have a right to access; and in the modern era the most effective method of access is electronics, which means radio and television.

Now, what about the witnesses' rights? They are not changed at all. The witness arrives, accompanied by an attorney. The witness has all of the legal protections given them. The witness has every right to refuse to testify. The witness has every right to seek protection of the fifth amendment. The witness has every right to clarify. None of those protections for the witness are changed.

Our friends would suggest that there is somehow a magic difference between the same witness with the same attorney in the same hearing answering the same question, having it recorded by a newspaper in print and having it broadcast by radio or television.

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But I think that is to miss the entire revolution of our generation.

What is making the world different is the ability to have an electronic relationship that is real and vivid. At a time when the O.J. Simpson trial was available to every citizen; at a time when city councils are open to camera in Smyrna, Georgia; for example, every Monday night is city council night in Smyrna, and every citizen in Smyrna can watch, unless they are discussing a personnel decision that is sensitive. But to suggest that we should now retain a 1957 rule, at a time, by the way, when there was no television in the House; in Sam Rayburn's day, they did not have televised House proceedings. But now, in the modern era, I think it is wrong.

I would just pose this before any of my friends in the Democratic Party vote "no." I do not believe one can find a single Democratic Senator who would seek to go back and bar cameras and microphones from a Senate hearing. I do not believe one can find a single Member who has served in the Senate who would seek to go back and bar television and radio from a hearing. If, in the last 40 years, it has done no damage to witnesses in the Senate, what is it we are afraid of that it would do in the House?

The time has come to open the committees, just as when I was a freshman we opened up the House Chamber. Just as C–SPAN was good for the House Chamber, I believe the same coverage in the committees will be good, and I urge every Member to vote for this change, to bring the full light of complete news media coverage into the hearings of the United States House.

Mr. GOSS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, on that I demand the yeas and yeas.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on

each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken later.

SURFACE TRANSPORTATION EXTENSION ACT OF 1997

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1519) to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Extension Act of 1997".

SEC. 2. ADVANCES.

(a) IN GENERAL.—The Secretary of Transportation (referred to in this Act as the "Secretary") shall apportion funds made available under section 1003(d) of the Intermodal Surface Transportation Efficiency Act of 1991 to each State in the ratio that—

(1) the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; bears to

(2) all States' total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for the Interstate maintenance program, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, minimum allocation under section 157 of title 23, United States Code, Interstate reimbursement under section 160 of that title, the donor State bonus under section 1013(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1940), hold harmless under section 1015(a) of that Act (105 Stat. 1943), 90 percent of payments adjustments under section 1015(b) of that Act (105 Stat. 1944), section 1015(c) of that Act (105 Stat. 1944), an amount equal to the funds provided under sections 1103 through 1108 of that Act (105 Stat. 2027), and funding restoration under section 202 of the National Highway System Designation Act of 1995 (109 Stat. 571).

(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

(A) the amount apportioned to the State under subsection (a); by

(B) the ratio that—

(i) the amount of funds apportioned for the item, or allocated under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027), to the State for fiscal year 1997; bears to

(ii) the total of the amount of funds apportioned for the items, and allocated under those sections, to the State for fiscal year 1997.

(3) USE OF FUNDS.—Amounts apportioned to a State under subsection (a) attributable to sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 shall be available to the State for projects eligible for assistance under chapter 1 of title 23, United States Code.

(4) ADMINISTRATION.—Funds authorized by the amendment made by subsection (d) shall be administered as if they had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deduction under section 104(a) of title 23, United States Code, the set-asides under section 104(b)(1) of that title for the territories and under section 104(f)(1) of that title for metropolitan planning, and the expenditure required under section 104(d)(1) of that title shall not apply to those funds.

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall reduce the amount that would, but for this section, be apportioned to a State for programs under chapter 1 of title 23, United States Code, for fiscal year 1998 under a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount that is apportioned to each State under subsection (a) and section 5(f) for each such program.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) is amended by adding at the end the following:

"(d) ADVANCE AUTHORIZATIONS.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2(a) of the Surface Transportation Extension Act of 1997 $5,500,000,000 for the period of November 16, 1997, through January 31, 1998.

"(2) SPECIAL RULE.—Funds apportioned under subsection (a) shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) AUTHORIZATION.—Notwithstanding section 157(e) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 157 of title 23, United States Code, not to exceed $15,460,000 for the period of January 26, 1998, through January 31, 1998.

"(2) ALLOCATION.—The Secretary shall allocate the amounts authorized under paragraph (1) to each State in the ratio that—

"(A) the amount allocated to the State for fiscal year 1997 under section 157 of that title; bears to

"(B) the amounts allocated to all States for fiscal year 1997 under section 157 of that title.

"(f) CONTRACT AUTHORITY.—Funds authorized under subsections (d) and (e) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.".

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), after the date of enactment of this Act, the Secretary shall allocate to each State an amount of obligation authority made available under the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105–66) that is—

(A) equal to the greater of—

(i) the State's unobligated balance, as of October 1, 1997, of Federal-aid highway apportionments subject to any limitation on obligations; or

(ii) 50 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; but

(B) not greater than 75 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

(2) LIMITATION ON AMOUNT.—The total of all allocations under paragraph (1) shall not exceed $9,786,275,000.

(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998, until the earlier of the date of enactment of a multiyear law reauthorizing the Federal-aid highway program or July 1, 1998.

(B) REOBLIGATION.—Subparagraph (A) shall not preclude the reobligation of previously obligated funds.

(C) DISTRIBUTION OF REMAINING OBLIGATION AUTHORITY.—On the earlier of the date of enactment of a law described in subparagraph (A) or July 1, 1998, the Secretary shall distribute to each State any remaining amounts of obligation authority for Federal-aid highways and highway safety construction programs by allocation in accordance with section 310(a) of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105–66).

(D) CONTRACT AUTHORITY.—No contract authority made available to the States prior to July 1, 1998, shall be obligated after that date until such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted.

(4) TREATMENT OF OBLIGATIONS.—Any obligation of an allocation of obligation authority made under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 1998 for the purposes of the matter under the heading "(LIMITATION ON OBLIGATIONS)" under the heading "FEDERAL-AID HIGHWAYS" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105–66).

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) IN GENERAL.—In addition to any other authority of a State to transfer funds, for fiscal year 1998, a State may transfer any funds apportioned to the State for any program under section 104 (including amounts apportioned under section 104(b)(3) or set aside or suballocated under section 133(d)), 144, or 402 of title 23, United States Code, before, on, or after the date of enactment of this Act, granted to the State for any program under section 410 of that title before, on, or after such date of enactment, or allocated to the State for any program under chapter 311 of title 49, United States Code, before, on, or after such date of enactment, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program

under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to a program under section 133 (other than subsections (d)(1) and (d)(2)) of title 23, United States Code, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are not authorized may be restored to the Federal-aid highway, highway safety, and motor carrier safety programs.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—No provision of law, except a statute enacted after the date of enactment of this Act that expressly limits the application of this subsection, shall impair the authority of the Secretary to restore funds pursuant to this subsection.

(d) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) EXPENSES OF FEDERAL HIGHWAY ADMINISTRATION.—

(1) AUTHORITY TO BORROW.—

(A) FROM UNOBLIGATED FUNDS AVAILABLE FOR DISCRETIONARY ALLOCATIONS.—If unobligated balances of funds deducted by the Secretary under section 104(a) of title 23, United States Code, for administrative and research expenses of the Federal-aid highway program are insufficient to pay those expenses for fiscal year 1998, the Secretary may borrow to pay those expenses not to exceed $60,000,000 from unobligated funds available to the Secretary for discretionary allocations.

(B) REQUIREMENT TO REIMBURSE.—Funds borrowed under subparagraph (A) shall be reimbursed from amounts made available to the Secretary under section 104(a) of title 23, United States Code, as soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—In addition to funds made available under paragraph (1), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative and research expenses of the Federal-aid highway program $158,500,000 for fiscal year 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(3) USE OF CERTAIN ADMINISTRATIVE FUNDS.—Section 104(i)(1) of title 23, United States Code, is amended by inserting ", and for the period of October 1, 1997, through March 31, 1998," after "1997".

(b) BUREAU OF TRANSPORTATION STATISTICS.—Section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2172) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Chapter I"; and

(2) in the first sentence of subsection (b)—

(A) by striking "1996, and" and inserting "1996,"; and

(B) by inserting before the period at the end the following: ", and $12,500,000 for the period of October 1, 1997, through March 31, 1998".

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) FEDERAL LANDS HIGHWAYS.—Section 1003(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) in subparagraph (A)—

(A) by striking "1992 and" and inserting "1992,"; and

(B) by inserting before the period at the end the following: ", and $95,500,000 for the period of October 1, 1997, through March 31, 1998";

(2) in subparagraph (B)—

(A) by striking "1995, and" and inserting "1995,"; and

(B) by inserting before the period at the end the following: "and $86,000,000 for the period of October 1, 1997, through March 31, 1998"; and

(3) in subparagraph (C)—

(A) by striking "1995, and" and inserting "1995,"; and

(B) by inserting before the period at the end the following: ", and $42,000,000 for the period of October 1, 1997, through March 31, 1998".

(b) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) (as amended by section 2(d)) is amended by adding at the end the following:

"(e) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 104(h) of title 23, United States Code, is amended by inserting 'and $7,500,000 for the period of October 1, 1997, through March 31, 1998' after '1997'.".

(c) CERTAIN ALLOCATED PROGRAMS.—

(1) HIGHWAY USE TAX EVASION.—Section 1040(f)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended in the first sentence by inserting before the period at the end the following: "and $2,500,000 for the period of October 1, 1997, through March 31, 1998".

(2) SCENIC BYWAYS PROGRAM.—Section 1047(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1998) is amended in the first sentence—

(A) by striking "1994, and" and inserting "1994,"; and

(B) by inserting before the period at the end the following: ", and $7,000,000 for the period of October 1, 1997, through March 31, 1998".

(d) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 6058(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended—

(1) by striking "1992 and" and inserting "1992,"; and

(2) by inserting before the period at the end the following: ", and $47,000,000 for the period of October 1, 1997, through March 31, 1998".

(e) SURFACE TRANSPORTATION RESEARCH.—

(1) OPERATION LIFESAVER.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the operation lifesaver program under section 104(d)(1) of title 23, United States Code, $150,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the Dwight David Eisenhower Transportation Fellowship Program under section 307(a)(1)(C)(ii) of title 23, United States Code, $1,000,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(3) NATIONAL HIGHWAY INSTITUTE.—Section 321(f) of title 23, United States Code, is amended by adding at the end the following: "There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $2,500,000 for the period of October 1, 1997, through March 31, 1998, and such funds shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.".

(4) EDUCATION AND TRAINING PROGRAM.—Section 326(c) of title 23, United States Code, is amended by adding at the end the following: "There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $3,000,000 for the period of October 1, 1997, through March 31, 1998, and such funds shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.".

(f) METROPOLITAN PLANNING.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 134 of title 23, United States Code, $78,500,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(2) DISTRIBUTION OF FUNDS.—The Secretary shall distribute funds authorized under paragraph (1) to the States in accordance with section 104(f)(2) of title 23, United States Code.

(g) TERRITORIES.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) (as amended by subsection (b)) is amended by adding at the end the following:

"(f) TERRITORIES.—

"(1) IN GENERAL.—In lieu of the amounts deducted under section 104(b)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands $15,000,000 for the period of January 26, 1998, through January 31, 1998.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available

for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.''.

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) NHTSA HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2079) is amended—

(1) by striking ''1996, and'' and inserting ''1996,''; and

(2) by inserting before the period at the end the following: '', and $83,000,000 for the period of October 1, 1997, through March 31, 1998''; and

(b) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.—Section 410 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking ''5'' and inserting ''6''; and

(B) in paragraph (3), by striking ''and fifth'' and inserting ''fifth, and sixth'';

(2) in subsection (d)(2)(B), by striking ''two'' and inserting ''3''; and

(3) in the first sentence of subsection (j)—

(A) by striking ''1997, and'' and inserting ''1997,''; and

(B) by inserting before the period at the end the following '', and $12,500,000 for the period of October 1, 1997, through March 31, 1998''.

(c) NATIONAL DRIVER REGISTER.—Section 30308(a) of title 49, United States Code, is amended—

(1) by striking ''1994, and'' and inserting ''1994,''; and

(2) by inserting after ''1997,'' the following: ''and $1,855,000 for the period of October 1, 1997, through March 31, 1998,''.

SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraphs (1) through (5), by striking ''not more'' each place it appears and inserting ''Not more''; and

(2) by adding at the end the following:

''(6) Not more than $45,000,000 for the period of October 1, 1997, through March 31, 1998.''.

SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087–2140) is amended by adding at the end the following:

''SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.

''(a) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting ', and for the period of October 1, 1997, through March 31, 1998' after '1997'.

''(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 5337 of title 49, United States Code, is amended—

''(1) in subsection (a), by inserting 'and for the period of October 1, 1997, through March 31, 1998,' after '1997,'; and

''(2) by adding at the end the following:

'''(e) SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).'.

''(c) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

''(1) in subsection (a)—

''(A) in paragraph (1), by adding at the end the following:

''' (F) $1,328,400,000 for the period of October 1, 1997, through March 31, 1998.'; and

''(B) in paragraph (2), by adding at the end the following:

''' (F) $369,000,000 for the period of October 1, 1997, through March 31, 1998.';

''(2) in subsection (b)(1), by adding at the end the following:

''' (F) $1,131,600,000 for the period of October 1, 1997, through March 31, 1998.';

''(3) in subsection (c), by inserting 'and not more than $1,500,000 for the period of October 1, 1997, through March 31, 1998,' after '1997,';

''(4) in subsection (e), by inserting 'and not more than $3,000,000 is available from the Fund (except the Account) for the Secretary for the period of October 1, 1997, through March 31, 1998,' after '1997,';

''(5) in subsection (h)(3), by inserting 'and $3,000,000 is available for section 5317 for the period of October 1, 1997, through March 31, 1998' after '1997';

''(6) in subsection (j)(5)—

''(A) in subparagraph (B), by striking 'and' at the end;

''(B) in subparagraph (C), by striking the period at the end and inserting '; and'; and

''(C) by adding at the end the following:

''' (D) the lesser of $1,500,000 or an amount that the Secretary determines is necessary is available to carry out section 5318 for the period of October 1, 1997, through March 31, 1998.';

''(7) in subsection (k), by striking 'or (e)' and inserting '(e), or (m)'; and

''(8) by adding at the end the following:

''' (m) SECTION 5316 FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period of October 1, 1997, through March 31, 1998:

''' (1) $125,000 to carry out section 5316(a).

''' (2) $1,500,000 to carry out section 5316(b).

''' (3) $500,000 to carry out section 5316(c).

''' (4) $500,000 to carry out section 5316(d).

''' (5) $500,000 to carry out section 5316(e).'.''.

SEC. 9. EXTENSION OF TRUST FUNDS FUNDED BY HIGHWAY-RELATED TAXES.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''1997'' and inserting ''1998''; and

(ii) by striking the last sentence and inserting the following new flush sentence: ''In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of this sentence.'';

(B) in paragraph (4)(A), by striking ''1997'' and inserting ''1998'';

(C) in paragraph (5)(A), by striking ''1997'' and inserting ''1998''; and

(D) in paragraph (6)(E), by striking ''1997'' and inserting ''1998''; and

(2) in subsection (e)(3)—

(A) by striking ''1997'' and inserting ''1998'', and

(B) by striking all that follows ''the enactment of'' and inserting ''the last sentence of subsection (c)(1).''

(b) AQUATIC RESOURCES TRUST FUND.—Section 9504(c) of the Internal Revenue Code of 1986 (relating to expenditures from Boat Safety Account) is amended by striking ''April 1, 1998'' and inserting ''October 1, 1998''.

(c) NATIONAL RECREATIONAL TRAILS TRUST FUND.—Section 9511(c) of the Internal Revenue Code of 1986 (relating to expenditures from Trust Fund) is amended by striking ''1997'' and inserting ''1998''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to report to the House that we have concluded our negotiations with the Senate and indeed, essentially the 6-month extension of ISTEA, which passed this House unanimously, as a fundamental basis upon which we now come back to the House with this Senate bill, this compromise bill, which is a 6-month extension of ISTEA, provides for approximately $10 billion in funding that is available from the old ISTEA, plus $5.5 billion in new funds to be distributed in such a fashion that each State will get approximately 50 percent of its 1997 obligational ceiling, which means that we do not deal with the formula issue. That could well be a nuclear war that will take place next spring, but that is fine. That is when it should take place.

This bill is simply a short-term extension which follows the strong view of the House, which is the long-term battle for the future funding of transportation infrastructure in America is a battle that should be fought within the context of the budget resolution next spring. So on a bipartisan basis, we bring this before the body under suspension of the rules and urge its passage.

S. 1519 represents a compromise between the House and the Senate which is the result of difficult negotiations between the two bodies over the past several days. Many hard decisions had to be made in order to ensure that State programs will continue to operate until we can resolve outstanding funding and policy issues after the budget debate next year.

The bill provides $5.5 billion in new budget authority as advances to States, equivalent to 3 months of funding. Funds are distributed in a manner similar to the House bill, based on the fiscal year 1997 distribution of obligational authority.

All advances of new budget authority will be subtracted from each State's ultimate distribution of funding for fiscal year 1998 in the ISTEA reauthorization.

S. 1519 distributes $9.8 billion in obligation authority to the States. Each State receives the higher of 50 percent of its fiscal year 1997 allotment of obligation authority or the total of its unobligated balances—but only in an amount up to 75 percent of its 1997 obligation authority.

This distribution was a concession on the part of the House, but I would note that it is, in fact, the distribution that would have been made by the Federal Highway Administration if no short-term extension were enacted.

The bill imposes a hard deadline on obligations of May 1, 1998. States may obligate Federal funds after that date only when a multi-year reauthorization of surface transportation programs has been enacted.

Because States will have to rely in part on unobligated balances, States are given flexibility to transfer both unobligated funds and new funds from any program category to another program category. However, those funds are required to be paid back once a multi-year reauthorization is enacted.

The bill ensures that a formula change effective for 1998 can be implemented for new budget authority for all States and for obligation authority for virtually all States.

Sufficient funding is provided for nearly a full year of Federal Highway Administration operations, and allocated programs continued in both the House and Senate reauthorization bills are funded at 50 percent of their 1997 levels.

For the transit program, S. 1519 includes provisions as in the House bill providing funding at 50 percent of fiscal year 1997 levels. Formula grant programs are funded at $1.3 billion and discretionary grants are funded at $1.1 billion.

Safety programs and motor carrier safety programs are also funded as in the House bill—with $83 million for the section 402 safety program, $12 million for the Section 410 Drunk Driving Program, and $45 million for motor carrier safety being provided.

I want to recognize the contributions of many groups who have worked diligently toward passing this short term extension.

I particularly want to recognize the Governors—acting both individually and under the auspices of the National Governors' Association—who have played a critical role in our efforts to see a meaningful ISTEA extension.

The Governors have also been prominent advocates for long-term increases in Federal investment in surface transportation programs. NGA passed a resolution this summer calling on Congress to enact legislation that permanently provides that all dedicated transportation user fees and and interest be distributed automatically and annually without restriction.

The Governors also organized a coalition called TRUST, "Transportation Revenues Used Solely for Transportation," made up of State and local government officials, business groups and labor organizations, to push for increased Federal investment in transportation.

The fact that NGA and the National Conference of State Legislatures, the U.S. Conference of Mayors, and the National League of Cities continue to be so vocal on the subject of transportation dollars is a testament to the importance of surface transportation to communities across America as well as the responsibility State and local officials feel to meet infrastructure needs.

I expect that these organizations will continue to be politically energized on this subject as we revisit the program funding levels in the 1998 budget resolution.

Finally, I want to commend my colleagues on the Transportation and Infrastructure Committee—ranking Democrat JIM OBERSTAR, TOM PETRI, chairman of the Surface Transportation Subcommittee, and NICK RAHALL who is the ranking Democrat on the subcommittee.

The Transportation Committee has had a full year seeking to secure adequate transportation resources, developing BESTEA—the Building Efficient Surface Transportation and Equity Act—and now passing this short term extension. And we have our work cut out for us next year as we attempt to finalize a multiyear reauthorization that provides the necessary resources to meet our transportation needs.

Our Senate counterparts, Senator JOHN CHAFEE, Senator JOHN WARNER, and Senator MAX BAUCUS also deserve to be commended for their efforts during these last days of the session to provide the tools necessary for the States to advance critical transportation projects until Congress completes work on a long-term ISTEA reauthorization.

I urge the House to approve S. 1519.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Pennsylvania [Mr. SHUSTER] and I are of one mind and of one accord on this legislation, as are the chairman of the subcommittee, the gentleman from Wisconsin [Mr. PETRI], and the ranking Democrat on our side, the gentleman from West Virginia [Mr. RAHALL], whom I commend for their unflagging commitment to ensuring that our Nation's surface transportation programs continue with the least possible disruption.

In a spirit of compromise, I think we have shown remarkable creativity and flexibility in working with our colleagues across the way in the other body in crafting an interim measure that will ensure that the States' critical surface transportation projects, highway, motor carrier safety, transit capital needs, transportation research programs, can continue unabated until we deal with the permanent law next spring. We have had a very good discussion with Senators CHAFEE, BAUCUS, WARNER, and BOND, and I commend them for their cooperation in working with us in a constructive fashion to come up with a product that has been the result of extensive and even difficult negotiations.

The key is that we produced a compromise that recognizes that adjourning for the year without a stopgap measure would be an abdication of our responsibility to the Nation. I just want to emphasize for all of our colleagues and all of those who may be listening that this body acted responsibly.

This committee, under the leadership of our chairman, the gentleman from Pennsylvania [Mr. SHUSTER] moved legislation in proper time to deal with the Nation's transportation needs. We moved the 6-month extension bill well ahead of the other body. We were willing to work with them to draft what we thought was an answer, in a neutral fashion, for the need to move ahead with the Nation's transportation funding, but on an interim basis until we come back next spring to deal with the 6-year bill.

Clearly, this is a compromise. It includes the important elements that we need to ensure that critical construction, capital acquisition and safety programs continue. The bill allows States unlimited flexibility to use their unobligated balances according to their most pressing needs. I want to emphasize that this flexibility is only temporary, that any transferred funds, any funds moved out of one category into another, will be repaid in full to their original categories.

I also want to emphasize that this bill is only half of what we provided in the House bill. I want to make it abundantly clear that this is only an interim measure. In no way should anyone consider that this prejudges the ultimate multiyear reauthorization of surface transportation programs which we will take up in due course next year. The distribution of funding and the obligational authority in this bill cannot be construed in any way to constitute a statement by Congress about the funding formulas that we will consider next year, or that in any way it would constitute a precedent for next year's reauthorization.

The bill fully preserves our ability to adjust the distribution of remaining fiscal year 1998 funds, ensuring that States will receive their full and their equitable shares. It should not be construed in any way to indicate which existing programs will or will not continue, nor at what funding levels they will continue. This is simply a short-term measure to tide these programs and projects over while we continue to develop the fully funded multiyear bill.

I just want to remind our colleagues, this is not the time to launch into a full-scale reauthorization of the surface transportation programs. We have crafted a bill on which we are in agreement and which we will bring forward at the appropriate time next year. We do good work in our committee. This is an interim step toward completing that good work.

I want to extend my congratulations to our chairman, the gentleman from Pennsylvania [Mr. SHUSTER], for his leadership in moving this legislation along, and had this body been of good mind and good spirit 48 hours ago, this would have been done. However, we do all good things in due course.

Again, I congratulate our chairman and thank him for his splendid cooperation.

Mr. SHUSTER. Mr. Speaker, I certainly want to thank my good friend from Minnesota [Mr. OBERSTAR] for the leadership he has provided to make this a bipartisan legislation.

Mr. RAHALL. Mr. Speaker, I rise as the ranking Democrat on the bipartisan Subcommittee on Surface Transportation, which is ably chaired by the distinguished gentleman from Wisconsin TOM PETRI.

In conjunction with our full committee chairman BUD SHUSTER and ranking member JIM OBERSTAR, we are now in the position to consider the pending measure.

This bill provides the States with some ability to continue to obligate federal highway funds until Congress reauthorizes the federal aid to highway program which expired on September 30th.

Since that time, no new contract authority associated with federal highway dollars has been available to the States.

Under this legislation, which represents a compromise with the Senate, $5.5 billion in new contract authority would be provided to the States.

This amount, coupled with the unobligated balances associated with prior year contract authority currently in existence, provides the States with $9.8 billion in federal highway fund obligational authority subject to a May 1, 1988, expiration.

This legislation should be viewed as an interim measure made necessary because Congress did not enact a long-term highway bill this session.

The reasons for incomplete action on the long-term bill are varied.

For our part, the simple fact of the matter is that the bipartisan leadership of the House Committee on Transportation and Infrastructure intends to keep faith with the American motorist and with our responsibilities to address a crumbling transportation infrastructure in this country.

We do not believe that motor fuel taxes paid by the American people, which are deposited in the Highway Trust Fund for the express purpose of making transportation improvements, should then sit idle in that Trust Fund and be held hostage to the whims of the budgeteers.

Earlier this year, a grave injustice was done to transportation when the Administration and the Republican leadership of the Congress agreed upon a 5-year budget plan.

Simply put, highway spending was not sufficiently provided for placing us in a situation where the surplus in the Highway Trust Fund will continue to grow while highway construction needs remain unmet.

We on the Transportation and Infrastructure Committee feel compelled to fashion a long-term reauthorization of the existing highway law, ISTEA, that provides highway spending levels which more closely track receipts into the Highway Trust Fund.

Because this was not possible this year, we are moving forward with a short-term bill so that we may seek more justice in highway spending next year when the Congress will once again consider a budget resolution.

With that, I urge the adoption of the pending measure.

Mr. PETRI. Mr. Speaker, I am pleased that the House is considering this important piece of legislation before it adjourns for the year.

This bill will ensure that key surface transportation programs, including the highway, transit, and highway safety programs, continue to receive funding while a multi-year reauthorization is being crafted by the Congress.

At one point in time this fall, it appeared that there was a good chance that the other body would not even consider an extension.

Fortunately, upon further reflection, they reached the same conclusion that we had reached—that it just isn't good transportation policy to allow these programs to wither on the vine or to allow the Federal Highway Administration to shut down due to lack of funds.

I want to comment briefly on the formula for distributing highway funds.

This bill distributes $9.7 billion in obligation limitation to the States based primarily on the level of unobligated balances each state had at the beginning of the year. This is the distribution method insisted upon by the Senate.

This method is generally less favorable to the "Donor" states than the method included in BESTEA—the bill considered by my subcommittee in September—and the short term extension passed by the House on October 1.

In fact, 21 "Donor" States receive a lower percentage than they did under the House passed bill. Many of these States receive a trust fund return on their obligation authority that is below 80 percent. The House accepted this method of distributing the obligation limitation in return for several concessions on the part of the Senate that we considered important in helping us proceed with the longer term bill next year—including preserving the budget baseline and providing additional contract authority to the States so that they would not be dependent exclusively on balances of unobligated funds.

I hope this serves as a forewarning to the "Donor" States that they need to be vigilant as we continue to develop a final formula for a multi-year bill.

Chairman SHUSTER and I remain committed to modernizing the ISTEA formulas. Current formulas clearly are indefensible and have the perverse effect of reducing overall support for a strong Federal highway program. I urge the House to approve S. 1519.

Mr. SHUSTER. Mr. Speaker, I have no further requests for time, and if the gentleman is prepared to yield back his time, I will do the same.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 1519.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1519, the Senate bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY FOR LIBRARY OF CONGRESS

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2979) to authorize acquisition of certain real property for the Library of Congress, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF FACILITY IN CULPEPER, VIRGINIA.

(a) ACQUISITION.—The Architect of the Capitol may acquire on behalf of the United States Government by transfer of title, without reimbursement or transfer of funds, the following property:

(1) Three parcels totaling approximately 41 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51–80B, 51–80C, and 51–80D, further described as real estate (consisting of 15.949 acres) conveyed to Federal Reserve Bank of Richmond by deed from Russell H. Inskeep and Jean H. Inskeep, his wife, dated October 1, 1964, and recorded October 7, 1964, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 177, page 431, and real estate (consisting of 20.498 acres and consisting of 4.502 acres) conveyed to Federal Reserve Bank of Richmond by deed from Russell H. Inskeep and Jean H. Inskeep, his wife, dated November 11, 1974, and recorded November 12, 1974, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 247, page 246.

(2) Improvements to such real property.

(b) USES.—Effective on the date on which the Architect of the Capitol acquires the property under subsection (a) such property shall be available to the Librarian of Congress for use as a national audiovisual conservation center.

SEC. 2 LIBRARY BUILDINGS AND GROUNDS.

Section 11 of the Act entitled "An Act relating the policing of the buildings of the Library of Congress" approved August 4, 1950 (2 U.S.C. 167(j)), is amended by adding at the end the following new subsection:

"(d) For the purposes of this Act, the term 'Library of Congress buildings and grounds' shall include the following property:

"(1) Three parcels totaling approximately 41 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51–80B, 51–80C, and 51–80D, further described as real estate (consisting of 15.949 acres) conveyed to Federal Reserve Bank of Richmond by deed from Russell H. Inskeep and Jean H. Inskeep, his wife, dated October 1, 1964, and recorded October 7, 1964, the the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 177, page 431; and real estate (consisting of 20.498 acres and consisting of 4.502 acres) conveyed to Federal Reserve Bank of Richmond by deed from Russell H. Inskeep and Jean H. Inskeep, his wife, dated November 11, 1974, and recorded November 12, 1974,

in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 247, page 246.

"(2) Improvements to such real property.".

SEC. 3. ACCEPTANCE OF TRANSFERRED GIFT OR TRUST FUNDS.

Gifts or trust funds given to the Library or the Library of Congress Trust Fund Board for the structural and mechanical work and refurbishment of Library buildings and grounds specified in section 1 shall be transferred to the Architect of the Capitol to be spent in accordance with the provisions of the first section of the Act of June 29, 1922 (2 U.S.C. 141).

SEC. 4. FUND FOR TRANSFERRED FUNDS

There is established in the Treasury of the United States a fund consisting of those gift or trust funds transferred to the Architect of the Capitol under section 3. Upon prior approval of the Committee on House Oversight of the House of Representatives and Committee on Rules and Administration of the Senate, amounts in the fund shall be available to the Architect of the Capitol, subject to appropriation, to remain available until expended, for the structural and mechanical work and refurbishment of Library buildings and grounds. Such funds shall be available for expenditure in fiscal year 1998, subject to the prior approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act shall take effect on the date of the enactment of this Act.

(b) SPECIAL RULE FOR INCLUSION OF PROPERTY WITHIN LIBRARY BUILDINGS AND GROUNDS.—The amendment made by section 2 shall take effect upon the acquisition by the Architect of the Capitol of the property described in section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentlewoman from Michigan [Ms. KILPATRICK] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2979 is an attempt at the end of this Congress, in working with the Senate, and the Senate has a bill they are attempting to move on the other side which would authorize the Architect of the Capitol to acquire on behalf of the United States Government a gift of property located in Culpeper, Virginia.

This property is unique in terms of the uses that the Librarian will make of it. As my colleagues may know, in the early 20th century, the then new technology captured the American experience on film and in various forms of audio retention.

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Unfortunately, in the late 19th and early 20th century, the technology produced a product which, over time, can become highly volatile. Many of these early film archives are currently preserved on military bases, much as you would munitions.

Our goal was to seek a facility which would allow the Librarian not only to preserve these artifacts but, in the process of preserving them, make them available for those who might wish to utilize the Library's resources, as they do with books and other artifacts that the Library of Congress now holds.

Since, for example, the acetate film is located on military bases, pretty obviously we cannot just use any building. We are very, very fortunate in having in Culpeper, Virginia, a facility which has been made available which, with relatively minor changes beyond the already wonderful facility that it is, will allow us to accomplish this long-desired goal of the Librarian.

In addition to that, the funds for this facility are a gift. We have some benefactors who are willing to provide the funds that will not only allow us to purchase the Culpeper facility, but funds that will allow us to begin to do the kinds of things that we need to do to it to make it an even more enhanced repository.

So what this bill does is allow us to acquire the property. It provides for the transfer of gifts to the Library trust fund controlled by the authorizing committees, the Committee on House Oversight and the Committee on Rules in the Senate, for appropriated funds controlled by the appropriations committees.

We have incorporated in the bill an amendment that was requested on the Senate side by the minority, agreed to by the chairman of the Committee on Rules, the distinguished gentleman from Virginia, Senator WARNER, and I would ask that all Members support this marvelous acquisition for the retention of these films and audio artifacts.

In addition, Mr. Speaker, I will place in the RECORD a letter from the chairman of the Committee on Transportation and Infrastructure clearly indicating that, notwithstanding the jurisdiction of that committee, and we certainly acknowledge the jurisdiction of that committee, in the interest of the time line which we need to make this decision, that the committee would not exercise its jurisdiction in this matter but certainly retains its jurisdiction over this subject matter.

The letter referred to is as follows:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES,
Washington, DC, November 12, 1997.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on House Oversight, Washington, DC.

DEAR BILL: I am writing in reference to H.R. 2979, a bill authorizing the acquisition of certain real property for the Library of Congress, which was initially referred to the Committee on House Oversight.

As you know, pursuant to clause 1(q)(11) of Rule X of the Rules of the House, the Committee on Transportation and Infrastructure has jurisdiction over measures relating to the construction, reconstruction, maintenance and care of the buildings and grounds of the Library Congress. H.R. 2979 would expand the Library of Congress's real property inventory, and thus expand this Committee's jurisdictional responsibilities with regard to any form of building repair or improvements.

It is clear that the Committee on Transportation and Infrastructure has a jurisdictional interest in H.R. 2979. However, as I do not wish to prevent or prolong consideration of the measure, I will not request a sequential referral of this bill. Nonetheless, this decision should not be deemed a waiver of this Committee's jurisdiction over the subject matter contained in the bill, jurisdictional prerogatives of similar provisions in the future, or the right to be conferees should the bill go to conference.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 2979, and ask that a copy of my letter on this matter be placed in the Congressional Record during consideration of the bill on the Floor.

I am pleased to support the concept of the legislation, and I look forward to working with you on future matters related to the Library of Congress.

With warm, personal regards, I remain

Sincerely,

BUD SHUSTER,
Chairman.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, if I could, the minority side is not represented at the moment, and I would ask to claim the time on the minority side, since we are not represented.

The SPEAKER pro tempore. Without objection, the Chair recognizes the gentleman from Oregon [Mr. DEFAZIO].

There was no objection.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not particularly aware of the merits of this bill, but I would like to go to the procedure before us.

The House is being kept here because Republicans are unable to get the Committee on Rules to meet and bring forward the appropriations bills. We could bring those bills forward tomorrow in the regular order. There is no reason the House, which was kept in session until midnight or later 3 or 4 nights last weekend while they tried to force the votes on fast track, there is no reason to keep the House here again tonight.

So I would like to suggest, Mr. Speaker, that the other side consider where we are going. The gentleman from New York [Mr. SOLOMON] is here, and perhaps he has some news about the appropriations bill.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I most certainly do. Let me say, I may be the most optimistic Member of this body, but let me say I think we are getting out of here tomorrow afternoon. The reason is that the Committee on Rules

was scheduled to meet about 45 minutes ago with the minority Members, but the gentleman from Massachusetts [Mr. MOAKLEY], a very respected and outstanding Member of this body, asked for another hour to look at two conference reports, one the D.C. appropriations conference report, the other the foreign operations conference report. They are completed. We will meet at 10 minutes of 9:00. Because the gentleman wants me to, I will be down here at 9 o'clock with both of them.

Mr. DEFAZIO. Reclaiming my time, Mr. Speaker, if I could ask the gentleman, he will be out here at 9 o'clock with both the bills. Is that as good a promise as the moving target on fast track last week, which was going to be on the hour or the half-hour for 5 hours?

Mr. SOLOMON. Give or take a few minutes one way or the other.

Mr. DEFAZIO. I thank the gentleman. I accept that rather strong assurance from the chairman that within 40 minutes we will be completing the real business before the House, as opposed to the legislation before us.

Mr. Speaker, I yield back the balance of the time to the gentlewoman from Michigan [Ms. KILPATRICK].

The SPEAKER pro tempore. Without objection, the gentlewoman from Michigan [Ms. KILPATRICK] is recognized to control the time.

There was no objection.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am sorry the gentleman from Oregon characterizes this as not the real legislation before the House. Quite frankly, it is in the best tradition. There are private individuals who are contributing more than $10 million, so that all Americans can have access to historical artifacts.

Frankly, the gentleman does a disservice to the House and those individuals who continue to contribute major sums so that the American people can enjoy these kinds of artifacts in a preserved fashion, not just at the time they are produced through the 20th century, but for all times.

If the gentleman believes this trivializes the House, then I really wish the gentleman would not claim time if he has no understanding whatsoever of the material in front of him.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY].

Mr. DEFAZIO. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman will state the point of personal privilege.

Mr. DEFAZIO. Having been demeaned by the gentleman, Mr. Speaker, I would like the opportunity to respond.

The SPEAKER pro tempore. Does the gentleman demand that words spoken in debate be taken down?

Mr. DEFAZIO. Mr. Speaker, would the gentlewoman from Michigan [Ms. KILPATRICK] yield me 1 minute?

Ms. KILPATRICK. Mr. Speaker, I yield 1 minute to the gentleman from Oregon.

The SPEAKER pro tempore. It is not in order for the gentleman to have time yielded at this point.

Mr. THOMAS. Mr. Speaker, I control the time.

Mr. DEFAZIO. I will wait for 1 minute later to respond.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY], in whose district this facility resides, and whose help was instrumental in acquiring this property for a very attractive price, which allows us to stretch this gift far beyond just the purchase of the property, but to add improvements to the property as well.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this legislation, which will allow the Library of Congress to accept a gift of the Federal Reserve facility located at Mount Pony in Culpeper County, VA. I also rise today to recognize and thank the gentleman from California, Mr. BILL THOMAS and the gentleman from New York, Mr. JIM WALSH, for their hard work on this important legislation.

The Library of Congress has had statutory responsibility for collecting and preserving audiovisual materials for nearly 100 years. The Library presently holds the most comprehensive collection in the world in all audiovisual formats, from nitrate to digitalized materials. The Library presently stores these materials at scattered locations throughout the United States, including a facility in Suitland, MD.

The General Services Administration has, however, ordered the Library to vacate its 27 nitrate vaults in Suitland by May 1998 in order that they may be torn down. This leaves the Library in a precarious position. They need a place to store the film. They want it to be local, and they want to establish a permanent facility for this material so that they do not have to constantly look for short-term storage solutions.

Located in Culpeper County, VA, which is just a short drive from the Capitol, is a Federal Reserve facility which was created as a high security facility for currency and gold reserve storage.

However, the Federal Reserve Bank in Richmond has been attempting to sell the property for the past 7 years because it no longer needs it. The Richmond Fed has placed an end-of-the-year deadline on the sale of this facility. If the facility is not sold, they are going to transfer it to the Bureau of Printing and Engraving.

The Library views the Federal Reserve facility in Culpeper as the most cost-effective solution to their problem. It is large enough to accommodate their needs, it is close enough to Washington, and it has the climate controls necessary for storing the material. Essentially, the facility is perfect for the creation of a single, centralized national audiovisual and digital master conservation center. In this center the Library will store, preserve, process, and make accessible the entire national audiovisual collection.

The important thing about this legislation is that it will enable the Library to do what it needs to in order to preserve the material, but it will not cost the American taxpayers any money. The cost of purchasing the facility has been donated generously by the David and Lucille Packard Foundation.

Moreover, the Packard Foundation will provide funds, as the gentleman from California [Mr. THOMAS], the chairman of the committee, has said, will provide funds not only for the purchase of the facility, but they are providing millions of dollars for the restoration and refurbishment of the facility.

This is a good bill and it is a necessary bill, because if we do not act before adjournment, the Richmond Federal Reserve Bank will proceed with the transfer of the Culpeper facility to the BPE. The Library will miss a golden opportunity if we do not act now, so I urge all my colleagues to support this legislation.

I thank the gentleman from California for all of his work.

Ms. KILPATRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding me the time. I am glad we are back in the regular order and that the ranking member representing the minority is now on the floor of the House.

I am sorry that the majority felt that they had to proceed out of the regular order with this legislation and, in fact, that they felt that they had to hold the House here late in the evening for legislation which could have been dispatched tomorrow during regular business hours.

Mr. Speaker, the legislation, as described by the gentleman from Virginia, whom I do hold in high regard, obviously has merit, and we appreciate the gift. I wish that the Library of Congress did not have to go begging for gifts and that the Republican majority would better fund the Library of Congress, but given the fact that they do not have adequate funds, these sorts of gifts are absolutely vital to maintain our national heritage.

To the gentleman from California [Mr. THOMAS], whom I hold in minimally high regard, I do not appreciate his words, and I would say that they are generally characteristic of his performance on the floor. That is why he is held in minimal high regard by so many Members of this body.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Oregon [Mr. DEFAZIO] does not understand what is going on around here, notwithstanding his ability to come to the microphone and make pronouncements.

We proceeded in regular order tonight. This was scheduled sometime ago by the Committee on Rules. If Members from the minority are not able to be here, I am sure there are good reasons. I said I would wait. I was instructed by the minority to go forward, so the gentleman from Oregon is simply misinformed.

As a matter of fact, we tried to do this last Monday night, but in terms of their unwillingness to move needed legislation, the objections that were heard on his side of the aisle required us to wait until Wednesday to conclude this.

Notwithstanding his involvement in this process and his clear statement on the record that this is not real work, or his attempts to make light of Americans wishing to assist through their ability to contribute to the Library of Congress and to the Smithsonian, this is important legislation, timely legislation, and necessary legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. KILPATRICK. Mr. Speaker, I yield myself such time as I may consume. I, too, believe that this is valuable legislation before us. Any time a citizen of America would want to donate to the better good of this country, we all would welcome that. Certainly we do in this instance.

Mr. WALSH. Mr. Speaker, I rise in support of this legislation which authorizes the acquisition, without cost to the Government, of an existing facility to be used by the Library of Congress. The Library plans to convert a vacant building now owned by the Federal Reserve Bank of Richmond to an audio-visual preservation center.

The building is located in Culpeper, VA. It will be acquired through a most generous donation by the David and Lucille Packard Foundation. The Packard Foundation will also contribute $4.5 million above the purchase price of $5.5 million to equip and maintain the building.

The Librarian of Congress says he needs this building and its 40 acre site to consolidate the extensive film, video tape, and sound recording materials now stored in five separate locations. This facility will become the national center for the storage and processing of these collections. The Library will then be able to vacate outdated facilities at Wright-Patterson Air Force Base, underground vaults in Boyers, PA, three warehouses in the Washington suburbs, and in the main Library itself.

The Library's intent will be to establish a modern audio-visual collections center which will contain the necessary climate controls to process and store nitrate and acetate film and movies, and a variety of multimedia video and sound recordings. It will also be possible to connect the Culpeper facility to the main Library with fiber optic links to make accessible the entire national audio-visual collection.

We have not yet seen the complete scope of the project nor do we yet have a complete cost analysis based on construction design and estimates. The Library, however, has provided estimates prepared by an accounting firm that indicates placing the center at Culpeper will cost less than the additional investments that would otherwise be necessary to update current storage and processing facilities or to build new facilities elsewhere.

The Library and the Architect of the Capitol will prepare the requisite estimates for the normal appropriations cycle. They will be reviewed by the Committee on Appropriations in regular order. It is my hope that most of all of the funds can be derived from additional philanthropic support to minimize the need for taxpayer funding of this new operation. That is the intent of the Librarian, as I understand it.

I support this authorization. The Librarian has made the case for it and I commend the chairman of the Committee on House Oversight, BILL THOMAS, for bringing this legislation to the House.

Ms. KILPATRICK. Mr. Speaker, with that, I have no further requests for time, and I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the bill, H.R. 2979, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 2030

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2979, as amended.

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2979, AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY FOR LIBRARY OF CONGRESS

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2979 the Clerk be authorized to make technical and conforming changes.

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING PRINTING OF "OUR FLAG," "HOW OUR LAWS ARE MADE," AND "THE CONSTITUTION OF THE UNITED STATES OF AMERICA"

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the Senate concurrent resolutions (S. Con. Res. 61) authorizing printing of a revised edition of the publication entitled "Our Flag," (S. Con. Res. 62) authorizing printing of the brochure entitled "How Our Laws Are Made," and (S. Con. Res. 63) authorizing printing of the pamphlet entitled "The Constitution of the United States of America."

The Clerk read as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That (a) a revised edition of the publication entitled "Our Flag", revised under the direction of the Joint Committee on Printing, shall be reprinted as a Senate document.

(b) There shall be printed—

(1)(A) 250,000 copies of the publication for the use of the House of Representatives, distributed in equal numbers to each Member;

(B) 51,500 copies of the publication for the use of the Senate, distributed in equal numbers to each Member;

(C) 2,000 copies of the publication for the use of the Joint Committee on Printing; and

(D) 1,400 copies of the publication for distribution to the depository libraries; or

(2) if the total printing and production costs of copies in paragraph (1) exceed $150,000, such number of copies of the publication as does not exceed total printing and production costs of $150,000, with distribution to be allocated in the same proportion as in paragraph (1).

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), That (a) a revised edition of the brochure entitled "How Our Laws Are Made", under the direction of the Parliamentarian of the House of Representatives in consultation with the Parliamentarian of the Senate, shall be printed as a Senate document, with suitable paper cover in the style selected by the chairman of the Joint Committee on Printing.

(b) There shall be printed—

(1)(A) 250,000 copies of the brochure for the use of the House of Representatives, distributed in equal numbers to each Member;

(B) 100,000 copies of the brochure for the use of the Senate, distributed in equal numbers to each Member;

(C) 2,000 copies of the brochure for the use of the Joint Committee on Printing; and

(D) 1,400 copies of the brochure for distribution to the depository libraries; or

(2) if the total printing and production costs of copies in paragraph (1) exceed $180,000, such number of copies of the brochure as does not exceed total printing and production costs of $180,000, with distribution to be allocated in the same proportion as in paragraph (1).

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring, That (a) a revised edition of the pamphlet entitled "The Constitution of the United States of America", prepared under the direction of the Joint Committee on Printing, shall be printed as a Senate document, with appropriate illustration.

(b) There shall be printed—

(1)(A) 440,000 copies of the pamphlet for the use of the House of Representatives, distributed in equal numbers to each Member;

(B) 100,000 copies of the pamphlet for the use of the Senate, distributed in equal numbers to each Member;

(C) 2,000 copies of the pamphlet for the use of the Joint Committee on Printing; and

(D) 1,400 copies of the pamphlet for distribution to the depository libraries; or

(2) if the total printing and production costs of copies in paragraph (1) exceed $120,000, such number of copies of the pamphlet as does not exceed total printing and production costs of $120,000, with distribution to be allocated in the same proportion as in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. EHLERS] and the gentlewoman from Michigan [Ms. KILPATRICK] each will control 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, these resolutions provide for the following: Senate Concurrent Resolution 61 provides for printing of the revised edition of the publication entitled "Our Flag." This resolution provides for the printing of 250,000 copies, or such number as can be printed, for a total printing and production cost of $150,000. Senate Concurrent Resolution 62 provides for printing of the revised edition of the publication entitled "How Our Laws Are Made." This resolution provides for the printing of 250,000 copies, or such number as can be printed, for a total printing and production cost of $180,000. Senate Concurrent Resolution 63 provides for printing of the revised edition of the publication entitled "The Constitution of the United States of America." This resolution provides for the printing of 440,000 copies, or such number as can be printed, for a total printing and production cost of $120,000.

All three of these are extremely useful to our constituents and to Members of Congress, and I strongly urge that we adopt these resolutions.

Mr. Speaker, I reserve the balance of my time.

Ms. KILPATRICK. Mr. Speaker, I yield myself such time as I may consume.

I listened carefully to the gentleman from Michigan [Mr. EHLERS]; and I, too, agree that this is a very worthy cause, printing of educational materials, for citizens throughout America. So, Mr. Speaker, I too support this initiative.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I have no further requests for time. If the gentlewoman from Michigan [Ms. KILPATRICK] wishes to yield back the balance of her time, I shall do likewise.

Ms. KILPATRICK. Mr. Speaker, I have no further requests for speakers, and I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. EHLERS] that the House suspend the rules and concur in the Senate concurrent resolutions, Senate Concurrent Resolution 61, Senate Concurrent Resolution 62, and Senate Concurrent Resolution 63.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolutions were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 61, Senate Concurrent Resolution 62, and Senate Concurrent Resolution 63.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING USE OF OFFICIAL MAIL IN LOCATION AND RECOVERY OF MISSING CHILDREN, AND FOR OTHER PURPOSES

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1378) to extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes.

The Clerk read as follows:

S. 1378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORIZATION OF USE OF OFFICIAL MAIL IN THE LOCATION AND RECOVERY OF MISSING CHILDREN.

The Act entitled "An Act to amend title 3, United States Code, to authorize the use of penalty and franked mail in efforts relating to the location and recovery of missing children", approved August 9, 1985 (39 U.S.C. 3220 note; Public Law 99-87), is amended—

(1) in section 3(a) by striking "June 30, 1997" and inserting "June 30, 2002"; and

(2) in section 5 by striking "December 31, 1997" and inserting "December 31, 2002".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentleman from Pennsylvania [Mr. FATTAH] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Senate bill 1378 was passed by the Senate on November 5, 1997. It was referred jointly to the Committee on House Oversight and the Committee on Government Reform and Oversight for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Mr. Speaker, this legislation extends the authorization for use of official mail in the location and recovery of missing children through December 31, 2002. Authorization was initially approved on August 9, 1985, and extended in October of 1992. This authorization will expire at the end of this year.

Mr. Speaker, the legislation enables Members of Congress to mail a photo and description of missing children that are provided by the National Center for Missing and Exploited Children in their franked mail to raise public awareness in an effort to locate these children. Currently, Mr. Speaker, some 20 Members use this authority regularly to mail those types of materials.

There is, Mr. Speaker, understandably great national concern regarding the growing problem of missing children. It is indeed one of the greatest fears for parents throughout this Nation. Because of this concern, a Missing Children's Caucus was organized earlier this year in the House.

Mr. Speaker, the extension of authority of use of official mail in the location and recovery of missing children is a very meritorious program, and would I urge our colleagues to support this legislation thereby extending the current program through the year 2002.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me join with my colleague the gentleman from New York [Mr. MCHUGH], the distinguished chairman of the Subcommittee on Postal Service, in urging the House to favorably consider Senate bill 1378. This is a very important and very needed reauthorization of a practice that has already been, as my colleague has mentioned, implemented by many Members here in the House.

The issue of missing children is something that is on the minds of parents throughout this Nation. And in my home city of Philadelphia, unfortunately, there have been several instances in which children have been missing for a long time. The Center for Missing and Exploited Children is a very important establishment, and this provision that allows both Members of the Senate and House to use frank mail in a way in which I am sure even those that have been the most enthusiastic critics of frank mail for this purpose is something that we all would support.

Mr. Speaker, we do not have any further speakers on our side, so we would like to yield back the remainder of our time, assuming that the gentleman from New York [Mr. MCHUGH] is the last speaker on his side.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

I am, indeed, the only speaker on our side. So let me very briefly, in closing,

extend my deepest appreciation to the ranking member, the gentleman from Pennsylvania [Mr. FATTAH]. In these times of difficulty in the House and in the Senate, when we are working toward a close of the session, we far too often dwell upon those things that perhaps take us apart. And in this effort, we see something that, as the gentleman from Pennsylvania [Mr. FATTAH] has stated so eloquently, brings us together. And I thank my colleague for his efforts and for that side of the aisle very helpful assistance in bringing this bill to the floor.

I would urge all of our colleagues to support this very, very worthy program through this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the Senate bill, S. 1378.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1378.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998; TECHNICAL CORRECTIONS

Mr. SPENCE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1507) to amend the National Defense Authorization Act for fiscal year 1998 to make certain technical corrections.

The Clerk read as follows:

S. 1507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS.

(a) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—(1) Section 2302c(a)(1) of title 10, United States Code, is amended by inserting "of section 2303(a) of this title" after "paragraphs (1), (5) and (6)".

(2) The amendment made by paragraph (1) shall take effect as if included in the amendment to section 2302c of title 10, United States Code, made by section 850(f)(3)(A) of the National Defense Authorization Act for Fiscal Year 1998 to which the amendment made by paragraph (1) relates.

(b) COMMEMORATION OF 50TH ANNIVERSARY OF KOREAN CONFLICT.—(1) Section 1083(f) of the National Defense Authorization Act for Fiscal Year 1998 is amended by striking out "$100,000" and inserting in lieu thereof "$1,000,000".

(2) The amendment made by paragraph (1) shall take effect as if included in the provisions of the National Defense Authorization Act for Fiscal year 1998 to which such amendment relates.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

This bill makes two technical corrections to H.R. 1119, the National Defense Authorization Act for Fiscal Year 1998. The first makes technical changes to a provision in the conference report involving electronic commerce. The change is not controversial and would simply restate references to title 10 of the United States Code more effectively by eliminating unnecessary ambiguity.

The second change would correct the ceiling on funding that has been authorized for the Secretary of Defense to begin the planning, coordination, and execution of a program to commemorate the 50th anniversary of the Korean war. This original proposal was included in the President's budget request and in the House-passed bill. The conference outcome inadvertently placed an incorrect funding ceiling on this commemorative effort. The conference report currently limits expenditures to $100,000. The bill before us would raise the cap to the correct level of $1 million.

S. 1507 passed the Senate by unanimous consent last Sunday night, and I am not aware of any controversy.

Mr. Speaker, I reserve the balance of my time.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill S. 1507, a bill to provide for technical corrections for the National Defense Authorization Act for Fiscal Year 1998. And I might say, Mr. Speaker, that I concur in the observations made by my distinguished colleague the gentleman from South Carolina [Mr. SPENCE].

This bill makes only two corrections to the authorization bill as passed in the House. One, it makes technical corrections to part B of the bill dealing with electronic commerce; and two, it corrects the amount available to the Army for support of the 50th anniversary of the Korean conflict from $100,000 to $1 million.

With those brief remarks, Mr. Speaker, I would indicate that I support the bill, and I urge my colleagues to vote in favor of it.

Mr. Speaker, I yield back the balance of my time.

Mr. SPENCE. Mr. Speaker, I have no further requests for time; and, therefore, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. SPENCE] that the House suspend the rules and pass the Senate bill, S. 1507.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PERMITTING MINERAL LEASING OF INDIAN LAND LOCATED WITHIN FORT BERTHOLD INDIAN RESERVATION

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1079) to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease, as amended.

The Clerk read as follows:

S. 1079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEASES OF ALLOTTED LANDS OF THE FORT BERTHOLD INDIAN RESERVATION.

(a) IN GENERAL.—

(1) DEFINITIONS.—In this section:

(A) INDIAN LAND.—The term "Indian land" means an undivided interest in a single parcel of land that—

(i) is located within the Fort Berthold Indian Reservation in North Dakota; and

(ii) is held in trust or restricted status by the United States.

(B) INDIVIDUALLY OWNED INDIAN LAND.—The term "individually owned Indian land" means Indian land that is owned by 1 or more individuals.

(C) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) EFFECT OF APPROVAL BY SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—The Secretary may approve any mineral lease or agreement that affects individually owned Indian land, if—

(i) the owners of a majority of the undivided interest in the Indian land that is the subject of the mineral lease or agreement (including any interest covered by a lease or agreement executed by the Secretary under paragraph (3)) consent to the lease or agreement; and

(ii) the Secretary determines that approving the lease or agreement is in the best interest of the Indian owners of the Indian land.

(B) EFFECT OF APPROVAL.—Upon the approval by the Secretary under subparagraph (A), the lease or agreement shall be binding, to the same extent as if all of the Indian owners of the Indian land involved had consented to the lease or agreement, upon—

(i) all owners of the undivided interest in the Indian land subject to the lease or agreement (including any interest owned by an Indian tribe); and

(ii) all other parties to the lease or agreement.

(C) DISTRIBUTION OF PROCEEDS.—The proceeds derived from a lease or agreement that is approved by the Secretary under subparagraph (A) shall be distributed to all owners of the Indian land that is subject to the lease or agreement in accordance with the interest owned by each such owner.

(3) EXECUTION OF LEASE OR AGREEMENT BY SECRETARY.—The Secretary may execute a mineral lease or agreement that affects individually owned Indian land on behalf of an Indian owner if—

(A) that owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) PUBLIC AUCTION OR ADVERTISED SALE NOT REQUIRED.—It shall not be a requirement for the approval or execution of a lease or agreement under this subsection that the lease or agreement be offered for sale through a public auction or advertised sale.

(b) RULE OF CONSTRUCTION.—This Act supersedes the Act of March 3, 1909 (35 Stat. 783, chapter 263; 25 U.S.C. 396) only to the extent provided in subsection (a).

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.—For purposes of this section, the term "Quincy Library Group-Community Stability Proposal" means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated October 12, 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary"), acting through the Forest Service and after completion of an environmental impact statement (a record of decision for which shall be adopted within 300 days), shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as "Available for Group Selection" on the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated October 12, 1993 (in this section referred to as the "pilot project area"). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS, RIPARIAN PROTECTION AND COMPLIANCE.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled "Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest", a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(C) LIMITATION.—Nothing in this section shall be construed to require the application of the Scientific Analysis Team guidelines to any livestock grazing in the pilot project area during the term of the pilot project, unless the livestock grazing is being conducted in the specific location at which the Scientific Analysis Team guidelines are being applied to an activity under subsection (d).

(3) COMPLIANCE.—All resource management activities required by subsection (d) shall be implemented to the extent consistent with applicable Federal law and the standards and guidelines for the conservation of the California spotted owl as set forth in the California Spotted Owl Sierran Provence Interim Guidelines or the subsequently issued guidelines, whichever are in effect.

(4) ROADLESS AREA PROTECTION.—The Regional Forester for Region 5 shall direct that any resource management activity required by subsection (d)(1) and (2), all road building, all timber harvesting activities, and any riparian management under subsection (d)(4) that utilizes road construction or timber harvesting shall not be conducted on Federal lands within the Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest that are designated as either "Off Base" or "Deferred" on the map referred to in subsection (a). Such direction shall be effective during the term of the pilot project.

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(4) RIPARIAN MANAGEMENT.—A program of riparian management, including wide protection zones and riparian restoration projects, consistent with riparian protection guidelines in subsection (c)(2)(B).

(e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use, subject to the relevant reprogramming guidelines of the House and Senate Committees on Appropriations—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) year-end excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—Subject to normal reprogramming guidelines, during the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain year-end excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.—The Secretary shall seek to ensure that of amounts available to carry out this section—

(A) not more than 12 percent is used or allocated for general administration or other overhead; and

(B) at least 88 percent is used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(7) BASELINE FUNDS.—Amounts available for resource management activities authorized under subsection (d) shall at a minimum include existing baseline funding levels.

(g) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project until the earlier of: (1) the date on which the Secretary completes amendment or revision of the land and resource management plans directed under and in compliance with subsection (i) for the Plumas National Forest, Lassen National Forest, and Tahoe National Forest; or (2) five years after the date of the commencement of the pilot project.

(h) CONSULTATION.—(1) The statement required by subsection (b)(1) shall be prepared in consultation with interested members of the public, including the Quincy Library Group.

(2) CONTRACTING.—The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.

(i) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 2 years after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group-Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(j) STATUS REPORTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (f)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (f)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A proposed schedule for the resource management activities to be undertaken in the pilot project area during the 1-year period beginning on the date of submittal of the report.

(G) A description of any adverse environmental impacts from the pilot project.

(2) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $125,000.

(k) FINAL REPORT.—

(1) IN GENERAL.—The Secretary shall establish an independent scientific panel to review and report on whether, and to what extent, implementation of the pilot project under this section achieved the goals stated in the Quincy Library Group-Community Stability Proposal, including improved ecological health and community stability. The membership of the panel shall reflect expertise in diverse disciplines in order to adequately address all of those goals.

(2) PREPARATION.—The panel shall initiate such review no sooner than 18 months after the first day of the term of the pilot project under subsection (g). The panel shall prepare the report in consultation with interested members of the public, including the Quincy Library Group. The report shall include, but not be limited to, the following:

(A) A description of any adverse environmental impacts resulting from implementation of the pilot project.

(B) An assessment of watershed monitoring data on lands treated pursuant to this section. Such assessment shall address the following issues on a priority basis: timing of water releases; water quality changes; and water yield changes over the short- and long-term in the pilot project area.

(3) SUBMISSION TO THE CONGRESS.—The panel shall submit the final report to the Congress as soon as practicable, but in no case later than 18 months after completion of the pilot project.

(4) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended for the report under this subsection, other than for watershed monitoring, shall not exceed $350,000. The amount of Federal funds expended for watershed monitoring under this subsection shall not exceed $175,000 for each fiscal year in which the report is prepared.

(l) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

(m) LOANS FOR DEMONSTRATION PROJECTS FOR WOOD WASTE OR LOW-QUALITY WOOD BYPRODUCTS.—

(1) EVALUATION OF LOAN ADVISABILITY.—The Alternative Agricultural Research and Commercialization Corporation established under section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902) (in this section referred to as the "Corporation") shall evaluate the advisability of making commercialization assistance loans under section 1661 of such Act (7 U.S.C. 5905) to support a minimum of 2 demonstration projects for the development and demonstration of commercial application of technology to convert wood waste or low-quality wood byproducts into usable, higher value products.

(2) LOCATION OF DEMONSTRATION PROJECTS.—If the Corporation determines to make loans under this subsection to support the development and demonstration of commercial application of technology to convert wood waste or low-quality wood byproducts into usable, higher value products, the Corporation shall consider making one loan with regard to a demonstration project to be conducted in the pilot project area and one loan with regard to a demonstration project to be conducted in southeast Alaska.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a loan under this subsection, a demonstration project shall be required to satisfy the eligibility requirements imposed by the Corporation under section 1661 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5905).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from North Dakota [Mr. POMEROY] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

□ 2045

Mrs. CHENOWETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1079 would facilitate the oil and gas exploration on the Fort Berthold Indian Reservation by allowing the Secretary of the Interior to approve mineral leases affecting individually owned Indian land if a majority of the owners of the undivided mineral interests consent. S. 1079 would supersede a 1909 law which provides that the Secretary may not approve a mineral lease affecting individually owned Indian land unless every single person who has an undivided mineral interest in that land consents.

Approximately 70 percent of the individually owned tracts of Indian land on the Fort Berthold Indian Reservation are owned by groups of 20 or more individuals, and some tracts are owned by 200 individuals. In many instances, these individuals have not been identified or cannot be located. The requirements of the 1909 law have proven to be so difficult to meet that very little oil production has taken place on individually owned Indian land within a geological basin which has produced over 1 billion barrels of oil.

The Mandan Indian Nation and the Hidatsa Indian Nation and the Arikara Indian Nation all support S. 1079. The administration supports S. 1079. And the gentleman from North Dakota [Mr. POMEROY], who has introduced a companion bill, H.R. 2309, also supports S. 1079.

Also, the bill as amended directs the Secretary of Agriculture to conduct a pilot project on designated lands within the Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities. The text is essentially that which passed the House on July 9, 1997, by a vote of 429 to 1. It has minor changes as amended by the Senate Committee on Energy and Natural Resources. It has one major change adopted by the Senate that takes the 5-year pilot project and allows it to be cut off sooner after amendments to the land management plans pursuant to subsection (i) of that section of the bill.

This is a good piece of legislation. It solves a big problem created by outdated laws and so forth. I recommend that it pass, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume. I thank the gentlewoman from Idaho [Mrs. CHENOWETH], the subcommittee Chair, for her assistance in this matter. She has superbly described S. 1079.

I would add, I would have preferred the consideration of this in an unamended form, but I am really pleased that it is before us on the suspension calendar.

I do support the legislation. It is strongly supported by the tribal government at issue. At a time when we are encouraging economic self-sufficiency, the tribal government is eager to explore oil and gas development on tribal lands. Because this reservation wholly lies within the Williston Basin, an area where there has been a lot of successful oil development, their prospects are very good that they will receive leasing activity and the economic development that flows from that; that they will subsequently see oil development and also create a substantial number of jobs in the development of their oil resources.

How cruel our existing policy has been relative to the development of leasing activity within Indian lands. By requiring, as we have done since the 1909 act, virtually every interest owner, no matter how minute, to have to be identified and have them sign off on the proposal, we have essentially shut Indian oil development down cold.

I think that this legislation, which will be so particularly important to the tribe at issue, may also serve as an example that we might follow later on. And so as we help the Fort Berthold Indian Reservation tonight, I believe that we may be doing a favor for all Indian reservations that might be interested in exploring mineral leasing activity in the future. Mr. Speaker, again I thank all in the majority for helping us bring this matter forward.

Mr. MILLER of California. Mr. Speaker, S. 1079 is a bill introduced by Senator DORGAN that allows the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota to take an important step toward future economic development. Congressman POMEROY of North Dakota has sponsored similar legislation in the House.

In an attempt to force Senate action on the Quincy Library Group legislation, the majority has sent S. 1079 to the desk with an unrelated amendment, that with one change is the text of Quincy Library Group bill (H.R. 858) that was reported by the Senate Energy and Natural Resources Committee last month.

Members may recall that when the House considered H.R. 858 in July, I initially opposed the bill. However, after negotiating with Chairman YOUNG, a number of important changes were made to the bill on the House floor. With those changes I voted for the bill. I recognized at the time that the bill was far from a perfect measure but it was significantly improved.

The Senate Energy and Natural Resources Committee has made further changes to the bill. Two of the most important changes were to provide roadless area protection to large areas of the three national forests and to provide the pilot project will end the earlier of when the forest plan is amended or 5 years.

I am pleased to see the language added on roadless area protection. This change provides a statutory basis for such protection but it by no means is the only protection that can be provided. There is no requirement that the Forest Service undertake activities on lands that were not identified as off-base or deferred. The Forest Service has the authority and I expect them to use it to not enter into lands where it has been brought to their attention that such activities would harm either the land or the resources found on those lands.

Likewise, the Senate change on the time limit of the pilot project is an improvement. As I and others had noted, it made no sense to require the Forest Service to continue the pilot project even after the plan amendment process has been completed. This is inconsistent with the normal operation of environmental laws.

Let us not forget, the Quincy Library Group legislation is a pilot project. As such, it sets no precedent for further action on other proposals. In fact, it would be irresponsible to act on other such proposals before this pilot project was completed and we and others had a chance to review its strengths and weaknesses. I still have reservations on this proposal but it obvious that the bill has been substantively improved from where it started out. I expect the Forest Service to see that all environmental laws are complied with, as the bill requires.

Mr. Speaker, I will not oppose the nongermane amendment that is being offered to S. 1079 but I must question the majority's tactic of using this bill as an attempt to force Senate action of the Quincy Library Group legislation. The only thing this strategy has to offer is that the Senate will have before it two Quincy bills before it rather than one.

I regret the S. 1079 is being held hostage. The underlying bill would allow the Secretary of the Interior to approve the mineral lease of lands for individual Indians living on the Fort Berthold Reservation when a majority of interest owners have agreed to the lease. Otherwise, approval of the lease would require unanimous consent of all the interest owners.

Because many of the ownership of interests individual Indian lands have been divided and subdivided into hundreds of shares over the past century, leasing of these Indian lands for any purpose has posed an insurmountable problem because it is nearly impossible for the Bureau of Indian Affairs or the tribes to identify and track down each individual interest owner, much less get their unanimous consent.

Basically, this bill tackles the fractionated heirship problem that plagues many Indian reservations across the country. On the whole it is a good approach and may be considered as one model for national legislation that addresses this problem for all Indian tribes.

Nevertheless, I have two concerns about this bill. The first is procedural. No hearings or other kind of legislative record has been built up here in the House of Representatives. This is not the first time nor, I suspend, the last that Indian bills are going to be handled in this fashion. I just want to point this out for the record.

Second, I remain concerned about a provision in the bill that allows the Secretary to execute a mineral lease on behalf of an Indian owner if the land is in probate and the heirs or devisees have not been determined or cannot be located.

With the extent of fractionated heirship in Indian country, there will certainly be many cases where the heirs have not been determined or cannot be located. In this case, the bill does not impose a requirement that the Secretary make serious effort to determine or locate the heirs. I am concerned that the BIA will simply use this language as an excuse to simply rubber stamp any lease application for lands in probate.

I hope that this will not be the result of this bill and strongly urge the administration to adopt regulations that impose a serious duty to make a good faith effort to give notice to, and determine and locate, those heirs and devisees of lands subject to this bill. Furthermore, the administration should also adopt regulations that at least give the probate process a fair but timely chance of working.

Having voiced these concerns, I will support passage of this bill.

Mr. POMEROY. Mr. Speaker, I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 1079, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "A bill to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease, to direct the Secretary of Agriculture to conduct a pilot project on designated national forest lands in California to demonstrate the effectiveness of resource management activities proposed by the Quincy Library Group, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

IRAN MISSILE PROLIFERATION SANCTIONS ACT OF 1997

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2709) to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles, as amended.

The Clerk read as follows:

H.R. 2709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—IRAN MISSILE PROLIFERATION SANCTIONS

SEC. 101. SHORT TITLE.

This title may be cited as the "Iran Missile Proliferation Sanctions Act of 1997".

SEC. 102. REPORTS ON MISSILE PROLIFERATION TO IRAN.

(a) REPORTS.—Except as provided in subsection (c), the President shall, at the times specified in subsection (b), submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report identifying every foreign person with respect to whom there is credible information indicating that that person, on or after August 8, 1995—

(1)(A) transferred items on the MTCR Annex, or items that the United States proposes for addition to the MTCR Annex, that contributed to Iran's efforts to acquire, develop, or produce ballistic missiles, or

(B) provided technical assistance or facilities which the President deems to be of concern because of their direct contribution to Iran's efforts to acquire, develop, or produce ballistic missiles; or

(2)(A) attempted to transfer items on the MTCR Annex, or items that the United States proposes for addition to the MTCR Annex, that would have contributed to Iran's efforts to acquire, develop, or produce ballistic missiles, or

(B) attempted to provide technical assistance or facilities which the President deems to be of concern because of their direct contribution to Iran's efforts to acquire, develop, or produce ballistic missiles.

(b) TIMING OF REPORTS.—The reports under subsection (a) shall be submitted not later than 30 days after the date of the enactment of this Act, not later than 180 days after such date of enactment, not later than 1 year after such date of enactment, and not later than the end of each 1-year period thereafter.

(c) EXCEPTIONS.—Any foreign person who—

(1) was identified in a previous report submitted under subsection (a) on account of a particular transfer, transaction, or attempt,

(2) has engaged in a transfer or transaction that was the basis for the imposition of sanctions with respect to that person under section 73 of the Arms Export Control Act or section 1604 of the Iran-Iraq Arms Non-Proliferation Act of 1992,

(3) may have engaged in a transfer or transaction, or made an attempt, that was the subject of a waiver under section 104, or

(4) has engaged in a transfer or transaction, or made an attempt, on behalf of, or in concert with, the Government of the United States,

is not required to be identified on account of that same transfer, transaction, or attempt in any report submitted thereafter under this section.

(d) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, reports submitted under subsection (a), or appropriate parts thereof, may be submitted in classified form.

SEC. 103. IMPOSITION OF SANCTIONS.

(a) REQUIREMENT TO IMPOSE SANCTIONS.—

(1) REQUIREMENT TO IMPOSE SANCTIONS.—The sanctions described in subsection (b) shall be imposed on—

(A) any foreign person identified under subsection (a)(1) of section 102 in a report submitted under that section, and

(B) any foreign person identified under subsection (a)(2) of section 102 in a report submitted under that section, if that person has been identified in that report or a previous report as having made at least 1 other attempt described in subsection (a)(2) of that section.

(2) EFFECTIVE DATE OF SANCTIONS.—The sanctions shall be effective—

(A) 30 days after the report triggering the sanction is submitted, if the report is submitted on or before the date required by section 102(b);

(B) 30 days after the date required by section 102(b) for submitting the report, if the report triggering the sanction is submitted within 30 days after that date; and

(C) on the date that the report triggering the sanction is submitted, if that report is submitted more than 30 days after the date required by section 102(b).

(b) DESCRIPTION OF SANCTIONS.—The sanctions referred to in subsection (a) that are to be imposed on a foreign person described in that subsection are the following:

(1) ARMS EXPORT SANCTION.—For a period of not less than 2 years, the United States Government shall not sell to that person any item on the United States Munitions List as in effect on August 8, 1995, and shall terminate sales to that person of any defense articles, defense services, or design and construction services under the Arms Export Control Act.

(2) DUAL USE SANCTION.—For a period of not less than 2 years, the authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit the export to that person of any goods or technology on the control list established under section 5(c)(1) of that Act.

(3) UNITED STATES ASSISTANCE.—For a period of not less than 2 years, the United States Government shall not provide any assistance in the form of grants, loans, credits, guarantees, or otherwise, to that person.

SEC. 104. WAIVER ON BASIS OF ADDITIONAL INFORMATION.

(a) IN GENERAL.—The President may waive the imposition of any sanction that would otherwise be required under section 103 on any foreign person 15 days after the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that, on the basis of information provided by that person, or otherwise obtained by the President, the President is persuaded that the person did not, on or after August 8, 1995—

(1)(A) transfer items on the MTCR Annex, or items that the United States proposes for addition to the MTCR Annex, that contributed to Iran's efforts to acquire, develop, or produce ballistic missiles, or

(B) provide technical assistance or facilities which the President deems to be of concern because of their direct contribution to Iran's efforts to acquire, develop, or produce ballistic missiles; or

(2) attempt on more than one occasion—

(A) to transfer items on the MTCR Annex, or items that the United States proposes for addition to the MTCR Annex, that would have contributed to Iran's efforts to acquire, develop, or produce ballistic missiles, or

(B) to provide technical assistance or facilities described in paragraph (1)(B).

(b) WRITTEN JUSTIFICATION.—The determination and report of the President under subsection (a) shall include a written justification describing in detail—

(1) the credible information indicating that the person—

(A) transferred items described in section 102(a)(1)(A), or provided technical assistance or facilities described in section 102(a)(1)(B); or

(B) attempted to transfer items described in section 102(a)(1)(A), or attempted to provide technical assistance or facilities described in section 102(a)(1)(B);

(2) the additional information which persuaded the President that the person did not—

(A) transfer items described in section 102(a)(1)(A), or provide technical assistance or facilities described in section 102(a)(1)(B); or

(B) attempt to transfer items described in section 102(a)(1)(A), or attempt to provide technical assistance or facilities described in section 102(a)(1)(B); and

(3) the analysis of the information supporting the President's conclusion.

(c) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, the determination and report of the President under subsection (a) and the written justification under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 105. WAIVER ON BASIS OF NATIONAL SECURITY.

(a) IN GENERAL.—The President may waive the imposition of any sanction that would otherwise be required under section 103 on any foreign person 15 days after the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that such waiver is essential to the national security of the United States.

(b) WRITTEN JUSTIFICATION.—The determination and report of the President under subsection (a) shall include a written justification describing in detail the facts and circumstances supporting the President's conclusion.

(c) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, the determination and report of the President under subsection (a) and the written justification under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 106. ADDITIONAL INFORMATION REGARDING ACTIONS BY GOVERNMENT OF PRIMARY JURISDICTION.

As part of each report submitted under section 102, the President shall include the following information with respect to each foreign person identified in that report:

(1) A statement regarding whether the government of primary jurisdiction over that person was aware of the activities that were the basis for the identification of that person in the report.

(2) If the government of primary jurisdiction was not aware of the activities that were the basis for the identification of that person in the report, an explanation of the reasons why the United States Government did not inform that government of those activities.

(3) If the government of primary jurisdiction was aware of the activities that were the basis for the identification of that person in the report, a description of the efforts, if any, undertaken by that government to prevent those activities, and an assessment of the effectiveness of those efforts, including an explanation of why those efforts failed.

(4) If the government of primary jurisdiction was aware of the activities that were the basis for the identification of that person

in the report and failed to undertake effective efforts to prevent those activities, a description of any sanctions that have been imposed on that government by the United States Government because of such failure.

SEC. 107. PURCHASE OF WEAPONS TECHNOLOGY.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should exercise the authority granted to him under section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854)—

(1) to prevent the transfer of weapons-related material and delivery systems to Iran through the purchase, barter, or other acquisition of such material and delivery systems; and

(2) to prevent the transfer to Iran of scientific and technical expertise with respect to such weapons-related material and delivery systems.

(b) AVAILABILITY OF AMOUNTS.—Amounts hereafter made available, subject to the availability of appropriations, to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to assistance for the independent states of the former Soviet Union) may be used to carry out subsection (a).

SEC. 108. DEFINITIONS.

For the purposes of this title—

(1) the terms "foreign person" and "person" mean—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor or subsidiary of any entity described in subparagraph (B) or (C);

(2) the term "government of primary jurisdiction" means—

(A) in the case of a natural person, the foreign government of the country of which the person is a citizen or national;

(B) in the case of an entity described in subparagraph (B) of paragraph (1), the foreign government of the country in which the entity has its principal place of business, or the foreign government under whose laws that entity is organized; and

(C) in the case of a foreign governmental entity described in subparagraph (C) of paragraph (1), the foreign government of which that entity is a part; and

(3) the term "MTCR Annex" has the meaning given that term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. 2410b(c)(4)).

TITLE II—CHEMICAL WEAPONS CONVENTION IMPLEMENTATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Chemical Weapons Convention Implementation Act of 1997".

SEC. 202. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 201. Short title.
Sec. 202. Table of contents.
Sec. 203. Definitions.

Subtitle A—General Provisions

Sec. 211. Designation of United States National Authority.
Sec. 212. No abridgement of constitutional rights.
Sec. 213. Civil liability of the United States.

Subtitle B—Penalties for Unlawful Activities Subject to the Jurisdiction of the United States

CHAPTER 1—CRIMINAL AND CIVIL PENALTIES

Sec. 221. Criminal and civil provisions.

CHAPTER 2—REVOCATIONS OF EXPORT PRIVILEGES

Sec. 222. Revocations of export privileges.

Subtitle C—Inspections

Sec. 231. Definitions in the subtitle.
Sec. 232. Facility agreements.
Sec. 233. Authority to conduct inspections.
Sec. 234. Procedures for inspections.
Sec. 235. Warrants.
Sec. 236. Prohibited acts relating to inspections.
Sec. 237. National security exception.
Sec. 238. Protection of constitutional rights of contractors.
Sec. 239. Annual report on inspections.
Sec. 240. United States assistance in inspections at private facilities.

Subtitle D—Reports

Sec. 251. Reports required by the United States National Authority.
Sec. 252. Prohibition relating to low concentrations of schedule 2 and 3 chemicals.
Sec. 253. Prohibition relating to unscheduled discrete organic chemicals and coincidental byproducts in waste streams.
Sec. 254. Confidentiality of information.
Sec. 255. Recordkeeping violations.

Subtitle E—Enforcement

Sec. 261. Penalties.
Sec. 262. Specific enforcement.
Sec. 263. Expedited judicial review.

Subtitle F—Miscellaneous Provisions

Sec. 271. Repeal.
Sec. 272. Prohibition.
Sec. 273. Bankruptcy actions.

SEC. 203. DEFINITIONS.

In this title:

(1) CHEMICAL WEAPON.—The term "chemical weapon" means the following, together or separately:

(A) A toxic chemical and its precursors, except where intended for a purpose not prohibited under this title as long as the type and quantity is consistent with such a purpose.

(B) A munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munition or device.

(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

(2) CHEMICAL WEAPONS CONVENTION; CONVENTION.—The terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) KEY COMPONENT OF A BINARY OR MULTICOMPONENT CHEMICAL SYSTEM.—The term "key component of a binary or multicomponent chemical system" means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

(4) NATIONAL OF THE UNITED STATES.—The term "national of the United States" has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(5) ORGANIZATION.—The term "Organization" means the Organization for the Prohibition of Chemical Weapons.

(6) PERSON.—The term "person", except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

(7) PRECURSOR.—

(A) IN GENERAL.—The term "precursor" means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. The term includes any key component of a binary or multicomponent chemical system.

(B) LIST OF PRECURSORS.—Precursors which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

(8) PURPOSES NOT PROHIBITED BY THIS TITLE.—The term "purposes not prohibited by this title" means the following:

(A) PEACEFUL PURPOSES.—Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity.

(B) PROTECTIVE PURPOSES.—Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons.

(C) UNRELATED MILITARY PURPOSES.—Any military purpose of the United States that is not connected with the use of a chemical weapon and that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

(D) LAW ENFORCEMENT PURPOSES.—Any law enforcement purpose, including any domestic riot control purpose and including imposition of capital punishment.

(9) TECHNICAL SECRETARIAT.—The term "Technical Secretariat" means the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons established by the Chemical Weapons Convention.

(10) SCHEDULE 1 CHEMICAL AGENT.—The term 'Schedule 1 chemical agent' means any of the following, together or separately:

(A) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl
(Me, Et, n-Pr or i-Pr)-phosphonofluoridates
(e.g. Sarin: O-Isopropyl methylphosphonofluoridate Soman: O-Pinacolyl methylphosphonofluoridate).

(B) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl
(Me, Et, n-Pr or i-Pr)-phosphoramidocyanidates
(e.g. Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate).

(C) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl
(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl
(Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts
(e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate).

(D) Sulfur mustards:
2-Chloroethylchloromethylsulfide
Mustard gas: (Bis(2-chloroethyl)sulfide
Bis(2-chloroethylthio)methane
Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane

1,3-Bis(2-chloroethylthio)-n-propane
1,4-Bis(2-chloroethylthio)-n-butane
1,5-Bis(2-chloroethylthio)-n-pentane
Bis(2-chloroethylthiomethyl)ether
O-Mustard: Bis(2-chloroethylthioethyl)ether.

(E) Lewisites:
Lewisite 1: 2-Chlorovinyldichloroarsine
Lewisite 2: Bis(2-chlorovinyl)chloroarsine
Lewisite 3: Tris (2-clorovinyl)arsine.

(F) Nitrogen mustards:
HN1: Bis(2-chloroethyl)ethylamine
HN2: Bis(2-chloroethyl)methylamine
HN3: Tris(2-chloroethyl)amine.

(G) Saxitoxin.
(H) Ricin.
(I) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides
e.g. DF: Methylphosphonyldifluoride.
(J) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl)O-2-dialkyl
(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl
(Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts
e.g. QL: O-Ethyl O-2-diisopropylaminoethyl methylphosphonite.
(K) Chlorosarin: O-Isopropyl methylphosphonochloridate.
(L) Chlorosoman: O-Pinacolyl methylphosphonochloridate.

(11) SCHEDULE 2 CHEMICAL AGENT.—The term 'Schedule 2 chemical agent' means the following, together or separately:
(A) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts.
(B) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene.
(C) BZ: 3-Quinuclidinyl benzilate
(D) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,
e.g. Methylphosphonyl dichloride Dimethyl methylphosphonate
Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate.
(E) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides.
(F) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates.
(G) arsenic trichloride.
(H) 2,2-Diphenyl-2-hydroxyacetic acid.
(I) Quinuclidine-3-ol.
(J) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts.
(K) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts
Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts N,N-Diethylaminoethanol and corresponding protonated salts.
(L) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts.
(M) Thiodiglycol: Bis(2-hydroxyethyl)sulfide.
(N) Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol.

(12) SCHEDULE 3 CHEMICAL AGENT.—The term 'Schedule 3 chemical agent' means any the following, together or separately:
(A) Phosgene: carbonyl dichloride.
(B) Cyanogen chloride.
(C) Hydrogen cyanide.
(D) Chloropicrin: trichloronitromethane.
(E) Phosphorous oxychloride.
(F) Phosphorous trichloride.
(G) Phosphorous pentachloride.
(H) Trimethyl phosphite.
(I) Triethyl phosphite.
(J) Dimethyl phosphite.
(K) Diethyl phosphite.
(L) Sulfur monochloride.
(M) Sulfur dichloride.
(N) Thionyl chloride.
(O) Ethyldiethanolamine.
(P) Methyldiethanolamine.
(Q) Triethanolamine.

(13) TOXIC CHEMICAL.—
(A) IN GENERAL.—The term ''toxic chemical'' means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. The term includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.
(B) LIST OF TOXIC CHEMICALS.—Toxic chemicals which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

(14) UNITED STATES.—The term ''United States'' means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—
(A) any of the places within the provisions of paragraph (41) of section 40102 of title 49, United States Code;
(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (37), respectively, of section 40102 of title 49, United States Code; and
(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(b)).

(15) UNSCHEDULED DISCRETE ORGANIC CHEMICAL.—The term ''unscheduled discrete organic chemical'' means any chemical not listed on any schedule contained in the Annex on Chemicals of the Convention that belongs to the class of chemical compounds consisting of all compounds of carbon, except for its oxides, sulfides, and metal carbonates.

Subtitle A—General Provisions

SEC. 211. DESIGNATION OF UNITED STATES NATIONAL AUTHORITY.

(a) DESIGNATION.—Pursuant to paragraph 4 of Article VII of the Chemical Weapons Convention, the President shall designate the Department of State to be the United States National Authority.
(b) PURPOSES.—The United States National Authority shall—
(1) serve as the national focal point for effective liaison with the Organization for the Prohibition of Chemical Weapons and other States Parties to the Convention; and
(2) implement the provisions of this title in coordination with an interagency group designated by the President consisting of the Secretary of Commerce, Secretary of Defense, Secretary of Energy, the Attorney General, and the heads of agencies considered necessary or advisable by the President.
(c) DIRECTOR.—The Secretary of State shall serve as the Director of the United States National Authority.
(d) POWERS.—The Director may utilize the administrative authorities otherwise available to the Secretary of State in carrying out the responsibilities of the Director set forth in this title.
(e) IMPLEMENTATION.—The President is authorized to implement and carry out the provisions of this title and the Convention and shall designate through Executive order which agencies of the United States shall issue, amend, or revise the regulations in order to implement this title and the provisions of the Convention. The Director of the United States National Authority shall report to the Congress on the regulations that have been issued, implemented, or revised pursuant to this section.

SEC. 212. NO ABRIDGEMENT OF CONSTITUTIONAL RIGHTS.

No person may be required, as a condition for entering into a contract with the United States or as a condition for receiving any benefit from the United States, to waive any right under the Constitution for any purpose related to this title or the Convention.

SEC. 213. CIVIL LIABILITY OF THE UNITED STATES.

(a) CLAIMS FOR TAKING OF PROPERTY.—
(1) JURISDICTION OF COURTS OF THE UNITED STATES.—
(A) UNITED STATES COURT OF FEDERAL CLAIMS.—The United States Court of Federal Claims shall, subject to subparagraph (B), have jurisdiction of any civil action or claim against the United States for any taking of property without just compensation that occurs by reason of the action of any officer or employee of the Organization for the Prohibition of Chemical Weapons, including any member of an inspection team of the Technical Secretariat, or by reason of the action of any officer or employee of the United States pursuant to this title or the Convention. For purposes of this subsection, action taken pursuant to or under the color of this title or the Convention shall be deemed to be action taken by the United States for a public purpose.
(B) DISTRICT COURTS.—The district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any civil action or claim described in subparagraph (A) that does not exceed $10,000.
(2) NOTIFICATION.—Any person intending to bring a civil action pursuant to paragraph (1) shall notify the United States National Authority of that intent at least one year before filing the claim in the United States Court of Federal Claims. Action on any claim filed during that one-year period shall be stayed. The one-year period following the notification shall not be counted for purposes of any law limiting the period within which the civil action may be commenced.
(3) INITIAL STEPS BY UNITED STATES GOVERNMENT TO SEEK REMEDIES.—During the period between a notification pursuant to paragraph (2) and the filing of a claim covered by the notification in the United States Court of Federal Claims, the United States National Authority shall pursue all diplomatic and other remedies that the United States National Authority considers necessary and appropriate to seek redress for the claim including, but not limited to, the remedies provided for in the Convention and under this title.
(4) BURDEN OF PROOF.—In any civil action under paragraph (1), the plaintiff shall have the burden to establish a prima facie case that, due to acts or omissions of any official of the Organization or any member of an inspection team of the Technical Secretariat taken under the color of the Convention, proprietary information of the plaintiff has been divulged or taken without authorization. If the United States Court of Federal Claims finds that the plaintiff has demonstrated such a prima facie case, the burden shall shift to the United States to disprove

the plaintiff's claim. In deciding whether the plaintiff has carried its burden, the United States Court of Federal Claims shall consider, among other things—

(A) the value of proprietary information;

(B) the availability of the proprietary information;

(C) the extent to which the proprietary information is based on patents, trade secrets, or other protected intellectual property;

(D) the significance of proprietary information; and

(E) the emergence of technology elsewhere a reasonable time after the inspection.

(b) TORT LIABILITY.—The district courts of the United States shall have exclusive jurisdiction of civil actions for money damages for any tort under the Constitution or any Federal or State law arising from the acts or omissions of any officer or employee of the United States or the Organization, including any member of an inspection team of the Technical Secretariat, taken pursuant to or under color of the Convention or this title.

(c) WAIVER OF SOVEREIGN IMMUNITY OF THE UNITED STATES.—In any action under subsection (a) or (b), the United States may not raise sovereign immunity as a defense.

(d) AUTHORITY FOR CAUSE OF ACTION.—

(1) UNITED STATES ACTIONS IN UNITED STATES DISTRICT COURT.—Notwithstanding any other law, the Attorney General of the United States is authorized to bring an action in the United States District Court for the District of Columbia against any foreign nation for money damages resulting from that nation's refusal to provide indemnification to the United States for any liability imposed on the United States by virtue of the actions of an inspector of the Technical Secretariat who is a national of that foreign nation acting at the direction or the behest of that foreign nation.

(2) UNITED STATES ACTIONS IN COURTS OUTSIDE THE UNITED STATES.—The Attorney General is authorized to seek any and all available redress in any international tribunal for indemnification to the United States for any liability imposed on the United States by virtue of the actions of an inspector of the Technical Secretariat, and to seek such redress in the courts of the foreign nation from which the inspector is a national.

(3) ACTIONS BROUGHT BY INDIVIDUALS AND BUSINESSES.—Notwithstanding any other law, any national of the United States, or any business entity organized and operating under the laws of the United States, may bring a civil action in a United States District Court for money damages against any foreign national or any business entity organized and operating under the laws of a foreign nation for an unauthorized or unlawful acquisition, receipt, transmission, or use of property by or on behalf of such foreign national or business entity as a result of any tort under the Constitution or any Federal or State law arising from acts or omissions by any officer or employee of the United States or any member of an inspection team of the Technical Secretariat taken pursuant to or under the color of the Convention or this title.

(e) RECOUPMENT.—

(1) POLICY.—It is the policy of the United States to recoup all funds withdrawn from the Treasury of the United States in payment for any tort under Federal or State law or taking under the Constitution arising from the acts or omissions of any foreign person, officer, or employee of the Organization, including any member of an inspection team of the Technical Secretariat, taken under color of the Chemical Weapons Convention or this title.

(2) SANCTIONS ON FOREIGN COMPANIES.—

(A) IMPOSITION OF SANCTIONS.—The sanctions provided in subparagraph (B) shall be imposed for a period of not less than ten years upon—

(i) any foreign person, officer, or employee of the Organization, including any member of an inspection team of the Technical Secretariat, for whose actions or omissions the United States has been held liable for a tort or taking pursuant to this title; and

(ii) any foreign person or business entity organized and operating under the laws of a foreign nation which knowingly assisted, encouraged or induced, in any way, a foreign person described in clause (i) to publish, divulge, disclose, or make known in any manner or to any extent not authorized by the Convention any United States confidential business information.

(B) SANCTIONS.—

(i) ARMS EXPORT TRANSACTIONS.—The United States Government shall not sell to a person described in subparagraph (A) any item on the United States Munitions List and shall terminate sales of any defense articles, defense services, or design and construction services to a person described in subparagraph (A) under the Arms Export Control Act.

(ii) SANCTIONS UNDER EXPORT ADMINISTRATION ACT OF 1979.—The authorities under section 6 of the Export Administration Act of 1979 shall be used to prohibit the export of any goods or technology on the control list established pursuant to section 5(c)(1) of that Act to a person described in subparagraph (A).

(iii) INTERNATIONAL FINANCIAL ASSISTANCE.—The United States shall oppose any loan or financial or technical assistance by international financial institutions in accordance with section 701 of the International Financial Institutions Act to a person described in subparagraph (A).

(iv) EXPORT-IMPORT BANK TRANSACTIONS.—The United States shall not give approval to guarantee, insure, or extend credit, or to participate in the extension of credit to a person described in subparagraph (A) through the Export-Import Bank of the United States.

(v) PRIVATE BANK TRANSACTIONS.—Regulations shall be issued to prohibit any United States bank from making any loan or providing any credit to a person described in subparagraph (A).

(vi) BLOCKING OF ASSETS.—The President shall take all steps necessary to block any transactions in any property subject to the jurisdiction of the United States in which a person described in subparagraph (A) has any interest whatsoever, for the purpose of recouping funds in accordance with the policy in paragraph (1).

(vii) DENIAL OF LANDING RIGHTS.—Landing rights in the United States shall be denied to any private aircraft or air carrier owned by a person described in subparagraph (A) except as necessary to provide for emergencies in which the safety of the aircraft or its crew or passengers is threatened.

(3) SANCTIONS ON FOREIGN GOVERNMENTS.—

(A) IMPOSITION OF SANCTIONS.—Whenever the President determines that persuasive information is available indicating that a foreign country has knowingly assisted, encouraged or induced, in any way, a person described in paragraph (2)(A) to publish, divulge, disclose, or make known in any manner or to any extent not authorized by the Convention any United States confidential business information, the President shall, within 30 days after the receipt of such information by the executive branch of Government, notify the Congress in writing of such determination and, subject to the requirements of paragraphs (4) and (5), impose the sanctions provided under subparagraph (B) for a period of not less than five years.

(B) SANCTIONS.—

(i) ARMS EXPORT TRANSACTIONS.—The United States Government shall not sell a country described in subparagraph (A) any item on the United States Munitions List, shall terminate sales of any defense articles, defense services, or design and construction services to that country under the Arms Export Control Act, and shall terminate all foreign military financing for that country under the Arms Export Control Act.

(ii) DENIAL OF CERTAIN LICENSES.—Licenses shall not be issued for the export to the sanctioned country of any item on the United States Munitions List or commercial satellites.

(iii) DENIAL OF ASSISTANCE.—No appropriated funds may be used for the purpose of providing economic assistance, providing military assistance or grant military education and training, or extending military credits or making guarantees to a country described in subparagraph (A).

(iv) SANCTIONS UNDER EXPORT ADMINISTRATION ACT OF 1979.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit the export of any goods or technology on the control list established pursuant to section 5(c)(1) of that Act to a country described in subparagraph (A).

(v) INTERNATIONAL FINANCIAL ASSISTANCE.—The United States shall oppose any loan or financial or technical assistance by international financial institutions in accordance with section 701 of the International Financial Institutions Act to a country described in subparagraph (A).

(vi) TERMINATION OF ASSISTANCE UNDER FOREIGN ASSISTANCE ACT OF 1961.—The United States shall terminate all assistance to a country described in subparagraph (A) under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance.

(vii) PRIVATE BANK TRANSACTIONS.—The United States shall not give approval to guarantee, insure, or extend credit, or participate in the extension of credit through the Export-Import Bank of the United States to a country described in subparagraph (A).

(viii) PRIVATE BANK TRANSACTIONS.—Regulations shall be issued to prohibit any United States bank from making any loan or providing any credit to a country described in subparagraph (A).

(ix) DENIAL OF LANDING RIGHTS.—Landing rights in the United States shall be denied to any air carrier owned by a country described in subparagraph (A), except as necessary to provide for emergencies in which the safety of the aircraft or its crew or passengers is threatened.

(4) SUSPENSION OF SANCTIONS UPON RECOUPMENT BY PAYMENT.—Sanctions imposed under paragraph (2) or (3) may be suspended if the sanctioned person, business entity, or country, within the period specified in that paragraph, provides full and complete compensation to the United States Government, in convertible foreign exchange or other mutually acceptable compensation equivalent to the full value thereof, in satisfaction of a tort or taking for which the United States has been held liable pursuant to this title.

(5) WAIVER OF SANCTIONS ON FOREIGN COUNTRIES.—The President may waive some or all of the sanctions provided under paragraph (3)

in a particular case if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that such waiver is necessary to protect the national security interests of the United States. The certification shall set forth the reasons supporting the determination and shall take effect on the date on which the certification is received by the Congress.

(6) NOTIFICATION TO CONGRESS.—Not later than five days after sanctions become effective against a foreign person pursuant to this title, the President shall transmit written notification of the imposition of sanctions against that foreign person to the chairmen and ranking members of the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(f) SANCTIONS FOR UNAUTHORIZED DISCLOSURE OF UNITED STATES CONFIDENTIAL BUSINESS INFORMATION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States any alien who, after the date of enactment of this Act—

(1) is, or previously served as, an officer or employee of the Organization and who has willfully published, divulged, disclosed, or made known in any manner or to any extent not authorized by the Convention any United States confidential business information coming to him in the course of his employment or official duties, or by reason of any examination or investigation of any return, report, or record made to or filed with the Organization, or any officer or employee thereof, such practice or disclosure having resulted in financial loses or damages to a United States person and for which actions or omissions the United States has been found liable of a tort or taking pursuant to this title;

(2) traffics in United States confidential business information, a proven claim to which is owned by a United States national;

(3) is a corporate officer, principal, shareholder with a controlling interest of an entity which has been involved in the unauthorized disclosure of United States confidential business information, a proven claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(g) UNITED STATES CONFIDENTIAL BUSINESS INFORMATION DEFINED.—In this section, the term "United States confidential business information" means any trade secrets or commercial or financial information that is privileged and confidential—

(1) including—

(A) data described in section 234(e)(2) of this Act,

(B) any chemical structure,

(C) any plant design process, technology, or operating method,

(D) any operating requirement, input, or result that identifies any type or quantity of chemicals used, processed, or produced, or

(E) any commercial sale, shipment, or use of a chemical, or

(2) as described in section 552(b)(4) of title 5, United States Code,

and that is obtained—

(1) from a United States person; or

(ii) through the United States Government or the conduct of an inspection on United States territory under the Convention.

Subtitle B—Penalties for Unlawful Activities Subject to the Jurisdiction of the United States

CHAPTER 1—CRIMINAL AND CIVIL PENALTIES

SEC. 221. CRIMINAL AND CIVIL PROVISIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 11A the following new chapter:

"CHAPTER 11B—CHEMICAL WEAPONS

"Sec.
"229. Prohibited activities.
"229A. Penalties.
"229B. Criminal forfeitures; destruction of weapons.
"229C. Individual self-defense devices.
"229D. Injunctions.
"229E. Requests for military assistance to enforce prohibition in certain emergencies.
"229F. Definitions.

"§ 229. Prohibited activities

"(a) UNLAWFUL CONDUCT.—Except as provided in subsection (b), it shall be unlawful for any person knowingly—

"(1) to develop, produce, otherwise acquire, transfer directly or indirectly, receive, stockpile, retain, own, possess, or use, or threaten to use, any chemical weapon; or

"(2) to assist or induce, in any way, any person to violate paragraph (1), or to attempt or conspire to violate paragraph (1).

"(b) EXEMPTED AGENCIES AND PERSONS.—

"(1) IN GENERAL.—Subsection (a) does not apply to the retention, ownership, possession, transfer, or receipt of a chemical weapon by a department, agency, or other entity of the United States, or by a person described in paragraph (2), pending destruction of the weapon.

"(2) EXEMPTED PERSONS.—A person referred to in paragraph (1) is—

"(A) any person, including a member of the Armed Forces of the United States, who is authorized by law or by an appropriate officer of the United States to retain, own, possess, transfer, or receive the chemical weapon; or

"(B) in an emergency situation, any otherwise nonculpable person if the person is attempting to destroy or seize the weapon.

"(c) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if the prohibited conduct—

"(1) takes place in the United States;

"(2) takes place outside of the United States and is committed by a national of the United States;

"(3) is committed against a national of the United States while the national is outside the United States; or

"(4) is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States.

"§ 229A. Penalties

"(a) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Any person who violates section 229 of this title shall be fined under this title, or imprisoned for any term of years, or both.

"(2) DEATH PENALTY.—Any person who violates section 229 of this title and by whose action the death of another person is the result shall be punished by death or imprisoned for life.

"(b) CIVIL PENALTIES.—

"(1) IN GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any person who violates section 229 of this title and, upon proof of such violation by a preponderance of the evidence, such person shall be subject to pay a civil penalty in an amount not to exceed $100,000 for each such violation.

"(2) RELATION TO OTHER PROCEEDINGS.—The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(c) REIMBURSEMENT OF COSTS.—The court shall order any person convicted of an offense under subsection (a) to reimburse the United States for any expenses incurred by the United States incident to the seizure, storage, handling, transportation, and destruction or other disposition of any property that was seized in connection with an investigation of the commission of the offense by that person. A person ordered to reimburse the United States for expenses under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered under this subsection to reimburse the United States for the same expenses.

"§ 229B. Criminal forfeitures; destruction of weapons

"(a) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Any person convicted under section 229A(a) shall forfeit to the United States irrespective of any provision of State law—

"(1) any property, real or personal, owned, possessed, or used by a person involved in the offense;

"(2) any property constituting, or derived from, and proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(3) any of the property used in any manner or part, to commit, or to facilitate the commission of, such violation.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to section 229A(a), that the person forfeit to the United States all property described in this subsection. In lieu of a fine otherwise authorized by section 229A(a), a defendant who derived profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.

"(b) PROCEDURES.—

"(1) GENERAL.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (b) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except that any reference under those subsections to—

"(A) 'this subchapter or subchapter II' shall be deemed to be a reference to section 229A(a); and

"(B) 'subsection (a)' shall be deemed to be a reference to subsection (a) of this section.

"(2) TEMPORARY RESTRAINING ORDERS.—

"(A) IN GENERAL.—For the purposes of forfeiture proceedings under this section, a temporary restraining order may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if, in addition to the circumstances described in section 413(e)(2) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(e)(2)), the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and exigent circumstances exist

that place the life or health of any person in danger.

"(B) WARRANT OF SEIZURE.—If the court enters a temporary restraining order under this paragraph, it shall also issue a warrant authorizing the seizure of such property.

"(C) APPLICABLE PROCEDURES.—The procedures and time limits applicable to temporary restraining orders under section 413(e) (2) and (3) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(e) (2) and (3)) shall apply to temporary restraining orders under this paragraph.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense against a forfeiture under subsection (b) that the property—

"(1) is for a purpose not prohibited under the Chemical Weapons Convention; and

"(2) is of a type and quantity that under the circumstances is consistent with that purpose.

"(d) DESTRUCTION OR OTHER DISPOSITION.—The Attorney General shall provide for the destruction or other appropriate disposition of any chemical weapon seized and forfeited pursuant to this section.

"(e) ASSISTANCE.—The Attorney General may request the head of any agency of the United States to assist in the handling, storage, transportation, or destruction of property seized under this section.

"(f) OWNER LIABILITY.—The owner or possessor of any property seized under this section shall be liable to the United States for any expenses incurred incident to the seizure, including any expenses relating to the handling, storage, transportation, and destruction or other disposition of the seized property.

"§ 229C. Individual self-defense devices

"Nothing in this chapter shall be construed to prohibit any individual self-defense device, including those using a pepper spray or chemical mace.

"§ 229D. Injunctions

"The United States may obtain in a civil action an injunction against—

"(1) the conduct prohibited under section 229 or 229C of this title; or

"(2) the preparation or solicitation to engage in conduct prohibited under section 229 or 229D of this title.

"§ 229E. Requests for military assistance to enforce prohibition in certain emergencies

"The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 229 of this title in an emergency situation involving a chemical weapon. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.

"§ 229F. Definitions

"In this chapter:

"(1) CHEMICAL WEAPON.—The term 'chemical weapon' means the following, together or separately:

"(A) A toxic chemical and its precursors, except where intended for a purpose not prohibited under this chapter as long as the type and quantity is consistent with such a purpose.

"(B) A munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munition or device.

"(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

"(2) CHEMICAL WEAPONS CONVENTION; CONVENTION.—The terms 'Chemical Weapons Convention' and 'Convention' mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

"(3) KEY COMPONENT OF A BINARY OR MULTICOMPONENT CHEMICAL SYSTEM.—The term 'key component of a binary or multicomponent chemical system' means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

"(4) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(5) PERSON.—The term 'person', except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

"(6) PRECURSOR.—

"(A) IN GENERAL.—The term 'precursor' means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. The term includes any key component of a binary or multicomponent chemical system.

"(B) LIST OF PRECURSORS.—Precursors which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

"(7) PURPOSES NOT PROHIBITED BY THIS CHAPTER.—The term 'purposes not prohibited by this chapter' means the following:

"(A) PEACEFUL PURPOSES.—Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity.

"(B) PROTECTIVE PURPOSES.—Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons.

"(C) UNRELATED MILITARY PURPOSES.—Any military purpose of the United States that is not connected with the use of a chemical weapon or that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

"(D) LAW ENFORCEMENT PURPOSES.—Any law enforcement purpose, including any domestic riot control purpose and including imposition of capital punishment.

"(8) TOXIC CHEMICAL.—

"(A) IN GENERAL.—The term 'toxic chemical' means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. The term includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

"(B) LIST OF TOXIC CHEMICALS.—Toxic chemicals which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

"(9) UNITED STATES.—The term 'United States' means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

"(A) any of the places within the provisions of paragraph (41) of section 40102 of title 49;

"(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (37), respectively, of section 40102 of title 49; and

"(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(b)).".

(b) CONFORMING AMENDMENTS.—

(1) WEAPONS OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) by striking "**§ 2332a. Use of weapons of mass destruction**" and inserting "**§ 2332a. Use of certain weapons of mass destruction**";

(B) in subsection (a), by inserting "(other than a chemical weapon as that term is defined in section 229F)" after "weapon of mass destruction"; and

(C) in subsection (b), by inserting "(other than a chemical weapon (as that term is defined in section 229F))" after "weapon of mass destruction".

(2) TABLE OF CHAPTERS.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 11A the following new item:

"11B. Chemical Weapons ..... 229".

(c) REPEALS.—The following provisions of law are repealed:

(1) Section 2332c of title 18, United States Code, relating to chemical weapons.

(2) In the table of sections for chapter 113B of title 18, United States Code, the item relating to section 2332c.

CHAPTER 2—REVOCATIONS OF EXPORT PRIVILEGES

SEC. 222. REVOCATIONS OF EXPORT PRIVILEGES.

If the President determines, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that any person within the United States, or any national of the United States located outside the United States, has committed any violation of section 229 of title 18, United States Code, the President may issue an order for the suspension or revocation of the authority of the person to export from the United States any goods or technology (as such terms are defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415)).

Subtitle C—Inspections

SEC. 231. DEFINITIONS IN THE SUBTITLE.

(a) IN GENERAL.—In this subtitle, the terms "challenge inspection", "plant site", "plant", "facility agreement", "inspection team", and "requesting state party" have the meanings given those terms in Part I of the Annex on Implementation and Verification of the Chemical Weapons Convention. The term "routine inspection" means an inspection, other than an "initial inspection", undertaken pursuant to Article VI of the Convention.

(b) DEFINITION OF JUDGE OF THE UNITED STATES.—In this subtitle, the term "judge of the United States" means a judge or magistrate judge of a district court of the United States.

SEC. 232. FACILITY AGREEMENTS.

(a) AUTHORIZATION OF INSPECTIONS.—Inspections by the Technical Secretariat of

plants, plant sites, or other facilities or locations for which the United States has a facility agreement with the Organization shall be conducted in accordance with the facility agreement. Any such facility agreement may not in any way limit the right of the owner or operator of the facility to withhold consent to an inspection request.

(b) TYPES OF FACILITY AGREEMENTS.—

(1) SCHEDULE TWO FACILITIES.—The United States National Authority shall ensure that facility agreements for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraph 4 of Article VI of the Convention are concluded unless the owner, operator, occupant, or agent in charge of the facility and the Technical Secretariat agree that such an agreement is not necessary.

(2) SCHEDULE THREE FACILITIES.—The United States National Authority shall ensure that facility agreements are concluded for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraph 5 or 6 of Article VI of the Convention if so requested by the owner, operator, occupant, or agent in charge of the facility.

(c) NOTIFICATION REQUIREMENTS.—The United States National Authority shall ensure that the owner, operator, occupant, or agent in charge of a facility prior to the development of the agreement relating to that facility is notified and, if the person notified so requests, the person may participate in the preparations for the negotiation of such an agreement. To the maximum extent practicable consistent with the Convention, the owner and the operator, occupant or agent in charge of a facility may observe negotiations of the agreement between the United States and the Organization concerning that facility.

(d) CONTENT OF FACILITY AGREEMENTS.—Facility agreements shall—

(1) identify the areas, equipment, computers, records, data, and samples subject to inspection;

(2) describe the procedures for providing notice of an inspection to the owner, occupant, operator, or agent in charge of a facility;

(3) describe the timeframes for inspections; and

(4) detail the areas, equipment, computers, records, data, and samples that are not subject to inspection.

SEC. 233. AUTHORITY TO CONDUCT INSPECTIONS.

(a) PROHIBITION.—No inspection of a plant, plant site, or other facility or location in the United States shall take place under the Convention without the authorization of the United States National Authority in accordance with the requirements of this subtitle.

(b) AUTHORITY.—

(1) TECHNICAL SECRETARIAT INSPECTION TEAMS.—Any duly designated member of an inspection team of the Technical Secretariat may inspect any plant, plant site, or other facility or location in the United States subject to inspection pursuant to the Convention.

(2) UNITED STATES GOVERNMENT REPRESENTATIVES.—The United States National Authority shall coordinate the designation of employees of the Federal Government to accompany members of an inspection team of the Technical Secretariat and, in doing so, shall ensure that—

(A) a special agent of the Federal Bureau of Investigation, as designated by the Federal Bureau of Investigation, accompanies each inspection team visit pursuant to paragraph (1);

(B) no employee of the Environmental Protection Agency or the Occupational Safety and Health Administration accompanies any inspection team visit conducted pursuant to paragraph (1); and

(C) the number of duly designated representatives shall be kept to the minimum necessary.

(3) OBJECTIONS TO INDIVIDUALS SERVING AS INSPECTORS.—

(A) IN GENERAL.—In deciding whether to exercise the right of the United States under the Convention to object to an individual serving as an inspector, the President shall give great weight to his reasonable belief that—

(i) such individual is or has been a member of, or a participant in, any group or organization that has engaged in, or attempted or conspired to engage in, or aided or abetted in the commission of, any terrorist act or activity;

(ii) such individual has committed any act or activity which would be a felony under the laws of the United States; or

(iii) the participation of such individual as a member of an inspection team would pose a risk to the national security or economic well-being of the United States.

(B) NOT SUBJECT TO JUDICIAL REVIEW.—Any objection by the President to an individual serving as an inspector, whether made pursuant to this section or otherwise, shall not be reviewable in any court.

SEC. 234. PROCEDURES FOR INSPECTIONS.

(a) TYPES OF INSPECTIONS.—Each inspection of a plant, plant site, or other facility or location in the United States under the Convention shall be conducted in accordance with this section and section 235, except where other procedures are provided in a facility agreement entered into under section 232.

(b) NOTICE.—

(1) IN GENERAL.—An inspection referred to in subsection (a) may be made only upon issuance of an actual written notice by the United States National Authority to the owner and to the operator, occupant, or agent in charge of the premises to be inspected.

(2) TIME OF NOTIFICATION.—The notice for a routine inspection shall be submitted to the owner and to the operator, occupant, or agent in charge within six hours of receiving the notification of the inspection from the Technical Secretariat or as soon as possible thereafter. Notice for a challenge inspection shall be provided at any appropriate time determined by the United States National Authority. Notices may be posted prominently at the plant, plant site, or other facility or location if the United States is unable to provide actual written notice to the owner, operator, or agent in charge of the premises.

(3) CONTENT OF NOTICE.—

(A) IN GENERAL.—The notice under paragraph (1) shall include all appropriate information supplied by the Technical Secretariat to the United States National Authority concerning—

(i) the type of inspection;

(ii) the basis for the selection of the plant, plant site, or other facility or location for the type of inspection sought;

(iii) the time and date that the inspection will begin and the period covered by the inspection; and

(iv) the names and titles of the inspectors.

(B) SPECIAL RULE FOR CHALLENGE INSPECTIONS.—In the case of a challenge inspection pursuant to Article IX of the Convention, the notice shall also include all appropriate evidence or reasons provided by the requesting state party to the Convention for seeking the inspection.

(4) SEPARATE NOTICES REQUIRED.—A separate notice shall be provided for each inspection, except that a notice shall not be required for each entry made during the period covered by the inspection.

(c) CREDENTIALS.—The head of the inspection team of the Technical Secretariat and the accompanying employees of the Federal government shall display appropriate identifying credentials to the owner, operator, occupant, or agent in charge of the premises before the inspection is commenced.

(d) TIMEFRAME FOR INSPECTIONS.—Consistent with the provisions of the Convention, each inspection shall be commenced and completed with reasonable promptness and shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner.

(e) SCOPE.—

(1) IN GENERAL.—Except as provided in a warrant issued under section 235 or a facility agreement entered into under section 232, an inspection conducted under this subtitle may extend to all things within the premises inspected (including records, files, papers, processes, controls, structures and vehicles) related to whether the requirements of the Convention applicable to such premises have been complied with.

(2) EXCEPTION.—Unless required by the Convention, no inspection under this subtitle shall extend to—

(A) financial data;

(B) sales and marketing data (other than shipment data);

(C) pricing data;

(D) personnel data;

(E) research data;

(F) patent data;

(G) data maintained for compliance with environmental or occupational health and safety regulations; or

(H) personnel and vehicles entering and personnel and personal passenger vehicles exiting the facility.

(f) SAMPLING AND SAFETY.—

(1) IN GENERAL.—The Director of the United States National Authority is authorized to require the provision of samples to a member of the inspection team of the Technical Secretariat in accordance with the provisions of the Convention. The owner or the operator, occupant or agent in charge of the premises to be inspected shall determine whether the sample shall be taken by representatives of the premises or the inspection team or other individuals present. No sample collected in the United States pursuant to an inspection permitted by this title may be transferred for analysis to any laboratory outside the territory of the United States.

(2) COMPLIANCE WITH REGULATIONS.—In carrying out their activities, members of the inspection team of the Technical Secretariat and representatives of agencies or departments accompanying the inspection team shall observe safety regulations established at the premises to be inspected, including those for protection of controlled environments within a facility and for personal safety.

(g) COORDINATION.—The appropriate representatives of the United States, as designated, if present, shall assist the owner and the operator, occupant or agent in charge of the premises to be inspected in interacting with the members of the inspection team of the Technical Secretariat.

SEC. 235. WARRANTS.

(a) IN GENERAL.—The United States Government shall seek the consent of the owner

or the operator, occupant, or agent in charge of the premises to be inspected prior to any inspection referred to in section 304(a). If consent is obtained, a warrant is not required for the inspection. The owner or the operator, occupant, or agent in charge of the premises to be inspected may withhold consent for any reason or no reason. After providing notification pursuant to subsection (b), the United States Government may seek a search warrant from a United States magistrate judge. Proceedings regarding the issuance of a search warrant shall be conducted ex parte, unless otherwise requested by the United States Government.

(b) ROUTINE INSPECTIONS.—

(1) OBTAINING ADMINISTRATIVE SEARCH WARRANTS.—For any routine inspection conducted on the territory of the United States pursuant to Article VI of the Convention, where consent has been withheld, the United States Government shall first obtain an administrative search warrant from a judge of the United States. The United States Government shall provide to the judge of the United States all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought. The United States Government shall also provide any other appropriate information available to it relating to the reasonableness of the selection of the plant, plant site, or other facility or location for the inspection.

(2) CONTENT OF AFFIDAVITS FOR ADMINISTRATIVE SEARCH WARRANTS.—The judge of the United States shall promptly issue a warrant authorizing the requested inspection upon an affidavit submitted by the United States Government showing that—

(A) the Chemical Weapons Convention is in force for the United States;

(B) the plant site, plant, or other facility or location sought to be inspected is required to report data under subtitle D of this title and is subject to routine inspection under the Convention;

(C) the purpose of the inspection is—

(i) in the case of any facility owned or operated by a non-Government entity related to Schedule 1 chemical agents, to verify that the facility is not used to produce any Schedule 1 chemical agent except for declared chemicals; quantities of Schedule 1 chemicals produced, processed, or consumed are correctly declared and consistent with needs for the declared purpose; and Schedule 1 chemicals are not diverted or used for other purposes;

(ii) in the case of any facility related to Schedule 2 chemical agents, to verify that activities are in accordance with obligations under the Convention and consistent with the information provided in data declarations; and

(iii) in the case of any facility related to Schedule 3 chemical agents and any other chemical production facility, to verify that the activities of the facility are consistent with the information provided in data declarations;

(D) the items, documents, and areas to be searched and seized;

(E) in the case of a facility related to Schedule 2 or Schedule 3 chemical agents or unscheduled discrete organic chemicals, the plant site has not been subject to more than 1 routine inspection in the current calendar year, and, in the case of facilities related to Schedule 3 chemical agents or unscheduled discrete organic chemicals, the inspection will not cause the number of routine inspections in the United States to exceed 20 in a calendar year;

(F) the selection of the site was made in accordance with procedures established under the Convention and, in particular—

(i) in the case of any facility owned or operated by a non-Government entity related to Schedule 1 chemical agents, the intensity, duration, timing, and mode of the requested inspection is based on the risk to the object and purpose of the Convention by the quantities of chemical produced, the characteristics of the facility and the nature of activities carried out at the facility, and the requested inspection, when considered with previous such inspections of the facility undertaken in the current calendar year, shall not exceed the number reasonably required based on the risk to the object and purpose of the Convention as described above;

(ii) in the case of any facility related to Schedule 2 chemical agents, the Technical Secretariat gave due consideration to the risk to the object and purpose of the Convention posed by the relevant chemical, the characteristics of the plant site and the nature of activities carried out there, taking into account the respective facility agreement as well as the results of the initial inspections and subsequent inspections; and

(iii) in the case of any facility related to Schedule 3 chemical agents or unscheduled discrete organic chemicals, the facility was selected randomly by the Technical Secretariat using appropriate mechanisms, such as specifically designed computer software, on the basis of two weighting factors: (I) equitable geographical distribution of inspections; and (II) the information on the declared sites available to the Technical Secretariat, related to the relevant chemical, the characteristics of the plant site, and the nature of activities carried out there;

(G) the earliest commencement and latest closing dates and times of the inspection; and

(H) the duration of inspection will not exceed time limits specified in the Convention unless agreed by the owner, operator, or agent in charge of the plant.

(3) CONTENT OF WARRANTS.—A warrant issued under paragraph (2) shall specify the same matters required of an affidavit under that paragraph. In addition to the requirements for a warrant issued under this paragraph, each warrant shall contain, if known, the identities of the representatives of the Technical Secretariat conducting the inspection and the observers of the inspection and, if applicable, the identities of the representatives of agencies or departments of the United States accompanying those representatives.

(4) CHALLENGE INSPECTIONS.—

(A) CRIMINAL SEARCH WARRANT.—For any challenge inspection conducted on the territory of the United States pursuant to Article IX of the Chemical Weapons Convention, where consent has been withheld, the United States Government shall first obtain from a judge of the United States a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing with particularity the place to be searched and the person or things to be seized.

(B) INFORMATION PROVIDED.—The United States Government shall provide to the judge of the United States—

(i) all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought;

(ii) any other appropriate information relating to the reasonableness of the selection of the plant, plant site, or other facility or location for the inspection;

(iii) information concerning—

(I) the duration and scope of the inspection;

(II) areas to be inspected;

(III) records and data to be reviewed; and

(IV) samples to be taken;

(iv) appropriate evidence or reasons provided by the requesting state party for the inspection;

(v) any other evidence showing probable cause to believe that a violation of this title has occurred or is occurring; and

(vi) the identities of the representatives of the Technical Secretariat on the inspection team and the Federal Government employees accompanying the inspection team.

(C) CONTENT OF WARRANT.—The warrant shall specify—

(i) the type of inspection authorized;

(ii) the purpose of the inspection;

(iii) the type of plant site, plant, or other facility or location to be inspected;

(iv) the areas of the plant site, plant, or other facility or location to be inspected;

(v) the items, documents, data, equipment, and computers that may be inspected or seized;

(vi) samples that may be taken;

(vii) the earliest commencement and latest concluding dates and times of the inspection; and

(viii) the identities of the representatives of the Technical Secretariat on the inspection teams and the Federal Government employees accompanying the inspection team.

SEC. 236. PROHIBITED ACTS RELATING TO INSPECTIONS.

It shall be unlawful for any person willfully to fail or refuse to permit entry or inspection, or to disrupt, delay, or otherwise impede an inspection, authorized by this title.

SEC. 237. NATIONAL SECURITY EXCEPTION.

Consistent with the objective of eliminating chemical weapons, the President may deny a request to inspect any facility in the United States in cases where the President determines that the inspection may pose a threat to the national security interests of the United States.

SEC. 238. PROTECTION OF CONSTITUTIONAL RIGHTS OF CONTRACTORS.

(a) The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following:

"SEC. 39. PROTECTION OF CONSTITUTIONAL RIGHTS OF CONTRACTORS.

"(a) PROHIBITION.—A contractor may not be required, as a condition for entering into a contract with the Federal Government, to waive any right under the Constitution for any purpose related to Chemical Weapons Convention Implementation Act of 1997 or the Chemical Weapons Convention (as defined in section 203 of such Act.)

"(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to prohibit an executive agency from including in a contract a clause that requires the contractor to permit inspections for the purpose of ensuring that the contractor is performing the contract in accordance with the provisions of the contract.".

(b) The table of contents in section 1(b) of such Act is amended by adding at the end the following:

"Sec. 39. Protection of constitutional rights of contractors.".

SEC. 239. ANNUAL REPORT ON INSPECTIONS.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, and

annually thereafter, the President shall submit a report in classified and unclassified form to the appropriate congressional committees on inspections made under the Convention during the preceding year.

(b) CONTENT OF REPORTS.—Each report shall contain the following information for the reporting period:

(1) The name of each company or entity subject to the jurisdiction of the United States reporting data pursuant to subtitle D of this title.

(2) The number of inspections under the Convention conducted on the territory of the United States.

(3) The number and identity of inspectors conducting any inspection described in paragraph (2) and the number of inspectors barred from inspection by the United States.

(4) The cost to the United States for each inspection described in paragraph (2).

(5) The total costs borne by United States business firms in the course of inspections described in paragraph (2).

(6) A description of the circumstances surrounding inspections described in paragraph (2), including instances of possible industrial espionage and misconduct of inspectors.

(7) The identity of parties claiming loss of trade secrets, the circumstances surrounding those losses, and the efforts taken by the United States Government to redress those losses.

(8) A description of instances where inspections under the Convention outside the United States have been disrupted or delayed.

(c) DEFINITION.—The term "appropriate congressional committees" means the Committee on the Judiciary, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 240. UNITED STATES ASSISTANCE IN INSPECTIONS AT PRIVATE FACILITIES.

(a) ASSISTANCE IN PREPARATION FOR INSPECTIONS.—At the request of an owner of a facility not owned or operated by the United States Government, or contracted for use by or for the United States Government, the Secretary of Defense may assist the facility to prepare the facility for possible inspections pursuant to the Convention.

(b) REIMBURSEMENT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the owner of a facility provided assistance under subsection (a) shall reimburse the Secretary for the costs incurred by the Secretary in providing the assistance.

(2) EXCEPTION.—In the case of assistance provided under subsection (a) to a facility owned by a person described in subsection (c), the United States National Authority shall reimburse the Secretary for the costs incurred by the Secretary in providing the assistance.

(c) OWNERS COVERED BY UNITED STATES NATIONAL AUTHORITY REIMBURSEMENTS.—Subsection (b)(2) applies in the case of assistance provided to the following:

(1) SMALL BUSINESS CONCERNS.—A small business concern as defined in section 3 of the Small Business Act.

(2) DOMESTIC PRODUCERS OF SCHEDULE 3 OR UNSCHEDULED DISCRETE ORGANIC CHEMICALS.—Any person located in the United States that—

(A) does not possess, produce, process, consume, import, or export any Schedule 1 or Schedule 2 chemical; and

(B) in the calendar year preceding the year in which the assistance is to be provided, produced—

(i) more than 30 metric tons of Schedule 3 or unscheduled discrete organic chemicals that contain phosphorous, sulfur, or fluorine; or

(ii) more than 200 metric tons of unscheduled discrete organic chemicals.

Subtitle D—Reports

SEC. 251. REPORTS REQUIRED BY THE UNITED STATES NATIONAL AUTHORITY.

(a) REGULATIONS ON RECORDKEEPING.—

(1) REQUIREMENTS.—The United States National Authority shall ensure that regulations are prescribed that require each person located in the United States who produces, processes, consumes, exports, or imports, or proposes to produce, process, consume, export, or import, a chemical substance that is subject to the Convention to—

(A) maintain and permit access to records related to that production, processing, consumption, export, or import of such substance; and

(B) submit to the Director of the United States National Authority such reports as the United States National Authority may reasonably require to provide to the Organization, pursuant to subparagraph 1(a) of the Annex on Confidentiality of the Convention, the minimum amount of information and data necessary for the timely and efficient conduct by the Organization of its responsibilities under the Convention.

(2) RULEMAKING.—The Director of the United States National Authority shall ensure that regulations pursuant to this section are prescribed expeditiously.

(b) COORDINATION.—

(1) AVOIDANCE OF DUPLICATION.—To the extent feasible, the United States Government shall not require the submission of any report that is unnecessary or duplicative of any report required by or under any other law. The head of each Federal agency shall coordinate the actions of that agency with the heads of the other Federal agencies in order to avoid the imposition of duplicative reporting requirements under this title or any other law.

(2) DEFINITION.—As used in paragraph (1), the term "Federal agency" has the meaning given the term "agency" in section 551(1) of title 5, United States Code.

SEC. 252. PROHIBITION RELATING TO LOW CONCENTRATIONS OF SCHEDULE 2 AND 3 CHEMICALS.

(a) PROHIBITION.—Notwithstanding any other provision of this title, no person located in the United States shall be required to report on, or to submit to, any routine inspection conducted for the purpose of verifying the production, possession, consumption, exportation, importation, or proposed production, possession, consumption, exportation, or importation of any substance that contains less than—

(1) 10 percent concentration of a Schedule 2 chemical; or

(2) 80 percent concentration of a Schedule 3 chemical.

(b) STANDARD FOR MEASUREMENT OF CONCENTRATION.—The percent concentration of a chemical in a substance shall be measured on the basis of volume or total weight, which measurement yields the lesser percent.

SEC. 253. PROHIBITION RELATING TO UNSCHEDULED DISCRETE ORGANIC CHEMICALS AND COINCIDENTAL BYPRODUCTS IN WASTE STREAMS.

(a) PROHIBITION.—Notwithstanding any other provision of this title, no person located in the United States shall be required to report on, or to submit to, any routine inspection conducted for the purpose of verifying the production, possession, consumption, exportation, importation, or proposed production, possession, consumption, exportation, or importation of any substance that is—

(1) an unscheduled discrete organic chemical; and

(2) a coincidental byproduct of a manufacturing or production process that is not isolated or captured for use or sale during the process and is routed to, or escapes, from the waste stream of a stack, incinerator, or wastewater treatment system or any other waste stream.

SEC. 254. CONFIDENTIALITY OF INFORMATION.

(a) FREEDOM OF INFORMATION ACT EXEMPTION FOR CERTAIN CONVENTION INFORMATION.—Except as provided in subsection (b) or (c), any confidential business information, as defined in section 213(g), reported to, or otherwise acquired by, the United States Government under this title or under the Convention shall not be disclosed under section 552(a) of title 5, United States Code.

(b) EXCEPTIONS.—

(1) INFORMATION FOR THE TECHNICAL SECRETARIAT.—Information shall be disclosed or otherwise provided to the Technical Secretariat or other states parties to the Chemical Weapons Convention in accordance with the Convention, in particular, the provisions of the Annex on the Protection of Confidential Information.

(2) INFORMATION FOR CONGRESS.—Information shall be made available to any committee or subcommittee of Congress with appropriate jurisdiction upon the written request of the chairman or ranking minority member of such committee or subcommittee, except that no such committee or subcommittee, and no member and no staff member of such committee or subcommittee, shall disclose such information or material except as otherwise required or authorized by law.

(3) INFORMATION FOR ENFORCEMENT ACTIONS.—Information shall be disclosed to other Federal agencies for enforcement of this title or any other law, and shall be disclosed or otherwise provided when relevant in any proceeding under this title or any other law, except that disclosure or provision in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding.

(c) INFORMATION DISCLOSED IN THE NATIONAL INTEREST.—

(1) AUTHORITY.—The United States Government shall disclose any information reported to, or otherwise required by the United States Government under this title or the Convention, including categories of such information, that it determines is in the national interest to disclose and may specify the form in which such information is to be disclosed.

(2) NOTICE OF DISCLOSURE.—

(A) REQUIREMENT.—If any Department or agency of the United States Government proposes pursuant to paragraph (1) to publish or disclose or otherwise provide information exempt from disclosure under subsection (a), the United States National Authority shall, unless contrary to national security or law enforcement needs, provide notice of intent to disclose the information—

(i) to the person that submitted such information; and

(ii) in the case of information about a person received from another source, to the person to whom that information pertains.

The information may not be disclosed until the expiration of 30 days after notice under this paragraph has been provided.

(B) PROCEEDINGS ON OBJECTIONS.—In the event that the person to which the information pertains objects to the disclosure, the agency shall promptly review the grounds for each objection of the person and shall afford the objecting person a hearing for the purpose of presenting the objections to the disclosure. Not later than 10 days before the scheduled or rescheduled date for the disclosure, the United States National Authority shall notify such person regarding whether such disclosure will occur notwithstanding the objections.

(d) CRIMINAL PENALTY FOR WRONGFUL DISCLOSURE.—Any officer or employee of the United States, and any former officer or employee of the United States, who by reason of such employment or official position has obtained possession of, or has access to, information the disclosure or other provision of which is prohibited by subsection (a), and who, knowing that disclosure or provision of such information is prohibited by such subsection, willfully discloses or otherwise provides the information in any manner to any person (including any person located outside the territory of the United States) not authorized to receive it, shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both.

(e) CRIMINAL FORFEITURE.—The property of any person who violates subsection (d) shall be subject to forfeiture to the United States in the same manner and to the same extent as is provided in section 229C of title 18, United States Code, as added by this title.

(f) INTERNATIONAL INSPECTORS.—The provisions of this section shall also apply to employees of the Technical Secretariat.

SEC. 255. RECORDKEEPING VIOLATIONS.

It shall be unlawful for any person willfully to fail or refuse—

(1) to establish or maintain any record required by this title or any regulation prescribed under this title;

(2) to submit any report, notice, or other information to the United States Government in accordance with this title or any regulation prescribed under this title; or

(3) to permit access to or copying of any record that is exempt from disclosure under this title or any regulation prescribed under this title.

Subtitle E—Enforcement

SEC. 261. PENALTIES.

(a) CIVIL.—

(1) PENALTY AMOUNTS.—

(A) PROHIBITED ACTS RELATING TO INSPECTIONS.—Any person that is determined, in accordance with paragraph (2), to have violated section 236 of this Act shall be required by order to pay a civil penalty in an amount not to exceed $25,000 for each such violation. For purposes of this paragraph, each day such a violation of section 306 continues shall constitute a separate violation of that section.

(B) RECORDKEEPING VIOLATIONS.—Any person that is determined, in accordance with paragraph (2), to have violated section 255 of this Act shall be required by order to pay a civil penalty in an amount not to exceed $5,000 for each such violation.

(2) HEARING.—

(A) IN GENERAL.—Before imposing an order described in paragraph (1) against a person under this subsection for a violation of section 236 or 255, the Secretary of State shall provide the person or entity with notice and, upon request made within 15 days of the date of the notice, a hearing respecting the violation.

(B) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. If no hearing is so requested, the Secretary of State's imposition of the order shall constitute a final and unappealable order.

(C) ISSUANCE OF ORDERS.—If the administrative law judge determines, upon the preponderance of the evidence received, that a person or entity named in the complaint has violated section 236 or 255, the administrative law judge shall state his findings of fact and issue and cause to be served on such person or entity an order described in paragraph (1).

(D) FACTORS FOR DETERMINATION OF PENALTY AMOUNTS.—In determining the amount of any civil penalty, the administrative law judge shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, the ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.

(3) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative law judge shall become the final agency decision and order of the head of the United States National Authority unless, within 30 days, the head of the United States National Authority modifies or vacates the decision and order, with or without conditions, in which case the decision and order of the head of the United States National Authority shall become a final order under this subsection.

(4) OFFSETS.—The amount of the civil penalty under a final order of the United States National Authority may be deducted from any sums owed by the United States to the person.

(5) JUDICIAL REVIEW.—A person adversely affected by a final order respecting an assessment may, within 30 days after the date the final order is issued, file a petition in the Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business.

(6) ENFORCEMENT OF ORDERS.—If a person fails to comply with a final order issued under this subsection against the person or entity—

(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with paragraph (5), or

(B) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the United States National Authority,

the Secretary of State shall file a suit to seek compliance with the order in any appropriate district court of the United States, plus interest at currently prevailing rates calculated from the date of expiration of the 30-day period referred to in paragraph (5) or the date of such final judgment, as the case may be. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

(b) CRIMINAL.—Any person who knowingly violates any provision of section 236 or 255 of this Act, shall, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than one year, or both.

SEC. 262. SPECIFIC ENFORCEMENT.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over civil actions to—

(1) restrain any violation of section 236 or 255 of this Act; and

(2) compel the taking of any action required by or under this title or the Convention.

(b) CIVIL ACTIONS.—

(1) IN GENERAL.—A civil action described in subsection (a) may be brought—

(A) in the case of a civil action described in subsection (a)(1), in the United States district court for the judicial district in which any act, omission, or transaction constituting a violation of section 236 or 255 occurred or in which the defendant is found or transacts business; or

(B) in the case of a civil action described in subsection (a)(2), in the United States district court for the judicial district in which the defendant is found or transacts business.

(2) SERVICE OF PROCESS.—In any such civil action process may be served on a defendant wherever the defendant may reside or may be found, whether the defendant resides or may be found within the United States or elsewhere.

SEC. 263. EXPEDITED JUDICIAL REVIEW.

(a) CIVIL ACTION.—Any person or entity subject to a search under this title may file a civil action challenging the constitutionality of any provision of this title. Notwithstanding any other provision of law, during the full calendar year of, and the two full calendar years following, the enactment of this Act, the district court shall accord such a case a priority in its disposition ahead of all other civil actions except for actions challenging the legality and conditions of confinement.

(b) EN BANC REVIEW.—Notwithstanding any other provision of law, during the full calendar year of, and the two full calendar years following, the enactment of this Act, any appeal from a final order entered by a district court in an action brought under subsection (a) shall be heard promptly by the full Court of Appeals sitting en banc.

Subtitle F—Miscellaneous Provisions

SEC. 271. REPEAL.

Section 808 of the Department of Defense Appropriation Authorization Act, 1978 (50 U.S.C. 1520; relating to the use of human subjects for the testing of chemical or biological agents) is repealed.

SEC. 272. PROHIBITION.

(a) IN GENERAL.—Neither the Secretary of Defense nor any other officer or employee of the United States may, directly or by contract—

(1) conduct any test or experiment involving the use of any chemical or biological agent on a civilian population; or

(2) use human subjects for the testing of chemical or biological agents.

(b) CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit actions carried out for purposes not prohibited by this title (as defined in section 203(8)).

(c) BIOLOGICAL AGENT DEFINED.—In this section, the term "biological agent" means any micro-organism (including bacteria, viruses, fungi, rickettsiae or protozoa), pathogen, or infectious substance, or any naturally occurring, bio-engineered or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, capable of causing—

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or materials of any kind; or

(3) deleterious alteration of the environment.

SEC. 273. BANKRUPTCY ACTIONS.

Section 362(b) of title 11, United States Code, is amended—

(1) by striking paragraphs (4) and (5); and

(2) by inserting after paragraph (3) the following:

"(4) under paragraph (1), (2), (3), or (6) of subsection (a) of this section, of the commencement or continuation of an action or proceeding by a governmental unit or any organization exercising authority under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993, to enforce such governmental unit's or organization's police and regulatory power, including the enforcement of a judgment other than a money judgment, obtained in an action or proceeding by the governmental unit to enforce such governmental unit's or organization's police or regulatory power;".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Iran Missile Proliferation Sanctions Act of 1997 is intended to close loopholes in our counterproliferation laws in order to address a matter of critical concern to our national security, the risk that Iran may soon obtain from firms in Russia and elsewhere the capability of producing its own medium and long-range ballistic missiles.

This legislation enjoys extremely strong support on both sides of the aisle. At last count, over 263 Members had asked to be listed as cosponsors, including both the Speaker, Mr. GINGRICH, and the Democratic leader, Mr. GEPHARDT]. A companion measure in the Senate has 84 cosponsors, led by the Senate majority leader, Mr. LOTT, and by Mr. LIEBERMAN of Connecticut.

The urgency for this legislation is apparent from press reports. For more than a year, our Government has been in constant dialog with the Russian leadership regarding Russian assistance to the Iranian ballistic missile program. The meetings have been going on, more talks are scheduled, more summits are held, yet the Iranian military continues to make rapid progress in developing long-range missiles with critically needed assistance from Russian firms. Unless something happens soon, according to press reports, Iran is likely to achieve the ability to produce its own ballistic missiles within less than 1 year.

It is now time for the Congress to say that enough is enough. We need to back up our rhetoric on nonproliferation with meaningful action. With this legislation, we will be giving Russian firms compelling reasons not to trade with Iran. The sanctions which this legislation threatens to impose will force those firms to choose between their short-term profits from dealing with Iran and potentially far more lucrative long-term economic relations with our own Nation.

To make certain that the President takes a careful look at this legislation, the amendment before us also adds to our Iranian sanctions measure the text of Senate 610, the Chemical Weapons Convention Implementation Act of 1997, which passed the Senate unanimously earlier this year. Unlike the Chemical Weapons Convention itself, which was controversial in the Senate, the implementing legislation is strongly supported all across the political spectrum, from the administration to Senators such as JOHN KYL and JESSE HELMS who have led the fight against the Chemical Weapons Convention.

Mr. Speaker, in the 1980's the world stood by as Saddam Hussein built up the Iraqi arsenal of weapons of mass destruction. This bill will help make certain that Iran does not follow the example of its neighbors in Iraq and become the next threat to international stability. Accordingly, I urge my colleagues to join in support of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this bill, and I oppose it for 3 reasons:

First, the bill links a missile sanctions bill to the Senate-passed Chemical Weapons Convention implementation legislation. The House should consider these bills separately so that S. 610 can proceed quickly to enactment.

Second, this missile sanctions bill is harmful to current United States diplomatic efforts to stop missile technology transfers from Russia to Iran.

And, third, the bill itself is flawed.

Let me spell out these reasons in more detail.

With regard to the first point, the missile sanctions bill and the Chemical Weapons Convention implementation legislation are separate and distinct pieces of legislation. They deserve separate consideration.

Today the United States is out of compliance with its obligations to the Chemical Weapons Convention and will continue to be out of compliance until this implementation legislation, S. 610, is enacted.

We should act on S. 610 as soon as possible. We should send it directly to the President as a freestanding measure and not attach it to another measure and send it back to the Senate.

The sponsors of the missile sanctions bill, H.R. 2709, have attached S. 610 to it because they believe that S. 610 will lead to the swift enactment of the sanctions bill.

The President's National Security Adviser and the Secretary of State strongly oppose the missile sanctions bill. They recommend that he veto it if it is presented to the President in its current form. They also recommend a veto if S. 610 is attached. I quote from the Statement of Administration Policy:

S. 610 has strong bipartisan support from Members on both sides of the aisle. If S. 610 is attached to H.R. 2709, however, the Secretary of State and the National Security Adviser would have no choice other than to recommend that the President veto the combined bill.

So for those of you who support swift passage of the Chemical Weapons Convention implementation legislation, I urge you to oppose this bill. This bill will delay, not speed up, U.S. compliance with the Chemical Weapons Convention.

Second, I believe that Congress and the executive branch certainly share the same policy goal, to stop the transfer of missile technology to Iran. The question before us is the most effective way to achieve that shared goal.

The gentlewoman from California [Ms. HARMAN] and others deserve credit for their efforts to focus attention on the important issue of missile technology transfers to Iran. I think they have got the right approach, which is to express the strong sense of Congress on the issue. But I do not agree with the approach taken in this bill.

Stopping the transfer of missile technology to Iran requires diplomacy. It requires the President to pursue a high-level diplomatic effort with those countries that provide missile technology to Iran. At the end of the day, this problem is going to be solved by diplomacy.

This is exactly what the administration is doing. The President's envoy, Ambassador Wisner, is conducting negotiations with Russia on this topic. He was in Moscow last week. The administration is working as hard as it can, from the President to the Vice President on down, to stop Russian missile technology transfers to Iran. They believe, the administration, that they are starting to make progress, and they believe they can show a lot more progress between now and January. Senior Russian officials have already indicated that Iranian missiles are not in their interest. Our diplomacy is beginning to achieve results, but we do not yet have a satisfactory result.

□ 2100

That is the view of the Secretary of State, the National Security Advisor, and the Vice President. The Vice President has made a strong plea for a little more time to show results, and we should give it to him. If there is no progress, we can come back to this bill in January.

Third and finally, this missile sanctions bill has several flaws. It establishes too low a threshold for the imposition of sanctions. It would require the executive to report and impose sanctions based on credible information it receives about transfers or attempted transfers of missile-related goods and technology to Iran.

''Credible information'' is not defined in the bill and is subject to very broad interpretation. One report or one phone call could be ''credible information'' and could trigger a requirement to report and to impose sanctions.

The bill does not allow enough time between the requirement to report and the requirement to sanction. Sanctions would have to be imposed no later than 30 days after the date of the required resort. In many cases, sanctions can be imposed erroneously, needlessly damaging U.S. credibility with other governments in our efforts to prevent Iran from obtaining missile technology.

The bill has no requirement that actions subject to sanctions be taken knowingly. Sanctions would be imposed on entities unaware that items are going to Iran or will be used in missiles. Such a provision is fundamentally unfair and will undermine U.S. credibility and the willingness of foreign entities to cooperate with the United States.

The bill's waiver provisions, while a step forward, could be improved further. It lacks flexibility for the President. The bill is retroactive in its application. The bill applies sanctions on U.S. subsidiaries of foreign firms that are sanctioned.

I do not believe Congress has a full understanding of the bill's impact if it is enacted into law. I believe further consultation with the executive branch is necessary. Further consultation would improve this bill so it will strengthen, not undermine, the President's ability to achieve the goals that all of us share to stop Iran's missile program.

So I believe the bill will negatively impact U.S. national interests. It is going to slow down our ability to get the President a bill that he will sign so that he can meet our treaty obligations under the Chemical Weapons Convention. It will be counterproductive to our efforts to stop the transfer of missiles technology to Iran. And as I have indicated, the Secretary and the National Security Advisor are going to recommend that the President veto this bill if it is sent to him in the form that we have it before the House this evening.

I urge a ''no'' vote.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the Iran Missile Proliferation Act introduced by the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN].

As the gentleman from New York has noted, this legislation is intended to provide additional leverage for the United States in responding to assistance by Russian institutes and research facilities for Iran's medium and long-range missile programs.

H.R. 2709 will close loopholes in existing U.S. sanction laws as these loopholes have been used in the past to avoid sanctioning firms that have transferred missile goods or technology to Iran. It does not target an entire government but, rather, the individuals and entities which are actually the perpetrators of proliferation activities.

The President would be required to submit a report identifying those individuals and entities where there is credible evidence that they have transferred key missile components of technology to Iran. Thirty days after this report, a number of important sanctions denying munition licenses, dual-use technology licenses, and U.S. foreign assistance to these entities, those kind of things will be imposed for a period of at least 2 years on the identified entities.

Mr. Speaker, our distinguished colleague from Indiana [Mr. HAMILTON] has given quite a list of things that he finds objectionable from the existing legislation. Whether it is this legislation or other legislation, I think it is imperative that this House and the Congress speak out very strongly that we want the kind of proliferation being conducted by Russian entities to Iran to stop. We cannot sit back and be asked simply that the route towards diplomacy be pursued for the next several months. We are at a critical point, and this Congress has a responsibility to say we want action now, it is essential while we are putting much of the Middle East and much of Europe in jeopardy.

Mr. Speaker, the prevention of Iran's acquisition of ballistic missiles and weapons of mass destruction is one of this Nation's most important national security objectives. Iranian possession of ballistic missiles poses an unacceptable threat to the military forces of the United States and its allies throughout the Persian Gulf, Middle East, and southern and southeastern Europe. H.R. 2709 is an important tool to limit the proliferation of the Persian Gulf. I believe it would be irresponsible if we simply took no action, did not express ourself, did not try to pass legislation before we adjourn this year.

Frankly speaking, Mr. Speaker, this legislation would be unnecessary if the executive branch were willing to comply with existing law governing missile technology controls. This is not simply a criticism of this President or this administration, for previous Presidents have been equally reluctant to enforce the law when it comes to sanctions on these crucial matters.

When an administration, this one or a previous one, continually refuses to invoke the law, whether it is the Arms Control Export Act or the refusal to declare that a coup has occurred in Cambodia because the resulting sanctions would reduce the State Department's flexibility, a word we hear often, it demeans the law. It encourages this body to pursue every more stringent sanctions.

Mr. Speaker, this Member hopes that this body can get out of the business of imposing new sanctions, but this will not happen until the executive branch, this one, the previous ones, come into compliance with the law, respect the law as Congress enacts it. This Member therefore would urge the executive branch to adhere to the provisions of H.R. 2709 which I hope this Congress will enact.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I ask the gentleman from Nebraska [Mr. BEREUTER], who is controlling time for the majority, if he would yield an additional 3 minutes to me.

Mr. BEREUTER. Mr. Speaker, I yield an additional 3 minutes to the gentleman from California [Mr. BERMAN].

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from California [Mr. BERMAN] is recognized for 6 minutes.

Mr. BERMAN. Mr. Speaker, while I agree with a number of the points made by my dear friend and the ranking member of the Committee on International Relations, I come to a different conclusion on the issue of House passage of this bill, and I rise in support of the passage of H.R. 2930. I think it pays to take a couple of moments to just restate sort of what we know about contributions to the Iranian missile program.

First of all, we know it has been clearly reported, it is not in dispute, that Iran has developed, has a nuclear weapons program. It is also quite clear that Iran has also embarked on a program to develop medium and long-range missiles. The Iranian missile program has been contributed to recently by a number of transfers of technology in parts from the Russian SS–4 intermediate range ballistic missile, and apparently Iran Shihab-3 and

Shihab-4 missiles are being designed with Russian assistance to expand to a range of 930 to 1,250 miles. There have been additional reports that Iran is working toward developing a multistage intercontinental missile with a range of 3,500 missiles.

When we take their nuclear program and their missile program together, I think everyone in this Chamber can understand just how dangerous this can be if Iran is successful in its pursuits in these areas.

The more sophisticated weapon assistance that Iran receives from abroad, the quicker Iran will realize its goal of a long-range weapon delivery system.

Robert Pelletreau, who was then Assistant Secretary of State for Near Eastern Affairs, testified, only by imposing a real and heavy price can we and other countries convince the Iranian leadership that changing its threatening behavior is in Iran's own interest. That threatening behavior continues, and this legislation is another effort to convince other countries that a real and heavy price must be paid for aiding Iran's weapons program.

I would just like to deal with a couple of the points raised by the gentleman from Indiana [Mr. HAMILTON], the ranking member of the full committee. There are some flaws in this legislation, but I think he would agree, the legislation is significantly improved from the form in which it was introduced. The kind of conduct that it has focused on deals now with violations of the Missile Technology Control Regime and other efforts that are governed by that regime that the administration, and only the administration, certify constitutes significant contributions to the Iranian missile program.

The report that is required by this legislation can now be classified at the discretion of the administration, and it is clear from the report language accompanying this bill that the national security waiver, which has been put into this bill, may be utilized where an entity in any country, and specifically in Russia, has made an improper and illegal transfer.

Remember, Russia has committed to adhering to the Missile Technology Control Regime, but when they make such a transfer, if the administration is assured that they will no longer do so and believes that it is important that those sanctions be waived, they are able to use the national security waiver to do that.

So that even with some of the other flaws, particularly the credible information threshold, which is too low a threshold, I think this legislation is worthy of our support, because it is a forcing mechanism and it is a statement by the House of Representatives that this is a critical problem, that our relationships with Russia and its ability to control the entities within that country that are contributing to this program are going to be seriously affected by its future conduct.

There is no doubt that this administration now is heavily engaged in this issue. They are pressing the Russians hard to cut off that aid. President Clinton, Vice President Gore, and Ambassador Wisner have raised our concern with the Russian leadership, although there is some evidence that assistance continues to flow.

I believe the administration should view the House passage of this legislation as aiding and assisting their efforts to persuade the Russians to cut off all aid to the Iranian missile program and to enforce export controls which will ensure no additional aid leaks out.

I wish that the majority had not combined this bill with the Chemical Weapons Convention Implementation Act of 1997. My fear is that the result of combining these two important pieces of legislation will mean that when this bill gets over in the Senate, neither one will pass. That decision to combine has been made. Both bills are important.

I might point out, by the way, that both Russia and Iran have now ratified the Chemical Weapons Convention, so that passage of the implementing legislation is quite important on its own. My only hope is that if the Senate chooses, for whatever reason, to sever the two bills and send the chemical weapons implementation legislation back to us tomorrow and before we adjourn for the year, that we will take that legislation up separately. But both bills are important, and the decision has been made to combine them, and I would urge my colleagues to support its passage.

Mr. BEREUTER. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Pennsylvania [Mr. FOX], a member of the committee.

Mr. FOX of Pennsylvania. Mr. Speaker, we in the House are persuaded that missile transfers from Russia to Iran pose a great threat to the United States and to our allies in the Middle East and Europe. We are especially troubled by reports we received to the effect that Iran is only 9 to 12 months away from achieving an indigenous missile capacity.

We welcome the efforts undertaken with Russia to resolve this problem, but we cannot ignore the reports that we received that since Ambassador Wisner went to work on this problem, the pace of Russian transfers to Iran has increased rather than decreased. At this stage, we therefore feel compelled to act on this matter.

Our legislation is based on a slightly different philosophy than the administration's diplomatic efforts. We are not seeking to coerce the Russian Government to do anything. Rather, we target our sanctions on the Russian entities that are making missile transfers to Iran. Most of these entities are interested in future business dealings with the United States, particularly in the area of aerospace cooperation. The point of our legislation is to tell these entities in no uncertain terms that continued dealings with Iran will be fatal to any future cooperation with the United States.

□ 2115

Our legislation has 263 cosponsors in the House, including its main sponsor, the gentleman from New York, Chairman GILMAN, the Speaker of the House, the Democratic leader; and the companion bill in the Senate has similarly strong support.

The statement of administration policy that has been quoted on the House floor is dated November 7, 1997. H.R. 2709 has been modified since the statement of administration policy was originally written. One of the modifications in the bill was specifically made to address the administration's concerns.

Section 2 of the bill requires the administration to submit a report which identifies those foreign companies where there is credible evidence that they have transferred or retransferred goods or technology or provided technical assistance to Iran's efforts to acquire, develop or produce ballistic missiles.

The bill report from the committee required this administration submit this report in unclassified form. That section now has been modified to allow the report to be classified. The committee is persuaded that such a change will assist the administration's efforts to halt the transfer of missile technology to Iran. We urge the administration to consider this bill modification as it reviews its position on the bill.

I am not surprised the administration does not support the bill. Why? Because the bill does not give the administration the usual loopholes to avoid sanctioning foreign countries that assist Iran.

The administration's statement of policy states that the standard of evidence sanctions and reporting requirements of H.R. 2709 are broad and vague. Nothing could be further from the truth. The committee report details what we mean by the term "credible information." The report details the three sanctions to be imposed, and the report details sanctions required in the bill. These requirements are neither broad nor vague.

Simply put, Mr. Speaker, the administration does not like this bill because they know they cannot ignore it, they cannot shove it under the table, and the sanctions must go forward, if appropriate.

I would therefore urge our colleagues to support H.R. 2709, the Iran Missile Proliferation Sanctions Act of 1997.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank the ranking member for yielding me this time.

Mr. Speaker, I rise in support of H.R. 2709, the Iran Missile Proliferation Sanctions Act of 1997. Iran is the leading sponsor of international terrorism. That is a conclusion that has been reached by our President, by our Secretary of State and by the Director of the CIA. The evidence is also clear that Russian entities are aiding the Iranian Government in its efforts to acquire and develop ballistic missiles. Thus, this legislation is needed.

This legislation appropriately imposes sanctions on foreign persons who transfer key missile components or technology to Iran. I understand the concerns that have been expressed by the ranking member, but I think it is important that this House move this legislation forward, and I urge my colleagues to support H.R. 2709.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, although this bill deals primarily with missiles, I would like this body to consider, China just bought 200 SU–27s from Russia, better than our F–14s and F 15s, along with AA–12. China has sold nuclear components and chemical and biological weapons to Iran, Iraq, and Pakistan.

China and Russia are not our friends, and I think it is time that we need to realize that. Yes, we need to engage. I do not think there will be peace in my lifetime in the Middle East, and we need to engage both of those parties, but they are still very, very dangerous.

In Bosnia, there are over 10,000 mujahedin and Hamas surrounding Izetbegovic's government. Yet we in the United States continue to arm the Muslims in that portion of the world, when the balance has gone over.

I would rise in support of this. The Cold War is over, but it is a very, very hostile world, and especially if you look at Russia today is building a first nuclear strike site. Russia today is building under the Ural Mountains a first-strike nuclear weapons site larger than inside the Beltway. That is huge. Why?

Yet we need to arm the President, the White House, and this body, along with the other body, needs to hold firm. While we downgrade our own military, this is a first step in holding the line on proliferation for other countries.

Why downgrade our own military, and let other nations build theirs up, which are not only a threat to us? If you look in Bosnia, that is a threat to Greece, it is a threat to Europe, especially with the mujahedin and Hamas. Yes, we are going to look at some of those same missiles ourselves.

So I laud the gentleman in this bill and rise in support.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank my distinguished colleague, the gentleman from Indiana, for yielding me time.

Mr. Speaker, I rise in strong support of H.R. 2709, and I must tell you that I have heretofore resisted any legislation which puts sanctions on Russia or any entities. But I think the time has come that the Congress really needs to take a tough stand.

It is no secret that Russia and Russian companies have been providing technology to Iran and missile goods to Iran. The one thing that strikes me is if you go to the Middle East and you speak with heads of governments of all of the countries, Israel and the Arab States may have many disagreements, but the one thing on which they all agree is that Iran is the threat to the region. You will hear the same thing in Jerusalem, the capital of Israel, as you will hear in Cairo, the capital of Egypt, as you will hear in Riyadh, the capital of Saudi Arabia, and all the Persian Gulf countries. While at the moment we are focused on Iraq and the crisis there with Iraq, the governments will all say the long-range threat comes from Iran.

When we look to see which countries are assisting Iran in developing this technology, we look to China, and the President has had an agreement with the Chinese leadership to stop any kind of transfer of technology to Iran. We look to North Korea, they have done it; and, of course, Russia.

I think that it is very, very important that the Russian Government and the Russian companies understand that our patience has worn thin; that because Iran is not only a threat to the region, but indeed a threat to the world, supporting terrorism, we do not feel that we can simply let the status quo continue.

Iran has the capability and will have the capability in a few months to be able to strike out and hit all the countries that I mentioned if it goes unchecked. Now, it is clear that Russia has already provided Iran with critical know-how and technological support. The question facing us now is whether we can halt any further assistance, and time is short. As I mentioned, we have but a few months to prevent Iran from achieving a significant advance in its missile program.

Most critical in the short term is the prospect of Iran enhancing its ballistic missile capacity. Iranian acquisition of ballistic missiles with a range of 1,300 kilometers or more poses an unacceptable threat to American forces in the Middle East, as well as our allies throughout the Persian Gulf region.

It is hard for me to believe that Russia's assistance to Iran does not violate Russia's international obligations as an adherent to the Missile Technology Control Regime, the MTCR. It is also inconceivable to me that such transfers would not trigger U.S. missile sanction laws.

I think it is time for this Congress to stand tall and to say to Russia and Russian companies that we are not going to permit this transfer, and H.R. 2709 goes a long way in that direction.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise in strong support of H.R. 2709. This bill would force the President to impose sanctions on entities that assist Iran's missile program, mostly Russian, perhaps some Chinese entities, perhaps some European entities as well.

Mr. Speaker, others have expressed well the dangers that Iranian missiles, perhaps armed eventually with nuclear warheads, pose to Israel, to some of our Arab quasi-allies, and to American security interests.

Russian help and Chinese help for this development is not a friendly act, and is the most profoundly irresponsible act, and the administration, for all its protestation, has shown a pattern of certifying when Congress passed this law that says, we do not want most-favored-nation treatment, we have seen that when we pass laws that say that this or that should not be done unless the President certifies that human rights are being adhered to or that nonproliferation is being adhered to, the certification comes whether the facts support them or not all too often. So I think it is time for Congress to step in and tighten the legal regime, as this bill does, to make it more clear that these sanctions must be imposed.

I also think that, given the sometimes unclear circumstances as to whether the Russian Government has effective control over these entities, that it is good that this legislation applies directly to these business entities, and not simply to the foreign governments.

So I support this legislation. I regret the necessity of it, but it is time to step in with this kind of legislation to reduce the likelihood that we will be faced with the kind of foreign policy catastrophe that will be presented by Iranian possession and threat of use of long-range missiles.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I think there is an unfortunate problem that has occurred on this bill that Members should be aware of. I was an original cosponsor of the original 2709, but the

bill before us is not that bill, because the bill before us also includes the chemical weapons convention implementing legislation.

Now, there is a real problem for this, and Members should know about that. If the President should decide to veto 2709, which there has been some talk of, he will also veto the chemical weapons convention legislation, the legislation that implements it.

For years we have been fighting for a chemical weapons convention. It would be a tragedy if tonight, by just a mistake, if people think they are only voting for 2709. They must know they are putting at jeopardy the chemical weapons convention implementing legislation.

I would urge Members to vote against 2709, even though, as I say, I was a cosponsor, in order to protect that chemical weapons convention. A no vote will protect the chemical weapons convention.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a bipartisan coalition of Members of this House, a strong one, want to have action on the chemical weapons convention. We also want to see the implementation of it. We also want to see action on the Iran missile proliferation issue.

We understand the larger picture with respect to Russia. We understand the administration's position on that. We understand the importance the administration understandably places on a Russian-American joint space exploration program.

We have listened to the distinguished Vice President of the United States. We have listened to the highest officials in the Clinton administration. We have heard their arguments on this issue.

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But collectively, a large majority of people on both sides of the aisle in this House, and indeed in the other body, believe that we have waited long enough to see the imposition of effective sanctions brought to bear upon the Russian entities that seem to be providing missile technology to Iran. We are unwilling to bear the risk of further delays in implementing sanctions. We are sending a very, very clear message to the government of Russia that we want entities in Russia to stop providing this kind of cooperation to the government of Iran.

Mr. Speaker, because it places in jeopardy very large parts of the Persian Gulf, our allies in the Middle East, and major parts of Europe, we want to have action on this issue. We see the only way to have a likelihood that the President will sign the legislation is attaching it to the implementation legislation for the Chemical Weapons Convention. Alternatively, we can see the Iranians developing the missile capacity that enables them to bring great explosive destruction or even weapons of mass destruction to bear on the Persian Gulf, on the Middle East and Europe. Therefore, we urge our colleagues to support H.R. 2709.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. CALVERT]. All time has expired.

The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 2709, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title of the bill was amended so as to read:

A bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

BANKRUPTCY AMENDMENTS OF 1997

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 764) to make technical corrections to title 11, United States Code, and for other purposes, as amended.

The Clerk read as follows:

H.R. 764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bankruptcy Amendments of 1997".

SEC. 2. DEFINITIONS.

Section 101 of title 11, United States Code, is amended—

(1) by striking "In this title—" and inserting "In this title:",

(2) in each paragraph by inserting "The term" after the paragraph designation,

(3) in paragraph (35)(B) by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)",

(4) in paragraphs (35A) and (38) by striking "; and" at the end and inserting a period,

(5) in paragraph (51B)—

(A) by inserting "who is not a family farmer" after "debtor" the first place it appears, and

(B) by striking "$4,000,000" and inserting "$15,000,000 as of the date of the filing of the petition",

(6) by amending paragraph (54) to read as follows:

"(54) The term 'transfer' means—

"(A) creation of a lien;

"(B) retention of title as a security interest;

"(C) foreclosure of the debtor's equity of redemption; or

"(D) every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property;",

(7) in paragraphs (1) through (35), in paragraphs (36) and (37), and in paragraphs (40) through (55), including paragraph (54) as added by this section, by striking the semicolon at the end and inserting a period, and

(8) by redesignating paragraphs (4) through (55), including paragraph (54) as added by this section, in entirely numerical sequence.

SEC. 3. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting "522(f)(3)," after "522(d)," each place it appears.

SEC. 4. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking "922" and all that follows through "or", and inserting "922, 1201, or".

SEC. 5. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(3) of title 11, United States Code, is amended by striking "attorney's" and inserting "attorneys' ".

SEC. 6. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting "on a fixed or percentage fee basis," after "hourly basis,".

SEC. 7. COMPENSATION TO OFFICERS.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (1) by inserting ", or the debtor's attorney" after "1103", and

(2) in paragraph (3) by striking "(3)(A) In" and inserting "(3) In".

SEC. 8. SPECIAL TAX PROVISIONS.

Section 346(g)(1)(C) of title 11, United States Code, is amended by striking ", except" and all that follows through "1986".

SEC. 9. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 10. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17) by striking "or" at the end,

(2) in paragraph (18) by striking the period at the end and inserting "; or", and

(3) by adding at the end the following:

"(19) under subsection (a) of this section, of any transfer that is not avoidable under section 544 and not avoidable under section 549.".

SEC. 11. DEFAULTS BASED ON NONMONETARY OBLIGATIONS.

(a) EXECUTORY CONTRACTS AND UNEXPIRED LEASES.—Section 365 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A) by striking the semicolon at the end and inserting the following:

"other than a default that is a breach of a provision relating to—

"(i) the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an unexpired lease of real property, if it is impossible for

the trustee to cure such default by performing nonmonetary acts at and after the time of assumption; or

"(ii) the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an executory contract, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption and if the court determines, based on the equities of the case, that this subparagraph should not apply with respect to such default;", and

(B) by amending paragraph (2)(D) to read as follows:

"(D) the satisfaction of any penalty rate or penalty provision relating to a default arising from a failure to perform nonmonetary obligations under an executory contract or under an unexpired lease of real or personal property.",

(2) in subsection (c)—

(A) in paragraph (2) by adding "or" at the end,

(B) in paragraph (3) by striking "; or" at the end and inserting a period, and

(C) by striking paragraph (4),

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9), and

(B) by redesignating paragraph (10) as paragraph (5).

(4) in subsection (f)(1) by striking "; except that" and all that follows through the end of the paragraph and inserting a period.

(b) IMPAIRMENT OF CLAIMS OR INTERESTS.—Section 1124(2) of title 11, United States Code, is amended—

(1) in subparagraph (A) by inserting "or of a kind that section 365(b)(1)(A) of this title expressly does not require to be cured" before the semicolon at the end,

(2) in subparagraph (C) by striking "and" at the end,

(3) by redesignating subparagraph (D) as subparagraph (E), and

(4) by inserting after subparagraph (C) the following:

"(D) if such claim or such interest arises from any failure to perform a nonmonetary obligation, compensates the holder of such claim or such interest (other than the debtor or an insider) for any actual pecuniary loss incurred by such holder as a result of such failure; and".

SEC. 12. AMENDMENT TO TABLE OF SECTIONS.

The table of sections for chapter 5 of title 11, United States Code, is amended by striking the item relating to section 556 and inserting the following:

"556. Contractual right to liquidate a commodities contract or forward contract.".

SEC. 13. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (3)".

SEC. 14. PRIORITIES.

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (3)(B) by striking the semicolon at the end and inserting a period, and

(2) in paragraph (7) by inserting "unsecured" after "allowed".

SEC. 15. EXEMPTIONS.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (f)(1)(A)(ii)(II)—

(A) by striking "includes a liability designated as" and inserting "is for a liability that is designated as, and is actually in the nature of,", and

(B) by striking ", unless" and all that follows through "support.", and

(2) in subsection (g)(2) by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

SEC. 16. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(3) by striking "or (6)" each place it appears and inserting "(6), or (15)",

(2) as amended by section 304(e) of Public Law 103–394 (108 Stat. 4133), in paragraph (15) by transferring such paragraph so as to insert it after paragraph (14) of subsection (a),

(3) in paragraph (9) by inserting ", watercraft, or aircraft" after "motor vehicle",

(4) in subsection (a)(15), as so redesignated by operation of paragraph (2), by inserting "to a spouse, former spouse, or child of the debtor and" after "(15)",

(5) in subsection (a)(17)—

(A) by striking "by a court" and inserting "on a prisoner by any court",

(B) by striking "section 1915 (b) or (f)" and inserting "subsection (b) or (f)(2) of section 1915", and

(C) by inserting "(or a similar non-Federal law)" after "title 28" each place it appears, and

(6) in subsection (e) by striking "a insured" and inserting "an insured".

SEC. 17. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking "section 523" and all that follows through "or that", and inserting "section 523, 1228(a)(1), or 1328(a)(1) of this title, or that".

SEC. 18. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1) by inserting "student" before "grant" the second place it appears, and

(2) in paragraph (2) by striking "the program operated under part B, D, or E of" and inserting "any program operated under".

SEC. 19. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code is amended by inserting "365 or" before "542".

SEC. 20. LIMITATIONS ON AVOIDING POWERS.

Section 546 of title 11, United States Code, is amended by redesignating the second subsection (g) as subsection (h).

SEC. 21. PREFERENCES.

Section 547 of title 11, United States Code, is amended—

(1) in subsection (b) by striking "subsection (c)" and inserting "subsections (c) and (h)", and

(2) by adding at the end the following:

"(h) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, then such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.".

SEC. 22. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting "an interest in" after "transfer of",

(2) by striking "such property" and inserting "such real property", and

(3) by striking "the interest" and inserting "such interest".

SEC. 23. SETOFF.

Section 553(b)(1) of title 11, United States Code, is amended by striking "362(b)(14)" and inserting "362(b)(17)".

SEC. 24. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking "1009,".

SEC. 25. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, is amended by inserting "1123(d)," after "1123(b),".

SEC. 26. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)", and

(2) by adding at the end the following new paragraph:

"(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election. Upon the filing of a report under the preceding sentence—

"(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section, and

"(ii) the service of any trustee appointed under subsection (d) shall terminate.

"(B) In the case of any dispute arising out of an election under subparagraph (A), the court shall resolve the dispute.".

SEC. 27. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 28. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 29. DISCHARGE.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. 30. CONTENTS OF PLAN.

Section 1322 of title 11, United States Code, is amended—

(1) in subsection (b) by striking "(c)" and inserting "(d)", and

(2) in subsection (e) by striking "default, shall" and inserting "default shall".

SEC. 31. DISCHARGE.

Paragraphs (1), (2), and (3) of section 1328(a) of title 11, United States Code, are amended to read as follows:

"(1) provided for under section 1322(b)(5) of this title;

"(2) of the kind specified in paragraph (5), (8), or (9) of section 523(a) of this title; or

"(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime.".

SEC. 32. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking "made under this subsection" and inserting "made under subsection (c)", and

(2) by striking "This subsection" and inserting "Subsection (c) and this subsection".

SEC. 33. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "(1) the term" before "'bankruptcy", and

(B) by striking the period at the end and inserting "; and", and

(2) in the second undesignated paragraph—

(A) by inserting "(2) the term" before "'document", and

(B) by striking "this title" and inserting "title 11".

SEC. 34. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only

with respect to cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Michigan [Mr. CONYERS] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

The current bill, H.R. 764, the Bankruptcy Amendments of 1997, consists primarily of technical corrections which are intended to clarify original intent, correct drafting defects, and improve grammar and cross-references in the Bankruptcy Code. Many of these changes are occasioned by minor problems with the language in the Bankruptcy Reform Act of 1994, and will not change the results in future cases.

There are also several more substantive provisions, limited in scope, designed to rectify shortcomings in current law. They are fully discussed in the committee report, and I will only briefly describe four provisions here.

By amendment to section 101(51B) of the Bankruptcy Code, renumbered section 101(57), the present $4 million cap on single asset real estate is raised to $15 million. This will enable creditors in more cases to obtain expedited relief from the automatic stay's bar to foreclosure. This is provided for under section 362(d)(3) of the Bankruptcy Code.

Section 101(54) of the Bankruptcy Code, renumbered section 101(66), is amended to define "transfer" as including the "creation of a lien," which is in accord with a widely held understanding. This will protect a purchase money lender, who has recorded a deed of trust without knowledge of a bankruptcy filing, from the trustee's power to avoid certain post-petition property transfers.

And, section 365(b) of the Bankruptcy Code is amended to give recognition to different policy considerations that are implicated, when there are incurable nonmonetary defaults, in the trustee's power to assume executory contracts and unexpired leases of the debtor.

The Code is amended in section 523(a)(9) to provide, as is now the case with motor vehicles, that any debt for death or personal injury arising from a debtor's unlawful operation of a watercraft or aircraft while intoxicated is nondischargeable in bankruptcy.

Mr. Speaker, it has been necessary to proceed with a manager's amendment to the bill as reported from the Committee on the Judiciary, primarily in order to further clarify the amendment to section 365(b). This has been agreed to by both sides. The manager's amendment substitutes new language for section 11 of the bill as reported. The other 33 sections of the bill remain unchanged.

Section 11(a) modifies the language of section 11, as reported, to clarify that when a trustee or debtor-in-possession is excused from curing a nonmonetary default under a real estate lease or executory contract as a condition to the assumption of the contract or lease, the creditor remains entitled to compensation for actual pecuniary loss resulting from the default and to adequate assurance of future performance.

Section 11(b) amends section 1124(2) of the Bankruptcy Code to modify a cross-reference to reflect the clarification made by section 11(a), and to provide that the creditor remains entitled to compensation for actual pecuniary loss resulting from the default for purposes of determining when the creditor's claim or interest arising from the default is not impaired.

Does the Speaker understand fully what I have just described here in the last 5 minutes? If not, Mr. Speaker, I urge the House to pass H.R. 764, the Bankruptcy Amendments of 1997.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the subcommittee Chairman, the gentleman from Pennsylvania [Mr. GEKAS], and the ranking member, the gentleman from New York [Mr. NADLER], for working on this measure that was introduced by myself, and the gentleman from Illinois [Mr. HYDE], on the first day of the session, and they have been at it for quite a while.

The long and short of the bankruptcy laws are that there are about 29 technical corrections and about 5 substantive corrections. The gentleman from Pennsylvania [Mr. GEKAS] has mentioned 4 of the 5, and I am in perfect agreement with him.

We are now hopeful that the Senate will be able to meet with us as early as they can in the year and that we can work this to a favorable resolution, because there are more and more bankruptcy issues coming forward in the next year, the last term of this Congress.

Now, I would like to raise to the Members' attention the fact that our colleague from Michigan [Mr. EHLERS] did us a singular honor by tracking a fifth circuit case that required amending, in which one distinguished judge was not able to distinguish that motor boats and airplanes are in the same category as automobiles, and we talk about nondischargeability, and he weighed in in a very important way to bring about the changes that the gentleman from Pennsylvania [Mr. GEKAS] has referred to.

All in all, this bill clarifies many outstanding issues that those who end up in bankruptcy matters, the judges, the trustees-in-bankruptcy, and the whole bankruptcy bar has been looking to have resolved for many years. So I am pleased on behalf of the Democrats on the committee to join with the gentleman from Pennsylvania [Mr. GEKAS] in urging that this measure, H.R. 764, be reported.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, first I want to thank the gentleman for yielding me this time to speak regarding section 10(2)(B) of this bill. This section would make nondischargeable through bankruptcy a debt incurred as a result of the operation of a boat or airplane while under the influence of alcohol.

This section is taken from a bill I sponsored for several years and which the House passed unanimously last year, but which unfortunately did not receive action in the Senate. My bill, and this section of H.R. 764, seeks to correct what I believe was a bill-drafting oversight involving our bankruptcy laws.

Current law states that if an individual incurs a debt as a result of the operation of a motor vehicle under the influence of alcohol, they cannot have that debt discharged through a declaration of bankruptcy. Since this law was originally enacted, the courts have generally interpreted the statute's use of the term "motor vehicle" as meaning "automobile," although some courts have differed with that.

Mr. Speaker, as we know, my home State of Michigan has an extraordinarily robust boating industry. Over the years we have worked hard on the State level, as have many other States, to make it perfectly clear that drunk boating is as serious a crime as drunk driving, and we have consistently written Michigan drunk driving laws to explicitly include drunk boating.

The language in this section simply seeks to extend this notion of equal treatment of drunk driving and drunk boating to the Federal level, as it concerns our bankruptcy laws. Since the courts have ruled that the Bankruptcy Code, as it is currently written, may only refer to automobiles, we seek to specifically add watercraft to this section of the Bankruptcy Code.

In addition, while it does not have the public profile of drunk driving and drunk boating, the operation of aircraft under the influence of alcohol and drugs has also been a problem, with far higher potential for injury and death. I might just mention parenthetically the

airplane that crashed into the White House a few years ago when someone was flying under the influence of alcohol and drugs. This bill's language recognizes this and includes the drunk operation of aircraft as well.

I want to note here that it is not my intention, nor do I believe that it is the intention of this committee presenting this bill, to include "watercraft" and "aircraft" in the definition of "motor vehicle," but rather it is the intention to add "watercraft" and "aircraft" to this section of the Bankruptcy Code exclusive of "motor vehicle," and I want the record to reflect this.

Again, Mr. Speaker, while this issue may not garner a great deal of public attention, those that have been negatively impacted by the lack of clarity in this section of the Bankruptcy Code have suffered significantly by not being able to collect judgments that have been given them, and we ought to protect future victims of drunk boating and drunk flying by adopting the simple correction called for in this bill.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I want to thank the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. GEKAS], for the work that he has done on this bill in fashioning it as he did and allowing my inclusion. What I would like to speak about is that H.R. 764 includes a provision, and by the way, I do support this bill, includes a provision that addresses an injustice that exists within Title XI of the United States Code regarding single asset bankruptcies. This provision is similar to legislation that I introduced in H.R. 73, and I thank the entire committee again for bringing this bill to the floor today.

The injustice within Title XI stems from an eleventh hour action, call it 11:59, during the 103d Congress that placed an arbitrary $4 million ceiling on single asset provisions in the bill. The affect has been to render investors helpless in foreclosures on single assets that were valued over $4 million. H.R. 764 will provide some relief to victims of this arbitrary $4 million ceiling by raising the ceiling to $15 million.

While I am glad to see we are moving in the right direction, I frankly believe we should eliminate the arbitrary ceiling altogether. Under this law, Chapter XI of the Bankruptcy Code serves as a legal shield for the debtor.

□ 2145

While in Chapter 11, the debtor will continue to collect the rents on this commercial asset. There is a problem. The problem is that the commercial property will typically be left to deteriorate and the property taxes go unpaid. When the investor finally recovers the property through the delayed foreclosure, they owe an enormous amount of back taxes, they receive a commercial property left in deterioration which has lower rent value and lower resale value, and, meanwhile, the rent for all the months or years they were trying to retain the property went to an uncollectable debtor.

It is also worth noting that H.R. 764 does not leave the debtor without protection. First, the investor brings a foreclosure against a debtor only as a last resort; and, second, the debtor has up to 90 days to reorganize under Chapter 11.

Mr. Speaker, I urge my colleagues to support H.R. 764. While I feel that we should eliminate the arbitrary ceiling on single-asset bankruptcies, this bill moves us in the right direction by making it harder for individuals to game the system.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank our colleague, the gentleman from Michigan, for adding to the impetus of this legislation, and I thank the gentleman from Michigan and the gentleman from New York [Mr. NADLER] for their cooperation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. CALVERT]. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 764, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TECHNICAL CORRECTIONS TO SECTION 10 OF TITLE 9, UNITED STATES CODE

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2440) to make technical amendments to section 10 of title 9, United States Code.

The Clerk read as follows:

H.R. 2440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. VACATION OF AWARDS.

Section 10 of title 9, United States Code, is amended—

(1) by indenting the margin of paragraphs (1) through (4) of subsection (a) 2 ems;

(2) by striking "Where" in such paragraphs and inserting "where";

(3) by striking the period at the end of paragraphs (1), (2), and (3) of subsection (a) and inserting a semicolon and by adding "or" at the end of paragraph (3);

(4) by redesignating subsection (b) as subsection (c); and

(5) in paragraph (5), by striking "Where an award" and inserting "If an award", by inserting a comma after "expired", and by redesignating the paragraph as subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a momentous piece of legislation. I hope the Speaker pays close attention to the content of our presentation.

This bill is sponsored by myself and the gentleman from New York [Mr. NADLER], and there is no controversy associated with it except what I am going to make of it. But, Mr. Speaker, H.R. 2440 is truly a technical corrections bill, which the gentleman from New York and I have introduced, with the agreement of the Office of Law Revision Counsel.

Section 10 of title 9, United States Code, has a typographical flaw which has evaded detection ever since its original enactment. That section enumerates the grounds for vacating an arbitrator's award with each new ground beginning with the word "where." The fifth ground, however, is obviously not a ground for vacating an award but, rather, the beginning of a new sentence.

The error was called to our attention by a law clerk for a justice of the State of New York Supreme Court, the Appellate Division, Mr. Peter Brokowski by name, who had occasion to refer to the statute. This, of course, is in itself heartening as an example of observant and conscientious citizens participating in and having an effect on their government. We want the record to show how much we worked on this piece of legislation. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, as the distinguished chairman said, is a momentous piece of legislation. We refer to it as the comma bill. It clears up the language in title 9 of the U.S. Code without making any substantive changes.

Section 10(a) of the Code sets out four cases under which a court may vacate an arbitrator's award after application of one of the parties. However, section 10(a) contains what appears to be a fifth case in which an award may

be vacated. In fact, it is clear from the context that section 10(a)(5) is intended to set out the circumstances under which the court may direct a rehearing by the arbitrators, and not a vacating of the arbitrator's award. It should therefore be placed into a separate subsection. The bill does this and clarifies the law, so I support this bill.

I would only add that the chairman referred to the law clerk who brought it to our attention. He is the law clerk of the Appellate Division justice, the Honorable Richard Wallach, who is a constituent and longtime friend and associate of mine. I am glad that his office was on the ball and brought this to our attention.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I regret that we have no more speakers on this subject, since I wanted a full debate, but I have no further requests for time, so I reluctantly yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 2440.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GRANTING CONSENT OF CONGRESS TO THE CHICKASAW TRAIL ECONOMIC DEVELOPMENT COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 95) granting the consent of Congress to the Chickasaw Trail Economic Development Compact.

The Clerk read as follows:

H.J. RES. 95

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, The Congress consents to the Chickasaw Trail Economic Development Compact entered into by the State of Tennessee and the State of Mississippi. The compact is substantially as follows:

CHICKASAW TRAIL ECONOMIC DEVELOPMENT COMPACT

Article I. The purpose of this compact is to promote the development of an undeveloped rural area of Marshall County, Mississippi, and Fayette County, Tennessee (hereinafter referred to as "Chickasaw Trail Economic Development Area"), and to create a development authority which incorporates public and private partnerships to facilitate the economic growth of such areas by providing developed sites for the location and construction of manufacturing plants, distribution facilities, research facilities, regional and national offices with supportive services, and facilities, and to establish a joint interstate authority to assist in these efforts.

Article II. This compact shall become effective immediately whenever the states of Tennessee and Mississippi have ratified it and Congress has given consent thereto.

Article III. The states which are parties to this compact (hereinafter referred to as "party states") do hereby establish and create a joint agency which shall be known as the Chickasaw Trail Economic Development Authority (hereinafter referred to as the "Authority"). The membership of the Authority shall consist of an appointee of the Governor of each party state, each state's chief economic development official or his/her representative, appointee of each of the member counties board of supervisors/county legislative body, selected from nominees from the county's industrial development board, and an appointee of the property owners' group. The appointive members of the authority shall serve for terms of four (4) years. Vacancies on the Authority shall be filled by appointment by the Governor or the appropriate appointing authority for the unexpired part of the term. The members of the Authority shall serve without compensation or reimbursement of expenses. The members of the Authority shall hold regular quarterly meetings and such special meetings as its business may require. They shall choose annually a chairman and vice-chairman from among their members, and the chairmanship shall rotate each year between the party states. The secretary of the Authority (hereinafter provided for) shall notify each member in writing of all meetings of the Authority in such a manner and under such rules and regulations as the Authority may prescribe. The Authority shall adopt rules and regulations for the transaction of its business; and the secretary shall keep a record of all its business, and shall furnish a copy thereof to each member of the Authority. It shall be the duty of the Authority in general, to promote, encourage and coordinate the efforts of the party states to secure the development of the Chickasaw Trail Economic Development Authority. Toward this end, the authority shall have power to hold hearings; to conduct studies and surveys of all problems, benefits and other matters associated with the development of the Chickasaw Trail Economic Development area and to make reports thereon; to acquire, by gift or otherwise, and hold and dispose of such money and property as may be provided for the proper performance of their functions; to cooperate with other public or private groups, whether local, state, regional or national, having an interest in economic development; to formulate and execute plans and policies for emphasizing the purpose of this compact before the Congress of the United States and other appropriate officers and agencies of the United States and the respective states; and the exercise of such other powers as may be appropriate to enable it to accomplish its functions and duties in connection with the development of the Chickasaw Trail Economic Development Area and to carry out the purposes of this compact.

Article IV. The Authority shall appoint a secretary, who shall be a person familiar with the nature, procedures and significance of economic development and the informational, educational and publicity methods of stimulating general interest in such developments, and who shall be the compact administrator. His/her term of office shall be at the pleasure of the Authority. He/she shall maintain custody of the Authority's books, records and papers, which he/she shall keep at the office of the Authority, and he/she shall perform all functions and duties, and exercise all powers and authorities, that may be delegated to him/her by the Authority.

Article V. Nothing in this compact shall be construed to conflict with any existing statute, or to limit the powers of any party or state or to repeal or prevent legislation, or to authorize or permit curtailment or diminution of any other economic development project, or to affect existing or future cooperative arrangements or relationships between any federal agency and a party state.

Article VI. This compact shall continue in force and remain binding upon each party state until the Legislature or Governor of each or either state takes action to withdraw therefrom; provided that such withdrawal shall not become effective until six (6) months after the date of the action taken. Notice of such action shall be given by the Secretary of State of the party state which takes such action.

In witness whereof, I, Kirk Fordice, have subscribed my signature and caused the Great Seal of the State of Mississippi to be affixed this 9th day of May, 1997.

In witness whereof, I, Don Sundquist, have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 9th day of April, 1997.

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the compact consented to by this Act shall not be affected by any insubstantial difference in its form or language as adopted by the States.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to join me in approving this resolution, House Joint Resolution 95, giving the consent of Congress to the Chickasaw Trail Economic Development Compact entered into between the State of Tennessee and the State of Mississippi.

As everyone knows by now, the United States Constitution provides that no two States or no number of States may enter into any agreements among themselves without the consent of Congress. That is a constitutional mandate that we have observed faithfully throughout the years. Thus, the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, which I chair, has jurisdiction and is happy to announce that this particular proposed compact has its full approval.

Mr. Speaker, the facts are that in 1992 the Marshall County, Mississippi, Industrial Development Authority recognized the need to develop a large regional industrial park in the northern

part of the county. The idea of a two-State industrial park materialized when a large tract of relatively uninhabited land owned by only a few individuals was identified on both sides of the Mississippi-Tennessee border. Located adjacent to the Memphis metropolitan area, this region is traversed by three major thoroughfares.

Verbal agreement of the landowners to participate in a public-private partnership and the support of local and State officials for the concept helped to promote the project, which was endorsed in 1995 by our former colleague, now Tennessee Governor Don Sundquist, and Mississippi Governor Kirk Fordice.

In 1996, the Tennessee and Mississippi State legislatures passed enabling legislation creating the Chickasaw Trail Economic Development Compact, subject to congressional approval, and they set up a board of directors for its development.

The industrial park envisioned by the compact is located adjacent to the metropolitan Memphis area, which is in need of available land for future industrial growth. The rural nature of the tract plus its current and planned accessibility make it advantageous for a planned park providing jobs for residents of both States.

Once again, I urge my colleagues to consent to this compact by suspending the rules and passing House Joint Resolution 95.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill gives the consent of Congress to the compact between the States of Mississippi and Tennessee to establish the Chickasaw Trail Economic Development Agency.

The compact establishes an economic development authority to determine the feasibility of establishing an industrial park in Fayette County, Tennessee, and Marshall County, Mississippi, and to assist in public-private partnerships to promote economic development in that bi-State area.

The legislation simply restates the compact, provides that the validity of the compact will not be affected by any insubstantial differences in its formal language as adopted by the two States, and reserves to Congress the right to alter, amend, or appeal the joint resolution giving consent to the compact.

Mr. Speaker, the congressional delegations of the two States support this bill, as do the two legislatures and both Governors. The subcommittee and committee unanimously reported the bill. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT. Mr. Speaker, I want to thank the chairman of our subcommittee, the distinguished gentleman from Pennsylvania [Mr. GEKAS], and also the distinguished ranking member of our subcommittee, the gentleman from New York [Mr. NADLER], whom I also want to commend for his correct pronunciation of all of these words. Very good.

Mr. Speaker, at the request, as has been said, of our former colleague and the very distinguished Governor of Tennessee, Don Sundquist, and also the very distinguished Governor of the State of Mississippi, Kirk Fordice, I, along with the gentleman from Mississippi, Mr. ROGER WICKER, introduced House Joint Resolution 95, which would give congressional consent to an interstate compact establishing the Chickasaw Trail Economic Development Authority.

Under this compact, the Chickasaw Authority would conduct a study to determine the feasibility of establishing an industrial park which would lie both in Fayette County, Tennessee, and Marshall County, Mississippi. Should the authority issue a favorable report, the States would then negotiate a new compact implementing the details needed to establish a 4,000 to 5,000-acre industrial park. These large tracts of land would come complete with utilities and infrastructure needed to attract and support the more sophisticated high-technology industry for which the two States already compete.

There are many potential benefits to this effort. It is hoped that by disposing of the incentive wars between the States, both Tennessee and Mississippi can capitalize on the advantages of the region that lie on both sides of their border and attract new employment and investment opportunities.

The proposed project will help develop the educational and economic opportunities needed to improve the quality of life of the people living in this area, while at the same time fulfilling the industrial growth needs of the city of Memphis and Shelby County.

Mr. Speaker, this project is noncontroversial and represents an innovative approach to the mutual benefit of the two counties and the two States. It has been cosponsored by the entire Tennessee and Mississippi delegations and has passed out of the Committee on the Judiciary by voice vote. Again, I would encourage my colleagues in the House to support its passage.

Mr. GEKAS. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I rise in support of this resolution to prove the Chickasaw Trail Economic Development Compact. I want to thank the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER], the ranking member, for acting on this resolution and for allowing it to come before the House so quickly. I also want to thank my good friend, the gentleman from Tennessee [Mr. BRYANT], and the majority leader for their help.

Mr. Speaker, this may seem like a simple and straightforward bill, and it is, but the Chickasaw Trail Economic Development Compact is a very important local initiative between Marshall County, Mississippi, and Fayette County, Tennessee.

According to statistics, Marshall County, Mississippi, is economically disadvantaged, without the resources and infrastructure necessary to compete and to attract business and industry. But the people of Marshall County have viewed their present circumstances as a challenge and an opportunity. They put their heads together and came up with a long-term economic development plan to attract jobs and ensure a bright future for the next generation. Included in this vision for the future has been the development of a large industrial park in northern Marshall County, adjacent to the Tennessee line.

At the same time, Mr. Speaker, in an effort to improve the regional economy in Tennessee, the Memphis Area Chamber of Commerce organized the Mid South Common Market, which includes the States of Tennessee and Mississippi and numerous counties around the city of Memphis.

□ 2200

As a result of cooperation and consultation between economic development leaders in these two States, the idea of a regional industrial park was born. The innovative project would be a 4,000- to 5,000-acre industrial park located in both Marshall County, Mississippi, and Fayette County, Tennessee.

Mr. Speaker, I am excited about this project because it will enhance the economy of our region and improve the lives of my constituents who live in Marshall County and the surrounding area. I urge its adoption. I think it is an example of the American can-do attitude.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, in that case, I have no further speakers. I urge the adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 95.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GRANTING CONSENT AND APPROVAL OF CONGRESS FOR STATE OF MARYLAND, COMMONWEALTH OF VIRGINIA, AND DISTRICT OF COLUMBIA TO AMEND WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 96) granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact.

The Clerk read as follows:

H.J. RES. 96

Whereas the State of Maryland, the Commonwealth of Virginia, and the District of Columbia have adopted amendments to the Washington Metropolitan Area Transit Regulation Compact relating to public hearing requirements and empowering transit police officers to carry weapons issued by WMATA while in an off-duty status, consistent with limitations imposed by the applicable political subdivision; and

Whereas the Congress has reviewed such amendments and is willing to consent to such amendments: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That consent of Congress is hereby given to the amendments of the State of Maryland (Chapter 489, 1996 Laws of the Maryland General Assembly and Chapter 91 and 699, 1997 Laws of the Maryland General Assembly), the amendments of the Commonwealth of Virginia (Chapter 150, 1995 Acts of Assembly of Virginia), and the amendments of the District of Columbia (D.C. Law 11-443) to sections 62 and 76 of title III of the Washington Metropolitan Area Transit Regulation Compact. Such amendments are as follows:

(1) Section 62(a) is amended to read as follows:

"(a) The Board shall not raise any fare or rate, nor implement a major service reduction, except after holding a public hearing with respect thereto.".

(2) Section 62(c) is amended to read as follows:

"(c) The Board shall give at least fifteen days' notice for all public hearings. The notice shall be given by publication in a newspaper of daily circulation throughout the Transit Zone and such notice shall be published once a week for two successive weeks. The notice period shall start with the first day of publication. Notices of public hearings shall be posted in accordance with regulations promulgated by the Board.".

(3) Section 76(b) is amended to read as follows:

"(b) A member of the Metro Transit Police shall have the same powers, including the power of arrest, and shall be subject to the same limitations, including regulatory limitations, in the performance of his duties as a member of the duly constituted police force of the political subdivision in which the Metro Transit Police member is engaged in the performance of his duties. A member of the Metro Transit Police is authorized to carry and use only such weapons, including handguns, as are issued by the Authority. A member of the Metro Transit Police is subject to such additional limitations in the use of weapons as are imposed on the duly constituted police force for the political subdivision in which he is engaged in the performance of his duties.".

(4) Section 76(e) is amended to read as follows:

"(e) The Authority shall have the power to adopt rules and regulations for the safe, convenient, and orderly use of the transit facilities owned, controlled, or operated by the Authority, including the payment and the manner of the payment of fares or charges therefor, the protection of the transit facilities, the control of traffic and parking upon the transit facilities, and the safety and protection of the riding public. In the event that any such rules and regulations contravene the laws, ordinances, rules, or regulations of a signatory or any political subdivision thereof which are existing or subsequently enacted, these laws, ordinances, rules, or regulations of the signatory or the political subdivision shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of that signatory or political subdivision. In all other respects, the rules and regulations of the Authority shall be uniform throughout the Transit Zone. The rules or regulations established under this subsection shall be adopted by the Board following public hearings held in accordance with section 62(c) and (d) of this Compact. The final regulation shall be published in a newspaper of general circulation within the Zone at least 15 days before its effective date. Any person violating any rule or regulation of the Authority shall be subject to arrest and, upon conviction by a court of competent jurisdiction, shall pay a fine of not more than two hundred fifty dollars ($250) and costs. Criminal violations of any rule or regulation of the Authority shall be prosecuted by the signatory or political subdivision in which the violation occurred, in the same manner by which violations of law, ordinances, rules, and regulations of the signatory or political subdivisions are prosecuted.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge adoption of H.J. Res. 96. Just as in the previous case, this is to consider a compact in time among the entities of Maryland, Virginia, and the District of Columbia as it pertains to agreements reached by those entities with respect to the Washington Metropolitan Area Transit Regulation Compact.

Each one of these entities is a signatory, and by reason of the Constitution, the Congress has to approve the agreements that have been reached. This compact, adopted in 1967, created the Washington Metropolitan Area Transit Authority to plan, finance, construct and operate a comprehensive public transit system for metropolitan Washington D.C. In addition to a subway system connecting the three jurisdictions, WMATA administers an extensive surface transportation network throughout the area.

The Metro Transit Police Department, established in 1976, now numbers 300 sworn members with responsibility for public safety and security on Metro transit facilities. The chairman of WMATA's board of directors, Mr. Jack Evans, gave us some idea of the considerable nature of the department's workload in testimony before the subcommittee when he noted that in the last 3 years, transit officers had issued 12,197 criminal citations and arrested 3,623 individuals for various violations.

As noted, the amendments have already been agreed to by the three jurisdictions who are signatories to the compact. The first amendment modifies the public hearing process relating to fare increases and changes in service to bring it into conformity with other transit properties that follow Federal Transit Administration guidance. Under the amendment, the Authority will continue to be required to hold public hearings on proposals to raise fares or to implement major service reductions. The amendment would eliminate the need for public hearings for minor service changes and thus give the Authority more flexibility to respond quickly to ridership needs. Fifteen days' notice would be required for public hearings, with newspaper publication still required, but other required manner of posting such notice to be established by regulation.

The second amendment removes language from the compact restricting WMATA Metro Transit Police to carrying service weapons while on duty or in direct transit to and from duty assignment. The amendment would allow transit police to join other State and local area police officers who are authorized to carry weapons during off-duty hours. They will, however, continue to be subject to any additional restrictions with respect to use of weapons as imposed on the duly constituted police for the political subdivision in which they are engaged for performance of their duties. Transit police will be allowed possession of an Authority-issued weapon only.

The final amendment merely clarifies the process by which certain WMATA regulations are established, setting out the responsibility of the board to hold public hearings and to publish adopted regulations for conduct on its property at least 15 days before the effective date of such regulations.

Mr. Speaker, I know of no controversy associated with this joint resolution, and I urge its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like the last resolution, this resolution gives the consent of Congress to the changes in a local compact, in this case the Washington Metro compact agreed to by Maryland, Virginia, and the District of Columbia; provides for a number of different changes, and the changes have been approved by all three jurisdictions.

Currently, the Metro Transit Police is the only local police force in the tri-State area not authorized to carry either their own weapons or another approved weapon except while on duty. Two jurisdictions, the Metropolitan Police and the Prince George's County Police, require police to carry their firearms when not on duty. The U.S. Park Police and U.S. Capitol Police have the option of carrying a firearm when not on duty.

The current compact allows Metro Transit Police officers to carry their service firearms only while on duty in the system and in direct transit to and from work. The change that we are proposing here would allow the officer to carry the service-issued firearm while off duty, subject to the restrictions placed on local police forces in each jurisdiction while the officer is in that jurisdiction.

A second change would require a public hearing only to raise a fare or rate or to make a major service reduction. The current compact requires there be a public hearing for any fare change, even presumably a reduction in the fare, or for the establishment or abandonment of any service, no matter how minor, with few exceptions.

The notice period for a public hearing is reduced herein from 30 to 15 days, and the requirement that notices be posted in Authority offices, stations, and rolling stock is eliminated. The requirement is retained that the notice be published in a newspaper of general circulation at least once a week for 2 weeks, and further, as the Board may prescribe through regulations.

Finally, the changes provide that criminal violations of any rule or regulation of the Metro shall be prosecuted in accordance with the laws of the jurisdiction in which the violation occurred.

Mr. Speaker, one or two of the changes gives some pause to me, and if this were proposed for the New York City system, I am not so sure I would support it. But since I believe that Congress ought to allow, when there is unanimous agreement among local jurisdictions, two States and the District of Columbia, we should defer to their wisdom. I urge the adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. DAVIS], who has been of immense help in producing this moment.

Mr. DAVIS of Virginia. Mr. Speaker, I appreciate my friend the gentleman from Pennsylvania [Mr. GEKAS] for yielding me the time, and I appreciate his efforts to move this to the floor before adjournment.

Mr. Speaker, I rise today in support of the proposed amendments to the Washington Metropolitan Area Transit Authority, WMATA, Interstate Compact. The amendments under consideration have been enacted by all signatories of the WMATA compact, Virginia, Maryland and District of Columbia. The Bipartisan Area Delegation is seeking congressional consent to the proposed amendments, which passed the Committee on the Judiciary by voice vote earlier this year.

The amendments would allow the Authority to conduct its business more efficiently and effectively. This is an effort to streamline the Authority's practices and to provide for an enhanced level of protection for the Transit Authority's police officers. The amendments will both protect the public right to have input in the region's transit decision-making process as well as enhance the public safety throughout the region.

To be more specific, the first amendment modifies the Authority's current public hearing process relating to fare increases and changes in transit service. The proposal will bring the Authority into conformity with other transit properties that follow Federal public hearing standards that have been in place since 1982. Currently the Authority's public hearing practices are far broader than Federal guidelines and inhibits the ability of the Transit Authority to respond to market changes in an efficient businesslike manner.

Under the proposed amendments, the Authority will continue to be required to hold public hearings on proposals to raise fares or implement major service reductions. However, the Authority will not be required to hold public hearings for minor service changes, thus enabling WMATA to adjust to the needs of the riding public in a quick fashion.

The other major change to the WMATA compact is removal of compact language that currently limits WMATA's transit police to carrying their service weapon only when they are on duty or in direct transit to and from duty assignments. Consent to the proposal will allow the transit police to join every other police force in the region, including the Capitol Hill police, in authorizing its officers to carry weapons during off-duty hours.

As the former chairman of the Fairfax County Board of Supervisors, I can tell my colleagues that the transit police are among the best-trained forces in the region. They deserve to have the ability to defend themselves during off-duty hours. It is an unfortunate reality that the transit police are also dealing with a violence-prone criminal element who sometimes seek revenge after they have been apprehended. We need to respect the transit police, authorize them to carry their weapons that they have been trained to use, and trust that the extensive training that the transit police receive will serve them well if they are confronted during off-duty hours.

These amendments are important to the daily workings of the Washington Metropolitan Transit Authority and the safety of its police officers. I urge my colleagues to support this consent resolution.

Mr. GEKAS. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Speaker, the gentleman from Pennsylvania [Mr. GEKAS], the gentleman from New York [Mr. NADLER], as well as the distinguished gentleman from Virginia [Mr. DAVIS], who just spoke, have adequately described what this bill will do. So out of consideration for the pressing time demands of the gentleman from Pennsylvania [Mr. MURTHA], I will keep my remarks as brief as possible.

I will only say that this is a commonsense bill that will save time and money. It will improve customer service and security for those who use the Washington Metropolitan Transit system. I commend the gentleman from Virginia [Mr. DAVIS] for getting it on the consent calendar. I urge all of my colleagues to pass it unanimously.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman from New York [Mr. NADLER] for yielding me the time.

I thank the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER] for the way in which they have expeditiously moved this bill forward. I thank the gentleman from Virginia [Mr. DAVIS] for his bill.

The streamline procedures which this bill would provide are precisely the way to improve the efficiency of this vital regional facility. The provision that would allow Metro Transit officers to carry their weapons while off duty is a common-sense use to correct what is surely a waste of skilled person power when these officers are not allowed to carry their weapons with them off duty.

My own D.C. coordination bill would seek to in many ways do the same thing for other Federal officers. This is a high-efficiency bill. I urge all of my colleagues to support it.

Mr. NADLER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, H.J. Res. 96.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 105–402) on the resolution (H. Res. 323) waiving points of order against the conference report to accompany the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up H.R. 323 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 323

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 323 is a standard rule for a conference report. It waives points of order against the conference report to accompany H.R. 2159, the foreign operations, commonly known as foreign aid, appropriations bill for fiscal year 1998 and against its consideration. In addition, the rule provides that the conference report shall be considered as read.

Mr. Speaker, many of our colleagues may remember this bill from July when it was considered on the House floor. We made every effort to allow for the consideration by the entire House of almost every amendment submitted to the Committee on Rules. I believe that we have a balanced product in this conference report, and I will defer to the gentleman from Alabama [Mr. CALLAHAN], the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, to answer questions about the details of the conference report we have before us and the compromises that have been reached to complete the conference report.

Some matters have been dropped from this legislation, Mr. Speaker, that I believe strongly should not have been dropped, but this is a must-pass bill that I believe we need to pass tonight, and I think it is a good piece of legislation on this critical area that we bring before the House. I thank the gentleman from Alabama [Mr. CALLAHAN], the chairman, and the gentlewoman from California [Ms. PELOSI], the ranking member, for their hard work on this important bill. I urge adoption of the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Florida [Mr. DIAZ-BALART] for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, H. Res. 323 is obviously a rule that provides for consideration of the conference report on H.R. 2159, which is the bill that makes appropriations for foreign operations, export financing, and related programs in the fiscal year 1998. As the gentleman from Florida described, this rule waives all points of order. It provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

I want to thank the gentleman from Alabama [Mr. CALLAHAN] and the gentlewoman from California [Ms. PELOSI] for crafting this bipartisan legislation. In particular I thank both of them for supporting foreign assistance programs that benefit needy children.

The conference agreement appropriates about $13 billion for foreign operations in 1998. It is an increase of about $1 billion more than last year but less than the President's request. It also includes legislative provisions, including language which gives the President flexibility to negotiate in the Middle East.

Though I am pleased that the conference agreement is slightly more than the House level, I fear that it is inadequate to meet the global challenges facing the United States in its role as the sole superpower. Money spent wisely on foreign assistance is an investment in world security that directly benefits the United States and its citizens. Promoting world stability through foreign aid will help keep us out of more costly wars.

I am particularly pleased that the bill includes $650 million for child survival and disease programs. These programs are really cost-effective, and they save the lives of children in the poorest countries of the world. This represents an increase of $50 million for prevention of diseases such as tuberculosis, AIDS and malaria. The bill provides $100 million for UNICEF, which is an outstanding program with a proven track record of helping the world's needy children.

The bill fully funds the Peace Corps at a level of $225 million, which is an increase of $14 million over last year's level. This is our country's people-to-people diplomatic corps that promotes American goodwill and gives Americans the opportunity to learn firsthand about other cultures while helping others. The bill also appropriates $190 million for international disaster assistance, another high priority account, especially when we have 25 to 26 major humanitarian crises today in the world.

Mr. Speaker, we are a great and we are a wealthy Nation. We can do better than the funding levels in this bill. However, I recognize the fiscal constraints which Congress has imposed upon itself. Therefore, I support this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I support this rule, and I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CALLAHAN. Mr. Speaker, pursuant to the rule just adopted, I call up the conference report on the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore [Mr. LAHOOD]. Pursuant to House Resolution 323, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Alabama [Mr. CALLAHAN] and the gentlewoman from California [Ms. PELOSI] each will control 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. CALLAHAN].

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2159, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume. We are going to be very brief, I think, at least on this side, and in talking with the other side, they too have indicated that we have already basically debated this bill. But we are considering H.R. 2159, the appropriation bill for foreign operations in 1998.

After adjusting for funds that are not scored against the subcommittee due to the budget resolution, the total in discretionary budget authority is $12.787 billion, which is $13 million below our allocation of $12.8 billion.

With regard to funding for population planning assistance, the House and Senate leadership made valiant efforts to reach a compromise with the White House on the Mexico City policy language. Since a compromise was not forthcoming, at their direction we have frozen funding for population programs at $385 million and apportioned funds on a monthly basis. That is a cut of $58 million from the President's request and $50 million from the Senate level. That means that if the Mexico City provisions can be enacted into law later this session or early next session, Mexico City policy will apply to most all of the funds made available for international family planning.

The conference agreement also includes a general provision which for the first time sets a cap on the amount of money in our bill for the Middle East. Last year the Middle East consumed $5.4 billion, or 44 percent of our bill. The new provision in our bill sets a limit of $5.4 billion on funds for the Middle East, thus reducing the Middle East to 42 percent of this year's total foreign operations bill. Israel is not affected. Our bill protects all the funds traditionally provided to Israel, as well as ensuring significant amounts of money for Egypt and Jordan as well. Otherwise, the President can spend this money any way he wants, just as long as he stays under the overall $5.4 billion cap. This important provision will help the President and the Congress to prudently manage our foreign aid dollars, even as it preserves our support for our friends and allies in the Middle East.

The conference report contains very strong language condemning Russia's increased cooperation with Iran in the nuclear and ballistic missile areas. Iran remains a terrorist state committed to both violence abroad and against its neighbors in the Middle East. Russia's irresponsible arms transfer policy to Iran can no longer be ignored, particularly press reports that Russia is providing Iran with sophisticated ballistic missile technology. When this is combined with Iran's already robust nuclear program, this can only be a formula for disaster.

In an effort to encourage peace and renewal in the southern Caucasus, we have provided up to $250 million for that troubled region. Of that amount, $12.5 million is reserved for the people of Nagorno-Karabakh, who have gone without direct American assistance. We have also opened the door to more trade and commercial activities, as well as prodemocracy activities in Azerbaijan.

In addition, the Senate agreed to our proposal to add $50 million to the Child Survival Fund for infectious disease activities. This no doubt is one of the most popular programs that the Congress has enacted in this arena in many, many decades. Many Members of our subcommittee have supported this initiative, and I want to acknowledge their assistance. The gentleman from California [Mr. PACKARD] has been a strong supporter of child survival. In addition, the gentleman from New Jersey [Mr. FRELINGHUYSEN] made an important contribution in highlighting the importance of international efforts to combat tuberculosis. They and many Members from both sides of the aisle have written indicating their support for higher funding levels for child survival.

We have also recommended, in report language, the funding for Latin America and the Caribbean to be increased by a modest $20 million. I strongly support additional assistance for the nations of our hemisphere, and fully expect the administration to respect this direction.

We also uphold the House position on the funding for the CAMPFIRE program. As in the House bill, no funds may be available for any activity in contravention to the Convention on International Trade in Endangered Species, but we refused to take the anti-hunting language that was in the Senate amendment.

There are a number of other provisions, Mr. Speaker, in the bill that are explained in the Statement of Managers. I only want to add that I very much appreciate the support and input that was provided by all the members of the subcommittee, including the gentlewoman from California [Ms. PELOSI], our new ranking minority member. It has been a pleasure to deal with her, as well as the gentleman from Wisconsin [Mr. OBEY], the ranking member of the full committee, on this very controversial and very difficult bill this year. I would also like the staff on both sides of the aisle to know of my sincere appreciation for all of their assistance.

Mr. Speaker, I include the following tabular material for the RECORD:

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1998
(H.R. 2159)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
EXPORT-IMPORT BANK OF THE UNITED STATES						
Limitation on Program Activity:						
Subsidy appropriation	726,000,000	632,000,000	632,000,000	700,000,000	683,000,000	-43,000,000
(Direct loan authorization)	(1,270,000)	(1,330,000,000)	(1,330,000,000)	(1,330,000,000)	(1,330,000,000)	(+1,328,730,000)
(Guaranteed loan authorization)	(11,050,000,000)	(11,300,000,000)	(11,300,000,000)	(11,300,000,000)	(11,300,000,000)	(+250,000,000)
Administrative expenses	46,614,000	48,614,000	48,614,000	46,614,000	48,614,000	+2,000,000
(By transfer)	.....	.....	.....	(22,000,000)	.....	.....
Negative subsidy	-58,000,000	-51,000,000	-51,000,000	-51,000,000	-51,000,000	+7,000,000
Total, Export-Import Bank of the United States	714,614,000	629,614,000	629,614,000	695,614,000	680,614,000	-34,000,000
OVERSEAS PRIVATE INVESTMENT CORPORATION						
Noncredit account:						
Administrative expenses	32,000,000	32,000,000	32,000,000	32,000,000	32,000,000	.....
Insurance fees and other offsetting collections	-224,000,000	-251,000,000	-251,000,000	-251,000,000	-251,000,000	-27,000,000
Direct loans:						
Loan subsidy	4,000,000	4,000,000	.....	4,000,000	4,000,000	.....
(Loan authorization)	(80,000,000)	(133,000,000)	.....	(133,000,000)	(133,000,000)	(+53,000,000)
Guaranteed loans:						
Loan subsidy	68,000,000	56,000,000	.....	56,000,000	56,000,000	-12,000,000
(Loan authorization)	(1,360,000,000)	(1,800,000,000)	.....	(1,800,000,000)	(1,800,000,000)	(+440,000,000)
Total, Overseas Private Investment Corporation	-120,000,000	-159,000,000	-219,000,000	-159,000,000	-159,000,000	-39,000,000
FUNDS APPROPRIATED TO THE PRESIDENT						
Trade and Development Agency						
Trade and development agency	40,000,000	43,000,000	40,000,000	43,000,000	41,500,000	+1,500,000
(By transfer)	(5,000,000)	.....	.....	.....	.....	(-5,000,000)
Total, title I, Export and investment assistance	634,614,000	513,614,000	450,614,000	579,614,000	563,114,000	-71,500,000
(By transfer)	(5,000,000)	.....	.....	(22,000,000)	.....	(-5,000,000)
(Loan authorizations)	(12,491,270,000)	(14,563,000,000)	(12,630,000,000)	(14,563,000,000)	(14,563,000,000)	(+2,071,730,000)
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
Agency for International Development						
Child survival and disease programs fund	600,000,000	.....	650,000,000	.....	650,000,000	+50,000,000
Development assistance	1,181,500,000	998,000,000	1,167,000,000	1,358,093,020	1,210,000,000	+28,500,000
Population, Development assistance	.....	.....	.....	435,000,000	.....	.....
Development Fund for Africa	.....	700,000,000	.....	.....	.....	.....
International disaster assistance	190,000,000	190,000,000	190,000,000	195,000,000	190,000,000	.....
Debt restructuring	27,000,000	34,000,000	27,000,000	34,000,000	27,000,000	.....
Micro & Small Enterprise Development program account:						
Subsidy appropriations	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	.....
(By transfer)	.....	.....	.....	(8,000,000)	.....	.....
(Direct loan authorization)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	.....
(Guaranteed loan authorization)	(39,000,000)	(48,000,000)	(48,000,000)	(48,000,000)	(48,000,000)	(+9,000,000)
Administrative expenses	500,000	500,000	500,000	500,000	500,000	.....
Urban and environmental credit program account:						
Subsidy appropriations	3,500,000	3,000,000	3,000,000	3,000,000	3,000,000	-500,000
(Guaranteed loan authorization)	(29,400,000)	(46,000,000)	(46,000,000)	(46,000,000)	(46,000,000)	(+16,600,000)
Administrative expenses	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	.....
Enhanced Credit Authority:						
Program account (by transfer)	.....	.....	.....	(8,000,000)	.....	.....
Administrative expenses (by transfer)	.....	.....	.....	(2,000,000)	.....	.....
Subtotal, development assistance	2,010,000,000	1,933,000,000	2,045,000,000	2,033,093,020	2,088,000,000	+78,000,000
Payment to the Foreign Service Retirement and Disability Fund	43,826,000	44,208,000	44,208,000	44,208,000	44,208,000	+382,000
Operating expenses of the Agency for International Development	470,750,000	473,000,000	468,750,000	473,000,000	473,000,000	+2,250,000
Operating expenses of the Agency for International Development Office of Inspector General	30,000,000	29,047,000	29,047,000	29,047,000	29,047,000	-953,000
Subtotal, Agency for International Development	2,554,576,000	2,479,255,000	2,587,005,000	2,579,348,020	2,634,255,000	+79,679,000
Other Bilateral Economic Assistance						
Economic support fund:						
Camp David countries	2,015,000,000	2,015,000,000	2,015,000,000	2,015,000,000	2,015,000,000	.....
Other	328,000,000	482,600,000	360,000,000	526,150,000	385,000,000	+57,000,000
Subtotal, Economic support fund	2,343,000,000	2,497,600,000	2,375,000,000	2,541,150,000	2,400,000,000	+57,000,000
International fund for Ireland	19,600,000	.....	19,600,000	.....	19,600,000	.....
Assistance for Eastern Europe and the Baltic States	475,000,000	492,000,000	470,000,000	485,000,000	485,000,000	+10,000,000

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1998 (H.R. 2159) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Assistance for the New Independent States of the former Soviet Union	625,000,000	900,000,000	625,000,000	800,000,000	770,000,000	+145,000,000
U.S. Russian Investment Fund (by transfer)	.....	(50,000,000)	.....	.....	.....	.....
Subtotal, Other Bilateral Economic Assistance	3,462,600,000	3,889,600,000	3,489,600,000	3,826,150,000	3,674,600,000	+212,000,000
Total, Agency for International Development	6,017,176,000	6,368,855,000	6,076,605,000	6,405,498,020	6,308,855,000	+291,679,000
INDEPENDENT AGENCIES						
Inter-American Foundation						
Appropriations	.....	22,000,000	20,000,000	.....	.....	.....
(By transfer)	.....	.....	.....	(18,000,000)	(22,000,000)	(+22,000,000)
African Development Foundation						
Appropriations	.....	14,000,000	11,500,000	.....	.....	.....
(By transfer)	.....	.....	.....	(10,500,000)	(14,000,000)	(+14,000,000)
Peace Corps						
Appropriations	208,000,000	222,000,000	222,000,000	208,000,000	222,000,000	+14,000,000
(By transfer)	(12,000,000)	.....	.....	(14,000,000)	.....	(-12,000,000)
Department of State						
International narcotics control	213,000,000	230,000,000	230,000,000	216,200,000	215,000,000	+2,000,000
Narcotics interdiction	.....	.....	.....	.....	15,000,000	+15,000,000
Migration and refugee assistance	650,000,000	650,000,000	650,000,000	650,000,000	650,000,000	.....
Refugee resettlement assistance	5,000,000	.....	5,000,000	.....	5,000,000	.....
United States Emergency Refugee and Migration Assistance Fund	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	.....
Anti-terrorism assistance	.....	19,000,000	.....	.....	.....	.....
Nonproliferation and Disarmament Fund	.....	15,000,000	.....	.....	.....	.....
Nonproliferation, anti-terrorism, demining and related programs	151,000,000	.....	118,000,000	129,000,000	133,000,000	-18,000,000
Total, Department of State	1,069,000,000	964,000,000	1,053,000,000	1,045,200,000	1,068,000,000	-1,000,000
Total, title II, Bilateral economic assistance	7,294,176,000	7,590,855,000	7,383,105,000	7,656,698,020	7,598,855,000	+304,679,000
(By transfer)	(12,000,000)	(50,000,000)	.....	(60,500,000)	(36,000,000)	(+24,000,000)
(Loan authorizations)	(69,400,000)	(95,000,000)	(95,000,000)	(95,000,000)	(95,000,000)	(+25,600,000)
TITLE III - MILITARY ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Military Education and Training	43,475,000	50,000,000	50,000,000	47,000,000	50,000,000	+6,525,000
Foreign Military Financing Program:						
Grants:						
Camp David countries	3,100,000,000	3,100,000,000	3,100,000,000	3,100,000,000	3,100,000,000	.....
Other	124,000,000	174,250,000	159,250,000	208,950,000	196,550,000	+72,550,000
Subtotal, grants	3,224,000,000	3,274,250,000	3,259,250,000	3,308,950,000	3,296,550,000	+72,550,000
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	.....
Direct concessional loans:						
Subsidy appropriation	60,000,000	66,000,000	60,000,000	74,000,000	60,000,000	.....
(Loan authorization)	(540,000,000)	(699,500,000)	(657,000,000)	(759,500,000)	(657,000,000)	(+117,000,000)
FMF program level	(3,764,000,000)	(3,973,750,000)	(3,916,250,000)	(4,068,450,000)	(3,953,550,000)	(+189,550,000)
Total, Foreign military assistance	3,284,000,000	3,340,250,000	3,319,250,000	3,382,950,000	3,356,550,000	+72,550,000
Special Defense Acquisition Fund:						
Offsetting collections	-166,000,000	-106,000,000	-106,000,000	-106,000,000	-106,000,000	+60,000,000
Peacekeeping operations	65,000,000	90,000,000	77,500,000	75,000,000	77,500,000	+12,500,000
Total, title III, Military assistance	3,226,475,000	3,374,250,000	3,340,750,000	3,398,950,000	3,378,050,000	+151,575,000
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	.....
(Loan authorization)	(540,000,000)	(699,500,000)	(657,000,000)	(759,500,000)	(657,000,000)	(+117,000,000)
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Financial Institutions						
World Bank Group						
Contribution to the International Bank for Reconstruction and Development:						
Contribution to the International Finance Corporation	6,656,000	.....	.....	.....	.....	-6,656,000
Contribution to the Global Environment Facility	35,000,000	100,000,000	35,000,000	60,000,000	47,500,000	+12,500,000
Contribution to the International Development Association	700,000,000	1,034,504,000	606,000,000	1,034,500,000	1,034,503,100	+334,503,100
Total, World Bank Group	741,656,000	1,134,504,000	641,000,000	1,094,500,000	1,082,003,100	+340,347,100

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1998 (H.R. 2159) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Contribution to the Inter-American Development Bank:						
Paid-in capital	25,610,667	25,610,667	25,610,667	25,610,667	25,610,667	.....
(Limitation on callable capital subscriptions)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	.....
Fund for special operations	10,000,000	20,835,000	20,835,000	20,835,000	20,835,000	+10,835,000
Contribution to the Enterprise for the Americas Multilateral Investment Fund	27,500,000	30,000,000	.....	30,000,000	30,000,000	+2,500,000
Total, contribution to the Inter-American Development Bank	63,110,667	76,445,667	46,445,667	76,445,667	76,445,667	+13,335,000
Contribution to the Asian Development Bank:						
Paid-in capital	13,221,596	13,221,596	13,221,596	13,221,596	13,221,596	.....
(Limitation on callable capital subscriptions)	(647,858,204)	(647,858,204)	(647,858,204)	(647,858,204)	(647,858,204)	.....
Contribution to the Asian Development fund	100,000,000	150,000,000	100,000,000	150,000,000	150,000,000	+50,000,000
Total, contribution to the Asian Development Bank	113,221,596	163,221,596	113,221,596	163,221,596	163,221,596	+50,000,000
Contribution to the African Development Fund	.....	50,000,000	50,000,000	.....	45,000,000	+45,000,000
Contribution to the European Bank for Reconstruction and Development:						
Paid-in capital	11,916,447	35,778,717	35,778,717	35,778,717	35,778,717	+23,862,270
(Limitation on callable capital subscriptions)	(27,805,043)	(123,237,803)	(123,237,803)	(123,237,803)	(123,237,803)	(+95,432,760)
North American Development Bank:						
Paid-in capital	56,000,000	56,500,000	56,500,000	56,500,000	56,500,000	+500,000
(Limitation on callable capital subscriptions)	(318,750,000)	(318,750,000)	(318,750,000)	(318,750,000)	(318,750,000)	.....
Contribution to the Bank for Economic Cooperation and Development in the Middle East and North Africa:						
(By transfer)	.....	(52,500,000)	.....	.....	.....	.....
(Limitation on callable capital subscriptions)	.....	(157,500,500)	.....	.....	.....	.....
International Monetary Fund						
Contribution to the enhanced structural adjustment facility	.....	7,000,000	.....	.....	.....	.....
Loans to International Monetary Fund	.....	3,521,000,000	.....	3,521,000,000	.....	.....
Total, International Financial Institutions	985,904,710	5,044,449,980	942,945,980	4,947,445,980	1,458,949,080	+473,044,370
(Limitation on callable capital subscript)	(2,498,132,157)	(2,751,065,417)	(2,593,564,917)	(2,593,564,917)	(2,593,564,917)	(+95,432,760)
International Organizations and Programs						
International organizations and programs	169,950,000	365,000,000	194,000,000	277,000,000	192,000,000	+22,050,000
(By transfer)	(17,500,000)	.....	.....	(2,500,000)	(2,500,000)	(-15,000,000)
Total, title IV, Multilateral economic assistance	1,155,854,710	5,409,449,980	1,136,945,980	5,224,445,980	1,650,949,080	+495,094,370
(By transfer)	(17,500,000)	(52,500,000)	.....	(2,500,000)	(2,500,000)	(-15,000,000)
(Limitation on callable capital subscript)	(2,498,132,157)	(2,751,065,417)	(2,593,564,917)	(2,593,564,917)	(2,593,564,917)	(+95,432,760)
Grand total	12,311,119,710	16,888,168,980	12,311,414,980	16,859,708,000	13,190,968,080	+879,848,370
(By transfer)	(34,500,000)	(102,500,000)	.....	(85,000,000)	(38,500,000)	(+4,000,000)
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	.....
(Limitation on callable capital subscript)	(2,498,132,157)	(2,751,065,417)	(2,593,564,917)	(2,593,564,917)	(2,593,564,917)	(+95,432,760)
(Loan authorizations)	(13,100,870,000)	(15,357,500,000)	(13,382,000,000)	(15,417,500,000)	(15,315,000,000)	(+2,214,330,000)
Total mandatory and discretionary	12,311,119,710	16,888,168,980	12,311,414,980	16,859,708,000	13,190,968,080	+879,848,370
Mandatory	43,826,000	44,208,000	44,208,000	44,208,000	44,208,000	+382,000
Discretionary	12,267,293,710	16,843,960,980	12,267,206,980	16,815,500,000	13,146,760,080	+879,466,370

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report and commend the gentleman from Alabama [Mr. CALLAHAN], our distinguished chairman, for his leadership in reaching consensus on this bill which has been controversial in the past. I commend also the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee, and the gentleman from Wisconsin [Mr. OBEY], the ranking Democrat on the full committee, for their leadership in reaching resolution on some of these controversial issues.

As our chairman pointed out, all of the members of the committee, Democrat and Republican, fully participated in many of the issues before us. I believe that we have a good bill before us, and am pleased to point out some of the positive accomplishments in the bill as I join the gentleman from Alabama [Mr. CALLAHAN] in commending the staff of the subcommittee as well as the personal staffs of Members who worked so hard to bring us to this point.

Some of the positive accomplishments in the bill, Mr. Speaker, include retaining of the traditional amount of funding for the Middle East, with an additional $225 million in assistance for Jordan and appropriate authorities that allow the administration the flexibility to negotiate in that region.

Full funding for the International Development Association, IDA, at $1.034 billion which includes payment in full for our arrears package. The IDA program is the soft window of the World Bank that provides funding for the poorest of the poor countries and projects. I am very, very pleased with the dollar amount in the bill. Our chairman is a tough fiscal conservative and a strict disciplinarian. He watches every dollar spent. I think the priorities established in funding the IDA were important, and I commend him for supporting that increase.

There is $650 million in a separate child survival account which I call the Callahan child survival account. It includes an increase of $50 million for fighting infectious diseases, including tuberculosis, HIV/AIDS and malaria.

□ 2230

It includes full funding for the refugee assistance, disaster assistance, and full funding for the Peace Corps.

Our chairman has pointed out the creation of a new fund for assistance to the countries of the South Caucasus in the New Independent States. The fund would provide a total of $250 million, with close to $90 million each for Armenia and the country of Georgia. Additional assistance is made available for Nagorno-Karabagh, and there is additional money left in the fund when the Minsk process, I hope, brings peace to the region and is concluded successfully.

Our chairman has referenced, and I will too, the provisions for assistance to Russia expressing our concern about Russia's proliferation of missiles to Iran as well as our concern about freedom of religion in Russia. In cooperation with Senator SMITH in the Senate we were able to reach an appropriate compromise on that language.

We have added funds to the request for the Export-Import Bank and fully funded the Overseas Private Investment Corporation, OPIC. As my colleagues know, part of our function as the Subcommittee on Foreign Operations, Export Financing and Related Programs is to fund exports, the insurance and financing of exports, growing our economy by increasing our exports abroad. OPIC and Export-Import Bank are created for that purpose. We also fund the TDA, the Trade Development Agency, administration in this bill. Both of the promotion programs, Export-Import and OPIC, are therefore robustly funded and fully authorized.

Total funding in the bill is at $12.8 billion plus $300 million in international bank arrears, which is very close to the administration's request. Through the Congress working its will through the committee process, we were able to grow the funding that started out at a much lower figure in this House. I think we are at an appropriate level now.

As our chairman suggested, there is a compromise on the Mexico City language. The international family planning provisions of this legislation represent, I think, an appropriate compromise which enables us to reduce the number of abortions worldwide by providing the funding for international family planning with conditions which I consider onerous but acceptable; that is, monthly monitoring; I mean, excuse me, monthly metering of the funding. That is, in any given month, no more than 8.34 percent of the total amount is able to be obligated; that is, one-twelfth of the annual appropriation.

In addition to that, language requiring the full pursuit of war criminals in Bosnia and Croatia as a condition for further assistance to those countries was included. I thank our colleagues, the gentleman from Maryland [Mr. CARDIN] and the gentleman from Maryland [Mr. HOYER], for their leadership on these issues. And again, in addition, appropriate restrictions on aid to Cambodia and the Democratic Republic of the Congo are included.

I am concerned, however, Mr. Speaker, that the committee did not include funding and authorization for the New Arrangements to Borrow. The New Arrangements to Borrow, or NAB, is a set of emergency credit lines, a kind of reserve tank for use by the International Monetary Fund in the event of serious temporary threats to global financial stability.

The multilateral burden-sharing aspects of this new mechanism are impressive. The U.S.'s $3.5 billion would leverage over $20 billion in commitments from 24 other countries. The $3.5 billion in budget authority for the NAB is not scored as a budget outlay and thus neither increases the deficit nor crowds out other Federal programs.

Recent events in Southeast Asia illustrate the continuing risk to the stability of global financial markets and demonstrate the importance of the IMF to the American regional and global interest. The Asian crisis clearly highlights the need for sufficient emergency resources to safeguard stability and protect the financial system and the American economy from the damaging ripple effects of widespread shocks.

The NAB, the New Arrangements to Borrow, in other words known as NAB, is a necessary addition to these resources. Simply put, our national interests and global leadership insist that we support the authorization and the appropriation. However that provision is not in the legislation.

But all in all, I am very, very proud to join with our distinguished chairman, the gentleman from Alabama [Mr. CALLAHAN], in supporting this legislation and urge its passage and urge an aye vote from our colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we just have a couple of speakers who are going to speak very briefly. We have already debated the bill. It is essentially the same bill that we passed through the House with a few Senate changes.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I commend the gentleman from Alabama [Mr. CALLAHAN], the distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, for bringing this measure to the floor at this time.

However, Mr. Speaker, it is important during the debate to point out what is not being accomplished in this foreign operations appropriations conference, and while I will not oppose this measure, I did want to bring these factors to the attention of the House.

Mr. Speaker, last week the House and the Senate leadership made a proposal to attach four major portions of the foreign relations authorization bill to the foreign operations appropriations conference report, and those sections included the basic authorizations for the State Department and related accounts, the U.N. reform and arrearage

package, the European Security Act, and the foreign affairs agencies consolidation provisions. Those additions to the appropriations bill reflected the work of the authorization conference.

Regrettably, our conference was not completed because, like the appropriators, we were unable to resolve the Mexico City issue. We have now reached a cease-fire on the foreign operations bill as filed by the gentleman from Alabama [Mr. CALLAHAN], and in the final bill they dropped the Mexico City policy, they dropped the U.N. reform measure, they dropped the State authorization bill, they dropped the IMF new arrangements to borrow and the European Security Act; all of them dropped out of the foreign operations conference report, and that action resulted in other losses, including the deadbeat diplomat language and the diplomatic immunity measure, key reports on Cuban immigration and the Libertad Act, the Speaker's language increasing broadcasting to Communist China, and availability pay increases for our diplomatic security agents.

I urged the Committee on Rules and the House leadership to include the State Department authorization along with the European Security Act in the foreign operations conference report. Regrettably, that request was not accommodated, and we come to the end of this session without those important noncontroversial provisions taking effect.

As an authorizing committee chairman, we are frustrated by the actions taken that preserve the Committee on Appropriations at the price of the authorizing committees. This is also true in the case of the upcoming Commerce-Justice-State appropriations bill which is expected to carry a full year waiver of the requirement for an authorizing bill, a full year waiver for authorizations.

The CJS authorization waiver is like a noose around the neck of our authorizing committee and Senator HELMS' committee. As long as a waiver provision is in that bill, the administration is going to find excuses, any excuse, not to deal with us in a straightforward, forthright manner. The administration will always rely on the Committee on Appropriations to bail them out.

To avoid that kind of a problem, I recommend limiting the waiver of the authorization requirement to March 1, 1998, to give us the month of February to work things out under a hard deadline that both the Congress and the administration must meet. If the authorization waiver is not limited, I see little chance for our authorization bill to pass at a later date. That will jeopardize the elimination of ACDA, the consolidation of USIA, U.N. reforms and U.N. arrearages, the European Security Act, and dozens of others of foreign policy priorities that the Congress is concerned about.

I thank the gentleman for having yielded this time to me. As I stated before, I will support this measure. However, I wanted to call these problems to the attention of our colleagues.

Ms. PELOSI. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking member of the full committee; longtime chair of the Subcommittee on Foreign Operations, Export Financing and Related Programs; and I thank him for his leadership in helping us bring this consensus bill to the floor.

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for the time.

Mr. Speaker, let me simply say that I am supporting and inclined to support this bill, but I have serious concerns about it. One, Mr. Speaker, is that this bill has consistently, when it left the House, been relatively free of earmarks. But then it goes over to the Senate, and when it emerges from the Senate, it almost looks as though it is a document designed more to facilitate congressional fund-raising than it is to facilitate the promotion of the United States' national interest.

There are numerous earmarks which are added to the point where, for instance, in the portion of this bill which used to be focused on aid to Russia and former republics in the Soviet Union, so much has been earmarked that at this point one individual American, George Soros, will in the next 5 years be giving assistance to Russia which is more effective than that of the United States Government. I do not think that represents a rational allocation of resources on our part.

But I must also say that I think this bill has two serious gaps. What has happened evidently is that in retaliation for the fact that Mexico City language, desired by some Members of the House, is not contained in this bill, because of that fact, we now have in retaliation a determination to eliminate from this bill all funding for the IMF program that has been mentioned by the gentlewoman from California [Ms. PELOSI] and also to eliminate from the State-Justice-Commerce bill any provision providing for funding of our arrearages at the United Nations. I believe that that is definitely not in the interests of the United States.

On the first issue, we right now have seen the beginning effects of the exploding currency crisis in Asia. We saw our own stock market decline by around 500 points, in very large part triggered by the fact that Asian markets are extremely unstable and are likely to remain so for some time to come.

I think it is a grave omission for the Congress, bordering on irresponsibility, for this Congress not to provide at least some bridge authority for the administration to meet any additional currency crisis if it would occur in Asia.

We have three choices. If one occurs, we can either do nothing or we can try to foot the bill largely on our own in order to stabilize the currency situation, or we can try to rely on the multilateral approach which would reduce our own financial exposure. But the congressional majority has determined that that is not to be provided. I think that is a grave mistake.

Secondly, at this moment we are trying to marshal the most united approach possible in the United Nations in whatever action we choose or we find necessary to take against Saddam Hussein. We do not strengthen our leverage in getting effective United Nations action when we do not pay our bills. We have about $900 million in arrearages owed to the United Nations.

It seems to me that at least to put ourselves in a better position to strengthen our leadership in that institution, we should at least provide the $100 million that was requested this year as the down payment on finally ending that arrearage situation.

I find it troubling that we are going to follow a high-risk strategy in both the Asian currency situation and the Iraqi situation simply in order to engage in payback because certain people did not get the language they wanted with respect to Mexico City.

So, Mr. Speaker, I would simply rise to caution Members of the House that we are running a high-risk strategy and this country may pay a very high price for the omission that we are talking about here this evening.

□ 2245

Mr. CALLAHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman from Alabama, Chairman CALLAHAN, for yielding me this time.

Mr. Speaker, I rise in strong support of the conference report to H.R. 2159. Each member of this subcommittee in both the House and the Senate have worked very, very hard in a bipartisan fashion to craft a bill that reflects, I think, our Nation's international priorities, while maintaining the fiscal responsibility.

I commend the House and the Senate chairmen for continuing our strong commitment to the Middle East, and also to democracy in Russia, while addressing the grave concerns we have about Russia and their exports of nuclear ballistic missile technology to Iran. The conference report so stipulates that aid to Russia is contingent upon stopping the spread of any technology which would bolster Iran.

Finally, I am very pleased with provisions in the conference report dealing with the ongoing conflicts in the Caucasus. The conference report provides, and I think most importantly, to

include a recommendation for $12.5 million in aid to meet the pressing needs of the people in the Nagorno Karabagh. I commend the managers for recognizing the tremendous humanitarian aid that is needed in the Nagorno Karabagh and look forward to working with the body and administration to ensure that that vital funding is delivered promptly and in accordance with congressional intent.

Members of the subcommittee, I would like to thank all of them, and thank again.

The gentleman from Alabama, Chairman CALLAHAN, the ranking member, the gentlewoman from California [Ms. PELOSI], and all of those who contributed to the difficult decisions made to bring this bill to the floor. I believe the managers have united to craft a bill that will maintain U.S. leadership and strengthen our influence across the globe.

I ask for Members to support this conference report.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from New York [Mrs. LOWEY], a distinguished member of the subcommittee.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of H.R. 2159. In deference to our chairman, I will be very brief.

I want to thank our distinguished chairman and the ranking minority member for the really outstanding work they did in bringing together a strong bipartisan bill. We appreciate their efforts. It has been long, and it has been hard, but we are glad that it is coming to conclusion, because this bill does strike a delicate balance on a number of very controversial issues. I thank them for their leadership.

This bill includes, Mr. Speaker, the full $3 billion aid package for Israel, the critical $80 million for refugee resettlement assistance. Although the development assistance account is lower than the administration requested, it does include a critical $15 million increase for international microcredit programs. Microcredit is a critical tool in the fight to eradicate poverty worldwide, and it enjoys bipartisan support in the Congress and this administration.

Providing these small low-interest loans to the millions of low-income entrepreneurs around the world would be a major step toward the eradication of poverty. This is especially true among women, who are very often the heads of households and benefit tremendously from microcredit programs.

This is a critical time for microcredit. We have come a long way this year alone, but we must do more, and the increase in this bill will allow us to help thousands of people pull themselves out of poverty.

Mr. Speaker, I just want to say that I do remain concerned about several accounts in this bill. The critical population assistance account includes onerous restrictions, including monthly metering and a freeze at last year's level that I oppose. I know that our chairman and the chairman of the full committee have worked very hard to come to a satisfactory solution to this issue.

I am also concerned that the administration has not been given the critical new arrangements to borrow that it has sought for the International Monetary Fund. However, Mr. Speaker, on the whole, this bill represents a good compromise between the gentleman from Alabama, Chairman CALLAHAN, the ranking member, the gentlewoman from California [Ms. PELOSI and all the members of this subcommittee. Again, I want to thank them for the cooperation, and I strongly urge passage of the bill.

Mr. CALLAHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of the conference agreement and thank the gentleman from Alabama [Mr. CALLAHAN], for his leadership in bringing this bill to a conclusion.

In this conference report we provide the essential tools to promote and protect America's leadership and interests around the globe. With this bill we maintain our strong commitment to Israel and to the Middle East peace process, we provide critical funding for child survival programs, and we continue America's long-standing support for development assistance for the poorest of the poor, including international family planning programs. We provide support for the new democracies of Eastern Europe, and we place increased emphasis on important priorities in our own hemisphere.

Further, we have provided resources to help American companies enter new markets, to protect global environmental resources, and to combat threat of international narcotics and terrorism from reaching our shores. These investments are made, Mr. Speaker, for less than 1 percent of the overall Federal budget and within the framework of our balanced budget plan.

Again, Mr. Speaker, I congratulate the gentleman from Alabama [Mr. CALLAHAN] for all of his efforts.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE], who has been a leader on the issue of the Caucasus region, particularly Armenia and Nagorno Karabagh.

Mr. PALLONE. Mr. Speaker, I want to urge support for the bill that we are considering tonight. The conference report contains important provisions affecting Armenia and the Caucasus region, most of which I support. I do want to express my respect and gratitude for the gentleman from Alabama, Chairman CALLAHAN, for his willingness to listen to the concerns of the Armenian community, and particularly I want to salute the ranking member, the gentlewoman from California [Ms. PELOSI], and Members of the Subcommittee on Foreign Operations, particularly the gentleman from Illinois [Mr. PORTER] and the gentleman from Michigan [Mr. KNOLLENBERG] for their tireless efforts on behalf of Armenia, the Nagorno Karabagh, and the cause of peace and stability in the Caucasus, and I also want to thank the gentleman from New Jersey [Mr. FRELINGHUYSEN].

This bill provides an unprecedented $12.5 million in humanitarian aid to Nagorno Karabagh. Despite relentless opposition from the administration, the lobbyists for Azerbaijan and Turkey, the bill provides, for the first time, an earmark of humanitarian assistance for the people of Karabagh.

These funds will help refugees, internally displaced persons and needy civilians in Nagorno Karabagh. This is the first time this has been approved by Congress and signifies the beginning of U.S.-administered assistance programs to Nagorno Karabagh.

Earlier this year, I became the first Member of the U.S. Congress to address the Parliament of Nagorno Karabagh, and I expressed regret that the United States had disengaged itself from the courageous people of Karabagh. But this legislation provides a welcome change.

In addition, the bill provides us with $87.5 million for the Republic of Armenia, a former Soviet republic that is making huge strides in terms of democracy and market economy, but still needs our help.

While I am pleased that the bill retains the ban on government-to-government economic aid to Azerbaijan, I regret that the legislation carves out several major exemptions for OPIC, the Overseas Private Investment Corporation, to provide political risk insurance to U.S. companies investing in Azerbaijan, and for TDA, the Trade Development Agency, funding for feasibility studies and other related economic development projects.

The ban on direct aid to Azerbaijan, section 907 of the Freedom Support Act of 1997, is an important law, passed to encourage Azerbaijan to lift its blockades of Armenia and Nagorno Karabagh. Azerbaijan has not complied with the basic condition of section 907, lifting the blockades, so the sanctions should not be relaxed.

While I regret the exemptions to section 907 that have been carved out, I appreciate the fact that the conferees resisted the strong pressure to repeal section 907 outright.

I also want to express my appreciation to the conferees for the $52.5 million discretionary fund established for

the Caucasus to restore transportation, communication and other infrastructure between the States of the Caucasus, funds to which Azerbaijan is not entitled until it complies with section 907.

I also appreciate the fact that the House conferees held out for insisting that 50 percent of the aid to Turkey be provided through nongovernmental organizations to promote democracy and build a civil society. American taxpayers have contributed millions to Turkey. It is only right that we should expect that country to respect some of our American values.

Finally, I want to state for the record that I regret that the bill before us relaxes some sanctions on Pakistan which were imposed because of concerns over Pakistan's nuclear proliferation activities. But I do want to thank the conferees for maintaining the prohibition on IMET assistance to Pakistan.

Overall, this is a good conference report, and I urge my colleagues to support it.

Mr. CALLAHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia, also a member of our subcommittee.

Mr. KINGSTON. Mr. Speaker, I just want to say, I think this bill has a lot of good things. It is a product of a great compromise and a lot of work.

One of the things I think is very significant and that is a debate we do not have much in our country is what is going on with the nuclear weapons stockpile in Russia. We often concentrate on a lot of issues, but we never ask ourselves as a country, as free people, what are they doing with all their nuclear arms? This bill starts to address that by withholding assistance to the Russian Government unless we know exactly what they are doing with their nuclear arsenal, and hopefully they are not selling it around the globe.

There are a lot of good things in here. It increases international narcotics control by $17 million over last year, bringing the 1998 level to $230 million.

But there are some things it does not do which have been addressed, and we look forward to working with the administration on that.

We want to address the issue of the U.N. arrearage. We think that the United Nations has taken too big of an assessment against the United States, and we want to work through that. We also want to work with this IMF funding to have stability in some of the developing countries.

We look forward to working with the administration on that and solving these problems, and we also hope the administration will work with us in making sure that none of this money goes to groups who choose to lobby for liberalization of abortion laws, and also groups who may tend to have some of their own moneys used to support abortion.

We think there are a lot of things we can get together with the administration on, and we look forward to that process. Hopefully the authorization bill that will come maybe as early as tomorrow will address this.

Mr. CALLAHAN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, I want to thank the distinguished chairman for yielding me time. Let me say I think his leadership on this issue has been nothing less than estimable, and I intend to support his bill, but I think all of us in this body have to understand that the intricacies of single-issue group politics is bedeviling our foreign policy at this time and jeopardizing the national interests of the United States.

If this Congress adjourns without passing fast track, without passing U.N. reform and arrearages, and if we do nothing about the IMF replenishment, there is a distinct possibility that tomorrow will not be the last day of this year's session. The last two issues are of vital significance this week, and we may well be called back into a special session. This Member would support it.

The fact of the matter is we need to address the U.N. at this time. We need to address international economic circumstances as implied in the IMF. I am hopeful we will do so.

□ 2300

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

I too want to associate myself with the remarks of the gentleman from Iowa [Mr. LEACH] in regard to the IMF replenishment and the U.N. arrearages. I hope that before this Congress adjourns, that those issues will be appropriately addressed and successfully addressed.

I believe that our chairman, the gentleman from Alabama [Mr. CALLAHAN], as I mentioned, has provided great leadership in this legislation, which is almost a match of the administration's request in terms of funding in order to promote U.S. global leadership, promote our exports, maintain the peace, alleviate poverty, and to maintain the peace, I think I said that twice, but it deserves mentioning more than one time.

Mr. Speaker, in the interests of time, we are not going to hear from all of the Democrats on the committee, but I want to acknowledge the distinguished service of the gentleman from Illinois [Mr. YATES] and the gentleman from California [Mr. TORRES], who did not speak, in addition to the gentleman from Wisconsin [Mr. OBEY] and the gentlewoman from New York [Mrs. LOWEY].

But I know I speak for them and our Republican colleagues on the committee when I extend our best wishes to the gentleman from Pennsylvania [Mr. FOGLIETTA], a member of our subcommittee who today left our committee and was sworn in as the U.S. Ambassador to Italy. I think every Member of this House is very proud of the service of Mr. FOGLIETTA here, wishes him much success in his new endeavor personally, and especially for our great country.

With that, I urge our colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. CALLAHAN. Mr. Speaker, it is my intention in just a second to yield back, but I yield myself such time as I may consume to briefly explain that the President requested $16.8 billion, and the House passed $12.26 billion. The Senate sent us a message of $16.8 billion, and the conference resolved it at $13.1 billion, but the net appropriation is $12.7 billion, very close to what we passed in the House.

Some of the remarks that were made about the IMF, as well as the U.N. problem, have great merit and I do not deny that. But once again, this is the foreign operations appropriation bill. We are cutting the President's request by $4 billion. That is basically where we were. At this time, Mr. Speaker, I ask for a favorable vote.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise in support of the Foreign Operations Appropriations bill for two main reasons.

First, the appropriation for Israel will help to insure the survival of this thriving democracy in the Middle East. No other country has greater ties to America.

Second, I am pleased that Armenia will benefit from this legislation by increased recognition of its importance to the United States and support by our country.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

Pursuant to clause 5 of rule I, further proceedings on this question will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2777

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2777.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–403) on the resolution (H. Res. 324) providing for consideration of the Senate amendments to the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 324 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 324

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes, with Senate amendments thereto, and to consider in the House, any rule of the House to the contrary notwithstanding, a single motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment to the text with the amendment printed in the report of the Committee on Rules accompanying this resolution and disagree to the Senate amendment to the title. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Appropriations. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, while considering the final appropriations bills, the Senate rolled the Commerce, State, Justice appropriations bill and the Foreign Operations appropriations bill into the D.C. appropriations bill and, therefore, created an omnibus appropriations bill.

The House amendment we will consider tonight strikes all provisions out of the omnibus appropriations bill, except for the District of Columbia, and amends that bill with the recommendation of the House Committee on Appropriations.

The rule provides for a single motion by the Chairman of the Committee on Appropriations, or his designee, to concur in the Senate amendment to the text, any rule of the House to the contrary notwithstanding, with the amendment printed in the Committee on Rules report and disagree to the Senate amendment to the title.

The rule further provides that the Senate amendments to the House bill and the motion are considered as read. The motion is debatable for 1 hour equally divided and controlled by the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, and the ranking minority member of the Committee on Appropriations.

There is little argument that the District of Columbia is in bad shape. The city suffers from deteriorating infrastructure, high crime rates, a shrinking population, and poor services. We must take bold steps to reform the way this city operates so that it can again take its place among the great cities of the world.

As a former mayor, I know the challenges that come with running a city. It will not be easy to reform, but we must start now.

I was very supportive of the bill that originally passed in the House. I believe that it contains some tough language that will go a long way to changing the face of our Nation's Capital. The bill met with stiff resistance and has been replaced.

This is a good rule. It allows us to debate D.C. appropriations as a single issue, rather than as part of an omnibus package. We need to take a step toward restoring some of the luster our Nation's Capital city has lost in recent years.

Mr. Speaker, I urge my colleagues to support the rule, and I look forward to the debate about the future of our Nation's Capital.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is late in the day and it is late in the session. We are now 43 days into fiscal year 1998 and it is high time that we finish our business for the year. With any luck, we will be able to finish the District of Columbia appropriations this evening, leaving only 1 other appropriations bill outstanding.

The Republican majority has finally seen the light and has given up for the time being, at least, its desire to use the District and its residents as a grand experiment in Republican social engineering on school vouchers.

As I said, Mr. Speaker, it is late in the day and it is late in the session. It is time for the Republican majority to govern. It is time to stop using appropriations to move a legislative agenda that is not supported by a majority of the American people.

Mr. Speaker, the negotiating process on District of Columbia appropriations has resulted in creating a bill which is vastly superior to the product originally passed by 1 vote in the House. I will support this rule only because the bill passed by the Senate and the amendment which is now being recommended as a further amendment address the issues of providing the Federal payment to the District of Columbia, the Nation's Capital, and not the Republican social agenda. It is unfortunate, however, that it has taken this long to reach this point.

Mr. Speaker, because it is late, I will reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Speaker, let me just note, I have further comments in my revisions, but I am happy we have gotten to this point. It has taken a long time. The city of Washington has had to borrow money during the time that we have not been able to move forward with the appropriation, but with a lot of work of people on both sides of the aisle we have come to the conclusion this evening that we have an appropriation bill that I am proud to support.

I want to thank my ranking member of the authorizing committee, the gentlewoman from the District of Columbia [Ms. NORTON], and the gentleman from Virginia [Mr. MORAN], who have worked very closely with us on appropriations to bring this to where it is tonight. The city needs this money. We have an appropriations bill that I would urge all of my colleagues to support.

Our Nation's capital desperately needs this budget bill to be enacted now. Failure to do so would have major negative consequences.

Failure to pass this budget now would cause the District of Columbia to slide even further backward.

Failure to pass this budget now would be reckless and tragic. This is especially so because this Congress and the last Congress have done so much to get the Nation's Capital on the right track.

To defeat the bill at this point would risk doing irreparable harm to our fundamental goals of reform and revitalization of our Nation's Capital.

It is wrong to gamble with the lives of millions in this region who depend on an orderly budget process.

We all know of the D.C. Revitalization Act which passed this Congress as part of the Balanced Budget Act of 1997. Strong management reform measures, Medicaid changes and tax incentives were included as well in that enactment and in the equally Historic Tax Reform Act of 1997. To have enacted such significant reforms, and to see them signed by the President, is a legislative accomplishment we can all take pride in helping to achieve.

With patience and perseverance the reforms we have enacted for the District of Columbia have begun to have their intended effect.

We now have a rare opportunity, sanctioned by both Congress and the White House, to restructure and improve the complex relationship

between the Federal Government and the Nation's Capital. But time is of the essence. And we are at a moment of truth.

Many of the issues addressed in the D.C. Revitalization Act are particularly urgent and time sensitive. To take just one example, a Federal trustee must be up and running to help establish reforms in the District's prison system. Just last month the court-appointed monitor said of the medium-security facility at Lorton that "it has deteriorated to a level of depravity that is unparalleled in its troubled history."

It is tragic enough when Congress reaches an impasse in consideration of a budget for one of our executive departments. But if we are unable to enact a budget for the Nation's Capital, that real city which exists just beyond the monuments is placed at a grave risk of immediate harm. And when you consider that most of the District's budget consists of self-generated funds, it makes the spectacle of congressional delay even more difficult to explain.

Some of us have differences with various sections of the bill before us. Many have reservations which I share. But I appeal to you, as chairman of the authorizing subcommittee for the District of Columbia, to join me in voting for this budget bill so we can give the Nation's Capital a chance to survive as a city.

I am pleased that the Victims of Communism Relief Act of 1997 is incorporated in this bill and will become law. The agreement provides that Nicaraguans and Cubans who entered the United States prior to December 1, 1995, will be made eligible for lawful permanent residence provided they apply prior to April 1, 2000.

Guatemalans and Salvadorans, who filed for asylum prior to April 1, 1990, and members of the ABC class, will have their cases reviewed under the less onerous rules in existence before the 1996 Immigration Act [IIRIRA] went into effect. In addition, battered spouses and children in proceedings prior to April 1, 1997, will be processed under the pre-IIRIRA rules.

Guatemalans and Salvadorans will have their adjustments offset by reductions in the diversity and unskilled—nonagricultural—worker programs, which will not exceed 5,000 in each annually. All pending approved petitions for unskilled worker visas will be permitted to adjust under the current 10,000 cap.

Members of the defined categories of Central Americans—Salvadorans and Guatemalans—whose cases are under the jurisdiction of the post-April 1 rules, will have their claims for cancellation of removal adjudicated under the more generous standard of 7 years continuous residence and extreme hardship, not subject to the 4,000-person cap.

All Guatemalans and Salvadorans who meet the eligibility requirements stated above will be exempted from the stop time rule, as interpreted by the Board of Immigration Claims' N–J–B ruling. Individuals not within these categories will be subject to the stop-time rule.

Refugees from the former Warsaw Pact nations will have their cases governed according to the same rules which will apply for Guatemalans and Salvadorans.

Mr. Speaker, many Central Americans have made a positive impact in our community in northern Virginia. The inclusion of this legislation in the D.C. appropriation bill will bring a measure of justice to thousands who have fled oppression in their native land to seek the freedom and opportunity offered in this Nation.

Mr. FROST. Mr. Speaker, I yield 7 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to oppose this rule. I think it is an unfair rule, and this Congress should know why I think that way.

I went to the Committee on Rules tonight to see if I could get an amendment ruled eligible for the floor which would have turned around an injustice which is in this bill. I think what Congress sees in this bill is what happens when legislators, people in Congress, make rules on appropriations bills. It is always a disaster when that happens, and it is too bad that this particular amendment on immigration, a situation that is so very direly needed in this country, was placed on an appropriations bill, and a very important appropriations bill, for the District of Columbia. The District of Columbia has been bandied about in this Congress. I think it is high time we put the kind of precedence and the kind of attention on this particular bill that it should receive.

Now, while I do not oppose the District of Columbia's appropriations bill being passed, I do not oppose the Nicaraguans getting their amnesty on this bill, and I do not oppose the Central Americans getting their amnesty, but what I do reject is the idea that the Haitians in this country that came here under the same credible fear of persecution as the Nicaraguans and the Central Americans and the Cubans are now left out of this particular bill.

I am being told that, number 1, the Haitians were never to be considered. They were not a part of the agreement. As a matter of fact, I have substantive proof to show that they were not a part of the agreement. We lobbied very hard to try to get them included. It is never too late for this Congress to do the right thing.

But there is something that perplexes me, which is, why is it that always when communities of color come up in immigration, they are always overlooked or there is always some excuse as to why they were not in the original agreement? I am asking this Congress, why? That is why I am opposing this rule, because this rule is unfair. Why have Nicaraguans, Cubans, Guatemalans, and Salvadoreans, who will live next door to each other in some of our communities, one will get a green card and the others cannot. One could seek citizenship after 4 to 5 years; the others cannot. Is that fair? My answer is no, it is not fair. It is another step of unfairness in this country.

The reason that it is so unfair is we allow it to happen. We allow these kinds of things to come in on an appropriations bill. We allow the unfairness to be so dominant in the kinds of decisions we make here. If we were fair, that amendment would have never passed the Senate, it would never have come over here. If we were fair, the Haitians would have been given the same time for amnesty as Nicaraguans and others.

I have fought very hard on this floor, Mr. Speaker, for Cubans, for Hispanics, for Latinos in this country. I think it is a slap in the face to the Black Caucus and to the other caucuses which have stood so steadily behind all of the bills that the Cuban Members of this Congress brought here, yet we could not receive any support to include the Haitians. It is wrong, and I will always say it. It is wrong, and we should turn it around.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman for yielding.

I also thank her for her commitment to this endeavor and for her leadership that she has demonstrated on behalf of those that she, myself, the gentlewoman from Florida [Ms. BROWN], and countless others in this Congress are supportive of receiving the same consideration as others have under this particular measure.

Reluctantly, I rise in opposition to the rule. Like the gentlewoman from Florida [Mrs. MEEK], said, I will support the ultimate bill because I feel that it is no more than fair to the District of Columbia that has been burdened in an equivalent manner, and in my view has not been treated as fairly as they should be. But all the gentlewoman from Florida [Mrs. MEEK] sought in the Committee on Rules was an amendment that would allow for an up-or-down vote on whether or not the Haitian refugees, particularly those that came through Guantanamo, would receive the same consideration as everyone else.

Neither the gentlewoman from Florida [Mrs. MEEK] nor I take any back seat to supporting all of the efforts of those who we represent in south Florida. I support Nicaraguans, and I think that they should receive an amnesty that they have received. I support Central Americans, and I think that they should receive the amnesty that they are going to be able to apply for and receive. I even support Eastern Europeans and think that it is appropriate that this Nation, the beacon for freedom and fairness, would offer them an opportunity to seek amnesty under appropriate circumstances. However, I totally reject the notion that those that we made a commitment to, that we are

not fair enough to continue our efforts to ensure that that commitment is kept.

□ 2315

Once again, I thank the gentlewoman from Florida [Mrs. MEEK] and will vote to reject the rule for the reason that she will reject it, in her efforts to make a simple amendment that asks for nothing but fairness.

Mrs. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will say in the end that this is an unjust and unfair rule. It is a rule which overlooks the equalness and equality which we push in this country. Having supported every effort to bring about equality in this country for immigrants and everyone else, I reject any statement. That is why I am voting against the rule.

I call on the Members of this Congress who believe in fairness and equity for all immigrants, not just one particular set, to reject this rule, to send a message to the Republicans that they do not choose certain immigrants because they go by the same ethnicity as they do to include in a bill. It is not fair, and it will show an unfairness for the majority party.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I had the privilege of working on the education provisions of this legislation. I would like to personally thank the chairman, the gentleman from North Carolina, Mr. CHARLES TAYLOR, and ranking minority member, the gentleman from Virginia Mr. JIM MORAN, who not only listened but was cooperative and worked very closely with the committee.

I would also like to thank and I think D.C. and this body owes a great deal of gratitude to Gen. Julius Becton, who has taken on almost an impossible task of cutting through not only economic problems but the political problems of D.C. schools. He has worked tirelessly in changing some of the rules and in helping children in the District. I would like to commend General Becton.

Mr. Speaker, what education provisions are in the bill? It provides $3.3 million for public charter schools, that is good within this bill, but it also adds money for the public schools. The gentleman from Virginia [Mr. MORAN] fought for these provisions along with Republicans, and we find that it is in the best interests and will help.

There is a technical improvement to the D.C. charter schools. There are about four of them. I will not belabor them, but I think these provisions will actually help. It was done on a bipartisan basis, both Republicans and Democrats. The National Education Association will finally pay its fair share of taxes, which is about $1.1 million a year that will go to help D.C. schools. We helped with that.

One of the things that I am saddened by, Mr. Speaker, is that union bosses once again prevailed in stopping and preventing the aid to children in schools within D.C. by waiving Davis-Bacon. The average age of D.C. schools, the average age, is 86 years old, Mr. Speaker, 86 years. The roofs were so bad, schools were delayed. The fire codes are so bad that it was not even placed in the fire department, it is in the hands of a judge.

Yet, union bosses prevented saving up to 25 percent on school construction by giving the school construction authority the ability to waive Davis-Bacon. Once again, the unions chose to line their pockets rather than come to the aid of children. I think that is sickening, Mr. Speaker. It is something that we need to change.

The D.C. Student Opportunities Scholarship, which is not included in this, which my friend said is a Republican strategy or social strategy, is going to be in a freestanding bill to where he can vote up or down on it. Only a liberal would say that he does not want to help education and children have a choice of where they could go.

There is no pay raise for properly credentialed teachers, which we felt was important.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Speaker, I want to suggest to the gentleman from California who just spoke, when he was praising General Becton, he used the term, "I would like to command General Becton." I think he may want to correct the RECORD. I suspect he meant "commend General Becton." I might like to command him, but I note that he may want to catch that in the RECORD.

Either way, I agree with the gentleman that General Becton is doing a fine job in a very difficult situation with the D.C. school system, and this bill helps that situation. It will be a long time before we correct all of D.C.'s problems, but certainly this is a step forward. That is why I rise in support of this rule.

I do not disagree with the gentlewoman from Florida [Mrs. MEEK] about the fact that Haitian refugees should get fair, comparable treatment to Central American and Cuban refugees. She argues about something that is not in the rule that she wants in the rule. I do not disagree with the issue, but I do think that this rule should be supported.

We need to get on with the business of providing the necessary funds for the District of Columbia. They are facing a financial crisis. So let us get this rule passed. I find nothing objectionable in it as it pertains to the District of Columbia, and I will address the substance of the bill when the bill is brought up. I do urge a "yes" vote on the rule.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Florida, Mr. LINCOLN DIAZ-BALART.

Mr. DIAZ-BALART. Mr. Speaker, with regard to the legislation on immigration that is included in this appropriations bill, I think it is important to point out that it is historic. It is in the great generous and compassionate tradition of the United States.

The process behind the Central American relief legislation began in July of this year, in June and July of this year, after a commitment by President Clinton to the Central American Presidents during a summit in Costa Rica, and also a commitment by the Speaker of the House, Speaker GINGRICH, after a visit to south Florida, precisely commenting on this issue.

The legislation was drafted after serious consultation with the National Security Council and the Department of Justice. It was drafted to prevent the deportation of Nicaraguans and also of Guatemalans and Salvadorans, known as the ABC class, that were denied suspension of deportation by the retroactivity of the Immigration Reform Act that was passed last year.

I want to point out, I would like to point out, Mr. Speaker, that passage of this language, which is included in the District of Columbia appropriations bill, will not in any way hinder efforts to seek similar relief for Haitian refugees in other legislative measures.

Last week, Senator MOSELEY-BRAUN in the Senate put a hold on the Senate D.C. appropriations bill because of the Haitian issue. She lifted her objection after the Attorney General and the White House agreed to provide administrative relief to the Haitian community while Congress considers a legislative remedy.

The agreement reached between the Senator and the administration provides that the President will authorize the Attorney General to temporarily suspend the deportation of Haitians while Congress considers legislation to provide relief to the Haitian community in the United States.

The bill has already been introduced in the Senate by Senator BOB GRAHAM and Senator CONNIE MACK and others, including Senator ABRAHAM, and a House companion bill has been dropped, to my understanding, by the gentleman from Michigan [Mr. CONYERS]. I have agreed to be a cosponsor of that bill, as I have always been a cosponsor of legislation by the gentlewoman from Florida [Mrs. MEEK] on this issue of our Haitian brothers and sisters.

Mr. Speaker, I will request and insist upon hearings not only in the Senate

on this legislation but in the House as well and on the basis of this White House agreement of Senator MOSELEY-BRAUN where she lifted her hold and the Senate passed the D.C. appropriations bill by voice vote.

Mr. Speaker, I support, as I always have, the efforts to seek justice for our Haitian brothers and sisters. My distinguished friend, the gentlewoman from Florida [Mrs. MEEK], knows that. I will continue doing so. So as I recommit to do all I can to help our Haitian friends, I seek justice and commend the Speaker and all of those who have been involved, Mr. SMITH, as well as the leaders in the Senate, Senator ABRAHAM and Senator MACK and Senator BOB GRAHAM and others, who have worked on this.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, am I understanding the gentleman correctly that we have his commitment that he will push to ensure that the Haitians receive the same consideration that the Nicaraguans have?

Mr. DIAZ-BALART. Yes.

Mr. HASTINGS of Florida. Mr. Speaker, while the gentleman is answering it, would he be so kind as to tell me, was it not equally possible that we could have included the Haitians in this particular measure?

Mr. DIAZ-BALART. The gentleman is aware of the fact that in the negotiations that led to this legislation, Mr. SMITH made what I consider to have been a very good faith offer with regard to the Haitians. The gentlewoman from Florida [Mrs. MEEK] was of the opinion that that was not something that should be finalized in the terms that were offered.

But yes, my commitment is there, my distinguished friend, with regard to pushing this issue further.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I rise to ask for a vote, a positive vote, on the rule on a bipartisan basis.

Mr. Speaker, this is the last appropriation out. By all rights, it should have been the first, considering the condition of the District of Columbia and considering that there is only a token amount of Federal funds. I am coming to this floor to ask permission to spend my own money. I do not know what the rest of the Members would do if they had to do this.

This is a caboose appropriation held up in the Senate, as Members have heard, over an issue completely unrelated. I could not be more in sympathy with the gentlewoman from Florida [Mrs. MEEK]. If my appropriation has been treated regrettably, she has been treated most unfairly, and I pledge to her that I will do all in my power to monitor this matter to see that the compromise that has been achieved is carried out and to see that full justice is done in legislation when we return.

This bill has been cleansed of the issues that would have gotten a veto. Some of them would have been micromanagement of the District. Others would have been ideological issues.

We have gone from micromanaging the District to micromanaging the Control Board. We have to stop that. The Control Board is not above criticism, and I have been among its critics, but the fact is that these are five distinguished people working for no pay who are trying to do an almost impossible job. We ought to reinforce them, unless they get way off the mark. We are not close enough to take what they do and unravel it dollar by dollar.

All sides need to talk and negotiate before the appropriation period, rather than waiting for the appropriation to try to reform the District of Columbia. If Members want to have meaningful participation in the reform and restructuring of the District, let the Committee on Appropriations, the subcommittee, the authorizing subcommittee, the Control Board, and the District sit down and work out their problems before they get to this floor.

Home Rule? Yes, that is one reason this bill must be supported, because it has the support of the District of Columbia, which worked hard to please the Congress in what it has achieved, but it also must be supported because this bill is, in fact, an efficient and reliable way to move the District forward.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, our colleagues, the gentlewoman from south Florida, Mrs. CARRIE MEEK, and the gentleman from Florida, Mr. ALCEE HASTINGS, have done a formidable job of defending our community, especially the immigrant community, after their many years of dedicated service.

All of us in the south Florida congressional delegation have the great privilege of representing various pockets of the immigrant community, and we try to help all of those communities whenever we can. I commend my colleagues, the gentlewoman from Florida [Mrs. MEEK] and the gentleman from Florida [Mr. HASTINGS], for their leadership. It is because of their firm belief in fairness that my other colleague, the gentleman from Miami, FL [Mr. DIAZ-BALART], and I are going to join with them in working with our Florida Senators, CONNIE MACK and BOB GRAHAM, to get fair treatment for the Haitians.

In January when we come back to debate the new bills, we will continue working with our south Florida colleagues and our Florida Senators to see that the Guantanamo Haitians get the fair treatment that they deserve.

I visited the Guantanamo base in Cuba while the Haitians were there, I know of their plight. It was a great honor for me when I first came to Congress to represent the community of little Haiti. It is a wonderful law-abiding community, and I have supported and will continue to support the gentlewoman from Florida [Mrs. MEEK] in cosponsoring her bill. We have worked with the White House to work out this compromise that no deportations will be taking place while the legislation moves through the proper procedures in the House and the Senate.

□ 2230

However, the bill before us now does save many thousands of lives from the immigration limbo that they are facing, the deportation that has been dividing many communities.

Therefore, I urge my colleagues to support the rule and move this legislation forward, which is going to help so many immigrants. And we look forward to continuing in the new session in supporting other immigrants as well.

As an immigrant myself, as a political refugee who sought freedom and democracy, I know what this country stands for, and I know the beliefs that have brought us here still linger in our hearts. And we practice them every day. So I look forward to working with my colleagues to see this come true.

Mr. FROST. Mr. Speaker, I would inquire of the time remaining on each side.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas [Mr. FROST] has 19 minutes remaining. The gentlewoman from North Carolina [Mrs. MYRICK] has 18½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, we find ourselves in a rather unfortunate situation. This is the most cynical kind of public policy-making that I have ever witnessed. I cannot understand for the life of me why the Haitians would have been left out from consideration.

As I understand, the Immigration and Naturalization Service reports that, as of September 30, 1996, applications for asylum were pending for about 18,000 Haitians, 21,000 Nicaraguans, 118,000 Guatemalans, and 191,000 Salvadorans.

How can they just drop the Haitians? It does not make good sense, and then they place it on the D.C. appropriations, where we are desperate to try and get a little justice for the District of Columbia, and they pit people against each other in the most unfair way. There is no rational reason for it. They should not put the gentlewoman from Florida [Mrs. MEEK] in the position of standing up here asking for a no vote on the rule for the District of Columbia, when they know how desperate

the gentlewoman from the District of Columbia [Ms. NORTON] is. As a matter of fact, if they had any decency at all, they would pull this rule from the floor and go back and put the Haitians in.

These Haitians were promised. I have got letters here from Haitians whose parents were killed right before their eyes. They are seeking asylum because they were under political massacre from the Haitians down there. And my colleagues would stand here and allow this situation to develop. This is unconscionable. It is unreasonable. It is unfair. It is unjust. It is unkind. It is everything that I can think of when I look at what they are doing.

I cannot stand hear and say, do not support the D.C. rule. At the same time, we have these Representatives from Florida who are sitting here in pain because of what they are doing. The gentleman from Florida [Mr. DIAZ-BALART] and the rest of my colleagues who negotiated this deal, they should stand up like men and women and undo it now and do the right thing.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member very much for his kindness.

Let me, first of all, thank the hard work of the gentlewoman from the District of Columbia [Ms. NORTON] and the gentleman from Virginia [Mr. DAVIS] and the gentleman from Virginia [Mr. MORAN] for working so hard on the D.C. appropriations bill and particularly the charter school effort that I think will help our children in the District of Columbia.

I heard a colleague mention the need for money for construction and accusing unions of taking monies out of the children of the District of Columbia. If my Republican colleagues had voted for the $5 billion infrastructure addition to the budget, we might have had those dollars for the D.C. schools. More importantly, I think it should be well known that this is D.C. money and not our money, and all we are doing is tying it up and not spending it.

Let me move quickly to the Haitian question, because I join my colleagues in a great deal of dissatisfaction with the committee for not allowing this particular amendment of the gentlewoman from Florida [Mrs. MEEK] to be drawn to this rule that would allow the Haitians to be included in the privilege and waiver of allowing them to stay and continue their process of application. This is, of course, a discriminatory process, even though I applaud the White House and Attorney General for the administrative process that will allow them to stay in and the hearings of my colleague the gentleman from Michigan [Mr. CONYERS] and the work of the gentleman from North Carolina [Mr. WATT], who is the chair of the Subcommittee on Immigration and Claims.

As a member of the House Committee on the Judiciary, I think this is an unpardonable sin. The Haitians deserve the same kind of freedom and opportunity that other immigrants deserve when they come to this country. Now 11,000 immigrants will be separated from their families. Who is to say that there is not persecution in Haiti as there is in Nicaragua and Guatemala?

I support what has happened to the Nicaraguans' and the Guatemalans' country for freedom. We always have supported this in a combined effort to support those who come here to this country for freedom. My question to my colleagues is, how can you deny this to Haitians? How can you stand up here and separate immigrants who have come here for freedom?

I would ask that this rule be denied and voted down, not because I do not support the District of Columbia, because it is their money, but because they do not even allow the immigrants that are Haitians that come to this country for freedom to get the same privileges of those that are getting the privilege.

I ask for my colleagues to consider the disparate treatment being given to Haitians in this country.

Mrs. MYRICK. Mr. Speaker, I would like to inquire of my colleague the gentleman from Texas [Mr. FROST] how many speakers he has left.

Mr. FROST. Mr. Speaker, at this point, we have one speaker remaining.

Mrs. MYRICK. Mr. Speaker, I do not have any more speakers, so I reserve my time.

Mr. FROST. Mr. Speaker. I yield 3 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding me the time.

I, too, am one who is pleased that there was progress with the D.C. appropriations bill. It is certainly true that the District of Columbia needs the funding. I wish I could stand here and tell my colleagues that we should pass this rule and get on with our business, but I cannot because of many of the reasons that have been stated by some of my colleagues, especially from Florida, with regard to a particular provision which was added to this appropriation bill that really does not have anything to do with D.C. appropriations but, nonetheless, was added.

Let me quote for my colleagues from a letter of the President of the United States of November 4, 1997, where he said with regard to the issue affecting immigrants, principally from Central America and the Haitian community, that he was trying, through the legislation he had provided Congress to work on, he was seeking fair and equitable treatment for these individuals from these countries in Central America and Haiti. He goes on to say, "I am concerned, however, that this legislation, unlike my original proposal, inappropriately distinguishes among nationals from different countries, including those from Central America. It requires continued retroactive application of certain provisions in the 1996 immigration law and does not allow for an adequate transition to the law's new rules. Accordingly, the Congress should provide for a fair resolution of these issues." He goes on to say, "In addition, I strongly urge the Congress to provide to Haitians treatment similar to that provided to Central Americans."

What the President was speaking of was the change from his legislation that came to Congress and was being sponsored by certain Members in the House and the Senate and what is now in this appropriation bill, which is much different from what the President first proposed.

As Cardinal Law from Massachusetts said, "We are putting these immigrants through 'emotional torture'." Cardinal Law goes on to say, "The United States must provide for equitable treatment to Nicaraguans, Salvadorans, and Guatemalans, as well as justice for Haitians, in emerging immigration legislation."

Mr. Speaker, what a number of us are saying here today is that, when we had a chance to put forth equity, when we had a chance to right the wrongs of last year's immigration law, when we had a chance to show that we respect and dignify people who come to this country to escape persecution and to start a new life, we failed. We failed because we were able to do a great amount for some, and I am very pleased that the Nicaraguans will have a chance to say that they will receive amnesty, but we did not do it for any other Central American constituency similarly situated.

The Salvadorans and the Guatemalans are in no different condition than the Nicaraguans, yet they are being treated differently. And the Haitians are completely shut out of this legislation. That is wrong. We could have cured this. We do not need to wait for future legislation to deal with this. We could have done it today, and we did not.

That is the shame of this bill that we have before us. That is why, unfortunately, some of us have to stand here and say that it is better to vote no on the rule than yes.

Mr. FROST. Mr. Speaker, we have no additional speakers at this time. I ask, is the gentlewoman from North Carolina [Mrs. MYRICK] going to yield back her time at this point?

Mrs. MYRICK. Mr. Speaker, yes, I am.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LIVINGSTON. Mr. Speaker, pursuant to House Resolution 324, I call up the bill (H.R. 2607) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1998, and for other purposes, namely:

DIVISION A—DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—FISCAL YEAR 1998 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR MANAGEMENT REFORM

For payment to the District of Columbia, as authorized by section 11103(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33, $8,000,000, to remain available until September 30, 1999, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority and shall be disbursed from such escrow account pursuant to the instructions of the Authority only for a program of management reform pursuant to sections 11101–11106 of the District of Columbia Management Reform Act of 1997, Public Law 105–33.

FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE NATION'S CAPITAL

For a Federal contribution to the District of Columbia toward the costs of the operation of the government of the District of Columbia, $190,000,000, which shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year: Provided, That these funds may be used by the District of Columbia for the costs of advances to the District government as authorized by section 11402 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33: Provided further, That not less than $30,000,000 shall be used by the District of Columbia to repay the accumulated general fund deficit.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For payment to the District of Columbia Corrections Trustee, $169,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE FOR CORRECTIONAL FACILITIES, CONSTRUCTION AND REPAIR

For payment to the District of Columbia Corrections Trustee for Correctional Facilities, $302,000,000, to remain available until expended, of which not less than $294,900,000 is available for transfer to the Federal Prison System, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

CRIMINAL JUSTICE SYSTEM

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding any other provision of law, $108,000,000 for payment to the Joint Committee on Judicial Administration in the District of Columbia for operation of the District of Columbia Courts, including pension costs: Provided, That said sums shall be paid quarterly by the Treasury of the United States based on quarterly apportionments approved by the Office of Management and Budget, with payroll and financial services to be provided on a contractual basis with the General Services Administration, said services to include the preparation and submission of monthly financial reports to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives; of which not to exceed $750,000 shall be available for establishment and operations of the District of Columbia Truth in Sentencing Commission as authorized by section 11211 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

Notwithstanding any other provision of law, for an additional amount, $43,000,000, for payment to the Offender Supervision Trustee to be available only for obligation by the Offender Supervision Trustee; of which $26,855,000 shall be available for Parole, Adult Probation and Offender Supervision; of which $9,000,000 shall be available to the Public Defender Service; of which $6,345,000 shall be available to the Pretrial Services Agency; and of which not to exceed $800,000 shall be transferred to the United States Parole Commission to implement section 11231 of the National Capital Revitalization and Self-Government Improvement Act of 1997.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $105,177,000 (including $84,316,000 from local funds, $14,013,000 from Federal funds, and $6,848,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That $240,000 shall be available for citywide special elections: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $120,072,000 (including $40,377,000 from local funds, $42,065,000 from Federal funds, and $37,630,000 from other funds), together with $12,000,000 collected in the form of BID tax revenue collected by the District of Columbia on behalf of business improvement districts pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (Bill 12–230).

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $529,739,000 (including $510,326,000 from local funds, $13,519,000 from Federal funds, and $5,894,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan

Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That not less than $2,254,754 shall be available to support a pay raise for uniformed firefighters, when authorized by the District of Columbia Council and the District of Columbia Financial Responsibility and Management Assistance Authority, which funding will be made available as savings achieved through actions within the appropriated budget: Provided further, That, commencing on December 31, 1997, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $672,444,000 (including $530,197,000 from local funds, $112,806,000 from Federal funds, and $29,441,000 from other funds), to be allocated as follows: $564,129,000 (including $460,143,000 from local funds, $98,491,000 from Federal funds, and $5,495,000 from other funds), for the public schools of the District of Columbia; $8,900,000 from local funds for the District of Columbia Teachers' Retirement Fund; $3,376,000 from local funds (not including funds already made available for District of Columbia public schools) for public charter schools: Provided, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: Provided further, That $400,000 be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That if the entirety of this allocation has not been provided as payment to one or more public charter schools by May 1, 1998, and remains unallocated, the funds shall be deposited into a special revolving loan fund to be used solely to assist existing or new public charter schools in meeting startup and operating costs: Provided further, That the Emergency Transitional Education Board of Trustees of the District of Columbia shall report to Congress not later than 120 days after the date of enactment of this Act on the capital needs of each public charter school and whether the current per pupil funding formula should reflect these needs: Provided further, That until the Emergency Transitional Education Board of Trustees reports to Congress as provided in the preceding proviso, the Emergency Transitional Education Board of Trustees shall take appropriate steps to provide public charter schools with assistance to meet all capital expenses in a manner that is equitable with respect to assistance provided to other District of Columbia public schools: Provided further, That the Emergency Transitional Education Board of Trustees shall report to Congress not later than November 1, 1998, on the implementation of their policy to give preference to newly created District of Columbia public charter schools for surplus public school property; $74,087,000 (including $37,791,000 from local funds, $12,804,000 from Federal funds, and $23,492,000 from other funds) for the University of the District of Columbia; $22,036,000 (including $20,424,000 from local funds, $1,158,000 from Federal funds, and $454,000 from other funds) for the Public Library; $2,057,000 (including $1,704,000 from local funds and $353,000 from Federal funds) for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That not less than $1,200,000 shall be available for local school allotments in a restricted line item: Provided further, That not less than $4,500,000 shall be available to support kindergarten aides in a restricted line item: Provided further, That not less than $2,800,000 shall be available to support substitute teachers in a restricted line item: Provided further, That not less than $1,788,000 shall be available in a restricted line item for school counselors: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1998, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,718,939,000 (including $789,350,000 from local funds, $886,702,000 from Federal funds, and $42,887,000 from other funds): Provided, That $21,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $241,934,000 (including $227,983,000 from local funds, $3,350,000 from Federal funds, and $10,601,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: Provided further, That $3,000,000 shall be available for the lease financing, operation, and maintenance of two mechanical street sweepers, one flusher truck, five packer trucks, one front-end loader, and various public litter containers: Provided further, That $2,400,000 shall be available for recycling activities.

FINANCING AND OTHER USES

Financing and other uses, $454,773,000 (including for payment to the Washington Convention Center, $5,400,000 from local funds; reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); and sections 723 and 743(f) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $384,430,000 from local funds; for the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,020,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)(1); for payment of interest on short-term borrowing, $12,000,000 from local funds; for lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,923,000 from local funds; for human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, $6,000,000 from local funds); for equipment leases, the Mayor may finance $13,127,000 of equipment cost, plus cost of issuance not to exceed two percent of the par amount being financed on a lease purchase basis with a maturity not to exceed five years: Provided, That $75,000 is allocated to the Department of Corrections, $8,000,000 for the Public Schools, $50,000 for the Public Library, $260,000 for the Department of Human Services, $244,000 for the Department of Recreation and Parks, and $4,498,000 for the Department of Public Works.

ENTERPRISE FUNDS

ENTERPRISE AND OTHER USES

Enterprises and other uses, $15,725,000 (including for the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,467,000 (including $2,135,000 from local funds and $332,000 from other funds); for the Public Service Commission, $4,547,000 (including

$4,250,000 from local funds, $117,000 from Federal funds, and $180,000 from other funds); for the Office of the People's Counsel, $2,428,000 from local funds; for the Office of Banking and Financial Institutions, $600,000 (including $100,000 from local funds and $500,000 from other funds); for the Department of Insurance and Securities Regulation, $5,683,000 from other funds).

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For the Water and Sewer Authority and the Washington Aqueduct, $297,310,000 from other funds (including $263,425,000 for the Water and Sewer Authority and $33,885,000 for the Washington Aqueduct) of which $41,423,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES CONTROL BOARD

For the Lottery and Charitable Games Control Board, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $213,500,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

STARPLEX FUND

For the Starplex Fund, $5,936,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $97,019,000, of which $44,335,000 shall be derived by transfer from the general fund and $52,684,000 shall be derived from other funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $16,762,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $3,332,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $46,400,000, of which $5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,220,000.

CAPITAL OUTLAY

For construction projects, $269,330,000 (including $31,100,000 for the highway trust fund, $105,485,000 from local funds, and $132,745,000 in Federal funds), to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1999, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1999: Provided further, That, upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

DEFICIT REDUCTION AND REVITALIZATION

For deficit reduction and revitalization, $201,090,000, to be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as "Authority"), which shall allocate the funds to the Mayor, or such other District official as the Authority may deem appropriate, at such intervals and in accordance with such terms and conditions as the Authority considers appropriate: Provided, That these funds shall only be used for reduction of the accumulated general fund deficit; capital expenditures, including debt service; and management and productivity improvements, as allocated by the Authority: Provided further, That no funds may be obligated until a plan for their use is approved by the Authority: Provided further, That the Authority shall inform the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives of the approved plans.

GENERAL PROVISIONS

SECTION 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management, Restructuring and

the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): Provided, That for the fiscal year ending September 30, 1998 the above shall apply except as modified by Public Law 104–8.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) Notwithstanding section 422(7) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for Level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1997 shall be deemed to be the rate of pay payable for that position for September 30, 1997.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), based upon a determination by the Director that, by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1998, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1998 revenue estimates as of the end of the first quarter of fiscal year 1998. These estimates shall be used in the budget request for the fiscal year ending September 30, 1999. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 126. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1998 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 127. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 128. The University of the District of Columbia shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(5) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and

current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 129. Funds authorized or appropriated to the government of the District of Columbia by this or any other act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 130. Section 456 of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, secs. 47–231 et seq.) is amended—

(1) in subsection (a)(1), by—

(A) striking "1995" and inserting "1998";

(B) striking "Mayor" and inserting "District of Columbia Financial Responsibility and Management Assistance Authority"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(2) in subsection (b)(1), by—

(A) striking "1997" and inserting "1999";

(B) striking "Mayor" and inserting "Authority"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(3) in subsection (b)(3), by striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(4) in subsection (c)(1), by—

(A) striking "1995" and inserting "1997";

(B) striking "Mayor" and inserting "Chief Financial Officer"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(5) in subsection (c)(2)(A), by—

(A) striking "1997" and inserting "1999";

(B) striking "Mayor" and inserting "Chief Financial Officer"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(6) in subsection (c)(2)(B), by striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight"; and

(7) in subsection (d)(1), by—

(A) striking "1994" and inserting "1997";

(B) striking "Mayor" and inserting "Chief Financial Officer"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight".

SEC. 131. For purposes of the appointment of the head of a department of the government of the District of Columbia under section 11105(a) of the National Capital Revitalization and Self-Improvement Act of 1997, Public Law 105–33, the following rules shall apply:

(1) After the Mayor notifies the Council under paragraph (1)(A)(ii) of such section of the nomination of an individual for appointment, the Council shall meet to determine whether to confirm or reject the nomination.

(2) If the Council fails to confirm or reject the nomination during the 7-day period described in paragraph (1)(A)(iii) of such section, the Council shall be deemed to have confirmed the nomination.

(3) For purposes of paragraph (1)(B) of such section, if the Council does not confirm a nomination (or is not deemed to have confirmed a nomination) during the 30-day period described in such paragraph, the Mayor shall be deemed to have failed to nominate an individual during such period to fill the vacancy in the position of the head of the department.

SEC. 132. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 133. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis as such benefits are extended to legally married couples.

SEC. 134. The Emergency Transitional Education Board of Trustees shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 135. (a) IN GENERAL.—The Emergency Transitional Education Board of Trustees of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1997, fiscal year 1998, and thereafter on a full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 136. (a) No later than October 1, 1997, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1998, whichever occurs later, and each succeeding year, the Emergency Transitional Education Board of Trustees and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Emergency Transitional Education Board of Trustees and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

SEC. 137. The Emergency Transitional Education Board of Trustees, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 138. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1998 under the caption "Division of Expenses" shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $4,811,906,000 (of which $118,269,000 shall be from intra-District funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; and

(ii) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and which are approved by the District of Columbia Financial

Responsibility and Management Assistance Authority.

(C) to the extent that the sum of the total revenues of the District of Columbia for such fiscal year exceed the total amount provided for in subsection (B) above, the Chief Financial Officer of the District of Columbia, with the approval of the District of Columbia Financial Responsibility and Management Assistance Authority, may credit up to ten percent (10%) of the amount of such difference, not to exceed $3,300,000, to a reserve fund which may be expended for operating purposes in future fiscal years, in accordance with the financial plans and budgets for such years.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as "Authority") shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1998.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor in consultation with the Chief Financial Officer of the District of Columbia during a control year, as defined in section 305(4) of Public Law 104–8, as amended, 109 Stat. 152, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

SEC. 139. The District of Columbia Emergency Transitional Education Board of Trustees shall, subject to the contract approval provisions of Public Law 104–8—

(A) develop a comprehensive plan to identify and accomplish energy conservation measures to achieve maximum cost-effective energy and water savings;

(B) enter into innovative financing and contractual mechanisms including, but not limited to, utility demand-side management programs and energy savings performance contracts and water conservation performance contracts: Provided, That the terms of such contracts do not exceed twenty-five years; and

(C) permit and encourage each department or agency and other instrumentality of the District of Columbia to participate in programs conducted by any gas, electric or water utility of the management of electricity or gas demand or for energy or water conservation.

SEC. 140. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 1998 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act, the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 141. In addition to amounts appropriated or otherwise made available, $5,000,000 is hereby appropriated to the National Park Service and shall be available only for the United States Park Police operations in the District of Columbia.

SEC. 142. The District government shall maintain for fiscal year 1998 the same funding levels as provided in fiscal year 1997 for homeless services in the District of Columbia.

SEC. 143. The District of Columbia Financial Responsibility and Management Assistance Authority and the Chief Executive Officer of the District of Columbia public schools are hereby directed to report to the Appropriations Committees of the Senate and the House of Representatives, the Senate Committee on Governmental Affairs and the Committee on Government Reform and Oversight of the House of Representatives not later than April 1, 1998, on all measures necessary and steps to be taken to ensure that the District's public schools open on time to begin the 1998–99 academic year.

SEC. 144. There are appropriated from applicable funds of the District of Columbia such sums as may be necessary to hire 12 additional inspectors for the Alcoholic Beverage Commission. Of the additional inspectors, 6 shall focus their responsibilities on the enforcement of laws relating to the sale of alcohol to minors.

SEC. 145. (a) Not later than 6 months after the date of enactment of this Act, the General Accounting Office shall conduct and submit to Congress a study of—

(1) the District of Columbia's alcoholic beverage tax structure and its relation to surrounding jurisdictions;

(2) the effects of the District of Columbia's lower excise taxes on alcoholic beverages on consumption of alcoholic beverages in the District of Columbia;

(3) ways in which the District of Columbia's tax structure can be revised to bring it into conformity with the higher levels in surrounding jurisdictions; and

(4) ways in which those increased revenues can be used to lower consumption and promote abstention from alcohol among young people.

(b) The study should consider whether—

(1) alcohol is being sold in proximity to schools and other areas where children are likely to be; and

(2) creation of alcohol free zones in areas frequented by children would be useful in deterring underage alcohol consumption.

SEC. 146. Of the amounts appropriated in this Act to the District of Columbia, funds may be expended to—

(1) hire 5 additional inspectors for the Department of Consumer and Regulatory Affairs to focus on monitoring day care centers and home day care operations; and

(2) hire 5 additional Department of Human Services monitors to focus on selecting quality day care centers eligible for public financing and monitoring safety standards at such centers.

(b) Nothing in this section shall be deemed to supersede or otherwise preempt the development and implementation of the management reform plan for the Department of Consumer and Regulatory Affairs and the Department of Human Services as authorized in the District of Columbia Management Reform Act of 1997 (Subtitle B, Title XI, Public Law 105–33).

SEC. 147. (a) SHORT TITLE; FINDINGS; PURPOSE.—

(1) SHORT TITLE.—This section may be cited as the "Nation's Capital Bicentennial Designation Act".

(2) FINDINGS.—The Senate finds that—

(A) the year 2000 will mark the 200th anniversary of Washington, D.C. as the Nation's permanent capital, commencing when the Government moved from Philadelphia to the Federal City;

(B) the framers of the Constitution provided for the establishment of a special district to serve as "the seat of Government of the United States";

(C) the site for the city was selected under the direction of President George Washington, with construction initiated in 1791;

(D) in submitting his design to Congress, Major Pierre Charles L'Enfant included numerous parks, fountains, and sweeping avenues designed to reflect a vision as grand and as ambitious as the American experience itself;

(E) the capital city was named after President George Washington to commemorate and celebrate his triumph in building the Nation;

(F) as the seat of Government of the United States for almost 200 years, the Nation's capital has been a center of American culture and a world symbol of freedom and democracy;

(G) from Washington, D.C., President Abraham Lincoln labored to preserve the Union and the Reverend Martin Luther King, Jr. led an historic march that energized the civil rights movement, reminding America of its promise of liberty and justice for all; and

(H) the Government of the United States must continually work to ensure that the Nation's capital is and remains the shining city on the hill.

(3) PURPOSE.—The purposes of this section are to—

(A) designate the year 2000 as the "Year of National Bicentennial Celebration for Washington, D.C.—the Nation's Capital"; and

(B) establish the Presidents' Day holiday in the year 2000 as a day of national celebration for the 200th anniversary of Washington, D.C.

(b) NATION'S CAPITAL NATIONAL BICENTENNIAL.—

(1) IN GENERAL.—The year 2000 is designated as the "Year of the National Bicentennial Celebration for Washington, D.C.—the Nation's Capital" and the Presidents' Day Federal holiday in the year 2000 is designated as a day of national celebration for the 200th anniversary of Washington, D.C.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that all Federal entities should coordinate with and assist the Nation's Capital Bicentennial Celebration, a nonprofit 501(c)(3) entity, organized and operating pursuant to the laws of the District of Columbia, to ensure the success of events and projects undertaken to renew and celebrate the bicentennial of the establishment of Washington, D.C. as the Nation's capital.

SEC. 148. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C. Code), General Obligation Bond Act of 1998 (D.C. Bill 12–371), if enacted by the Council of the District of Columbia and approved by the District of Columbia Financial Responsibility and Management Assistance Authority, shall take effect on the date of such approval or the date of the enactment of this Act, whichever is later.

SEC. 149. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 150. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—(1) None of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except in the case of a police officer who resides in the District of Columbia).

(2) The Chief Financial Officer of the District of Columbia shall submit, by December 15, 1997, an inventory, as of September 30, 1997, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

(b) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 1998 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(c) RESTRICTING PROVIDERS FROM WHOM EMPLOYEES MAY RECEIVE DISABILITY COMPENSATION SERVICES.—

(1) IN GENERAL.—Section 2303(a) of the District of Columbia Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–624.3(a)) is amended by striking paragraph (3) and all that follows and inserting the following:

"(3) By or on the order of the District of Columbia government medical officers and hospitals, or by or on the order of a physician or managed care organization designated or approved by the Mayor.".

(2) SERVICES FURNISHED.—Section 2303 of such Act (D.C. Code, sec. 1–624.3) is amended by adding at the end the following new subsection:

"(c)(1) An employee to whom services, appliances, or supplies are furnished pursuant to subsection (a) shall be provided with such services, appliances, and supplies (including reasonable transportation incident thereto) by a managed care organization or other health care provider designated by the Mayor, in accordance with such rules, regulations, and instructions as the Mayor considers appropriate.

"(2) Any expenses incurred as a result of furnishing services, appliances, or supplies which are authorized by the Mayor under paragraph (1) shall be paid from the Employees' Compensation Fund.

"(3) Any medical service provided pursuant to this subsection shall be subject to utilization review under section 2323.".

(3) REPEAL PENALTY FOR DELAYED PAYMENT OF COMPENSATION.—Section 2324 of such Act (D.C. Code, sec. 1–624.24) is amended by striking subsection (c).

(4) DEFINITIONS.—Section 2301 of such Act (D.C. Code, sec. 1–624.1) is amended—

(A) in the first sentence of subsection (c), by inserting "and as designated by the Mayor to provide services to injured employees" after "State law"; and

(B) by adding at the end the following new subsection:

"(r)(1) The term 'managed care organization' means an organization of physicians and allied health professionals organized to and capable of providing systematic and comprehensive medical care and treatment of injured employees which is designated by the Mayor to provide such care and treatment under this title.

"(2) The term 'allied health professional' means a medical care provider (including a nurse, physical therapist, laboratory technician, X-ray technician, social worker, or other provider who provides such care within the scope of practice under applicable law) who is employed by or affiliated with a managed care organization.".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services, supplies, or appliances furnished under title XXIII of the District of Columbia Merit Personnel Act of 1978 on or after the date of the enactment of this Act.

(d) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), as amended by section 140(b) of the District of Columbia Appropriations Act, 1997 (Public Law 104–194), is amended by adding at the end the following new section:

"(b) Prior to February 1, 1998, each personnel authority (other than a personnel authority of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997) shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to one round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(f) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except that—

"(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977 (D.C. Code, sec. 1–2543); and

"(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) were not properly applied.

"(g) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

"(1) four years for an employee who qualified for veterans preference under this Act, and

"(2) three years for an employee who qualified for residency preference under this Act.

"(h) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

"(i) With respect to agencies which are not subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1998 or upon the delivery of termination notices to individual employees.

"(j) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this Act shall not be deemed negotiable.

"(k) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1998, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section.

"(l) In the case of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the authority provided by this section shall be exercised to carry out the agency's management reform plan, and this section shall otherwise be implemented solely in a manner consistent with such plan.".

SEC. 151. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or

shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 152. (a) CAP ON STIPENDS OF RETIREMENT BOARD MEMBERS.—Section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking the period at the end and inserting the following: ", and the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000.".

(b) RESUMPTION OF CERTAIN TERMINATED ANNUITIES PAID TO CHILD SURVIVORS OF DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS.—

(1) IN GENERAL.—Subsection (k)(5) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–622(e)) is amended by adding at the end the following new subparagraph:

"(D) If the annuity of a child under subparagraph (A) or subparagraph (B) terminates because of marriage and such marriage ends, the annuity shall resume on the first day of the month in which it ends, but only if the individual is not otherwise ineligible for the annuity.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any termination of marriage taking effect on or after November 1, 1993, except that benefits shall be payable only with respect to amounts accruing for periods beginning on the first day of the month beginning after the later of such termination of marriage or such date of enactment.

SEC. 153. (a) IN GENERAL.—The Council of the District of Columbia shall annually review and adjust the amount of the monthly assistance payment that may be made under the Temporary Assistance for Needy Families Program so that such payment is comparable with the monthly assistance payments made under such program in Maryland and Virginia counties that are contiguous to the District of Columbia.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to fiscal year 1998 and each succeeding fiscal year.

SEC. 154. Effective as if included in the enactment of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, section 517 of such Act (110 Stat. 1321–248) is amended by striking "October 1, 1991" and inserting "the date of the enactment of this Act".

SEC. 155. REQUIRING PLACEMENT OF INSPECTOR GENERAL HOTLINE ON PERMIT AND LICENSE APPLICATION FORMS.—

(1) IN GENERAL.—Each District of Columbia permit or license application form printed after the expiration of the 30-day period which begins on the date of the enactment of this Act shall include the telephone number established by the Inspector General of the District of Columbia for reporting instances of waste, fraud, and abuse, together with a brief description of the uses and purposes of such number.

(2) QUARTERLY REPORTS ON USE OF NUMBER.—Not later than 10 days after the end of such calendar quarter of each fiscal year (beginning with fiscal year 1998), the Inspector General of the District of Columbia shall submit a report to Congress on the number and nature of the calls received through the telephone number described in paragraph (1) during the quarter and on the waste, fraud, and abuse detected as a result of such calls.

SEC. 156. (a) IN GENERAL.—Notwithstanding any other provision of law (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement) or collective bargaining agreement, any payment made by the District of Columbia after the expiration of the 45-day period which begins on the date of the enactment of this Act to any person shall be made by—

(1) direct deposit through electronic funds transfer to a checking, savings, or other account designated by the person; or

(2) a check delivered through the United States Postal Service to the person's place of residence or business.

(b) REGULATIONS.—The Chief Financial Officer of the District of Columbia is authorized to issue rules to carry out this section.

SEC. 157. (a) DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.—

(1) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by section 11601(b)(2) of the Balanced Budget Act of 1997, is amended by inserting after section 204 the following new section:

"SEC. 205. DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.

"(a) IN GENERAL.—

"(1) DEPOSIT INTO ESCROW ACCOUNT.—In the case of a fiscal year which is a control year, the Secretary of the Treasury shall deposit any Federal contribution to the District of Columbia for the year authorized under section 11601(c)(2) of the Balanced Budget Act of 1997 into an escrow account held by the Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year. In establishing such terms and conditions, the Authority shall give priority to using the Federal contribution for cash flow management and the payment of outstanding bills owed by the District government.

"(2) EXCEPTION FOR AMOUNTS WITHHELD FOR ADVANCES.—Paragraph (1) shall not apply with respect to any portion of the Federal contribution which is withheld by the Secretary of the Treasury in accordance with section 605(b)(2) of title VI of the District of Columbia Revenue Act of 1939 to reimburse the Secretary for advances made under title VI of such Act.

"(b) EXPENDITURE OF FUNDS FROM ACCOUNT IN ACCORDANCE WITH AUTHORITY INSTRUCTIONS.—Any funds allocated by the Authority to the Mayor from the escrow account described in paragraph (1) may be expended by the Mayor only in accordance with the terms and conditions established by the Authority at the time the funds are allocated.".

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 204 the following new item:

"Sec. 205. Deposit of annual Federal contribution with Authority.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

(b) DISHONORED CHECK COLLECTION.—The Act entitled "An Act to authorize the Commissioners of the District of Columbia to prescribe penalties for the handling and collection of dishonored checks", approved September 28, 1965 (D.C. Code, sec. 1–357) is amended—

(1) in subsection (a) by inserting after the third sentence the following: "The Mayor may enter into a contract to collect the amount of the original obligation."; and

(2) by adding at the end the following new subsections:

"(c) In a case in which the amount of a dishonored or unpaid check is collected as a result of a contract, the Mayor shall collect any costs or expenses incurred to collect such amount from such person who gives or causes to be given, in payment of any obligation or liability due the government of the District of Columbia, a check which is subsequently dishonored or not duly paid. In a case in which the amount of a dishonored or unpaid check is collected as a result of an action at law or in equity, such costs and expenses shall include litigation expenses and attorney's fees.

"(d) An action at law or in equity for the recovery of any amount owed to the District as a result of subsection (c), including any litigation expenses or attorney's fees may be initiated—

"(1) by the Corporation Counsel of the District of Columbia; or

"(2) in a case in which the Corporation Counsel does not exercise his or her authority, by the person who provides collection services as a result of a contract with the Mayor.

"(e) Nothing in this section may be construed to eliminate the Mayor's exclusive authority with respect to any obligations and liabilities of the District of Columbia.".

(c) CONFORMING REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Section 4(28A) of the District of Columbia Income and Franchise Act of 1947 (D.C. Code, sec. 47–1801.4(28A)) is amended to read as follows:

"(28A) The term 'Internal Revenue Code of 1986' means the Internal Revenue Code of 1986 (100 Stat. 2085; 26 U.S.C. 1 et seq.), as amended through August 20, 1996. The provisions of the Internal Revenue Code of 1986 shall be effective on the same dates that they are effective for Federal tax purposes.".

(d) STANDARD FOR REVIEW OF RECOMMENDATIONS OF BUSINESS REGULATORY REFORM COMMISSION IN REVIEW OF REGULATIONS BY AUTHORITY.—Section 11701(a)(1) of the Balanced Budget Act of 1997 is amended by striking the second sentence and inserting the following: "In carrying out such review, the Authority shall include an explicit reference to each recommendation made by the Business Regulatory Reform Commission pursuant to the Business Regulatory Reform Commission Act of 1994 (D.C. Code, sec. 2–4101 et seq.), together with specific findings and conclusions with respect to each such recommendation.".

(e) TECHNICAL CORRECTIONS RELATING TO BALANCED BUDGET ACT OF 1997.—(1) Effective as if included in the enactment of the Balanced Budget Act of 1997, section 453(c) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–304.1(c)), as amended by section 11243(d) of the Balanced Budget Act of 1997, is amended to read as follows:

"(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the Council, the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, or the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996.".

(2) Section 11201(g)(2)(A)(ii) of the Balanced Budget Act of 1997 is amended—

(A) in the heading, by striking "DEPARTMENT OF PARKS AND RECREATION" and inserting "PARKS AUTHORITY"; and

(B) by striking "Department of Parks and Recreation" and inserting "Parks Authority".

(f) REPEAL OF PRIOR NOTICE REQUIREMENT FOR FEDERAL ACTIVITIES AFFECTING REAL PROPERTY IN DISTRICT OF COLUMBIA.—Effective October 1, 1997, the Balanced Budget Act of 1997 (Public Law 105–33) is amended by striking section 11715.

SEC. 158. Notwithstanding any provision of any Federally-granted charter or any other provision of law, the real property of the National Education Association located in the District of Columbia shall be subject to taxation by the District of Columbia in the same manner as any similar organization.

SEC. 159. (a) Section 501(c)(4) of the District of Columbia Police and Firemen's Act of 1958 (D.C. Code, sec. 4–416(c)(4)) is amended by striking "locality pay" and inserting "longevity pay".

(b) The amendment made by subsection (a) is effective on the date of enactment of Public Law 105–61.

SEC. 160. In addition to amounts appropriated or otherwise made available, $3,000,000 is appropriated for the purpose of funding a Medicare Coordinated Care Demonstration Project in the District of Columbia as specified in section 4016(b)(2)(C) of the Balanced Budget Act of 1997.

SEC. 161. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as "Authority"). Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 162. Effective as if included in the enactment of subtitle J of title IV of the Balanced Budget Act of 1997 (Public Law 105–33) the Social Security Act is amended as follows:

(1) The fourth sentence of section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by inserting "for the State for a fiscal year, and that do not exceed the amount of the State's allotment under section 2104 (not taking into account reductions under section 2104(d)(2)) for the fiscal year reduced by the amount of any payments made under section 2105 to the State from such allotment for such fiscal year," after "subsection (u)(3)".

(2) Section 1905(u) of such Act (42 U.S.C. 1396d(u)) is amended—

(A) in paragraph (1)(B), by striking "paragraph (2)" and inserting "the fourth sentence of subsection (b)";

(B) in paragraph (2)(A), by striking "(C), but not in excess" and all that follows up to the period at the end and inserting "(B)";

(C) by striking subparagraphs (B) and (C) of paragraph (2) and inserting the following:

"(B) For purposes of this paragraph, the term 'optional targeted low-income child' means a targeted low-income child as defined in section 2110(b)(1) (determined without regard to that portion of subparagraph (C) of such section concerning eligibility for medical assistance under this title) who would not qualify for medical assistance under the State plan under this title as in effect on March 31, 1997 (but taking into account the expansion of age of eligibility effected through the operation of section 1902(l)(1)(D)).";

(D) in paragraph (3)—

(i) by striking "described in this subparagraph" and inserting "described in this paragraph"; and

(ii) by striking "April 15, 1997" and inserting "March 31, 1997"; and

(E) by adding at the end the following:

"(4) The limitations on payment under subsections (f) and (g) of section 1108 shall not apply to Federal payments made under section 1903(a)(1) based on an enhanced FMAP described in section 2105(b).".

(3) Section 2110(b) of such Act (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(B)(ii) to read as follows:

"(ii) is a child—

"(I) whose family income (as determined under the State child health plan)) exceeds the medicaid applicable income level (as defined in paragraph (4)), but does not exceed 50 percentage points above the medicaid applicable income level;

"(II) whose family income (as so determined) does not exceed the medicaid applicable income level (as defined in paragraph (4) but determined as if 'June 1, 1997' were substituted for 'March 31, 1997'); or

"(III) who resides in a State that does not have a medicaid applicable income level (as defined in paragraph (4)); and"; and

(B) in paragraph (4)—

(i) by striking "June 1, 1997" and inserting "March 31, 1997"; and

(ii) by inserting "or 1905(n)(2) (as selected by a State)" after "1902(l)(2)".

(4) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by striking "or 1905(p)(1)" and inserting "1905(p)(1), or 1905(u)".

(5) Section 2105(c)(2)(A) of such Act (42 U.S.C. 1397ee(c)(2)(A)) is amended to read as follows—

"(A) IN GENERAL.—Except as provided in this paragraph, payment shall not be made under subsection (a) for expenditures for items described in subsection (a) (other than paragraph (1)) for a fiscal year to the extent the total of such expenditures (for which payment is made under such subsection) exceeds 10 percent of the sum of—

"(i) the total of such expenditures for such fiscal year, and

"(ii) the total expenditures for medical assistance by the State under title XIX for which Federal payments made under section 1903(a)(1) are based on an enhanced FMAP described in section 2105(b) for such fiscal year.".

(6) Section 2104 of such Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (d)(1), by striking "for calendar quarters" and inserting "for expenditures claimed by the State"; and

(B) by striking subsection (d)(2) and inserting the following:

"(2) the amount (if any) of the payments made to that State under section 1903(a) for expenditures claimed by the State during such fiscal year that is attributable to the provision of medical assistance to a child for which payment is made under section 1903(a)(1) on the basis of an enhanced FMAP under the fourth sentence of section 1905(b).".

(7) Section 2105 of such Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

"(f) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing in this section or subsections (e) and (f) of section 2104 shall be construed as preventing a State from claiming as expenditures in the quarter expenditures that were incurred in a previous quarter.".

(8) Section 2104 of such Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a)(1), by striking "$4,275,000,000" and inserting "$4,295,000,000";

(B) in subsection (b)(4), by striking "Subject to paragraph (5), in" and inserting "In"; and

(C) in subsection (c)—

(i) in paragraph (2)(C), by inserting "the" before "Virgin Islands", and

(ii) in paragraphs (3)(C) and (3)(E), by striking "the" and inserting "The".

(9) Section 2110(c)(3) of such Act (42 U.S.C. 1397jj(c)(3)) is amended by striking "2191" and inserting "2791".

SEC. 163. The Administrator of General Services is authorized to amend the use restriction contained in the Administrator's 1956 conveyance of land to the City of Bonham, Texas, mandated by Public Law 586 of the 84th Congress. The amended use restriction will limit the property to state veterans, nursing homes and public safety communications purposes only.

SEC. 164. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 165. There are appropriated from such funds of the District of Columbia, as are deemed appropriate by the District of Columbia Financial Responsibility and Management Assistance Authority, $2,600,000, for the Fire and Emergency Medical Services Department for a 5 percent pay increase for uniformed fire fighters.

SEC. 166. During fiscal year 1998, from funds available to the Department of Defense, up to $800,000 is available to the Department of Defense to compensate persons who have suffered documented commercial loss of cranberry crops in 1997 in the Mashpee or Falmouth bogs, located on the Quashnet and Coonamessett Rivers, respectively, as a result of the presence of ethylene dibromide (EDB) in or on cranberries from either of the plumes of EDB-contaminated groundwater known as "FS 28" and "FS–1" adjacent to the Massachusetts Military Reservation, Cape Cod, Massachusetts.

TITLE II—CLARIFICATION OF ELIGIBILITY FOR RELIEF FROM REMOVAL AND DEPORTATION FOR CERTAIN ALIENS

SEC. 201. SHORT TITLE.—This title may be cited as the "Nicaraguan Adjustment and Central American Relief Act".

SEC. 202. ADJUSTMENT OF STATUS OF CERTAIN NICARAGUANS AND CUBANS. (a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2000; and

(B) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The benefits provided by subsection (a) shall apply to any alien who is a national of Nicaragua or Cuba and who has been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under such subsection is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

(2) PROOF OF COMMENCEMENT OF CONTINUOUS PRESENCE.—For purposes of establishing that the period of continuous physical presence referred to in paragraph (1) commenced not later than December 1, 1995, an alien—

(A) shall demonstrate that the alien, prior to December 1, 1995—

(i) applied to the Attorney General for asylum;

(ii) was issued an order to show cause under section 242 or 242B of the Immigration and Nationality Act (as in effect prior to April 1, 1997);

(iii) was placed in exclusion proceedings under section 236 of such Act (as so in effect);

(iv) applied for adjustment of status under section 245 of such Act;

(v) applied to the Attorney General for employment authorization;

(vi) performed service, or engaged in a trade or business, within the United States which is evidenced by records maintained by the Commissioner of Social Security; or

(vii) applied for any other benefit under the Immigration and Nationality Act by means of an application establishing the alien's presence in the United States prior to December 1, 1995; or

(B) shall make such other demonstration of physical presence as the Attorney General may provide for by regulation.

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien subject to a final order of deportation or removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an "employment authorized" endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Nicaragua or Cuba;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that they have been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under this subsection is filed;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed;

(D) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply; and

(E) applies for such adjustment before April 1, 2000.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien—

(A) shall demonstrate that such period commenced not later than December 1, 1995, in a manner consistent with subsection (b)(2); and

(B) shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period in the aggregate not exceeding 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

SEC. 203. MODIFICATION OF CERTAIN TRANSITION RULES. (a) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—

(1) IN GENERAL.—Section 309(c)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–627) is amended to read as follows:

"(5) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act (relating to continuous residence or physical presence) shall apply to orders to show cause (including those referred to in section 242B(a)(1) of the Immigration and Nationality Act, as in effect before the title III–A effective date), issued before, on, or after the date of the enactment of this Act.

"(B) EXCEPTION FOR CERTAIN ORDERS.—In any case in which the Attorney General elects to terminate and reinitiate proceedings in accordance with paragraph (3) of this subsection, paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act shall not apply to an order to show cause issued before April 1, 1997.

"(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION.—

"(i) IN GENERAL.—For purposes of calculating the period of continuous physical presence under section 244(a) of the Immigration and Nationality Act (as in effect before the title III–A effective date) or section 240A of such Act (as in effect after the title III–A effective date), subparagraph (A) and paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act shall not apply in the case of an alien, regardless of whether the alien is in exclusion or deportation proceedings before the title III–A effective date, who has not been convicted at any time of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act) and—

"(I) was not apprehended after December 19, 1990, at the time of entry, and is—

"(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the settlement agreement in American Baptist Churches, et al. v. Thornburgh (ABC), 760 F. Supp. 796 (N.D. Cal. 1991) on or before October 31, 1991, or applied for temporary protected status on or before October 31, 1991; or

"(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to such settlement agreement on or before December 31, 1991;

"(II) is a Guatemalan or Salvadoran national who filed an application for asylum with the Immigration and Naturalization Service on or before April 1, 1990;

"(III) is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act) of an individual, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such individual, if the individual has been determined to be described in this clause (excluding this subclause and subclause (IV));

"(IV) is the unmarried son or daughter of an alien parent, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such alien parent, if—

"(aa) the alien parent has been determined to be described in this clause (excluding this subclause and subclause (III)); and

"(bb) in the case of a son or daughter who is 21 years of age or older at the time such decision is rendered, the son or daughter entered the United States on or before October 1, 1990; or

"(V) is an alien who entered the United States on or before December 31, 1990, who filed an application for asylum on or before December 31, 1991, and who, at the time of filing such application, was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia.

"(ii) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether an alien satisfies the requirements of this clause (i) is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of section 242(a)(2)(B) of the Immigration and Nationality Act (as in effect after the title III–A effective date) to other eligibility determinations pertaining to discretionary relief under this Act.".

(2) CONFORMING AMENDMENT.—Subsection (c) of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–625) is amended by striking the subsection designation and the subsection heading and inserting the following:

"(c) TRANSITION FOR CERTAIN ALIENS.—".

(b) SPECIAL RULE FOR CANCELLATION OF REMOVAL.—Section 309 of the Illegal Immigration

Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–625) is amended by adding at the end the following:

''(f) SPECIAL RULE FOR CANCELLATION OF REMOVAL.—

''(1) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (as in effect after the title III–A effective date), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (but including section 242(a)(2)(B) of such Act), the Attorney General may, under section 240A of such Act, cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States, if the alien applies for such relief, the alien is described in subsection (c)(5)(C)(i) of this section, and—

''(A) the alien—

''(i) is not inadmissible or deportable under paragraph (2) or (3) of section 212(a) or paragraph (2), (3), or (4) of section 237(a) of the Immigration and Nationality Act and is not an alien described in section 241(b)(3)(B)(i) of such Act;

''(ii) has been physically present in the United States for a continuous period of not less than 7 years immediately preceding the date of such application;

''(iii) has been a person of good moral character during such period; and

''(iv) establishes that removal would result in extreme hardship to the alien or to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

''(B) the alien—

''(i) is inadmissible or deportable under section 212(a)(2), 237(a)(2) (other than 237(a)(2)(A)(iii)), or 237(a)(3) of the Immigration and Nationality Act;

''(ii) is not an alien described in section 241(b)(3)(B)(i) or 101(a)(43) of such Act;

''(iii) has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for removal;

''(iv) has been a person of good moral character during such period; and

''(v) establishes that removal would result in exceptional and extremely unusual hardship to the alien or to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—Section 240A(d)(2) shall apply for purposes of calculating any period of continuous physical presence under this subsection, except that the reference to subsection (b)(1) in such section shall be considered to be a reference to paragraph (1) of this section.''.

(c) MOTIONS TO REOPEN DEPORTATION OR REMOVAL PROCEEDINGS.—Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–625), as amended by subsection (b), is further amended by adding at the end the following:

''(g) MOTIONS TO REOPEN DEPORTATION OR REMOVAL PROCEEDINGS.—Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act)), any alien who has become eligible for cancellation of removal or suspension of deportation as a result of the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act may file one motion to reopen removal or deportation proceedings to apply for cancellation of removal or suspension of deportation. The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of the Nicaraguan Adjustment and Central American Relief Act and shall extend for a period not to exceed 240 days.''.

(d) TEMPORARY REDUCTION IN DIVERSITY VISAS.—

(1) Beginning in fiscal year 1999, subject to paragraph (2), the number of visas available for a fiscal year under section 201(e) of the Immigration and Nationality Act shall be reduced by 5,000 from the number of visas available under that section for such fiscal year.

(2) In no case shall the reduction under paragraph (1) for a fiscal year exceed the amount by which—

(A) one-half of the total number of individuals described in subclauses (I), (II), (III), and (IV) of section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 who have adjusted their status to that of aliens lawfully admitted for permanent residence under the Nicaraguan Adjustment and Central American Relief Act as of the end of the previous fiscal year exceeds—

(B) the total of the reductions in available visas under this subsection for all previous fiscal years.

(e) TEMPORARY REDUCTION IN OTHER WORKERS' VISAS.—

(1) Beginning in the fiscal year following the fiscal year in which a visa has been made available under section 203(b)(3)(A)(iii) of the Immigration and Nationality Act for all aliens who are the beneficiary of a petition approved under section 204 of such Act as of the date of the enactment of this Act for classification under section 203(b)(3)(A)(iii) of such Act, subject to paragraph (2), visas available under section 203(b)(3)(A)(iii) of that Act shall be reduced by 5,000 from the number of visas otherwise available under that section for such fiscal year.

(2) In no case shall the reduction under paragraph (1) for a fiscal year exceed the amount by which—

(A) the number computed under subsection (d)(2)(A), exceeds—

(B) the total of the reductions in available visas under this subsection for all previous fiscal years.

(f) EFFECTIVE DATE.—The amendments made by this section to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 shall take effect as if included in the enactment of such Act.

SEC. 204. LIMITATION ON CANCELLATIONS OF REMOVAL AND SUSPENSIONS OF DEPORTATION.

(a) ANNUAL LIMITATION.—Section 240A(e) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)) is amended to read as follows:

''(e) ANNUAL LIMITATION.—

''(1) AGGREGATE LIMITATION.—Subject to paragraphs (2) and (3), the Attorney General may not cancel the removal and adjust the status under this section, nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), of a total of more than 4,000 aliens in any fiscal year. The previous sentence shall apply regardless of when an alien applied for such cancellation and adjustment, or such suspension and adjustment, and whether such an alien had previously applied for suspension of deportation under such section 244(a). The numerical limitation under this paragraph shall apply to the aggregate number of decisions in any fiscal year to cancel the removal (and adjust the status) of an alien, or suspend the deportation (and adjust the status) of an alien, under this section or such section 244(a).

''(2) FISCAL YEAR 1997.—For fiscal year 1997, paragraph (1) shall only apply to decisions to cancel the removal of an alien, or suspend the deportation of an alien, made after April 1, 1997. Notwithstanding any other provision of law, the Attorney General may cancel the removal or suspend the deportation, in addition to the normal allotment for fiscal year 1998, of a number of aliens equal to 4,000 less the number of such cancellations of removal and suspensions of deportation granted in fiscal year 1997 after April 1, 1997.

''(3) EXCEPTION FOR CERTAIN ALIENS.—Paragraph (1) shall not apply to the following:

''(A) Aliens described in section 309(c)(5)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by the Nicaraguan Adjustment and Central American Relief Act).

''(B) Aliens in deportation proceedings prior to April 1, 1997, who applied for suspension of deportation under section 244(a)(3) (as in effect before the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).''.

(b) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended in each of paragraphs (1) and (2) by striking ''may cancel removal in the case of an alien'' and inserting ''may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien''.

(c) RECORDATION OF DATE.—Section 240A(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(3)) is amended to read as follows:

''(3) RECORDATION OF DATE.—With respect to aliens who the Attorney General adjusts to the status of an alien lawfully admitted for permanent residence under paragraph (1) or (2), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of the Attorney General's cancellation of removal under paragraph (1) or (2).''.

(d) APRIL 1 EFFECTIVE DATE FOR AGGREGATE LIMITATION.—Section 309(c)(7) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–627) is amended to read as follows:

''(7) LIMITATION ON SUSPENSION OF DEPORTATION.—After April 1, 1997, the Attorney General may not suspend the deportation and adjust the status under section 244 of the Immigration and Nationality Act (as in effect before the title III–A effective date) of any alien in any fiscal year, except in accordance with section 240A(e) of such Act. The previous sentence shall apply regardless of when an alien applied for such suspension and adjustment.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–546).

This division may be cited as the ''District of Columbia Appropriations Act, 1998''.

DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $76,199,000, of

which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $7,860,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1997: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $20,000,000 to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this heading shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

In addition, for necessary expenses, as determined by the Attorney General, $32,700,000, to remain available until expended, to reimburse departments and agencies of the Federal Government for any costs incurred in connection with—

(1) counterterrorism technology research and development;

(2) providing training and related equipment for chemical, biological, nuclear, and cyber attack prevention and response capabilities to State and local law enforcement agencies; and

(3) providing bomb training and response capabilities to State and local law enforcement agencies.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $70,007,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $59,251,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,211,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: Provided, That up to one-tenth of one percent of the Department of Justice's allocation from the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other review of such grant programs, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,009,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $444,200,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That, of the funds appropriated under this heading, such funds as may be necessary for the orderly termination of the Ounce of Prevention Council.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $7,969,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $75,495,000: Provided, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $5,495,000: Provided further, That any fees received in excess of $70,000,000 in fiscal year 1998, shall remain available until expended, but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental and cooperative agreements, $972,460,000; of which not to exceed $2,500,000 shall be available until September 30, 1999, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $1,200,000 for the design, development, and implementation of an information systems strategy for D.C. Superior Court shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That not to exceed $2,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes, including bank robbery and carjacking, and drug trafficking: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,948 positions and 9,113 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d) and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $62,828,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $114,248,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $114,248,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the Fund estimated at $0: Provided further, That any such fees collected in excess of $114,248,000 in fiscal year 1998 shall remain available until expended but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,226,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for

the current fiscal year, $467,833,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and not to exceed $2,200,000 to support the Justice Prisoner and Alien Transportation System, shall remain available until expended: Provided, That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $25,553,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $405,262,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $75,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000 and, in addition, up to $2,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $4,381,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $294,967,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,094 passenger motor vehicles, of which 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,750,921,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 1999; of which not less than $221,050,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) as amended ("the 1994 Act"), and the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"), $179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; $57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act; $4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; $9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and $5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $44,506,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $723,841,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 1999; and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $403,537,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $8,000,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,904, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility; $1,658,886,000 of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 1998: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis: Provided further, That not to exceed 43 permanent positions and 43 full-time equivalent workyears and $4,167,000 shall be expended for the Office of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That beginning seven calendar days after the enactment of this Act and for each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used by the INS to accept, for the purpose of conducting criminal background checks on applications for any benefit under the Immigration and Nationality Act, any FD–258 fingerprint card which has been prepared by or received from any individual or entity other than an office of the Immigration and Naturalization Service with the following exceptions—(1) State and local law enforcement agencies and (2) United States consular offices at United States embassies and consulates abroad under the jurisdiction of the Department of State or United States military offices under the jurisdiction of the Department of Defense authorized to perform fingerprinting services to prepare FD–258 fingerprint cards for applicants residing abroad applying for immigration benefits: Provided further, That agencies may collect and retain a fee for fingerprinting services: Provided further, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears after July 1, 1998: Provided further, That notwithstanding any other provision of law, during fiscal year 1998, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or Department Leadership on any matter.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $607,206,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $75,959,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 834, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,823,642,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 for the activation of new facilities shall remain available until September 30, 1999: Provided further, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $26,135,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $255,133,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further, That, of the total amount appropriated, not to exceed $2,300,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,266,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, and sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, $173,600,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524); of which $25,000,000 is for the National Sexual Offender Registry.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $512,500,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $46,500,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, of which $2,097,000 shall be available to the Executive Office of United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $2,383,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That $20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; of which $45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $34,500,000 shall be available as authorized by section 1001 of title I of the 1968 Act, to carry out the provisions of subpart 1, part E of title I of the 1968 Act notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $720,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $25,000,000 shall be available for the Cooperative Agreement Program: Provided further, That funds made available for Violent Offender Incarceration and Truth in Sentencing Incentive Grants to the State of California may, at the discretion of the recipient, be used for payments for the incarceration of criminal aliens; of which $7,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $172,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $12,000,000 which shall be used exclusively for the purpose of strengthening civil and criminal legal assistance programs for victims of domestic violence: Provided further, That, of these funds, $7,000,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women and $853,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court; of which $59,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $2,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $2,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $12,500,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $750,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $30,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,500,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act: Provided further, That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

JUVENILE BLOCK GRANTS

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Juvenile Justice Block Grant Program, $230,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: Provided, That none of the funds appropriated or otherwise made available by this Act for "Juvenile Block Grants" may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $33,500,000, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Gambling Impact Study Commission, $1,000,000, to remain available until expended.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That not to exceed 186 permanent positions and 186 full-time equivalent workyears and $20,553,000 shall be expended for program management and administration: Provided further, That of the unobligated balances available in this program, $103,000,000 shall be used for innovative community policing programs, of which $38,000,000 shall be used for a law enforcement technology program of which $10,000,000 is for the North Carolina Criminal Justice Information Network, $1,000,000 shall be used for police recruitment programs authorized under subtitle H of title III of the 1994 Act, $34,000,000 shall be used for policing initiatives to combat methamphetamine production and trafficking, $12,500,000 shall be used for the Community Policing to Combat Domestic Violence Program pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, $17,500,000 shall be used for other innovative community policing

programs, such as programs to improve the safety of elementary and secondary school children, reduce crime on or near elementary and secondary school grounds and policing initiatives in drug "hot spots".

In addition, for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $201,672,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which (1) notwithstanding any other provision of law, $5,922,000 shall be available for expenses authorized by part A of title II of the Act, $96,500,000 shall be available for expenses authorized by part B of title II of the Act, and $45,250,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than one year after date of application) policies and programs that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $12,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs: Provided further, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

In addition, for grants, contracts, cooperative agreements, and other assistance, $5,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, $25,000,000 shall be available for grants of $360,000 to each state and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $2,000,000 for the Federal Law Enforcement Education Assistance Program, as authorized by section 1212 of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132, 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly-advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking "1996" and inserting "1997 and thereafter".

SEC. 109. (a) Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2), by striking "the next" and inserting "The first".

(b) Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by section (a) shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof and may be used by the Director of the Office for Victims of Crime to improve services for the benefit of crime victims, including the processing and tracking of criminal monetary penalties and related litigation activities, in the Federal criminal justice system.

SEC. 110. The Immigration and Nationality Act of 1952, as amended, is further amended—

(a) by striking entirely section 286(s);

(b) in section 286(r) by—

(1) adding ", and amount described in section 245(i)(3)(b)" after "recovered by the Department of Justice" in subsection (2);

(2) replacing "Immigration and Naturalization Service" with "Attorney General" in subsection (3); and

(3) striking subsection (4), and replacing it with "The amounts required to be refunded from the Fund for fiscal year 1998 and thereafter shall be refunded in accordance with estimates made in the budget request of the President for those fiscal years. Any proposed changes in the amounts designated in such budget requests shall only be made after Congressional reprogramming notification in accordance with the reprogramming guidelines for the applicable fiscal year."; and

(c) in section 245(i)(3)(B), by replacing "Immigration Detention Account established under section 286(s)" with "Breached Bond/Detention Fund established under section 286(r)".

SEC. 111. (a) LIMITATION ON ELIGIBILITY UNDER SECTION 245(i).—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking "(i)(1)" through "The Attorney General" and inserting the following:

"(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States—

"(A) who—

"(i) entered the United States without inspection; or

"(ii) is within one of the classes enumerated in subsection (c) of this section; and

"(B) who is the beneficiary of a petition for classification under section 204 that was filed with the Attorney General or the Department of Labor for labor certification pursuant to section 212(a)(5)(i) on or before the date of the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General".

(b) REPEAL OF SUNSET FOR SECTION 245(i).—Section 506(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 103–317; 108 Stat. 1766) is amended to read as follows:

"(c) The amendment made by subsection (a) shall take effect on October 1, 1994, and shall cease to have effect on October 1, 1997. The amendment made by subsection (b) shall take effect on October 1, 1994.".

(c) INAPPLICABILITY OF SECTION 245(c)(2) FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)(2), by inserting "subject to subsection (k)," after "(2)"; and

(2) by adding at the end the following:

"(k) An alien is eligible to receive an immigrant visa under paragraph (1), (2), or (3) of section 203(b) or, in the case of an alien who is an immigrant described in section 101(a)(27)(C), under section 203(b)(4) pursuant to subsection (a) and notwithstanding subsection (c)(2), if—

"(1) the alien, on the date of filing an application for adjustment of status, is present in the United States pursuant to a lawful admission;

"(2) the alien, subsequent to such lawful admission has not, for an aggregate period exceeding 180 days—

"(A) failed to maintain, continuously, a lawful status;

"(B) engaged in unauthorized employment; or

"(C) otherwise violated the terms and conditions of the alien's admission.".

SEC. 112. (a) SHORT TITLE.—This section may be cited as the "Philippine Army, Scouts, and Guerilla Veterans of World War II Naturalization Act of 1997".

(b) IN GENERAL.—Section 405 of the Immigration and Nationality Act of 1990 (8 U.S.C. 1440 note) is amended—

(1) by striking subparagraph (B) of subsection (a)(1) and inserting the following:

"(B) who—

"(i) is listed on the final roster prepared by the Recovered Personnel Division of the United States Army of those who served honorably in an active duty status within the Philippine Army during the World War II occupation and liberation of the Philippines,

"(ii) is listed on the final roster prepared by the Guerilla Affairs Division of the United States Army of those who received recognition as having served honorably in an active duty status within a recognized guerilla unit during the World War II occupation and liberation of the Philippines, or

"(iii) served honorably in an active duty status within the Philippine Scouts or within any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946;";

(2) by adding at the end of subsection (a) the following new paragraph:

"(3)(A) For purposes of the second sentence of section 329(a) and section 329(b)(3) of the Immigration and Nationality Act, the executive department under which a person served shall be—

"(i) in the case of an applicant claiming to have served in the Philippine Army, the United States Department of the Army;

"(ii) in the case of an applicant claiming to have served in a recognized guerilla unit, the United States Department of the Army; or

"(iii) in the case of an applicant claiming to have served in the Philippine Scouts or any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946, the United States executive department (or successor thereto) that exercised supervision over such component.

"(B) An executive department specified in subparagraph (A) may not make a determination under the second sentence of section 329(a) with respect to the service or separation from service of a person described in paragraph (1) except pursuant to a request from the Service."; and

(3) by adding at the end the following new subsection:

"(d) IMPLEMENTATION.—(1) Notwithstanding any other provision of law, for purposes of the naturalization of natives of the Philippines under this section—

"(A) the processing of applications for naturalization, filed in accordance with the provisions of this section, including necessary interviews, shall be conducted in the Philippines by employees of the Service designated pursuant to section 335(b) of the Immigration and Nationality Act; and

"(B) oaths of allegiance for applications for naturalization under this section shall be administered in the Philippines by employees of the Service designated pursuant to section 335(b) of that Act.

"(2) Notwithstanding paragraph (1), applications for naturalization, including necessary interviews, may continue to be processed, and oaths of allegiance may continue to be taken in the United States.".

(c) REPEAL.—Section 113 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1440 note), is repealed.

(d) EFFECTIVE DATE; TERMINATION DATE.—

(1) APPLICATION TO PENDING APPLICATIONS.—The amendments made by subsection (b) shall apply to applications filed before February 3, 1995.

(2) TERMINATION DATE.—The authority provided by the amendments made by subsection (b) shall expire February 3, 2001.

SEC. 113. Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

"(J) an immigrant who is present in the United States—

"(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;

"(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

"(iii) in whose case the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;

Except that—

"(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction; and

"(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or".

SEC. 114. Not to exceed $200,000 of funds appropriated under section 1304 of title 31, United States Code, shall be available for payment pursuant to the Hearing Officer's Report in United States Court of Federal Claims No. 93-645X (June 3, 1996) (see 35 Fed. Cl. 99 (March 7, 1996)).

SEC. 115. (a) STANDARDS FOR SEX OFFENDER REGISTRATION PROGRAMS.—

(1) IN GENERAL.—Section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "with a designated State law enforcement agency"; and

(ii) in subparagraph (B), by striking "with a designated State law enforcement agency";

(B) by striking paragraph (2) and inserting the following:

"(2) DETERMINATION OF SEXUALLY VIOLENT PREDATOR STATUS; WAIVER; ALTERNATIVE MEASURES.—

"(A) IN GENERAL.—A determination of whether a person is a sexually violent predator for purposes of this section shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies.

"(B) WAIVER.—The Attorney General may waive the requirements of subparagraph (A) if the Attorney General determines that the State has established alternative procedures or legal standards for designating a person as a sexually violent predator.

"(C) ALTERNATIVE MEASURES.—The Attorney General may also approve alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth in this section regarding sexually violent predators.";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "that consists of—" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:";

(ii) in subparagraph (B), by striking "that consists of" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by"; and

(D) by adding at the end the following:

"(F) The term 'employed, carries on a vocation' includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

"(G) The term 'student' means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.".

(2) REQUIREMENTS UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—Section 170101(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)) is amended—

(A) in paragraph (1)—

(i) by striking the paragraph designation and heading and inserting the following:

"(1) DUTIES OF RESPONSIBLE OFFICIALS.—";

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "or in the case of probation, the court" and inserting "the court, or another responsible officer or official";

(II) in clause (ii), by striking "give" and all that follows before the semicolon and inserting "report the change of address as provided by State law"; and

(III) in clause (iii), by striking "shall register" and all that follows before the semicolon and inserting "shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence, and inform the person that the person must also register in a State where the person is employed, carries on a vocation, or is a student"; and

(iii) in subparagraph (B), by striking "or the court" and inserting ", the court, or another responsible officer or official";

(B) by striking paragraph (2) and inserting the following:

"(2) TRANSFER OF INFORMATION TO STATE AND FBI; PARTICIPATION IN NATIONAL SEX OFFENDER REGISTRY.—

"(A) STATE REPORTING.—State procedures shall ensure that the registration information is promptly made available to a law enforcement agency having jurisdiction where the person expects to reside and entered into the appropriate State records or data system. State procedures shall also ensure that conviction data and fingerprints for persons required to register are promptly transmitted to the Federal Bureau of Investigation.

"(B) NATIONAL REPORTING.—A State shall participate in the national database established under section 170102(b) in accordance with

guidelines issued by the Attorney General, including transmission of current address information and other information on registrants to the extent provided by the guidelines.";

(C) in paragraph (3)(A)—

(i) in the matter preceding clause (i), by striking "on each" and all that follows through "applies:" and inserting the following: "State procedures shall provide for verification of address at least annually."; and

(ii) by striking clauses (i) through (v);

(D) in paragraph (4), by striking "section reported" and all that follows before the period at the end and inserting the following: "section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is promptly made available to a law enforcement agency having jurisdiction where the person will reside and entered into the appropriate State records or data system";

(E) in paragraph (5), by striking "shall register" and all that follows before the period at the end and inserting "and who moves to another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided promptly to an agency responsible for registration in the new State, if that State requires registration"; and

(F) by adding at the end the following:

"(7) REGISTRATION OF OUT-OF-STATE OFFENDERS, FEDERAL OFFENDERS, PERSONS SENTENCED BY COURTS MARTIAL, AND OFFENDERS CROSSING STATE BORDERS.—As provided in guidelines issued by the Attorney General, each State shall include in its registration program residents who were convicted in another State and shall ensure that procedures are in place to accept registration information from—

"(A) residents who were convicted in another State, convicted of a Federal offense, or sentenced by a court martial; and

"(B) nonresident offenders who have crossed into another State in order to work or attend school.".

(3) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by redesignating subsections (c) through (f) as (d) through (g), respectively, and inserting after subsection (b) the following:

"(c) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Any person who is required under this section to register in the State in which such person resides shall also register in any State in which the person is employed, carries on a vocation, or is a student.".

(4) RELEASE OF INFORMATION.—Section 170101(e)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)), as redesignated by subsection (c) of this section, is amended by striking "The designated" and all that follows through "State agency" and inserting "The State or any agency authorized by the State".

(5) IMMUNITY FOR GOOD FAITH CONDUCT.—Section 170101(f) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(f)), as redesignated by subsection (c) of this section, is amended by striking ", and State officials" and inserting "and independent contractors acting at the direction of such agencies, and State officials".

(6) FBI REGISTRATION.—(A) Section 170102(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(2)) is amended by striking "and 'predatory'" and inserting the following: "'predatory', 'employed, or carries on a vocation', and 'student'".

(B) Section 170102(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(3)) is amended—

(i) in subparagraph (A), by inserting "in a range of offenses specified by State law which is comparable to or exceeds that" before "described";

(ii) by amending subparagraph (B) to read as follows:

"(B) participates in the national database established under subsection (b) of this section in conformity with guidelines issued by the Attorney General;"; and

(iii) by amending subparagraph (C) to read as follows:

"(C) provides for verification of address at least annually;".

(C) Section 170102(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(i)) in the matter preceding paragraph (1), is amended by inserting "or pursuant to section 170101(b)(7)" after "subsection (g)".

(7) PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996.—Section 10 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 is amended by inserting at the end the following:

"(d) EFFECTIVE DATE.—States shall be allowed the time specified in subsection (b) to establish minimally sufficient sexual offender registration programs for purposes of the amendments made by section 2. Subsections (c) and (k) of section 170102 of the Violent Crime Control and Law Enforcement Act of 1994, and any requirement to issue related regulations, shall take effect at the conclusion of the time provided under this subsection for the establishment of minimally sufficient sexual offender registration programs.".

(8) FEDERAL OFFENDERS AND MILITARY PERSONNEL.—(A) Section 4042 of title 18, United States Code, is amended—

(i) in subsection (a)(5), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(ii) in subsection (b), by striking paragraph (4);

(iii) by redesignating subsection (c) as subsection (d); and

(iv) by inserting after subsection (b) the following:

"(c) NOTICE OF SEX OFFENDER RELEASE.—(1) In the case of a person described in paragraph (4) who is released from prison or sentenced to probation, notice shall be provided to—

"(A) the chief law enforcement officer of the State and of the local jurisdiction in which the person will reside; and

"(B) a State or local agency responsible for the receipt or maintenance of sex offender registration information in the State or local jurisdiction in which the person will reside.

The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.

"(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall be subject to a registration requirement as a sex offender. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described in paragraph (4) during any period of probation, supervised release, or parole shall also be provided to the agencies and officers specified in paragraph (1) by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.

"(3) The Director of the Bureau of Prisons shall inform a person described in paragraph (4) who is released from prison that the person shall be subject to a registration requirement as a sex offender in any State in which the person resides, is employed, carries on a vocation, or is a student (as such terms are defined for purposes of section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994), and the same information shall be provided to a person described in paragraph (4) who is sentenced to probation by the probation officer responsible for supervision of the person or in a manner specified by the Director of the Administrative Office of the United States Courts.

"(4) A person is described in this paragraph if the person was convicted of any of the following offenses (including such an offense prosecuted pursuant to section 1152 or 1153):

"(A) An offense under section 1201 involving a minor victim.

"(B) An offense under chapter 109A.

"(C) An offense under chapter 110.

"(D) An offense under chapter 117.

"(E) Any other offense designated by the Attorney General as a sexual offense for purposes of this subsection.

"(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).".

(B)(i) Section 3563(a) of title 18, United States Code, is amended by striking the matter at the end of paragraph (7) beginning with "The results of a drug test" and all that follows through the end of such paragraph and inserting that matter at the end of section 3563.

(ii) The matter inserted by subparagraph (A) at the end of section 3563 is amended—

(I) by striking "The results of a drug test" and inserting the following:

"(e) RESULTS OF DRUG TESTING.—The results of a drug test"; and

(II) by striking "paragraph (4)" each place it appears and inserting "subsection (a)(5)".

(iii) Section 3563(a) of title 18, United States Code, is amended—

(I) so that paragraphs (6) and (7) appear in numerical order immediately after paragraph (5);

(II) by striking "and" at the end of paragraph (6);

(III) in paragraph (7), by striking "assessments." and inserting "assessments; and"; and

(IV) by inserting immediately after paragraph (7) (as moved by clause (i)) the following new paragraph:

"(8) for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".

(iv) Section 3583(d) of title 18, United States Code, is amended by inserting after the second sentence the following: "The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent

Crime Control and Law Enforcement Act of 1994).".

(v) Section 4209(a) of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting after the first sentence the following: "In every case, the Commission shall impose as a condition of parole for a person described in section 4042(c)(4), that the parolee report the address where the parolee will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the parolee register in any State where the parolee resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".

(C)(i) The Secretary of Defense shall specify categories of conduct punishable under the Uniform Code of Military Justice which encompass a range of conduct comparable to that described in section 170101(a)(3)(A) and (B) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3)(A) and (B)), and such other conduct as the Secretary deems appropriate for inclusion for purposes of this subparagraph.

(ii) In relation to persons sentenced by a court martial for conduct in the categories specified under clause (i), the Secretary shall prescribe procedures and implement a system to—

(I) provide notice concerning the release from confinement or sentencing of such persons;

(II) inform such persons concerning registration obligations; and

(III) track and ensure compliance with registration requirements by such persons during any period of parole, probation, or other conditional release or supervision related to the offense.

(iii) The procedures and requirements established by the Secretary under this subparagraph shall, to the maximum extent practicable, be consistent with those specified for Federal offenders under the amendments made by subparagraphs (A) and (B).

(iv) If a person within the scope of this subparagraph is confined in a facility under the control of the Bureau of Prisons at the time of release, the Bureau of Prisons shall provide notice of release and inform the person concerning registration obligations under the procedures specified in section 4042(c) of title 18, United States Code.

(9) PROTECTED WITNESS REGISTRATION.—Section 3521(b)(1) of title 18, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (G);

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) protect the confidentiality of the identity and location of persons subject to registration requirements as convicted offenders under Federal or State law, including prescribing alternative procedures to those otherwise provided by Federal or State law for registration and tracking of such persons; and".

(b) SENSE OF CONGRESS AND REPORT RELATING TO STALKING LAWS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that each State should have in effect a law that makes it a crime to stalk any individual, especially children, without requiring that such individual be physically harmed or abducted before a stalker is restrained or punished.

(2) REPORT.—The Attorney General shall include in an annual report under section 40610 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14039) information concerning existing or proposed State laws and penalties for stalking crimes against children.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, except that—

(1) subparagraphs (A), (B), and (C) of subsection (a)(8) shall take effect 1 year after the date of the enactment of this Act; and

(2) States shall have 3 years from such date of enactment to implement amendments made by this Act which impose new requirements under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, and the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement these amendments.

SEC. 116. (a) IN GENERAL.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153; Public Law 102–395) is amended—

(1) by striking "300" and inserting "3,000"; and

(2) by striking "five years" and inserting "seven years".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall be deemed to have become effective on October 6, 1992.

SEC. 117. For fiscal year 1998, the Attorney General shall provide a magnetometer and not less than one qualified guard at each unsecured entrance to the real property (including offices, buildings, and related grounds and facilities) that is leased to the United States as a place of employment for Federal employees at 625 Silver, S.W., in Albuquerque, New Mexico for the duration of time that Department of Justice employees are occupants of this building, after which the General Services Administration shall provide the same level of security equipment and personnel at this location until the date on which the new Albuquerque federal building is occupied.

SEC. 118. Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:

"(B)(i) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

"(I) law enforcement purposes, as determined by the Attorney General; or

"(II) emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.

"(ii) The authority provided under this subparagraph shall terminate on December 31, 1999.".

SEC. 119. Section 1701(b)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended to read as follows—

"(A) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year.".

SEC. 120. Section 212(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)) is amended—

(1) in subparagraph (A)(ii), by inserting "except as provided in subparagraph (C)," after "(ii)"; and

(2) by adding at the end the following:

"(C) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR ADOPTED CHILDREN 10 YEARS OF AGE OR YOUNGER.—Clause (ii) of subparagraph (A) shall not apply to a child who—

"(i) is 10 years of age or younger,

"(ii) is described in section 101(b)(1)(F), and

"(iii) is seeking an immigrant visa as an immediate relative under section 201(b), if, prior to the admission of the child, an adoptive parent or prospective adoptive parent of the child, who has sponsored the child for admission as an immediate relative, has executed an affidavit stating that the parent is aware of the provisions of subparagraph (A)(ii) and will ensure that, within 30 days of the child's admission, or at the earliest time that is medically appropriate, the child will receive the vaccinations identified in such subparagraph.".

SEC. 121. Section 233(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1245) is amended by striking "1 year after the date of enactment of this Act" and inserting "October 1, 1999".

SEC. 122. (a) DEFINITIONS.—In this section—

(1) the terms "criminal offense against a victim who is a minor", "sexually violent offense", and "sexually violent predator" have the meanings given those terms in section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a));

(2) the term "DNA" means deoxyribonucleic acid; and

(3) the term "sex offender" means an individual who—

(A) has been convicted in Federal court of—

(i) a criminal offense against a victim who is a minor; or

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

(b) REPORT.—From amounts made available to the Department of Justice under this title, not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include a plan for the implementation of a requirement that, prior to the release (including probation, parole, or any other supervised release) of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor or a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database.

(c) PLAN REQUIREMENTS.—The plan submitted under subsection (b) shall include recommendations concerning—

(1) a system for—

(A) the collection of DNA samples from any sex offender;

(B) the analysis of the collected samples for DNA and other genetic typing analysis; and

(C) making the DNA and other genetic typing information available for law enforcement purposes only;

(2) guidelines for coordination with existing Federal and State DNA and genetic typing information databases and for Federal cooperation with State and local law in sharing this information;

(3) addressing constitutional, privacy, and related concerns in connection with the mandatory submission of DNA samples; and

(4) procedures and penalties for the prevention of improper disclosure or dissemination of DNA or other genetic typing information.

SEC. 123. (a) Notwithstanding any other provision of law relating to position classification or employee pay or performance, during the 3-year period beginning on the date of enactment of this Act, the Director of the Federal Bureau of Investigation may, with the approval of the Attorney General, establish a personnel management system providing for the compensation and performance management of not more than 3,000 non-Special Agent employees to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Federal Bureau of Investigation.

(b) Except as otherwise provided by law, no employee compensated under any system established under this section may be paid at a rate in excess of the rate payable for a position at level III of the Executive Schedule.

(c) Total payments to employees under any system established under this section shall be subject to the limitation on payments to employees set forth in section 5307 of title 5, United States Code.

(d) Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on Appropriations and the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, an operating plan describing the Director's intended use of the authority under this section, and identifying any provisions of title 5, United States Code, being waived for purposes of any personnel management system to be established by the Director under this section.

(e) Any performance management system established under this section shall have not less than 2 levels of performance above a retention standard.

(f) Not later than March 31, 2000, the Director of the Federal Bureau of Investigation shall submit to Congress an evaluation of the performance management system established under this section, which shall include—

(1) a comparison of—

(A) the compensation, benefits, and performance management provisions governing personnel of similar employment classification series in other departments and agencies of the Federal Government; and

(B) the costs, consistent with standards prescribed in Office of Management and Budget Circular A–76, of contracting for any services provided through those departments and agencies; and

(2) if appropriate, a recommendation for legislation to extend the authority under this section.

(g) Notwithstanding any other provision of law, the Secretary of the Treasury shall have the same authority provided to the Office of Personnel Management under section 4703 of title 5, United States Code, to establish, in the discretion of the Secretary, demonstration projects for a period of 3 years, for not to exceed a combined total of 950 employees, to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, and the United States Secret Service.

(h) The authority under this section shall terminate 3 years after the date of enactment of this Act.

SEC. 124. (a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking "permits" and inserting "requires"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "no prisoner release order shall be entered unless" and inserting "no court shall enter a prisoner release order unless"; and

(ii) in subparagraph (F)—

(I) by inserting "including a legislator" after "local official"; and

(II) by striking "program" and inserting "prison";

(2) in subsection (b)(3), by striking "current or ongoing" and inserting "current and ongoing";

(3) in subsection (e)—

(A) in paragraph (1), by adding at the end the following: "Mandamus shall lie to remedy any failure to issue a prompt ruling on such a motion.";

(B) in paragraph (2), by striking "Any prospective relief subject to a pending motion shall be automatically stayed" and inserting "Any motion to modify or terminate prospective relief made under subsection (b) shall operate as a stay"; and

(C) by adding at the end the following:

"(3) POSTPONEMENT OF AUTOMATIC STAY.—The court may postpone the effective date of an automatic stay specified in subsection (e)(2)(A) for not more than 60 days for good cause. No postponement shall be permissible because of general congestion of the court's calendar.

"(4) ORDER BLOCKING THE AUTOMATIC STAY.—Any order staying, suspending, delaying, or barring the operation of the automatic stay described in paragraph (2) (other than an order to postpone the effective date of the automatic stay under paragraph (3)) shall be treated as an order refusing to dissolve or modify an injunction and shall be appealable pursuant to section 1292(a)(1) of title 28, United States Code, regardless of how the order is styled or whether the order is termed a preliminary or a final ruling.".

(b) EFFECTIVE DATE.—The amendments made by this Act shall take effect upon the date of the enactment of this Act and shall apply to pending cases.

SEC. 125. Section 524(c)(8)(B) of title 28, United States Code, is amended by deleting "1996, and 1997," and inserting "and 1996," in place thereof.

This title may be cited as the "Department of Justice Appropriations Act, 1998".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $23,450,000, of which $2,500,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses: Provided further, That the total number of political appointees on board as of May 1, 1998, shall not exceed 25 positions.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $41,200,000 to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $283,066,000, to remain available until expended: Provided, That of the $287,866,000 provided for in direct obligations (of which $283,066,000 is appropriated from the General Fund, and $4,800,000 is derived from unobligated balances and deobligations from prior years), $58,986,000 shall be for Trade Development, $17,340,000 shall be for the Market Access and Compliance, $28,770,000 shall be for the Import Administration, $171,070,000 shall be for the United States and Foreign Commercial Service, and $11,700,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $43,900,000 to remain available until expended, of which $1,900,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $340,000,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection

with securing grants and contracts made by the Economic Development Administration: Provided further, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided further, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $21,028,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $25,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $47,499,000, to remain available until September 30, 1999.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by sections 1, 2, and 4 of Public Law 91–412 (15 U.S.C. 1525–1527) and, notwithstanding section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912), charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $137,278,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to conduct the decennial census, $388,074,000, to remain available until expended.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $165,926,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $16,550,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. §§ 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: Provided further, That, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Broadcasting Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $20,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $691,000,000, to remain available until expended: Provided, That of this amount, $664,000,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998 from the General Fund estimated at $0: Provided further, That during fiscal year 1998, should the total amount of offsetting fee collections be less than $664,000,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: Provided further, That any fees received in excess of $664,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That the remaining $27,000,000 shall be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law and shall remain available until expended.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,500,000, of which not to exceed $1,600,000 shall remain available until September 30, 1999.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $276,852,000, to remain available until expended, of which not to exceed $3,800,000 shall be used to fund a cooperative agreement with Texas Tech University for wind research; and of which not to exceed $5,000,000 of the amount above $268,000,000 shall be used to fund a cooperative agreement with Montana State University for a research program on green buildings; and of which not to exceed $1,625,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $113,500,000, to remain available until expended, of which not to exceed $300,000 may be transferred to the "Working Capital Fund": Provided, That notwithstanding the time limitations imposed by 15 U.S.C. 278k(c) (1) and (5) on the duration of Federal financial assistance that may be awarded by the Secretary of Commerce to Regional Centers for the transfer of Manufacturing Technology ("Centers"), such Federal financial assistance for a Center may continue beyond six years and may be renewed for additional periods, not to exceed one year, at a rate not to exceed one-third of the Center's total annual costs, subject before any such renewal to a positive evaluation of the Center and to a finding by the Secretary of Commerce that continuation of Federal funding to the Center is in the best interest of the Regional Centers for the transfer of Manufacturing Technology Program: Provided further, That the Center's most recent performance evaluation is positive, and the Center has submitted a reapplication which has successfully passed merit review.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $192,500,000, to remain available until expended, of which not to exceed $82,000,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $95,000,000, to remain available until expended: Provided, That of the amounts provided under this heading, $78,308,000 shall be

available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 283 commissioned officers on the active list as of September 30, 1998; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,500,350,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such additional fees are received during fiscal year 1998, so as to result in a final General Fund appropriation estimated at not more than $1,497,350,000: Provided further, That any such additional fees received in excess of $3,000,000 in fiscal year 1998 shall not be available for obligation until October 1, 1998: Provided further, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $62,381,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: Provided further, That unexpended balances in the accounts "Construction" and "Fleet Modernization, Shipbuilding and Conversion" shall be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $489,609,000, to remain available until expended: Provided, That not to exceed $116,910,000 is available for the advanced weather interactive processing system, and may be available for obligation and expenditure only pursuant to a certification by the Secretary of Commerce that the total cost to complete the acquisition and deployment of the advanced weather interactive processing system and NOAA Port system, including program management, operations and maintenance costs through deployment will not exceed $188,700,000: Provided further, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account and the "Construction" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $7,800,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $338,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $27,490,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $20,140,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $20,000,000 are rescinded.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $3,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce or any portion thereof to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. (a) Congress finds that—

(1) it is the constitutional duty of the Congress to ensure that the decennial enumeration

of the population is conducted in a manner consistent with the Constitution and laws of the United States;

(2) the sole constitutional purpose of the decennial enumeration of the population is the apportionment of Representatives in Congress among the several States;

(3) section 2 of the 14th article of amendment to the Constitution clearly states that Representatives are to be "apportioned among the several States according to their respective numbers, counting the whole number of persons in each State";

(4) article I, section 2, clause 3 of the Constitution clearly requires an "actual Enumeration" of the population, and section 195 of title 13, United States Code, clearly provides "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title.";

(5) the decennial enumeration of the population is one of the most critical constitutional functions our Federal Government performs;

(6) it is essential that the decennial enumeration of the population be as accurate as possible, consistent with the Constitution and laws of the United States;

(7) the use of statistical sampling or statistical adjustment in conjunction with an actual enumeration to carry out the census with respect to any segment of the population poses the risk of an inaccurate, invalid, and unconstitutional census;

(8) the decennial enumeration of the population is a complex and vast undertaking, and if such enumeration is conducted in a manner that does not comply with the requirements of the Constitution or laws of the United States, it would be impracticable for the States to obtain, and the courts of the United States to provide, meaningful relief after such enumeration has been conducted; and

(9) Congress is committed to providing the level of funding that is required to perform the entire range of constitutional census activities, with a particular emphasis on accurately enumerating all individuals who have historically been undercounted, and toward this end, Congress expects—

(A) aggressive and innovative promotion and outreach campaigns in hard-to-count communities;

(B) the hiring of enumerators from within those communities;

(C) continued cooperation with local government on address list development; and

(D) maximized census employment opportunities for individuals seeking to make the transition from welfare to work.

(b) Any person aggrieved by the use of any statistical method in violation of the Constitution or any provision of law (other than this Act), in connection with the 2000 or any later decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress, may in a civil action obtain declaratory, injunctive, and any other appropriate relief against the use of such method.

(c) For purposes of this section—

(1) the use of any statistical method as part of a dress rehearsal or other simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census; and

(2) the report ordered by title VIII of Public Law 105–18 and the Census 2000 Operational Plan shall be deemed to constitute final agency action regarding the use of statistical methods in the 2000 decennial census, thus making the question of their use in such census sufficiently concrete and final to now be reviewable in a judicial proceeding.

(d) For purposes of this section, an aggrieved person (described in subsection (b)) includes—

(1) any resident of a State whose congressional representation or district could be changed as a result of the use of a statistical method challenged in the civil action;

(2) any Representative or Senator in Congress; and

(3) either House of Congress.

(e)(1) Any action brought under this section shall be heard and determined by a district court of three judges in accordance with section 2284 of title 28, United States Code. The chief judge of the United States court of appeals for each circuit shall, to the extent practicable and consistent with the avoidance of unnecessary delay, consolidate, for all purposes, in one district court within that circuit, all actions pending in that circuit under this section. Any party to an action under this section shall be precluded from seeking any consolidation of that action other than is provided in this paragraph. In selecting the district court in which to consolidate such actions, the chief judge shall consider the convenience of the parties and witnesses and efficient conduct of such actions. Any final order or injunction of a United States district court that is issued pursuant to an action brought under this section shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under this section may be issued by a single Justice of the Supreme Court.

(2) It shall be the duty of a United States district court hearing an action brought under this section and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any such matter.

(f) Any agency or entity within the executive branch having authority with respect to the carrying out of a decennial census may in a civil action obtain a declaratory judgment respecting whether or not the use of a statistical method, in connection with such census, to determine the population for the purposes of the apportionment or redistricting of members in Congress is forbidden by the Constitution and laws of the United States.

(g) The Speaker of the House of Representatives or the Speaker's designee or designees may commence or join in a civil action, for and on behalf of the House of Representatives, under any applicable law, to prevent the use of any statistical method, in connection with the decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress. It shall be the duty of the Office of the General Counsel of the House of Representatives to represent the House in such civil action, according to the directions of the Speaker. The Office of the General Counsel of the House of Representatives may employ the services of outside counsel and other experts for this purpose.

(h) For purposes of this section and section 210—

(1) the term "statistical method" means an activity related to the design, planning, testing, or implementation of the use of representative sampling, or any other statistical procedure, including statistical adjustment, to add or subtract counts to or from the enumeration of the population as a result of statistical inference; and

(2) the term "census" or "decennial census" means a decennial enumeration of the population.

(i) Nothing in this Act shall be construed to authorize the use of any statistical method, in connection with a decennial census, for the apportionment or redistricting of members in Congress.

(j) Sufficient funds appropriated under this Act or under any other Act for purposes of the 2000 decennial census shall be used by the Bureau of the Census to plan, test, and become prepared to implement a 2000 decennial census, without using statistical methods, which shall result in the percentage of the total population actually enumerated being as close to 100 percent as possible. In both the 2000 decennial census, and any dress rehearsal or other simulation made in preparation for the 2000 decennial census, the number of persons enumerated without using statistical methods must be publicly available for all levels of census geography which are being released by the Bureau of the Census for (1) all data releases before January 1, 2001, (2) the data contained in the 2000 decennial census Public Law 94–171 data file released for use in redistricting, (3) the Summary Tabulation File One (STF–1) for the 2000 decennial census, and (4) the official populations of the States transmitted from the Secretary of Commerce through the President to the Clerk of the House used to reapportion the districts of the House among the States as a result of the 2000 decennial census. Simultaneously with any other release or reporting of any of the information described in the preceding sentence through other means, such information shall be made available to the public on the Internet. These files of the Bureau of the Census shall be available concurrently to the release of the original files to the same recipients, on identical media, and at a comparable price. They shall contain the number of persons enumerated without using statistical methods and any additions or subtractions thereto. These files shall be based on data gathered and generated by the Bureau of the Census in its official capacity.

(k) This section shall apply in fiscal year 1998 and succeeding fiscal years.

SEC. 210. (a) There shall be established a board to be known as the Census Monitoring Board (hereinafter in this section referred to as the "Board").

(b) The function of the Board shall be to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census (including all dress rehearsals and other simulations of a census in preparation therefor).

(c)(1) The Board shall be composed of 8 members as follows:

(A) 2 individuals appointed by the majority leader of the Senate.

(B) 2 individuals appointed by the Speaker of the House of Representatives.

(C) 4 individuals appointed by the President, of whom—

(i) 1 shall be on the recommendation of the minority leader of the Senate; and

(ii) 1 shall be on the recommendation of the minority leader of the House of Representatives. All members of the Board shall be appointed within 60 days after the date of enactment of this Act. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(2) Members shall not be entitled to any pay by reason of their service on the Board, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) The Board shall have—

(A) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(C).

(4) The Board shall meet at the call of either co-chairman.

(5) A quorum shall consist of 5 members of the Board.

(6) The Board may promulgate any regulations necessary to carry out its duties.

(d)(1) The Board shall have—

(A) an executive director who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) an executive director who shall be appointed jointly by the members under subsection (c)(1)(C),

each of whom shall be paid at a rate not to exceed level IV of the Executive Schedule.

(2) Subject to such rules as the Board may prescribe, each executive director—

(A) may appoint and fix the pay of such additional personnel as that executive director considers appropriate; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of pay payable for grade GS–15 of the General Schedule.

Such rules shall include provisions to ensure an equitable division or sharing of resources, as appropriate, between the respective staff of the Board.

(3) The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(4) The Administrator of the General Services Administration, in coordination with the Secretary of Commerce, shall locate suitable office space for the operation of the Board in the W. Edwards Deming Building in Suitland, Maryland. The facilities shall serve as the headquarters of the Board and shall include all necessary equipment and incidentals required for the proper functioning of the Board.

(e)(1) For the purpose of carrying out its duties, the Board may hold such hearings (at the call of either co-chairman) and undertake such other activities as the Board determines to be necessary to carry out its duties.

(2) The Board may authorize any member of the Board or of its staff to take any action which the Board is authorized to take by this subsection.

(3)(A) Each co-chairman of the Board and any members of the staff who may be designated by the Board under this paragraph shall be granted access to any data, files, information, or other matters maintained by the Bureau of the Census (or received by it in the course of conducting a decennial census of population) which they may request, subject to such regulations as the Board may prescribe in consultation with the Secretary of Commerce.

(B) The Board or the co-chairmen acting jointly may secure directly from any other Federal agency, including the White House, all information that the Board considers necessary to enable the Board to carry out its duties. Upon request of the Board or both co-chairmen, the head of that agency (or other person duly designated for purposes of this paragraph) shall furnish that information to the Board.

(4) The Board shall prescribe regulations under which any member of the Board or of its staff, and any person whose services are procured under subsection (d)(2)(B), who gains access to any information or other matter pursuant to this subsection shall, to the extent that any provisions of section 9 or 214 of title 13, United States Code, would apply with respect to such matter in the case of an employee of the Department of Commerce, be subject to such provisions.

(5) Upon the request of the Board, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Board to assist the Board in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(6) Upon the request of the Board, the head of a Federal agency shall provide such technical assistance to the Board as the Board determines to be necessary to carry out its duties.

(7) The Board may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(8) Upon request of the Board, the Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(9) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Board shall be deemed to be a committee of the Congress.

(f)(1) The Board shall transmit to the Congress—

(A) interim reports, with the first such report due by April 1, 1998;

(B) additional reports, the first of which shall be due by February 1, 1999, the second of which shall be due by April 1, 1999, and subsequent reports at least semiannually thereafter;

(C) a final report which shall be due by September 1, 2001; and

(D) any other reports which the Board considers appropriate.

The final report shall contain a detailed statement of the findings and conclusions of the Board with respect to the matters described in subsection (b).

(2) In addition to any matter otherwise required under this subsection, each such report shall address, with respect to the period covered by such report—

(A) the degree to which efforts of the Bureau of the Census to prepare to conduct the 2000 census—

(i) shall achieve maximum possible accuracy at every level of geography;

(ii) shall be taken by means of an enumeration process designed to count every individual possible; and

(iii) shall be free from political bias and arbitrary decisions; and

(B) efforts by the Bureau of the Census intended to contribute to enumeration improvement, specifically, in connection with—

(i) computer modernization and the appropriate use of automation;

(ii) address list development;

(iii) outreach and promotion efforts at all levels designed to maximize response rates, especially among groups that have historically been undercounted (including measures undertaken in conjunction with local government and community and other groups);

(iv) establishment and operation of field offices; and

(v) efforts relating to the recruitment, hiring, and training of enumerators.

(3) Any data or other information obtained by the Board under this section shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon request of the chairman or ranking minority member of such committee or subcommittee. No such committee or subcommittee, or member thereof, shall disclose any information obtained under this paragraph which is submitted to it on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest.

(4) The Board shall study and submit to Congress, as part of its first report under paragraph (1)(A), its findings and recommendations as to the feasibility and desirability of using postal personnel or private contractors to help carry out the decennial census.

(g) There is authorized to be appropriated $4,000,000 for each of fiscal years 1998 through 2001 to carry out this section.

(h) To the extent practicable, members of the Board shall work to promote the most accurate and complete census possible by using their positions to publicize the need for full and timely responses to census questionnaires.

(i)(1) No individual described in paragraph (2) shall be eligible—

(A) to be appointed or to continue serving as a member of the Board or as a member of the staff thereof; or

(B) to enter into any contract with the Board.

(2) This subsection applies with respect to any individual who is serving or who has ever served—

(A) as the Director of the Census; or

(B) with any committee or subcommittee of either House of Congress, having jurisdiction over any aspect of the decennial census, as—

(i) a Member of Congress; or

(ii) a congressional employee.

(j) The Board shall cease to exist on September 30, 2001.

(k) Section 9(a) of title 13, United States Code, is amended in the matter before paragraph (1) thereof by striking "of this title—" and inserting "of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998—".

SEC. 211. (a) Section 401 of title 22, United States Code, is amended—

(1) in subsection (a), by adding after the first sentence the following: "The Secretary of Commerce may seize and detain any commodity (other than arms or munitions of war) or technology which is intended to be or is being exported in violation of laws governing such exports and may seize and detain any vessel, vehicle, or aircraft containing the same or which has been used or is being used in exporting or attempting to export such articles."; and

(2) in subsection (b), by adding the following after "and not inconsistent with the provisions hereof."—

"However, with respect to seizures and forfeitures of property under this section by the Secretary of Commerce, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary of Commerce or, upon the request of the Secretary of Commerce, by any other agency that has authority to manage and dispose of seized property."

(b) Section 524(c)(11)(B) of title 28, United States Code, is amended by adding at the end thereof "or pursuant to the authority of the Secretary of Commerce".

SEC. 212. Notwithstanding any other provision of law, the Economic Development Administration is directed to transfer funds obligated and awarded to the Butte-Silver Bow Consolidated Local Government as Project Number 05–01–02822 to the Butte Local Development Corporation Revolving Loan Fund to be administered by the Butte Local Development Corporation, such funds to remain available until expended, and, in accordance with section 1557 of title 31, United States Code, funds obligated and awarded in fiscal year 1994 under the heading "Economic Development Administration-Economic

Development Assistance Programs" for Metropolitan Dade County, Florida, and subsequently transferred to Miami-Dade Community College for Project No. 04–49–04021 shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure without fiscal year limitation.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1998".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $29,245,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,400,000, of which $485,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $15,575,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,449,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,682,400,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,450,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $40,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); $329,529,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $64,438,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $167,214,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $52,000,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,495,000; of which $1,800,000 shall remain available through September 30, 1999, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $25,000,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,800,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,240,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 304. Section 612 of title 28, United States Code, shall be amended by striking out subsection (l).

SEC. 305. (a) COMMISSION ON STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS.—

(1) ESTABLISHMENT AND FUNCTIONS OF COMMISSION.—

(A) ESTABLISHMENT.—There is established a Commission on Structural Alternatives for the Federal Courts of Appeals (hereinafter referred to as the "Commission").

(B) FUNCTIONS.—The functions of the Commission shall be to—

(i) study the present division of the United States into the several judicial circuits;

(ii) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(iii) report to the President and the Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 5 members who shall be appointed by the Chief Justice of the United States.

(B) APPOINTMENT.—The members of the Commission shall be appointed within 30 days after the date of enactment of this Act.

(C) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(D) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(E) QUORUM.—Three members of the Commission shall constitute a quorum, but two may conduct hearings.

(3) COMPENSATION.—

(A) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(B) PRIVATE MEMBERS.—Members of the Commission from private life shall receive $200 for each day (including travel time) during which the member is engaged in the actual performance of duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(4) PERSONNEL.—

(A) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the compensation of such additional personnel as the Executive Director determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this paragraph shall not exceed the annual maximum rate of basic pay for a position above GS–15 of the General Schedule under section 5108 of title 5, United States Code.

(C) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(D) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, to the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services to the Commission on a reimbursable basis.

(5) INFORMATION.—The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance the Commission determines necessary to carry out its functions under this section. Each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

(6) REPORT.—The Commission shall conduct the studies required in this section during the 10-month period beginning on the date on which a quorum of the Commission has been appointed. Not later than 2 months following the completion of such 10-month period, the Commission shall submit its report to the President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums, not to exceed $900,000, as may be necessary to carry out the purposes of this section. Such sums as are appropriated shall remain available until expended.

SEC. 306. Pursuant to section 140 of Public Law 97–92, justices and judges of the United States are authorized during fiscal year 1998, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $5,000,000 is available for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in Title III of this Act.

SEC. 307. Section 44(c) of title 28, United States Code, is amended by adding at the end thereof the following sentence: "In each circuit (other than the Federal judicial circuit) there shall be at least one circuit judge in regular active service appointed from the residents of each state in that circuit.".

SEC. 308. Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

"(4) DISCLOSURE OF FEES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court's approval of the payment.

"(B) PRE-TRIAL OR TRIAL IN PROGRESS.—If a trial is in pre-trial status or still in progress and after considering the defendant's interests as set forth in subparagraph (D), the court shall—

"(i) redact any detailed information on the payment voucher provided by defense counsel to justify the expenses to the court; and

"(ii) make public only the amounts approved for payment to defense counsel by dividing those amounts into the following categories:

"(I) Arraignment and or plea.

"(II) Bail and detention hearings.

"(III) Motions.

"(IV) Hearings.

"(V) Interviews and conferences.

"(VI) Obtaining and reviewing records.

"(VII) Legal research and brief writing.

"(VIII) Travel time.

"(IX) Investigative work.

"(X) Experts.

"(XI) Trial and appeals.

"(XII) Other.

"(C) TRIAL COMPLETED.—

"(i) IN GENERAL.—If a request for payment is not submitted until after the completion of the trial and subject to consideration of the defendant's interests as set forth in subparagraph (D), the court shall make available to the public an unredacted copy of the expense voucher.

"(ii) PROTECTION OF THE RIGHTS OF THE DEFENDANT.—If the court determines that defendant's interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

"(D) CONSIDERATIONS.—The interests referred to in subparagraphs (B) and (C) are—

"(i) to protect any person's 5th amendment right against self-incrimination;

"(ii) to protect the defendant's 6th amendment rights to effective assistance of counsel;

"(iii) the defendant's attorney-client privilege;

"(iv) the work product privilege of the defendant's counsel;

"(v) the safety of any person; and

"(vi) any other interest that justice may require.

"(E) NOTICE.—The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial, the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is an appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant's interests set forth in subparagraph (D) will be compromised.

"(F) EFFECTIVE DATE.—The amendment made by paragraph (4) shall become effective 60 days after enactment of this Act, will apply only to cases filed on or after the effective date, and shall be in effect for no longer than twenty-four months after the effective date.".

This title may be cited as "The Judiciary Appropriations Act, 1998".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c), and 22 U.S.C. 2674; and for expenses of general administration; $1,705,600,000: Provided, That of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), fees may be collected during fiscal years 1998 and 1999 under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal years 1998 and 1999 as an offsetting collection to appropriations made under this heading to recover the costs as set forth under section 140(a)(2) of that Act and shall remain available until expended.

In addition to funds otherwise available, of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and $17,312,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717); in addition not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), as amended, and in addition, as authorized by section 5 of such Act $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: Provided, That any transfer pursuant to this sentence shall be treated as a reprogramming of funds under section 605 of this Act and shall not be

available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for counterterrorism requirements overseas, including security guards and equipment, $23,700,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,513,000.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $86,000,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,200,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $7,900,000, to remain available until September 30, 1999.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $404,000,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $5,500,000 to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $14,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $129,935,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $955,515,000, of which not to exceed $54,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the United States assessed share of the United Nations regular budget to 20 percent and of peacekeeping operations to 25 percent; reimbursement for goods and services provided by the United States to the United Nations; certification that the United Nations and its specialized or affiliated agencies have not taken any action to infringe on the sovereignty of the United States; a ceiling on United States contributions to international organizations after fiscal year 1998 of $900,000,000; establishment of a merit-based personnel system at the United Nations that includes a code of conduct and a personnel evaluation system; United States membership on the Advisory Committee on Administrative and Budgetary Questions that oversees the United Nations budget; access to United Nations financial data by the General Accounting Office; and achievement of a negative growth budget and the establishment of independent inspectors general for affiliated organizations; and improved consultation procedures with the Congress: Provided further, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 and under such other requirements related to the Office of Internal Oversight Services of the United Nations as may be enacted into law for fiscal year 1998: Provided further, That certification under section 401(b) of Public Law 103–236 for fiscal year 1998 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six-month period elsewhere in the United Nations budget and cause the United Nations to exceed the expected reform budget for the biennium 1998–1999 of $2,533,000,000: Provided further, That not to exceed $12,000,000 shall be transferred from funds made available under this heading to the "International Conferences and Contingencies" account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, provided that such transferred funds are obligated or expended only for Commission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing internationally-based monitoring systems involved in cooperative data sharing agreements with the United States as of date of enactment of this Act, until the U.S. Senate ratifies the Comprehensive Nuclear Test Ban Treaty.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security $256,000,000, of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act described in the first proviso under the heading "Contributions to International Organizations" in this title: Provided further, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico,

and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $17,490,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,463,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,490,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,549,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $41,500,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the unexpended balances previously appropriated under this heading, $700,000 are rescinded.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act of 1948 (22 U.S.C. 1471), and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)); $427,097,000: Provided, That not to exceed $1,400,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085): Provided further, That not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other law, fees from educational advising and counseling, and exchange visitor program services: Provided further, That not to exceed $920,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $197,731,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): Provided, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other provision of law, fees from educational advising and counseling.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1998, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1998, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities, $364,415,000, of which $12,100,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e), to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $22,095,000, to remain available until expended.

RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $40,000,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $12,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $1,500,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democacy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

SEC. 404. (a)(1) For purposes of implementing the International Cooperative Administrative Support Services program in fiscal year 1998, the amounts referred to in paragraph (2) shall be transferred in accordance with the provisions of subsection (b).

(2) Paragraph (1) applies to amounts made available by title IV of this Act under the heading ''ADMINISTRATION OF FOREIGN AFFAIRS'' as follows:

(A) $108,932,000 of the amount made available under the paragraph ''DIPLOMATIC AND CONSULAR PROGRAMS''.

(B) $3,530,000 of the amount made available under the paragraph ''SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS''.

(b) Funds transferred pursuant to subsection (a) shall be transferred to the specified appropriation, allocated to the specified account or accounts in the specified amount, be merged with funds in such account or accounts that are available for administrative support expenses of overseas activities, and be available for the same purposes, and subject to the same terms and conditions, as the funds with which merged, as follows:

(1) Appropriations for the Legislative Branch—

(A) for the Library of Congress, for salaries and expenses, $500,000; and

(B) for the General Accounting Office, for salaries and expenses, $12,000.

(2) Appropriations for the Office of the United States Trade Representative, for salaries and expenses, $302,000.

(3) Appropriations for the Department of Commerce, for the International Trade Administration, for operations and administration, $7,055,000.

(4) Appropriations for the Department of Justice—

(A) for legal activities—

(i) for general legal activities, for salaries and expenses, $194,000; and

(ii) for the United States Marshals Service, for salaries and expenses, $2,000;

(B) for the Federal Bureau of Investigation, for salaries and expenses, $2,477,000;

(C) for the Drug Enforcement Administration, for salaries and expenses, $6,356,000; and

(D) for the Immigration and Naturalization Service, for salaries and expenses, $1,313,000.

(5) Appropriations for the United States Information Agency, for international information programs, $25,047,000.

(6) Appropriations for the Arms Control and Disarmament Agency, for arms control and disarmament activities, $1,247,000.

(7) Appropriations to the President—

(A) for the Foreign Military Financing Program, for administrative costs, $6,660,000;

(B) for the Economic Support Fund, $336,000;

(C) for the Agency for International Development—

(i) for operating expenses, $6,008,000;

(ii) for the Urban and Environmental Credit Program, $54,000;

(iii) for the Development Assistance Fund, $124,000;

(iv) for the Development Fund for Africa, $526,000;

(v) for assistance for the new independent states of the former Soviet Union, $818,000;

(vi) for assistance for Eastern Europe and the Baltic States, $283,000; and

(vii) for international disaster assistance, $306,000;

(D) for the Peace Corps, $3,672,000; and

(E) for the Department of State—

(i) for international narcotics control, $1,117,000; and,

(ii) for migration and refugee assistance, $394,000.

(8) Appropriations for the Department of Defense—

(A) for operation and maintenance—

(i) for operation and maintenance, Army, $4,394,000;

(ii) for operation and maintenance, Navy, $1,824,000;

(iii) for operation and maintenance, Air Force, $1,603,000; and

(iv) for operation and maintenance, Defense-Wide, $21,993,000; and

(B) for procurement, for other procurement, Air Force, $4,211,000.

(9) Appropriations for the American Battle Monuments Commission, for salaries and expenses, $210,000.

(10) Appropriations for the Department of Agriculture—

(A) for the Animal and Plant Health Inspection Service, for salaries and expenses, $932,000;

(B) for the Foreign Agricultural Service and General Sales Manager, $4,521,000; and

(C) for the Agricultural Research Service, $16,000.

(11) Appropriations for the Department of Treasury—

(A) for the United States Customs Service, for salaries and expenses, $2,002,000;

(B) for departmental offices, for salaries and expenses, $804,000;

(C) for the Internal Revenue Service, for tax law enforcement, $662,000;

(D) for the Bureau of Alcohol, Tobacco, and Firearms, for salaries and expenses, $17,000;

(E) for the United States Secret Service, for salaries and expenses, $617,000; and

(F) for the Comptroller of the Currency, for assessment funds, $29,000.

(12) Appropriations for the Department of Transportation—

(A) for the Federal Aviation Administration, for operations, $1,594,000; and

(B) for the Coast Guard, for operating expenses, $65,000.

(13) Appropriations for the Department of Labor, for departmental management, for salaries and expenses, $58,000.

(14) Appropriations for the Department of Health and Human Services—

(A) for the National Institutes of Health, for the National Cancer Institute, $42,000;

(B) for the Office of the Secretary, for general departmental management, $71,000; and

(C) for the Centers for Disease Control and Prevention, for disease control, research, and training, $522,000.

(15) Appropriations for the Social Security Administration, for administrative expenses, $370,000.

(16) Appropriations for the Department of the Interior—

(A) for the United States Fish and Wildlife Service, for resource management, $12,000;

(B) for the United States Geological Survey, for surveys, investigations, and research, $80,000; and

(C) for the Bureau of Reclamation, for water and related resources, $101,000.

(17) Appropriations for the Department of Veterans Affairs, for departmental administration, for general operating expenses, $453,000.

(18) Appropriations for the National Aeronautics and Space Administration, for mission support, $183,000.

(19) Appropriations for the National Science Foundation, for research and related activities, $39,000.

(20) Appropriations for the Federal Emergency Management Agency, for salaries and expenses, $4,000.

(21) Appropriations for the Department of Energy—

(A) for departmental administration, $150,000; and

(B) for atomic energy defense activities, for other defense activities, $54,000.

(22) Appropriations for the Nuclear Regulatory Commission, for salaries and expenses, $26,000.

(c)(1) The amount in subsection (a)(2)(A) is reduced by $2,800,000.

(2) Each amount in subsection (b) is reduced on a pro rata basis in the same proportion as $2,800,000 bears to $112,462,000, rounded to the nearest thousand.

SEC. 405. (a) An employee who regularly commutes from his or her place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization adjustment equal to the amount of comparability payments under section 5304 of title V, United States Code, that he or she would receive if assigned to an official duty station within the United States locality pay area closest to the employee's official duty station.

(b) For purposes of this section, the term ''employee'' shall mean a person who—

(1) is an ''employee'' as defined under section 2105 of title V, United States Code, and

(2) is employed by the United States Department of State, the United States Information Agency, the United States Agency for International Development, or the International Joint Commission, except that the term shall not include members of the Foreign Service as defined by section 103 of the Foreign Service Act of 1980 (P.L. 96–465), section 3903 of title 22 of the United States Code.

(c) An equalization adjustment payable under this section shall be considered basic pay for the same purposes as are comparability payments under section 5304 of title V, United States Code, and its implementing regulations.

(d) The agencies referenced in subsection (c)(2) are authorized to promulgate regulations to carry out the purposes of this section.

This title may be cited as the ''Department of State and Related Agencies Appropriations Act, 1998''.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies, as authorized by the Merchant Marine Act, 1936, as amended, $51,030,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $35,500,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $67,600,000: Provided, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $32,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,725,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $250,000, as authorized by Public Law 99–83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,740,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $459,000 to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $27,500,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $242,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $186,514,000, of which not to exceed $300,000 shall remain available until September 30, 1999, for research and policy studies: Provided, That $162,523,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation estimated at $23,991,000: Provided further, That any offsetting collections received in excess of $162,523,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $14,000,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $88,500,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $18,500,000, to remain available until expended: Provided further, That any fees received in excess of $70,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $283,000,000, of which $274,400,000 is for basic field programs and required independent audits; $1,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $7,100,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) CONTINUATION OF COMPETITIVE SELECTION PROCESS.—None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104–134 (110 Stat. 1321–52 et seq.).

(b) INAPPLICABILITY OF CERTAIN PROCEDURES.—Sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 2996j) shall not apply to the provision, denial, suspension, or termination of any financial assistance using funds appropriated in this Act.

(c) ADDITIONAL PROCEDURES.—If, during any term of a grant or contract awarded to a recipient by the Legal Services Corporation under the competitive selection process referred to in subsection (a) and applicable Corporation regulations, the Corporation finds, after notice and opportunity for the recipient to be heard, that the recipient has failed to comply with any requirement of the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), this Act, or any other applicable law relating to funding for the Corporation, the Corporation may terminate the grant or contract and institute a new competitive selection process for the area served by the recipient, notwithstanding the terms of the recipient's grant or contract.

SEC. 502. (a) CONTINUATION OF REQUIREMENTS AND RESTRICTIONS.—None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of—

(1) sections 501, 502, 505, 506, and 507 of Public Law 104–134 (110 Stat. 1321–51 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all references in such sections to 1995 and 1996 shall be deemed to refer instead to 1997 and 1998, respectively; and

(2) section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except that—

(A) subsection (c) of such section 504 shall not apply;

(B) paragraph (3) of section 508(b) of Public Law 104–134 (110 Stat. 1321–58) shall apply with respect to the requirements of subsection (a)(13) of such section 504, except that all references in such section 508(b) to the date of enactment shall be deemed to refer to April 26, 1996; and

(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

(ii) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty.

(b) DEFINITIONS.—For purposes of subsection (a)(2)(C):

(1) The term "battered or subjected to extreme cruelty" has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1953).

(2) The term "related legal assistance" means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in such subsection.

SEC. 503. (a) CONTINUATION OF AUDIT REQUIREMENTS.—The requirements of section 509 of Public Law 104–134 (110 Stat. 1321–58 et seq.), other than subsection (l) of such section, shall apply during fiscal year 1998.

(b) REQUIREMENT OF ANNUAL AUDIT.—An annual audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act shall be conducted during fiscal year 1998 in accordance with the requirements referred to in subsection (a).

SEC. 504. (a) DEBARMENT.—The Legal Services Corporation may debar a recipient, on a showing of good cause, from receiving an additional award of financial assistance from the Corporation. Any such action to debar a recipient shall be instituted after the Corporation provides notice and an opportunity for a hearing to the recipient.

(b) REGULATIONS.—The Legal Services Corporation shall promulgate regulations to implement this section.

(c) GOOD CAUSE.—In this section, the term "good cause", used with respect to debarment, includes—

(1) prior termination of the financial assistance of the recipient, under part 1640 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling);

(2) prior termination in whole, under part 1606 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling), of the most recent financial assistance received by the recipient, prior to date of the debarment decision;

(3) substantial violation by the recipient of the statutory or regulatory restrictions that prohibit recipients from using financial assistance made available by the Legal Services Corporation or other financial assistance for purposes prohibited under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or for involvement in any activity prohibited by, or inconsistent with, section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), section 502(a)(2) of Public Law 104–208 (110 Stat. 3009–59 et seq.), or section 502(a)(2) of this Act;

(4) knowing entry by the recipient into a subgrant, subcontract, or other agreement with an entity that had been debarred by the Corporation; or

(5) the filing of a lawsuit by the recipient, on behalf of the recipient, as part of any program receiving any Federal funds, naming the Corporation, or any agency or employee of a Federal, State, or local government, as a defendant.

SEC. 505. (a) Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(b) Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in semiannual reports, the following information about each case filed by its attorneys in any court:

(1) The name and full address of each party to the legal action unless such information is protected by an order or rule of a court or by State or Federal law or revealing such information would put the client of the recipient of such Federal funds at risk of physical harm.

(2) The cause of action in the case.

(3) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(c) The case information disclosed in semi-annual reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.

SEC. 506. In establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,185,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $283,000,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance, (2) any travel and transportation to or from such meetings, and (3) any other related lodging or subsistance: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: Provided further, That not to exceed $249,523,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated from the General Fund for fiscal year 1998 under this heading shall be reduced as all such offsetting fees are deposited to this appropriation so as to result in a final total fiscal year 1998 appropriation from the General Fund estimated at not more than $33,477,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $254,200,000, of which: $3,000,000 shall be available for a grant to Lackawanna County, Pennsylvania for infrastructure development to assist in small business development; $3,000,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; $2,000,000 shall be for a grant to Western Carolina University to develop a facility to assist in small business and rural economic development; $1,500,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; $1,000,000 shall be for a grant for the Genesis Small Business Incubator Facility, Fayetteville, Arkansas; and $500,000 shall be available for a continuation grant to the Center for Entrepreneurial Opportunity in Greensburg, Pennsylvania, to provide for small business consulting and assistance: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $75,800,000 shall be available to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $10,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, $181,232,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 1999: Provided, That such costs, including the cost of modifying such loans, shall

be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 1998, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended: Provided further, That during fiscal year 1998, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $23,200,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $150,000,000, including not to exceed $500,000 for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums shall be transferred to and merged with appropriations for the Office of the Inspector General.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $3,500,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $6,850,000, to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for: (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days the following:

(A) Based upon all information available to the United States Government, the Government of the Socialist Republic of Vietnam is fully cooperating in good faith with the United States in the following:

(i) Resolving discrepancy cases, live sightings, and field activities.

(ii) Recovering and repatriating American remains.

(iii) Accelerating efforts to provide documents that will help lead to fullest possible accounting of prisoners of war and missing in action.

(iv) Providing further assistance in implementing trilateral investigations with Laos.

(B) The remains, artifacts, eyewitness accounts, archival material, and other evidence associated with prisoners of war and missing in action recovered from crash sites, military actions, and other locations in Southeast Asia are being thoroughly analyzed by the appropriate laboratories with the intent of providing surviving relatives with scientifically defensible, legal determinations of death or other accountability that are fully documented and available in unclassified and unredacted form to immediate family members.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings ''Operations, Research, and Facilities'' and ''Procurement, Acquisition and Construction'' may be used to implement sections 603, 604, and 605 of Public Law 102–567: Provided, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading ''OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are paid by the entity at the time of retirement or separation.

SEC. 616. (a) None of the funds made available in this Act may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length or of more than 750 gross registered tons, and that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower—

(1) as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); or

(2) that would allow such a vessel to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States (except territories), unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997 and such fishery endorsement was not surrendered at any time thereafter.

(b) Any fishing permit or authorization issued or renewed prior to the date of the enactment of this Act for a fishing vessel to which the prohibition in subsection (a)(1) applies that would allow such vessel to engage in fishing for Atlantic mackerel or herring (or both) during fiscal year 1998 shall be null and void, and none of the funds made available in this Act may be used to issue a fishing permit or authorization that would allow a vessel whose permit or authorization was made null and void pursuant to this subsection to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States.

SEC. 617. During fiscal year 1998 and in any fiscal year thereafter, the court, in any criminal case (other than a case in which the defendant is represented by assigned counsel paid for by the public) pending on or after the date of the enactment of this Act, may award to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation expenses, where the court finds that the position of the United States was vexatious, frivolous, or in bad faith, unless the court finds that special circumstances make such an award unjust. Such awards shall be granted pursuant to the procedures and limitations (but not the burden of proof) provided for an award under section 2412 of title 28, United States Code. To determine whether or not to award fees and costs under this section, the court, for good cause shown, may receive evidence ex parte and in camera (which shall include the submission of classified evidence or evidence that reveals or might reveal the identity of an informant or undercover agent or matters occurring before a grand jury) and evidence or testimony so received shall be kept under seal. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

SEC. 618. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 619. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

SEC. 620. The second proviso of the second paragraph under the heading ''OFFICE OF THE CHIEF SIGNAL OFFICER.'' in the Act entitled ''An Act Making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one'', approved May 26, 1900 (31 Stat. 206; chapter 586; 47 U.S.C. 17), is repealed.

SEC. 621. None of the funds appropriated or otherwise made available in this Act shall be used to issue visas to any person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former President Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(4) was a member of the Haitian High Command during the period 1991 through 1994, and has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in—

(A) the September 1991 coup against any person who was a duly elected government official of Haiti (or a member of the family of such official), or

(B) the murders of thousands of Haitians during the period 1991 through 1994; or

(5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts any such person, the Secretary shall notify the appropriate congressional committees in writing.

(c) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (a).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than 3 months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary of State shall submit a report under this subsection not later than 6 months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 622. Section 3006 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251, 269) is hereby repealed. This section shall be deemed a section of the Balanced Budget Act of 1997 for the purposes of section 10213 of that Act (111 Stat. 712), and shall be scored pursuant to paragraph (2) of such section.

SEC. 623. (a) REPORT ON UNIVERSAL SERVICE UNDER THE TELECOMMUNICATIONS ACT OF 1996.—The Federal Communications Commission shall undertake a review of the implementation by the Commission of the provisions of the Telecommunications Act of 1996 (Public Law 104–104) relating to universal service. Such review shall be completed and submitted to the Congress no later than April 10, 1998.

(b) The report required under subsection (a) shall provide a detailed description of the extent to which the Commission interpretations reviewed under paragraphs (1) through (5) are

consistent with the plain language of the Communications Act of 1934 (47 U.S.C. 151 et seq.), as amended by the Telecommunications Act of 1996, and shall include a review of—

(1) the definitions of "information service," "local exchange carrier," "telecommunications," "telecommunications service," "telecommunications carrier," and "telephone exchange service" that were added to section 3 of the Communications Act of 1934 (47 U.S.C. 153) by the Telecommunications Act of 1996 and the impact of the Commission's interpretation of those definitions on the current and future provision of universal service to consumers in all areas of the nation, including high cost and rural areas;

(2) the application of those definitions to mixed or hybrid services and the impact of such application on universal service definitions and support, and the consistency of the Commission's application of those definitions, including with respect to Internet access under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h));

(3) who is required to contribute to universal service under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)) and related existing federal universal service support mechanisms, and of any exemption of providers or exclusion of any service that includes telecommunications from such requirement or support mechanisms;

(4) who is eligible under sections 254(e), 254(h)(1), and 254(h)(2) of the Communications Act of 1934 (47 U.S.C. 254(e), 254(h)(1), and 254(h)(2)) to receive specific federal universal service support for the provision of universal service, and the consistency with which the Commission has interpreted each of those provisions of section 254; and

(5) the Commission's decisions regarding the percentage of universal service support provided by federal mechanisms and the revenue base from which such support is derived.

SEC. 624. Section 6(d)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(d)(1)) is amended by striking the word "fourteen" and inserting in lieu thereof "eight".

SEC. 625. (a) Section 814(g)(1) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 2291 note) is amended by striking "$325,000" and inserting "$370,000".

(b) Section 814(i) of such section is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 626. In addition to amounts otherwise made available for payment of obligations in carrying out 49 U.S.C. 5338(a), $50,000,000 shall remain available until expended and to be derived from the Highway Trust Fund: Provided, That $50,000,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account: Provided further, That subsection (c) of section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998 is amended by inserting after "House and Senate Committees on Appropriations", the following: "and the Senate Committee on Commerce, Science, and Transportation".

SEC. 627. (a) Section 501(c)(4) of the District of Columbia Police and Firemen's Act of 1958, (District of Columbia Code, section 4–416(c)(4)), is amended by striking "locality pay" and inserting "longevity pay".

(b) The amendment made by section (a) is effective on the date of enactment of Public Law 105–61.

SEC. 628. Section 19(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(a)) is amended to read as follows:

"(a) Subject to section 18, there are authorized to be appropriated, for fiscal year 1998, and for each fiscal year thereafter, an amount equal to the amount of funds derived from the assessments authorized by section 18(a).".

SEC. 629. (a) IN GENERAL.—The Secretary of Energy shall—

(1) convey, without consideration, to the Incorporated County of Los Alamos, New Mexico (in this section referred to as the "County"), or to the designee of the County, fee title to the parcels of land that are allocated for conveyance to the County in the agreement under subsection (e); and

(2) transfer to the Secretary of the Interior, in trust for the Pueblo of San Ildefonso (in this section referred to as the "Pueblo"), administrative jurisdiction over the parcels that are allocated for transfer to the Secretary of the Interior in such agreement.

(b) PRELIMINARY IDENTIFICATION OF PARCELS OF LAND FOR CONVEYANCE OR TRANSFER.—(1) Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report identifying the parcels of land under the jurisdiction or administrative control of the Secretary at or in the vicinity of Los Alamos National Laboratory that are suitable for conveyance or transfer under this section.

(2) A parcel is suitable for conveyance or transfer for purposes of paragraph (1) if the parcel—

(A) is not required to meet the national security mission of the Department of Energy or will not be required for that purpose before the end of the 10-year period beginning on the date of enactment of this Act;

(B) is likely to be conveyable or transferable, as the case may be, under this section not later than the end of such period; and

(C) is suitable for use for a purpose specified in subsection (h).

(c) REVIEW OF TITLE.—(1) Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of a title search on each parcel of land identified as suitable for conveyance or transfer under subsection (b), including an analysis of any claims against or other impairments to the fee title to each such parcel.

(2) In the period beginning on the date of the completion of the title search with respect to a parcel under paragraph (1) and ending on the date of the submittal of the report under that paragraph, the Secretary shall take appropriate actions to resolve the claims against or other impairments, if any, to fee title that are identified with respect to the parcel in the title search.

(d) ENVIRONMENTAL RESTORATION.—(1) Not later than 21 months after the date of enactment of this Act, the Secretary shall—

(A) identify the environmental restoration or remediation, if any, that is required with respect to each parcel of land identified under subsection (b) to which the United States has fee title;

(B) carry out any review of the environmental impact of the conveyance or transfer of each such parcel that is required under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) submit to Congress a report setting forth the results of the activities under subparagraphs (A) and (B).

(2) If the Secretary determines under paragraph (1) that a parcel described in paragraph (1)(A) requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the parcel not later than 10 years after the date of enactment of this Act.

(e) AGREEMENT FOR ALLOCATION OF PARCELS.—As soon as practicable after completing the review of titles to parcels of land under subsection (c), but not later than 90 days after the submittal of the report under subsection (d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo the parcels identified for conveyance or transfer under subsection (b).

(f) PLAN FOR CONVEYANCE AND TRANSFER.—(1) Not later than 90 days after the date of the submittal to the Secretary of Energy of the agreement under subsection (e), the Secretary shall submit to the congressional defense committees a plan for conveying or transferring parcels of land under this section in accordance with the allocation specified in the agreement.

(2) The plan under paragraph (1) shall provide for the completion of the conveyance or transfer of parcels under this section not later than 9 months after the date of the submittal of the plan under that paragraph.

(g) CONVEYANCE OR TRANSFER.—(1) Subject to paragraphs (2) and (3), the Secretary shall convey or transfer parcels of land in accordance with the allocation specified in the agreement submitted to the Secretary under subsection (e).

(2) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with the requirement in subsection (f)(2) by reason of its requirement to meet the national security mission of the Department, the Secretary shall convey or transfer the parcel, as the case may be, when the parcel is no longer required for that purpose.

(3)(A) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with such requirement by reason of requirements for environmental restoration or remediation, the Secretary shall convey or transfer the parcel, as the case may be, upon the completion of the environmental restoration or remediation that is required with respect to the parcel.

(B) If the Secretary determines that environmental restoration or remediation cannot reasonably be expected to be completed with respect to a parcel by the end of the 10-year period beginning on the date of enactment of this Act, the Secretary shall not convey or transfer the parcel under this section.

(h) USE OF CONVEYED OR TRANSFERRED LAND.—The parcels of land conveyed or transferred under this section shall be used for historic, cultural, or environmental preservation purposes, economic diversification purposes, or community self-sufficiency purposes.

(i) TREATMENT OF CONVEYANCES AND TRANSFERS.—(1) The purpose of the conveyances and transfers under this section is to fulfill the obligations of the United States with respect to Los Alamos National Laboratory, New Mexico, under sections 91 and 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391, 2394).

(2) Upon the completion of the conveyance or transfer of the parcels of land available for conveyance or transfer under this section, the Secretary shall make no further payments with respect to Los Alamos National Laboratory under section 91 or section 94 of the Atomic Energy Community Act of 1955.

(j) REPEAL OF SUPERSEDED PROVISION.—In the event of the enactment of the National Defense Authorization Act for Fiscal Year 1998 by reason of the approval of the President of the conference report to accompany the bill (H.R.1119) of the 105th Congress, section 3165 of such Act is repealed.

SEC. 630. (a) Section 6906 of title 31, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Necessary"; and

(2) by adding at the end the following:

"(b) LOCAL EXEMPTIONS FROM USER FEES DUE TO INSUFFICIENT APPROPRIATIONS.—

''(1) IN GENERAL.—Unless sufficient funds are appropriated for a fiscal year to provide full payments under this chapter to each unit of general local government that lies in whole or in part within the White Mountain National Forest and is eligible for the payments, persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

''(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from requirements to pay user fees under paragraph (1).''.

SEC. 631. Section 512(b) of Public Law 105–61 is amended by adding before the period: ''unless the President announced his intent to nominate the individual prior to November 30, 1997''.

SEC. 632. Transfers of Unobligated Highway Apportionments. (a) IN GENERAL.—Notwithstanding any other provision of law, for fiscal year 1998, a State may transfer any funds apportioned to the State for any program under section 104 (including amounts apportioned under section 104(b)(3) or set aside or suballocated under section 133(d)), 144, or 402 of title 23, United States Code, granted to the State for any program under section 410 of that title, or allocated to the State for any program under chapter 311 of title 49, United States Code, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to the surface transportation program under section 133 of title 23, United States Code, other than paragraphs (1) and (2) of section 133(d) of that title, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary of Transportation (referred to in this section as the ''Secretary'') shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are no longer authorized may be restored to the Federal-aid highway program.

(d) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—The Secretary shall allocate to a State an amount of obligation authority made available under the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105–66; 111 Stat. 1425), that is not greater than 75 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program until the earlier of—

(A) such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted; or

(B) July 1, 1998.

(2) CONTRACT AUTHORITY.—No contract authority made available to the States before July 1, 1998, shall be obligated after that date until such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted.

(e) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

SEC. 633. ADMINISTRATIVE EXPENSES FOR FEDERAL-AID HIGHWAY PROGRAM AND BUREAU OF TRANSPORTATION STATISTICS. (a) AUTHORITY TO BORROW.—

(1) FROM UNOBLIGATED FUNDS AVAILABLE FOR DISCRETIONARY ALLOCATIONS.—If unobligated balances of funds deducted by the Secretary of Transportation (referred to in this section as the ''Secretary'') under section 104(a) of title 23, United States Code, for administrative and research expenses of the Federal-aid highway program are insufficient to pay those expenses and the amounts necessary for operation of the Bureau of Transportation Statistics for fiscal year 1998, the Secretary may borrow to pay those expenses and amounts not to exceed $211,000,000 from unobligated funds available to the Secretary for discretionary allocations.

(2) FROM CERTAIN UNOBLIGATED BALANCES.—If unobligated funds available to the Secretary for discretionary allocations are insufficient for the purposes described in paragraph (1), the Secretary may borrow for those purposes not to exceed $211,000,000 from the unobligated balances of funds apportioned or allocated to the States for the Federal-aid highway program.

(b) REQUIREMENT TO REIMBURSE.—Funds borrowed under subsection (a) shall be reimbursed from amounts made available to the Secretary under section 104(a) of title 23, United States Code, as soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

SEC. 634. EXTENSION OF FEDERAL TRANSIT PROGRAMS. (a) Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087–2140) is amended by adding at the end the following:

''SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.

''(a) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting ', and for the period of October 1, 1997, through March 31, 1998' after '1997'.

''(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 5337 of title 49, United States Code, is amended—

''(1) in subsection (a), by inserting 'and for the period of October 1, 1997, through March 31, 1998,' after '1997,'; and

''(2) by adding at the end the following:

'''(e) SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).'.

''(c) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

''(1) in subsection (a)—

''(A) in paragraph (1), by adding at the end the following:

'''(F) $1,349,395,000 for the period of October 1, 1997, through March 31, 1998.'; and

''(B) in paragraph (2), by adding at the end the following:

'''(F) $369,000,000 for the period of October 1, 1997, through March 31, 1998.';

''(2) in subsection (b)(1), by adding at the end the following:

'''(F) $1,110,605,000 for the period of October 1, 1997, through March 31, 1998.';

''(3) in subsection (c), by inserting 'and not more than $1,500,000 for the period of October 1, 1997, through March 31, 1998,' after '1997,';

''(4) in subsection (e), by inserting 'and not more than $3,000,000 is available from the Fund (except the Account) for the Secretary for the period of October 1, 1997, through March 31, 1998,' after '1997,';

''(5) in subsection (h)(3), by inserting 'and $3,000,000 is available for section 5317 for the period of October 1, 1997, through March 31, 1998' after '1997';

''(6) in subsection (j)(5)—

''(A) in subparagraph (B), by striking 'and' at the end;

''(B) in subparagraph (C), by striking the period at the end and inserting '; and'; and

''(C) by adding at the end the following:

'''(D) the lesser of $1,500,000 or an amount that the Secretary determines is necessary is available to carry out section 5318 for the period of October 1, 1997, through March 31, 1998.';

''(7) in subsection (k), by striking 'or (e)' and inserting '(e), or (m)'; and

''(8) by adding at the end the following:

'''(m) SECTION 5316 FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period of October 1, 1997, through March 31, 1998:

''''(1) $125,000 to carry out section 5316(a).

''''(2) $1,500,000 to carry out section 5316(b).

''''(3) $500,000 to carry out section 5316(c).

''''(4) $500,000 to carry out section 5316(d).

''''(5) $500,000 to carry out section 5316(e).'.''.

(b) BUDGET SCOREKEEPING.—For purposes of the Congressional Budget Act of 1974, as amended, the Balanced Budget and Emergency Deficit Control Act, as amended, and the Budget Enforcement Act of 1997, as amounts provided or otherwise made available in this section shall be treated as ''direct spending'' in an authorization Act.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading on September 30, 1997, $100,000,000 are rescinded.

TITLE VIII—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities''; for emergency expenses to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act for the Bristol Bay and Kuskokwim areas of Alaska, $7,000,000 to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that the Secretary of Commerce transmits a determination that there is a commercial fishery failure.

This division may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998''.

DIVISION C—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within

the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $683,000,000 to remain available until September 30, 2001: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until 2013 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1998 and 1999: Provided further, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $48,614,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1998.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $32,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $60,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1998 and 1999: Provided further, That such sums shall remain available through fiscal year 2006 for the disbursement of direct and guaranteed loans obligated in fiscal year 1998, and through fiscal year 2007 for the disbursement of direct and guaranteed loans obligated in fiscal year 1999: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $41,500,000, to remain available until September 30, 1999: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 1999, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1998, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $650,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; (7) up to $98,000,000 for basic education programs for children; and (8) a contribution on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of the Foreign Assistance Act of 1961.

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,210,000,000, to remain available until September 30, 1999: Provided, That of the amount appropriated under this heading, up to $22,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that Agency: Provided further, That of the amount appropriated under this heading, up to $14,000,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, not to exceed $2,500,000 shall be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That none of the funds made available under this heading may be used for

any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES).

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98–473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $5,000,000 shall be made available to support activities in Burma, along the Burma-Thailand border, and for activities of Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CAMBODIA

None of the funds appropriated in this Act may be made available for the Government of Cambodia: Provided, That the restrictions under this heading shall not apply to humanitarian, demining or election-related programs or activities: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That 30 days after enactment of this Act, the President shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $190,000,000, to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961; of modifying concessional loans extended to least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended; and of modifying any obligation, or portion of such obligation for Latin American countries to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501); $27,000,000, to remain available until expended: Provided, That not to exceed $1,500,000 of such funds may be used for implementation of improvements in the foreign credit reporting system of the United States government.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 1999.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, including the cost of guaranteed loans designed to promote the urban and environmental policies and objectives of part I of such Act, $3,000,000, to remain available until September 30, 1999: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $6,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Central and Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,208,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $473,000,000: Provided, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $29,047,000, to remain available until September 30, 1999, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,400,000,000, to remain available until September 30, 1999: Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for Jordan: Provided further, That of the funds made available under this heading in previous Acts making appropriations for foreign operations, export financing, and related programs, notwithstanding any provision in any such heading in such previous Acts, up to $116,000,000 may be allocated or made available for programs and activities under this heading including the Middle East Peace and Stability Fund: Provided further, That in carrying out the previous proviso, the President should seek to ensure to the extent feasible that not more than 1 percent of the amount specified in section 586 of this Act should be derived from funds that would otherwise be made available for any single country: Provided further, That funds provided for the Middle East Peace and Stability Fund by a country in the region under the authority of section 635(d) of the Foreign Assistance Act of 1961, and funds made available for Jordan following the date of enactment of this Act from previous Acts making appropriations for foreign operations, export financing, and related programs, shall count toward meeting the earmark contained in the fourth proviso under this heading: Provided further, That up to $10,000,000 of funds under this heading in previous foreign operations, export financing, and related programs appropriations Acts that were reprogrammed for Jordan during fiscal year 1997 shall also count toward such earmark: Provided further, That, in order to facilitate the implementation of the fourth proviso under this heading, the requirement of section 515 of this Act or any similar provision of law shall not apply to

the making available of funds appropriated for a fiscal year for programs, projects, or activities that were justified for another fiscal year: Provided further, That for fiscal year 1998 such portions of the notification required under section 653 of the Foreign Assistance Act of 1961 that relate to the Middle East may be submitted to the Congress as soon as practicable, but no later than March 1, 1998: Provided further, That during fiscal year 1998, of the local currencies generated from funds made available under this heading for Guatemala by this Act and prior Appropriations Acts, the United States and Guatemala may jointly program the Guatemala quetzales equivalent of a total of up to $10,000,000 for the purpose of retiring the debt owed by universities in Guatemala to the Inter-American Development Bank.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 1999.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $485,000,000, to remain available until September 30, 1999, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 532 of this Act shall apply.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

(g) Not to exceed $200,000,000 of the funds appropriated under this heading may be made available for Bosnia and Herzegovina exclusive of assistance for police training.

(h) Not to exceed $7,000,000 of the funds made available for Bosnia and Herzegovina may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees for said country.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $770,000,000, to remain available until September 30, 1999: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be made available to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment;

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures; and

(3) funds may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(c) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian and refugee relief.

(d) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining, or nonproliferation programs.

(e) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(f) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(g) Funds appropriated under title II of this Act, including funds appropriated under this heading, may be made available for assistance for Mongolia: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under this heading or in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(i) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program proposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(j)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of Russia, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Notwithstanding paragraph (1) assistance may be provided for the Government of Russia if the President determines and certifies to the Committees on Appropriations that making such funds available (A) is vital to the national security interest of the United States, and (B) that the Government of Russia is taking meaningful steps to limit major supply contracts and to curtail the transfer of technology and technological expertise related to activities referred to in paragraph (1).

(k) Of the funds appropriated under this heading, not less than $225,000,000 shall be made available for Ukraine, which sum shall be provided with the understanding that Ukraine will undertake significant economic reforms which are additional to those which were undertaken in the previous fiscal year: Provided, That 50 percent of the amount made available in this subsection, exclusive of funds made available for election related initiatives and nuclear reactor safety activities, shall be withheld from obligation and expenditure until the Secretary of State determines and certifies no later than April 30, 1998, that the Government of Ukraine has made significant progress toward resolving complaints made by United States investors to the United States embassy prior to April 30, 1997: Provided further, That funds made available under this subsection, and funds appropriated for Ukraine in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 as contained in Public Law 104–208 shall be made available to complete the preparation of safety analysis reports at each nuclear reactor in Ukraine over the next three years.

(l) Of the funds appropriated under this heading, not less than $250,000,000 shall be made available for assistance for the Southern Caucasus region: Provided, That of the funds provided under this subsection 37 percent shall be made available for Georgia and 35 percent shall be made available for Armenia: Provided further, That of the funds made available for the Southern Caucasus region, 28 percent should be used for reconstruction and remedial activities relating to the consequences of conflicts within the region, especially those in the vicinity of Abkhazia and Nagorno-Karabakh: Provided further, That if the Secretary of State after May 30, 1998, determines and reports to the relevant Committees of Congress that the full amount of reconstruction and remedial funds that may be made available under the previous proviso cannot be effectively utilized, up to 62.5 percent of the amount provided under the previous proviso for reconstruction and remediation may be used for other purposes under this heading.

(m) Funds provided under the previous subsection shall be made available for humanitarian assistance for refugees, displaced persons, and needy civilians affected by the conflicts in the Southern Caucasus region, including those in the vicinity of Abkhazia and Nagorno-Karabakh, notwithstanding any other provision of this or any other Act.

(n) Funds made available under this Act or any other Act may not be provided for assistance to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh: Provided, That the restriction of this subsection and section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421); and

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity.

(o) None of the funds appropriated under this heading or in prior appropriations legislation may be made available to establish a joint public-private entity or organization engaged in the management of activities or projects supported by the Defense Enterprise Fund.

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $222,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1999.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $215,000,000: Provided, That during fiscal year 1998, the Department of State may also use the authority of section 608 of the Act, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That not later than sixty days after the date of enactment of this Act, the Secretary of State in consultation with the Director of the Office of National Drug Control Policy shall submit a report to the Committees on Appropriations containing: (1) a list of all countries in which the United States carries out international counter-narcotics activities; (2) the number, mission and agency affiliation of United States personnel assigned to each such country; and (3) all costs and expenses obligated for each program, project or activity by each United States agency in each country: Provided further, That of the amount made available under this heading not to exceed $5,000,000 shall be allocated to operate the Western Hemisphere International Law Enforcement Academy: Provided further, That 10 percent of the funds appropriated under this heading shall not be available for obligation until the Secretary of State submits a report to the Committees on Appropriations providing a financial plan for the funds appropriated under this heading and under the heading "Narcotics Interdiction".

NARCOTICS INTERDICTION

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $15,000,000, to remain available until expended, in addition to amounts otherwise available for such purposes, which shall be available for assistance, including procurement, for support of air drug interdiction and eradication and other related purposes: Provided, That funds appropriated under this heading shall be made available subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $650,000,000: Provided, That not more than $12,000,000 shall be available for administrative expenses: Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

REFUGEE RESETTLEMENT ASSISTANCE

For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $5,000,000.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $133,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO): Provided, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That not to exceed $30,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: Provided further, That such funds may be obligated to KEDO only if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that: (1)(A) the parties to the Agreed Framework are taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with the other provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors and that such canning and safe storage is scheduled to be completed by April 1, 1998; and (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended: Provided further, That the President may waive the certification requirements of the preceding proviso if the President determines that it is vital to the national security interests of the United States: Provided further, That no funds may be obligated for KEDO until thirty calendar days after submission to Congress of the waiver permitted under the preceding proviso: Provided further, That the obligation of any funds for KEDO shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of the Korean Peninsula Energy Development Organization, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the

amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities: Provided further, That of the funds made available under this heading, up to $10,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO), in addition to funds otherwise made available under this heading for KEDO, if the Secretary of State certifies and reports to the Committees on Appropriations that, except for the funds made available under this proviso, funds sufficient to cover all outstanding debts owed by KEDO for heavy fuel oil have been provided to KEDO by donors other than the United States.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading may be made available to support grant financed military education and training at the School of the Americas unless: (1) the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel; (2) the Secretary of Defense certifies that the Secretary of State, in consultation with the Secretary of Defense, has developed and issued specific guidelines governing the selection and screening of candidates for instruction at the School of the Americas; and (3) the Secretary of Defense submits to the Committees on Appropriations a report detailing the training activities of the School of the Americas and a general assessment regarding the performance of its graduates during 1996.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,296,550,000: Provided, That of the funds appropriated under this heading, not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 shall be available for assistance for Jordan: Provided further, That during fiscal year 1998 the President is authorized to, and shall, direct drawdowns of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $25,000,000 under the authority of this proviso for Jordan for the purposes of part II of the Foreign Assistance Act of 1961, and any amount so directed shall count toward meeting the earmark in the previous proviso: Provided further, That section 506(c) of the Foreign Assistance Act of 1961 shall apply, and section 632(d) of the Foreign Assistance Act of 1961 shall not apply, to any such drawdown: Provided further, That of the funds appropriated by this paragraph, a total of $18,300,000 should be available for assistance for Estonia, Latvia, and Lithuania: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That $50,000,000 of the funds appropriated or otherwise made available under this heading should be made available for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $60,000,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $657,000,000: Provided further, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: Provided further, That funds appropriated under this paragraph shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $105,000,000 only for Greece and $150,000,000 only for Turkey.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $23,250,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That none of the funds under this heading shall be available for Guatemala: Provided further, That not more than $350,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1998 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $77,500,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $47,500,000, to remain available until September 30, 1999.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,034,503,100, to remain available until expended, of which $234,503,100 shall be available to pay for the tenth replenishment: Provided, That none of the funds may be obligated or made available until the Secretary of the Treasury certifies to the Committees on Appropriations that procurement restrictions applicable to United States firms under the terms of the Interim Trust Fund have been lifted from all funds which Interim Trust Fund donors proposed to set aside for review of procurement restrictions at the conclusion of the February 1997 IDA Deputies Meeting in Paris.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667, and for the United States share of the increase in the resources of the Fund for Special Operations, $20,835,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $30,000,000 to remain available until expended, which shall be available for contributions previously due.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $150,000,000, of which $50,000,000 shall be available for contributions previously due, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $45,000,000, to remain available until expended and which shall be available for contributions previously due.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $56,500,000, to remain available until expended of which $250,000 shall be available for contributions previously due: Provided, That none of the funds appropriated under this heading that are made available for the Community Adjustment and Investment Program shall be used for purposes other than those set out in the binational agreement establishing the Bank: Provided further, That of the amount appropriated under this heading, not more than $41,250,000 may be expended for the purchase of such capital shares in fiscal year 1998.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not to exceed $318,750,000.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $192,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $25,000,000 of the funds appropriated under this heading may be made available to UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1998, and that no later than February 15, 1998, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1998: Provided further, That any amount UNFPA plans to spend in the People's Republic of China in 1998 shall be deducted from the amount of funds provided to UNFPA after March 1, 1998, pursuant to the previous provisos: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA): Provided further, That not less than $4,000,000 should be made available to the World Food Program.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, as amended, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings

under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1998, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1998.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua and Liberia, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Disease Programs Fund", "Development Assistance", "International organizations and programs", "Trade and Development Agency", "International narcotics control", "Narcotics interdiction", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, anti-terrorism, demining and related programs", "Foreign Military Financing Program", "International military education and training", "Peace Corps", "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: Provided, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1999.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

REPORTING REQUIREMENT

SEC. 519. Section 25 of the Arms Export Control Act is amended—

(1) in subsection (a), by striking "Congress" and inserting in lieu thereof "appropriate congressional committees";

(2) in subsection (b), by striking "the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives" and inserting in lieu thereof "any of the congressional committees described in subsection (e)"; and

(3) by adding the following subsection:

"(e) As used in this section, the term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.".

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, Haiti, Liberia, Pakistan, Panama, Peru, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, basic education, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival, and basic education activities, and activities relating to research on, and the treatment and control of acquired immune deficiency syndrome in developing countries: Provided, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1997" and inserting in lieu thereof "1998".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 530. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local

currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 535. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

EXTENSION OF AUTHORITY TO OBLIGATE FUNDS TO CLOSE THE SPECIAL DEFENSE ACQUISITION FUND

SEC. 536. Title III of Public Law 103–306 is amended under the heading "Special Defense Acquisition Fund" by striking "1998" and inserting "2000".

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 537. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 538. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 539. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia and Herzegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 540. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing; and

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 541. (a) Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a) for Bolivia, Colombia, and Peru may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 542. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 and 11 of part I, and chapter 4 of part II, of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1998, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 543. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 544. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 545. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: Provided, That not to exceed $500,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 546. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the Sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 547. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 548. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 549. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 550. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance estimated to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 551. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 552. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 553. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $25,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That sixty days after the date of enactment of this Act, and every one hundred eighty days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

LANDMINES

SEC. 554. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That not later than 90 days after the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit a report to the Committees on Appropriations describing potential alternative technologies or tactics and a plan for the development of such alternatives to protect anti-tank mines from tampering in a manner consistent with the "Convention on the Prohibition, Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction".

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 555. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 556. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

EQUITABLE ALLOCATION OF FUNDS

SEC. 557. Not more than 18 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 558. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act;

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 559. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification,

as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 560. (a) AUTHORIZATIONS.—The Secretary of the Treasury may, to fulfill commitments of the United States: (1) effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) $285,772,500 for paid-in capital, and $984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) $1,600,000,000 for the International Development Association; (3) $400,000,000 for the Asian Development Fund; and (4) $76,832,001 for paid-in capital, and $4,511,156,729 for callable capital of the Inter-American Development Bank in connection with the eighth general increase in the resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.

(b) CONSIDERATION OF ENVIRONMENTAL IMPACT OF INTERNATIONAL FINANCE CORPORATION LOANS.—Section 1307 of the International Financial Institutions Act (Public Law 95–118) is amended as follows:

(1) in subsection (a)(1)(A) strike "borrowing country" and insert in lieu thereof "borrower";

(2) in subsection (a)(2)(A) strike "country"; and

(3) at the end of Section 1307, add a new subsection as follows:

"(g) For purposes of this section, the term 'multilateral development bank' means any of the institutions named in Section 1303(b) of this Act, and the International Finance Corporation.".

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to use the voice and vote of the United States to strongly encourage their respective institutions to—

(1) provide timely public information on procurement opportunities available to United States suppliers, with a special emphasis on small business; and

(2) systematically consult with local communities on the potential impact of loans as part of the normal lending process, and expand the participation of affected peoples and nongovernmental organizations in decisions on the selection, design and implementation of policies and projects.

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

SEC. 561. (a) BILATERAL ASSISTANCE.—The President is authorized to withhold funds appropriated by this Act under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which knowingly grants sanctuary to persons in its territory for the purpose of evading prosecution, where such persons—

(1) have been indicted by the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law; or

(2) have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government; or

(D) any government which was an ally of the Nazi government of Germany.

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 562. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Haiti unless the President reports to Congress that the Government of Haiti—

(1) is conducting thorough investigations of extrajudicial and political killings;

(2) is cooperating with United States authorities in the investigations of political and extrajudicial killings;

(3) has substantially completed privatization of (or placed under long-term private management or concession) at least three major public enterprises; and

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights.

(b) EXCEPTIONS.—The limitation in subsection (a) does not apply to the provision of humanitarian, electoral, counter-narcotics, or law enforcement assistance.

(c) WAIVER.—The President may waive the requirements of this section on a semiannual basis if the President determines and certifies to the appropriate committees of Congress that such waiver is in the national interest of the United States.

(d) PARASTATALS DEFINED.—As used in this section, the term "parastatal" means a government-owned enterprise.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 563. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1997.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 564. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

ASSISTANCE TO TURKEY

SEC. 565. (a) Not more than $40,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available for Turkey.

(b) Of the funds made available under the heading "Economic Support Fund" for Turkey, not less than fifty percent of these funds shall be made available for the purpose of supporting private nongovernmental organizations engaged in strengthening democratic institutions in Turkey, providing economic assistance for individuals and communities affected by civil unrest, and supporting and promoting peaceful solutions and economic development which will contribute to the settlement of regional problems in Turkey.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 566. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF CROATIA

SEC. 567. None of the funds appropriated or otherwise made available by title II of this Act may be made available to the Government of Croatia to relocate the remains of Croatian Ustashe soldiers, at the site of the World War II concentration camp at Jasenovac, Croatia.

BURMA LABOR REPORT

SEC. 568. Not later than one hundred twenty days after enactment of this Act, the Secretary of Labor in consultation with the Secretary of State shall provide to the Committees on Appropriations a report addressing labor practices in Burma.

HAITI

SEC. 569. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 570. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 571. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the United States expects that the items will not be used in East Timor: Provided, That nothing in this section shall be construed to limit Indonesia's inherent right to legitimate national self-defense as recognized under the United Nations Charter and international law.

TRANSPARENCY OF BUDGETS

SEC. 572. Section 576(a)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended to read as follows:

"(1) does not have in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces and security forces;".

Section 576(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended to read as follows:

"(2) has not provided to the institution information about the audit process requested by the institution.".

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 573. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or canton described in subsection (d).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (d).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (d), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the U.S. position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or canton and a nonsanctioned contiguous country, entity, or canton, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or canton and if the portion of the project located in the sanctioned country, entity, or canton is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by U.S. armed forces that promote good relations between such forces and the officials and citizens of the areas in the U.S. SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement; or

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity.

(2) FURTHER LIMITATIONS.—Notwithstanding paragraph (1)—

(A) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or canton described in subsection (d), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(B) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or canton described in subsection (d) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(d) SANCTIONED COUNTRY, ENTITY, OR CANTON.—A sanctioned country, entity, or canton described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(e) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or canton upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committeee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (e)(1), the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(f) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or canton have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(g) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia-Herzegovina, Croatia, and Serbia-Montenegro (Federal Republic of Yugoslavia).

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina and the Republika Srpska.

(3) CANTON.—The term "canton" means the administrative units in Bosnia and Herzegovina.

(4) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(5) TRIBUNAL.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

(h) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this subsection, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the

international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefitting from any financial or technical assistance or grants provided to any country or entity described in subsection (d).

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

SEC. 574. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "and 1997" and inserting "1997, and 1998"; and

(B) in subsection (e), by striking "October 1, 1997" each place it appears and inserting "October 1, 1998"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 1997" and inserting "September 30, 1998".

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 575. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: "and $60,000,000 for fiscal year 1998".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES

SEC. 576. Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: ", including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.".

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT IMPLEMENT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 577. (a) None of the funds appropriated under this Act may be made available for the Government of the Russian Federation unless within 30 days of the date this section becomes effective the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

(b) This section shall become effective one hundred fifty days after the enactment of this Act.

U.S. POLICY REGARDING SUPPORT FOR COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

SEC. 578. (a) FINDINGS.—Congress makes the following findings:

(1) The ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political and economic ties between countries of the South Caucasus and Central Asia and the West will foster stability in the region.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asia will provide positive incentives for international private investment, increased trade, and other forms of commercial interactions with the rest of the world.

(5) The Caspian Sea Basin, overlapping the territory of the countries of the South Caucasus and Central Asia, contains proven oil and gas reserves that may exceed $4,000,000,000,000 in value.

(6) The region of the South Caucasus and Central Asia will produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence of the countries of the South Caucasus and Central Asia.

(b) GENERAL.—The policy of the United States in the countries of the South Caucasus and Central Asia should be—

(1) to promote sovereignty and independence with democratic government;

(2) to assist actively in the resolution of regional conflicts;

(3) to promote friendly relations and economic cooperation;

(4) to help promote market-oriented principles and practices;

(5) to assist in the development of infrastructure necessary for communications, transportation, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(6) to support United States business interests and investments in the region.

(c) DEFINITION.—In this section, the term "countries of the South Caucasus and Central Asia" means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

PAKISTAN

SEC. 579. (a) OPIC.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting ", or Pakistan" after "China".

(b) TRADE AND DEVELOPMENT.—It is the sense of Congress that the Director of the Trade and Development Agency should use funds made available to carry out the provisions of section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to promote United States exports to Pakistan.

REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS

SEC. 580. The President shall provide to the Congress a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international, for fiscal year 1997, planned obligations for such activities in fiscal year 1998, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than November 15, 1997.

AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING

SEC. 581. (a) IN GENERAL.—Section 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) by striking paragraphs (1) and (2)(A) and inserting the following:

"(1) INSURANCE AND FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234 (b) and (c), shall not exceed in the aggregate $29,000,000,000.";

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by amending paragraph (2) (as so redesignated) by striking "September 30, 1997" and inserting "September 30, 1999".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 235(a) of that Act (22 U.S.C. 2195(a)), as redesignated by subsection (a), is further amended by striking "(a) and (b)" and inserting "(a), (b), and (c)".

(c) EXTENSION OF AUTHORITY.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "October 23, 1997" and inserting "September 30, 1998".

(d) TIED AID CREDIT FUND AUTHORITY.—

(a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i 3(c)(2)) is amended by striking "through" and all that follows through "1997".

(b) Section 10(e) of such Act (12 U.S.C. 635i–3(3)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the purposes of this section.".

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 582. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance

Act of 1961 for development assistance or for humanitarian assistance.

(c) WAIVER.—Funds may be provided for a country without regard to subsection (a) if the President determines that to do so is in the national security interest of the United States.

WAR CRIMES PROSECUTION

SEC. 583. Section 2401 of title 18, United States Code (Public Law 104–192; the War Crimes Act of 1996) is amended as follows—

(1) in subsection (a), by striking "grave breach of the Geneva Conventions" and inserting "war crime";

(2) in subsection (b), by striking "breach" each place it appears and inserting "war crime"; and

(3) so that subsection (c) reads as follows:

"(c) DEFINITION.—As used in this section the term 'war crime' means any conduct—

"(1) defined as a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party;

"(2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907;

"(3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party and which deals with non-international armed conflict; or

"(4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians.".

INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAMS FOR LATIN AMERICA

SEC. 584. (a) EXPANDED IMET.—The Secretary of Defense, in consultation with the Secretary of State, should make every effort to ensure that approximately 30 percent of the funds appropriated in this Act for "International Military Education and Training" for the cost of Latin American participants in IMET programs will be disbursed for the purpose of supporting enrollment of such participants in expanded IMET courses.

(b) CIVILIAN PARTICIPATION.—The Secretary of State, in consultation with the Secretary of Defense, should identify sufficient numbers of qualified, non-military personnel from countries in Latin America so that approximately 25 percent of the total number of individuals from Latin American countries attending United States supported IMET programs and the Center for Hemispheric Defense Studies at the National Defense University are civilians.

(c) REPORT.—Not later than twelve months after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall report in writing to the appropriate committees of the Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next three fiscal years.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 585. None of the funds appropriated or otherwise made available by this Act may be provided to the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Congress that the central Government of the Democratic Republic of Congo is cooperating fully with investigators from the United Nations in accounting for human rights violations committed in the Democratic Republic of Congo or adjacent countries.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 586. Of the funds appropriated by this Act under the headings "Economic Support Fund", "Foreign Military Financing", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", not more than a total of $5,402,850,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: Provided, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of enactment of this Act obligated or allocated for other recipients may not during fiscal year 1998 be made available for activities that, if funded under this Act, would be required to count against this ceiling: Provided further, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

AGRICULTURE

SEC. 587. The first proviso of subsection (k) under the heading "Assistance for the New Independent States of the Former Soviet Union" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended by striking "not less than" and inserting in lieu thereof "up to".

ENTERPRISE FUND RESTRICTIONS

SEC. 588. Section 201(l) of the Support for East European Democracy Act (22 U.S.C. 5421(l)) is amended to read as follows:

"(l) LIMITATION ON PAYMENTS TO ENTERPRISE FUND PERSONNEL.—

"(1) No part of the funds of an Enterprise Fund shall inure to the benefit of any board member, officer, or employee of such Enterprise Fund, except as salary or reasonable compensation for services subject to paragraph (2).

"(2) An Enterprise Fund shall not pay compensation for services to—

"(A) any board member of the Enterprise Fund, except for services as a board member; or

"(B) any firm, association, or entity in which a board member of the Enterprise Fund serves as partner, director, officer, or employee.

"(3) Nothing in paragraph (2) shall preclude payment for services performed before the date of enactment of this subsection nor for arrangements approved by the grantor and notified in writing to the Committees on Appropriations.".

CAMBODIA

SEC. 589. The Secretary of the Treasury should instruct the United States Executive Directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 590. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1998 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

SEC. 591. For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees in support of the development objectives of the Foreign Assistance Act of 1961 (FAA), up to $7,500,000, which amount may be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and funds appropriated by this Act under the heading "Assistance for Eastern Europe and the Baltic States", to remain available until expended: Provided, That up to $500,000 of the funds appropriated by this Act under the heading "Operating Expenses of the Agency for International Development" may be made available for administrative expenses to carry out such programs: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to development credit authority) of the Foreign Assistance Act of 1961, as added by section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this paragraph: Provided further, That direct loans or loan guarantees under this paragraph may not be provided until the Director of the Office of Management and Budget has certified to the Committees on Appropriations that the Agency for International Development has established a credit management system capable of effectively managing the credit programs funded under this heading, including that such system (1) can provide accurate and timely provision of loan and loan guarantee data, (2) contains information control systems for loan and loan guarantee data, (3) is adequately staffed, and (4) contains appropriate review and monitoring procedures.

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION OVERSEAS

SEC. 592. (a) PERFORMANCE OF ABORTIONS.—(1) Notwithstanding section 614 of the Foreign Assistance Act of 1961 or any other provision of law, no funds appropriated to the Agency for International Development for population planning activities or other population assistance for fiscal years 1998 and 1999 may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

(2) Paragraph (1) of this subsection may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

(b) LOBBYING ACTIVITIES.—(1) Notwithstanding section 614 of the Foreign Assistance Act of 1961 or any other provision of law, no funds appropriated to the Agency for International Development for population planning activities or other population assistance for fiscal years 1998 and 1999 may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted,

regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

(2) Paragraph (1) of this subsection shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

(c) APPLICATION TO FOREIGN ORGANIZATIONS.—The restrictions in this section apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required in subsections (a) and (b) apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.

(d) For each of fiscal years 1998 and 1999, the President may waive the restrictions in subsections (a) and (b): Provided, That if the President waives the restriction in either subsection (a) or (b), not to exceed $410,000,000 may be made available for population planning activities or other population assistance: Provide further, That if the President waives the restrictions in both subsections (a) and (b), not to exceed $385,000,000 may be made available for population planning activities or other population assistance.

INTERNATIONAL MONETARY PROGRAMS

LOANS TO INTERNATIONAL MONETARY FUND

SEC. 593. For loans to the International Monetary Fund under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98–181), and the Act of October 23, 1962 (Public Law 87–872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow.

Section 17 of the Bretton Woods Agreements Act, as amended (22 U.S.C. 286e–2 et seq.) is amended as follows—

(1) Section 17(a) is amended by striking "and February 24, 1983" and inserting instead "February 24, 1983, and January 27, 1997"; and by striking "4,250,000,000" and inserting instead "6,712,000,000".

(2) Section 17(b) is amended by striking "4,250,000,000" and inserting instead "6,712,000,000".

(3) Section 17(d) is amended by inserting "or the Decision of January 27, 1997," after "February 24, 1983,"; and by inserting "or the New Arrangements to Borrow, as applicable" before the period at the end.

This division may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998".

DIVISION D—FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Affairs Reform and Restructuring Act of 1997".

SEC. 1002. ORGANIZATION OF DIVISION INTO SUBDIVISIONS; TABLE OF CONTENTS.

(a) SUBDIVISIONS.—This division is organized into three subdivisions as follows:

(1) SUBDIVISION 1.—Foreign Affairs Agencies Consolidation Act of 1997.

(2) SUBDIVISION 2.—Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

(3) SUBDIVISION 3.—United Nations Reform Act of 1997.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1001. Short title.
Sec. 1002. Organization of division into subdivisions; table of contents.

SUBDIVISION 1—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE XI—GENERAL PROVISIONS

Sec. 1101. Short title.
Sec. 1102. Purposes.
Sec. 1103. Definitions.
Sec. 1104. Report on budgetary cost savings resulting from reorganization.

TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1201. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 1212. Transfer of functions to Secretary of State.
Sec. 1213. Under Secretary for Arms Control and International Security.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 1221. References.
Sec. 1222. Repeals.
Sec. 1223. Amendments to the Arms Control and Disarmament Act.
Sec. 1224. Compensation of officers.
Sec. 1225. Additional conforming amendments.

TITLE XIII—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1301. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1311. Abolition of United States Information Agency.
Sec. 1312. Transfer of functions.
Sec. 1313. Under Secretary of State for Public Diplomacy.
Sec. 1314. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.

CHAPTER 3—INTERNATIONAL BROADCASTING

Sec. 1321. Congressional findings and declaration of purpose.
Sec. 1322. Continued existence of Broadcasting Board of Governors.
Sec. 1323. Conforming amendments to the United States International Broadcasting Act of 1994.
Sec. 1324. Amendments to the Radio Broadcasting to Cuba Act.
Sec. 1325. Amendments to the Television Broadcasting to Cuba Act.
Sec. 1326. Transfer of broadcasting related funds, property, and personnel.
Sec. 1327. Savings provisions.
Sec. 1328. Report on the privatization of RFE/RL, Incorporated.

CHAPTER 4—CONFORMING AMENDMENTS

Sec. 1331. References.
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TITLE XI—GENERAL PROVISIONS

SEC. 1101. SHORT TITLE.

This subdivision may be cited as the "Foreign Affairs Agencies Consolidation Act of 1997".

SEC. 1102. PURPOSES.

The purposes of this subdivision are—

(1) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—

(A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the special missions and skills of these agencies;

(B) transferring certain functions of the Agency for International Development to the Department of State; and

(C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of the Department of State;

(3) to ensure that programs critical to the promotion of United States national interests be maintained;

(4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government.

SEC. 1103. DEFINITIONS.

In this subdivision:

(1) ACDA.—The term "ACDA" means the United States Arms Control and Disarmament Agency.

(2) AID.—The term "AID" means the United States Agency for International Development.

(3) AGENCY; FEDERAL AGENCY.—The term "agency" or "Federal agency" means an Executive agency as defined in section 105 of title 5, United States Code.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(5) COVERED AGENCY.—The term ''covered agency'' means any of the following agencies: ACDA, USIA, IDCA, and AID.

(6) DEPARTMENT.—The term ''Department'' means the Department of State.

(7) FUNCTION.—The term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(8) IDCA.—The term ''IDCA'' means the United States International Development Cooperation Agency.

(9) OFFICE.—The term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of State.

(11) USIA.—The term ''USIA'' means the United States Information Agency.

SEC. 1104. REPORT ON BUDGETARY COST SAVINGS RESULTING FROM REORGANIZATION.

The Secretary of State shall submit a report, together with the congressional presentation document for the budget of the Department of State for each of the fiscal years 1999, 2000, and 2001, to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization implemented under this subdivision, including cost savings by each of the following categories:

(1) Reductions in personnel.

(2) Administrative consolidation, including procurement.

(3) Program consolidation.

(4) Consolidation of real properties and leases.

TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1201. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 1212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency, and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

SEC. 1213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651(b)) is amended—

(1) by striking ''There'' and inserting the following:

''(1) IN GENERAL.—There''; and

(2) by adding at the end the following:

''(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security, who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as advisor on arms control and nonproliferation matters.''.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 1221. REFERENCES.

Except as otherwise provided in section 1223 or 1225, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, the Director of the Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Secretary of State; or

(2) the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 1222. REPEALS.

The following sections of the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) are repealed: Sections 21 through 26 (22 U.S.C. 2561–2566), section 35 (22 U.S.C. 2575), section 42 (22 U.S.C. 2582), section 43 (22 U.S.C. 2583), sections 45 through 50 (22 U.S.C. 2585–2593), section 53 (22 U.S.C. 2593c), section 54 (22 U.S.C. 2593d), and section 63 (22 U.S.C. 2595b).

SEC. 1223. AMENDMENTS TO THE ARMS CONTROL AND DISARMAMENT ACT.

The Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is amended—

(1) in section 2 (22 U.S.C. 2551)—

(A) in the first undesignated paragraph, by striking ''creating a new agency of peace to deal with'' and inserting ''addressing'';

(B) by striking the second undesignated paragraph; and

(C) in the third undesignated paragraph—

(i) by striking ''This organization'' and inserting ''The Secretary of State'';

(ii) by striking ''It shall have'' and inserting ''The Secretary shall have'';

(iii) by striking ''and the Secretary of State'';

(iv) by inserting '', nonproliferation,'' after ''arms control'' in paragraph (1);

(v) by striking paragraph (2);

(vi) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(vii) by striking '', as appropriate,'' in paragraph (3) (as redesignated);

(2) in section 3 (22 U.S.C. 2552), by striking subsection (c);

(3) in the heading for title II, by striking ''**ORGANIZATION**'' and inserting ''**SPECIAL REPRESENTATIVES AND VISITING SCHOLARS**'';

(4) in section 27 (22 U.S.C. 2567)—

(A) by striking the third sentence;

(B) in the fourth sentence, by striking '', acting through the Director''; and

(C) in the fifth sentence, by striking ''Agency'' and inserting ''Department of State'';

(5) in section 28 (22 U.S.C. 2568)—

(A) by striking ''Director'' each place it appears and inserting ''Secretary of State'';

(B) in the second sentence—

(i) by striking ''Agency'' each place it appears and inserting ''Department of State''; and

(ii) by striking ''Agency's'' and inserting ''Department of State's''; and

(C) by striking the fourth sentence;

(6) in section 31 (22 U.S.C. 2571)—

(A) by inserting ''this title in'' after ''powers in'';

(B) by striking ''Director'' each place it appears and inserting ''Secretary of State'';

(C) by striking ''insure'' each place it appears and inserting ''ensure'';

(D) in the second sentence, by striking ''in accordance with procedures established under section 35 of this Act'';

(E) in the fourth sentence by striking ''The authority'' and all that follows through ''disarmament:'' and inserting the following: ''The authority of the Secretary under this Act with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:''; and

(F) in subsection (l), by inserting ''and'' at the end;

(7) in section 32 (22 U.S.C. 2572)—

(A) by striking ''Director'' and inserting ''Secretary of State''; and

(B) by striking ''subsection'' and inserting ''section'';

(8) in section 33(a) (22 U.S.C. 2573(a))—

(A) by striking ''the Secretary of State,''; and

(B) by striking ''Director'' and inserting ''Secretary of State'';

(9) in section 34 (22 U.S.C. 2574)—

(A) in subsection (a)—

(i) in the first sentence, by striking ''Director'' and inserting ''Secretary of State'';

(ii) in the first sentence, by striking ''and the Secretary of State'';

(iii) in the first sentence, by inserting '', nonproliferation,'' after ''in the fields of arms control'';

(iv) in the first sentence, by striking ''and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of the United States participation in international negotiations and implementation fora in the field of nonproliferation'';

(v) in the second sentence, by striking ''section 27'' and inserting ''section 201''; and

(vi) in the second sentence, by striking ''the'' after ''serve as'';

(B) by striking subsection (b);

(C) by redesignating subsection (c) as subsection (b); and

(D) in subsection (b) (as redesignated)—

(i) in the text above paragraph (1), by striking ''Director'' and inserting ''Secretary of State'';

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(10) in section 36 (22 U.S.C. 2576)—

(A) by striking ''Director'' each place it appears and inserting ''Secretary of State''; and

(B) by striking '', in accordance with the procedures established pursuant to section 35 of this Act,'';

(11) in section 37 (22 U.S.C. 2577)—

(A) by striking ''Director'' and ''Agency'' each place it appears and inserting ''Secretary of State'' or ''Department of State'', respectively; and

(B) by striking subsection (d);

(12) in section 38 (22 U.S.C. 2578)—

(A) by striking ''Director'' each place it appears and inserting ''Secretary of State''; and

(B) by striking subsection (c);

(13) in section 41 (22 U.S.C. 2581)—

(A) by striking ''In the performance of his functions, the Director'' and inserting ''In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this Act'';

(B) by striking ''Agency'', ''Agency's'', ''Director'', and ''Director's'' each place they appear and inserting ''Department of State'', ''Department of State's'', ''Secretary of State'', or ''Secretary of State's'', as appropriate;

(C) in subsection (a), by striking the sentence that begins "It is the intent";

(D) in subsection (b)—

(i) by striking "appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities,";

(ii) in paragraph (1), by striking "exception" and inserting "subsection"; and

(iii) in paragraph (2)—

(I) by striking "exception" and inserting "subsection"; and

(II) by striking "ceiling" and inserting "positions allocated to carry out the purpose of this Act";

(E) by striking subsection (g);

(F) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively;

(G) by amending subsection (f) to read as follows:

"(f) establish a scientific and policy advisory board to advise with and make recommendations to the Secretary of State on United States arms control, nonproliferation, and disarmament policy and activities. A majority of the board shall be composed of individuals who have a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who have distinguished themselves in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering. The members of the board may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;"; and

(H) in subsection (h) (as redesignated), by striking "Deputy Director" and inserting "Under Secretary for Arms Control and International Security";

(14) in section 44 (22 U.S.C. 2584)—

(A) by striking "CONFLICT-OF-INTEREST AND";

(B) by striking "The members" and all that follows through "(5 U.S.C. 2263), or any other" and inserting "Members of advisory boards and consultants may serve as such without regard to any"; and

(C) by inserting at the end the following new sentence: "This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.";

(15) in section 51 (22 U.S.C. 2593a)—

(A) in subsection (a)—

(i) in paragraphs (1) and (3), by inserting ", nonproliferation," after "arms control" each place it appears;

(ii) by striking "Director, in consultation with the Secretary of State," and inserting "Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with";

(iii) by striking "the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence" and inserting "and the Chairman of the Joint Chiefs of Staff";

(iv) by striking paragraphs (2) and (4); and

(v) by redesignating paragraphs (3), (5), (6), and (7) as paragraphs (2) through (5), respectively; and

(B) by adding at the end of subsection (b) the following: "The portions of this report described in paragraphs (4) and (5) of subsection (a) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.";

(16) in section 52 (22 U.S.C. 2593b), by striking "Director" and inserting "Secretary of State";

(17) in section 61 (22 U.S.C. 2593a)—

(A) in paragraph (1), by striking "United States Arms Control and Disarmament Agency" and inserting "Department of State";

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively;

(D) in paragraph (4) (as redesignated), by striking "paragraph (4)" and inserting "paragraph (3)"; and

(E) in paragraph (6) (as redesignated), by striking "United States Arms Control and Disarmament Agency and the";

(18) in section 62 (22 U.S.C. 2595a)—

(A) in subsection (c)—

(i) in the subsection heading, by striking "DIRECTOR" and inserting "SECRETARY OF STATE"; and

(ii) by striking "2(d), 22, and 34(c)" and inserting "102(3) and 304(b)"; and

(B) by striking "Director" and inserting "Secretary of State";

(19) in section 64 (22 U.S.C. 2595b–1)—

(A) by striking the section title and inserting

"SEC. 503. REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.";

(B) by striking subsection (a); and

(C) in subsection (b)—

(i) by striking "(b) REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.—"; and

(ii) by striking "Foreign Affairs" and inserting "International Relations";

(20) in section 65(1) (22 U.S.C. 2595c(1)) by inserting "of America" after "United States"; and

(21) by redesignating sections 1, 2, 3, 27, 28, 31, 32, 33, 34, 36, 37, 38, 39, 41, 44, 51, 52, 61, 62, 64, and 65, as amended by this section, as sections 101, 102, 103, 201, 202, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 501, 502, 503, and 504, respectively.

SEC. 1224. COMPENSATION OF OFFICERS.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Arms Control and Disarmament Agency.";

(2) in section 5314, by striking "Deputy Director of the United States Arms Control and Disarmament Agency.";

(3) in section 5315—

(A) by striking "Assistant Directors, United States Arms Control and Disarmament Agency (4).''; and

(B) by striking "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency", and inserting "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State"; and

(4) in section 5316, by striking "General Counsel of the United States Arms Control and Disarmament Agency.".

SEC. 1225. ADDITIONAL CONFORMING AMENDMENTS.

(a) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking "Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and the Secretary of Defense" and inserting "Secretary of State in consultation with the Secretary of Defense and the Director of Central Intelligence";

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

(A) in the first sentence, by striking "be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to" and inserting "take into account"; and

(B) by striking the second sentence;

(3) in section 42(a) (22 U.S.C. 2791(a))—

(A) in paragraph (1)(C), by striking "the assessment of the Director of the United States Arms Control and Disarmament Agency as to";

(B) by striking "(1)" after "(a)"; and

(C) by striking paragraph (2);

(4) in section 71(a) (22 U.S.C. 2797(a)), by striking ", the Director of the Arms Control and Disarmament Agency,";

(5) in section 71(b)(1) (22 U.S.C. 2797(b)(1)), by striking "and the Director of the United States Arms Control and Disarmament Agency";

(6) in section 71(b)(2) (22 U.S.C. 2797(b)(2))—

(A) by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce"; and

(B) by striking "or the Director";

(7) in section 71(c) (22 U.S.C. 2797(c)), by striking "with the Director of the United States Arms Control and Disarmament Agency,"; and

(8) in section 73(d) (22 U.S.C. 2797b(d)), by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce".

(b) FOREIGN ASSISTANCE ACT.—Section 511 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321d) is amended by striking "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to" and inserting "take into account".

(c) UNITED STATES INSTITUTE OF PEACE ACT.—

(1) Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as redesignated), by striking "Eleven" and inserting "Twelve".

(2) Section 1707(d)(2) of that Act (22 U.S.C. 4606(d)(2)) is amended by striking ", Director of the Arms Control and Disarmament Agency".

(d) ATOMIC ENERGY ACT OF 1954.—The Atomic Energy Act of 1954 is amended—

(1) in section 57b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking "the Arms Control and Disarmament Agency,"; and

(B) in the second sentence, by striking "the Director of the Arms Control and Disarmament Agency,";

(2) in section 109b. (42 U.S.C. 2129(b)), by striking "and the Director";

(3) in section 111b. (42 U.S.C. 2131(b)) by striking "the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission," and inserting "the Nuclear Regulatory Commission";

(4) in section 123 (42 U.S.C. 2153)—

(A) in subsection a., in the third sentence—

(i) by striking "and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director')";

(ii) by inserting "and" after "Energy,";

(iii) by striking "Commission, and the Director, who" and inserting "Commission. The Secretary of State"; and

(iv) after "nuclear explosive purpose.", by inserting the following new sentence: "Each Nuclear Proliferation Assessment Statement prepared pursuant to this Act shall be accompanied by a classified annex, prepared in consultation with the Director of Central Intelligence, summarizing relevant classified information.";

(B) in subsection d., in the first proviso—

(i) by striking "Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency," and inserting "Nuclear Proliferation Assessment Statement prepared by the Secretary of State, and any annexes thereto,"; and

(ii) by striking "has been" and inserting "have been"; and

(C) in the first undesignated paragraph following subsection d., by striking "the Arms Control and Disarmament Agency,";

(5) in section 126a.(1), by striking "the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission"

and inserting ''and the Nuclear Regulatory Commission,'';

(6) in section 131a. (42 U.S.C. 2160(a))—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''the Director,'';

(ii) in the third sentence, by striking ''the Director declares that he intends'' and inserting ''the Secretary of State is required''; and

(iii) in the third sentence, by striking ''the Director's declaration'' and inserting ''the requirement to prepare a Nuclear Proliferation Assessment Statement'';

(B) in paragraph (2)—

(i) by striking ''Director's view'' and inserting ''view of the Secretary of State, Secretary of Energy, Secretary of Defense, or the Commission''; and

(ii) by striking ''he may prepare'' and inserting ''the Secretary of State, in consultation with such Secretary or the Commission, shall prepare''; and

(7) in section 131c. (42 U.S.C. 2160(c))—

(A) in the first sentence, by striking '', the Director of the Arms Control and Disarmament Agency,'';

(B) in the sixth and seventh sentences, by striking ''Director'' each place it appears and inserting ''Secretary of State''; and

(C) in the seventh sentence, by striking ''Director's'' and inserting ''Secretary of State's''.

(e) NUCLEAR NON-PROLIFERATION ACT OF 1978.—The Nuclear Non-Proliferation Act of 1978 is amended—

(1) in section 4 (22 U.S.C. 3203)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(2) in section 102 (22 U.S.C. 3222), by striking '', the Secretary of State, and the Director of the Arms Control and Disarmament Agency'' and inserting ''and the Secretary of State'';

(3) in section 304(d) (42 U.S.C. 2156a), by striking ''the Secretary of Defense, and the Director,'' and inserting ''and the Secretary of Defense,'';

(4) in section 309 (42 U.S.C. 2139a)—

(A) in subsection (b), by striking ''the Department of Commerce, and the Arms Control and Disarmament Agency'' and inserting ''and the Department of Commerce''; and

(B) in subsection (c), by striking ''the Arms Control and Disarmament Agency,'';

(5) in section 406 (42 U.S.C. 2160a), by inserting '', or any annexes thereto,'' after ''Statement''; and

(6) in section 602 (22 U.S.C. 3282)—

(A) in subsection (c), by striking ''the Arms Control and Disarmament Agency,''; and

(B) in subsection (e), by striking ''and the Director''.

(f) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—Section 23(a) of the State Department basic Authorities Act of 1956 (22 U.S.C. 2695(a)) is amended by striking ''the Agency for International Development, and the Arms Control and Disarmament Agency'' and inserting ''and the Agency for International Development''.

(g) FOREIGN RELATIONS AUTHORIZATION ACT OF 1972.—Section 502 of the Foreign Relations Authorization Act of 1972 (2 U.S.C. 194a) is amended by striking ''the United States Arms Control and Disarmament Agency,''.

(h) TITLE 49.—Section 40118(d) of title 49, United States Code, is amended by striking '', or the Director of the Arms Control and Disarmament Agency''.

TITLE XIII—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1301. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency (other than the Broadcasting Board of Governors and the International Broadcasting Bureau) is abolished.

SEC. 1312. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

(b) EXCEPTION.—Subsection (a) does not apply to the Broadcasting Board of Governors, the International Broadcasting Bureau, or any function performed by the Board or the Bureau.

SEC. 1313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)), as amended by this division, is further amended by adding at the end the following new paragraph:

''(3) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.''.

SEC. 1314. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the United States Information Agency is abolished.

(b) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''the Office of Personnel Management, the United States Information Agency'' and inserting ''or the Office of Personnel Management''; and

(2) in paragraph (2), by striking ''the United States Information Agency,''.

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking the following:

''Inspector General, United States Information Agency.''.

(d) AMENDMENTS TO PUBLIC LAW 103–236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking ''Inspector General of the United States Information Agency'' each place it appears and inserting ''Inspector General of the Department of State and the Foreign Service''; and

(2) by striking '', the Director of the United States Information Agency,''.

(e) TRANSFER OF FUNCTIONS.—There are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 1321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom ''to seek, receive, and impart information and ideas through any media and regardless of frontiers'', in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability, and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 1322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

''(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

''(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

''(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date may serve the remainder of their terms of office without reappointment.

''(3) INSPECTOR GENERAL AUTHORITIES.—

''(A) IN GENERAL.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors and the International Broadcasting Bureau as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

''(B) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.''.

SEC. 1323. CONFORMING AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

(a) REFERENCES IN SECTION.—Whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).

(b) SUBSTITUTION OF SECRETARY OF STATE.—Sections 304(b)(1)(B), 304(b) (2) and (3), 304(c), and 304(e) (22 U.S.C. 6203(b)(1)(B), 6203(b) (2) and (3), 6203(c), and 6203(e)) are amended by striking ''Director of the United States Information Agency'' each place it appears and inserting ''Secretary of State''.

(c) SUBSTITUTION OF ACTING SECRETARY OF STATE.—Section 304(c) (22 U.S.C. 6203(c)) is amended by striking ''acting Director of the agency'' and inserting ''Acting Secretary of State''.

(d) STANDARDS AND PRINCIPLES OF INTERNATIONAL BROADCASTING.—Section 303(b) (22 U.S.C. 6202(b)) is amended—

(1) in paragraph (3), by inserting ", including editorials, broadcast by the Voice of America, which present the views of the United States Government" after "policies";

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

(3) by inserting after paragraph (3) the following:

"(4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;";

(e) AUTHORITIES OF THE BOARD.—Section 305(a) (22 U.S.C. 6204(a)) is amended—

(1) in paragraph (1)—

(A) by striking "direct and"; and

(B) by striking "and the Television Broadcasting to Cuba Act" and inserting ", the Television Broadcasting to Cuba Act, and Worldnet Television, except as provided in section 306(b)";

(2) in paragraph (4), by inserting ", after consultation with the Secretary of State," after "annually,";

(3) in paragraph (9)—

(A) by striking ", through the Director of the United States Information Agency,"; and

(B) by adding at the end the following new sentence: "Each annual report shall place special emphasis on the assessment described in paragraph (2).";

(4) in paragraph (12)—

(A) by striking "1994 and 1995" and inserting "1998 and 1999"; and

(B) by striking "to the Board for International Broadcasting for such purposes for fiscal year 1993" and inserting "to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997"; and

(5) by adding at the end the following new paragraphs:

"(15)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code.

"(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"(16) To procure, pursuant to section 1535 of title 31, United States Code (commonly known as the 'Economy Act'), such goods and services from other departments or agencies for the Board and the International Broadcasting Bureau as the Board determines are appropriate.

"(17) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1997, to the extent the Board considers necessary in carrying out the provisions and purposes of this title.

"(18) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title XIII of the Foreign Affairs Consolidation Act of 1997 for carrying out the broadcasting activities covered by this title.".

(f) DELEGATION OF AUTHORITY.—Section 305 (22 U.S.C. 6204) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) DELEGATION OF AUTHORITY.—The Board may delegate to the Director of the International Broadcasting Bureau, or any other officer or employee of the United States, to the extent the Board determines to be appropriate, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (3), (4), (5), (6), (9), or (11) of subsection (a).".

(g) BROADCASTING BUDGETS.—Section 305(c)(1) (as redesignated) is amended—

(1) by striking "(1)" before "The Director"; and

(2) by striking "the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to".

(h) REPEAL.—Section 305(c)(2) (as redesignated) is repealed.

(i) IMPLEMENTATION.—Section 305(d) (as redesignated) is amended to read as follows:

"(d) PROFESSIONAL INDEPENDENCE OF BROADCASTERS.—The Secretary of State and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and the grantees of the Board.".

(j) FOREIGN POLICY GUIDANCE.—Section 306 (22 U.S.C. 6205) is amended—

(1) in the section heading, by striking "**FOREIGN POLICY GUIDANCE**" and inserting "**ROLE OF THE SECRETARY OF STATE**";

(2) by inserting "(a) FOREIGN POLICY GUIDANCE.—" immediately before "To";

(3) by striking "State, acting through the Director of the United States Information Agency," and inserting "State";

(4) by inserting before the period at the end the following: ", as the Secretary may deem appropriate"; and

(5) by adding at the end the following:

"(b) CERTAIN WORLDNET PROGRAMMING.—The Secretary of State is authorized to use Worldnet broadcasts for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the Department of State. The Chairman of the Broadcasting Board of Governors shall provide access to Worldnet for this purpose on a nonreimbursable basis.".

(k) INTERNATIONAL BROADCASTING BUREAU.—Section 307 (22 U.S.C. 6206) is amended—

(1) in subsection (a), by striking "within the United States Information Agency" and inserting "under the Board";

(2) in subsection (b)(1), by striking "Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board" and inserting "President, by and with the advice and consent of the Senate";

(3) by redesignating subsection (b)(1) as subsection (b);

(4) by striking subsection (b)(2); and

(5) by adding at the end the following new subsection:

"(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of Radio Free Asia, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.".

(l) REPEALS.—The following provisions of law are repealed:

(1) Subsections (k) and (l) of section 308 (22 U.S.C. 6207 (k), (l)).

(2) Section 310 (22 U.S.C. 6209).

SEC. 1324. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(2) by striking "Agency" each place it appears and inserting "Board";

(3) by striking "the Director of the United States Information Agency" each place it appears and inserting "the Broadcasting Board of Governors";

(4) in section 4 (22 U.S.C. 1465b), by striking "the Voice of America" and inserting "the International Broadcasting Bureau";

(5) in section 5 (22 U.S.C. 1465c)—

(A) by striking "Board" each place it appears and inserting "Advisory Board"; and

(B) in subsection (a), by striking the first sentence and inserting "There is established within the Office of the President the Advisory Board for Cuba Broadcasting (in this Act referred to as the 'Advisory Board').."; and

(6) by striking any other reference to "Director" not amended by paragraph (3) each place it appears and inserting "Board".

SEC. 1325. AMENDMENTS TO THE TELEVISION BROADCASTING TO CUBA ACT.

The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) is amended—

(1) in section 243(a) (22 U.S.C. 1465bb(a)) and section 246 (22 U.S.C. 1465dd), by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(2) in section 243(c) (22 U.S.C. 1465bb(c))—

(A) in the subsection heading, by striking "USIA"; and

(B) by striking "'USIA Television" and inserting "the 'Television";

(3) in section 244(c) (22 U.S.C. 1465cc(c)) and section 246 (22 U.S.C. 1465dd), by striking "Agency" each place it appears and inserting "Board";

(4) in section 244 (22 U.S.C. 1465cc)—

(A) in the section heading, by striking "**OF THE UNITED STATES INFORMATION AGENCY**";

(B) in subsection (a)—

(i) in the first sentence, by striking "The Director of the United States Information Agency shall establish" and inserting "There is"; and

(ii) in the second sentence—

(I) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(II) by striking "the Director of the Voice of America" and inserting "the International Broadcasting Bureau";

(C) in subsection (b)—

(i) by striking "Agency facilities" and inserting "Board facilities"; and

(ii) by striking "Information Agency" and inserting "International"; and

(D) in the heading of subsection (c), by striking "USIA"; and

(5) in section 245(d) (22 U.S.C. 1465c note), by striking "Board" and inserting "Advisory Board".

SEC. 1326. TRANSFER OF BROADCASTING RELATED FUNDS, PROPERTY, AND PERSONNEL.

(a) TRANSFER AND ALLOCATION OF PROPERTY AND APPROPRIATIONS.—

(1) IN GENERAL.—The assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 1327(d)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other

funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices of USIA transferred to the Broadcasting Board of Governors by this chapter shall be transferred to the Broadcasting Board of Governors for appropriate allocation.

(2) ADDITIONAL TRANSFERS.—In addition to the transfers made under paragraph (1), there shall be transferred to the Chairman of the Broadcasting Board of Governors the assets, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds, as determined by the Secretary, in concurrence with the Broadcasting Board of Governors, to support the functions transferred by this chapter.

(b) TRANSFER OF PERSONNEL.—Notwithstanding any other provision of law—

(1) except as provided in subsection (c), all personnel and positions of USIA employed or maintained to carry out the functions transferred by this chapter to the Broadcasting Board of Governors shall be transferred to the Broadcasting Board of Governors at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer; and

(2) the personnel and positions of USIA, as determined by the Secretary of State, with the concurrence of the Broadcasting Board of Governors and the Director of USIA, to support the functions transferred by this chapter shall be transferred to the Broadcasting Board of Governors, including the International Broadcasting Bureau, at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) TRANSFER AND ALLOCATION OF PROPERTY, APPROPRIATIONS, AND PERSONNEL ASSOCIATED WITH WORLDNET.—USIA personnel responsible for carrying out interactive dialogs with foreign media and other similar overseas public diplomacy programs using the Worldnet television broadcasting system, and funds associated with such personnel, shall be transferred to the Department of State in accordance with the provisions of title XVI of this subdivision.

(d) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, when requested by the Broadcasting Board of Governors, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with functions and offices transferred from USIA, as may be necessary to carry out the provisions of this section.

SEC. 1327. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this title, and

(2) that are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this chapter, or amendments made by this chapter, shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this title takes effect, with respect to functions exercised by the Board as of the effective date of this title but such proceedings and applications shall be continued.

(2) ORDERS, APPEALS, AND PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this chapter had not been enacted.

(c) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Broadcasting Board of Governors, or any commission or component thereof, shall abate by reason of the enactment of this chapter. No cause of action by or against the Broadcasting Board of Governors, or any commission or component thereof, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this chapter.

(d) CONTINUATION OF PROCEEDINGS WITH SUBSTITUTION OF PARTIES.—

(1) SUBSTITUTION OF PARTIES.—If, before the effective date of this title, USIA or the Broadcasting Board of Governors, or any officer thereof in the official capacity of such officer, is a party to a suit which is related to the functions transferred by this chapter, then effective on such date such suit shall be continued with the Broadcasting Board of Governors or other appropriate official of the Board substituted or added as a party.

(2) LIABILITY OF THE BOARD.—The Board shall participate in suits continued under paragraph (1) where the Broadcasting Board of Governors or other appropriate official of the Board is added as a party and shall be liable for any judgments or remedies in those suits or proceedings arising from the exercise of the functions transferred by this chapter to the same extent that USIA would have been liable if such judgment or remedy had been rendered on the day before the abolition of USIA.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Broadcasting Board of Governors relating to a function exercised by the Board before the effective date of this title may be continued by the Board with the same effect as if this chapter had not been enacted.

(f) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this title, shall be deemed to refer to the Board.

SEC. 1328. REPORT ON THE PRIVATIZATION OF RFE/RL, INCORPORATED.

Not later than March 1 of each year, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, on any steps taken to further the policy declared in section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. The report under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to terminate individual language services.

(2) A detailed description of steps taken with regard to section 312(a) of that Act.

(3) An analysis of prospects for privatization over the coming year.

(4) An assessment of the extent to which United States Government funding may be appropriate in the year 2000 and subsequent years for surrogate broadcasting to the countries to which RFE/RL, Incorporated, broadcast during the year. This assessment shall include an analysis of the environment for independent media in those countries, noting the extent of government control of the media, the ability of independent journalists and news organizations to operate, relevant domestic legislation, level of government harassment and efforts to censor, and other indications of whether the people of such countries enjoy freedom of expression.

CHAPTER 4—CONFORMING AMENDMENTS

SEC. 1331. REFERENCES.

(a) IN GENERAL.—Except as otherwise provided in this subdivision, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

(b) CONTINUING REFERENCES TO USIA OR DIRECTOR.—Subsection (a) shall not apply to section 146 (a), (b), or (c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4069a(f), 4069b(g), or 4069c(f)).

SEC. 1332. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Information Agency.";

(2) in section 5315—

(A) by striking "Deputy Director of the United States Information Agency."; and

(B) by striking "Director of the International Broadcasting Bureau, the United States Information Agency." and inserting "Director of the International Broadcasting Bureau."; and

(3) in section 5316—

(A) by striking "Deputy Director, Policy and Plans, United States Information Agency."; and

(B) by striking "Associate Director (Policy and Plans), United States Information Agency.".

SEC. 1333. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION TO FUNCTIONS OF DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall not apply to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this subdivision.

(b) APPLICATION TO FUNCTIONS TRANSFERRED TO DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall apply only to public diplomacy programs, personnel and support of the Director of the United States Information Agency as carried out

prior to any transfer of functions pursuant to this subdivision to the same extent that such programs were covered by these provisions prior to such transfer.

(c) LIMITATION ON USE OF FUNDS.—Except as provided in section 501 of Public Law 80–402 and section 208 of Public Law 99–93, funds specifically authorized to be appropriated for such public diplomacy programs shall not be used to influence public opinion in the United States, and no program material prepared using such funds shall be distributed or disseminated in the United States.

(d) REPORTING REQUIREMENTS.—The report submitted pursuant to section 1601(f) of this subdivision shall include a detailed statement of the manner in which the special mission of public diplomacy carried out by USIA prior to the transfer of functions under this subdivision shall be preserved within the Department of State, including the planned duties and responsibilities of any new bureaus that will perform such public diplomacy functions. Such report shall also include the best available estimates of—

(1) the amounts to be expended by the Department of State for public affairs programs during fiscal year 1998, and on the personnel and support costs for such programs;

(2) the amounts to be expended by USIA for its public diplomacy programs during fiscal year 1998, and on the personnel and support costs for such programs; and

(3) the amounts, including funds to be transferred from USIA and funds appropriated to the Department, that will be allocated for the programs described in paragraphs (1) and (2), respectively, during the fiscal year in which the transfer of functions from USIA to the Department occurs.

(e) CONGRESSIONAL PRESENTATION DOCUMENT.—The Department of State's Congressional Presentation Document for fiscal year 2000 and each fiscal year thereafter shall include—

(1) the aggregated amounts that the Department will spend on such public diplomacy programs and on costs of personnel for such programs, and a detailed description of the goals and purposes for which such funds shall be expended; and

(2) the amount of funds allocated to and the positions authorized for such public diplomacy programs, including bureaus to be created upon the transfer of functions from USIA to the Department.

SEC. 1334. ABOLITION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) ABOLITION.—The United States Advisory Commission on Public Diplomacy is abolished.

(b) REPEALS.—Section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977 are repealed.

SEC. 1335. CONFORMING AMENDMENTS.

(a) The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended—

(1) in section 505 (22 U.S.C. 1464a)—

(A) by striking "Director of the United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(B) by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(C) in subsection (b)—

(i) by striking "Agency's" and all that follows through "'USIA-TV')" and inserting "television broadcasts of the United States International Television Service"; and

(ii) in paragraphs (1), (2), and (3), by striking "USIA-TV" each place it appears and inserting "The United States International Television Service"; and

(D) in subsections (d) and (e), by striking "USIA-TV" each place it appears and inserting "the United States International Television Service";

(2) in section 506(c) (22 U.S.C. 1464b(c))—

(A) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors";

(B) by striking "Agency" and inserting "Board"; and

(C) by striking "Director" and inserting "Board".

(3) in section 705 (22 U.S.C 1477c)—

(A) by striking subsections (a) and (c); and

(B) in subsection (b)—

(i) by striking "(b) In addition, the United State Information Agency" and inserting "The Department of State"; and

(ii) by striking "program grants" and inserting "grants for overseas public diplomacy programs";

(4) in section 801(7) (22 U.S.C. 1471(7))—

(A) by striking "Agency" and inserting "overseas public diplomacy"; and

(B) by inserting "other" after "together with"; and

(5) in section 812 (22 U.S.C. 1475g)—

(A) by striking "United States Information Agency post" each place it appears and inserting "overseas public diplomacy post";

(B) in subsection (a), by striking "United States Information Agency" the first place it appears and inserting "Department of State";

(C) in subsection (b), by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

(D) in the section heading, by striking "***USIA***" and inserting "***OVERSEAS PUBLIC DIPLOMACY***".

(b) Section 212 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Department of State";

(2) in subsection (a), by inserting "for carrying out its overseas public diplomacy functions" after "grants";

(3) in subsection (b)—

(A) by striking "a grant" the first time it appears and inserting "an overseas public diplomacy grant"; and

(B) in paragraph (1), by inserting "such" before "a grant" the first place it appears;

(4) in subsection (c)(1), by inserting "overseas public diplomacy" before "grants";

(5) in subsection (c)(3), by inserting "such" before "grant"; and

(6) by striking subsection (d).

(c) Section 602 of the National and Community Service Act of 1990 (22 U.S.C. 2452a) is amended—

(1) in the second sentence of subsection (a), by striking "United States Information Agency" and inserting "Department of State"; and

(2) in subsection (b)—

(A) by striking "appropriations account of the United States Information Agency" and inserting "appropriate appropriations account of the Department of State"; and

(B) by striking "and the United States Information Agency".

(d) Section 305 of Public Law 97–446 (19 U.S.C. 2604) is amended in the first sentence, by striking ", after consultation with the Director of the United States Information Agency,".

(e) Section 601 of Public Law 103–227 (20 U.S.C. 5951(a)) is amended by striking "of the Director of the United States Information Agency and with" and inserting "and".

(f) Section 1003(b) of the Fascell Fellowship Act (22 U.S.C. 4902(b)) is amended—

(1) in the text above paragraph (1), by striking "9 members" and inserting "7 members";

(2) in paragraph (4), by striking "Six" and inserting "Five";

(3) by striking paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

(g) Section 803 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1903) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(2) in subsection (c), by striking "subsection (b)(7)" and inserting "subsection (b)(6)".

(h) Section 7 of the Federal Triangle Development Act (40 U.S.C. 1106) is amended—

(1) in subsection (c)(1)—

(A) in the text above subparagraph (A), by striking "15 members" and inserting "14 members";

(B) by striking subparagraph (F); and

(C) by redesignating subparagraphs (G) through (J) as subparagraphs (F) through (I), respectively;

(2) in paragraphs (3) and (5) of subsection (c), by striking "paragraph (1)(J)" each place it appears and inserting "paragraph (1)(I)"; and

(3) in subsection (d)(3) and subsection (e), by striking "the Administrator and the Director of the United States Information Agency" each place it appears and inserting "and the Administrator".

(i) Section 3 of the Woodrow Wilson Memorial Act of 1968 (Public Law 90–637; 20 U.S.C. 80f) is amended—

(1) in subsection (b)—

(A) in the text preceding paragraph (1), by striking "19 members" and inserting "17 members";

(B) by striking paragraph (7);

(C) by striking "10" in paragraph (10) and inserting "9"; and

(D) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(2) in subsection (c), by striking "(9)" and inserting "(8)".

(j) Section 624 of Public Law 89–329 (20 U.S.C. 1131c) is amended by striking "the United States Information Agency,".

(k) The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors";

(2) in section 210 (22 U.S.C. 3930), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors";

(3) in section 1003(a) (22 U.S.C. 4103(a)), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(4) in section 1101(c) (22 U.S.C. 4131(c)), by striking "the United States Information Agency," and inserting "Broadcasting Board of Governors,".

(l) The Department of State Basic Authorities Act of 1956, as amended by this division, is further amended—

(1) in section 23(a) (22 U.S.C. 2695(a)), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors";

(2) in section 25(f) (22 U.S.C. 2697(f))—

(A) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(B) by striking "with respect to their respective agencies" and inserting "with respect to the Board and the Agency";

(3) in section 26(b) (22 U.S.C. 2698(b)), as amended by this division—

(A) by striking "Director of the United States Information Agency, the chairman of the Board

for International Broadcasting,'' and inserting ''Broadcasting Board of Governors,''; and

(B) by striking ''with respect to their respective agencies'' and inserting ''with respect to the Board and the Agency''; and

(4) in section 32 (22 U.S.C. 2704), as amended by this division, by striking ''the Director of the United States Information Agency'' and inserting ''the Broadcasting Board of Governors''.

(m) Section 507(b)(3) of Public Law 103–317 (22 U.S.C. 2669a(b)(3)) is amended by striking '', the United States Information Agency,''.

(n) Section 502 of Public Law 92–352 (2 U.S.C. 194a) is amended by striking ''the United States Information Agency,''.

(o) Section 6 of Public Law 104–288 (22 U.S.C. 2141d) is amended—

(1) in subsection (a), by striking ''Director of the United States Information Agency,''; and

(2) in subsection (b), by striking ''the Director of the United States Information Agency'' and inserting ''the Under Secretary of State for Public Diplomacy''.

(p) Section 40118(d) of title 49, United States Code, is amended by striking '', the Director of the United States Information Agency,''.

(q) Section 155 of Public Law 102–138 is amended—

(1) by striking the comma before ''Department of Commerce'' and inserting ''and''; and

(2) by striking '', and the United States Information Agency''.

(r) Section 107 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is amended by striking ''Director of the United States Information Agency'' each place it appears and inserting ''Director of the International Broadcasting Bureau''.

SEC. 1336. REPEALS.

The following provisions are repealed:

(1) Sections 701 (22 U.S.C. 1476), 704 (22 U.S.C. 1477b), 807 (22 U.S.C 1475b), 808 (22 U.S.C 1475c), 811 (22 U.S.C 1475f), and 1009 (22 U.S.C. 1440) of the United States Information and Educational Exchange Act of 1948.

(2) Section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(c)).

(3) Section 565(e) of the Anti-Economic Discrimination Act of 1994 (22 U.S.C. 2679c(e)).

(4) Section 206(b) of Public Law 102–138.

(5) Section 2241 of Public Law 104–66.

(6) Sections 1 through 6 of Reorganization Plan Numbered 2 of 1977 (91 Stat. 636).

(7) Section 207 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 22 U.S.C. 1463 note).

TITLE XIV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—Except for the components specified in subsection (b), the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

(b) AID AND OPIC EXEMPTED.—Subsection (a) does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

SEC. 1412. TRANSFER OF FUNCTIONS AND AUTHORITIES.

(a) ALLOCATION OF FUNDS.—

(1) ALLOCATION TO THE SECRETARY OF STATE.—Funds made available under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1–801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of October 1, 1997, shall be allocated to the Secretary of State on and after the effective date of this title without further action by the President.

(2) PROCEDURES FOR REALLOCATIONS OR TRANSFERS.—The Secretary of State may allocate or transfer as appropriate any funds received under paragraph (1) in the same manner as previously provided for the Director of the International Development Cooperation Agency under section 1–802 of that Executive Order, as in effect on October 1, 1997.

(b) WITH RESPECT TO THE OVERSEAS PRIVATE INVESTMENT CORPORATION.—There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this title with respect to the Overseas Private Investment Corporation.

(c) OTHER ACTIVITIES.—The authorities and functions transferred to the United States International Development Cooperation Agency or the Director of that Agency by section 6 of Reorganization Plan Numbered 2 of 1979 shall, to the extent such authorities and functions have not been repealed, be transferred to those agencies or heads of agencies, as the case may be, in which those authorities and functions were vested by statute as of the day before the effective date of such reorganization plan.

SEC. 1413. STATUS OF AID.

(a) IN GENERAL.—Unless abolished pursuant to the reorganization plan submitted under section 1601, and except as provided in section 1412, there is within the Executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5, United States Code.

(b) RETENTION OF OFFICERS.—Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this title.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 1421. REFERENCES.

Except as otherwise provided in this subdivision, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the United States International Development Cooperation Agency (IDCA) or to the Director or any other officer or employee of IDCA—

(1) insofar as such reference relates to any function or authority transferred under section 1412(a), shall be deemed to refer to the Secretary of State;

(2) insofar as such reference relates to any function or authority transferred under section 1412(b), shall be deemed to refer to the Administrator of the Agency for International Development;

(3) insofar as such reference relates to any function or authority transferred under section 1412(c), shall be deemed to refer to the head of the agency to which such function or authority is transferred under such section; and

(4) insofar as such reference relates to any function or authority not transferred by this title, shall be deemed to refer to the President or such agency or agencies as may be specified by Executive order.

SEC. 1422. CONFORMING AMENDMENTS.

(a) TERMINATION OF REORGANIZATION PLANS AND DELEGATIONS.—The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).

(2) Section 1–101 through 1–103, sections 1–401 through 1–403, section 1–801(a), and such other provisions that relate to the United States International Development Cooperation Agency or the Director of IDCA, of Executive Order No. 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1–6 of such Delegation of Authority.

(4) Section 3 of Executive Order No. 12884 (58 Fed. Reg. 64099; relating to the delegation of functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

(b) OTHER STATUTORY AMENDMENTS AND REPEAL.—

(1) TITLE 5.—Section 7103(a)(2)(B)(iv) of title 5, United States Code, is amended by striking ''United States International Development Cooperation Agency'' and inserting ''Agency for International Development''.

(2) INSPECTOR GENERAL ACT OF 1978.—Section 8A of the Inspector General Act of 1978 (5 U.S.C. App. 3) is amended—

(A) in subsection (a)—

(i) by striking ''Development'' through ''(1) shall'' and inserting ''Development shall'';

(ii) by striking ''; and'' at the end of subsection (a)(1) and inserting a period; and

(iii) by striking paragraph (2);

(B) by striking subsections (c) and (f); and

(C) by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(3) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—The State Department Basic Authorities Act of 1956 is amended—

(A) in section 25(f) (22 U.S.C. 2697(f)), as amended by this division, by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the Agency for International Development'';

(B) in section 26(b) (22 U.S.C. 2698(b)), as amended by this division, by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the Agency for International Development''; and

(C) in section 32 (22 U.S.C. 2704), by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the Agency for International Development''.

(4) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 is amended—

(A) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the Agency for International Development'';

(B) in section 210 (22 U.S.C. 3930), by striking ''United States International Development Cooperation Agency'' and inserting ''Agency for International Development'';

(C) in section 1003(a) (22 U.S.C. 4103(a)), by striking ''United States International Development Cooperation Agency'' and inserting ''Agency for International Development''; and

(D) in section 1101(c) (22 U.S.C. 4131(c)), by striking ''United States International Development Cooperation Agency'' and inserting ''Agency for International Development''.

(5) REPEAL.—Section 413 of Public Law 96–53 (22 U.S.C. 3512) is repealed.

(6) TITLE 49.—Section 40118(d) of title 49, United States Code, is amended by striking "the Director of the United States International Development Cooperation Agency" and inserting "or the Administrator of the Agency for International Development".

(7) EXPORT ADMINISTRATION ACT OF 1979.—Section 2405(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(g)) is amended—

(A) by striking "Director of the United States International Development Cooperation Agency" each place it appears and inserting "Administrator of the Agency for International Development"; and

(B) in the fourth sentence, by striking "Director" and inserting "Administrator".

TITLE XV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 1501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 1601.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

SEC. 1511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—The Agency for International Development shall be reorganized in accordance with this subdivision and the reorganization plan transmitted pursuant to section 1601.

(b) FUNCTIONS TO BE TRANSFERRED.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of AID:

(1) The Press office.

(2) Certain administrative functions.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

SEC. 1521. DEFINITION OF UNITED STATES ASSISTANCE.

In this chapter, the term "United States assistance" means development and other economic assistance, including assistance made available under the following provisions of law:

(1) Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).

(3) Chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa).

(4) Chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union).

(5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

SEC. 1522. ADMINISTRATOR OF AID REPORTING TO THE SECRETARY OF STATE.

The Administrator of the Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall report to and be under the direct authority and foreign policy guidance of the Secretary of State.

SEC. 1523. ASSISTANCE PROGRAMS COORDINATION AND OVERSIGHT.

(a) AUTHORITY OF THE SECRETARY OF STATE.—

(1) IN GENERAL.—Under the direction of the President, the Secretary of State shall coordinate all United States assistance in accordance with this section, except as provided in paragraphs (2) and (3).

(2) EXPORT PROMOTION ACTIVITIES.—Coordination of activities relating to promotion of exports of United States goods and services shall continue to be primarily the responsibility of the Secretary of Commerce.

(3) INTERNATIONAL ECONOMIC ACTIVITIES.—Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury.

(4) AUTHORITIES AND POWERS OF THE SECRETARY OF STATE.—The powers and authorities of the Secretary provided in this chapter are in addition to the powers and authorities provided to the Secretary under any other Act, including section 101(b) and section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(b), 2382(c)).

(b) COORDINATION ACTIVITIES.—Coordination activities of the Secretary of State under subsection (a) shall include—

(1) approving an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961, the Arms Export Control Act, and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations; and

(4) resolving policy, program, and funding disputes among United States Government agencies.

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the Federal agency for that purpose.

(d) AUTHORITY TO PROVIDE PERSONNEL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Administrator of the Agency for International Development is authorized to detail to the Department of State on a nonreimbursable basis such personnel employed by the Agency as the Secretary of State may require to carry out this section.

TITLE XVI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 1601. REORGANIZATION PLAN AND REPORT.

(a) SUBMISSION OF PLAN AND REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan and report regarding—

(1) the abolition of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency in accordance with this subdivision;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the Agency and the transfer of certain functions of the Agency to the Department in accordance with section 1511;

(3) the termination of functions of each covered agency as may be necessary to effectuate the reorganization under this subdivision, and the termination of the affairs of each agency abolished under this subdivision;

(4) the transfer to the Department of the functions and personnel of each covered agency consistent with the provisions of this subdivision; and

(5) the consolidation, reorganization, and streamlining of the Department in connection with the transfer of such functions and personnel in order to carry out such functions.

(b) COVERED AGENCIES.—The agencies covered by this section are the following:

(1) The United States Arms Control and Disarmament Agency.

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) The Agency for International Development.

(c) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall contain, consistent with this subdivision, such elements as the President deems appropriate, including elements that—

(1) identify the functions of each covered agency that will be transferred to the Department under the plan;

(2) specify the steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it under the plan;

(3) specify the funds available to each covered agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(4) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(5) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each covered agency in connection with the transfer of the functions of such agency to the Department.

(d) REORGANIZATION PLAN OF AGENCY FOR INTERNATIONAL DEVELOPMENT.—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development—

(1) may provide for the abolition of the Agency for International Development and the transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions set forth in section 1511; and

(B) may provide for additional consolidation, reorganization, and streamlining of AID, including—

(i) the termination of functions and reductions in personnel of AID;

(ii) the transfer of functions of AID, and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(e) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise any part of the plan transmitted under subsection (a) until that part of the plan becomes effective in accordance with subsection (g).

(f) REPORT.—The report accompanying the reorganization plan for the Department and the covered agencies submitted pursuant to this section shall describe the implementation of the plan and shall include—

(1) a detailed description of—

(A) the actions necessary or planned to complete the reorganization,

(B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and

(C) any preliminary actions which have been taken in the implementation process;

(2) the number of personnel and positions of each covered agency (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred to the Department, separated from service with such agency, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(3) the number of personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred within the Department, separated from service with the Department, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(4) a projected schedule for completion of the implementation process; and

(5) recommendations, if any, for legislation necessary to carry out changes made by this subdivision relating to personnel and to incidental transfers.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (e), shall become effective on the earlier of the date for the respective covered agency specified in paragraph (2) or the date announced by the President under paragraph (3).

(2) STATUTORY EFFECTIVE DATES.—The effective dates under this paragraph for the reorganization plan described in this section are the following:

(A) October 1, 1998, with respect to functions of the Agency for International Development described in section 1511.

(B) October 1, 1998, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(C) October 1, 1999, with respect to the abolition of the United States Information Agency.

(3) EFFECTIVE DATE BY PRESIDENTIAL DETERMINATION.—An effective date under this paragraph for a reorganization plan described in this section is such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 90 calendar days after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of a covered agency on a single date.

(5) SUPERSEDES EXISTING LAW.—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

(h) PUBLICATION.—The reorganization plan described in this section shall be printed in the Federal Register after the date upon which it first becomes effective.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 1611. REORGANIZATION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized, subject to the requirements of this subdivision, to allocate or reallocate any function transferred to the Department under any title of this subdivision, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this subdivision, but this subsection does not authorize the Secretary to modify the terms of any statute that establishes or defines the functions of any bureau, office, or officer of the Department.

(b) REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.—The reorganization plan transmitted under section 1601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing a Federal agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new Federal agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 1612. TRANSFER AND ALLOCATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as otherwise provided in this subdivision, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 1615(e)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof, transferred by any title of this subdivision shall be transferred to the Secretary for appropriate allocation.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—Except as provided in subsection (c), unexpended and unobligated funds transferred pursuant to any title of this subdivision shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) FUNDS TO FACILITATE TRANSITION.—

(1) CONGRESSIONAL NOTIFICATION.—Funds transferred pursuant to subsection (a) may be available for the purposes of reorganization subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(2) TRANSFER AUTHORITY.—Funds in any account appropriated to the Department of State may be transferred to another such account for the purposes of reorganization, subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). The authority in this paragraph is in addition to any other transfer authority available to the Secretary of State and shall expire September 30, 2000.

SEC. 1613. TRANSFER, APPOINTMENT, AND ASSIGNMENT OF PERSONNEL.

(a) TRANSFER OF PERSONNEL FROM ACDA AND USIA.—Except as otherwise provided in title XIII—

(1) not later than the date of abolition of ACDA, all personnel and positions of ACDA, and

(2) not later than the date of abolition of USIA, all personnel and positions of USIA,

shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(b) TRANSFER OF PERSONNEL FROM AID.—Except as otherwise provided in title XIII, not later than the date of transfer of any function of AID to the Department of State under this subdivision, all AID personnel performing such functions and all positions associated with such functions shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) ASSIGNMENT AUTHORITY.—The Secretary, for a period of not more than 6 months commencing on the effective date of the transfer to the Department of State of personnel under subsections (a) and (b), is authorized to assign such personnel to any position or set of duties in the Department of State regardless of the position held or duties performed by such personnel prior to transfer, except that, by virtue of such assignment, such personnel shall not have their grade or class or their rate of basic pay or basic salary rate reduced, nor their tenure changed. The Secretary shall consult with the relevant exclusive representatives (as defined in section 1002 of the Foreign Service Act and in section 7103 of title 5, United States Code) with regard to the exercise of this authority. This subsection does not authorize the Secretary to assign any individual to any position that by law requires appointment by the President, by and with the advice and consent of the Senate.

(d) SUPERSEDING OTHER PROVISIONS OF LAW.—Subsections (a) through (c) shall be exercised notwithstanding any other provision of law.

SEC. 1614. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, when requested by the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this subdivision. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this subdivision and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this subdivision.

SEC. 1615. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any title of this subdivision; and

(2) that are in effect as of the effective date of such title, or were final before the effective date of such title and are to become effective on or after the effective date of such title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of any title of this subdivision shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this subdivision before any Federal agency, commission, or component thereof, functions of which are transferred by any title of this subdivision. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) ORDERS, APPEALS, PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subdivision had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this subdivision shall be deemed to prohibit the

discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subdivision had not been enacted.

(4) REGULATIONS.—The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as provided in subsection (e) and section 1327(d)—

(1) the provisions of this subdivision shall not affect suits commenced prior to the effective dates of the respective titles of this subdivision; and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this subdivision had not been enacted.

(d) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this subdivision, shall abate by reason of the enactment of this subdivision. No cause of action by or against any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this subdivision, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this subdivision.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the effective date of any title of this subdivision, any Federal agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this subdivision any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then effective on such date such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this subdivision shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Federal agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this subdivision shall apply to the exercise of such function by the Secretary.

SEC. 1616. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Notwithstanding any provision of this subdivision, the Secretary of State, with the concurrence of the head of the appropriate Federal agency exercising functions transferred under this subdivision, may transfer the whole or part of such functions prior to the effective dates established in this subdivision, including the transfer of personnel and funds associated with such functions.

SEC. 1617. FINAL REPORT.

Not later than January 1, 2001, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this subdivision.

SUBDIVISION 2—FOREIGN RELATIONS AUTHORIZATION

TITLE XX—GENERAL PROVISIONS

SEC. 2001. SHORT TITLE.

This subdivision may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1998 and 1999".

SEC. 2002. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

In this subdivision, the term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE

SEC. 2101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs", of the Department of State $1,746,977,000 for the fiscal year 1998.

(2) SALARIES AND EXPENSES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "Salaries and Expenses", of the Department of State $363,513,000 for the fiscal year 1998.

(B) LIMITATIONS.—Of the amounts authorized to be appropriated by subparagraph (A) $2,000,000 for fiscal year 1998 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund", of the Department of State $86,000,000 for the fiscal year 1998.

(4) SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.—(A) For "Security and Maintenance of Buildings Abroad", $404,000,000 for the fiscal year 1998.

(B) Of the amounts authorized to be appropriated for the period ending September 30, 1999, by subparagraph (A), up to $90,000,000 are authorized to be appropriated for the renovation, acquisition, and construction of housing and secure diplomatic facilities at the United States Embassy in Beijing, and the United States Consulate in Shanghai, the People's Republic of China.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,300,000 for the fiscal year 1998.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $5,500,000 for the fiscal year 1998.

(7) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $28,300,000 for the fiscal year 1998.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $14,490,000 for the fiscal year 1998.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—(A) For "Protection of Foreign Missions and Officials", $7,900,000 for the fiscal year 1998.

(B) Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount appropriated was made.

(10) REPATRIATION LOANS.—For "Repatriation Loans", $1,200,000 for the fiscal year 1998.

SEC. 2102. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" $18,200,000 for the fiscal year 1998; and

(B) for "Construction" $6,463,000 for the fiscal year 1998.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $785,000 for the fiscal year 1998.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,225,000 for the fiscal year 1998.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,549,000 for the fiscal year 1998.

SEC. 2103. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164) is amended to read as follows:

"SEC. 404. There are authorized to be appropriated to the Secretary of State $10,000,000 for the fiscal year 1998 for grants to The Asia Foundation pursuant to this title.".

TITLE XXII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 2201. REIMBURSEMENT OF DEPARTMENT OF STATE FOR ASSISTANCE TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: "Notwithstanding any other provision of law, where the child of a United States citizen employee of an agency of the United States Government who is stationed outside the United States attends an educational facility assisted by the Secretary of State under this section, the head of that agency is authorized to reimburse, or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities, by grant or otherwise, under this section.".

SEC. 2202. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) PURPOSE.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

"(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

"(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

"(B) the killing or kidnapping of—

"(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

"(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

"(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

"(c) COORDINATION.—

"(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) the offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

"(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed $15,000,000.

"(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(e) LIMITATIONS AND CERTIFICATION.—

"(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed $2,000,000.

"(2) APPROVAL.—A reward under this section of more than $100,000 may not be made without the approval of the Secretary.

"(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

"(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than $100,000 set forth in paragraph (2) may not be delegated.

"(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) REPORTS.—

"(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

"(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

"(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

"(j) DEFINITIONS.—As used in this section:

"(1) ACT OF INTERNATIONAL TERRORISM.—The term 'act of international terrorism' includes—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-nuclear-weapon state (as defined in paragraph (5) of that section); and

"(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(3) MEMBER OF THE IMMEDIATE FAMILY.—The term 'member of the immediate family', with respect to an individual, includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person with respect to whom the individual stands in loco parentis; and

"(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

"(4) REWARDS PROGRAM.—The term 'rewards program' means the program established in subsection (a)(1).

"(5) UNITED STATES NARCOTICS LAWS.—The term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

"(6) UNITED STATES PERSON.—The term 'United States person' means—

"(A) a citizen or national of the United States; and

"(B) an alien lawfully present in the United States.".

SEC. 2203. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) by striking "$700,000 of the" and inserting "all";

(2) at the end of paragraph (1), by striking "and";

(3) in paragraph (2)—

(A) by striking "functions" and inserting "functions, including compliance and enforcement activities,"; and

(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls.".

SEC. 2204. FEES FOR COMMERCIAL SERVICES.

Section 52(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724(b)) is amended by adding at the end the following: "Funds deposited under this subsection shall remain available for obligation through September 30 of the fiscal year following the fiscal year in which the funds were deposited.".

SEC. 2205. PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.

(a) FOREIGN AFFAIRS REIMBURSEMENT.—

(1) IN GENERAL.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(A) by redesignating subsection (d)(4) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

"(e)(1) The Secretary may provide appropriate training or related services, except foreign language training, through the institution to any United States person (or any employee or family member thereof) that is engaged in business abroad.

"(2) The Secretary may provide job-related training or related services, including foreign language training, through the institution to a United States person under contract to provide services to the United States Government or to any employee thereof that is performing such services.

"(3) Training under this subsection may be provided only to the extent that space is available and only on a reimbursable or advance-of-funds basis. Reimbursements and advances shall be credited to the currently available applicable appropriation account.

"(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

"(5) In this subsection, the term 'United States person' means—

"(A) any individual who is a citizen or national of the United States; or

"(B) any corporation, company, partnership, association, or other legal entity that is 50 percent or more beneficially owned by citizens or nationals of the United States.

"(f)(1) The Secretary is authorized to provide, on a reimbursable basis, training programs to Members of Congress or the Judiciary.

"(2) Employees of the legislative branch and employees of the judicial branch may participate, on a reimbursable basis, in training programs offered by the institution.

"(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1997.

(3) TERMINATION OF PILOT PROGRAM.—Effective October 1, 2001, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021), as amended by this subsection, is further amended—

(A) by striking subsections (e) and (f); and

(B) by redesignating subsection (g) as paragraph (4) of subsection (d).

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

"The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

(c) REPORTING ON PILOT PROGRAM.—Two years after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing—

(1) the number of persons who have taken advantage of the pilot program established under subsections (e) and (f) of section 701 of the Foreign Service Act of 1980 and section 53 of the State Department Basic Authorities Act of 1956, as added by this section;

(2) the business or government affiliation of such persons;

(3) the amount of fees collected; and

(4) the impact of the program on the primary mission of the National Foreign Affairs Training Center.

SEC. 2206. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

"SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

"The Secretary is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

SEC. 2207. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

"SEC. 55. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

"The Secretary shall include in the annual Congressional Presentation Document and the Budget in Brief a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also cover collections from the preceding fiscal year and the projected expenditures from all collections accounts.".

SEC. 2208. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

"(4) The Inspector General shall develop and provide to employees—

"(A) information detailing their rights to counsel; and

"(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation other than matters exempt from disclosure under other provisions of law.".

(b) NOTICE.—Section 209(e) of the Foreign Service Act of 1980 (22 U.S.C. 3929(e)) is amended by adding at the end the following new paragraph:

"(3) The Inspector General shall ensure that only officials from the Office of the Inspector General may participate in formal interviews or other formal meetings with the individual who is the subject of an investigation, other than an intelligence-related or sensitive undercover investigation, or except in those situations when the Inspector General has a reasonable basis to believe that such notice would cause tampering with witnesses, destroying evidence, or endangering the lives of individuals, unless that individual receives prior adequate notice regarding participation by officials of any other agency, including the Department of Justice, in such interviews or meetings.".

(c) REPORT.—

(1) IN GENERAL.—Not later than April 30, 1998, the Inspector General of the Department of State and the Foreign Service shall submit a report to the appropriate congressional committees which includes the following:

(A) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any officer or employee of the Department of State, the United States Information Agency, or the United States Arms Control and Disarmament Agency.

(B) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

(2) STATUTORY CONSTRUCTION.—Disclosure of information to the public under this section shall not be construed to include information shared with Congress by an employee of the Office of the Inspector General.

SEC. 2209. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a), by inserting "and enhancement" after "procurement";

(2) in subsection (c), by striking "are authorized to" and inserting "shall";

(3) in subsection (d), by striking "for expenditure to procure capital equipment and information technology" and inserting "for purposes of subsection (a)"; and

(4) by amending subsection (e) to read as follows:

"(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).".

SEC. 2210. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 10 percent;";

(2) by inserting "and" at the end of paragraph (5);

(3) by striking "; and" at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

SEC. 2211. AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.

Section 4(a) of the International Claims Settlement Act of 1949 (22 U.S.C. 1623(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the first sentence, by striking "(a) The" and all that follows through the period and inserting the following:

"(a)(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render a final decision with respect to any claim of the Government of the United States or of any national of the United States—

"(A) included within the terms of the Yugoslav Claims Agreement of 1948;

"(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

"(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State."; and

(3) by redesignating the second sentence as paragraph (2).

SEC. 2212. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

(a) RECOVERY OF CERTAIN EXPENSES.—The Department of State Appropriation Act of 1937 (22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled "INTERNATIONAL FISHERIES COMMISSION" by inserting "(including such expenses as salaries and other personnel expenses)" after "extraordinary expenses".

(b) PROCUREMENT OF SERVICES.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting "personal and" before "other support services".

SEC. 2213. GRANTS TO REMEDY INTERNATIONAL ABDUCTIONS OF CHILDREN.

Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100–300) is amended by adding at the end the following new subsection:

"(e) GRANT AUTHORITY.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the Convention and this Act.".

SEC. 2214. COUNTERDRUG AND ANTICRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific and, to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy, and works to achieve the objectives; and

(F) ensure that—

(i) all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms with the objectives; and

(ii) the recommendations of the Department regarding certification determinations made by the President on March 1 as to the counterdrug cooperation, or adequate steps on its own, of each major illicit drug producing and drug trafficking country to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances also conform to meet such objectives.

(3) REPORTS.—Not later than February 15 of each year subsequent to the submission of the strategy described in paragraph (1), the Secretary shall submit to Congress an update of the strategy. The update shall include—

(A) an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2); and

(B) detailed information on how certification determinations described in paragraph (2)(F) made the previous year affected achievement of the objectives set forth in paragraph (2) for the previous calendar year.

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTICRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every diplomatic mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—Consistent with existing memoranda of understanding between the Department of State and other departments and agencies of the United States, including the Department of Justice, the chief of mission of every diplomatic mission of the United States shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug, law enforcement, rule of law, and administration of justice programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every diplomatic mission of the United States shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at diplomatic missions of the United States in order to carry out the responsibility set forth in paragraph (1).

SEC. 2215. ANNUAL REPORT ON OVERSEAS SURPLUS PROPERTIES.

The Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.) is amended by adding at the end the following new section:

"SEC. 12. Not later than March 1 of each year, the Secretary of State shall submit to Congress a report listing overseas United States surplus properties that are administered under this Act and that have been identified for sale.".

SEC. 2216. HUMAN RIGHTS REPORTS.

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) by striking "January 31" and inserting "February 25";

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the status of child labor practices in each country, including—

"(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

"(B) the extent to which each country enforces such policies, including the adequacy of the resources and oversight dedicated to such policies;".

SEC. 2217. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

"SEC. 56. CRIMES COMMITTED BY DIPLOMATS.

"(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

"(1) REPORT TO CONGRESS.—The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled "Report on Cases Involving Diplomatic Immunity".

"(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

"(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.

"(C) Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

"(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

"(F) Whether the Secretary has made the notifications referred to in subsection (c) during the period covered by the report.

"(3) SERIOUS CRIMINAL OFFENSE DEFINED.—For the purposes of this section, the term 'serious criminal offense' means—

"(A) any felony under Federal, State, or local law;

"(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

"(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

"(D)(i) driving under the influence of alcohol or drugs;

"(ii) reckless driving; or

"(iii) driving while intoxicated.

"(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

"(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

"(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

"(c) NOTIFICATION OF DIPLOMATIC CORPS.—The Secretary should periodically notify each foreign mission of United States policies relating to criminal offenses committed by individuals with immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.".

SEC. 2218. REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY.

(a) PROCUREMENT POLICY.—It is the policy of the United States to foster and support procurement of goods and services from private, commercial companies.

(b) IMPLEMENTATION.—In order to achieve the policy set forth in subsection (a), the Diplomatic Telecommunications Service Program Office (DTS-PO) shall—

(1) utilize full and open competition in the procurement of telecommunications services, including satellite space segment, for the Department of State and each other Federal entity represented at United States diplomatic missions and consular posts overseas;

(2) make every effort to ensure and promote the participation in the competition for such procurement of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the maximum extent practicable, the subcontracting level.

SEC. 2219. REDUCTION OF REPORTING.

(a) REPEALS.—The following provisions of law are repealed:

(1) MODEL FOREIGN LANGUAGE COMPETENCE POSTS.—The second sentence of section 161(c) of the Foreign Relations Authorization Act, Fiscal Year 1990 and 1991 (22 U.S.C. 4171 note).

(2) ACTIONS OF THE GOVERNMENT OF HAITI.—Section 705(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83).

(3) TRAINING FACILITY FOR THE FOREIGN SERVICE INSTITUTE.—Section 123(e)(2) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93).

(4) MILITARY ASSISTANCE FOR HAITI.—Section 203(c) of the Special Foreign Assistance Act of 1986 (Public Law 99–529).

(5) INTERNATIONAL SUGAR AGREEMENT, 1977.—Section 5 of the Act entitled "An Act providing for the implementation of the International Sugar Agreement, 1977, and for other purposes" (Public Law 96–236; 7 U.S.C. 3605 and 3606).

(6) AUDIENCE SURVEY OF WORLDNET PROGRAM.—Section 209 (c) and (d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204).

(7) RESEARCH ON THE NEAR AND MIDDLE EAST.—Section 228(b) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 22 U.S.C. 2452 note).

(b) PROGRESS TOWARD REGIONAL NONPROLIFERATION.—Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c); relating to periodic reports on progress toward regional nonproliferation) is amended by striking "Not later than April 1, 1993 and every six months thereafter," and inserting "Not later than April 1 of each year,".

(c) REPORT ON PARTICIPATION BY UNITED STATES MILITARY PERSONNEL ABROAD IN UNITED STATES ELECTIONS.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff(b)(6)) is amended by striking "of voter participation" and inserting "of uniformed services voter participation, a general assessment of overseas nonmilitary participation,".

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 2221. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For the fiscal year 1998, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to title V of the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103–317; 22 U.S.C. 214 note), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.

SEC. 2222. SURCHARGE FOR PROCESSING CERTAIN MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) in paragraph (2), by striking "providing consular services" and inserting "the Department of State's border security program, including the costs of the installation and operation of the machine readable visa and automated namecheck process, improving the quality and security of the United States passport, investigations of passport and visa fraud, and the technological infrastructure to support the programs referred to in this sentence";

(2) by striking the first sentence of paragraph (3) and inserting "For the fiscal year 1998, any amount collected under paragraph (1) that exceeds $140,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956."; and

(3) by striking paragraphs (4) and (5).

SEC. 2223. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: "For purposes of this paragraph, the term 'consular officer' includes any United States citizen employee of the Department of State who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.".

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 1689 of the Revised Statutes (22 U.S.C. 4191) is amended by inserting "and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe" after "such officers".

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—

(1) DESIGNATED UNITED STATES CITIZENS PERFORMING NOTARIAL ACTS.—Section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221) is further amended by inserting after the first sentence: "At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government who is a United States citizen serving overseas, including any contract employee of the United States Government, to perform such acts, and any such contractor so authorized shall not be considered to be a consular officer.".

(2) DEFINITION OF CONSULAR OFFICERS.—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: "For purposes of this section and sections 3493 through 3496 of this title, the term 'consular officers' includes any United States citizen who is designated to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).".

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35, United States Code, is amended by adding at the end the following: "For purposes of this section, a consular officer shall include any United States citizen serving overseas, authorized to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).".

(e) DEFINITION OF CONSULAR OFFICER.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by—

(1) inserting "or employee" after "officer" the second place it appears; and

(2) inserting before the period at the end of the sentence "or, when used in title III, for the purpose of adjudicating nationality".

(f) TRAINING FOR EMPLOYEES PERFORMING CONSULAR FUNCTIONS.—Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding at the end the following new subsection:

"(d)(1) Before a United States citizen employee (other than a diplomatic or consular officer of the United States) may be designated by the Secretary of State, pursuant to regulation, to perform a consular function abroad, the United States citizen employee shall—

"(A) be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function; and

"(B) be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function.

"(2) As used in this subsection, the term 'consular function' includes the issuance of visas,

the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.''.

SEC. 2224. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214), as amended (relating to accounting for consular fees) are repealed.

SEC. 2225. ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES.

(a) FOREIGN AIRPORTS.—Section 44908(a) of title 49, United States Code, is amended—

(1) by inserting ''and'' at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (46 U.S.C. App. 1804(a)) is amended by striking the second sentence, relating to Federal Register publication by the Secretary of State.

SEC. 2226. DENIAL OF VISAS TO CONFISCATORS OF AMERICAN PROPERTY.

(a) DENIAL OF VISAS.—Except as otherwise provided in section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), and subject to subsection (b), the Secretary of State may deny the issuance of a visa to any alien who—

(1) through the abuse of position, including a governmental or political party position, converts or has converted for personal gain real property that has been confiscated or expropriated, a claim to which is owned by a national of the United States, or who is complicit in such a conversion; or

(2) induces any of the actions or omissions described in paragraph (1) by any person.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any country established by international mandate through the United Nations; or

(2) any territory recognized by the United States Government to be in dispute.

(c) REPORTING REQUIREMENT.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report, including—

(1) a list of aliens who have been denied a visa under this subsection; and

(2) a list of aliens who could have been denied a visa under subsection (a) but were issued a visa and an explanation as to why each such visa was issued.

SEC. 2227. INADMISSIBILITY OF ANY ALIEN SUPPORTING AN INTERNATIONAL CHILD ABDUCTOR.

(a) AMENDMENT OF IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by striking clause (ii) and inserting the following:

''(ii) ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—Any alien who—

''(I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i),

''(II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

''(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence.

''(iii) EXCEPTIONS.—Clauses (i) and (ii) shall not apply—

''(I) to a government official of the United States who is acting within the scope of his or her official duties;

''(II) to a government official of any foreign government if the official has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or

''(III) so long as the child is located in a foreign state that is a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens seeking admission to the United States on or after the date of enactment of this Act.

SEC. 2228. HAITI; EXCLUSION OF CERTAIN ALIENS; REPORTING REQUIREMENTS.

(a) GROUNDS FOR EXCLUSION.—Except as provided in subsection (c), a consular officer shall not issue a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State, in the Secretary's sole and unreviewable discretion, has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) was included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(4)(A) was a member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected Government of Haiti or the subsequent murders of as many as three thousand Haitians during that period; or

(B) is an immediate relative of an individual described in subparagraph (A); or

(5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under subsection (a) is necessary for medical reasons, or such person has cooperated fully with the investigation of the political murders or acts of violence described in subsection (a). If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(c) REPORTING REQUIREMENT ON EXCLUSION OF CERTAIN HAITIAN ALIENS.—

(1) PREPARATION OF LIST.—The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings referred to in paragraph (1) of subsection (a).

(2) SUBMISSION OF LIST TO CONGRESS.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees.

(3) LISTS OF VISA DENIALS AND EXCLUSIONS.—The Secretary of State shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States, as a result of subsection (a).

(4) DURATION FOR SUBMISSION OF LISTS.—The Secretary shall submit the list under paragraph (3) not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) REPORT ON THE COST OF UNITED STATES ACTIVITIES IN HAITI.—(1) Not later than January 1, 1998, and every 6 months thereafter, the President shall submit a report to Congress on the situation in Haiti, including—

(A) a listing of the units of the United States Armed Forces or Coast Guard and of the police and military units of other nations participating in operations in and around Haiti;

(B) incidents of the use of force in Haiti involving hostile acts against United States Armed Forces or Coast Guard personnel during the period covered by the report;

(C) the estimated cumulative program costs of all United States activities in Haiti during the period covered by the report, including—

(i) the incremental cost of deployments of United States Armed Forces and Coast Guard personnel training, exercises, mobilization, and preparation activities, including the United States contribution to the training and transportation of police and military units of other nations of any multilateral force involved in activities in Haiti;

(ii) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction assistance, assistance under part I of the Foreign Assistance Act of 1961, and other financial assistance, and all other costs to the United States Government; and

(D) a detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (3), including—

(i) in the case of amounts expended out of funds available to the Department of Defense budget, by military service or defense agency, line item, and program; and

(ii) in the case of amounts expended out of funds available to departments and agencies other than the Department of Defense, by department or agency and program.

(2) DEFINITION.—In this section, the term ''period covered by the report'' means the 6-month period prior to the date the report is required to be submitted, except that, in the case of the initial report, the term means the period since the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

CHAPTER 3—REFUGEES AND MIGRATION

Subchapter A—Authorization of Appropriations

SEC. 2231. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $650,000,000 for the fiscal year 1998 and $704,500,000 for the fiscal year 1999.

(2) LIMITATIONS.—

(A) LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), $1,000,000 for the fiscal year 1998 and $1,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) REFUGEES RESETTLING IN ISRAEL.—Of the amounts authorized to be appropriated in paragraph (1), $80,000,000 for the fiscal year 1998 and $80,000,000 for the fiscal year 1999 are authorized to be available for assistance for refugees resettling in Israel from other countries.

(C) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amounts authorized to be appropriated in paragraph (1), $1,500,000 for the fiscal year 1998 and $1,500,000 for the fiscal year 1999 for humanitarian assistance are authorized to be available, including food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

Subchapter B—Authorities

SEC. 2241. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—None of the funds made available by this subdivision shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) MIGRATION AND REFUGEE ASSISTANCE.—None of the funds made available by section 2231 of this division or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term "to effect the involuntary return" means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 2242. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) POLICY.—It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the heads of the appropriate agencies shall prescribe regulations to implement the obligations of the United States under Article 3 of the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

(c) EXCLUSION OF CERTAIN ALIENS.—To the maximum extent consistent with the obligations of the United States under the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention, the regulations described in subsection (b) shall exclude from the protection of such regulations aliens described in section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)).

(d) REVIEW AND CONSTRUCTION.—Notwithstanding any other provision of law, and except as provided in the regulations described in subsection (b), no court shall have jurisdiction to review the regulations adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to consider or review claims raised under the Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(e) AUTHORITY TO DETAIN.—Nothing in this section shall be construed as limiting the authority of the Attorney General to detain any person under any provision of law, including, but not limited to, any provision of the Immigration and Nationality Act.

(f) DEFINITIONS.—

(1) CONVENTION DEFINED.—In this section, the term "Convention" means the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

(2) SAME TERMS AS IN THE CONVENTION.—Except as otherwise provided, the terms used in this section have the meanings given those terms in the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

SEC. 2243. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended—

(1) in subsection (a)—

(A) by striking "Foreign Affairs" and inserting "International Relations and the Committee on Appropriations"; and

(B) by inserting "and the Committee on Appropriations" after "Foreign Relations"; and

(2) by adding at the end the following new subsection:

"(c) The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.".

SEC. 2244. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—

"(1) IN GENERAL.— An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is or has been accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

SEC. 2245. REPORTS TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary of State shall supplement the monthly report to Congress entitled "Update on Monitoring of Cuban Migrant Returnees" with additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

TITLE XXIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 2301. COORDINATOR FOR COUNTERTERRORISM.

(a) ESTABLISHMENT.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

"(f) COORDINATOR FOR COUNTERTERRORISM.—

"(1) IN GENERAL.—There is within the office of the Secretary of State a Coordinator for Counterterrorism (in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) DUTIES.—

''(A) IN GENERAL.—The Coordinator shall perform such duties and exercise such powers as the Secretary of State shall prescribe.

''(B) DUTIES DESCRIBED.—The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

''(3) RANK AND STATUS OF AMBASSADOR.—The Coordinator shall have the rank and status of Ambassador at Large.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking subsection (e).

SEC. 2302. ELIMINATION OF DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.

Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

SEC. 2303. PERSONNEL MANAGEMENT.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended by adding at the end the following new subsection:

''(g) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.''.

SEC. 2304. DIPLOMATIC SECURITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended by adding at the end the following new subsection:

''(h) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (1) management, and (2) Federal law enforcement, intelligence, or security.''.

SEC. 2305. NUMBER OF SENIOR OFFICIAL POSITIONS AUTHORIZED FOR THE DEPARTMENT OF STATE.

(a) UNDER SECRETARIES.—

(1) IN GENERAL.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended by striking ''5'' and inserting ''6''.

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking ''Under Secretaries of State (5)'' and inserting ''Under Secretaries of State (6)''.

(b) ASSISTANT SECRETARIES.—

(1) IN GENERAL.—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended by striking ''20'' and inserting ''24''.

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of State (20)'' and inserting ''Assistant Secretaries of State (24)''.

(c) DEPUTY ASSISTANT SECRETARIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 2306. NOMINATION OF UNDER SECRETARIES AND ASSISTANT SECRETARIES OF STATE.

(a) UNDER SECRETARIES OF STATE.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this division, is further amended by adding at the end the following new paragraph:

''(4) NOMINATION OF UNDER SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the particular Under Secretary position in the Department of State that the individual shall have.''.

(b) ASSISTANT SECRETARIES OF STATE.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this division, is further amended by adding at the end the following new paragraph:

''(3) NOMINATION OF ASSISTANT SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the regional or functional bureau or bureaus of the Department of State with respect to which the individual shall have responsibility.''.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 2311. FOREIGN SERVICE REFORM.

(a) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking ''Members'' and inserting ''Subject to subsection (e), members''; and

(2) by adding at the end the following new subsection:

''(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of any member of the Foreign Service described in subsection (a) (including any member of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.''.

(b) EXPEDITED SEPARATION OUT.—

(1) SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, any member of the Foreign Service ranked by promotion boards of the Department of State in the bottom 5 percent of his or her class for 2 or more of the 5 years preceding the date of enactment of this Act (in this subsection referred to as the ''years of lowest ranking'') if the rating official for such member was not the same individual for any two of the years of lowest ranking.

(2) SPECIAL INTERNAL REVIEWS.—In any case where the member was evaluated by the same rating official in any 2 of the years of lowest ranking, an internal review of the member's file shall be conducted to determine whether the member should be considered for action leading to separation.

(3) PROCEDURES.—The Secretary of State shall develop procedures for the internal reviews required under paragraph (2).

SEC. 2312. RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION.

(a) BENEFITS.—Section 609 of the Foreign Service Act of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A), by inserting ''or any other applicable provision of chapter 84 of title 5, United States Code,'' after ''section 811'';

(2) in subsection (a), by inserting ''or section 855, as appropriate'' after ''section 806''; and

(3) in subsection (b)(2)—

(A) by striking ''(2)'' and inserting ''(2)(A) for those participants in the Foreign Service Retirement and Disability System,''; and

(B) by inserting before the period at the end ''; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851''; and

(4) in subsection (b) in the matter following paragraph (2), by inserting ''(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)'' after ''age 60''.

(b) ENTITLEMENT TO ANNUITY.—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1)—

(A) by inserting ''611,'' after ''608,'';

(B) by inserting ''or for participants in the Foreign Service Pension System,'' after ''for participants in the Foreign Service Retirement and Disability System''; and

(C) by striking ''Service shall'' and inserting ''Service, shall''; and

(2) in paragraph (3), by striking ''or 610'' and inserting ''610, or 611''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1)(A) and (2) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 on or after January 1, 1996.

SEC. 2313. AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM THE FOREIGN SERVICE.

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking ''A member'' and inserting ''Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member''.

SEC. 2314. CAREER COUNSELING.

(a) IN GENERAL.—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following new sentence: ''Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment that consists primarily of paid time to conduct a job search and without other substantive duties for more than one month.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective 180 days after the date of the enactment of this Act.

SEC. 2315. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

''(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include—

''(A) any chief of mission;

''(B) any principal officer or deputy principal officer;

''(C) any administrative or personnel officer abroad; or

''(D) any individual described in section 1002(12) (B), (C), or (D) who is not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.''.

SEC. 2316. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.

(a) IN GENERAL.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) For purposes of this section, the term 'criminal investigator' includes a special agent occupying a position under title II of Public Law 99–399 if such special agent—

''(A) meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof); and

''(B) such special agent satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

''(2) In applying subsection (h) with respect to a special agent under this subsection—

''(A) any reference in such subsection to 'basic pay' shall be considered to include amounts designated as 'salary';

''(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

''(C) paragraph (2)(B) of such subsection shall be applied by substituting for 'Office of Personnel Management' the following: 'Office of Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.''.

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking ''Public Law 99–399)'' and inserting ''Public Law 99–399, subject to subsection (k))''.

(2) Section 5542(e) of such title is amended by striking ''title 18, United States Code,'' and inserting ''title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

SEC. 2317. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: ''For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.''; and

(2) at the end of section 5546(a), by adding the following new sentence: ''For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.''.

SEC. 2318. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.

The Secretary of State shall during each of calendar years 1998 and 1999 submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data for the last preceding examination and promotion cycles for which such information is available (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written Foreign Service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written Foreign Service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral Foreign Service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.

(5) The numbers and percentages of all minority Foreign Service officers at each grade.

(6) The numbers of and percentages of minorities promoted at each grade of the Foreign Service officer corps.

TITLE XXIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 2401. INTERNATIONAL INFORMATION ACTIVITIES AND EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL INFORMATION PROGRAM.—For ''International Information Program'', $431,000,000 for the fiscal year 1998.

(2) TECHNOLOGY FUND.—For the ''Technology Fund'' for the United States Information Agency, $6,350,000 for the fiscal year 1998.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—There are authorized to be appropriated for the ''Fulbright Academic Exchange Programs'' (other than programs described in subparagraph (B)), $99,236,000 for the fiscal year 1998.

(ii) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under clause (i), $5,000,000 for the fiscal year 1998 is authorized to be available for the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—There are authorized to be appropriated for other educational and cultural exchange programs authorized by law, $103,495,000 for the fiscal year 1998.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for ''South Pacific Exchanges''.

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for ''East Timorese Scholarships''.

(iv) TIBETAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for ''Educational and Cultural Exchanges with Tibet'' under section 236 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''International Broadcasting Operations'', $364,415,000 for the fiscal year 1998.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Broadcasting Board of Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For ''Radio Construction'', $40,000,000 for the fiscal year 1998.

(6) RADIO FREE ASIA.—For ''Radio Free Asia'', $22,000,000 for the fiscal year 1998 and an additional $8,000,000 in fiscal year 1998 for one-time capital costs.

(7) BROADCASTING TO CUBA.—For ''Broadcasting to Cuba'', $22,095,000 for the fiscal year 1998.

(8) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the ''Center for Cultural and Technical Interchange between East and West'', $12,000,000 for the fiscal year 1998.

(9) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the ''National Endowment for Democracy'', $30,000,000 for the fiscal year 1998.

(10) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.—For ''Center for Cultural and Technical Interchange between North and South'' $1,500,000 for the fiscal year 1998.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

SEC. 2411. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement, and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned may be obligated and expended for the purposes for which the grant was made without further appropriation.

SEC. 2412. USE OF SELECTED PROGRAM FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended to read as follows:

''USE OF ENGLISH-TEACHING PROGRAM FEES

''SEC. 810. (a) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other law or limitation of authority, fees and receipts described in subsection (b) are authorized to be credited each fiscal year for authorized purposes to the appropriate appropriations of the United States Information Agency to such extent as may be provided in advance in appropriations acts.

''(b) FEES AND RECEIPTS DESCRIBED.—The fees and receipts described in this subsection are fees and payments received by or for the use of the United States Information Agency from or in connection with—

"(1) English-teaching and library services,
"(2) educational advising and counseling,
"(3) Exchange Visitor Program Services,
"(4) advertising and business ventures of the Voice of America and the International Broadcasting Bureau,
"(5) cooperating international organizations, and
"(6) Agency-produced publications,
"(7) an amount not to exceed $100,000 of the payments from motion picture and television programs produced or conducted by or on behalf of the Agency under the authority of this Act or the Mutual Education and Cultural Exchange Act of 1961.".

SEC. 2413. MUSKIE FELLOWSHIP PROGRAM.

(a) GUIDELINES.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended by inserting "journalism and communications, education administration, public policy, library and information science," after "business administration," each of the two places it appears.

(b) REDESIGNATION OF SOVIET UNION.—Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsections (a), (b), and (c)(5), by striking "Soviet Union" each place it appears and inserting "independent states of the former Soviet Union";

(2) in subsection (c)(11), by striking "Soviet republics" and inserting "independent states of the former Soviet Union"; and

(3) in the section heading, by inserting "**INDEPENDENT STATES OF THE FORMER**" after "**FROM THE**".

SEC. 2414. WORKING GROUP ON UNITED STATES GOVERNMENT-SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

"(g) WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government-Sponsored International Exchanges and Training (in this section referred to as the 'Working Group').

"(2) For purposes of this subsection, the term 'Government-sponsored international exchanges and training' means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

"(3) The Working Group shall be composed as follows:

"(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

"(B) A senior representative of the Department of State, who shall be designated by the Secretary of State.

"(C) A senior representative of the Department of Defense, who shall be designated by the Secretary of Defense.

"(D) A senior representative of the Department of Education, who shall be designated by the Secretary of Education.

"(E) A senior representative of the Department of Justice, who shall be designated by the Attorney General.

"(F) A senior representative of the Agency for International Development, who shall be designated by the Administrator of the Agency.

"(G) Senior representatives of such other departments and agencies as the Chair determines to be appropriate.

"(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the Adviser and the Director, respectively.

"(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

"(6) The Working Group shall have the following purposes and responsibilities:

"(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

"(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

"(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs, to identify how each Government-sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

"(D)(i) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall develop a coordinated and cost-effective strategy for all United States Government-sponsored international exchange and training programs, including an action plan with the objective of achieving a minimum of 10 percent cost savings through greater efficiency, the consolidation of programs, or the elimination of duplication, or any combination thereof.

"(ii) Not later than 1 year after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall submit a report to the appropriate congressional committees setting forth the strategy and action plan required by clause (i).

"(iii) Each year thereafter the Working Group shall assess the strategy and plan required by clause (i).

"(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommendations on common performance measures for all United States Government-sponsored international exchange and training programs, and to issue a report.

"(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

"(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility and advisability of transferring funds and program management for the ATLAS or the Mandela Fellows programs, or both, in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost effects of consolidating such programs under one entity.

"(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

"(8) The Working Group shall meet at least on a quarterly basis.

"(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

"(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

"(11) With respect to any report issued under paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.".

SEC. 2415. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) IN GENERAL.—Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended—

(1) by striking "for fiscal year 1997" and inserting "for each of the fiscal years 1998 and 1999"; and

(2) by inserting after "who are outside Tibet" the following: "(if practicable, including individuals active in the preservation of Tibet's unique culture, religion, and language)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1997.

SEC. 2416. UNITED STATES-JAPAN COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) ELIMINATION OF RESTRICTION.—Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking "needed, except" and all that follows through "United States" and inserting "needed".

(2) AUTHORIZED INVESTMENTS.—The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: "Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.".

(b) REDESIGNATION OF COMMISSION.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Commission shall be redesignated as the "United States-Japan Commission". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) CONFORMING AMENDMENT.—The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION".

(3) CONFORMING AMENDMENT.—The Japan-United States Friendship Act is amended by striking "Japan-United States Friendship Commission" each place such term appears and inserting "United States-Japan Commission".

(c) REDESIGNATION OF TRUST FUND.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Trust Fund shall be redesignated as the "United States-Japan Trust Fund". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States

Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.

(2) CONFORMING AMENDMENT.—Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

SEC. 2417. SURROGATE BROADCASTING STUDY.

Not later than 6 months after the date of enactment of this Act, the Broadcasting Board of Governors, acting through the International Broadcasting Bureau, should conduct and complete a study of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

SEC. 2418. RADIO BROADCASTING TO IRAN IN THE FARSI LANGUAGE.

(a) RADIO FREE IRAN.—Not more than $4,000,000 of the funds made available under section 2401(4) of this division for the fiscal year 1998 for grants to RFE/RL, Incorporated, shall be available only for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iranian people in the Farsi language, such broadcasts to be designated as "Radio Free Iran".

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing the costs, implementation, and plans for creation of the surrogate broadcasting service described in subsection (a).

(c) AVAILABILITY OF FUNDS.—None of the funds made available under subsection (a) may be made available until submission of the report required under subsection (b).

SEC. 2419. AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 2420. PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking paragraph (4).

SEC. 2421. VOICE OF AMERICA BROADCASTS.

(a) IN GENERAL.—The Voice of America shall devote programming each day to broadcasting information on the individual States of the United States. The broadcasts shall include—

(1) information on the products, tourism, and cultural and educational facilities of each State;

(2) information on the potential for trade with each State; and

(3) discussions with State officials with respect to the matters described in paragraphs (1) and (2).

(b) REPORT.—Not later than July 1, 1998, the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

(c) STATE DEFINED.—In this section, the term "State" means any of the several States of the United States, the District of Columbia, or any commonwealth or territory of the United States.

TITLE XXV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS

SEC. 2501. INTERNATIONAL CONFERENCES AND CONTINGENCIES.

There are authorized to be appropriated for "International Conferences and Contingencies", $12,000,000 for the fiscal year 1998 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 2502. RESTRICTION RELATING TO UNITED STATES ACCESSION TO ANY NEW INTERNATIONAL CRIMINAL TRIBUNAL.

(a) PROHIBITION.—The United States shall not become a party to any new international criminal tribunal, nor give legal effect to the jurisdiction of such a tribunal over any matter described in subsection (b), except pursuant to—

(1) a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act; or

(2) any statute enacted by Congress on or after the date of enactment of this Act.

(b) JURISDICTION DESCRIBED.—The jurisdiction described in this subsection is jurisdiction over—

(1) persons found, property located, or acts or omissions committed, within the territory of the United States; or

(2) nationals of the United States, wherever found.

(c) STATUTORY CONSTRUCTION.—Nothing in this section precludes sharing information, expertise, or other forms of assistance with such tribunal.

(d) DEFINITION.—The term "new international criminal tribunal" means any permanent international criminal tribunal established on or after the date of enactment of this Act and does not include—

(1) the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993; or

(2) the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

SEC. 2503. UNITED STATES MEMBERSHIP IN THE BUREAU OF THE INTERPARLIAMENTARY UNION.

(a) INTERPARLIAMENTARY UNION LIMITATION.—Unless the Secretary of State certifies to Congress that the United States will be assessed not more than $500,000 for its annual contribution to the Bureau of the Interparliamentary Union during fiscal year 1998, then effective October 1, 1998, the authority for further participation by the United States in the Bureau shall terminate in accordance with subsection (d).

(b) ELIMINATION OF AUTHORITY TO PAY EXPENSES OF THE AMERICAN GROUP.—Section 1 of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276) is amended—

(1) in the first sentence—

(A) by striking "fiscal year" and all that follows through "(1) for" and inserting "fiscal year for";

(B) by striking "; and"; and

(C) by striking paragraph (2); and

(2) by striking the second sentence.

(c) ELIMINATION OF PERMANENT APPROPRIATION.—Section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988 (Public Law 100–202; 22 U.S.C. 276 note)) is amended—

(1) by striking "$440,000" and inserting "$350,000"; and

(2) by striking "paragraph (2) of the first section of Public Law 74–170,".

(d) CONDITIONAL TERMINATION OF AUTHORITY.—Unless Congress receives the certification described in subsection (a) before October 1, 1998, effective on that date the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276–276a–4) is repealed.

(e) TRANSFER OF FUNDS TO THE TREASURY.—Unobligated balances of appropriations made under section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988; Public Law 100–202) that are available as of the day before the date of enactment of this Act shall be transferred on such date to the general fund of the Treasury of the United States.

SEC. 2504. SERVICE IN INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: "On reemployment, an employee entitled to the benefits of subsection (a) is entitled to the rate of basic pay to which the employee would have been entitled had the employee remained in the civil service. On reemployment, the agency shall restore the sick leave account of the employee, by credit or charge, to its status at the time of transfer. The period of separation caused by the employment of the employee with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transfers that take effect on or after the date of enactment of this Act.

SEC. 2505. REPORTS REGARDING FOREIGN TRAVEL.

(a) PROHIBITION.—Except as provided in subsection (e), none of the funds authorized to be appropriated by this division may be used to pay for the expenses of foreign travel by an officer or employee of an Executive branch agency to attend an international conference, or for the routine services that a United States diplomatic mission or consular post provides in support of foreign travel by such an officer or employee to attend an international conference, unless that officer or employee has submitted a preliminary report with respect to that foreign travel in accordance with subsection (b), and has not previously failed to submit a final report with respect to foreign travel to attend an international conference required by subsection (c).

(b) PRELIMINARY REPORTS.—A preliminary report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to proposed foreign travel to attend an international conference, submitted to the Director prior to commencement of the travel, setting forth—

(1) the name and employing agency of the officer or employee;

(2) the name of the official who authorized the travel; and

(3) the purpose and duration of the travel.

(c) FINAL REPORTS.—A final report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to foreign travel to attend an international conference, submitted to the Director not later than 30 days after the conclusion of the travel—

(1) setting forth the actual duration and cost of the travel; and

(2) updating any other information included in the preliminary report.

(d) REPORTS TO CONGRESS.—The Director shall submit a report no later than October 1

and April 1 of each year to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives, setting forth with respect to each international conference for which reports described in subsection (c) were required to be submitted to the Director during the preceding six months—

(1) the names and employing agencies of all officers and employees of Executive branch agencies who attended the international conference;

(2) the names of all officials who authorized travel to the international conference, and the total number of officers and employees who were authorized to travel to the conference by each such official; and

(3) the total cost of travel by officers and employees of Executive branch agencies to the international conference.

(e) EXCEPTIONS.—This section shall not apply to travel by—

(1) the President or the Vice President; or

(2) any officer or employee who is carrying out an intelligence or intelligence-related activity, who is performing a protective function, or who is engaged in a sensitive diplomatic mission.

(f) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of International Conferences of the Department of State.

(2) EXECUTIVE BRANCH AGENCY.—The terms ''Executive branch agency'' and ''Executive branch agencies'' mean—

(A) an entity or entities, other than the General Accounting Office, defined in section 105 of title 5, United States Code; and

(B) the Executive Office of the President (except as provided in subsection (e)).

(3) INTERNATIONAL CONFERENCE.—The term ''international conference'' means any meeting held under the auspices of an international organization or foreign government, at which representatives of more than two foreign governments are expected to be in attendance, and to which United States Executive branch agencies will send a total of ten or more representatives.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the total Federal expenditure of all official international travel in each Executive branch agency during the previous fiscal year; and

(2) the total number of individuals in each agency who engaged in such travel.

TITLE XXVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 2601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act $41,500,000 for the fiscal year 1998.

SEC. 2602. STATUTORY CONSTRUCTION.

Section 303 of the Arms Control and Disarmament Act (22 U.S.C. 2573), as redesignated by section 1223 of this division, is amended by adding at the end the following new subsection:

''(c) STATUTORY CONSTRUCTION.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.''.

TITLE XXVII—EUROPEAN SECURITY ACT OF 1997

SEC. 2701. SHORT TITLE.

This title may be cited as the ''European Security Act of 1997''.

SEC. 2702. STATEMENT OF POLICY.

(a) POLICY WITH RESPECT TO NATO ENLARGEMENT.—Congress urges the President to outline a clear and complete strategic rationale for the enlargement of the North Atlantic Treaty Organization (NATO), and declares that—

(1) Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO;

(2) the United States should ensure that NATO continues a process whereby all other emerging democracies in Central and Eastern Europe that wish to join NATO will be considered for membership in NATO as soon as they meet the criteria for such membership;

(3) the United States should ensure that no limitations are placed on the numbers of NATO troops or types of equipment, including tactical nuclear weapons, to be deployed on the territory of new member states;

(4) the United States should reject all efforts to condition NATO decisions on review or approval by the United Nations Security Council;

(5) the United States should clearly delineate those NATO deliberations, including but not limited to discussions on arms control, further Alliance enlargement, procurement matters, and strategic doctrine, that are not subject to review or discussion in the NATO-Russia Permanent Joint Council;

(6) the United States should work to ensure that countries invited to join the Alliance are provided an immediate seat in NATO discussions; and

(7) the United States already pays more than a proportionate share of the costs of the common defense of Europe and should obtain, in advance, agreement on an equitable distribution of the cost of NATO enlargement to ensure that the United States does not continue to bear a disproportionate burden.

(b) POLICY WITH RESPECT TO NEGOTIATIONS WITH RUSSIA.—

(1) IMPLEMENTATION.—NATO enlargement should be carried out in such a manner as to underscore the Alliance's defensive nature and demonstrate to Russia that NATO enlargement will enhance the security of all countries in Europe, including Russia. Accordingly, the United States and its NATO allies should make this intention clear in negotiations with Russia, including negotiations regarding adaptation of the Conventional Armed Forces in Europe (CFE) Treaty of November 19, 1990.

(2) LIMITATIONS ON COMMITMENTS TO RUSSIA.—In seeking to demonstrate to Russia NATO's defensive and security-enhancing intentions, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized. In particular, no commitments should be made to Russia that would have the effect of—

(A) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(B) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(C) providing any international organization, or any country that is not a member of NATO, with authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO;

(D) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance;

(E) establishing a nuclear weapons-free zone in Central or Eastern Europe;

(F) requiring NATO to subsidize Russian arms sales, service, or support to the militaries of those former Warsaw Pact countries invited to join the Alliance; or

(G) legitimizing Russian efforts to link concessions in arms control negotiations to NATO enlargement.

(3) COMMITMENTS FROM RUSSIA.—In order to enhance security and stability in Europe, the United States should seek commitments from Russia—

(A) to demarcate and respect all its borders with neighboring states;

(B) to achieve the immediate and complete withdrawal of any armed forces and military equipment under the control of Russia that are deployed on the territories of the independent states of the former Soviet Union without the full and complete agreement of those states;

(C) to station its armed forces on the territory of other states only with the full and complete agreement of that state and in strict accordance with international law; and

(D) to take steps to reduce further its nuclear and conventional forces in Kaliningrad.

(4) CONSULTATIONS.—As negotiations on adaptation of the Treaty on Conventional Armed Forces in Europe proceed, the United States should engage in close and continuous consultations not only with its NATO allies, but also with the emerging democracies of Central and Eastern Europe, Ukraine, and the South Caucasus.

(c) POLICY WITH RESPECT TO BALLISTIC MISSILE DEFENSE COOPERATION.—

(1) IN GENERAL.—As the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning.

(2) DISCUSSIONS WITH NATO ALLIES.—The United States should initiate discussions with its NATO allies for the purpose of examining the feasibility of deploying a ballistic missile defense capable of protecting NATO's southern and eastern flanks from a limited ballistic missile attack.

(3) CONSTITUTIONAL PREROGATIVES.—Even as the Congress seeks to promote ballistic missile defense cooperation with Russia, it must insist on its constitutional prerogatives regarding consideration of arms control agreements with Russia that bear on ballistic missile defense.

SEC. 2703. AUTHORITIES RELATING TO NATO ENLARGEMENT.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2702(a).

(b) DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.—

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2)

of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) SENSE OF CONGRESS.—It is the sense of Congress that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

(c) REGIONAL AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Funds described in paragraph (2) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(A) the procurement of items in support of these programs; and

(B) the transfer of such items to countries participating in these programs.

(2) FUNDS DESCRIBED.—Funds described in this paragraph are funds that are available—

(A) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(B) during fiscal year 1998 under any Act to carry out the Warsaw Initiative.

(d) EXTENSION OF AUTHORITY REGARDING EXCESS DEFENSE ARTICLES.—Section 105 of Public Law 104-164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1997, 1998, and 1999".

(e) CONFORMING AMENDMENTS TO THE NATO PARTICIPATION ACT OF 1994.—Section 203(c) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) is amended—

(1) in paragraph (1), by striking ", without regard to the restrictions" and all that follows through "section)";

(2) by striking paragraph (2);

(3) in paragraph (6), by striking "appropriated under the 'Nonproliferation and Disarmament Fund' account" and inserting "made available for the 'Nonproliferation and Disarmament Fund'"; and

(4) in paragraph (8)—

(A) by striking "any restrictions in sections 516 and 519" and inserting "section 516(e)";

(B) by striking "as amended,"; and

(C) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)"; and

(5) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively.

SEC. 2704. SENSE OF CONGRESS WITH RESPECT TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

It is the sense of Congress that no revisions to the Treaty on Conventional Armed Forces in Europe will be approved for entry into force with respect to the United States that jeopardize fundamental United States security interests in Europe or the effectiveness and flexibility of NATO as a defensive alliance by—

(1) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(2) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(3) providing any international organization, or any country that is not a member of NATO, with the authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO; or

(4) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance.

SEC. 2705. RESTRICTIONS AND REQUIREMENTS RELATING TO BALLISTIC MISSILE DEFENSE.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2702(c).

(b) RESTRICTION ON ENTRY INTO FORCE OF ABM/TMD DEMARCATION AGREEMENTS.—An ABM/TMD demarcation agreement shall not be binding on the United States, and shall not enter into force with respect to the United States, unless, after the date of enactment of this Act, that agreement is specifically approved with the advice and consent of the United States Senate pursuant to Article II, section 2, clause 2 of the Constitution.

(c) SENSE OF CONGRESS WITH RESPECT TO DEMARCATION AGREEMENTS.—

(1) RELATIONSHIP TO MULTILATERALIZATION OF ABM TREATY.—It is the sense of Congress that no ABM/TMD demarcation agreement will be considered for advice and consent to ratification unless, consistent with the certification of the President pursuant to condition (9) of the resolution of ratification of the CFE Flank Document, the President submits for Senate advice and consent to ratification any agreement, arrangement, or understanding that would—

(A) add one or more countries as State Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or

(B) change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term "national territory" as used in Article VI and Article IX of the ABM Treaty.

(2) PRESERVATION OF UNITED STATES THEATER BALLISTIC MISSILE DEFENSE POTENTIAL.—It is the sense of Congress that no ABM/TMD demarcation agreement that would reduce the capabilities of United States theater missile defense systems, or the numbers or deployment patterns of such systems, will be approved for entry into force with respect to the United States.

(d) REPORT ON COOPERATIVE PROJECTS WITH RUSSIA.—Not later than January 1, 1998, January 1, 1999, and January 1, 2000, the President shall submit to the Committees on International Relations, National Security, and Appropriations of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate a report on cooperative projects with Russia in the area of ballistic missile defense, including in the area of early warning. Each such report shall include the following:

(1) COOPERATIVE PROJECTS.—A description of all cooperative projects conducted in the area of early warning and ballistic missile defense during the preceding fiscal year and the fiscal year during which the report is submitted.

(2) FUNDING.—A description of the funding for such projects during the preceding fiscal year and the year during which the report is submitted and the proposed funding for such projects for the next fiscal year.

(3) STATUS OF DIALOGUE OR DISCUSSIONS.—A description of the status of any dialogue or discussions conducted during the preceding fiscal year between the United States and Russia aimed at exploring the potential for mutual accommodation of outstanding issues between the two nations on matters relating to ballistic missile defense and the ABM Treaty, including the possibility of developing a strategic relationship not based on mutual nuclear threats.

(e) DEFINITIONS.—In this section:

(1) ABM/TMD DEMARCATION AGREEMENT.—The term "ABM/TMD demarcation agreement" means any agreement that establishes a demarcation between theater ballistic missile defense systems and strategic antiballistic missile defense systems for purposes of the ABM Treaty.

(2) ABM TREATY.—The term "ABM Treaty" means the Treaty Between the United States of American and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972 (23 UST 3435), and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974 (27 UST 1645).

TITLE XXVIII—MISCELLANEOUS PROVISIONS

SEC. 2801. REPORT ON RELATIONS WITH VIETNAM.

In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary of State shall submit a report to the appropriate congressional committees, not later than 90 days after the date of enactment of this Act and every 180 days thereafter during the period ending September 30, 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved cases of prisoners of war (POWs) or persons missing-in-action (MIAs) through the provision of records and the unilateral and joint recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101–167).

SEC. 2802. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act and every 3 months thereafter during the period ending September 30, 1999, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091). Each report shall include—

(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to that section;

(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to that section;

(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to that section;

(4) an explanation of the status of the review underway for the cases referred to in paragraph (1); and

(5) an unclassified explanation of each determination of the Secretary of State under section 401(a) of that Act and each finding of the Secretary under section 401(c) of that Act—

(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

(B) in the preceding 3-month period, in the case of each subsequent report.

(b) PROTECTION OF IDENTITY OF CONCERNED ENTITIES.—In preparing the report under subsection (a), the names of entities shall not be identified under paragraph (1) or (4).

SUBDIVISION 3—UNITED NATIONS REFORM

TITLE XXX—GENERAL PROVISIONS

SEC. 3001. SHORT TITLE.

This subdivision may be cited as the "United Nations Reform Act of 1997".

SEC. 3002. DEFINITIONS.

In this subdivision:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) DESIGNATED SPECIALIZED AGENCY DEFINED.—The term "designated specialized agency" means the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) GENERAL ASSEMBLY.—The term "General Assembly" means the General Assembly of the United Nations.

(4) SECRETARY GENERAL.—The term "Secretary General" means the Secretary General of the United Nations.

(5) SECURITY COUNCIL.—The term "Security Council" means the Security Council of the United Nations.

(6) UNITED NATIONS MEMBER.—The term "United Nations member" means any country that is a member of the United Nations.

(7) UNITED NATIONS PEACEKEEPING OPERATION.—The term "United Nations peacekeeping operation" means any United Nations-led operation to maintain or restore international peace or security that—

(A) is authorized by the Security Council; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

SEC. 3003. NONDELEGATION OF CERTIFICATION REQUIREMENTS.

The Secretary of State may not delegate the authority in this subdivision to make any certification.

TITLE XXXI—AUTHORIZATION OF APPROPRIATIONS

SEC. 3101. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading "Contributions to International Organizations" $938,000,000 for the fiscal year 1998 and $900,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) NO GROWTH BUDGET.—

(1) FISCAL YEAR 1998.—Of the funds made available for fiscal year 1998 under subsection (a), $80,000,000 may be made available only after the Secretary of State certifies that the United Nations has taken no action during calendar year 1997 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget of $2,603,290,900 for the biennium 1996–97 adopted in December 1996.

(2) FISCAL YEAR 1999.—Of the funds made available for fiscal year 1999 under subsection (a), $80,000,000 may be made available only after the Secretary of State certifies that the United Nations has taken no action during calendar year 1998 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget of $2,533,000,000 and cause the United Nations to exceed that budget.

(c) INSPECTOR GENERAL OF THE UNITED NATIONS.—

(1) WITHHOLDING OF FUNDS.—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) CERTIFICATION.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) ACTION BY THE UNITED NATIONS.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), as amended by paragraph (3);

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Service to report directly to the Secretary General on the adequacy of the Office's resources to enable the Office to fulfill its mandate; and

(iii) has made available an adequate amount of funds to the Office for carrying out its functions.

(B) AUTHORITY OF OIOS.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified, in writing, of that authority.

(3) AMENDMENT OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995.—Section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended—

(A) by amending paragraph (6) to read as follows:

"(6) the United Nations has procedures in place to ensure that all reports submitted by the Office of Internal Oversight Service are made available to the member states of the United Nations without modification except to the extent necessary to protect the privacy rights of individuals."; and

(B) by striking "Inspector General" each place it appears and inserting "Office of Internal Oversight Service".

(d) PROHIBITION ON CERTAIN GLOBAL CONFERENCES.—None of the funds made available under subsection (a) shall be available for any United States contribution to pay for any expenses related to the holding of a United Nations Global Conference.

(e) REDUCTION IN NUMBER OF POSTS.—

(1) FISCAL YEAR 1998.—Of the funds authorized to be appropriated for fiscal year 1998 for the United Nations by subsection (a), $50,000,000 shall be withheld from obligation and expenditure until the Secretary of State certifies to Congress that the number of posts authorized under the 1998–99 regular budget of the United Nations, and authorized by the General Assembly, has resulted in a net reduction of at least 1,000 posts from the 10,012 posts authorized under the 1996–97 United Nations biennium budget, as a result of a suppression of that number of posts.

(2) FISCAL YEAR 1999.—Not later than October 1, 1998, the Secretary of State shall submit a report to the appropriate congressional committees specifying—

(A) the budget savings associated with the reduction of the 1,000 posts specified in paragraph (1), including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those savings;

(B) the vacancy rates for United Nations professional and general service staff contained in the United Nations biennium budget for 1998–99, including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those vacancy rates; and

(C) the goals of the United States for further staff reductions and associated budget savings for the 1998–99 United Nations biennium budget.

(f) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—None of the funds made available for the 1998-1999 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, and the 1998 Desertification Convention.

(g) LIMITATIONS FOR FISCAL YEARS 1999 AND 2000.—

(1) IN GENERAL.—The total amount of funds made available for all United States memberships in international organizations under the heading "Contributions to International Organizations" may not exceed $900,000,000 for each of fiscal years 1999 and 2000.

(2) CONSULTATIONS WITH CONGRESS.—The Secretary of State shall regularly consult with the appropriate congressional committees regarding the impact, if any, of the limitation in paragraph (1) on the maintenance of United States membership in such international organizations.

(h) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(i) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 3102. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading ''Contributions for International Peacekeeping Activities'' $220,000,000 for the fiscal year 1998 and $220,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(b) CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) CODIFICATION.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(A) in subsection (a), by striking the second sentence; and

(B) by striking subsection (e) and inserting the following:

''(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

''(1) CONSULTATIONS.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

''(2) INFORMATION TO BE PROVIDED.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

''(A) With respect to ongoing United Nations peacekeeping operations, the following:

''(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

''(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

''(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

''(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and the estimated costs to the United States of such changes.

''(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

''(i) The anticipated duration, mandate, the command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

''(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

''(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

''(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and an estimate of the cost to the United States of such assistance or support.

''(v) A reprogramming of funds pursuant to section 34 of the State Department Basic Authorities Act of 1956, submitted in accordance with the procedures set forth in such section, describing the source of funds that will be used to pay for the cost of the new United Nations peacekeeping operation, provided that such notification shall also be submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

''(3) FORM AND TIMING OF INFORMATION.—

''(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

''(B) TIMING.—

''(i) ONGOING OPERATIONS.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

''(ii) NEW OPERATIONS.—The information required under paragraph (2)(B) shall be submitted in writing with respect to each new United Nations peacekeeping operation not less than 15 days before the anticipated date of the vote on the resolution concerned unless the President determines that exceptional circumstances prevent compliance with the requirement to report 15 days in advance. If the President makes such a determination, the information required under paragraph (2)(B) shall be submitted as far in advance of the vote as is practicable.

''(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

''(A) where the authorized force strength is to be expanded;

''(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

''(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or significantly different functions.

''(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

''(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

''(i) IN GENERAL.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

''(ii) EXCEPTION.—This subparagraph does not apply to—

''(I) assistance having a value of less than $3,000,000 in the case of nonreimbursable assistance or less than $14,000,000 in the case of reimbursable assistance; or

''(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

''(B) QUARTERLY REPORTS.—

''(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

''(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

''(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

''(f) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term 'designated congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.''.

(2) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(c) RELATIONSHIP TO OTHER NOTICE REQUIREMENTS.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (b), is further amended by adding at the end the following:

''(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.''.

TITLE XXXII—UNITED NATIONS ACTIVITIES

SEC. 3201. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.

(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation's regional blocs.

(b) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) ANNUAL REPORTS.—On January 15 of each year, the Secretary of State shall submit a report to the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations; and

(3) steps taken by the United States to secure abolition by the United Nations of groups under subsection (b).

(d) ANNUAL CONSULTATION.—At the time of the submission of each annual report under subsection (c), the Secretary of State shall consult with the appropriate congressional committees on specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.

SEC. 3202. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

"SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

"(a) UNITED STATES COSTS.—The United States shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States in support of all United Nations peacekeeping operations.

"(b) UNITED NATIONS MEMBER COSTS.—The United States shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such operations.".

SEC. 3203. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

"(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the President shall seek and obtain in a timely fashion a commitment from the United Nations to provide reimbursement to the United States from the United Nations whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

"(A) to the United Nations when the assistance is designed to facilitate or assist in carrying out an assessed peacekeeping operation;

"(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

"(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

"(2) EXCEPTIONS.—(A) The requirement in paragraph (1) shall not apply to—

"(i) goods and services provided to the United States Armed Forces;

"(ii) assistance having a value of less than $3,000,000 per fiscal year per operation;

"(iii) assistance furnished before the date of enactment of this section;

"(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members for similar assistance to United Nations peacekeeping operations; or

"(v) any assistance commitment made before the date of enactment of this Act if such commitment will not extend beyond January 1, 1998.

"(B) The requirements of subsection (d)(1)(B) shall not apply to the deployment of United States military forces when the President determines that such deployment is important to the security interests of the United States. The cost of such deployment shall be included in the data provided under section 554 of the Foreign Assistance Act of 1961.

"(3) FORM AND AMOUNT.—

"(A) AMOUNT.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

"(B) FORM.—Reimbursement under this subsection may include credits against the United States assessed contributions for United States peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

"(b) TREATMENT OF REIMBURSEMENTS.—

"(1) CREDIT.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

"(2) AVAILABILITY.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

"(c) COVERED ASSISTANCE.—Subsection (a) applies to assistance provided under the following provisions of law:

"(1) Sections 6 and 7 of this Act.

"(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

"(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

"(d) WAIVER.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The President may authorize the furnishing of assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

"(B) CONGRESSIONAL NOTIFICATION.—When exercising the authorities of subparagraph (A), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

"(2) CONGRESSIONAL REVIEW.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notification.

"(3) SENATE PROCEDURES.—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(e) RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under subsection (a).

"(f) DEFINITION.—In this section, the term 'assistance' includes personnel, services, supplies, equipment, facilities, and other assistance if such assistance is provided by the Department of Defense or any other United States Government agency.".

SEC. 3204. UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING OPERATIONS.

It shall be the policy of the United States—

(1) to ensure that major peacekeeping operations (in general, those comprised of more than 10,000 troops) authorized by the United Nations Security Council under Chapter VII of the United Nations Charter (or missions such as the United Nations Protection Force (UNPROFOR)) are undertaken by a competent regional organization or a multinational force, and not established as a peacekeeping operation under United Nations operational control which would be paid for by assessment of United Nations members;

(2) to consider, on a case-by-case basis, whether it is in the national interest of the United States to agree that smaller peacekeeping operations authorized by the United Nations Security Council under Chapter VII of the United Nations Charter and paid for by assessment of United Nations members (such as the United Nations Transitional Authority in Slavonia (UNTAES)) should be established as peacekeeping operations under United Nations operational control which would be paid for by assessment of United Nations members; and

(3) to oppose the establishment of United Nations peace operations approved by the General Assembly and funded out of the regular budget of the United Nations.

SEC. 3205. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

For the fiscal years 1998 and 1999, the President may withhold funds for the United States assessed contribution to the United Nations or to any of its specialized agencies in the same percentage and subject to the same requirements as are applicable to the withholding of funds under section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 3206. CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by inserting "and the United Nations Industrial Development Organization" after "International Labor Organization".

SEC. 3207. SENSE OF THE CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) all United Nations staff, including diplomats, should comply with binding United States Federal, State, and local court orders regarding child and spousal support obligations;

(2) the internal regulations of the United Nations allows—

(A) the United Nations to release staff salary information to the courts in spousal and child support cases;

(B) the Secretary General to authorize deduction of dependency related allowances from staff salary;

(C) the United Nations to cooperate with appropriate authorities to facilitate proper legal or judicial resolution of the family's claim.

(b) CONGRESSIONAL STATEMENT.—The Secretary of State should urge the United Nations to comply fully with regulations regarding compliance with child and spousal support obligations by United Nations personnel, in a timely manner and to the fullest extent possible.

TITLE XXXIII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

Subchapter A—Authorization of Appropriations; Obligation and Expenditure of Funds

SEC. 3301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States described in subsection (b) as of September 30, 1997—

(1) $100,000,000 for fiscal year 1998;

(2) $475,000,000 for fiscal year 1999; and

(3) $244,000,000 for fiscal year 2000.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations;

(2) to pay the United States share of United Nations peacekeeping operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) STATUTORY CONSTRUCTION.—For purposes of payments made pursuant to subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall not apply to United Nations peacekeeping operation assessments received by the United States prior to October 1, 1995.

SEC. 3302. OBLIGATION AND EXPENDITURE OF FUNDS.

(a) IN GENERAL.—Funds made available pursuant to section 3301 may be obligated and expended only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) OBLIGATION AND EXPENDITURE UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.—Subject to subsection (e), funds made available pursuant to section 3301 may be obligated and expended only in the following allotments and upon the following certifications:

(1) Amounts authorized to be appropriated for fiscal year 1998, upon the certification described in section 3311.

(2) Amounts authorized to be appropriated for fiscal year 1999, upon the certification described in section 3321.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 3331.

(c) ADVANCE CONGRESSIONAL NOTIFICATION.—Funds made available pursuant to section 3301 may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds.

(d) TRANSMITTAL OF CERTIFICATIONS.—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

(e) WAIVER AUTHORITY.—

(1) FISCAL YEAR 1999 FUNDS.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 3301 may be obligated or expended pursuant to subsection (b)(2) even if the Secretary of State cannot certify that one of the following three conditions has been satisfied:

(A) The condition described in section 3321(b)(1).

(B) The condition described in section 3321(b)(4).

(C) The condition described in section 3321(b)(5).

(2) FISCAL YEAR 2000 FUNDS.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 3301 may be obligated or expended pursuant to subsection (b)(3) even if the Secretary of State cannot certify that one of the following seven conditions has been satisfied: A condition described in paragraph (3), (4), (5), (6), (7), (8),or (9) of section 3331(b).

(3) REQUIREMENTS.—

(A) IN GENERAL.—The authority to waive a condition under paragraph (1) or (2) of this subsection may be exercised only if—

(i) the Secretary of State determines that substantial progress towards satisfying the condition has been made and that the expenditure of funds pursuant to that paragraph is important to the interests of the United States; and

(ii) the Secretary of State has notified, and consulted with, the appropriate congressional committees prior to exercising the authority.

(B) EFFECT ON SUBSEQUENT CERTIFICATION.—If the Secretary of State exercises the authority of paragraph (1) with respect to a condition, such condition shall be deemed to have been satisfied for purposes of making any certification under section 3331.

(4) ADDITIONAL REQUIREMENT.—If the authority to waive a condition under paragraph 1(A) is exercised, the Secretary shall notify the United Nations that the Congress does not consider the United States obligated to pay, and does not intend to pay, arrearages that have not been included in the contested arrearages account or other mechanism described in section 3321(b)(1).

SEC. 3303. FORGIVENESS OF AMOUNTS OWED BY THE UNITED NATIONS TO THE UNITED STATES.

(a) FORGIVENESS OF INDEBTEDNESS.—Subject to subsection (b), the President is authorized to forgive or reduce any amount owed by the United Nations to the United States as a reimbursement, including any reimbursement payable under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945.

(b) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total of amounts forgiven or reduced under subsection (a) may not exceed $107,000,000.

(2) RELATION TO UNITED STATES ARREARAGES.—Amounts shall be forgiven or reduced under this section only to the same extent as the United Nations forgives or reduces amounts owed by the United States to the United Nations as of September 30, 1997.

(c) REQUIREMENTS.—The authority in subsection (a) shall be available only to the extent and in the amounts provided in advance in appropriations Acts.

(d) CONGRESSIONAL NOTIFICATION.—Before exercising any authority in subsection (a), the President shall notify the appropriate congressional committees in accordance with the same procedures as are applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date a certification is transmitted to the appropriate congressional committees under section 3331; or

(2) October 1, 1999.

Subchapter B—United States Sovereignty

SEC. 3311. CERTIFICATION REQUIREMENTS.

(a) CONTENTS OF CERTIFICATION.—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations does not exceed 22 percent for any single United Nations member.

(2) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(3) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(4) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(ii) the World Intellectual Property Organization; or

(iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(5) NO STANDING ARMY.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(6) NO INTEREST FEES.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(7) UNITED STATES REAL PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(8) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not, on or after October 1, 1984, paid its share of any interest costs made known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

Subchapter C—Reform of Assessments and United Nations Peacekeeping Operations

SEC. 3321. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of

State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 3311 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) CONTESTED ARREARAGES.—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of enactment of this Act with respect to which payments are not authorized by this division, and the failure to pay amounts specified in the account do not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the "contested arrearages account".

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR UNITED NATIONS PEACEKEEPING OPERATIONS.—The assessed share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.

(3) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET FOR THE DESIGNATED SPECIALIZED AGENCIES.—The share of the total of all assessed contributions for the regular budget of any designated specialized agency does not exceed 22 percent for any single United Nations member.

(4) REVIEW OF REGULAR BUDGET-FUNDED PEACE OPERATIONS.—The mandates of the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are reviewed annually by the Security Council, and are subject to the notification requirements pursuant to section 4(e) of the United Nations Participation Act of 1945, as amended by section 3102(b) of this division.

(5) PROCUREMENT.—

(A) PROHIBITION ON PUNITIVE ACTIONS.—The United Nations has implemented a system that prohibits punitive actions, such as suspension of contract eligibility, against contractors on the basis that they have challenged contract awards or complained about delayed payments.

(B) PUBLIC ANNOUNCEMENT OF CERTAIN CONTRACT AWARDS.—The United Nations has implemented a system for public announcement of the award of any contract over $100,000.

(C) NOTIFICATION OF UNSUCCESSFUL BIDDERS.—The United Nations has implemented a system to notify unsuccessful bidders for contracts and to provide an explanation upon request of the reason for rejection of their bids.

(D) PERIODIC REPORTING TO UNITED NATIONS MEMBERS.—The United Nations reports to all United Nations members on a regular basis the value and a brief description of local procurement contracts awarded in excess of $70,000.

Subchapter D—Budget and Personnel Reform

SEC. 3331. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the following conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 3311 and 3321 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any designated specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification except to the extent necessary to protect the privacy rights of individuals.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the systemwide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly and of programs of the designated specialized agencies in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each designated specialized agency has developed a standardized methodology for the evaluation of programs of designated specialized agencies, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—Consistent with the July 16, 1997, recommendations of the Secretary General of the United Nations regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General and the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term "United Nations program approved by the General Assembly" means a program approved by the General Assembly of the United Nations, which is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph, the term "5 largest member contributors" means the 5 United Nations member states that, during a United Nations budgetary biennium, have more total assessed contributions than any other United Nations member state to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peacekeeping operations.

(6) ACCESS BY THE GENERAL ACCOUNTING OFFICE.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data to assist the Office in performing nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations Charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations personnel.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison of that system with the United States civil service, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) REDUCTION IN BUDGET AUTHORITIES.—The designated specialized agencies have achieved a negative growth budget in their biennium budgets for 2000–01 from the 1998–99 biennium budget levels of the respective agencies.

(9) NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the agency's supplemental budget requests to the Secretariat in advance of expenditures under those requests.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 3341. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) and section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 3342. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER INTERNATIONAL ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this subdivision shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other international organization with respect to which Congress has rescinded funding.

The text of the House amendment to the Senate amendments is as follows:

House amendment to Senate Amendments.

On page 1, line 1, strike all through line 7.

On page 1, line 8, strike "The" and insert "That that".

On page 2, line 2, strike all from "to" through "Act," on line 3.

On page 11, line 20, after the word "fund" insert "described in section 172 of this Act".

On page 12, line 8, strike "all".

On page 34, line 16, after "or" insert "previously".

On page 44, line 15, before the period, insert: ", except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects".

On page 46, after line 9, insert:

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1997, the District of Columbia Financial Responsibility and Management Assistance Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

On page 47, line 21 strike "$5,000,000" and insert "$12,000,000".

On page 59, line 11 strike "(f)" and insert "(e)".

On page 77, line 17, strike all through page 78, line 2.

On page 78, after line 2, insert the following:

SEC. 166. Notwithstanding any other provision of Federal or District of Columbia law applicable to a reemployed annuitant's entitlement to retirement or pension benefits, the Director of the Office of Personnel Management may waive the provisions of section 8344 of title 5 of the United States Code for any reemployed annuitants appointed heretofore or hereafter as a Trustee under section 11202 or 11232 of the National Capital Revitalization and Self-Government Improvement Act of 1997, or, at the request of such a Trustee, for any employee of such Trustee.

SEC. 167. Section 2203(i)(2)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–504; D.C. Code 31–2853.13(i)(2)(A)) is amended to read as follows:

"(A) IN GENERAL.—

"(i) ANNUAL LIMIT.—Subject to subparagraph (B) and clause (ii), during calendar year 1997, and during each subsequent calendar year, each eligible chartering authority shall not approve more than 10 petitions to establish a public charter school under this subtitle.

"(ii) TIMETABLE.—Any petition approved under clause (i) shall be approved during an application approval period that terminates on April 1 of each year. Such an approval period may commence before or after January 1, of the calendar year in which it terminates, except that any petition approved at any time during such an approval period shall count, for purposes of clause (i), against the total number of petitions approved during the calendar year in which the approval period terminates.".

SEC. 168. Section 2205(a) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–122; D.C. code 31 2853.15(a)) is amended by striking "7," and inserting "15,".

SEC. 169. Section 221(g) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–133; D.C. Code 31–2853.24(g)) is amended by inserting "to the Board" after "appropriated".

SEC. 170. Section 2401(b)(3)(B) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code 31–2853.41(b)(3)(B)) is amended—

(1) in clause (i), by striking "or";

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(iii) to whom the school provides room and board in a residential setting.".

SEC. 171. Section 2401(b)(3) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code 31–2853.41(b)(3) is amended by adding at the end the following:

"(C) ADJUSTMENT FOR FACILITIES COSTS.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall adjust the amount of the annual payment under paragraph (1) to increase the amount of such payment for a public charter school to take into account leases or purchases of, or improvements to, real property, if the school, not later than April 1 of the fiscal year preceding the payment, requests such an adjustment.".

SEC. 172. (a) PAYMENTS TO NEW CHARTER SCHOOLS.—Section 2403(b) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–140; D.C. Code 31–2853.43(b) is amended to read as follows:

"(b) PAYMENTS TO NEW SCHOOLS.—

"(1) ESTABLISHMENT OF FUND.—There is established in the general fund of the District of Columbia a fund to be known as the 'New Charter School Fund'.

"(2) CONTENTS OF FUND.—The New Charter School Fund shall consist of—

"(A) unexpended and unobligated amounts appropriated from local funds for public charter schools for fiscal year 1997 and subsequent fiscal years that reverted to the general fund of the District of Columbia;

"(B) amounts credited to the fund in accordance with this subsection upon the receipt by a public charter school described in paragraph (5) of its first initial payment under subsection (a)(2)(A) or its first final payment under subsection (a)(2)(B); and

"(C) any interest earned on such amounts.

"(3) EXPENDITURES FROM FUND.—

"(A) IN GENERAL.—Not later than June 1, 1998, and not later than June 1 of each year thereafter, the Chief Financial Officer of the District of Columbia shall pay, from the New Charter School fund, to each public charter school described in paragraph (5), an amount equal to 25 percent of the amount yielded by multiplying the uniform dollar amount used in the formula established under section 2401 (b) by the total anticipated enrollment as set forth in the petition to establish the public charter school.

"(B) PRO RATA REDUCTION.—If the amounts in the New Charter School Fund for any year are insufficient to pay the full amount that each public charter school described in paragraph (5) is eligible to receive under this subsection for such year, the Chief Financial Officer of the District of Columbia shall ratably reduce such amounts for such year on the basis of the formula described in section 2401(b).

"(C) FORM OF PAYMENT.—Payments under this subsection shall be made by electronic funds transfer from the New Charter School Fund to a bank designated by a public charter school.

"(4) CREDITS TO FUND.—Upon the receipt by a public charter school described in paragraph (5) of—

"(A) its first initial payment under subsection (a)(2)(A), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 75 percent of the amount paid to the school under paragraph (3); and

"(B) its first final payment under subsection (a)(2)(B), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 25 percent of the amount paid to the school under paragraph (3).

"(5) SCHOOLS DESCRIBED.—A public charter school described in this paragraph is a public charter school that—

"(A) did not enroll any students during any portion of the fiscal year preceding the most recent fiscal year for which funds are appropriated to carry out this subsection; and

"(B) operated as a public charter school during the most recent fiscal year for which funds are appropriated to carry out this subsection.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out this subsection for each fiscal year.".

(b) REDUCTION OF ANNUAL PAYMENT.—

(1) INITIAL PAYMENT.—Section 2403(a)(2)(A) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code 31–2853.43(a)(2)(A)) is amended to read as follows:

"(A) INITIAL PAYMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), not later than October 15, 1996, and not later than October 15 of each year thereafter, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to section 2401(b) to a bank designated by such school.

"(ii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 75 percent of the amount of the payment under subsection (b).".

(2) FINAL PAYMENT.—Section 2403(a)(2)(B) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code 31–2853.43(a)(2)(B)) is amended—

(A) in clause (i)—

(i) by inserting "IN GENERAL.—before "Except"; and

(ii) by striking "clause (ii)," and inserting "clauses (ii) and (iii),";

(B) in clause (ii), by inserting "ADJUSTMENT FOR ENROLLMENT.—" before "Not later than March 15, 1997,"; and

(C) by adding at the end the following:

"(iii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 25 percent of the amount of the payment under subsection (b).".

This title may be cited as the "District of Columbia Appropriations Act, 1998".

On page 99, line 22, strike all through line 23.

On page 100, line 1, strike all through page 708, line 7.

MOTION OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LIVINGSTON moves that the House concur in the amendment of the Senate to the text of H.R. 2607 with an amendment and disagrees to the Senate amendment to the title.

The SPEAKER pro tempore. Pursuant to House Resolution 324, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Virginia [Mr. MORAN] each will control 30 minutes.

The gentleman from Louisiana [Mr. LIVINGSTON] is recognized.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion to concur in the Senate amendment and that I may be permitted to include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present to the House the final agreement which we were able to reach with the Senate on the District of Columbia Appropriations Act for fiscal year 1998. The House passed the bill on October 9. And the Senate passed the bill, with an amendment, last Sunday evening.

Our final agreement includes $855 million in Federal funds and is within the committee's overall 302 allocation in both budget authority and outlays. The final agreement is $7 million above the Senate bill and will provide a total of $12 million for the U.S. Park Police.

Mr. Speaker, it is the intent of Congress that this $12 million will be considered as new funding and is not to be offset against any existing appropriations now or in the future.

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In District funds, the final agreement provides $5 billion, which includes $270 million for capital programs.

Mr. Speaker, this final agreement includes the charter school language that was in the House bill, with the exception of the provision allowing charter schools to lease D.C. public school facilities for a dollar a year.

I would like to mention that the Senate deleted the $7 million that was in the House bill for school vouchers and passed a separate freestanding bill, Senate bill 1502. I would expect all supporters of the District of Columbia school voucher program to support this bill when it comes to the floor.

I might only add, Mr. Speaker, that as has been indicated in the debate on the rule, title II of the bill provides for the Nicaraguan Adjustment and Central American Relief Act, which is clarification of eligibility for relief from removal and deportation for certain aliens.

I would like to thank all members of the subcommittee, especially the gentleman from North Carolina [Mr. TAYLOR], and all the staff that have done such a great job on this bill. I think what we have here is a good agreement with the other body. I urge all Members to support it.

Mr. Speaker, I include the following tabular material for the RECORD:

DISTRICT OF COLUMBIA BILL, 1998 - H.R. 2607

	FY 1997 Enacted	FY 1998 Estimate	House Passed	Senate Passed	House Amendment	House Amendment vs Enacted
FEDERAL FUNDS						
Federal payment to the District of Columbia	660,000,000					-660,000,000
Federal contribution to retirement funds	52,070,000					-52,070,000
Presidential Inauguration	5,702,000					-5,702,000
Federal contribution for repair of drinking water system	1,000,000					-1,000,000
Federal payment for management reform				8,000,000	8,000,000	+8,000,000
Federal contribution to the operations of the Nation's Capital		160,000,000	180,000,000	190,000,000	190,000,000	+190,000,000
Federal payment for the Inspector General for investigative efforts			2,000,000			
Metropolitan Police Department			5,400,000			
Fire and Emergency Medical Services Department			2,600,000			
Federal contribution to Public Schools			1,000,000			
Federal payment to the District of Columbia Corrections Trustee Operations		169,000,000	169,000,000	169,000,000	169,000,000	+169,000,000
Payment to the District of Columbia Corrections Trustee for Correctional Facilities, Construction and Repair		302,000,000	302,000,000	302,000,000	302,000,000	+302,000,000
Payment to the District of Columbia Courts				151,000,000	151,000,000	+151,000,000
Federal payment to the District of Columbia Criminal Justice System		146,000,000	146,000,000			
United States Park Police			12,500,000			
U.S. Park Police (general provision Sec. 141)				5,000,000	12,000,000	+12,000,000
Medicare coordinated care demonstration project (general provision Sec. 160)				3,000,000	3,000,000	+3,000,000
Federal contribution to the District of Columbia Scholarship Fund			7,000,000			
Total, Federal funds to the District of Columbia	718,772,000	777,000,000	827,500,000	828,000,000	835,000,000	+116,228,000
DISTRICT OF COLUMBIA FUNDS						
Operating Expenses						
Governmental direction and support	(115,663,000)	(105,177,000)	(119,177,000)	(105,177,000)	(105,177,000)	(-10,486,000)
Economic development and regulation	(135,704,000)	(120,072,000)	(120,072,000)	(120,072,000)	(120,072,000)	(-15,632,000)
Public safety and justice	(1,041,281,000)	(494,970,000)	(502,970,000)	(529,739,000)	(529,739,000)	(-511,542,000)
Pay increase for uniformed fire fighters (general provision Sec. 165)					(2,600,000)	(+2,600,000)
Public education system	(758,815,000)	(672,444,000)	(673,444,000)	(672,444,000)	(672,444,000)	(-86,371,000)
Human support services	(1,685,707,000)	(1,718,939,000)	(1,718,939,000)	(1,718,939,000)	(1,718,939,000)	(+33,232,000)
Homeless services (general provision Sec. 142)					(7,000,000)	(+7,000,000)
Public works	(247,967,000)	(241,934,000)	(241,934,000)	(241,934,000)	(241,934,000)	(-6,033,000)
Financing and other		(484,773,000)		(454,773,000)	(454,773,000)	(+454,773,000)
Washington Convention Center Fund transfer payment /1	(5,400,000)		(5,400,000)			(-5,400,000)
Repayment of loans and interest /1	(333,710,000)		(366,976,000)			(-333,710,000)
Repayment of general fund recovery debt /1	(38,314,000)		(39,020,000)			(-38,314,000)
Payment of interest on short-term borrowing /1	(34,461,000)		(12,000,000)			(-34,461,000)
Inaugural expenses	(5,702,000)					(-5,702,000)
Certification of participation /1	(7,926,000)		(7,923,000)			(-7,926,000)
Human resources development /1	(12,257,000)		(6,000,000)			(-12,257,000)
Cost Reduction Initiatives	(-47,411,000)					(+47,411,000)
Management Reform and Productivity Fund			(5,000,000)			
D.C. Financial Responsibility and Management Assistance Authority	(3,400,000)	(3,220,000)	(3,220,000)	(3,220,000)	(3,220,000)	(-180,000)
Deficit reduction and revitalization			(200,000,000)	(201,090,000)	(201,090,000)	(+201,090,000)
New Pay-As-You-Go Capital Outlay			(30,000,000)			
Total, operating expenses, general fund	(4,378,896,000)	(3,841,529,000)	(4,052,075,000)	(4,047,388,000)	(4,056,988,000)	(-321,908,000)
Enterprise Funds						
Enterprise and other uses		(15,725,000)		(15,725,000)	(15,725,000)	(+15,725,000)
Water and Sewer Authority and the Washington Aqueduct	(221,362,000)	(297,310,000)	(297,310,000)	(297,310,000)	(297,310,000)	(+75,948,000)
Lottery and Charitable Games Enterprise Fund	(247,900,000)	(213,500,000)	(213,500,000)	(213,500,000)	(213,500,000)	(-34,400,000)
Cable Television Enterprise Fund	(2,511,000)		(2,467,000)			(-2,511,000)
Public Service Commission			(4,547,000)			
Office of People's Counsel			(2,428,000)			
Department of Insurance and Securities Regulation			(5,683,000)			
Office of Banking and Financial Institutions			(600,000)			
Starplex Fund	(8,717,000)	(5,936,000)	(5,936,000)	(5,936,000)	(5,936,000)	(-2,781,000)
D.C. General Hospital	(52,684,000)	(59,599,000)	(59,599,000)	(52,684,000)	(52,684,000)	
D.C. Retirement Board	(16,667,000)	(16,762,000)	(4,898,000)	(16,762,000)	(16,762,000)	(+95,000)
Correctional Industries Fund	(3,052,000)	(3,332,000)	(3,332,000)	(3,332,000)	(3,332,000)	(+280,000)
Washington Convention Center Enterprise Fund	(42,596,000)	(41,000,000)	(41,000,000)	(41,000,000)	(41,000,000)	(-1,596,000)
Total, Enterprise Funds	(595,489,000)	(653,164,000)	(641,300,000)	(646,249,000)	(646,249,000)	(+50,760,000)
Total, operating expenses	(4,974,385,000)	(4,494,693,000)	(4,693,375,000)	(4,693,637,000)	(4,703,237,000)	(-271,148,000)

1/ Appropriated in "Financing and other" account.

DISTRICT OF COLUMBIA BILL, 1998 - H.R. 2607 — continued

	FY 1997 Enacted	FY 1998 Estimate	House Passed	Senate Passed	House Amendment	House Amendment vs Enacted
Capital Outlay						
General fund	(46,923,000)	(269,330,000)	(269,330,000)	(269,330,000)	(269,330,000)	(+222,407,000)
Total, District of Columbia funds	(5,021,308,000)	(4,764,023,000)	(4,962,705,000)	(4,962,967,000)	(4,972,567,000)	(-48,741,000)
Total:						
Federal Funds to the District of Columbia	718,772,000	777,000,000	827,500,000	828,000,000	835,000,000	+116,228,000
District of Columbia funds	(5,021,308,000)	(4,764,023,000)	(4,962,705,000)	(4,962,967,000)	(4,972,567,000)	(-48,741,000)
Scorekeeping adjustments:						
Medicare child health (Sec. 162)				20,000,000	20,000,000	+20,000,000
Total (including adjustments)	718,772,000	777,000,000	827,500,000	848,000,000	855,000,000	+136,228,000

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the motion offered by the gentleman from Louisiana to concur in the Senate amendment to the D.C. appropriations bill, with an amendment.

Mr. Speaker, the Senate amendment is essentially what we call the Moran substitute. I offered it on the House floor when the D.C. bill came up. It does include a new title which provides relief for Nicaraguan and Central American refugees.

I totally agree with the comments of the gentlewoman from Florida [Mrs. MEEK], the gentleman from Florida [Mr. HASTINGS], the gentlewoman from Texas [Ms. JACKSON-LEE], and the gentleman from California [Mr. BECERRA]. It is wrong to exclude Haitian refugees in this; there is no question about it. I think that that is very unfortunate.

However, this bill needs to be passed. The reality is, D.C. needs its money. We have a fiscal crisis. This is a substantial improvement over the House-passed bill. We will hear from the gentlewoman from the District of Columbia [Ms. NORTON] shortly. It has bipartisan support. It supports the Federal revitalization package that this Congress passed last year.

With the adoption of the Senate amendment, we have a bill that the President will sign. The Senate amendment has several key features that are similar to the original House bill. It provides the same $828 million. The funds are distributed a little differently but they are just the way that the Control Board and the D.C. government feel they ought to be distributed.

Also, like the House bill, the Senate amendment will ensure that the District continues to make progress to reduce its accumulated deficit. $200 million goes into deficit reduction. This is the bill that was the consensus budget submitted by the D.C. Council, the mayor and the D.C. Financial Control Board.

Most important, these provisions that the Senate amendment has do not contain all the micromanagement and the legislative riders that were in the House bill that caused such problems and delayed consideration of the bill. It drops the authorizing language and appropriations for D.C. vouchers. That would have ensured a presidential veto. It drops the part that forced the closure of the D.C. law school. It keeps Pennsylvania Avenue closed regardless of what Members think about that. That would have been a very controversial issue with the administration.

We are 43 days into the fiscal year. We have got to act immediately. The District of Columbia government is 43 days behind in implementing the management and financial reforms that we all know are sorely needed. The Control Board is eager to begin its work. It cannot do so until we get this bill completed.

Mr. Speaker, the Senate amendment and the amendments that are offered by the chairman of this committee deserve our strong support. The chairman's amendment makes several technical adjustments. It adds the charter school provisions that were contained in the original House-passed bill, with the exception, there is an exception, it takes out the provision that would have sold D.C. school facilities for a dollar a year. That has to be taken out. It is a matter of about $20 million the D.C. school system needs. The D.C. school system agreed with Parents United in the court suit that that money would be spent on rehabilitating existing school facilities.

That was the right amendment, the Senate amendment, with the exception of title II certainly, but the Senate amendment deserves our strong support. The D.C. government deserves better than it has gotten so far in this fiscal year. I do urge all my colleagues to support the motion offered by the gentleman from Louisiana and urge its adoption.

Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time. I thank him for his hard work on this bill. I thank the gentleman from Louisiana [Mr. LIVINGSTON] and the many people on both sides of the aisle who contributed to finally getting this bill out.

Before I say a word on this bill, I want to thank the gentlewoman from Florida and the gentleman from Florida who have helped us to expedite this bill by not calling for a recorded vote. I want to promise them that I will stand with them so that we get a vote the first week we come back on Haiti.

This may not be a moment of truth but it has arrived. We must get the D.C. appropriation out tonight. We have a bipartisan compromise only because of the hard work of people on both sides of the aisle. No one has gained much. Everybody has given up a lot in order to get this bill through. We have tried to accommodate all reasonable requests.

It is not the bill I would have wanted. No one has had to compromise more than I have, Mr. Speaker. The bill has no new Federal money, only rescue package money. It is $4.2 billion raised exclusively in the District of Columbia, 6 weeks late in getting permission to spend our own money.

Congress, and the gentleman from North Carolina [Mr. TAYLOR] in particular, who had the oversight here, openly spoke to the District that it should use the surplus to pay down the deficit, and that is exactly what the District in response to him has done. The city and the Control Board have come forward with a budget that is balanced a year ahead of time, almost all of the surplus used in exactly the way the Congress has suggested.

There is a lot I would change. I want to thank everyone for helping do what I think we will do in a few minutes and get this bill out so that the District of Columbia can begin to spend its own money.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM], a distinguished member of the subcommittee.

Mr. CUNNINGHAM. Mr. Speaker, I would like to say that the gentlewoman from the District of Columbia has legitimate concerns. I do not know of anyone in the House that represents a more difficult area, and I believe her when she said she would spend her own money to help.

I would beseech all of my colleagues to take a look especially at the education school system within D.C. You have got the majority of children that start the ninth grade do not finish. You have illiteracy that comes out of your juniors and seniors out of your schools. They need help. They are reaching out.

Regardless of where our politics are on the different education issues, all of us need to reach out. But the average is $10,000 plus per student. The answer is not just more dollars per student but some of the reforms that we are going through to spend the money wisely.

I would like to thank not only the gentlewoman from the District of Columbia for her energy but the gentleman from Virginia [Mr. MORAN], the ranking minority member, for working together on this bill. I urge its passage.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume. In the interest of time we are not going to have other speakers, but I would like to extend our appreciation to some people like the gentleman from Florida [Mr. HASTINGS] and the gentlewoman from Florida [Mrs. MEEK]. They could have delayed their colleagues' time considerably tonight. They chose not to, but it is an issue that they have very legitimate and deep feelings about.

I think the gentleman from North Carolina [Mr. TAYLOR] should be recognized for his conscientious effort on this bill. We disagreed on a number of provisions, but he applied himself and spent a lot of time on this; certainly the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee, and the gentleman from Wisconsin [Mr. OBEY], the ranking member of the full committee.

The staff deserves some recognition: Migo Miconi, he is a walking encyclopedia of the District of Columbia; Mike Fischetti, Mary Porter, Tom Forhan, Cheryl Smith. I would like to give some recognition to Mike Brown, my

personal staff person, who spent hours, days, months really working on this bill and he did a tremendous job on it. I should have recognized him last time when it came to the floor. Cedric Hendricks has done such great work on the authorizing committee for the gentlewoman from the District of Columbia [Ms. NORTON].

I would also like to give some recognition to the gentleman from Virginia [Mr. DAVIS], the chairman of the authorizing committee. He has done a real fine job in getting this bill through, and in a way that the President can sign it and give the money to the District that it sorely needs.

Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume. I would point out that I wholeheartedly agree with the accolades bestowed by the gentleman from Virginia. I would like to thank him for all of his cooperation. It has helped bring about this moment. It is overdue. We want to get the District of Columbia adequately funded and pass this bill as quickly as possible.

I want to add a special commendation, though, for the gentleman from North Carolina [Mr. TAYLOR], who has had lots of farsighted ideas on how to put the District of Columbia on firm fiscal footing. I think he is a man ahead of his time. Many of his ideas will be adopted but some of them just could not pass through muster at this time.

I thank the gentleman from Virginia [Mr. MORAN], I thank the gentleman from North Carolina [Mr. TAYLOR], I thank the gentlewoman from the District of Columbia [Ms. NORTON], the gentleman from Virginia [Mr. DAVIS], and all of the staff who have lent a hand in putting this bill together. I congratulate all the Members of the House and look forward to their wholehearted, enthusiastic passage of this bill.

Ms. BROWN of Florida. Mr. Speaker, I would like to call attention to what I believe is a human rights travesty happening right here in this country. First, we should not be considering immigration issues on the appropriations bill for the District of Columbia. Second, we should not be discriminating against our neighbors in this Hemisphere, the Haitians, with regard to our immigration policy.

Mr. Speaker, this bill has provisions to grant certain groups of immigrants permanent residence and others have extensions of time for consideration of their applications. The Haitians have been given absolutely no special provisions, even though many of them have been persecuted, just miles from our shores.

This is a disgrace because it is blatant discrimination, that the conferees failed to correct, and tonight, the Rules Committee failed to correct.

Mr. Speaker, I have seen the Rules Committee make far more drastic changes to bills than what would have been required here to restore fairness to our immigration policy.

Mr. Speaker, correcting the U.S. immigration policy with regard to Haitians should be the first priority in the second session of the 105th Congress. I intend to make sure it happens. We need to treat our neighbors with dignity and respect, and most of all, treat them fairly.

Mr. LIVINGSTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to House Resolution 324, the previous question is ordered.

The question is on the motion offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The motion was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2159, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

The vote was taken by electronic device, and there were— yeas 333, nays 76, answered "present" 1, not voting 22, as follows:

[Roll No. 631]

YEAS—333

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Ballenger
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Carson
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hayworth
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hoyer
Hunter
Hutchinson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pelosi
Peterson (MN)
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn

NAYS—76

Aderholt
Archer
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bilbray
Blunt
Brady
Buyer
Cannon
Chabot
Chenoweth
Coburn
Condit
Crane
Doolittle
Duncan
Emerson
Ensign
Goode
Goodling
Graham
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Hulshof
Hyde
Inglis
Johnson, Sam
Jones
Kucinich
LaHood
Lucas
Mica
Minge
Moran (KS)
Myrick
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pombo
Rahall
Roemer
Rogers
Rohrabacher
Royce
Ryun
Sanford
Scarborough
Sensenbrenner
Sessions
Smith (NJ)
Solomon
Stearns
Stump
Sununu
Tanner
Taylor (MS)
Thornberry

Tiahrt	Watkins	Weldon (FL)
Traficant	Watts (OK)	Young (FL)

ANSWERED "PRESENT"—1

Barcia

NOT VOTING—22

Baker	Markey	Shuster
Combest	Meehan	Smith (OR)
Cubin	Neal	Stark
Flake	Norwood	White
Furse	Pryce (OH)	Yates
Gephardt	Radanovich	Young (AK)
Gonzalez	Riley	
Houghton	Schiff	

□ 0017

Messrs. HALL of Texas, BLUNT, HYDE, CHABOT, and SCARBOROUGH changed their vote from "yea" to "nay."

Mrs. ROUKEMA, Mr. WHITFIELD, and Mr. SHADEGG changed their vote from "nay" to "yea."

Mr. CHRISTENSEN changed his vote from "present" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MENENDEZ. Mr. Speaker, during rollcall vote number 629 on House Resolution 319, I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Speaker, due to an official leave of absence for family obligations, I was absent during legislative business on November 12, 1997. If I had been present, I would have voted in the following manner:

House Resolution 319 (rollcall No. 629): Rule providing for the consideration of the bill (S. 738) to reform the statutes relating to Amtrak, and for other purposes. Aye.

House Resolution 314 (rollcall No. 630): Waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes. Aye

H.R. 2159 (rollcall No. 631): Foreign Operations Appropriations Act Conference Report. Aye.

AMENDING THE RULES OF THE HOUSE TO REPEAL EXCEPTION TO REQUIREMENT THAT PUBLIC COMMITTEE PROCEEDINGS BE OPEN TO ALL MEDIA

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question de novo on agreeing to House Resolution 301.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 165, not voting 27, as follows:

[Roll No. 632]

AYES—241

Aderholt	Gingrich	Packard
Archer	Goode	Pappas
Armey	Goodlatte	Parker
Baesler	Goss	Paxon
Ballenger	Graham	Pease
Barr	Granger	Peterson (PA)
Bartlett	Greenwood	Petri
Barton	Gutknecht	Pickering
Bass	Hall (TX)	Pitts
Bateman	Hansen	Pombo
Bereuter	Harman	Porter
Berman	Hastert	Portman
Bilbray	Hastings (WA)	Quinn
Bilirakis	Hayworth	Ramstad
Bliley	Hefley	Redmond
Blunt	Herger	Regula
Boehlert	Hill	Riggs
Boehner	Hilleary	Rivers
Bonilla	Hobson	Roemer
Bono	Hoekstra	Rogan
Boswell	Horn	Rogers
Brady	Hostettler	Rohrabacher
Bryant	Hulshof	Ros-Lehtinen
Bunning	Hunter	Royce
Burr	Hutchinson	Ryun
Burton	Hyde	Salmon
Buyer	Inglis	Sanchez
Callahan	Istook	Sandlin
Calvert	Jenkins	Sanford
Camp	Johnson (CT)	Saxton
Campbell	Johnson, Sam	Scarborough
Canady	Jones	Schaefer, Dan
Cannon	Kasich	Schaffer, Bob
Castle	Kelly	Schumer
Chabot	Kildee	Sensenbrenner
Chambliss	Kim	Sessions
Chenoweth	Kind (WI)	Shadegg
Christensen	King (NY)	Shaw
Clement	Kingston	Shays
Coble	Klug	Sherman
Coburn	Knollenberg	Shimkus
Collins	Kolbe	Skeen
Cook	LaHood	Skelton
Cooksey	Lampson	Smith (MI)
Cox	Latham	Smith (NJ)
Crane	LaTourette	Smith (TX)
Crapo	Lazio	Smith, Linda
Cunningham	Leach	Snowbarger
Davis (FL)	Lewis (CA)	Snyder
Deal	Lewis (KY)	Solomon
DeFazio	Linder	Souder
DeLay	Lipinski	Spence
Diaz-Balart	Livingston	Stearns
Dickey	LoBiondo	Stenholm
Doggett	Lucas	Stump
Doolittle	Luther	Sununu
Dreier	Maloney (CT)	Talent
Duncan	Manzullo	Tanner
Dunn	McCarthy (MO)	Tauscher
Edwards	McCarthy (NY)	Tauzin
Ehlers	McCollum	Taylor (MS)
Ehrlich	McCrery	Thomas
English	McDade	Thornberry
Ensign	McHugh	Thune
Everett	McInnis	Tiahrt
Ewing	McIntosh	Traficant
Fawell	McIntyre	Turner
Foley	McKeon	Upton
Forbes	Metcalf	Walsh
Fossella	Mica	Wamp
Fowler	Miller (FL)	Watkins
Fox	Minge	Watts (OK)
Franks (NJ)	Moran (KS)	Weldon (FL)
Frelinghuysen	Morella	Weldon (PA)
Gallegly	Myrick	Weller
Ganske	Nethercutt	Whitfield
Gekas	Neumann	Wicker
Gibbons	Ney	Wolf
Gilchrest	Northup	Young (FL)
Gillmor	Nussle	
Gilman	Oxley	

NOES—165

Abercrombie	Frost	Moran (VA)
Ackerman	Furse	Murtha
Allen	Gejdenson	Nadler
Andrews	Goodling	Oberstar
Bachus	Green	Obey
Baldacci	Gutierrez	Olver
Barcia	Hamilton	Ortiz
Barrett (NE)	Hastings (FL)	Owens
Barrett (WI)	Hefner	Pallone
Becerra	Hilliard	Pascrell
Bentsen	Hinchey	Pastor
Berry	Hinojosa	Paul
Bishop	Holden	Payne
Blagojevich	Hooley	Pelosi
Blumenauer	Hoyer	Peterson (MN)
Bonior	Jackson (IL)	Pickett
Borski	Jackson-Lee (TX)	Pomeroy
Boucher	Jefferson	Poshard
Boyd	John	Price (NC)
Brown (CA)	Johnson (WI)	Rahall
Brown (FL)	Johnson, E. B.	Rangel
Brown (OH)	Kanjorski	Reyes
Cardin	Kaptur	Rodriguez
Carson	Kennedy (MA)	Rothman
Clay	Kennedy (RI)	Roukema
Clayton	Kennelly	Roybal-Allard
Clyburn	Kilpatrick	Rush
Condit	Kleczka	Sabo
Conyers	Klink	Sanders
Costello	Kucinich	Scott
Coyne	LaFalce	Serrano
Cramer	Lantos	Sisisky
Cummings	Largent	Skaggs
Danner	Levin	Slaughter
Davis (IL)	Lewis (GA)	Smith, Adam
DeGette	Lofgren	Spratt
Delahunt	Lowey	Stabenow
DeLauro	Maloney (NY)	Stokes
Dellums	Manton	Strickland
Deutsch	Martinez	Stupak
Dicks	Mascara	Thompson
Dingell	Matsui	Thurman
Dixon	McDermott	Tierney
Dooley	McGovern	Torres
Doyle	McHale	Towns
Emerson	McKinney	Velázquez
Engel	McNulty	Vento
Eshoo	Meek	Visclosky
Etheridge	Menendez	Waters
Evans	Millender-McDonald	Watt (NC)
Farr	Miller (CA)	Wexler
Fattah	Mink	Weygand
Fazio	Moakley	Wise
Filner	Mollohan	Woolsey
Ford		Wynn
Frank (MA)		

NOT VOTING—27

Baker	Houghton	Schiff
Combest	Markey	Shuster
Cubin	Meehan	Smith (OR)
Davis (VA)	Neal	Stark
Flake	Norwood	Taylor (NC)
Gephardt	Pryce (OH)	Waxman
Gonzalez	Radanovich	White
Gordon	Riley	Yates
Hall (OH)	Sawyer	Young (AK)

□ 0034

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO COMMITTEE ON BANKING AND FINANCIAL SERVICES AND COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. SOLOMON. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 325) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 325

Resolved, That the following Member be, and he is hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON BANKING AND FINANCIAL SERVICES: Mr. Fossella of New York.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE: Mr. Fossella of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR AN EXCEPTION FROM THE LIMITATION OF CLAUSE 6(d) OF RULE X FOR THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–404) on the resolution (H. Res. 326) providing for an exception from the limitation of clause 6(d) of rule X for the Committee on Government Reform and Oversight, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COMBEST (at the request of Mr. ARMEY), for today and the balance of the week, on account of personal reasons.

Mr. RILEY (at the request of Mr. ARMEY), for today and the balance of the week, on account of medical reasons.

Ms. PRYCE of Ohio (at the request of Mr. ARMEY), for today on account of family obligations.

Mr. YATES (at the request of Mr. GEPHARDT), for after 6:15 p.m. today, on account of personal reasons.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 156. An act to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes; to the Committee on Resources.

S. 493. An act to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia; to the Committee on the Judiciary.

S. 537. An act to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program; to the Committee on Commerce.

S. 1354. An act to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers; to the Committee on Commerce.

S. 1505. An act to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes; to the Committee on Education and the Workforce.

S. 1511. An act to amend section 3165 of the National Defense Authorization Act for Fiscal Year 1998 to clarify the authority in the section; to the Committee on National Security.

S. Con. Res. 67. Concurrent resolution expressing the sense of Congress that the museum entitled "The Women's Museum: An Institute for the Future," in Dallas, Texas, be designated as a millennium project for the United States; to the Committee on Education and the Workforce.

S. 1115. An act to amend title 49, United States Code, to improve the one-call notification process, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition, to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1506. An act to amend the Professional Boxing Safety Act (P.L. 104–272); to the Committee on Education and the Workforce, and in addition, to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 222. An act to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies; to the Committee on Transportation and Infrastructure, and in addition, to the Committees on Resources and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. THOMAS, from the Committee on House Oversight reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 282. An act to designate the United States Post Office building located at 153 East 110th Street, New York, New York, as the "Oscar Garcia Rivera Post Office Building."

H.R. 681. An act to designate the United States Post Office building located at 313 East Broadway in Glendale, California, as the "Carlos J. Moorhead Post Office Building."

H.R. 1057. An act to designate the building in Indianapolis, Indiana, which houses the operations of the Indianapolis Main Post Office as the "Andrew Jacobs, Jr. Post Office Building."

H.R. 1058. An act to designate the facility of the United States Postal Service under construction at 150 West Maggaret Drive in Terre Haute, Indiana, as the "John T. Myers Post Office Building."

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code.

H.R. 1090. An act to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error.

H.R. 1377. An act to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

H.R. 1479. An act to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Building and United States Courthouse."

H.R. 1484. An act to redesignate the United States courthouse located at 100 Franklin Street in Dublin, Georgia, as the "J. Roy Rowland United States Courthouse."

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

H.R. 2129. An act to designate the United States Post Office located at 150 North 3rd Street in Steubenville, Ohio, as the "Douglas Appelgate Post Office."

H.R. 2366. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

H.R. 2564. An act to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McCloskey Postal Facility."

H.R. 2631. An act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.

H.R. 813. An act to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict.

H.J. Res. 91. Joint resolution the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact.

H.J. Res. 92. Joint resolution the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.

H.J. Res. 105. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 669. An act to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

S. 714. An act to amend title 38, United States Code, to revise, extend, and improve programs for veterans.

S. 923. An act to amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes.

S. 1231. An act to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

S. 1258. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that act.

S. 1347. An act to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that

committee did on the following date, present to the President, for his approval, bills of the House of the following titles:

November 10, 1997:

H.R. 2631. An act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.

H.R. 681. An act to designate the United States Post Office building located at 313 East Broadway in Glendale, California, as the "Carlos J. Moorhead Post Office Building."

H.R. 282. An act to designate the United States Post Office building located at 153 East 100th Street, New York, New York, as the "Oscar Garcia Rivera Post Office Building."

H.R. 1057. An act to designate the building in Indianapolis, Indiana, which houses the operations of the Indianapolis Main Post Office as the "Andrew Jacobs, Jr., Post Office Building."

H.R. 1058. An act to designate the facility of the United States Postal Service under construction at 150 West Margaret Drive in Terre Haute, Indiana, as the "John T. Myers Post Office Building."

H.R. 1479. An act to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Building and United States Courthouse."

H.R. 2129. An act to designate the United States Post Office located at 150 North 3rd Street in Steubenville, Ohio, as the "Douglas Applegate Post Office."

H.R. 1484. An act to redesignate the United States courthouse located at 100 Franklin Street in Dublin, Georgia, as the "J. Roy Rowland United States Courthouse."

H.R. 2564. An act to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McCloskey Postal Facility."

H.R. 1377. An act to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

H.R. 1747. An act to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.

H.J. Res. 105 Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

H.R. 2731. An act for the relief of Roy Desmond Moser.

H.R. 2732. An act for the relief of John Andre Chalot.

H.R. 1787. An act to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 27 minutes a.m.), the House adjourned until today, Thursday, November 13, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5878. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Reduced Assessment Rates for Specified Marketing Orders [Docket No. FV97–922–2 FIR] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5879. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Kiwifruit Grown in California; Increased Assessment Rate [Docket No. FV97–920–3 FIR] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5880. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tobacco Inspection: Subpart C—Standards [Docket No. TB–97–05] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5881. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the report on credit availability for small businesses, pursuant to Public Law 104–208, section 2227(a)(1) (110 Stat. 3009—417); to the Committee on Banking and Financial Services.

5882. A letter from the Director, Office of Thrift Supervision, transmitting the annual report on compliance by thrifts with the requirements of the national flood insurance program, pursuant to Public Law 103–325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

5883. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5884. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Termination of Single-Employer Plans (RIN: 1212–AA82) received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5885. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual report of material violations or suspected material violations of regulations relating to Treasury auctions and other offerings of securities upon the issuance of such securities by the Treasury, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Commerce.

5886. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Singapore for defense articles and services (Transmittal No. 98–14), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5887. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective October 26, 1997, the danger pay rate for Kinshasa was designated at the 15% level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

5888. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1 and December 31, 1996, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

5889. A letter from the Deputy Director, US&FCS/Russia-NIS Program Office, International Trade Administration, transmitting the Administration's final rule—Cooperative Agreement Program for an American Business Center in Russia [Docket No. 971023252–7252–01] received November 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5890. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–176, "Felony Murder Amendment Act of 1997" received November 12, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5891. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–177, "Financial Institutions Deposit and Investment Amendment Act of 1997" received November 12, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5892. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–180, "Defined Contribution Transition Vesting Temporary Amendment Act of 1997" received November 12, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5893. A letter from the Chair, Architectural and Transportation Barriers Compliance Board, transmitting the 1997 annual consolidated report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

5894. A letter from the Director, Division of Commissioned Personnel, Department of Health and Human Services, transmitting the annual report disclosing the financial condition of the retirement system for the year ending September 30, 1996, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

5895. A letter from the Executive Director, National Council on Disability, transmitting the report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

5896. A letter from the Secretary of the Interior, transmitting the Department's report on the administration of the Marine Mammal Protection Act of 1972, pursuant to 16 U.S.C. 1373(f); to the Committee on Resources.

5897. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Standard Allowances for Ice and Slime [Docket No. 970520118–7251–02; I.D. 050197A] (RIN: 0648–AJ00) received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5898. A letter from the Administrator, Federal Aviation Administration, transmitting the report on the effectiveness of the Civil Aviation Security Program for the period January 1, 1996 through December 31, 1996, pursuant to 49 U.S.C. app. 1356(a); to the Committee on Transportation and Infrastructure.

5899. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH Model MBB-BK 117 A-1, A-3, A-4, B-1, B-2 and C-1 Helicopters (Federal Aviation Administration) [Docket No. 96-SW-23-AD; Amdt. 39-10195; AD 97-23-07] (RIN: 2120-AA64) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5900. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. PA-20, PA-22, PA-23, PA-24, PA-25, PA-30, PA-31P, PA-36, PA-39, and PA-44 Series Airplanes (Federal Aviation Administration) [Docket No. 84-CE-27-AD; Amdt. 39-10189; AD 85-02-05 R1] (RIN: 2120-AA64) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5901. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model HS 748 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-225-AD; Amdt. 39-10191; AD 97-23-03] (RIN: 2120-AA64) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5902. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727-100 Series Airplanes Modified in Accordance with Supplemental Type Certificate (STC) SA8472SW (Federal Aviation Administration) [Docket No. 97-NM-268-AD; Amdt. 39-10190; AD 97-23-02] (RIN: 2120-AA64) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5903. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Schweizer Aircraft Corporation Model 269A, A-1, B, and C, and TH-55A Helicopters (Federal Aviation Administration) [Docket No. 96-SW-05-AD; Amdt. 39-10194; AD 97-23-06] (RIN: 2120-AA64) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5904. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Minot, ND [Airspace Docket No. 97-AGL-59] received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5905. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Computer Reservations System (CRS) Regulations [Docket OST-96-1145 [49812]] (RIN: 2105-AC35) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5906. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Fitness Procedure; Safety Ratings (Federal Highway Administration) [FHWA Docket Nos. MC-94-22 and MC-96-18; FHWA-97-2252] (RIN: 2125-AC71) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5907. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Removal of Restrictions on Importation of Defense Articles from Specified New Independent States of the Former Soviet Union and Yugoslavia and to Amend the Term "Military Firearms and Ammunition" (RIN: 1512-AB62) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5908. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 97-53] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5909. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Pension Plan Limitations, Etc. [Notice 97-58] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5910. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Revenue Procedure 97-51] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5911. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Temporary regulations to be issued under the Internal Revenue Code [Notice 97-64] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5912. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of their intent to disburse funds for purposes of Nonproliferation and Disarmament Fund activities, pursuant to 22 U.S.C. 5858; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CALLAHAN: Committee of Conference. Conference report on H.R. 2159. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-401). Ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 323. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-402). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 324. Resolution providing for consideration of the Senate amendments to the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-403). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 326. Resolution providing for an exception from the limitation of clause 6(d) of rule X for the Committee on Government Reform and Oversight (Rept. 105-404). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WEXLER:

H.R. 3024. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, homeownership plans; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia (for himself, Ms. NORTON, and Mrs. MORELLA):

H.R. 3025. A bill to amend the Federal charter for Group Hospitalization and Medical Services, Inc., and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. FOX of Pennsylvania (for himself, Mr. HOLDEN, Mr. MCNULTY, Mr. FROST, Mr. SAXTON, Mr. ENSIGN, Mr. CHRISTENSEN, Mr. FRELINGHUYSEN, Mr. FORBES, Mr. RAMSTAD, Mr. WELDON of Florida, Mrs. KELLY, Mr. GIBBONS, Mrs. TAUSCHER, Mr. MALONEY of Connecticut, Mr. BERMAN, Mr. SCHUMER, Ms. WOOLSEY, and Mr. WELDON of Pennsylvania):

H.R. 3026. A bill to amend title 28, United States Code, relating to jurisdictional immunities of the Socialist People's Libyan Arab Jamahiriya, to grant jurisdiction to the courts of the United States for claims arising out of the destruction of Pan American World Airways Flight 103; to the Committee on the Judiciary.

By Ms. DELAURO:

H.R. 3027. A bill to amend the Internal Revenue Code of 1986 to increase the tax rate on tobacco products, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. PALLONE, Mrs. LOWEY, Mr. STARK, Mr. ACKERMAN, Ms. PELOSI, Ms. DEGETTE, Mr. MILLER of California, Mr. MCGOVERN, Mr. MEEHAN, Mr. OLVER, Mr. SERRANO, Mr. STOKES, Ms. NORTON, Mr. RUSH, Mr. DELAHUNT, Mr. MATSUI, Mr. YATES, Ms. WATERS, and Mr. WEYGAND):

H.R. 3028. A bill to amend the Public Health Service Act and the Federal Food, Drug and Cosmetic Act to prevent the use of tobacco products by minors, to reduce the level of tobacco addiction, to compensate Federal and State Governments for a portion of the health costs of tobacco-related illnesses, to enhance the national investment in biomedical and basic scientific research, and to expand programs to address the needs of children, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN of Washington (for herself, Mr. SMITH of Oregon, Ms. FURSE, Mr. NETHERCUTT, Ms. HOOLEY of Oregon, and Mr. PAUL):

H.R. 3029. A bill to amend the Internal Revenue Code of 1986 to permit certain tax free corporate liquidations into a 501(c)(3) organization and to revise the unrelated business income tax rules regarding receipt of debt-financed property in such a liquidation; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 3030. A bill to amend the Internal Revenue Code of 1986 to disallow a Federal income tax deduction for payments to the Federal Government or any State or local government in connection with any tobacco litigation or settlement and to use any increased Federal revenues to promote public health; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of Ohio (for himself, Mrs. EMERSON, Ms. JACKSON-LEE, and Mr. WOLF):

H.R. 3031. A bill to establish the Bill Emerson and Mickey Leland memorial fellowship programs, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:

H.R. 3032. A bill to amend the Office of Federal Procurement Policy Act and related acts to enhance the payments protections for subcontractors and suppliers on Federal construction projects, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEEK of Florida (for herself, Ms. BROWN of Florida, and Mr. HASTINGS of Florida):

H.R. 3033. A bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. DEUTSCH, Mr. MCCOLLUM, Mrs. MEEK of Florida, Mr. FOLEY, Mr. DAVIS of Florida, Mr. HASTINGS of Florida, Mrs. THURMAN, Mrs. FOWLER, Mr. CANADY of Florida, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. GILMAN, Mr. GOSS, Mr. MICA, Mr. WELDON of Florida, Ms. BROWN of Florida, Mr. WEXLER, and Mr. BILIRAKIS):

H.R. 3034. A bill to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspectional personnel in connection with the arrival of passengers in Florida, and for other purposes; to the Committee on Ways and Means.

By Mr. SKEEN:

H.R. 3035. A bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan (for himself, Mr. BARCIA of Michigan, Mr. LATHAM, Mr. JENKINS, Mr. POMBO, and Mr. CALVERT):

H.R. 3036. A bill to amend the Internal Revenue Code of 1986 to exempt small unincorporated farm businesses from the alternative minimum tax; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. GOSS, Mr. YATES, Mr. HUNTER, Mr. SKELTON, Mr. SISISKY, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. SPRATT, Mr. HORN, Mr. KING of New York, Mr. WEXLER, Mr. ROTHman, and Mr. SHERMAN):

H. Res. 322. A resolution expressing the sense of the House that the United States should act to resolve the crisis with Iraq in a manner that assures full Iraqi compliance with United Nations Security Council resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of massdestruction, and that peaceful and diplomatic efforts should be pursued, but that if such efforts fail, multilateral military action or unilateral United States military action should be taken; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

228. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 37 memorializing the President and Congress of the United States to support House Bill No. 953 by Representative Patsy Mink, the Ovarian Cancer Research and Information Amendments of 1997; to the Committee on Commerce.

229. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 36 memorializing the President and Congress of the United States to work together to promote and support practical methods of encouraging automobile manufacturers to address problems relating to child passenger restraint systems, as prescribed; to the Committee on Commerce.

230. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 39 memorializing the Congress of the United States to enact legislation to reauthorize the Intermodal Surface Transportation Efficiency Act in a manner that accomplished prescribed objectives; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. SAM JOHNSON, Mr. WATKINS, Mr. NUSSLE, and Mr. CAMP.

H.R. 45: Mr. ENGEL.

H.R. 59: Mr. SANFORD, Mr. COOK, and Mr. BUNNING of Kentucky.

H.R. 68: Mr. CLEMENT and Ms. KILPATRICK.

H.R. 76: Mr. COOK.

H.R. 94: Mr. MCHUGH, Mr. HERGER, Mr. WOLF, Mr. MCHALE, Mr. TRAFICANT, Mr. HOUGHTON, Mr. BLILEY, Mr. DUNCAN, Mr. YOUNG of Alaska, Mr. PICKETT, Mr. FORBES, Mr. ROHRABACHER, Mr. BOEHNER, Mr. PETRI, Mrs. CLAYTON, Mr. SENSENBRENNER, Mr. GRAHAM, Mr. STEARNS, Mr. PAXON, Mr. BACHUS, Mr. STUMP, Mr. GOODE, and Mr. BUNNING of Kentucky.

H.R. 107: Mr. ORTIZ.

H.R. 170: Mr. SUNUNU.

H.R. 182: Mr. ENGEL and Mr. BARRETT of Wisconsin.

H.R. 231: Mr. LANTOS.

H.R. 233: Mr. PAUL.

H.R. 603: Mr. DOYLE, Mr. CAMPBELL, and Mr. SALMON.

H.R. 676: Mr. ADAM SMITH of Washington.

H.R. 687: Ms. DELAURO.

H.R. 746: Mr. KENNEDY of Massachusetts.

H.R. 859: Mr. GOODLING.

H.R. 864: Ms. FURSE and Mr. SANDLIN.

H.R. 900: Mr. LOBIONDO.

H.R. 906: Mr. SCARBOROUGH.

H.R. 979: Mr. BURR of North Carolina, Mr. CRAPO, and Mr. REYES.

H.R. 991: Mr. WEYGAND.

H.R. 992: Mr. CANNON and Mr. INGLIS of South Carolina.

H.R. 1062: Mr. PETRI.

H.R. 1114: Mr. KINGSTON and Mr. PASCRELL.

H.R. 1134: Mr. PICKERING.

H.R. 1138: Mr. WELLER.

H.R. 1140: Mr. PASCRELL.

H.R. 1170: Mr. SALMON.

H.R. 1174: Ms. STABENOW.

H.R. 1194: Mr. STRICKLAND.

H.R. 1195: Mr. STRICKLAND.

H.R. 1202: Mr. KENNEDY of Rhode Island, Mr. LAZIO of New York, and Mr. YATES.

H.R. 1232: Ms. ESHOO and Mr. POMEROY.

H.R. 1289: Mr. ABERCROMBIE.

H.R. 1301: Mr. OWENS.

H.R. 1328: Mr. OWENS.

H.R. 1425: Mr. OWENS and Mr. ANDREWS.

H.R. 1426: Ms. DUNN of Washington.

H.R. 1515: Mr. SANDLIN.

H.R. 1614: Mr. THOMPSON.

H.R. 1636: Mr. FORBES.

H.R. 1689: Ms. DELAURO and Mr. DAVIS of Florida.

H.R. 1749: Mr. WEYGAND.

H.R. 1766: Mr. FRANK of Massachusetts and Mr. GOODE.

H.R. 1810: Mr. PAPPAS and Mr. GRAHAM.

H.R. 1872: Mr. HASTERT Mr. STEARNS, Mr. METCALF, Mr. LAZIO of New York, and Mr. BILBRAY.

H.R. 1915: Ms. WOOLSEY.

H.R. 2004: Mr. JOHNSON of Wisconsin.

H.R. 2023: Mr. RUSH.

H.R. 2088: Mr. KENNEDY of Rhode Island.

H.R. 2211: Mr. HASTINGS of Florida, Mr. BROWN of Ohio, Mr. RUSH, Mr. DELAHUNT, Mr. BERMAN, Mr. UNDERWOOD, Mr. GREEN, and Mr. COYNE.

H.R. 2221: Mr. SENSENBRENNER.

H.R. 2253: Mr. OWENS, Mr. BLAGOJEVICH, and Mr. POSHARD.

H.R. 2327: Mr. CONDIT, Mr. WELLER, Mr. BOEHNER, and Mr. LUTHER.

H.R. 2348: Mr. DOOLEY of California.

H.R. 2351: Mr. CONYERS, Mr. MANTON, Mr. ANDREWS, and Ms. WOOLSEY.

H.R. 2369: Mr. BURTON of Indiana.

H.R. 2431: Mr. CALVERT.

H.R. 2454: Mrs. MCCARTHY of New York and Mr. PASCRELL.

H.R. 2457: Mrs. MCCARTHY of New York and Mr. PASCRELL.

H.R. 2474: Mr. WISE, Mr. SESSIONS, Mr. WELLER, and Mr. HULSHOF.

H.R. 2485: Ms. FURSE and Mr. STRICKLAND.

H.R. 2492: Ms. LOFGREN.

H.R. 2503: Mr. WEYGAND.

H.R. 2527: Ms. WOOLSEY.

H.R. 2540: Mr. ABERCROMBIE, Ms. ROYBAL-ALLARD, Ms. KILPATRICK, Mr. GUTIERREZ, Mr. LANTOS, Mr. TOWNS, Mr. HASTINGS of Florida, and Mr. BISHOP.

H.R. 2560: Mr. FRANKS of New Jersey, Mr. SNYDER, Mrs. ROUKEMA, Mr. HOEKSTRA, Ms. DEGETTE, and Mr. GEPHARDT.

H.R. 2563: Mr. MASCARA, Mr. PAPPAS, and Mr. LOBIONDO.

H.R. 2567: Mr. FILNER.

H.R. 2593: Mr. BASS, Mr. ISTOOK, Mr. ADERHOLT, Mr. SOUDER, Mr. EHLERS, Mr.

FOSSELLA, Mr. HOSTETTLER, Mr. BARTLETT of Maryland, Mr. LEACH, Mr. LATHAM, Mr. PAPPAS, Mr. TALENT, Mr. CHAMBLISS, Mr. WOLF, Mr. BATEMAN, Mr. FOLEY, Mr. EHRLICH, Mr. BOEHNER, Mr. NEUMANN, Mr. KASICH, Mr. SHADEGG, Mr. FORBES, Mrs. MORELLA, Mr. GILLMOR, Mr. REDMOND, Mr. OXLEY, Mr. BONO, Mr. HYDE, Ms. JACKSON-LEE, Ms. ROS-LEHTINEN, Mr. BEREUTER, Mr. BILIRAKIS, Mr. DELAY, Mr. DAVIS of Virginia, Mr. MORAN of Virginia, Mr. CUMMINGS, Mr. ENGEL, Mrs. ROUKEMA, Mr. ORTIZ, and Mr. CLEMENT.

H.R. 2595: Mr. CALVERT.

H.R. 2602: Mr. DAVIS of Illinois.

H.R. 2604: Mr. FRANKS of New Jersey, Mr. GOODLATTE, Mr. TIAHRT, Mr. PAPPAS, and Mr. RIGGS.

H.R. 2611: Mr. METCALF, Mr. ARMEY, Mr. CHAMBLISS, Mr. COX of California, Mr. DREIER, Mr. GIBBONS, Mr. HILL, Mr. SAM JOHNSON, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. MANZULLO, Mr. MCINNIS, Mr. MCINTOSH, Mr. NEUMANN, Mr. NORWOOD, Mr. PICKERING, Mr. ROHRABACHER, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of Texas, Mr. WAMP, Mr. WATKINS, and Mr. WOLF.

H.R. 2613: Mr. THOMPSON, Mr. BOSWELL, and Mr. BISHOP.

H.R. 2630: Mr. PAPPAS.

H.R. 2664: Mrs. MINK of Hawaii and Mr. STARK.

H.R. 2681: Mr. MCINTYRE, Mr. KUCINICH, Mr. WEYGAND, and Mr. THOMPSON.

H.R. 2695: Mr. THOMPSON and Mr. FARR of California.

H.R. 2699: Mr. BENTSEN.

H.R. 2701: Mr. MATSUI, Mr. COYNE, Mr. MCDERMOTT, Mr. ENGEL, and Ms. SLAUGHTER.

H.R. 2710: Mr. DICKEY.

H.R. 2733: Mr. TURNER.

H.R. 2734: Mr. EHRLICH.

H.R. 2741: Mr. BONO, Mr. RADANOVICH, and Mr. RIGGS.

H.R. 2757: Ms. SLAUGHTER.

H.R. 2761: Ms. WOOLSEY.

H.R. 2774: Mr. SHAYS, Ms. CARSON, Mr. DAVIS of Illinois, Mr. DELLUMS, Mr. EVANS, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. HOOLEY of Oregon, Ms. KILPATRICK, Mr. LIPINSKI, Ms. LOFGREN, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. MEEHAN, Mr. TIERNEY, Ms. PELOSI, Mr. WEYGAND, Ms. WOOLSEY, and Mr. YATES.

H.R. 2783: Ms. CARSON and Ms. RIVERS.

H.R. 2796: Mr. FRANK of Massachusetts, Mr. STOKES, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CRAMER, Ms. NORTON, Mr. THOMPSON, Mr. WATT of North Carolina, Mr. TAYLOR of Mississippi, and Mr. HILLEARY.

H.R. 2802: Mrs. THURMAN.

H.R. 2803: Mr. KING of New York.

H.R. 2804: Mr. THOMPSON.

H.R. 2805: Mr. THOMPSON.

H.R. 2826: Ms. MCKINNEY, Mr. CUMMINGS, Mr. MCNULTY, and Mr. LAFALCE.

H.R. 2827: Mr. COOK.

H.R. 2829: Mr. BISHOP, Mr. LUTHER, Mr. MCINNIS, Ms. NORTON, Mr. SMITH of Oregon, and Mr. THOMPSON.

H.R. 2847: Mr. BRADY, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. THORNBERRY, Mr. DOOLITTLE, Mr. POMBO, Mr. CUNNINGHAM, Mr. BONILLA, Mr. LUCAS of Oklahoma, Mr. PICKERING, Mr. SNOWBARGER, Mr. MICA, Mr. SISISKY, Mr. BLILEY, and Mr. KING of New York.

H.R. 2896: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2912: Mr. WISE and Mr. TAYLOR of North Carolina.

H.R. 2914: Mr. LEACH, Mr. CLYBURN, Mr. STRICKLAND, Mr. ROMERO-BARCELO, and Mr. DAVIS of Illinois.

H.R. 2921: Mr. HINCHEY, Mr. JOHN, Mr. MILLER of Florida, Mr. BURR of North Carolina, Mr. DEAL of Georgia, Mr. SESSIONS, Mr. LAFALCE, Mr. RAHALL, Mr. WALSH, Mr. SKELTON, Mr. CALLAHAN, Mr. BARCIA of Michigan, Mrs. CUBIN, Mr. BURTON of Indiana, Mr. STENHOLM, Mr. SMITH of Oregon, Mr. MCINNIS, Mr. HAMILTON, Mrs. THURMAN, Mr. SPRATT, and Mr. BISHOP.

H.R. 2929: Mr. PETRI, Mr. SHAYS, Mr. SANFORD, and Mr. SMITH of Michigan.

H.R. 2930: Mr. RANGEL, Mr. PACKARD, Mr. PASTOR, Mr. LARGENT, Mr. OXLEY, Mr. BARRETT of Wisconsin, Mr. SISISKY, Mr. CAMP, Mr. HASTINGS of Florida, Mr. BURTON of Indiana, Mr. ACKERMAN, Mr. ETHERIDGE, Mr. RILEY, Mr. DUNCAN, Mr. DEAL of Georgia, Mr. CLEMENT, Mr. MARKEY, Mr. CHAMBLISS, and Mr. MCGOVERN.

H.R. 2938: Mr. FOLEY.

H.R. 2948: Mr. NADLER.

H.R. 2955: Mr. POMEROY.

H.R. 2958: Mr. KANJORSKI and Mr. GREENWOOD.

H.R. 2992: Mr. CHAMBLISS, Mr. BUNNING of Kentucky, and Mr. ENSIGN.

H.R. 2993: Mr. WHITFIELD.

H.R. 2997: Mr. ENGEL.

H.R. 3014: Mr. THOMAS, Mr. CUNNINGHAM, and Ms. LOFGREN.

H.J. Res. 89: Mr. DEFAZIO.

H. Con. Res. 80: Mr. WAXMAN.

H. Con. Res. 106: Mr. SAXTON.

H. Con. Res. 107: Mr. SKEEN and Mr. BARRETT of Wisconsin.

H. Con. Res. 126: Mr. VISCLOSKY, Mr. PAPPAS, Mr. TAYLOR of Mississippi, and Mr. MCGOVERN.

H. Con. Res. 162: Mr. MCKEON.

H. Con. Res. 168: Mr. BARTLETT of Maryland, Mr. STUPAK, Mr. MCGOVERN, Mr. MANTON, Ms. SLAUGHTER, and Mr. ENGEL.

H. Con. Res. 181: Mr. TIERNEY, Mr. LANTOS, Ms. KAPTUR, Mr. VISCLOSKY, Mr. DOYLE, Mr. HORN, Mr. PASCRELL, Mr. POSHARD, Ms. FURSE, Mr. KENNEDY of Massachusetts, and Mr. MORAN of Virginia.

H. Res. 235: Mr. PALLONE.

H. Res. 251: Mr. FILNER, Ms. KILPATRICK, Mr. FROST, Mr. MCGOVERN, Mr. POSHARD, and Mr. DELLUMS.

H. Res. 267: Mr. EHLERS, Mr. LEACH, Mr. RAMSTAD, Mr. STEARNS, Mr. THORNBERRY, Mr. INGLIS of South Carolina, Mr. JONES, Mr. WOLF, Mr. CANADY of Florida, and Mr. SHIMKUS.

H. Res. 279: Mr. TORRES, Ms. WOOLSEY, Ms. STABENOW, Mr. HINCHEY, and Mr. MCDERMOTT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1173: Mr. DAN SCHAEFER of Colorado.

H.R. 2777: Mr. GEJDENSON.

EXTENSIONS OF REMARKS

FIRST QUARTERLY REPORT BY THE UNITED STATES HOUSE TASK FORCE ON THE HONG KONG TRANSITION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BEREUTER. Mr. Speaker, in response to your directions, I have prepared the following report, the first in a series of quarterly reports by the U.S. House Task Force on the Hong Kong Transition on the status of Hong Kong following its return to the People's Republic of China. It was completed, effective October 1, 1997.

Also at your request, I have formed the House Task Force on Hong Kong's Transition to observe and report on Hong Kong's status following its reversion to China. In addition to myself as chairman, the task force will be bipartisanly balanced and will include Representative HOWARD BERMAN, D–CA; Representative SHERROD BROWN, D–OH; Representative ENI FALEOMAVAEGA, D–AS; Representative ALCEE HASTINGS, D–FL; Representative JAY KIM, R–CA; Representative DONALD MANZULLO, R–IL; and Representative MATT SALMON, R–AZ. As you requested, the task force expects to travel to Hong Kong, Beijing, and other relevant destinations at least every 6 months for the foreseeable future to examine how reversion has affected Hong Kong. The first such visit is expected to take place after the adjournment of the 1997 session but before the end of the calendar year.

CONCERNS PRIOR TO REVERSION

Prior to Hong Kong's July 1, 1997, reversion to Chinese sovereignty, many observers expressed skepticism over Beijing's assurances that it would allow Hong Kong full autonomy in matters other than foreign policy and defense. Skeptics questioned whether Beijing could resist the temptation to meddle in matters related to freedom of expression, for example. They were also concerned about indications that the Beijing-sponsored provisional legislature would roll back forward-looking measures taken by the last colonial Legislative Council [LEGCO] and that the new provisional council would institute election rules less representative than those put into place by Governor Patten in 1995. Businessmen wondered whether China could refrain from meddling in Hong Kong's affairs, either intentionally or otherwise. Maintaining the rule of law and resisting the lure of corruption, so common in China, were key commercial concerns. On the security side, skeptics questioned Hong Kong's continued ability to maintain effective export controls. The future of U.S. ship visits was also in doubt.

IN GENERAL: SO FAR, SO GOOD

While Hong Kong has been under Chinese sovereignty for only 3 months, public confidence is high. Hong Kongers are close to unanimous in expressing relief and pleasure that life has not changed after reversion. The press and media continue to be open, free, and full of criticism and analysis of both the Hong Kong and Beijing governments. Journalists, while wary and suspicious about China's long-term intentions, continue to cover the news much as they did before July 1, 1997. For example, the recent Chinese Communist Party Congress drew extensive commentary. Journalists displayed no hesitancy in voicing views not welcome in Beijing. Nonetheless, the self-censorship that began to creep into coverage in some papers prior to reversion has continued.

Demonstrations—by pro-democracy and pro-Beijing groups and a myriad of local organizations—continue without interference or restriction. More than 150 demonstrations have taken place since the July 1 turnover. Indeed, in an upturn in the number of demonstrations, a gauntlet of demonstrators regularly greets Hong Kong Chief Executive C.H. Tung when he arrives for weekly executive council sessions. However, in a typical Hong Kong twist, Tung invariably trades handshakes and smiles with his critics, who line up behind the waist-high barricades flanking the entry to Central Government Offices as he walks past.

NGO's, including those harshly critical of China, continue to operate freely. Han Dongfan, exiled PRC dissident and leader of workers' groups during the 1989 Tiananmen demonstrations, reports no problems continuing his work in Hong Kong thus far. Commenting in a local newspaper, Han said it was too early to tell what Beijing would eventually do, but "as far as I can see with all the demonstrations by Democrats and others—there is hope for democracy here." Han continues to broadcast regularly from Hong Kong via Radio Free Asia on one of its most popular programs, "The Labor Corner." Amnesty International, Human Rights Watch and Human Rights in China representatives in Hong Kong are encouraged by the continued demonstrations and absence of any Hong Kong Government moves to restrict their operations. Meanwhile, democrats say that the threat to Hong Kong would come from a very slow erosion of the rule of law, not a sudden crackdown on civil liberties or freedom of speech.

Concern arose in mid-September, however, when both the Chinese and the Hong Kong governments objected to the credentialing of two human rights groups to the recent IMF/World Bank meeting in Hong Kong. Since human rights is in the lending guidelines of these financial institutions, participation by the human rights groups was appropriate. The objections of the Hong Kong government are troubling. Ten Members of Congress, led by Congressman BERMAN, wrote to Secretary of the Treasury, Robert Rubin, to express their concern.

APPROVAL RATINGS HIGH

Reflecting locals' belief that life goes on as usual, Tung's approval ratings have continued to climb since mid-June, when only 57 percent of Hong Kongers reported they were satisfied with his performance. By early August, a reliable local poll showed 78 percent of Hong Kongers were satisfied with Tung. That number rose to 82 percent in early September. Even among survey respondents who said they would vote for pro-democracy parties, 80 percent indicated they were satisfied with the chief executive, rivaling prominent pro-democracy advocate Martin Lee's 82 percent rating.

LOCAL AUTONOMY RESPECTED

The central Chinese Government appears to be taking seriously President Jiang Zemin's pledge at the handover that no mainland government officials "may or will be allowed to interfere" in the affairs which Hong Kong should administer on its own. Premier Li Peng reiterated that pledge and gave a strong vote of confidence to Tung in mid-September while hosting the IMF and World Bank meetings in Hong Kong. Far from being heavy-handed or insensitive, Bejing appears to have absented itself from active involvement in Hong Kong affairs since the handover. Again and again, China has gone out of its way to project a benign "smiling face" image on Hong Kong-related matters.

LOW-KEY APPROACH

After installing the urbane Ma Yuzhen as head of the Ministry of Foreign Affairs [MFA] office in Hong Kong, and the low-key diplomat Jiang Enzhu to replace the always pugnacious Zhou Nan at the Xinhua News Agency, the de facto MFA representative in Hong Kong prior to reversion, China has stood back and refused to become embroiled in local issues. Xinhua, once a source of constant criticism and commentary on Hong Kong Government policy, has fallen silent. MFA head Ma Yuzhen has deferred to the Hong Kong Government on virtually all matters. His contacts with Hong Kong Government officials have reportedly been strictly limited to protocol matters.

If China is attempting to influence certain issues, it is doing so in a manner that is not public. Political debates China has avoided commenting on or attempting to influence publicly include:

The plight of illegal immigrant children with the right of abode in Hong Kong. China has allowed the Hong Kong courts and government to interpret the Basic Law's provision of the right of abode in Hong Kong to certain Chinese nationals. Citing administrative efficiency and preventing overcrowding in schools, Hong Kong will not allow unrestricted entry of PRC nationals who received the right to live in Hong Kong when the Basic Law comes into force on July 1.

Displaying the "Republic of China" Taiwan flag in Hong Kong. Ma Yuzhen, when pressed

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

by a reporter, said the issue would be for Hong Kong to decide.

Hong Kong Government spending. Hong Kong pledged one billion United States dollars to the IMF Thailand bail-out and committed over seven billion United States dollars to a railway construction project. Chinese scrutiny of government spending under the British was intense, usually hostile, and raised fears that China would not stay out of Hong Kong's affairs after reversion. The IMF pledge and the rail project are early indications that China does not always act like a "control freak"—one of Governor Patten's favorite descriptions—and will honor the pledge to respect Hong Kong's autonomy. It should be noted, however, that China also pledged one billion United States dollars to Thailand and therefore would not likely be opposed to Hong Kong's assistance.

SINO-U.S. COOPERATION

In one of the most notable examples of China's smiling face approach to Hong Kong, China outdid itself both in making arrangements for the first visit of a U.S. naval ship to Hong Kong after the handover and in projecting an image of friendliness when the U.S.S. *Blue Ridge* and Seventh Fleet Commander Natter were in town. Subsequent visits by other ships, including nuclear powered ships, were equally successful. No effort was spared to demonstrate China welcomed ship visits as much as British forces did. Appearing conscious that their presence raises the anxiety level in Hong Kong, the PLA garrison has stayed out of sight—and even reduced its numbers—except for carefully scripted appearances by smiling senior officers.

BUSINESS AS USUAL

Reflecting business confidence that Hong Kong's economy will continue to prosper after reversion, Hong Kong's first and second quarter 1997 real gross domestic product growth reached 6.0 percent and 6.1 percent, respectively, thus out-pacing analysts' forecasts for the year of 5.5 percent. This compares to real gross domestic product growth figures for 1996 and 1995 of 4.7 and 4.8 percent, respectively. The Hong Kong Government attributes the first half improvement to a revival of domestic demand, reflected in buoyant stock and property markets, modest improvement in exports, especially services, and increased investment, some of it related to construction of the new Chek Lap Kok Airport. The inflation picture has also somewhat improved in 1997. Consumer price increases declined from 6.0 percent in 1996 to 5.9 percent in the first half of 1997. Unemployment dropped from 3.2 percent in 1995 to 2.8 percent in 1996 and recently stood at just 2.4 percent, May–July 1997, largely due to recovery in the retail sector.

Hong Kong's normally strong financial markets weathered recent currency and stock turmoil during this period but demonstrated they are not immune from shocks. While the Hong Kong dollar remains strong, in late July, the government felt compelled to vigorously defend a brief attack on its dollar by expending 1.0 billion United States dollars of its reserves and jacking up interest rates. Some believe the real target was not the dollar, but an attempt to influence the Hong Kong stock market. Hovering around 14,500 in mid-September, the stock market was volatile in recent months, scoring a record high in August of 16,802, while registering record turnover. The sell-off of Hong Kong shares is partly attributed to meeting cash margin calls in other markets such as those in Thailand and the Philippines. Another major contributor, however, was a feeling that the prices of China-related shares were badly inflated. Most applaud Hong Kong's one billion United States dollar commitment and its leadership in the Thai recovery program, citing the need to help neighbors while simultaneously strengthening its own defenses.

Assessments of the recent regional currency turmoil on Hong Kong suggest modest nearterm costs. One observable increased cost was the rise by 30 to 50 basis points above regular levels of 20 points in Hong Kong's interest rate risk premium. Long-term concerns include potential shifts in trade and investment as Hong Kong's goods/services become relatively dearer. This is also true of Hong Kong's important re-export trade to/from China. Analysts say currency problems might shave just one-tenth to one-half a point off gross domestic product growth next year, while a greater concern might be reduced commitment from China to reforming its financial system.

Despite regional currency turbulence and stock market volatility, monetary figures show no signs of capital flight or panic. Total deposits in all institutions in July 1997 stood at 343 billion U.S. dollars, up 15.9 percent from a year earlier, with Hong Kong dollar deposits exceeding foreign currency deposits 59.6 to 40.4 percent, respectively. The Hong Kong dollar, pegged to the United States dollar, has been steady at around 7.74 Hong Kong dollars per United States dollar and the Hong Kong Monetary Authority is confident it can effectively defend the peg.

The fact that things remain relatively stable despite regional turbulence does not guarantee that there will not be continued rough going ahead, particularly if the currency situation in Southeast Asia remains volatile. The continued overinflated value of Hong Kong real estate could also contribute to currency instability. A certain amount of volatility, of course, is a part of any mature economy. This should not affect Hong Kong's democratic process.

Signs so far indicate that America's substantial commercial interests in Hong Kong are benefiting from Hong Kong's continued post-reversion prosperity. U.S. companies have 16 billion U.S. dollars in direct investment and billions more in portfolio investments. The United States exports to Hong Kong totaled 14 billion United States dollars in 1996 and 7.5 billion United States dollars in the first half of 1997. U.S. Department of Commerce figures showed an estimated 4.1 billion U.S. dollar U.S. trade surplus with Hong Kong in 1996. The first quarter 1997 U.S. surplus reached 1.4 U.S. dollars. The American Chamber of Commerce's recent Annual Business Confidence Survey showed confidence in Hong Kong's future up and high—95 percent—though tempered by concerns about prospects for the rule of law, the free flow of information and corruption. Specifically, many businessmen, both foreign and local, fear that as the mainland's influence in Hong Kong increases, so will the corruption which has become endemic in many parts of China.

CONCERNS REMAIN

a. Election law

Despite indications that China is refraining from interfering in Hong Kong affairs, a number of serious concerns remain. One primary concern is proposed changes to electoral laws. On July 8, the government of the Hong Kong Special Administrative Region released proposals, prepared by the Beijing-appointed Preparatory Committee, for new electoral arrangements to govern the spring 1998 elections which, while adhering to the major electoral requirements set forward in Sino-British agreements on Hong Kong, are controversial because they dismantle key portions of the electoral reforms put into place by Governor Patten in 1995. The proposals maintain the original formula of 20 Legco members to be directly elected by popular vote, 30 to be elected by "functional constituencies"—initiated by the British in 1985—and 10 to be chosen by a special Election Committee. However, the proposals would shrink the "functional constituent" electorate from approximately 2.7 million voters under the 1995 British electoral reforms to as low as approximately 180,000, according to some estimates. For the 20 directly elected seats, the proposals would also scrap the United States-style "winner-take-all" style system introduced by the British in 1995 and substitute a European-style "proportional representation" system. Critics fear that the new arrangements will dilute the political power of the Hong Kong's Democratic Party and favor pro-China candidates and that seems likely to be the case. Aware of this criticism, C.H. Tung, during his September visit to the United States, outlined his plans over the next decade gradually to expand to 50 percent the number of directly elected Legco seats—now one-third—and to expand the size of the committee which will select a new chief executive.

b. Export controls

Another area of concern is Hong Kong's ability to maintain its high regulatory and monitoring standards in controlling the transfer of sensitive technologies. Currently, United States export control policy toward Hong Kong is less restrictive than that applied to China, based on Hong Kong's past demonstration that its export control policies were sufficiently effective. This policy is based on the Hong Kong Policy Act, which calls for continued separate treatment of Hong Kong in export controls as long as it is able to protect United States technology and equipment. Of course, monitoring Hong Kong's continued autonomy in this field is critical to assessing the risk to United States nonproliferation interests. The General Accounting Office points out that key indicators to watch will include changes in the composition and volume of United States exports of controlled items to Hong Kong, which could signal efforts by China to obtain sensitive technology such as the optical sensors that it has previously been denied. Hong Kong officials maintain that China's desire to see Hong Kong continue to succeed economically will restrain such activity. To date, United

States officials report no change in the performance of Hong Kong customs officials in both pre- and post-license checks.

c. Customs

Hong Kong cooperation in customs enforcement is another issue that bears watching. Increased instances of textile transhipment through Hong Kong led United States Customs to impose special administrative restrictions on textiles from Hong Kong in June 1996. This "wake up call" pressured the Hong Kong customs authorities to crack-down on transhipments and institute new procedures. By June 1997, Hong Kong had made enough progress to persuade United States Customs to lift their special administrative restrictions. Observers see no change to date between pre- and post-reversion performance on the part on Hong Kong customs authorities.

Mr. Speaker, in conclusion, Hong Kong has been under China's sovereignty for only 3 months. It is too early to judge the reversion. Nonetheless, indications to date are hopeful. Civil liberties continue largely unaffected. The economy continues to thrive. U.S. ship visits continue with little change and are indeed, welcomed with open arms. However, we continue to be concerned about the potential over time for the constriction of democracy, media self-censorship and the loss of hard-won rights. Chinese and Hong Kong authorities are acutely aware that the eyes of the world continue to scrutinize their post-reversion actions. That continued scrutiny is well warranted and will help ensure that all concerned continue to value and maintain Hong Kong's autonomy.

CONGRESSIONAL BIOMEDICAL RESEARCH CAUCUS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. GEKAS. Mr. Speaker, on September 10, the Congressional Biomedical Research Caucus conducted its 57th briefing on the subject of the "University of Genes: The Bits of DNA That Make Us What We Are." Dr. H. Robert Horvitz, Howard Hughes Medical Institute investigator and professor of biology at MIT, and Dr. Philip Heiter, professor of medical genetics of the University of British Columbia, Vancouver, spoke about the similarity of genes across species and how this discovery assists in biomedical research.

I was particularly pleased to have Dr. Horvitz participate because as a member of the Joint Steering Committee—a coalition of five basic biomedical research societies: the American Society for Cell Biology, the American Society for Biochemistry and Molecular Biology, the Biophysical Society, the Genetic Society of America, and the Association of Anatomists—he has played a significant role in supporting the caucus briefings.

Congressman JOSEPH KENNEDY of Massachusetts introduced Dr. Horvitz and was joined in attendance by myself, Congressman STEVE HORN, Congressman JOEL HEFLEY, and Congressman TOM PETRI, as well as a room full of senior health staff.

I believe our colleagues will find Dr. Horvitz's remarks useful.

ALL CREATURES GREAT AND SMALL: THE UNIVERSALITY OF GENES

I. INTRODUCTION

First, I would like to thank the organizers of this Caucus for inviting Phil Heiter and me to talk with you today. The title of this Caucus is "All Creatures Great and Small: The Universality of Genes." What we are going to discuss today is one of the most striking discoveries in the history of biomedical research: genes—the bits of DNA that make us what we are—genes are so remarkably similar among different organisms that we can study what they do in a microscopic worm or in a yeast that is used to make beer to learn how they work in us.

II. GENES

Let me start with a few introductory remarks about genes. Genes define hereditary traits. Each gene can exist in different forms, and such variations in the forms of genes result in variations in traits. Some such variations we consider simply to be what make us different from one another: for example, eye color and blood type are defined by genes. Similarly, our sexual characteristics, whether we are boys or girls, as David Page put it in an earlier Caucus, are determined by our genes. Variations in other genes result in variations in other traits: for example, dwarfism, deafness and color blindness can be caused by variations in genes. Variations in still other genes results in variations in our traits that we label "disease": Huntington's Disease is caused by one such gene; variations in other genes cause or predispose one to cancer, cardiovascular disorders, asthma, cystic fibrosis, premature aging, Alzheimer's Disease, bone loss, and many, many other diseases.

So, genes are important to us, and crucial to our health. How can we learn about our genes, what they do, and how they sometimes go wrong? One approach is to study our genes—human genes—directly. Biologists do this. (I do this.) But the study of human genes is in many ways very slow and inefficient. Furthermore, some types of genetic studies are simply impossible to do with people. For example, the classic method of genetics is to cross individuals with different gene variants (called mutation); this we cannot do with people.

III. UNIVERSALITY

Fortunately, biology has provided us with an approach that is feasible: genes are strikingly conserved among organisms, so we can study genes in experimental organisms and in this way learn what genes do in us. Let me show you an example from my own research. I study two organisms, human beings and the nematode roundworm known as *C. elegans*. My focus in humans is on Lou Gehrig's Disease, or ALS, the devastating disease that killed Lou Gehrig, Jacob Javlts, David Niven, and many others. Four years ago, with a team of collaborators, we found a gene responsible for ALS, a gene known as SOD1. SOD1 in humans is strikingly similar to SOD1 in my worm, as can be seen by the large number of boxed identities in the sequence of the protein products of these genes. Such similarity is seen in SOD1 in many organisms: the gene in spinach is essentially the same as well. To understand what SOD1 does, and how it goes wrong in ALS, one can study the gene in whatever organism is best suited for a particular line of inquiry, and SOD1 is now being studied in worms, in brewer's yeast, in fruit flies and in mice in attempts to understand how it causes ALS in humans. Let me generalize from this example and show you more broadly the degree to which genes are conserved among organisms.

The next slide is from an article written by Phil Hieter, our next speaker. This table shows a list of 84 human genetic diseases, from A to Z (really from A to W: achondroplasia or dwarfism is No. 2 on the list, while Wornor syndrome, which results in premature aging, is 4 from the bottom). The columns show matches (in color) with genes found in those organisms commonly used for laboratory studies of genetics: the mouse, the fruit fly, the nematode roundworm, brewer's yeast, and the intestinal bacterium *E. coli*. What you can see is that almost all of these human genes have a counterparts in the mouse, that many do in the fruit fly and worm, and that quite a few do in the yeast and bacterium. This table underestimates the degree of similarity with mice, fruit flies and roundworms, since many genes remain to be characterized in these organisms and some will no doubt provide additional matches. It is now clear that almost every human gene has a mouse counterpart, that the majority have fly and worm counterparts and that many have yeast counterparts. These kinds of observations, coupled with findings that genes that look similar act similarly, have led to the use of experimental organisms as models for human biology and human disease.

IV. ORGANISMS

If all organisms have similar genes, how do scientists decide which organisms to study? The short answer is that different organisms have different experimental advantages and that by studying a variety of organisms biologists obtain different types of data that together help us understand what genes do. To provide some concrete examples of how studies of these simple organisms are helping us to understand as well to prevent and cure human disease, Phil Hieter and I will now talk about work involving "our" organisms, the brewer's yeast and the roundworm. The next slide summarizes my perspective on using roundworms to study human disease, given what we know about human genes and worm genes: "Worms are little people in disguise." So let me start with the neurodegenerative disorders, such as Alzheimer's Disease, and on cancer.

V. ALZHEIMER'S DISEASE AND THE PRESENILINS

First, let's talk about Alzheimer's Disease. Some, but not all, cases of Alzheimer's Disease are clearly genetic, i.e. pass from parent to child. Most genetic or "familial" AD is caused by changes in a single gene, known as PS–1, for "Presenilin gene number one." In 1995 this gene was isolated biochemically. What does it do? How can we find out? Simply having access to a gene is not enough to tell us what it does unless it is sufficiently similar to a gene we already know about.

PS–1 is similar to four other known genes. One, called PS–2, is a second Alzheimer's gene isolated in 1995. The other three are all in the roundworm *C. elegans*. How similar are these worm genes to the human genes? In one experiment, researchers at Columbia University in NYC showed that the human PS–1 gene could work in the worm, substituting for one of the worm genes it looked like. This finding says that the human AD gene and the worm gene are functionally interchangeable. They are very similar. Thus, figuring out what the worm gene does should give us a very strong clue about what the human gene does. Studying this worm

gene is now a important effort in both academia and the biotech industry.

VI. CANCER AND THE RAS PATHWAY

Let me turn now to cancer. Cancer, like familial AD, is caused by variants in genes. The first human cancer gene was identified in 1981. This gene was called Ras. Biomedical researchers actively analyzed Ras and desperately wanted to know what it does and, in particular, wanted to know the pathway through which Ras acts. This concept of pathway is key for the development of pharmaceuticals: if you can block the action of a disease gene, either directly or indirectly, i.e. either by acting directly on that gene or by acting later in the gene pathway through which that gene acts, you should be able to prevent the disease.

What is the Ras genetic pathway? The answer emerged not from studies of human Ras but from very basic and apparently unrelated studies of animal development, in particular studies of the development of a sexual organ of the roundworm and of the eye of the fruit fly. It turned out that a gene that controlled worm sexual development as well as a gene that controlled fly eye development were both strikingly similar to human Ras. The levels of identity were approximately 80 percent. Furthermore, at the time it was discovered that a Ras-like gene was involved there had been very extensive studies of these processes; as a consequence within a few years detailed gene pathways were completed. Together these studies, which were done in my laboratory at MIT, at CalTech, and at Berkeley, revealed the pathway of action of Ras. Now cancer biologists and drug companies alike are using this knowledge of the Ras pathway both for further studies of how Ras causes cancer in people and for the development of drugs, drugs that can block the various steps in the Ras pathway.

VII. PROGRAMMED CELL DEATH, NEURODEGENERATIVE DISEASE AND CANCER

The third example I'll offer from worms relates both the cancer and to neurodegenerative diseases, which include AD. This example again is one in which studies of a basic biological phenomenon in the roundworm have had a major impact on our understanding of and approach to human disease. The biology in this case involves a phenomenon called "programmed cell death." For many years, biologists assumed that cells died because they were unhappy, i.e. because somehow they had been injured. However, a variety of studies revealed that many cells die during the normal course of development. For example, as our brains form, as many as 85 percent of the nerve cells made at certain times and certain parts of our brains die. Such death is a natural phenomenon and for this reason is often referred to as "Programmed Cell Death."

Given that cell death is a natural aspect of development, some years ago my colleagues and I reasoned that like other aspects of development, PCD should be controlled by genes. We sought such defined a 15-gene genetic pathway that controls programmed cell death In the worm. It now appears that a least some of these gene correspond to human genes that caused disease. For example, we talked earlier about neurodegenerative diseases, such as AD, Huntington's Disease, Lou Gehrlg's Disease and Parkinson's Disease. Many researchers believe that these diseases, which are characterized by the death of nerve cells, are diseases in which the normal process of PCD has gone amok. Specifically, the normal pathway that causes cells to die by PCD during development for some reason may be unleashed in nerve cells that are not meant to die.

How might we stop such deaths? By blocking the killer genes responsible! And what are the killer genes? We have ID'd two such genes in the worm, genes we call CED-3 and CED-4, for "cell-death abnormal." Given these worm genes, others have gone on to find similar genes in humans that also act to cause cell death. These genes have now become major drug targets: many companies in the pharmaceutical industry are attempting to block the action of these killer genes, with the goal of preventing such neurodengenerative diseases.

It turns out the genetic pathway for PCD we have defined is relevant not only to neurodegenerative disease but also to cancer.

Let me explain. What is cancer? In brief, cancer reflects an uncontrolled increase in cell number. How can you get such an increase? One way is to make too many cells. This is precisely what happens when the Ras gene, which we just discussed, is mutated. However, it turns out there is another way to make too many cells. The number of cells in our bodies is really an equilibrium number. Cells are always being added to our bodies, by the process of cell division, but cells are also always being taken away, by the process of programmed cell death. So, we can generate too many cells—as in cancer—not only by too much cell division but also by too little cell loss.

How can we bet too little cell loss? One of the genes we identified as controlling cell death in the worm is not a killer gene but rather a protector gene—it protects cells from dying by PCD. If a gene like this is too active, too many cells would survive, and cancer would result. In fact, there is a human cancer gene that is very similar to this worm protector gene, so similar that the human gene can work in worms to protect against worm cell death and to substitute for the worm gene. Given such protector genes, how might one prevent? Again, this is precisely the approach that is now being taken in the pharmaceutical industry, and there is great nope that by learning to control such protector genes it will be possible to control certain cancers.

VIII. CONCLUSIONS

Let me conclude very briefly by summarizing what I've said. First, a gene is a gene is a gene. Genes in humans are fundamentally no different from genes in other organisms and are so similar in many ceases that a human gene can be put into another organism and work just fine. Second, genes are much easier to analyze in experimental organisms than in people. In few years, the Human Genome Project, sponsored by the NIH, will tell us what all of our genes look like. But what do they do? To find out, we must study experimentally tractable organisms. Third, time and time again truly basic studies of genes in experimental organisms have proved directly relevant to human diseases and disease genes, once we knew what those human genes looked like. An investment in such basic studies is an effective investment indeed, as it means that knowledge will proceed at an enormous pace once a human disease gene is identified. Finally, knowledge of what the counterparts of human disease genes do in an experimental organism can be directly used both in the understanding of what that gene does in people and also in the application of that knowledge to the development of a treatment of cure. I thank you for your time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 8, 1997.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, U.S. House of Representatives, Washington, DC.

DEAR TOM: I understand that today or tomorrow you intend to move to suspend the rules and concur in the Senate amendment to H.R. 2472 with an amendment.

The version of H.R. 2472 you plan to bring up would extend through September 1, 1998 certain provisions of the Energy Policy and conservation Act, 42 U.S.C. §6201 *et seq.* Under Rule X, the Committee on the Judiciary has jurisdiction over provisions of the Act: the antitrust defense provided in Section 252, 42 U.S.C. §6272, the participation of the antitrust enforcement agencies in activities under that section, and any amendment, extension, or expansion of these provisions or any other antitrust immunity provided in the Act.

Because of the urgency of passing this important national security legislation, I am willing to waive this Committee's right to a sequential referral of H.R. 2472. I will allow this legislation to go forward so long as it remains a simple extension through September 1, 1998 without any substantive change to the existing antitrust defense or the participation of the antitrust agencies. However, my doing so does not constitute any waiver of the Committee's jurisdiction over these provisions and does not prejudice its rights in any future legislation relating to these provisions or any other antitrust immunity provided in the Act. I will, of course, insist that Members of this Committee be named as conferees on these provisions or any other antitrust immunity provided in the Act should the bill go to conference.

If the foregoing meets with your understanding of the matter, I would appreciate your placing this letter and your response in the record during the debate on H.R. 2472. Thank you for your cooperation in this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

INSTITUTE FOR COMMUNITY LIVING

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. VELÁZQUEZ. Mr. Speaker, I rise today to pay tribute to the marvelous work of the Institute for Community Living, on the occasion of its 11th anniversary. For over a decade, the Institute for Community Living has helped people with mental and developmental disabilities to function successfully in different living, learning, working, and social environments. Through its operation of housing, rehabilitation, and support services, it has helped improve the quality of life for countless mentally and developmentally disabled adults at various stages of the rehabilitation process.

ICL is a participating agency of the United Way of Greater New York and a member agency of the Association for Community Living and the Coalition of Voluntary Mental Health providers. ICL has also been recognized nationally for its success—its recent accolades include the Hospital and Community

Psychiatry Significant Achievement Award and the National Center for Disability Services Exemplary Program Award.

The Institute for Community Living has succeeded in providing an array of secure, community-based residential programs in which mentally disabled people can pursue their own rehabilitation plan. By making it possible for these individuals to live a life of independence and dignity, ICL serves as a shining example of service to the mentally and developmentally disabled community. I urge my colleagues to join me in commending the Institute for Community Living and in extending our best wishes for its continued success.

ON THE RETIREMENT OF FLOYD FLAKE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. NADLER. Mr. Speaker, I rise today to bid farewell to a very distinguished Member of my State's delegation. FLOYD FLAKE has served in the House with honor, with sincerity, and with unwaivering commitment. He can serve as a model to all of us in this body: for over a decade, he has fulfilled a calling to public service, fighting the fights he believes in, representing his constituents with passion and nobility.

In leaving this body, FLOYD FLAKE is leaving this Nation richer for his service. The moral guidance he has given us and the example he has set for us will echo through this Chamber in the coming years, resonating with its obligation to the people of this country after he has gone.

Now, our colleague is about to respond to another calling. With the chance to devote his full energies to the needs of his congregation, he will continue his lifelong commitment to service and justice. And though he will be in a new setting, he will continue to be an inspiration for us all. I can only say that it has been an honor serving with him, and I wish him all the best.

PERSONAL EXPLANATION

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. RADANOVICH. Mr. Speaker, as a result of being detained while in the service of my constituents in my district, I may have been unable to cast votes today on measures before the House of Representatives. I would like to take this opportunity to explain my support for three key areas of public policy, which were likely voted on in my absence.

H.R. 867, the Adoption Promotion Act.—I support this measure, as I believe it emphasizes the need for foster children to be adopted by a permanent family. Also, the Adoption Promotion Act requires States to expedite the process that governs the adoption of a foster child. The bill provides for increased stability for foster children and encourages a strong, healthy family structure. All foster children deserve the opportunity to be adopted to secure a sound future.

H.R. 2709, the Iran Missile Proliferation Sanctions Act.—Credible reports have drawn attention to the fact that Iran is pursuing plutonium separation and gas centrifuge enrichment in its nuclear program. Iran has also taken aggressive steps toward purchasing nuclear weapons-related material. Potentially, this development poses an enormous threat to our Middle East allies and other peaceful countries around the world. Therefore, we must take the appropriate steps to prevent Iran from obtaining a nuclear missile capability. H.R. 2709, the Iran Missile Proliferation Sanctions Act, goes a long way toward accomplishing this objective. The legislation requires the President to submit a report to Congress, within 30 days of enactment, identifying nations or entities about whom there is credible information that they transferred missile goods or technology to Iran. Sanctions against entities involved in the attempt or transfer of missile technology to Iran include denying arms exports licenses and eliminating all United States assistance for 2 years. The bill also expresses a sense of Congress that the President should exercise existing authorities and available funds to prevent the transfer of weapons-related material and delivery systems to Iran. I believe the actions taken in this bill will check Iranian arms proliferation and enthusiastically support its passage.

S. 1519, Extending the Intermodal Surface Transportation Efficiency Act.—S. 1519, Extending the Intermodal Surface Transportation Efficiency Act [ISTEA], is an important piece of legislation. The measure provides $9.7 billion in new transportation money to States, thus continuing transportation funding to the States until Congress passes a regular, 6-year ISTEA bill next year. Extending ISTEA for this temporary duration is important to ensure that California, as well as the other the States, continues to provide for the transportation needs of its residents during this time.

SUNSHINE IN THE COURTS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. SCHUMER. Mr. Speaker, in April of this year, I along with my distinguished colleague from Ohio, Congressman CHABOT, introduced H.R. 1280, the Sunshine in the Courtroom Act. H.R. 1280 allows photographing, electronic recording, broadcasting, and televising to the public of Federal court proceedings at the discretion of the presiding judge. This legislation is key to opening our Federal courts to cameras in order to educate the public and increase understanding of our Federal judicial system.

Allowing sunshine into our Federal courtrooms is one of the best ways to expand public knowledge on how our Federal court system operates. In recent years, there has been an increasing concern regarding our courts. Changes of judicial activism are eroding confidence in the legitimacy and fairness of Federal court proceedings. If the public continues to be kept in the dark about what occurs behind the doors of Federal courtrooms, these concerns and criticisms will surely mount. The availability of televised courtroom proceedings will increase public confidence in our Federal system, as demonstrated already within State courts around the Nation. Decisions made in Federal courts have the capability to affect every citizen's life. The public should have the opportunity to see and understand how these cases unfold.

In 1997, the House of Representatives passed a House resolution to televise House floor proceedings and committee hearings to the public to create a greater degree of accountability of Members of Congress to their constituents and to enable the public to obtain a greater appreciation for the work that occurs on Capital Hill. C–SPAN coverage of the House allows citizens to watch and learn about the legislative branch for themselves, instead of relying solely on the media to interpret for them what is happening in Washington, DC.

I was elected to the House of Representatives for my ninth term last election by the citizens of my district in New York, and I continue to be accountable to every one of my constituents. Through C–SPAN coverage, they can see for themselves the issues I fight for and against on their behalf. It is time to take this idea of cameras for accountability and expand it into the judicial branch of the Federal Government.

I would also like to emphasize to everyone that H.R. 1280 does not in any way encroach on the powers of even one Federal judge. Quite the contrary, it is a pure grant of discretion, empowering the Federal judge to open or close proceedings that today are closed regardless of the judges desire and willingness to open the proceeds to public view. The Sunshine in Courtroom Act allows cameras in Federal courts only upon the approval of the presiding judge in each specific case. There are certain cases that are too sensitive to allow full media coverage of its judicial proceedings, such as trials involving minors, or cases in which a witness or members of a jury need to be kept confidential in order to protect them from harm. I do not want there to be any confusion on the fact that H.R. 1280 leaves judges total power to deny or limit television coverage of these types of cases.

Mr. Speaker, my fellow Members of Congress, the Sunshine in the Courtroom Act is legislation that is long overdue. Opening up our Federal courts will allow the public to see how our justice system really works and to gain a greater appreciation and trust in our Federal courts. In the second session of Congress we need to make H.R. 1280 a priority by holding hearings on this issue and then, passing this legislation into law. We, as Members of Congress, need to assert our dedication to keeping the Federal Government open and accessible to the public by letting sunshine into our courtrooms.

TRIBUTE TO REPRESENTATIVE FLOYD FLAKE OF THE SIXTH CONGRESSIONAL DISTRICT OF NEW YORK

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, my departing words for a good friend, Congressman FLOYD FLAKE are marked with good wishes and sadness. While Allen A.M.E. Church is gaining a great minister who will work full-time for his congregation, the United States House of Representatives will be losing a man of conviction, compassion, and remarkable legislative skill. I will miss him, as will this body, not only as a lawmaker but as a valued friend.

Congressman FLAKE has brought together the spirituality of the church, the innovation of the private sector, and the laws of the Government to produce economic revitalization for his congregation and the entire Sixth Congressional District.

November 7, Congressman FLAKE said his formal goodbye to the House of Representatives. For the first time, he told Members as well as the C-SPAN viewing audience about his inspirational road to success in the ministry, academia, and Congress. Never until that day had he told people about his long days of work and long nights of studying to earn his undergraduate degree or his doctorate of ministry. This is how we will remember Congressman FLAKE. We will remember a man who did not speak about his difficult road to success, rather, he spoke proudly about his service to God, his family, his district, and his country.

Congressman FLAKE was born in Los Angeles on January 30, 1945, and came to Houston, TX, to attend public school. After growing up in the great State of Texas, he studied at Wilberforce University in Ohio, earning his undergraduate degree. He continued to broaden his educational experiences in graduate programs at Payne Theological Seminary and Northeastern University. In 1994, he earned his doctorate of ministry degree from the United Theological Seminary in Dayton, OH.

Congressman FLAKE evolved from student to educator, serving as dean of students and university chaplain at Boston University in 1976. He served as the director of the Martin Luther King, Jr. Afro-American Center at Boston University from 1973 to 1976. From 1970 to 1973, he served as the associate dean of students, director of student activities at Lincoln University. Moving to business, he served as a market analyst for Xerox and as a sales representative for Reynolds Tobacco Co. He also served as a social worker for an early child development/Head Start program.

Mr. Speaker, Congressman FLAKE has lent his talents, energy, and concern for others to many activities. Congressman FLAKE always says that he has been blessed to have enjoyed so many successful endeavors. Personally, I would say that he has blessed so many people in so many areas.

Legislatively, I will remember his work on the Committee on Banking and Financial Services and increasing investment opportunities for undeserved communities through the Bank Enterprise Act and the Reform of the Community Reinvestment Act.

Congressman FLAKE has done more than lecture and preach about the merits of self-sufficiency and job creation. Through his church, he has created local jobs, affordable homes, schools and multiservice centers that provide health care.

Mr. Speaker, it has truly been a pleasure to serve with the Congressman from New York's Sixth Congressional District. It will be even more of a pleasure to hear and witness his continued work in helping his community. Along with the many other Members of this body, I would like to give Congressman FLAKE my wishes of good luck and blessings.

HONORING IDA ECKHAUS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor Ida Eckhaus, a pioneer in providing community living for people with mental disabilities.

Mrs. Eckhaus has always been committed to bringing vital services to the people of New York City. Through her efforts, she was one of the founding members of APRIL, the Association of Parents for Rehabilitation and Independent Living. She and her husband Sam, along with three other couples, got together with the simple plan of obtaining housing for persons who suffered mental illnesses. In those meetings, they found there were many more needs for the mentally ill. Out of those meetings, the organization grew to become one of the largest affiliated in the State.

In addition to her community advocacy, she enjoyed working with families and their loved ones. For years her personal telephone at home was a crisis hotline. No hour was too late, no problem too difficult, no person too distraught for her. She was always there to help in any way she could. Even after the installation of the APRIL Hotline, Mrs. Eckhaus continued to take her calls at home.

Mrs. Eckhaus was a person of superlatively high standards, complete integrity, and boundless enthusiasm for whatever task she undertook. Throughout here service, she also served on numerous boards including the Institute for Community Living and AMI/New York State and she also founded Summit House of Brooklyn.

Mr. Speaker, please join me in honoring Mrs. Ida Eckhaus and all her contributions to the community of Brooklyn.

CONGRATULATIONS TO LANCASTER LABORATORIES

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. PITTS. Mr. Speaker, today I would like to honor Lancaster Laboratories, a company in Lancaster, PA, recognized in the October issue of Working Mother magazine as one of the 100 best companies for working moms.

Even through the transition that Lancaster Labs has undergone over the past few years, this family-begun business has not only kept its emphasis on quality, but it once again has proved to be a successful company which values the family. By believing that a company can be committed to providing state-of-the-art services, and still manage people in a way that accommodates the hectic and activity-laden lives of working mothers and fathers, Lancaster Labs has succeeded in keeping their dedicated employees.

Lancaster Labs has been measured against standards of child care, flexibility, pay, opportunities to advance, and other family-friendly benefits. Although the company came out strong on each one of these, it is not because they attempted to meet some arbitrary yardstick, but because Lancaster Labs believes in creating a company that has fairness and family at the core of its existence. With fair pay, advancement for women, onsite child care, and the promotion of adoption, Lancaster Labs is an exemplary and prosperous part of our community.

Mr. Speaker, I congratulate this exceptional company for its holistic approach to the working environment. Many companies would be wise to learn from the Lancaster Labs' example, which says that enhancing the lives of working moms can significantly improve the overall performance of the company. I wish the very best to Lancaster Labs in the future.

CHARITABLE INCENTIVE GIVING ACT OF 1997

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. DUNN. Mr. Speaker, in this time of fiscal constraints, I am introducing today legislation that would encourage greater private sector support of important social, educational, nutritional, medical, and other necessary programs in local communities by restoring incentives for charitable giving of closely-held stock.

Governments on all levels, Federal, State, and local, are reducing spending throughout their budgets, including social programs. At the same time, society's needs for these programs cannot be overlooked. Congress should do all that it can reasonably do to encourage private philanthropic efforts at this critical stage in restructuring Government and returning responsibility to our local communities. Many of these services can be provided at the local level by charities that know the community best and can supply the most efficient and competent delivery of services. Public charities and private foundations already distribute funds to a very diverse, wide-ranging group of social support organizations at the community level on a timely basis.

To meet the resulting deficit in unmet social needs, Government cannot merely expect the private sector to fill the gap, but must provide the leadership for the use of private sector resources through changes in the Tax Code.

One source of untapped resources for charitable purposes is closely-held corporate stock. Today the tax cost of contributing closely-held stock to a charity or foundation is prohibitive, and it discourages families and owners from disposing of their businesses in this manner. This legislation would correct this problem by once again permitting certain tax-free liquidations of closely-held corporations into one or more tax exempt 501(c)(3) organizations.

Under current law, the problem with giving closely-held stock to charity is that the absence of a market for such stock and the typical pattern of small and sporadic dividends paid by such closely-held companies make it difficult for a charity to benefit from ownership of such stock. Accordingly, if such stock is given to a charitable organization, and in particular if a controlling interest is given, the corporation may have to be liquidated either by statutory requirement or to effectively complete the transfer of assets to the charity for its use. Under current law, such a liquidation would incur a corporate tax at a Federal rate of 35 percent. This cost is imposed as a result of the tax law changes made in 1986 that repealed the "General Utilities" doctrine and this imposed a corporate level tax on all corporate transfers, including those to tax exempt organizations. The charitable organization could also be subject to unrelated business income taxes. These tax costs make contributions of closely-held stock a costly and ineffective means of transferring resources to charity, and these are the costs I propose to eliminate in order to free up additional private resources for charitable purposes.

The legislation I introduce today eliminates the corporate tax upon liquidation of a qualifying closely-held corporation if certain conditions are met. Most importantly, qualification would require that 80 percent or more of the stock must be bequeathed at death to a 501(c)(3) tax-exempt organization. This bill also clarifies that the charity can receive mortgaged property in a qualified liquidation free from the unrelated business income tax for a period of 10 years. This change parallels the exemption from the unrelated business income tax [UBIT] for 10 years provided under current law for direct transfers by gift or bequest.

By eliminating the corporate tax upon liquidation, Congress would encourage additional, and much needed transfers to charity. Individuals who are willing to make generous bequests of companies and assets they have spent years building should not be discouraged by seeing the value of their gifts so substantially reduced by taxes. There will be a revenue cost to this legislation, probably in the hundreds of millions of dollars based on work the Joint Committee on Taxation has done on this concept over the past year. But it is crucial to remember that this cost represents charitable giving of many times that amount; by the same techniques used to estimate tax cost, it's estimated the giving stimulated to be as much as seven times the revenue cost, placing its value in the range of $2 to $3 billion. In short, this revenue impact represents the expectation of significant transfers to charity as a result of the legislation.

Good tax policy would advocate the broadest support of charitable giving. It is worthwhile to note that the individual donor does not receive any tax benefit from the proposal. All tax savings go to the charity. By inhibiting these charitable gifts, the Government not only hurts those individuals that most need the help of their Government and their community.

I welcome my colleagues' support and cosponsorship for this legislation. I urge each Member to talk to their constituents about it and learn for themselves the response received from those individuals and families in local communities in a position to make such a charitable gift of their business.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BALLENGER. Mr. Speaker, on Saturday, November 8, I missed rollcall votes 617 (H.R. 2631) and 618 (H.R. 2534). Had I been present I would have voted "yea" on both.

TRIBUTE TO EUGENE LESESNE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to one of my constituents, Mr. Eugene Lesesne of Pittsburgh, PA.

Eugene Lesesne, a U.S. Army veteran of World War I, will be 100 years old on November 19. Born in Sumter County, SC, he served in the Quartermaster Corps in France in the final months of the First World War. He moved to Pittsburgh shortly after his discharge in 1919 and has lived there ever since.

A quiet, unassuming person, Mr. Lesesne lived a life of hard work as a laborer. He was married twice, widowed twice, and was a father of four. Mr. Lesesne attributes his long life to the good habits instilled by his parents, whom he describes as "good Presbyterians who taught me to stay away from bad things." A longtime member of Grace Memorial Presbyterian Church, in 1968 he joined with church people of different races to form the Community of Reconciliation, an interracial, interdenominational church. He continues to sing tenor in that church's choir to this day and is noted for the natty way he dresses.

I commend him to this body as an example of a man who served his country overseas in his youth and came back home to lead an exemplary salt-of-the-Earth life.

COMMEMORATING THE 25TH ANNIVERSARY OF THE GREAT LAKES WATER QUALITY AGREEMENT

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. LATOURETTE. Mr. Speaker, I rise today to commemorate the 25th anniversary of the Great Lakes Water Quality Agreement [GLWQA]. This groundbreaking agreement between the United States and Canada was signed on April 15, 1972, by President Richard Nixon and Canadian Prime Minister Pierre Trudeau as a binational pledge to reduce and prevent Great Lakes pollution. The GLWQA grew out of a need to reverse the decades-long trend of decline in the health and beneficial uses of the Great Lakes.

My constituents have been especially impacted by water quality since my district includes the longest Lake Erie shoreline of any Ohio congressional district. In the late 1960's, Lake Erie was considered to be a dead lake, with stinking mats of algae growing profusely, and huge parts of the lake rendered uninhabitable for fish due to lack of oxygen. After a comprehensive study of this problem was conducted, it became apparent that these problems were the result of eutrophication, or the overfertilizing of the lake. Too much phosphorus was being dumped into Lake Erie from various sources, including farms, factories, and private homes. The 1972 GLWQA included provisions for the reduction of phosphorous loadings into Lakes Erie and Ontario.

As a result of the 1972 GLWQA, phosphorus levels significantly decreased in the Great Lakes. In Lakes Erie and Ontario, phosphorus loadings have been reduced by almost 80 percent. The United States and Canada achieved this binational goal through improvements in sewage treatment, lowering the levels of phosphorus in detergents, and reducing agricultural runoff.

In 1978, the GLWQA was revised and the two countries pledged to restore and maintain the chemical, physical, and biological integrity of the waters of the Great Lakes basin ecosystem. Toxic substances were a major concern by the late 1970's, and the two countries committed themselves to achieving zero discharge of toxic substances in toxic amounts and the virtual elimination of persistent toxic substances. These persistent toxics bioaccumulate in organisms and increase in concentration up the food chain. Some of these substances, such as PCB's and dioxin, have been shown to cause adverse health effects in humans and wildlife.

Again, my constituents have been impacted by the constant plague of persistent toxics which were dumped into the lakes during a time when the consequences of pollution were not understood. The Ashtabula River and harbor in northeast Ohio was a dumping ground for toxic waste for years.

The 1987 protocol to the Great Lakes Water Quality Agreement reinforced the 1978 commitments of the United States and Canada and highlighted the importance of human and aquatic ecosystem health. Provisions were added to clean up 42 local areas of concern in the Great Lakes and included the development and implementation of remedial action plans [RAP's] and lakewide management plans [LaMPs].

The Ashtabula River and harbor was designated as an area of concern by the International Joint Commission [IJC] in 1985, and a remedial action plan has since been developed to clean the river up. Under the leadership of the IJC, a coalition of interested parties

has worked continuously to make the Ashtabula River and harbor one of the first successful cleanup sites in the Great Lakes. The Ashtabula River Partnership has made great strides in recent years to secure the commitment of the Army Corps of Engineers to safely dredge the sediments and dispose of them in a manner consistent with our obligation to protect the environment.

The accomplishments under the GLWQA extend beyond my constituents' corner of the Great Lakes. As a result of the United States and Canadian commitment to reducing toxic substance releases, cormorants in the Great Lakes region have significantly increased in population from the 1950's to the 1970's levels when the number of nesting pairs of cormorants dropped by 86 percent. Concentrations of DDE and PCB, both persistent toxic substances, decreased in cormorant eggs by more than 80 percent between 1971 and 1989. Concentrations of chlorinated compounds, such as dioxins and furans which are used in the bleaching process of pulp and paper mills, have decreased in the Great Lakes by 90 percent since the late 1980's.

On November 1, 1997, in Niagara Falls, NY, the International Joint Commission, with Canada and the United States, celebrated the 25th anniversary of the GLWQA. This event was attended by many people in the Great Lakes community hailing from United States and Canadian Government agencies, environmental organizations, public interest groups, and industry. The key speakers at the celebration were Deputy Secretary John Garamendi, United States Department of Interior, and the Honorable John Fraser, Canadian Environment Embassador, as well as a member of my staff, Mr. Brett Kaull.

At this landmark anniversary of the GLWQA, we must not rest on the laurels of the accomplishments of the past, for there is still much to be done to restore the environment of the Great Lakes, This effort will require vigilance and commitment from the United States and Canada, Federal and local governments, industry, and the public. In 1999, the United States and Canada will review the agreement's objectives and terms to determine whether to update its scope. Let us continue to work together in a concerted effort to achieve the goal of bringing back the Great Lakes to their former preeminence as a natural resource to be enjoyed for generations.

TRIBUTE TO RODGER MEIER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to a constituent and good friend Mr. Rodger Meier, this year's recipient of the Russell H. Perry Free Enterprise Award. It is very difficult to be brief when paying tribute to Rodger Meier, a man who has championed so many noble causes.

I know him as an advocate of entrepreneurial initiatives, community service and public policy issues that has produced opportunities for the citizens of Dallas. The Wright amendment was established to protect the economic opportunities and financial well-being of the Dallas-Fort Worth Airport. Rodger was right there and never fails to express his feelings about keeping the economy strong in the Dallas area.

In addition, he is a long-time supporter of DART and has lead to my constituents enjoying better transportation and environmental opportunities while producing more dollars for area businesses and allowing passengers to reach key destinations without clogging our highways and freeways.

And so, it is truly fitting that he is being honored this year with the Russell H. Perry Free Enterprise Award. This award salutes entrepreneurial spirit and how it fosters opportunities, service, and civic responsibility. After all, Rodger embodies all of these traits. And I shall never forget how he worked so hard and put in all of his efforts in passing into law, the 1985 education bond election. It was critical and he was there.

He was there because he believed in education and that no child should be left behind and that all children must be included in education. Rodger is just so good in every area and he really understands the needs for all of the people. And in addition to all his caring, he has been the No. 1 Cadillac salesperson in all of the country, and we all like Cadillacs.

I first met Rodger when we both were on the board of trustees at Texas Christian University where we both graduated from. And that friendship will never end. I have so much respect for him as a husband, father, Christian man and civic person extraordinare. In addition to a few things that I have pointed out, Rodger is involved in so many more. He never forgets the young people, whether handicapped or not.

He never forgets to be caring as it relates to any issue and I think that the committee has decided this year to give honor to the award by citing Rodger Meier.

It is my pleasure to congratulate you Rodger, and in addition to congratulating you, I thank you. I thank you for all that you have done to make this world a better place and to make Dallas a better community. The award does itself honor in honoring you. I thank the awards committee. Rodger, my friend you have earned it, you deserve it and I hope that you enjoy it.

HONORING ADAM ARLEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor Adam Arlen, a pioneer in providing community living for people with mental disabilities.

Mr. Arlen was born in Poland where he was educated in economics. After experiencing years of hardship during World War II and the oppression of the subsequent Communist government, in a dramatic personal adventure, he escaped to the United States to start a new life in 1966.

During his first years in America, following formal training, Adam Arlen became a nursing home administrator. In the early 1970's, seeing that large numbers of individuals with mental illnesses were being discharged from State hospitals into the community with inadequate aftercare, he pioneered the development of this type of community living in New York State. For almost two decades, he stood out among his colleagues as a supporter of the highest quality of services for individuals under his care. In his role as advocate, he testified before legislative and administrative bodies and supported the creation of award-winning mental health programs. As a founding member of the Institute of Community Living's Board of Directors, he has continued to speak out on behalf of those with mental disabilities offering unique and practical advice that stems from his special personal history and as well as professional interests.

Mr. Speaker, please join me in honoring the zealous and faithful advocacy of Adam Arlen on behalf of individuals with mental disabilities.

PATRICIA STARK OF RIVERHEAD, SELECTED AS PERSON OF THE YEAR

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. FORBES. Mr. Speaker, I rise today to join my friends and neighbors on eastern Long Island as we pay tribute to Patricia Stark, of Riverhead, in honor of her designation as 1997's Person of the Year by the Paumanok District of the Suffolk County Council of the Boy Scouts of America.

Pat Stark's good work is so extensive, it might be more apt to declare her Person of the Decade. She is being honored by the Suffolk County Boy Scouts because they recognize her selfless and seemingly endless contributions of time and energy to the entire Riverhead community. Pat has worked tirelessly to improve the quality of life for all her neighbors, whether through supporting the arts, beautifying our community, improving education, protecting the environment, or preserving her hometown's historic legacy.

After a career in education where she taught in several Long Island schools, Pat has directed her talents to private business and is now the vice president of Storage Town East. But she is most loved and respected for her tremendous pride in her community, one that has inspired her devotion to Riverhead. Pat founded the Riverhead Country Fair, serving as the event's cochair for 7 years, with the goal of the focusing the townspeople's attention on the special gifts of the Peconic River. With the help of her friends and neighbors, that purpose was attained and today the riverfront has come alive with the bustle of boaters, fishermen, residents, and tourists.

Pat also served as chairperson of Riverhead Townscape, an organization responsible for allocating the funds raised by the fair on beautification projects. Some of the beneficiaries those efforts include the Peconic Riverfront, Lombardi Park, the flower boxes, trees and

plantings along Main Street, plantings in Grangebel Park, the gardens and grounds of the East End Arts Council, and the Riverhead Preservation and Landmark Society.

Pat's other efforts includes serving as co-chair of the East End Arts Council's Suffolk Theater advisory committee, the Riverhead Business Improvement District's downtown planning strategies committee, and as president of the Riverhead Revitalization and Preservation Corp., which has just completed a vital historic restoration project on Roanoke Avenue.

Completing her prodigious list of volunteer efforts, Pat is a member of the advisory board of the Hallockville historic site, serves as director of Confraternity of Christian Doctrine for St. John's Roman Catholic Church and is still a prodigious fundraiser for many local nonprofit organizations. Patricia has been recognized in the Senate by AL D'AMATO for her efforts in housing restoration and it is altogether fitting that the House of Representatives honor her contributions.

That is why, Mr. Speaker, that I ask my colleagues in the House to join me honoring Patricia Stark and recognize her commitment to promoting and protecting the quality of life of Riverhead and the entire east end of Long Island, for her family and for her community. We are truly blessed to count her as our friend and neighbor.

DESIGNATION OF THE "EUGENE J. McCARTHY POST OFFICE BUILDING"

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. VENTO. Mr. Speaker, I rise with the support of the Minnesota delegation in the U.S. House, to introduce H.R. 2836, a bill to designate the U.S. Post Office Building in downtown St. Paul, MN, as the "Eugene J. McCarthy Post Office Building."

Eugene J. McCarthy served as a U.S. Representative from Minnesota's Fourth Congressional District, the seat that I've been honored to represent. He also served for many years as a U.S. Senator from the State of Minnesota. He served for over two decades in Congress and was a much celebrated candidate for the Democratic nomination for President of the U.S. in 1968. Gene McCarthy's role in this 1968 campaign was the catalyst that set in place major change in U.S. and global policy in Southeast Asia and electoral politics in our Nation.

Eugene McCarthy was a teacher in the public schools in Minnesota and a professor at St. John's University in Collegeville, MN. He was also an instructor of economics at the College of St. Thomas in St. Paul and a distinguished author of numerous books on subjects ranging from children's literature to history and most renowned for his poetry.

The State of Minnesota is the home of many great leaders, however, few have touched as many lives as Minnesota's Eugene McCarthy. Senator McCarthy is a tireless leader and throughout his recent illness his fighting spirit persists. Therefore I, as well as, the Minnesota delegation and the people of the great State of Minnesota want to honor the accomplishments and service of this historic Minnesota leader from the area of St. Paul, MN, that catapulted him onto the national stage and into the U.S. Congress.

I welcome the support of my colleagues and this Nation in recognition of the career and public service of this great American.

WALTER CAPPS WAS A JOYOUS MAN

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BEREUTER. Mr. Speaker, on October 28 the House of Representatives lost an extraordinary Member. That loss was felt here, and it was felt across the country. Earlier in October the gentleman from California, Mr. Capps, had visited this Member's home State of Nebraska and the city of Omaha, where he was born and grew up. Not surprisingly, Nebraskans responded enthusiastically to his warm and generous spirit. This Member commends to his colleagues the piece by Roger Bergman which appeared in the Omaha World-Herald on November 8, 1997.

[From the Omaha World-Herald, Nov. 8. 1997]

WALT CAPPS "WAS A JOYOUS MAN"

(By Roger Bergman)

Even as the lights were coming back on in our house and around Omaha on Oct. 28, another kind of light was being extinguished. Our friend—really a member of the family—Congressman Walter Capps was dead. He suffered a heart attack in Dulles Airport in Washington, D.C.

It seemed impossible that someone so vital—so full of life and with so much to offer—could be claimed by darkness so suddenly, so unexpectedly, so early. Even at 63, even after barely surviving a head-on collision with a drunken driver more than a year ago, Walt Capps was not someone you expected to die. My wife, Dr. Wendy M. Wright, a Creighton University theology professor for whom Capps was an intimate friend and mentor, expressed it well: "He was such a joyous man."

During his recent visit to his native Omaha to attend family and high school reunions and to speak at his boyhood church and at Creighton University, Walt remarked to me that no less a figure in Western civilization than St. Augustine had written both "The Confessions" and "The City of God," respectively classics of spiritual autobiography and political theology.

A longtime and influential professor of religious studies at the University of California at Santa Barbara, Capps was elected to the U.S. House of Representatives less than a year ago. As he said in his lecture Oct. 12 at Creighton, he was trying in his own way and however modestly to bridge the gap between spiritual values and the concerns of public life. That an accomplished scholar and master of the lecture hall would even consider such a challenge at the time in a career when most of us would be thinking of retirement attests to his insatiable thirst for life generally and to his faith in the democratic ideal specifically.

It was also Augustine who proclaimed that a Christian should be an "alleluia from head to foot." Walter Capps was such a man.

And his joy in life and hope for America in a time of cynicism about politics was infectious. After spending the evening of Oct. 12 listening to the congressman speak enthusiastically of the quality of people he was getting to know in Washington and of the genuine care and concern of so many elected officials and their often young and idealistic staffs to do the right thing, one Creighton political science professor remarked that she had not felt so hopeful about Congress for years. Although 15 years my senior, Walt, with an almost boyish verve for an overwhelmingly difficult job, made me feel somewhat jaded by comparison.

Perhaps some of Walt Capps' hopefulness came from the healing and reconciliation he saw taking place in his course on the Vietnam War. Vets who had never told their stories before were invited to share the podium with him. Students whose fathers were unknown to them personally were sent as emissaries of the class to the Vietnam Memorial in Washington to touch those precious names on the black marble. Sen. Bob Kerrey, Nebraska's then-governor, took an active role in the class for years, becoming a close friend to Capps and mentoring him into political life.

Capps quoted Kerrey in his lecture at Creighton. Politics is often defined as the art of compromise. But Kerrey, reported Capps, described politics as the art of the possible.

The congressman's own philosophy corresponded well with that. Especially after his near-fatal crash in 1996, he said he woke up every morning just grateful for the new day and the opportunities it offered.

He approached his legislative role in Washington in the same spirit: Whatever small advance I can help to make for the general welfare of the people of this country, let me be ready to do it. Not a bad philosophy for the rest of us.

Of Capps' 14 books, the most recent was on the Czech playwright and president, Vaclav Havel, another fine intellect who responded to the call of public service. Havel's most recent book is titled "The Art of the Impossible." Walter would have appreciated that perspective on self-government, too. One of his own books was significantly titled, "Hope Against Hope."

But Walt Capps was not merely a dreamer. He wanted to make a difference. And so he put up with the arduous demands of the campaign trail (and the insults of his opponent, which he did not return) and the daily frustrations of an idealist in the powerbrokering world of the national capital. If he tilted at windmills, it was only after being sure it was for the good of his own constituents and the country generally.

Like a combination of Don Quixote, St. Augustine, and Vaclav Havel, our friend Walter Capps dreamed a possible dream. He believed that citizens could govern themselves despite deep moral and ideological disagreements. Perhaps felled by the strenuous schedule that belief demanded of him as a citizen-representative, Walt Capps is a reminder to all of us that democracy has no sidelines.

Professor Capps—he took a leave of absence from his university post rather than give it up entirely—had a more personal dream, too. After several terms in Congress, he wanted to return to the University of California at Santa Barbara to teach about democracy.

Democracy, he said, is not something we inherit as a lifeless monument from the past.

It is something we create and recreate every day. Or at least that is the challenge.

He will not be able to fulfill that personal dream—to the loss of all of us, but especially to those UCSB students who will know of him only by reputation. My wife and I are immensely grateful that our children, his godchildren, were touched by his life.

But like the image of a flame that lingers in the mind's eye even after the wick has been snuffed, Walter Capps' joyous, hopeful, generous spirit will linger long after his life has gone out.

May he rest in peace. And may the rest of us get to work.

VETERANS DAY IS AMERICA'S DAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. RAHALL. Mr. Speaker, I rise today to commend to my colleagues an article that was published in the Charleston Gazette of Charleston WV. The article was written by a constituent of the Third Congressional District of West Virginia and a national vice commander of the American Legion, Mr. Robert Vass, Sr., of Huntington, WV.

I am sure that many of my colleagues spent yesterday the same way that I did, visiting with constituents to celebrate Veterans Day. Entire communities come together on November 11 each year to honor those who have served our Nation in the Armed Forces. Veterans Day is an opportunity to remember those who have given their life in service and to remind ourselves of our responsibility to care for those veterans who still need assistance.

As Mr. Vass writes, veterans continue to serve our Nation, even after leaving the military. Not only are they ready to serve in time of war, they remain active in times of peace. Veterans and active-duty personnel alike are active in our communities by volunteering at hospitals, sponsoring scouting and athletic programs for youths, providing scholarships or students and donating thousands and thousands of hours in volunteer service in their communities.

I share my good friend's column with my colleagues because it reminds us that Veterans Day is not just a day for veterans and their families; it is America's Day. It is a day for Americans to "express appreciation for the contributions of all veterans up upholding the values for which these patriots sacrificed." And it is a day for all Americans, to be like veterans, and to involve themselves in their communities.

Mr. Speaker, I have included a copy of Bob Vass column and ask that it be printed following my statement.

[From the Charleston Gazette, Friday, Nov. 7, 1997]

VETERANS DAY IS AMERICA'S DAY—HOLIDAY HONORS THOSE WHO SACRIFICED

(By Robert E. Vass, Sr.)

I'm proud to be one of countless Americans who in the tradition of the citizen-soldier fighting for America's independence, served in our nation's armed forces. I served in the U.S. Army Air Corps during World War II.

Veterans Day, Nov. 11, is not only my day; it is American's day. On this day, in events ranging from solemn to spectacular—in sprawling cities and in small towns—Americans will honor those who sacrificed for freedom.

Men and women of all races, creeds and social stations have stood in harm's way in World War I, World War II, Korea, Vietnam, Lebanon, Panama, Grenada and the Persian Gulf. More than a million of them, including my wartime contemporaries, forfeited all of their tomorrows in their youth so that the core values of our nation—freedom, justice and equality—might grow old.

A simple gesture of gratefulness is all veterans want on Veterans Day. Whether you a veteran or not, you can poignantly express appreciation for the contributions of all veterans by upholding the values for which these patriots sacrificed.

I and my comrades in the American Legion support traditional American values here and in thousands of other communities nationwide. We carry on a tradition of community service dating back to the Legion's founding in 1919.

We advocate policies upholding law and order, a strong national defense, a full accounting of those listed either as missing in action or as prisoners of war, and just compensation for veterans, with service-connected disabilities. The latter includes thousands of Gulf War veterans who went to the region healthy and returned with ailments of mysterious origin.

We volunteer in Department of Veterans Affairs hospitals. We help veterans file claims for benefits. We sponsor programs which instill traditional values in young people, including Scouts, high school ROTC, American Legion Baseball, American Legion Boys State and Boys Nation, Junior Shooting Sports, and the National High School Oratorical Contest.

West Virginia Legionnaires last year donated 38,436 hours of service to their communities, awarded $63,664 worth of scholarships to 70 deserving West Virginia students, and donated 459 pints of blood to West Virginia blood collection centers.

Above all, consistent with our support for the Constitution, Legionnaires believe "we the people" must have a voice in how our nation is governed. On this premise, the U.S. Senate should do what the House did in June: Pass a constitutional amendment to return to the people the right to protect the flag of the United States from physical desecration.

Ordinary citizens must reinforce America's core values through service to God and country and participation in our governance. That's what the American Legion is all about on Veterans Day and every day. And that's what we all must be about on Veterans Day and every day.

Veterans Day is America's day.

SCHOOL CHOICE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 12, 1997, into the CONGRESSIONAL RECORD.

SCHOOL CHOICE

Education has always been a defining issue in American politics and a matter of the highest importance. Everyone believes that in America every child should get a good education. Politicians of all stripes have yearned to be known as "education presidents" or "education governors". The often heated debates swirling at the local school board level also testify to how central an issue education is at all levels of government.

Now a further debate within this larger education debate is taking place in statehouses and schoolhouses across the country. That debate is over school choice. At a fundamental level, school choice involves giving parents the ability to select which schools their children attend. But despite the relatively simple definition, school choice involves many different and competing options, and the debate is heating up.

WHAT IS SCHOOL CHOICE?

School choice encompasses a broad spectrum of educational initiatives and models, from modest tinkering to expansive reorganizations. The most popular include school vouchers and charter schools.

School vouchers provide assistance to families, often in the form of coupons, to be used to pay either a portion or the entire cost of private school tuition. Cleveland and Milwaukee have voucher programs supported with taxpayer dollars. These programs are targeted to low-income families. In Indianapolis there is a limited voucher program funded through private funds.

Charter schools are independent public schools usually started by parents, teachers, and administrators. These schools are freed from some of the bureaucratic rules and regulations that drag down performance, but in return they are responsible for meeting certain standards. Over the past several years there has been an intense debate in the Indiana state legislature over the issue of some charter schools possibly restricting admission.

CONGRESSIONAL DEBATE

Currently in Congress the school choice debate is a popular topic and will certainly continue to be a lightning rod for years to come. Supporters claim that choice injects competition and accountability into the educational system. They ask why the poor should not have the same chance at better schools as the well-to-do. They believe that choice will, through competition, prod the public schools to get better.

American parents are deeply concerned about the quality of their children's education, and are searching for ways to improve the system. School choice is one such option. Billed as a way to increase parents' control over where their children enroll while also creating incentives for reform in our public schools, the numerous school choice proposals promise to shake up our educational system. In this day and age, when we often hear calls to increase the efficiency and responsiveness of government, the free enterprise themes that characterize school choice proposals resonate with many Americans.

Opponents, on the other hand, argue that choice, at its least, unduly weakens public schools and, at most, is unconstitutional. They argue fairness: since States will never have the money to help all the poor children who want it, most poor children will never be able to take advantage of the choice, and they will be left behind in a public system more starved for money then ever before. For them, public funds should be spent to improve public schools, not spent to help students leave them.

Critics also argue that most Americans do not want tax dollars subsidizing private schools, and they believe that vouchers create instant church-state problems. They say that using public funds for religious-affiliated schooling is a violation of the First Amendment's separation of church and state which is at the center of the American political heritage.

Critics also point to the practical difficulties in implementing school choice. In urban areas, where there are not only more schools to choose from but also greater accessibility to public transportation, it is easier to implement school choice reform. Could this work in rural southern Indiana where schools are often separated by at least an hour's drive? What about parents unable or unwilling to choose, or troubled students who are less desired by the schools? How do you find enough resources to make choice really meaningful, so even the poorest or worst behaving or lowest achieving student would have a chance to enroll in a good school?

ASSESSMENT

When it comes to the education of American children, I believe we should be willing to experiment and creatively address the challenges of making sure they receive the world-class education they deserve. The idea of school choice is certainly an attractive one, at least in general. By allowing parents to send their children to any school in any neighborhood, many schools will shape up and bright students can shop around to escape inferior schools.

But I also believe that choice is not a cure-all for American schools. It must not stand as a substitute for a strong commitment to a sound education for all of our children. If school choice is going to be an effective alternative, we must address the fundamental issues which surround it, and local leadership must take the lead in designing the programs. In general, I think school choice works best when it is arrived at gradually, locally, and voluntarily—not by top-down mandates.

The verdict is still out on whether school choice programs already in place have been ultimately successful. For this reason, school choice needs to be a gradual experiment, and local leaders need to look long and hard at a variety of innovative strategies aimed at improving public schools.

What we do not want in the end is a school choice system that leads to further segregation by race or income, or a choice system that creates a few favored schools for the elite. To bridge the gap between the ideal of school choice and the reality of fundamental educational reform, we need to carry on with this timely experiment.

WHY BETTER CERTIFICATES OF MEDICAL NECESSITY ARE NEEDED TO HOLD DOWN MEDICARE FRAUD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. STARK. Mr. Speaker, on October 7, I introduced H.R. 2633. to require the Secretary of HHS to develop and require the use of standard forms by which physicians certify that a course of home health or hospice care is necessary and appropriate.

Today, doctors just sign for such services without a clear statement that the patient qualifies or is eligible for the course of treatment. Often a doctor is nagged into approving the course of treatment by the family or patient, and I know that many doctors would like to be able to explain to patients why they cannot casually certify an expensive Medicare benefit, but instead, various conditions of medical need must be met.

A clearer, consistent statement of CMN can help reduce fraud. For example, there is the complaint of the United States versus Joseph Ari Kirschenbaum, filed this October 14 in the U.S. District Court for the Northern District of Illinois (Eastern Division), No. 97 CR 702. In the grand jury's charges and in the complaint, Mr. Kirschenbaum is charged with defrauding Medicare of millions of dollars by providing —or not providing—hospice benefits to Medicare beneficiaries.

Following is one of the many charges from the grand jury. It is important to note that Doctor K and the other doctors mentioned in this charge are not—to my knowledge—being charged with the hospice owner. A reformed and strengthened CMN system, as provided in H.R. 2633, would help ensure that doctors would not casually sign such stacks of paper, and if they did, would be liable for false certification.

58. It was further part of the scheme that defendant KIRSCHENBAUM hired a Medical Director for Samaritan Care who, in exchange for a modest salary, was willing to sign every patient certification form that was presented to him without examining the patients or reviewing the patients' medical records. This Medical Director, referred to in this indictment as "Doctor K," had no involvement in the hospice other than signing his name to patient forms every two weeks at the Samaritan Care office. Often the patients had been receiving hospice care for several days before Doctor K first learned of the patients when he received the certification forms to sign. Kirschenbaum never informed Dr. K of the extensive responsibilities of the Medical Director as set forth in the Policies and procedures, and Dr. K did not fulfill these responsibilities. Kirschenbaum later employed other Medical Directors at modest salaries who signed certification forms without seeing patients or reviewing their medical records.

TRIBUTE TO JOE PAULINO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. UNDERWOOD. Mr. Speaker, I rise today to pay tribute to one of Guam's educators, and a former colleague of mine, Jose "Joe" E. Paulino, who was called from this life on October 14, 1997.

Following his graduation from George Washington Senior High School in 1956, Joe attended the College of Guam before transferring to Fresno State College in California where he earned a bachelor of arts in physical education and a minor in recreation in 1961. After his graduation, Joe returned to Guam and began his teaching career at Inarajan Junior High School. He spent the next 3 years teaching at the former Tumon Junior-Senior High School, prior to commencing his affiliation with the College of Guam in 1964.

The following year, Joe was granted a year of paid educational leave by the college's then president, Antonio C. Yamashita, to pursue a master's degree in physical education at Indiana University. Upon receiving his degree in 1966, he returned to the College of Guam and was promoted to an assistant professor position. Joe continued his teaching career, achieving associated professor status at what would eventually become the University of Guam in 1977, and subsequently achieving tenure in 1982.

Later that year, Joe took leave from the university to become the director of the department of parks and recreation, but continued to teach one course per semester at the University of Guam through 1984.

In 1984, he returned to the University of Guam campus on a full time status accepting the position of advisor to then university president, Jose Q. Cruz, on the management and operation of the newly built University of Guam fieldhouse. President Cruz subsequently appointed him as the fieldhouse manager, a position he retained until his retirement in 1991.

During Joe's distinguished academic career, he served on a majority of the University of Guam's planning committees. He also held responsible administration positions, including chairman of the Division of Health, Physical Education, Recreation and Dance, and assistant to the president.

Joe also played a major role in the establishment of sports organizations, such as the Guam Sports Federation, the Guam Tennis Club, the Guam Table Tennis Association, the Guam Volleyball Association, the Far East AAU, the Guam Amateur Sports Association and the Guam Amateur Baseball League. He was one of the driving forces behind Guam's involvement in the 1966, 1969, and 1975 South Pacific Games, the Chamorro Open Tennis Tournament as well as the activities for refugees as part of Operation New Life.

Throughout his teaching career, Joe Paulino consistently demonstrated the kind of care and commitment to students expected for all good teachers. Joe reached out not only to Guam students but also to hundreds of young men and women from our neighboring Micronesian islands. Whenever necessary, he took these visiting students under his wing during their stay on Guam. He also spent many summers teaching courses in Kosrae and Chuuk. Joe Paulino's distinguished service, his active involvement and his contributions to the University of Guam and to the people of Guam are well deserving of recognition and have in fact moved the Guam legislature to enroll him in Guam's "Guma Onra" or House of Honor.

My sincere condolences go out to his wife, Pauline, and his children and their spouses, Mark and Pauliana, Brian, Andre and Melissa Mendosa.

THE VIETNAM WAR: THE MISSING CHAPTER IN AMERICAN HISTORY BOOKS

HON. DONALD A. MANZULLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. MANZULLO. Mr. Speaker, yesterday, my family and I had the opportunity to attend the commemoration of Veterans Day held at the Vietnam Memorial in Washington, DC. My children, ages 9, 11, and 13, don't know the meaning of the word "Vietnam," though several times we have talked to them about the Vietnam war.

Gen. Barry McCaffrey, Vietnam war veteran, and now head of our Office of National Drug Control Policy, gave a stirring speech about the ones who fought the war, reminding us that the price of freedom is very high. I also heard the incredible speech of Ann Cunningham, a nurse who served two tours of duty in Vietnam and who shared her experiences of the war.

Then I met a group of Vietnam veterans in the rotunda of our Capitol, and they advised me that in many school history textbooks the Vietnam war is relegated to a simple paragraph. The memory of the 58,000-plus men and women who perished in that war deserves more than cursory comment.

Therefore, I am requesting the speeches given by Gen. Barry McCaffrey and Ann Cunningham be included in the CONGRESSIONAL RECORD for today. I trust that they will be read by children and serve as a missing chapter in our history books.

REMARKS FOR VETERANS DAY, VIETNAM WAR MEMORIAL

(By Gen. Barry McCaffrey)

INTRODUCTION

Senator Hagel, Jan Scruggs, distinguished guests, ladies, gentlemen, fellow Veterans of the Vietnam War.

In particular the assembled soldiers of B Company, 2-7th Cav who I was privileged to serve with in Vietnam during 1968–1969—thank you for your courage and dedication in combat and the joy of our reunion during the past two days.

I am especially honored to be here with our keynote speaker, the Honorable Charles Hagel, Senator from Nebraska, who courageously served in Vietnam as a squad leader in the 9th Infantry Division. He is one of the seven U.S. Senators and nine Congressmen, members of Congress, who fought in Southeast Asia.

Today we honor all those who served in Vietnam—both the living and those who never came home.

A ceremony at this site brings to mind the images of the nearly three and a half million men and thousands of women who served in the Vietnam theater. It also brings into sharp focus the faces of mothers, fathers, young wives, and children who braved the uncertainty of that conflict, waiting with anticipation for the return of loved ones.

Our country did not treat any of you with the respect, support, and compassion you deserved. It was a shameful blot on our history to send our country's young men and women off to this terrible conflict and then use our soldiers as objects of blame for the divisive political struggle that ripped the nation apart for a decade.

The names inscribed on this monument are those of men and women who went to Vietnam with their futures ahead of them and who came back home only as memories to their loved ones.

More than 58,000 died and over 303,000 were wounded. The bloodshed was terrible, and the suffering has not ended. At least 80,000 of our ranks still suffer from severe service-connected disabilities; around 6 percent of our Vietnam War comrades suffer from drug abuse or dependence; 11 percent suffer from current alcohol abuse; many are homeless; and others still suffer from war-related psychological and physical problems.

This continuing heavy human toll demands that we Americans vigorously support the finest possible health care in our Veterans' Administration facilities and sustain strong outreach programs to assist Veterans suffering from drug and alcohol dependency and physical and emotional wounds. Our nation needs to make the sacrifice for those who sacrificed so much in Vietnam.

WHO WE WERE

Who were we, who went to war in Vietnam?

We were young. Our average age was 19. 60 percent of those killed were 21 or younger. In my unit, B Company 2–7 Cav, 1st Cavalry division, almost all of the troops were between 18 and 22—basically young men who rapidly turned into hardened combat soldiers.

We represented the face of America. We were men and women, rich and poor. 11 percent of our ranks were African-Americans. 5 percent were Hispanic.

We were the best educated troops our nation had ever sent to war. 79 percent of us had a high school education.

Most of us were volunteers. Many of our best combat soldiers were drafted. More than 70 percent of our killed in action were volunteers. United by circumstance and choice, we risked our lives for fellow soldiers and country.

We paid a high price for service to our country. A grunt in the 25th Infantry Division had a 75 percent chance of being killed or wounded. One in four marines became a combat casualty. We suffered amputations or crippling wounds at 300 percent the rate of our world War II forbears.

We served honorably. 97 percent of us received honorable discharges.

We have been successful. Vietnam Veterans enjoy incomes higher than our non-veteran counterparts. We also have an employment rate ⅓ higher than those who never served in the armed forces.

WHAT WE LEARNED

The Vietnam War officially ended in 1975, more than twenty-two years ago. For many of us, nearly three decades have passed since our time in Vietnam. The historians may still be sifting through mountains of documents. However, most of us assembled here already know what we learned from the War.

1st—We must not commit our youth to war without the support of the American people. For in a democracy, lack of such support produces catastrophic divisiveness and weakening of national will, which are essential to winning.

2nd—We must not send our sons and daughters to war without a clear understanding of national aims and the costs for achieving them. For failing to articulate these requirements leads to flawed strategies and higher casualties.

3rd—Victory will be paid for in blood by the men and women who serve and by loved ones at home who must bear separations, recoveries from wounds, and ultimate sacrifices.

And 4th—As individuals, we learned that to survive and succeed when conditions are appalling and your life is on the line requires: moral and physical courage, competence, self-discipline, and trust in your buddies.

THE FUTURE

Our nation needs your help:

1st, Help Vietnam Veterans in need. Get involved in state, local, and Veteran organizations. offer your energy, time, money, and support.

2nd, Battle the evil of illegal drugs. Get involved in state, local, and community anti-drug efforts.

3rd, Improve your community. Get involved in other activities to make your community better. Our nation's leadership system works from the bottom up.

ENDING

We stand before this black marble wall with row after row of names and salute fallen comrades for their courage. We remember the worlds of poet Laurence Binyon, who wrote at the end of World War I:

"They shall not grow old, as we that are left grow old,
Age shall not weary them, nor the years condemn,
At the going down of the sun and in the morning
We will remember them."

Thank you Vietnam Veterans for your service to America.

SPEECH OF ANN CUNNINGHAM

Today is Veterans Day—a day set aside to honor the men and women who have served this country.

Today is also the 15th anniversary of the dedication of the Vietnam Veterans Memorial—the Wall—which at the time of dedication was scorned and ridiculed as a black gash of shame and today is the most visited of any Memorial in Washington.

Today is also the 4th anniversary of the dedication of the Vietnam Women's Memorial—which took 10 years to build and I feel would never have been built but for the tenacity and determination of Diane Carlson Evans. People ask me which of the three women remind me of myself. They all remind me of myself at one time or another, but the one I am most drawn to is the kneeling figure. If you look closely at her face you will see pain, sadness, exhaustion, and compassion reflected there. All the women who served in Vietnam and during the Vietnam War had these traits—from the nurse in the operating room, to the nurse in the ICU unit.

From the Red Cross women who read books and wrote letters for wounded GI's, to the Air Traffic Controllers who brought the planes home after their missions, from the women who counted and tallied up the casualties daily, to the women in Special Services.

Thirty years ago I was in Vietnam. I was a young, naive 22 year old, a year and a half out of nursing school when I joined the Army Nurse Corps. I was two and a half weeks out of basic training the day I landed at Bien Hoa Airbase with about half of my basic class and a greener 2nd Lt. you would never find.

I was a trained operating room nurse, but I had never seen a trauma patient, let alone a mass casualty situation. Needless to say in the next 12 months I saw many such situations. It was the best of times and the worst of times and it took me 15 years to talk about it. When the Wall was dedicated, I didn't even know about it because I didn't read about Vietnam or watch Vietnam movies.

When I did see the dedication on TV, part of me was sad that I wasn't there, but in 1982 I wasn't ready to face Vietnam.

I look at the Wall behind me and I see the names of people I know—Bruce Kennedy and Charlie Warner—I grew up with in Santa Monica, CA. We all went to school together.

I look behind me and I see the names of people I served with: Leroy Pitts, Al Gaidis, Zeddie Dulin, Chuck Springer, Lowell Morgan and Phil Schmitz.

I look behind me and I see the names of women who cared enough to volunteer to help other Americans: Carol Drazba, Annie Graham, Elizabeth Jones, Hedwig Orlowski, Eleanor Alexander, Pamela Donovan, Mary Klinker and Sharon Lane.

I look behind me and I see the name of Gary Jones, a person I loved very much. We went to Vietnam, I came back and he didn't.

I look behind me and I see the name of patients we were unable to save. One, I especially remember, he is engraved in my mind forever. I was able to find his family and I wrote them a letter. His mother wrote back and these were her words, "when we received word that our son was wounded, I wanted to go to him, to somehow be there for him, but I could not be there. That is a mother's worst nightmare. You will never know what it means to us to know that before he died, someone was there to care. Thank you for all you did."

I think of the friends who have died since Vietnam, whose names are not on the Wall, but maybe ought to be, of BT Collins, whose contributions to the living and the dead will live on forever and of Doug Colliander, who was a friend and died too soon.

I look behind me at the memorial and think of the friends who have been dead now longer than they lived and of the impact they made on my life.

To the veterans in the audience today, the veterans of World War I, World War II, Korea, Desert Storm, Somalia, Bosnia and Vietnam, especially Vietnam, I say "thank you for your service and your sacrifices for your country and welcome home. You are very special people."

INDIA FACES THREAT OF SELF-DETERMINATION, PROFESSOR SAYS, FACES NO EXTERNAL THREAT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. TOWNS. Mr. Speaker, I noted with interest the recent remarks of Dr. Ainslie Embree, a professor at Columbia University, at a seminar on "India's Regional Security" held recently at the Henry Stimson Center here in Washington.

Professor Embree stated categorically that India faces no external threat. The imminent threat to India is the movements for self-determination throughout the subcontinent, he said. He cited the freedom movement in Kashmir as the most immediate, but also cited the freedom struggles in Nagaland, Tamil Nadu, and Punjab, Khalistan. India takes the position that self-determination movements are only used legitimately against a colonial power, but that once a country is independent no part of that country can claim its independence, as the Sikh nation did on October 7, 1987, when it reclaimed its freedom, forming the separate, sovereign country of Khalistan. Sikhs ruled Punjab until the British annexation in 1849 and were to receive sovereign power in 1947 when India was made independent, so clearly it is now India that is the occupying colonial power in Khalistan, as well as Kashmir, Nagaland, and many other countries in South Asia. In fact, there was no political entity called India until the British created it in the nineteenth century.

Professor Embree said that India will have to resolve the Kashmir issue by letting the people of Kashmir exercise their political will through the referendum they were promised in 1948, but which India has never allowed to be held.

Despite facing no external threat, India is building up its military might, especially its nuclear capacity. Two Indian scientists admitted in mid-October that India's supposedly peaceful nuclear explosion in 1974 was a bomb. In addition, the chief of the Indian infantry said on October 23 that the Indian military is being trained in nuclear and chemical warfare. A secret report, revealed on October 16, shows that Indian plans to produce enough plutonium for 50 nuclear bombs within three years.

These frightening developments raise a troubling question: If India faces no external threat, why is it producing nuclear weapons and training its troops for nuclear war? There are only two possible answers. Either these weapons are a means of tightening the repression or India is planning to start a war with a neighbor, presumably Pakistan. I would warn India right now: The world will find any nuclear attack unacceptable and a war will only strengthen the hand of the freedom movements in the countries India occupies.

In light of these revelations, especially since India refuses to sign the Comprehensive Test Ban Treaty, India should be declared a nuclear threat to the world and appropriate security measures should be taken. We should place tough sanctions on India, cut off its aid, and support the movements for self-determination in Khalistan, Kashmir, Nagaland, and all the nations of South Asia. We must support freedom wherever and whenever we can. We can make a real difference in South Asia. We must begin supporting freedom in South Asia now.

I am inserting an article from the news service NNI on Professor Embree's remarks into the RECORD.

INDIA FACES INTERNAL THREAT NOT EXTERNAL; AMERICAN EXPERTS

(By Ainslie Embree)

WASHINGTON, October 28 (NNI).—The only threat to Indian security is internal not external, and the internal threat is the "self determination threat," said Dr. Ainslie Embree Professor Columbia University speaking at a seminar held at Henry Stimson Center Washington. The topic was "India's Regional Security". He was the key-note speaker.

Dr. Ainslie said India as well as Israel had been driving for commercial and cultural hegemony over the world. Focusing on Indian claims, he pointed out that in the brief 50 years of independence, India had already lost the role that the sub-continent played in the region during the Mughal and the British rules.

He said that during early days of independence Nehru defined India's problems as the communal problem, the caste problem and the language problem, but Nehru failed to mention the self determination as India's biggest problem. He said ironically, India itself was a big supporter of self determination in those days, and would support all the liberation movements against the colonial powers in Africa, Asia or Latin America.

India changed its position on self determination in 1966, said Dr. Ainsilie. He said that since 1966 India pronounced the self determination movement as a movement against an alien occupation, foreign occupation or a colonial occupation only; and once a country was independent, no part of that country could claim independence, and thus no self determination movement was acceptable.

The first self determination example of South Asia is Pakistan, said Dr. Ainsilie, adding Pakistan was the result of self determination movement by the Muslims of the sub-continent. He said apart from several self determination movements of South Asia stretching from Nagaland to Tamilnad to Punjab, the most important, most lasting one is the self determination movement of the Kashmiris.

He said India will have to resolve the Kashmir issue, even if it considers the UN resolution as an extreme position and impracticable, India cannot ignore the movement and will have to let Kashmiris exercise their will.

Dr. Ainsilie emphasized that Kashmir is the core issue between Pakistan and India, and no one in Pakistan is interested in the small matters like visa or trade facility, while is not ready to accept the Kashmir problem as a problem.

On Siachen, Dr. Ainslie said that Pakistan's position was logistically better than India's, so that Pakistan had to spend much less than India. India is bleeding at Siachen, he added.

Dr. Ainslie Embree is also a member of Kashmir Study Group, and the team leader who recently visited Pakistan, where he met with Foreign Minister Gohar Ayub, Information Minister Syed Mushahid Hussain, Minister of State for "Agenda 2001" Ahsan Iqbal.

CONGRATULATIONS TO HORIZON ARMENIAN TELEVISION

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Horizon Armenian Television on the occasion of their 1,000th show. Horizon signifies excellence in Armenian television broadcasting.

On Friday, November 7, Horizon Armenian Television celebrated its 1,000th show with a gala banquet at the Universal Sheraton in Los Angeles. As a statewide television program, it is the largest and most watched Armenian television program. The show contains Armenian local, national, and international news. The hour-long program also includes cultural and community events along with Armenian music videos.

Horizon is administered under the direction of the Asbarez Armenian newspaper and Editor John Kossakian. I commend Mr. Kossakian

for his work with the Armenian publication Asbarez and Horizon Armenian Television. In my district, which includes parts of Fresno, Madera, Mariposa, and Tulare Counties, the horizon show can be seen every Wednesday from 5:30 to 6:30 p.m. on Media One (local channel 42).

Mr. Speaker, it is with great honor that I congratulate Horizon Armenian Television as it celebrates its 1,000th show. The show signifies leadership in reporting Armenian news and information. I ask my colleagues to join me in wishing Horizon continued success with future programing. I extend to Asbarez and Horizon my appreciation for a job well done.

TRIBUTE TO THE BLACK ARCHIVES, HISTORY AND RESEARCH FOUNDATION OF SOUTH FLORIDA, INC., ON ITS 20TH ANNIVERSARY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to the Black Archives, History and Research Foundation of South Florida, which is celebrating its 20th anniversary on Saturday, November 15, 1997.

This is indeed a milestone in the history of this organization, given the countless struggles and challenges that ushered its humble beginnings. And as I join my community in recalling the role of Miami's Black Archives Foundation, I also would like to honor Dr. Dorothy Jenkins Fields who serves as the catalyst behind its emergence as a respected institution. Almost singlehandedly, Dr. Fields helped turn around a neglected part of Miami's cultural heritage into a living, breathing lesson about the black experience in south Florida for students, adults, and researchers alike.

In preparation for the celebration of our Nation's 200th birthday, she conceived and developed the concept that hastened the establishment of this cultural institution. Incorporated on November 17, 1977, as a private, nonprofit organization, the Black Archives, History and Research of South Florida, Inc., is presently governed by a board of directors and supported by a board of trustees. Funded solely by its members, donations and grants, the foundation is dependent upon its volunteer help.

This institution serves as a manuscript/photographic repository of south Florida's African-American communities. The materials in this repository are collected for educational purposes for users, which include students, teachers, scholars, researchers, the media, and the public-at-large. The memories of the pioneers, family albums, photographs, documents, souvenir programs from churches and organizations are preserved in its burgeoning files. Additionally, it identifies historic sites for nomination to local, State, and national designation. As a result of the collected documentation, the historic Overtown Folklife Village and Dade County's Black Heritage Trail came to fruition.

It also works in conjunction with the Dade County Public Schools by providing content for the Infusion of African-American history into existing curriculum utilizing source materials for school children of all races, throughout the school year. It also initiated the restoration of several historic sites including the Dr. William A. Chapman, Sr. residence. Located on the campus of Booker T. Washington High School, the house was restored for reuse as the Ethnic Heritage Children's Educational Center.

One of the more recent joint ventures it worked out with the Dade County Public Schools is the creation of a district-wide, multicultural and multi-ethnic research and educational facility for students, teachers, and the community. The objective is to provide opportunities for students at all grade levels to celebrate the rich variety of cultures in Dade County. This program enables students to record the past in relation to the present, as well as ponder the possible events of the coming century.

The documented materials that now form the wealth of the Black Archives Foundation collectively represent a stirring graphic journey into the inner sanctum of some of the most vivid life-experiences of African-Americans in Dade County. The soul-searching representation captivated by its historic documents personify not so much the black destination, as much as the episodic journey of our pioneers to that destination. Together they evoke the truism of a revered African Ashanti proverb that "* * * until the lions get their own historian, the story of the hunt will always glorify the hunter."

Mr. Speaker, I am truly proud of the pioneering efforts and resilient spirit of Dr. Dorothy Fields that nurtured the spirit of the Black Archives Foundation in south Florida. The significance of the role of the foundation is premised on the paradigm in that when you stifle the remembrance of your people's past, you will have silenced the promise of their future. Conversely, however, I am exultant that under the aegis of this revered institution our community has truly become redemptive and knowledgeable of the struggles and sacrifices of our African-American forbears.

As we honor them through the celebration of the 20th anniversary of the Black Archives Foundation, we will have become once again their partners in exploring the journey they begun. In the convergence of our spirits and memories with theirs, we will be enriched because through our understanding of the many and varied messages they left us through their life's journeys, we will be inextricably linked closer to them.

On this occasion, I want to congratulate the board of directors and the board of trustees for their steadfast efforts and genuine resilience throughout the Black Archives Foundation's 20-year history. I would like to reiterate our community's utmost gratitude for giving us the privilege of maximizing our knowledge of the vast richness and nobility of our African-American heritage.

INTRODUCTION OF THE POLICE PURSUIT AND RESCUE SUPPORT ACT

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. KILPATRICK. Mr. Speaker, today, along with Congressman MARTIN FROST and Congresswoman JUANITA MILLENDER-MCDONALD, I am introducing the Police Pursuit and Rescue Support Act. This legislation is very simple: it will allow for our financially strapped police departments to utilize Department of Defense helicopters and other equipment to pursue felons or rescue citizens.

High-speed police pursuits are an unfortunate consequence of the very difficult job that our local police officers must do everyday. In 1996, 377 persons nationwide were killed as a result of these high-speed pursuits, with 107 of these fatalities being occupants of other, uninvolved vehicles or innocent bystanders. Two persons in my congressional district have died as a result of these high-speed pursuits this year. Their deaths inspired me to seek a reasonable and workable solution to this challenge. Helicopters have been shown to be a more cost-effective and efficient device in high-speed pursuits. However, the high expense to purchase and maintain a helicopter is prohibitive to many local police departments.

The Police Pursuit and Rescue Support Act will allow local police departments to utilize helicopters or any other equipment from the local Army, Navy, Air Force, Marines, or Coast Guard branch to pursue fleeing criminals or rescue citizens. Upon the submission to the Department of Defense of high-speed pursuit and rescue guidelines by the local police department, the Department of Defense will make helicopters and other equipment available, with a pilot and maintenance person, free of charge, to the local police department. This would be a mutually agreeable arrangement: the local police department and the local Army, Air Force, Coast Guard, or Navy base both must conclude that this arrangement is practical, feasible, and financially responsible.

The Police Pursuit and Rescue Support Act is a voluntary program that allows local police departments to draft their high-speed pursuit and rescue guidelines, submit these to the Department of Defense, and upon approval of these guidelines, work with their local branch of the Department of Defense to establish exactly how, when, and where this emergency equipment would be used. Each local police department would have the flexibility to design and develop their own high-speed pursuit guidelines. As a former elected Michigan State legislator, I am sensitive to mandates in a one-size-fits-all fashion coming from Washington, DC, and stringently avoided any such prerequisites in the Police Pursuit and Rescue Support Act.

Finally, this bill will make Department of Defense equipment available for the rescue of citizens. Many of our cities have high-rise office buildings that are inaccessible by the longest hook and ladder fire trucks. There are

those accidents and catastrophes that are only accessible by the high technology, advanced vehicles available to our armed services.

It only makes sense for our financially strapped police departments to have access to that equipment, already paid for by taxpayer dollars, to safely pursue criminals and rescue citizens. My bill gives local police departments the flexibility to design policies that will protect citizens, police officers, and save taxpayers untold sums in wrongful death lawsuits.

10TH ANNIVERSARY OF THE EDISON INDUSTRIAL SYSTEMS CENTER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the 10th anniversary of the Edison Industrial Systems Center. On November 6, 1997 EISC will celebrate its long history of achievement and contribution to the businesses and citizens of Ohio at a celebration to be held at the center of science and industry in downtown Toledo, OH.

EISC has been a tremendous force in helping to link companies to high tech resources in Ohio and throughout the Nation. These connections have been instrumental in increasing production and in improving the quality of products and employee skills in industry.

One of EISC's major accomplishments is the revolutionary and much acclaimed Toledo Technology Academy. The academy's goals are to prepare high school students for high-tech careers or for further education in engineering disciplines.

Food production is Ohio's largest industry and EISC's food technology centers work to modernize food producers who still rely on outdated technology for quality control. Modernization provided by EISC through this program vastly improves plant safety, product consistency and profits.

Among the innovations created under the food technology centers are several new types of food sensors that measure quality. Germ free packaging methods instructed by EISC are another helpful addition to the industry, improving the safety of our food.

The center for technology commercialization offers a variety of services to firms. Attorneys, accountants, and financial institutions maintained by this division are available to companies as a form of cost-effective support.

Companies in the city of Toledo, OH, and throughout the Nation are indebted to EISC for its work. I will be pleased to join my community on November 6, 1997, to commemorate the strides EISC has made in 10 years of growth and betterment to industry.

HONORING ASSEMBLYMAN JAMES F. BRENNAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor the work and achievements of Assemblyman James F. Brennan.

Jim Brennan represents the 44th assembly district containing section of Park Slope, Flatbush, Kensington, Parkville, Midwood, and Windsor Terrace. Since 1994, Jim has chaired the assembly standing committee on mental health, mental retardation and developmental disabilities. Mr. Brennan also serves on four committees: corporations, authorities and commissions; education; and real property taxation.

In his 12 years in the legislative, Mr. Brennan has sought to champion consumer protection, energy conservation, and social and economic justice. He is well known for his expertise on budget matters, school aid, and utility regulatory matters. He is the author of a major piece of budget reform legislation, the tax expenditure budget. This law, passed in 1991, requires the Governor to submit an itemized list of every special tax break that exists within the State tax code as part of the budget. This gives the legislature and the public the opportunity to scrutinize each tax break and to determine if it has a benefit to the public as well as to the private parties involved. Mr. Brennan also authored the exemption from the vault tax for New York City homeowners and the exemption from the New York City personal income tax for poverty level taxpayers.

Mr. Brennan maintains an active presence in his district, participating in the many civic, school, and community improvement efforts with his constituents. To better serve his constituency, he maintains two district offices. He was first elected to the assembly in 1984 after working for his predecessor, Joseph Ferris.

Mr. Speaker, please join me in congratulating Assemblyman Jim Brennan for all of his years of faithful service to his country and to the 44th assembly district of Brooklyn, NY.

CONGRATULATIONS TO C.W. "BILL" JONES AND THE WESTERN DIVISION OF WILBUR-ELLIS CO.

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate C.W. "Bill" Jones and the Western Division of the Wilbur-Ellis Co. as they are presented with Fresno Agriculturist and Fresno AG Business of the Year Awards. Bill Jones and the Wilbur-Ellis Co. exemplify excellence in the agriculture industry.

Bill Jones, originally from Big Spring, TX, graduated from the University of California, Davis with a bachelor of science degree in agriculture. After being honorably discharged with the rank of captain from the U.S. Army Air Force, Bill Jones returned to the Central Valley where he worked as a fertilizer salesman. In 1949, Jones acquired 1,200 acres of farmland in the Firebaugh Canal Co. and started J & J Farms. In 1968, Bill was appointed to the California Water Commission by then-Gov. Ronald Reagan. During his time of service on the commission, he was known for recognizing the importance of water development throughout the State. J & J Farms has continued to grow and add a number of crops to its production ledger, including cotton, melons, alfalfa, corn, tomatoes, onions, garlic, broccoli, lettuce, and other vegetables.

Bill Jones played a key role in the formation of the San Luis and Delta-Mendota Water Users Association in 1977, and was elected president of its board of directors at the first meeting. He held the position for 20 years, retiring in June 1997. Under his leadership, the association expanded its membership to include urban contractors such as the Santa Clara Valley, the city of Tracy and the Grasslands Water District.

The Western Division of the Wilbur-Ellis Co., headquartered in Fresno, has been serving the San Joaquin Valley and Arizona for 51 years. The company was selected by a committee representing the AG Fresno Advising Board, the Baker, Peterson & Franklin [BP&F] AG Department, and other organizations as a winner of the 1997 BP&F AG Business Award.

The Western Division of the Wilbur-Ellis Co. is actively involved in testifying, lobbying, and helping to influence legislation for the reform of the Endangered Species Act, pesticide safety, water issues, and tax reform. They encourage their 400 employees to be actively involved in community service. The company also provides its employees company time to pursue their interests. The company sells pesticides and fertilizers through 18 branch locations, and its AMC subsidiary manufactures spray rigs and equipment. The company prides itself on the exceptional service to their customers.

Mr. Speaker, it is with great honor that I congratulate both C.W. "Bill" Jones and the Western Division of the Wilbur-Ellis Co. as they are presented with the Fresno Agriculturist of the Year and the AG Business of the Year Awards. The hard work and dedication of both Mr. Jones and the Wilbur-Ellis Co. serve as a model for all Americans. I ask my colleagues to join me in wishing Mr. Jones and the Western Division of the Wilbur-Ellis Co. the best for the future.

IN MEMORY OF ANNE DOYLE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Anne Doyle of Brecksville, OH. A Cleveland native, Anne successfully managed a family, a career, and several community activities.

In 1959, Anne was named Mother of the Year by the Southeast Mothers of Twins Club. She gave birth to twin sons, one of whom had Hodgkin's disease, only 11 months after the

birth of her first child. She and her husband, Bertram, welcomed their fourth child when their oldest was starting kindergarten. Juggling an active household with four young children and budgeting her time to include activities such as Cub Scout den mother and singing with the Sweet Adelines prepared Anne for her later career. She served as an administrative assistant of parking and security for Cleveland State University for 9 years.

Anne's strong family values, and her exceptional Czechoslovakian recipes, will endure in her three surviving sons, Michael, Kenneth, and William, and her five grandchildren. She will be greatly missed.

IN MEMORY OF JOHN MILSTEAD

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. McCOLLUM. Mr. Speaker, I rise with great sorrow over the loss of a good friend of many of us in the Florida delegation, John Milstead, and to give condolences to his family. On Sunday, November 9, 1997, John suffered a massive heart attack while at home. He passed away that night at the age of 62.

John Milstead was the executive vice president of the Florida Bankers Association [FBA] for the last 24 years. In that role he was instrumental in many of the major changes in the banking industry over the last quarter century. John was government relations for the FBA both in Washington and Tallahassee.

Legislators of all stripes knew and liked John, and he will be missed by many. It was always a pleasure to visit with him, both in Washington and back home in Florida. His lack of pretense and absolute sincerity in personal and professional relationships made him a special person. John always knew the issue and argued his cause, but he was never abrasive. He was warm, generous, and thoughtful with everyone with whom he came in contact. Mr. Speaker, no words could do justice to how fine a person John Milstead was.

Our sympathy goes to John's wife Chris, his two sons, three daughters, and six grandchildren.

IN MEMORY OF HON. JUDGE ANGELO DARRIGO

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of a truly outstanding member of the bar in my congressional district, a credit to the bench, the Honorable Judge Angelo Darrigo.

Angelo was first elected town justice in the town of Newburgh, in Orange County, NY, in 1957. He was reelected every 4 years since and accordingly served on the bench for nearly 40 years. It is a credit to the high regard in which he was held that he was unopposed for reelection. In fact, he was reelected without opposition to his 11th 4-year term on the bench just last week, 4 days prior to his passing.

Angelo was a combat veteran of World War II, serving in the Army Air Corps. When he and I came to know each other, when we were both studying law in New York City, we shared many memories of our experiences as Army Air Corpsmen.

Angelo was known not only for his compassion and fairness on the bench, but also as a skilled legal practitioner whose door was open day or night for anyone seeking his wise counsel and advice. Angelo will be sorely missed.

Mr. Speaker, I invite our colleagues to join with me in expressing condolences to Angelo's widow, Antoinette, their three sons, Carl, Michael, and Anthony, their two granddaughters, Angelo's sister Mary Russo, his brothers, Frank and Thomas, and their many other family members, loved ones, friends, and admirers who recognize that Judge Angelo Darrigo will be sorely missed.

FAST TRACK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. KAPTUR. Mr. Speaker, by defeating fast-track negotiating authority, the House holds a rare and, in fact, profound opportunity—after nearly two decades of growing pleas from the American people—to define a new and responsible American free trade policy where trade becomes a two-way corridor—where reciprocity reigns; where America's trade ledgers move from deficit to surplus again; where fair treatment and a living wage is afforded people who work, and where the wages and benefits earned by America's workers rise again; where the rule of law gains ascendancy on a global basis; where respect for the world's environment is fundamental; where we as Members of Congress uphold our own sovereign constitutional responsibilities as this Nation's chief lawmaking body on trade.

Congress must respond to the plight of people like Ethel Tyner or David Filipiak or Griselda Rodriquez—our fellow citizens who have paid the price of flawed trade agreements. Our trade policy cannot abandon people such as Wanda Napier of Missouri, who had worked for Lee Apparel for 14 years and whose job was terminated and moved south of the border.

Like millions of other Americans who remain invisible to the persistent proponents of fast track, Wanda was on the losing end of fast track. Vanity Fair Corp., parent company of Lee Apparel which has been expanding its operations in Mexico and other foreign countries while terminating 1,650 more jobs in the United States, suddenly announced in September 1996 it was closing the plant where Wanda had worked for over a dozen years, throwing 350 Americans out of work.

President Clinton, after failing to acknowledge her plight for nearly 2 years recommended the fast-tracker's panacea to Wanda—retraining. Well, she went for retraining. In her own words,

> We were ridiculed and humiliated by the local division of Employment Security. Even though most of us had never asked the United States government for a dime in their lives, we were treated like we were worthless and had our hands in the government till. We were told we couldn't go to the schools we wanted or take the training we needed. We were told that the only training we could have was the quickest, the fastest, and the cheapest.

Today Wanda works for two-thirds her former wage and receives no health benefits or pension.

A vote against fast track is a vote of conscience that puts a human face on trade. It is a vote that says where trade is not a two-way street, serious human casualties prevail. The President claims that fast-track trade agreements create "good, high-paying jobs at home." What jobs? The Economic Policy Institute has identified almost 400,000 more lost U.S. jobs, 19,000 in Ohio, just from NAFTA. In just the last 3 months, nearly 3,000 more jobs have been moved to Mexico alone. Yes, Mr. President, more people are working but they are working harder for less—4 percent less since NAFTA and GATT even in this time of economic growth, and 20 percent less over the last 20 years.

Just ask thousands of Americans whose jobs are being fast-tracked outside the United States as we conduct this polite debate—the 279 recently terminated workers at Eveready Battery in Fremont, OH; or the 350 terminated workers at Jansport in Burlington, WA; or the 1,500 workers that got pink slips at Fruit of the Loom in Louisiana this Tuesday; or the 10,000 at Kodak in Rochester, NY and elsewhere who await their layoffs this week; or the thousands of vegetable farmers and production workers in Florida whose futures have been permanently altered because our Government failed to respond in a timely manner to the import surges that wiped out over 225 farm operations since NAFTA's passage. Talk to the hundreds of thousands of terminated workers whose jobs have been fast-tracked, and who if they have been re-employed, now earn $2 less per hour on average than on their previous job, many of them working part-time, or for reduced hours with lower or nonexistent health and pension benefits.

On the global front, it's time for a realignment of U.S. trade policy that goes beyond the narrow tariff and investment focus of NAFTA and GATT. America must not trade away its middle-class jobs. Expanding trade must be linked to democracy building and social development abroad—free trade among free peoples.

As John Kennedy taught us, "economic growth without political freedom elsewhere remains an empty promise" in history's long struggle toward the liberation of subjugated people. Tonight, we demand an international trade policy that respects people as much as it respects capital.

Will the trade rules that govern that global market ensure that trade does not become a race to the bottom, undermining America's jobs, wages, and consumer and environmental protections? Will it lead to the development of democracy and the rule of law in other nations or simply enforce plutocracy? The question for the 21st century is whether the world trade regime will foster a global village or a global

plantation. So far, U.S. trade negotiators have been successful in safeguarding capital rights—foreign investment, copyrights, and corporate prerogatives but unsuccessful in safeguarding people's rights—a living wage and decent working conditions, a safe environment, and a lift in the standard-of-living for our people as well as those from other lands. If America keeps its markets open while other global markets remain highly hurdled, we will continue to erode our middle-class standard-of-living and degrade the world's environment. America has a moral duty to assure that the global marketplace benefits everyone, not just those capital interests with the deepest pockets.

U.S. TRADE DEFICITS HAVE EXPLODED

Let us look for a moment at the ledger. For a century, America has been the world's leading trading nation. We still are. Whether the United States will lead the world in the next century is not the question. The question is where will we lead. Until the mid 1970's, U.S. trade accounts had been generally in balance. But over the last 20 years, particularly since, fast track has become a device to end run Congress, America has amassed enormous trade deficits that today lop one full point off of U.S. GDP, representing $1 trillion in lost income.

The pattern is familiar. Dole Pineapple, for example, closes down all its production in Hawaii, abandoning thousands of employees, moves its operations to low-wage havens such as Vietnam and Thailand where field workers are paid with three meals a day. Dole's female processing workers earn pennies an hour, and the pineapple they can is then shipped here to the United States for sale. All the while the price-per-can increases. Dole stock rises on Wall Street, but the workers on Hawaii's main street get pink slips, while the productive capacity of Hawaii is diminished. The story is the same whether it is a Japanese corporation such as Bandai, or Nike, or dozens of others who trade off people's sweat for money.

What we see is a handful of giant global firms, many with assets larger than nation states, who hold no national allegiance and gravitate to the lowest common denominator in wage scales. They are the ones who have the front row seats at the World Trade Organization in Geneva. They continue to monopolize the benefits of the current trade regime.

I can understand why these groups support fast track and other means to limit congressional debate and perusal of these vital agreements. What other measures that come before Congress are subject to after-midnight votes, Congress being held hostage, and such arm-twisting. Let me remind you these global firms have not created a single net new job here at home in the past quarter century. So isn't it time for us to take account of their ledger, and demystify it for the American people.

What has happened in the past 25 years is that the United States has become the residual importer for world markets that largely remain closed to us. The important figure is the net of exports minus imports. On this the United States has been the clear loser for over two decades.

The United States racked up a $170-billion trade deficit for 1996. Add this to the deficits of the previous 20 years and the trade debt represents $1.8 trillion of wealth transferred from the American people to foreign creditors—a massive loan from foreign countries which must eventually be repaid. Our trade deficit with China will surpass $40 billion this year; post-NAFTA, our surplus with Mexico has fallen to an $18-billion deficit; our annual $50-billion deficit with Japan remains intractable. In fact, for every country with which the United States has negotiated a fast-track agreement, our Nation has fallen into deficit. Since the United States hold a positive trade balance with Chile and the MERCOSUR nations, why rock the boat? Shouldn't Congress exercise its responsibility to correct that which is wrong with the current system before expanding it?

If the trade deficit keeps growing at this rate for another decade, the United States will essentially be paying the equivalent of 2.5 percent of our GDP in trade debt service—virtually all of the recent annual increase in the GDP! This means our people pedal harder but their bicycles still slip backward. Moreover, this continued hemorrhaging of U.S. jobs and industry hollows out our manufacturing and agricultural base. There is a difference between Wall Street's paper money and productive wealth.

If the United States does not take the initiative to modernize our trade policies at this historical moment at the dawn of the 21st century, I ask, what country will? Who will carry the burden to root our trade agreements in our fundamental national values, beginning with individual dignity and justice for all.

The ongoing fast-track debate has served to illuminate the deficiencies of oldstyle trade agreements. It cannot pass on its merits. The frantic wheeling and dealing by the White House and the Republican leadership that characterized the last 100 hours of the debate shows the opponents of fast track have already won a great moral and intellectual victory. So in a historic and troubling last-minute search for votes, every conceivable lure has been used to dangle in front of undecided members—Christmas tree provisions in appropriation bills, threats to take away Members' chairmanships, tax breaks for southern towns, bridges, roads through national forests, financial help in upcoming primary and general elections, trade preferences for sub-Saharan African nations, tobacco subsidy guarantees, wheat ad wine deals—you name it; it's on the table.

It my 15 years in Congress, this type of tawdry, unyielding pressure convinces me just how powerful the forces resisting change are. It also tells me how strong are the oaks in this Chamber who have stood against the wind. We have scored a real victory for the American people and light a roman candle for the dignity of working people everywhere.

DOES THE PRESIDENT NEED FAST TRACK?

This and preceding administrations have negotiated over 220 trade agreements without fast-track authority. The Uruguay round of the GATT proceeded for several years without fast track. The Clinton administration is currently negotiating a multilateral agreement on investment without fast-track authority. The United States-Israel Free Trade Agreement was negotiated without fast track. The President has constitutional authority to negotiate with other sovereign nations. The only reason the President needs fast track is so he doesn't have to seriously consult or negotiate with Congress.

Think about it. Without fast track, U.S. trade negotiators will be in a stronger position vis-á-vis our trading partners if they have to sell the deal to Congress. The suggestion that our trading partners won't deal with us without fast track is ludicrous. If President Clinton can say, "I want to do this, but Congress is insisting on inclusion of these provisions . . ." doesn't that strengthen his hand?

Congress certainly is capable of dealing with extremely complex legislation. Each year, we pass 13 highly complex appropriation measures, thousands of pages in length. Each year, we adopt a defense authorization bill thousands of pages in length. And hasn't Congress dealt with budget and tax measures thousands of pages in length, controlling hundreds of billions of dollars in spending and taxes?

MAKING IT THERE AND SELLING IT HERE

The United States represents about 4 percent of the world's population and enjoys about 22 percent of the world's products. To maintain our standard-of-living, it is argued, we have to sell to the other 96 percent of the world's population. But of the world's 6 billion potential consumers, 80 percent are only window shoppers, low-wage workers or subsistence farmers. Under the fast track agreements, we don't sell a net positive balance of consumer goods to other countries; we send capital and capital goods out of our country where goods are assembled by low-wage workers often employed for "hunger wages," and then re-exported back to the United States and sold here at high prices—U-turn goods. Mexico is the prime example. NAFTA assured that Mexico would become one of the primary low-wage export platforms to the United States market, presently surpassed only by China. Nearly 3,000 plants have located just south of the border and they are called "in-bond" plants. I agree; labor is held in bondage. Since NAFTA, the Mexican domestic market has shrunk but its export market, primarily to the United States, has expanded dramatically. This process keeps putting severe downward pressure on United States living standards. If Europe and Japan maintain positive trade balances with Mexico, why is it only the United States that keeps digging a hole of debt with Mexico deeper and deeper? And with China? And with Canada?

HEALTH, SAFETY AND DRUGS

What does a fast-tracked trade policy mean for the quality of American life? Danger. Since 1990, food-borne outbreaks in the United States from imported food have included: shigellosis from imported green onions; salmonella from imported cantaloupe and imported alfalfa seeds; cyclospora from imported raspberries; and cholera from imported coconut milk. In Michigan earlier this year, more than 200 cases of hepatitis A were associated with frozen strawberries imported from Mexico and illegally labeled as United States grown. Strawberries imported from Mexico were found to have an 18.4 percent violation rate for illegal levels of pesticides in 1993. A 47-count indictment was brought against a California firm for fraudulently labeling Mexican grown strawberries as United States grown. On May 29

the Centers for Disease Control reported that imported raspberries were the cause of a 1996 outbreak of hepatitis.

Yet inspection of produce for pesticides on imported food has been reduced. The absolute number of imported food sample inspections decreased from 6,463 in 1993, to 5,448 in 1994, and to 5,032 in 1995—a decrease of 28 percent over that period. Inspection of imported Mexican produce declined from 1,820 samples in 1993 to 1723 samples in 1995 even though imports doubled. The food provisions of NAFTA constrain food safety and agricultural disease and pest inspections. NAFTA specifically forbids imported food from being inspected at the border more thoroughly than the same domestic commodity.

Moreover, under NAFTA we have not just opened our southern border to unsafe food. We have thrown the door open for the importation of the illegal drugs that degrade and destroy our communities. Key provisions for cross-border trucking have been relaxed resulting in Mexico becoming the primary route for the importation of drugs into the United States. The vast majority of trucks entering the United States from Mexico enter without inspection.

During the closing moments of the NAFTA debate in 1993 when it was clear that our position was on the short end of the votes, we promised the American people during that singularly compelling moment here in the House that our fight would continue in the tomorrows to come—a fight against the narrow visions of the elites and Wall Street who would abandon those who work in our factories, on our farms, and on Main Street. We have continued valiantly in our efforts, and we can be proud as we vote here today. For it is in our hearts, that reside the truest principles of democracy, prosperity, and respect for ordinary people of extraordinary spirit. Our victory gives hope to those in our world who struggle for democracy, for labor rights, for human health and safety in the workplace, and for the right to speak out as we have spoken out today.

When the vote on GATT occurred, we said when that vote was over, it would not be over. Its consequences would be felt for years to come. As a result of the elections of 1994 and 1996, we have been joined by many new Members of Congress, on both sides of the aisle, who fought to be our new partners and in that fight to forge a new American responsible trade policy. These colleagues did not share our experience as we battled NAFTA in 1993 and GATT in 1994. But they have heard the will of the American people as they campaigned for the seats they now hold, and they have made the difference.

Out of these many battles in a long struggle has come a deep awareness on the part of the American people that trade and jobs are inextricably linked and that people matter more than profits. On the floor of this House, we not hear the voices of those who bear the pain of NAFTA, the indignities of GATT. We must now proceed to constructively fashion a trade policy that moves America and the world into an era of trade-linked advancement for people or ordinary means.

I said in 1993 and again in 1994 during the GATT debate—also scheduled after midnight during a lame duck session of Congress—that working people would remember those votes. I say again America's working families will remember this vote as well. Let history show it was here, together, in the people's House where the journey began to enshrine in trade laws the highest ideals of a free people. Let us inspire a world where the majority long for a better way of life along the path that leads, not back to the 19th century, but forward to the 21st.

HONORING JOSEPH SULTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor the work and achievements of Joseph Sultan.

Joe Sultan is a Brooklyn native who graduated from Abraham Lincoln High School in 1972. He attended the Cooper Union for the Advancement of Art & Science where he received his bachelor of architecture degree in 1976.

After graduation, he worked for such prestigious architectural firms as Davis Brody Associates, Giorgio Cavaglieri and Warren Gran & Associates.

In 1983, Joe established his own firm. Sultan Associates and in 1991 merged with Warren Gran & Associates to form Gran Sultan Associates. Together Joe and Warren Gran have completed numerous schools for the New York City School Construction Authority, four SRO's for mentally ill adults and many other commercial, residential, and institutional projects.

Joe is currently designing the home for the Long Island Children Museum and Crosby Commons, a 67-apartment assisted living residence for United Methodist Homes of Connecticut. He has taught construction technology at New York University as a visiting lecturer and his work has been featured in the national media. He and Warren have been named local heroes by Time magazine for their work in supportive housing.

Mr. Speaker, please join me in congratulating Mr. Joseph Sultan for all of his years of faithful service to his country and to the 10th Congressional District of Brooklyn, NY.

TRIBUTE TO JUDGE RICHARD T. FORD

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Judge Richard T. Ford upon his retirement on the U.S. Bankruptcy Court. Judge Ford's years of dedicated public and civic service have been instrumental throughout his career. His commitment to justice serves as a model for all Americans and should be held with the highest respect.

Richard T. Ford will retire early in 1998 as U.S. Bankruptcy Court judge. His retirement comes following his long-standing service in the community and in the courts. Upholding the values for improved practice and ethical standards, Judge Ford has been graced with an exceptional career as a lawyer and a counselor.

Judge Ford is a native to Fresno. He attended local public schools including Fresno State University. He has served his country in various capacities including time in the U.S. Army. Following his service in the Army, Judge Ford attended the Hastings College of Law.

After his legal education, Judge Ford return to Fresno area to work for the Fresno County District Attorney's Office. After his work for the district attorney, he practiced bankruptcy and insolvency law. He has served as a bankruptcy trustee and has administered thousands of bankruptcy cases over the years. Judge Ford began his service as a bankruptcy court judge on January 1, 1988.

Mr. Speaker, it is with great honor that I pay tribute to Richard T. Ford upon his retirement as a U.S. Bankruptcy Court judge. Judge Ford is a thoughtful, impartial, insightful, and thoroughly prepared judge. Litigants and counsel are treated with respect in his courtroom and are given full opportunity to be heard. I ask my colleagues to join me in wishing Judge Richard T. Ford the best of luck with the future.

RELIEVE THE TAX BURDEN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to share some thoughts about taxes. The tax burden on Americans is out of control and not being eased fast enough. As we debate the best way to give Americans much needed tax relief I urge my colleagues to consider the comments of a constituent of mine, Brandi Graham, of Fort Collins, CO.

In 1914 the United States was preparing to enter into the most mammoth war the world had ever seen. She was strapped for the necessary cash to fund the unprecedented development, training, and transport of troops and weaponry across the globe. It was inarguably the greatest financial challenge the growing nation had faced.

Congress took to radical measures. Among others, it enacted a temporary federal tax on income. It was a spirited debate that produced the 16th Amendment.

The first tax rate was a flat one percent of all income earned. An amendment was offered that would have capped the all-time federal tax rate at two percent. Unfortunately, the amendment was defeated. Many of the legislators wondered if allowing the federal government to tax individual income would be the slippery slope toward a government that would confiscate the earnings of its citizens. Tragically, their fears were to become realized.

In 1997, Americans worked through the month of May just to pay the tax collector. Only after June, did the Feds actually allow us to begin providing for our own families. In the hands of congressmen, the flat, one percent tax rate has become a cruel monstrosity

bearing all the modern trappings of "progressive" taxation, loopholes, and shelters.

The tax code itself contains over 1,000 pages and requires legions of accountants to comprehend. "Progressivity" has caused citizens who work harder to find inexplicably that they only have less take home pay because they have achieved a higher tax bracket. Others discover that their savings are taxed at higher rates, or that they pay more to the government now simply because they decided to marry.

The scramble to escape the clutches of the income tax has approached the absurd. Billionaires exchange U.S. citizenship for tax breaks and companies move their operations to countries offering less confiscatory ways of raising national revenue. Our system is a disaster beyond repair.

So what would the authors of the 16th Amendment do if they were in Washington today? Well assuming they could recover from the shock of seeing the Frankenstein-like mutation of their quaint little income tax plan, they would almost certainly call for tax relief. They would urge the elimination of the myriad of loopholes and write-offs. But such a lesson might better persuade them that the original dissenters were right: That *any* income tax allows for government repression of its people. They might opt for the old and proven way of funding the federal government.

Today, seemingly all Americans agree that the tax code is hideous except for those who make the laws. Politicians seem to like the power confirmed by the prodigious code. They seem to enjoy the contributions from interests seeking to tweak the tax laws here and there for their selfish advantage.

But the nation's true leaders are those who understand the history of American taxation. They understand how hard Americans work to pay their government's largess. They realize that our nation once did well to rely on national sales taxes (we called them tariffs then) to fund all government operations. And our best leaders recognize today that a nation which ventured beyond a national sales tax has become perpetrator of a sick irony, embracing the very precepts against which it once rebelled, denying the fruits of real liberty with an arrogance of royalty and all the while crushing its people under the weight of oppressive taxation.

Mr. Speaker, as we move forward in our quest to relieve the tax burden, let us keep these comments in mind. Taxpaying Americans desperately deserve to make their own decisions on how their hard-earned money should be spent.

A COMPACT FOR AMERICA'S FUTURE: SAVING SOCIAL SECURITY FOR OUR GRANDCHILDREN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. SMITH of Michigan. Mr. Speaker, a few months ago, I received a letter from one of my constituents, Betty Dowdling of Marshall, MI, urging me to continue working on preserving Social Security for future generations. "It is most certainly not fair to leave big debts for our children and grandchildren," she wrote. She's exactly right. The good news is that more and more people are coming around to Betty's point of view.

There has been a lot of talk in the last year about the future of Social Security. It is an issue that, in some way or another, affects every American, young and old. If you're currently working, you pay tax into Social Security—listed as FICA on your paycheck stub. And if you're retired, you probably regularly received a Social Security check.

When President Franklin Roosevelt enacted Social Security in 1935, it was meant to provide modest assistance to the Nation's most elderly—those over 65—paid for by the current work force. At that time, the system worked wonderfully. Most people never made it past the age of 61, and, as it worked out, about 42 workers contributed to the system for each retiree.

Today, Social Security is the Nation's largest budget expenditure. Thanks to advancing technology and improved health care, the average life expectancy for Americans is no longer 61, but a record 74. Instead of 42 workers paying taxes to support each retiree, there are now just three workers for each retiree. Instead of the old 1 percent payroll tax enacted in 1935, the tax is now 12.4 percent. In just the past 26 years, in fact, the payroll taxes all workers pay has been hiked 36 times—that is on average more than once a year. As the so-called baby boom generation starts to retire at the turn of the century, the ratio between workers and retirees will continue to get smaller and the propensity to increase taxes will continue to be greater. As early as 2005—less than 8 years from now—the Social Security trust fund will start spending more than it takes in. That is unless we take some action now to change the system.

Shortly, and with support from Democrats and Republicans, I intend to introduce a bill that would allow workers to use a portion of their current Social Security payroll tax for private investment. This bill would give you the option of investing your own earnings in stocks or bonds and with the guidance of a professional money manager, with potentially far greater returns than you would ever get in the current system. The average annual rate of return for stocks and bonds in the last 70 years has been 9 percent. That is almost five times the rate of return from Social Security. By allowing you to invest more of your money as you like—and your Social Security payroll tax after all is still your money—you could amass substantial savings.

Senator BOB KERREY, a Democrat from Nebraska who is also working on this problem, likes to tell the story about Gladys Holm. Ms. Holm was a secretary who in her whole life never earned more than $15,000 a year. When she died last year at 86, she was worth over $18 million. Her secret? She just put aside a little bit of money each month throughout her working life and put it in private investment. Through compound interest—and unusually wise investments—Gladys Holm had become a millionaire.

Though that example is probably atypical, we could do similar things with our Social Security system. By allowing private investment—as England does with great success—every American could actually have a strong safety net when they reach old age. Even better, the money you would invest and save would be your own—not the Government's. It is yours to invest, yours to spend, yours to pass on to your kids and grandkids or charities or whatever else you like. Private investment means more power to you.

If we enact these needed reforms, Social Security may finally create the retirement security President Franklin Roosevelt envisioned in 1935. This year, a Federal memorial opened in Washington honoring FDR. I think the better tribute to Roosevelt would be if we worked this year to preserve his most important legacy for his great-grandchildren, our great-grandchildren, and many generations to come.

"PAKISTAN SHOULD CONDUCT A FULL INVESTIGATION INTO THE MURDER OF UNION TEXAS PETROLEUM EMPLOYEES

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. GREEN. Mr. Speaker, earlier this morning, I was saddened to learn of the murder of four Americans in Pakistan who were employed by Houston-based Union Texas Petroleum. in addition, their Pakistani driver was also murdered. Although no direct link has been found, many suspect that this deliberate act of cold-hearted murder may be revenge for the murder conviction of a Pakistani in Virginia. I would like to express my heart-felt condolences to the families and friends of Ephraim Egbu, Joel Enlow, Larry Jennings and Tracy Ritchie. You are in our thoughts and prayers.

The murder of these courageous Americans is an outrage, and I call on the Pakistani Government to conduct a full and exhaustive investigation into this tragedy and to punish all those responsible. Justice delayed is, truly, justice denied. We must always remember, in the words of Dr. Martin Luther King, Jr., an injustice anywhere is an affront to justice everywhere.

This is a terrible and tragic loss. In Congress, we speak of the many tragedies that occur all over the world, especially to Americans. Although Americans continue to be at risk in many parts of the world, they faithfully carry out their duties and are not deterred by senseless instances, such as this one. The Union Texas employees stationed in Pakistan are no exception. Union Texas Petroleum has been active in exploring for, developing and producing oil and gas in Pakistan for over 20 years. The company has approximately 600 employees in Pakistan, 21 of whom are American citizens.

The management and employees of Union Texas have been leaders in supporting the communities in Pakistan where Union Texas operations exist and have funded the construction of numerous schools, colleges for young women and young men, medical clinics, and mosques, and have provided relief during natural disasters and other emergencies in Pakistan. Union Texas has been a good corporate citizen in Pakistan, and it is sad that such a needless and tragic event has been targeted at a company dedicated to sharing its resources with their host country.

This is a terrible loss for the families and friends of the victims, and for Union Texas.

CONCERN ABOUT FEDERAL SUBSIDIES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to share with you the thoughts of a fellow Coloradan who is concerned, like all of us, about Federal subsidies. As the proposal to privatize Amtrak proceeds, Mr. Scott Slusher of Colorado has composed sensible views on this subject which I now submit for the RECORD.

Congress is currently working to reauthorize the Intermodal Surface Transportation Efficiency Act which lays out the federal government's plan for the nation's transportation infrastructure. The legislation affects everything from highways and interstates to airports and waterways. One of the more contentious topics is the future of railroad policy and more specifically, Amtrak and passenger rail service.

On one side of the argument are train enthusiasts and boosters of the rail service, and on the other side are critics such as Sen. John McCain who argue it is time for the federal government to get out of the railroad business.

What is ignored is that the free market, individual citizens, and American industry have already made their choice. The truth is that the country's railroad industry can be divided into two parts—one healthy and competitive, the other perennially on the brink of bankruptcy. The privately owned and operated freight rail companies continue to make a substantial contribution to the nation's economy, and their future as a mode of freight transportation is secure well into the next century. On the other hand, passenger rail service, though heavily subsidized by the government, continues to lose passengers to faster and more cost-effective means of travel.

The numbers themselves make this contrast clear (statistics from 1993). Measured by the volume of freight transported, railroads accounted for 38.1 percent of domestic transport and were the number one method for transporting goods. Truck accounted for 28.1 percent of goods transported and were the second most common method of transporting freight. The private rail freight companies are clearly an essential part of our economy, and their continued success is a result of adapting to the modern economy and providing a competitive and cost effective service.

Passenger rail service, however, has been less successful. In 1993, intercity railways accounted for approximately 0.4 percent of the total number of passenger-miles traveled in the United States. Comparatively, private automobiles on the nation's highways and interstates accounted for 80.8 percent, and domestic air travel was responsible for 17.4 percent. Even intercity bus travel, with 1.1 percent, was more successful at attracting passengers.

The relative inability of Amtrak to attract passengers comes in spite of the $18 billion in subsidies the federal government has given the railroad since its creation in 1971. While the initial plan was for Amtrak to be self-supporting in two years, it has consistently lost money for the last 25, and as it is currently managed, is not expected to ever be profitable.

While there was a time in which intercity railways carried the bulk of people across the country, the advent of cheap, fast airline travel, and the construction of the vast interstate highway network, has given Americans many more choices. They have responded by relying on the convenience of their automobiles, or availing themselves of the ability to travel from coast-to-coast in a few hours, as opposed to a few days.

The relative measure of passenger miles bears this fact out, but it also points out an opportunity to strengthen the vibrant portion of the railway industry. By allowing private freight companies the freedom to compete without undue government interference, and by encouraging innovation in the railway freight industry, we can assure a place for America's railroads in the 21st century.

Clearly, passenger rail service will continue where it is economically viable. Capital assets could be sold to private companies all along the Northeast corridor between Boston and Baltimore. The commuter railroads in major urban centers would continue uninterrupted. However, spending scarce tax dollars on a service that the traveling public has rejected clearly must come to an end.

Mr. Speaker, as we continue the debate on the Federal funding of Amtrak I ask my colleagues to keep these comments in mind as we search for solutions.

PROVIDING RELIEF TO THE AMERICAN VICTIMS OF THE APRIL 1994 BLACK HAWK FRATRICIDE INCIDENT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. COLLINS. Mr. Speaker, on Monday, I introduced legislation that would equalize the treatment of United States and foreign personnel killed in the April 14, 1994, shootdown of two U.S. Army Black Hawk helicopters by two U.S. Air Force F–15 fighters over Iraq. Following the incident, U.S. Secretary of Defense William Perry found it inappropriate to compensate the families of the Americans who were killed in the tragedy citing the Feres doctrine—a legal principle denying compensation for death or injury incident to military service.

However, Secretary Perry provided payments of $100,000 to the families of each of the foreign nationals involved in the accident, in spite of the Feres doctrine. These voluntary payments, made under the Secretary's emergency and extraordinary expense authority were characterized as humanitarian gestures offered in recognition of the unique circumstances surrounding the incident.

It is time that we offer the same gesture to our own citizens who were involved. In the interest of fairness and justice, the law must be applied in an equal fashion. If it was appropriate to pay the foreign nationals involved, then it is also appropriate to pay the Americans. It is outrageous that the United States Government would treat British, French, and Turkish soldiers better than our own.

If enacted, H.R. 2986 will require the Secretary of the Treasury to make $100,000 payments to the families of each of the Americans killed in the April 1994 Black Hawk fratricide incident. I urge my colleagues to support our troops and families by supporting this important relief measure.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. KIND. Mr. Speaker, another week and still no campaign finance reform. We are now down to the final days before we adjourn for the year, if we don't take action now on campaign finance reform next year will be too late.

On Monday of this week, I spent the day on several university campuses in my district. I had an opportunity to meet with students who are concerned about a variety of issues, including student financial aid, the environment and their future job prospects. I was struck, however, by the feeling among students that their voice doesn't matter. They believe that the influence of money on the political process means only the rich and powerful special interests have access to Members of Congress. I have tried to do my part, through meetings like the ones I held Monday, to change that perception. But, we will not be able to completely change that image until we adopt comprehensive campaign finance reform.

These students represent the future. If we expect them to be the leaders in the next century, we must give them hope that they can make a difference. To achieve that goal we must pass campaign finance reform, and we must do it now.

Mr. Speaker, the people of western Wisconsin refuse to accept "no" as an answer. Please do not let them down, schedule a vote on campaign finance reform.

THE FURTHER POLITICIZATION OF THE NOBEL PEACE PRIZE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BEREUTER. Mr. Speaker, this Member hopes that his colleagues might read and they remember the following editorial from the October 11, 1997, edition of the Omaha World-Herald next month when the Nobel Peace Prize is formally awarded. It will be used as an unreasonable and irresponsible point of pressure or attack on the American use of landmines in the demilitarized zone on the Korean peninsula by both domestic and foreign critics.

[From the Omaha World-Herald, Oct. 11, 1997]

NOBEL DECISION RAISES QUESTION: WHAT ABOUT PEACE IN KOREA?

The Nobel committee awarded the Nobel Peace Prize to the international committee promoting a treaty to halt the use of antipersonnel land mines. A more appropriate recipient, in our opinion, would have been the

U.S. government for its 44 years of preventing war along the demilitarized zone that separates North and South Korea.

Mention of Korea is appropriate in connection with the Nobel committee's decision. By honoring the anti-mine campaign, the Nobel people have implicitly condemned one of the tools used by U.S. forces to prevent invasion or infiltration of South Korea by troops, saboteurs or assassins from the north.

President Clinton had asked treaty sponsors to exempt Korea, allowing the U.S. to sign the treaty and still maintain the option of using mines along the DMZ. When his request was refused, he said the United States could not sign the treaty.

So the awarding of this year's Nobel prize to the anti-mine campaign is a slap at Clinton, too, and a slap at the hundreds of thousands of American troops who have rotated through the U.S. divisions in Korea since the 1950s. (During part of that time, the head of the anti-mine committee, Jody Williams of Putney, Vt., was campaigning against U.S. efforts to keep Central America from going communist.)

The United States, of course, is not the cause of the land-mine problem to which Princess Diana called attention. She went to Angola and hugged children who had been maimed by exploding mines left over from that country's civil war.

U.S. forces don't scatter land mines at random, leaving them to be exploded years later by grazing animals or playing children. That's the behavior of terrorists, dictators and guerrilla groups. Iraqi military units. The Viet Cong. East African warlords. Balkan terrorists.

By contrast, America, like most other western nations, is pledged to follow the 1947 Geneva Convention, which requires armies to record the placement of mines and remove the devices when no longer needed.

The United States halted exports of land mines years ago, even to its allies. U.S.-made mines are manufactured to defuse themselves after a certain time, usually 60 days. Older mines in the U.S. inventory are being destroyed. Fewer mines are being used in Korea, although the United States wants to keep the right to use them.

In Korea, 35,000 U.S. troops augment the South Korean army in holding back the million-man army of the north. They guard a 487-square-mile demilitarized zone that stretches more than 100 miles through rugged mountains, steep valleys and forested hills.

Many times over the past four decades, infiltrators from the north have tried to slip across the DMZ into the south. Minefields stand in their way. Some people say that the United States must give up such defenses to persuade outlaw nations and terrorists not to scatter mines across the countryside. This argument fails to account for the fact that the United States is a superpower to which other nations, often by default, have entrusted certain responsibilities. Giving up a tool for carrying them out is more difficult for a superpower than for nations that have fewer international obligations.

Our suggestion that the United States receive a Nobel prize was only half-serious. The award is generally reserved for individuals and institutions.

In terms of contributions to the peace of the world, however, America's role on the Korean peninsula has few parallels. Because South Korea was kept out of a Soviet or Chinese orbit, democracy and free enterprise took root there. Because Japan didn't need to arm itself against a Soviet or Chinese threat based in South Korea, Japan emerged from its post-war recovery as a peaceful industrial democracy. Other nations around the Pacific rim took inspiration from the economic success of South Korea and Japan. Much of the region is now prosperous, noncommunist and free.

The careful use of mines played a role in that success. It's unfortunate that the anti-mine people will now have yet another forum, the Nobel ceremonies in December, from which to paint the U.S. position as irresponsible.

TWENTIETH ANNIVERSARY OF THE HOSPICE OF SAINT JOHN, LAKEWOOD, CO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. McINNIS. Mr. Speaker, it is a high honor and privilege to allow my colleagues to know of the wonderful work being done by the Hospice of Saint John in Lakewood, Colorado. Twenty years ago, in 1977, this program was founded by Fr. Paul von Lobkowitz, a priest of the Sovereign Order of Saint John of Jerusalem, Knights of Malta, to serve the sick and the dying. This month the Hospice of Saint John celebrates twenty years of caring. In those years its staff of professionals have cared for more than 12,000 dying patients and their families.

The Hospice of Saint John was only the second in-patient hospice program to be opened in the United States. It has stood the test of time in a medical environment that favors the bigger corporations. The Hospice of Saint John continues to be independently run and directed by the Order of Saint John of Jerusalem and its professed and lay members.

The Hospice of Saint John was the first hospice program in the state to provide care for AIDS patients when many other programs of the day refused to care for them. Today the Hospice's commitment to AIDS patients and their families and friends remains as strong as ever, as does its care for every one of its patients. Many of its patients include young men and women whose lives are cut short by ravaging diseases. In its twenty years the Hospice of Saint John has never turned away a single patient for a lack of financial means. Remarkably, it has never received a dime of Federal money other than Medicare and Medicaid funds.

This program is worthy of our collective recognition. For the past 20 years Fr. Paul and his staff at the Hospice of St. John have cared for those who we sometimes tend to forget. They have toiled in the trenches for all humanity. They deserve our respect and support and on this occasion of their 20 years of dedicated service to my State I ask you to join with me in saluting them and their service to us all.

AMERICA NEEDS THE PAYCHECK PROTECTION ACT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during a recent weekend of site visits, in the eastern Colorado congressional district I represent, a constituent approached me and posed a sensible question, "Why am I forced to contribute my hard-earned dollars to my union's political activities?" He went on to explain that for him, every paycheck includes a deduction for union dues. These dues pay for legal services and collective bargaining costs. Dues, he agrees, are useful to promote his trade. He has no problem with union dues so long as they are used for their intended purpose.

He objects, however, to the millions of dollars his union puts toward political causes he does not support and at the expense of thousands of union members like him. Most union members disagree with giving their wages to political activities because they are excluded in deciding how their money is spent.

Something needs to change.

In 1947 Congress passed the Labor-Management Relations Act, also known as the Taft-Hartley Act. This legislation prohibited so-called closed shop workplaces, where one could not be hired without first joining a union.

Calling the act a "slave labor bill," President Harry Truman vetoed the measure. Subsequently, Congress voted to override the veto, thereby enacting Taft-Hartley into law.

Convinced the bill would destroy the labor movement, union members felt justified in circumventing the legislation. Rather than require workers to join the union prior to employment, labor bosses instead required union membership after the worker was hired.

The Taft-Hartley Act challenged the unions' ability to maintain membership which no longer rested upon the utility of their collectivism, but upon the ability to lobby Congress. Thus, unions became proficient political machines.

Union bosses recruited and supported candidates who would pledge allegiance to the unions. In return for loyalty, unions produced money and manpower to aid political campaigns. The tactic proved decisive. For many years, Congress operated in lockstep with the unions.

Workers who opposed the unions' political antics turned to the Supreme Court. In 1988, the Court ruled in *Communications Workers* v. *Beck*, 487 U.S. 735, that nonunion members can only be required to pay for the costs of collective bargaining, contract administration, and grievance adjustment but not political activities. Unions made little effort to educate their members about *Beck*, and found ways to keep workers from exercising their *Beck* rights.

Today, many union members continue to pay for more than just collective bargaining. They are also paying for politics. During the 1996 congressional and Presidential campaigns, for example, labor unions spent more than $400 million on political activities. A recent poll indicated that 68 percent of union members are unaware of the *Beck* decision.

Testimony before Congress confirms the difficulty workers have had exercising their *Beck* rights. This past spring, worker after worker told Congress of the near-impossible task of actually recovering hard-earned wages.

Under current laws, the only way some union members can refuse contributions to political activities is to quit the union, which also means quitting their jobs and risking their livelihoods.

Saying "no" should not come at such a high price. That is why I introduced H.R. 2608, the Paycheck Protection Act. The Paycheck Protection Act protects workers who are forced to contribute to political activities by way of their union dues. The Paycheck Protection Act requires separate, prior, written, voluntary authorization before any money can be deducted from a wage earner's paycheck for political activity. By requiring prior approval, the wage-earner is given a choice. Furthermore, the bill applies to corporations just as it does unions.

More than one-third of the U.S. House is already cosponsoring the Paycheck Protection Act, and over 70 percent of working Americans express support for the Paycheck Protection Act. I believe we may finally have a chance to help American workers by protecting their paychecks.

TRIBUTE TO ROBERT PALMER INGRAM

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. MCCARTHY of Missouri. Mr. Speaker, my colleague, Mr. DREIER, and I, rise today to pay tribute to the life of a man who has touched so many lives and who has contributed so much to our community: Mr. Robert Palmer Ingram.

We submit into the RECORD an article in honor of Mr. Ingram's memory and contributions as recounted by Diane Stafford in my hometown newspaper, the Kansas City Star:

Robert Palmer Ingram, an indefatigable salesman and civic leader, died Tuesday in his sleep at his Kansas City home. He was 80 years old.

Since arriving in Kansas City in the mid-1940s, Ingram founded or led more than a dozen companies, was a director of at least seven others, served as a trustee or a governor of six major civic or educational organizations, was an honorary consul to Belgium and held offices or memberships in many other clubs, councils and committees.

Fueled by his voracious reading, Ingram brought curiosity and wise counsel to wide-ranging endeavors. He shunned the spotlight but left a public imprint as the former owner and publisher of Ingram's, the Kansas City monthly business magazine that continues to carry his name.

To classical music lovers, Ingram was known as the man who poured millions of dollars into classical music radio station KXTR, keeping it on the air for years despite unprofitability. He also owned KBEA, which had a "Music of Your Life" format. He sold those properties in 1996.

Henry Bloch, co-founder of H&R Block Inc., said that many times through the years, including Monday, he saw Ingram eating lunch alone and reading at the River Club.

"I've known him for a long time, and I can say he did a lot for Kansas City—in real estate, with the radio stations and the magazines," Bloch said. "He was a very nice person."

Quick-thinking, quick-moving and often slightly disheveled, Ingram whirled his thin frame from meeting to meeting, wedging in reading and note scribbling whenever time would allow. He and his wife, Beth Ingram, at one time said they subscribed to as many as 150 periodicals.

"He slowed down recently, but he stayed so upbeat about Kansas City," said Mike Morrissey, past chairman of the Greater Kansas City Chamber of Commerce, who sometimes ate lunch with Ingram at the Kansas City Club. "He was very supportive of anything you ever wanted him to help you with. He and Beth were very generous in the Kansas City community, not only financially but with their time."

Former Kansas City Mayor Richard L. Berkley said he admired Ingram "for remaining active and participating in so many civic, cultural and political activities. . . . It was impressive to see him still come to the Civic Council meetings and other events he was involved in, even when you knew it was getting more difficult for him to move around."

Ingram's energy left a brick-and-mortar legacy for the city. One project, TenMain Center, a downtown redevelopment effort in the 1960s, nearly ruined his wealth and his health after the intended prime tenant (the Kansas City Board of Trade) and fellow investors pulled out.

Ingram stuck with the office tower project, though, and saw it through to fruition.

At one time he owned 10 downtown buildings but in later years retained ownership only of the Argyle Building, a renovated tower that housed the offices of Ingram Properties and his publishing enterprises.

Ingram eschewed many outward trappings of wealth but admitted a fascination with high society. Even in failing health in recent months, he attended a swirl of benefits and functions.

His interest in wealth and society, in part, led to his ownership of The Independent, the area's society journal.

The Lyric Opera of Kansas City was a major beneficiary of the Ingram's philanthropy since it founding in 1958. Ingram money turned the old theater library into a luxurious gathering space for benefactors.

Ingram largess also created a new music library for the Kansas City Symphony.

He was born in Norfolk, Va., and grew up in a suburb of Pittsburgh, where, he said, he began selling door to door "anything he could" by age 8.

By age 10 he was following the stock market and buying his first stocks. And by age 12, he grandly noted later, he had learned to use rejection as a spur to do better.

He studied journalism at Washington and Lee University and at the University of Pittsburgh but left college without getting a degree because, he later said, he thought he needed a job more than he needed more education.

His first job was in sales at Anchor Hocking Glass Co. The company dispatched him to Pennsylvania, Ohio, Kentucky, Michigan and back to Pennsylvania before sending him to Kansas City.

He decided to plant roots and in 1947 founded Robert P. Ingram & Co., an independent manufacturers' representative specializing in housewares and toys. Soon thereafter, he met and married Beth (Mary Elizabeth Renfro).

The Ingrams had two children, Marsha Jill Ingram Reynolds and Robert Palmer (Chip) Ingram III, both of whom live in the Kansas City area. There are four grandchildren.

Always spurred by the desire to do civic good, Ingram sometimes was thwarted. In the 1960s, for example, he was part of an investor group that was outbid by Charles O. Finley to buy the Kansas City Athletics baseball team.

In the 1970s he was unsuccessful in working for an ice hockey and convention center downtown.

On balance, Ingram's successes predominated. From operating the locker concession at Kansas City International Airport to becoming a major investor and director of Rubbermaid, Ingram earned notice for his entrepreneurship and intelligence.

"There are very few things in life that have given me the same pleasure I have received from starting and growing businesses," Ingram said in a promotional ad for Ingram's not long before his death.

Always, he told interviewers, he considered himself a salesman. In any setting Ingram might be seen thumbing through a wad of business cards, searching for the appropriate one among his many interests and passing it out to a prospective customer.

Ingram's sales acumen was acknowledged in 1969, when he received the Salesman of the Year award from the Advertising and Sales Executive Club of Kansas City.

In recent years Ingram made a few concessions to age. Once prone to getting speeding tickets, he hired a driver to shuttle him from appointment to appointment.

But despite increased frailty, he took pride in working in his office from 8:30 a.m. to 4:30 p.m. Every Monday through Friday he was in Kansas City, said Marie Brown, his executive assistant.

In recent years he and his wife split time between their residence in The Walnuts, near the Country Club Plaza, and their condo in Palm Beach, Fla. They also had an apartment in New York.

A lifelong Republican, Ingram relished his 1969 appointment by Richard Nixon as metro chairman of the National Alliance of Businessmen. He also was a member of the Points of Light Foundation.

A roundup of Ingram's business presidencies in addition to Robert P. Ingram & Co. includes Ingram Investment Co., Lasalle Leasing Co., KBEA Broadcasting Co., KXTR Broadcasting Co., Kansas City Bus Advertising Co., Security Locker Co., TenMain Center, Dow Research, Econo-Car Rental and the Argyle Building Co.

He was chairman of Ingram Media, Custom Publishing by Ingram's and Ingram Properties.

He was publisher emeritus of The Independent and the former publisher of Ingram's and its predecessor, Corporate Report/Kansas City magazine. He sold Ingram's this year.

He was a past director of Rubbermaid, Harzfelds, Gilbert/Robinson, Baltimore Bank & Trust Co. of Kansas City, American Cablevision of Kansas City and Country Club Bank.

At the time of his death he was a director of FLM Industries and the Housing Development Corporation and Information Center in Kansas City.

On the civic scene, Ingram's participation was wide and deep.

He was trustee of the University of Missouri-Kansas City, the UMKC Conservatory of Music and Midwest Research Institute.

He was on the board of governors of the Straight Theatre Association, the American Royal Association and the Urban League of Kansas City.

He was a member of the business council of the Nelson-Atkins Museum of Art and the museum's Society of Fellows.

He was a member of the Lyric Opera Guild, the Fine Arts Guild of William Jewell College and the Friends of the Kansas City Symphony.

He was a member and director of the Civic Council of Greater Kansas City.

He was a past president of the Chamber of Commerce of Greater Kansas City and Downtown Inc.

Ingram was appointed to two significant public-service commissions in the late 1960s. He was one of five men on a six-month commission to study civil disorders in Kansas City in 1968, and a year later he accepted an appointment to the Capital Requirements for Public Schools Committee for the Kansas City School District.

He held memberships in the 711 Club, the Man of the Month Fraternity, Alliance Francaise, the Friends of Vielles Maisons Francaises, the Carriage Club, the Kansas City Club, the Vanguard Club and BENS.

Friends and family attended his funeral on October 24th at Country Club Christian Church, 6101 Ward Parkway.

SENATE—*Thursday, November 13, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Loving Heavenly Father, to know You is life's ultimate purpose; to trust You is our only peace; to serve You is our true joy. We praise You for the privilege of friendship with You. We humbly acknowledge that any good we have done, any progress we have made, and any accomplishments we have achieved are all because of Your indefatigable inspiration. There is no limit to the blessings You pour out on those who give You the glory. You have been the source of every creative thought, all crucial legislation, and any constructive compromise that has blended the best points of view. You are the source of unity in diversity and mutual trust that triumphs over competitive party spirit. When we are fearful, You give us courage; when we are under pressure, You flood our hearts with peace.

Thank You dear God for continuing to bless America, as You persist in empowering the women and men of this Senate to lead with vision. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today, the Senate will be in a period of morning business until 11 a.m. It is hoped that during today's session the Senate will be able to complete its business for the 1st session of the 105th Congress. I just talked to the Democratic leader and we agreed to push to accomplish that today. In fact, I read over the weekend a quote from General Eisenhower. When he was President he said, "There are many problems in Washington, but one of the main reasons is we have too long been away from home." So I'm hoping that we will honor his admonition and go home at the close of business today for the balance of the year to be with our constituents.

As Members are aware, the House passed both the District of Columbia appropriations bill and the foreign operations conference reports last night. It is hoped that the Senate can voice vote those bills during today's session as we await House action on the Commerce, State, Justice appropriations conference report, and I expect them to accomplish that before late in the afternoon. In fact, I expect it to be in the early afternoon.

If a voice vote is not possible, then Members will be notified as to when we might have a rollcall vote or votes. Again, I think it would be in the best interests of the Senate at this time if we could do this with a voice vote. The so-called controversial positions in the District of Columbia bill and the foreign operations conference reports have been removed, and I believe an agreement has been reached with the administration on Commerce, State, and Justice with regard to items in that bill, as well as the provisions with regard to census.

If there are rollcall votes, I emphasize we will try to notify Members with at least a 4-hour advance notice and the time span that that vote might occur in. If we can't complete today with just voice votes then there is a possibility that we would have to go over until tomorrow if there is going to be a rollcall vote because I do think Members are entitled to significant advance notice so they can be sure to be here. Or, if we can't get it done in a reasonable way today or tomorrow, there is always next week, which would really begin to stretch what President Eisenhower had warned us against. In order to avoid that, we are going to need a very good attitude and a lot of cooperation. I think that is possible.

We are still working on the few remaining Executive Calendar items. There are only 15 or so nominations left on the calendar. We are hoping to clear some of those today, and then those that would require some debate or recorded votes would be scheduled early in the session when we come back next year.

Again, we need cooperation of the Senators that are here today, and between the leadership on both sides of the aisle so we can complete action. We accomplished a great deal over the weekend by voice vote and in our wrapup. We passed a lot of really good bills. We still have a chance to get a conference report from the House on Amtrak, with only one major change, as I understand it—one I think the Senate could live with. That is the makeup of the board of Amtrak.

I remind our colleagues that we did pass and send to the President a fix with regard to the ISTEA transportation bill, that we did pass and send to the President the FDA reform package, as well as the foster care and adoption bill, and earlier had sent the Labor-HHS and education appropriations bill. So we are down, really, to these three final bills. There could be a fourth bill sent separately that would include the State Department reorganization, U.N. arrearage, IMF funds, as well as some language with regard to the Mexico City population control issue. If that bill could not be brought up or was objected to or filibustered, of course, we would not be able to get to a final vote on that. But the three key bills we need to bring up today are the three appropriations conference reports and we will notify Members when we will act on those and if any recorded votes are necessary.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an executive business meeting during the session of the Senate on Thursday, November 13, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, on behalf of my colleagues on the Judiciary Committee, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

Mr. DASCHLE. Mr. President, on behalf of my colleagues on the Judiciary Committee, on that, too, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 2607) entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.", with the following amendments:

(1)On page 1, line 1, strike all through line 7

(2)On page 1, line 8, strike [The] and insert: *That the*

(3)On page 2, line 2, strike all from "to" through "Act," on line 3

(4)On page 11, line 20, after the word "fund" insert: *described in section 172 of this Act*

(5)On page 12, line 8, strike [all]

(6)On page 34, line 16, after "or" insert: *previously*

(7)On page 44, line 15, before the period, insert:

, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects

(8)On page 46, after line 9, insert:

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1997, the District of Columbia Financial Responsibility and Management Assistance Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

(9)On page 47, line 21, strike [$5,000,000] and insert: *$12,000,000*

(10)On page 59, line 11, strike [(f)] and insert: *(e)*

(11)On page 77, line 17, strike all through page 78, line 2

(12)On page 78, after line 2, insert the following:

SEC. 166. Notwithstanding any other provision of Federal or District of Columbia law applicable to a reemployed annuitant's entitlement to retirement or pension benefits, the Director of the Office of Personnel Management may waive the provisions of section 8344 of title 5 of the United States Code for any reemployed annuitants appointed heretofore or hereafter as a Trustee under section 11202 or 11232 of the National Capital Revitalization and Self-Government Improvement Act of 1997, or, at the request of such a Trustee, for any employee of such Trustee.

SEC. 167. Section 2203(i)(2)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–504; D.C. Code 31–2853.13(i)(2)(A)) is amended to read as follows:

"(A) IN GENERAL.—

"(i) ANNUAL LIMIT.—Subject to subparagraph (B) and clause (ii), during calendar year 1997, and during each subsequent calendar year, each eligible chartering authority shall not approve more than 10 petitions to establish a public charter school under this subtitle.

"(ii) TIMETABLE.—Any petition approved under clause (i) shall be approved during an application approval period that terminates on April 1 of each year. Such an approval period may commence before or after January 1 of the calendar year in which it terminates, except that any petition approved at any time during such an approval period shall count, for purposes of clause (i), against the total number of petitions approved during the calendar year in which the approval period terminates.".

SEC. 168. Section 2205(a) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–122; D.C. Code 31–2853.15(a)) is amended by striking "7," and inserting "15,".

SEC. 169. Section 2214(g) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–133; D.C. Code 31–2853.24(g)) is amended by inserting "to the Board" after "appropriated".

SEC. 170. Section 2401(b)(3)(B) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code 31–2853.41(b)(3)(B)) is amended—

(1) in clause (i), by striking "or";

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(iii) to whom the school provides room and board in a residential setting.".

SEC. 171. Section 2401(b)(3) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code 31–2853.41(b)(3)) is amended by adding at the end the following:

"(C) ADJUSTMENT FOR FACILITIES COSTS.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall adjust the amount of the annual payment under paragraph (1) to increase the amount of such payment for a public charter school to take into account leases or purchases of, or improvements to, real property, if the school, not later than April 1 of the fiscal year preceding the payment, requests such an adjustment.".

SEC. 172. (a) PAYMENTS TO NEW CHARTER SCHOOLS.—Section 2403(b) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–140; D.C. Code 31–2853.43(b)) is amended to read as follows:

"(b) PAYMENTS TO NEW SCHOOLS.—

"(1) ESTABLISHMENT OF FUND.—There is established in the general fund of the District of Columbia a fund to be known as the 'New Charter School Fund'.

"(2) CONTENTS OF FUND.—The New Charter School Fund shall consist of—

"(A) unexpended and unobligated amounts appropriated from local funds for public charter schools for fiscal year 1997 and subsequent fiscal years that reverted to the general fund of the District of Columbia;

"(B) amounts credited to the fund in accordance with this subsection upon the receipt by a public charter school described in paragraph (5) of its first initial payment under subsection (a)(2)(A) or its first final payment under subsection (a)(2)(B); and

"(C) any interest earned on such amounts.

"(3) EXPENDITURES FROM FUND.—

"(A) IN GENERAL.—Not later than June 1, 1998, and not later than June 1 of each year thereafter, the Chief Financial Officer of the District of Columbia shall pay, from the New Charter School Fund, to each public charter school described in paragraph (5), an amount equal to 25 percent of the amount yielded by multiplying the uniform dollar amount used in the formula established under section 2401(b) by the total anticipated enrollment as set forth in the petition to establish the public charter school.

"(B) PRO RATA REDUCTION.—If the amounts in the New Charter School Fund for any year are insufficient to pay the full amount that each public charter school described in paragraph (5) is eligible to receive under this subsection for such year, the Chief Financial Officer of the District of Columbia shall ratably reduce such amounts for such year on the basis of the formula described in section 2401(b).

"(C) FORM OF PAYMENT.—Payments under this subsection shall be made by electronic funds transfer from the New Charter School Fund to a bank designated by a public charter school.

"(4) CREDITS TO FUND.—Upon the receipt by a public charter school described in paragraph (5) of—

"(A) its first initial payment under subsection (a)(2)(A), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 75 percent of the amount paid to the school under paragraph (3); and

"(B) its first final payment under subsection (a)(2)(B), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 25 percent of the amount paid to the school under paragraph (3).

"(5) SCHOOLS DESCRIBED.—A public charter school described in this paragraph is a public charter school that—

"(A) did not enroll any students during any portion of the fiscal year preceding the most recent fiscal year for which funds are appropriated to carry out this subsection; and

"(B) operated as a public charter school during the most recent fiscal year for which funds are appropriated to carry out this subsection.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out this subsection for each fiscal year.".

(b) REDUCTION OF ANNUAL PAYMENT.—

(1) INITIAL PAYMENT.—Section 2403(a)(2)(A) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code 31–2853.43(a)(2)(A)) is amended to read as follows:

"(A) INITIAL PAYMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), not later than October 15, 1996, and not later than October 15 of each year thereafter, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to section 2401(b) to a bank designated by such school.

"(ii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 75 percent of the amount of the payment under subsection (b).".

(2) FINAL PAYMENT.—Section 2403(a)(2)(B) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code 31–2853.43(a)(2)(B)) is amended—

(A) in clause (i)—

(i) by inserting "IN GENERAL.—" before "Except"; and

(ii) by striking "clause (ii)," and inserting "clauses (ii) and (iii),";

(B) in clause (ii), by inserting "ADJUSTMENT FOR ENROLLMENT.—" before "Not later than March 15, 1997,"; and

(C) by adding at the end the following:

"(iii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 25 percent of the amount of the payment under subsection (b).".

This title may be cited as the "District of Columbia Appropriations Act, 1998".

(13)On page 99, line 22, strike all through line 23

(14)On page 100, line 1, strike all through page 708, line 7

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate concur in the House amendments to the Senate amendments, and, further, that the Senate recede from its amendment to the title.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, this is the first of the three remaining appropriations items that the Senate must complete prior to adjournment.

I thank all Members on both sides of the aisle for their cooperation as we cleared this first appropriations bill.

I yield the floor.

I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2977, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2977) to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GLENN. Mr. President, I rise in strong support of H.R. 2977, the Federal Advisory Committee Act Amendments of 1997.

H.R. 2977 properly excludes the National Academy of Science [NAS] and the National Academy of Public Administration [NAPA] from the Federal Advisory Committee Act [FACA], while at the same time ensuring that certain public sunshine and accountability measures apply to NAS and NAPA committees. Since the legislation did not have the benefit of a committee report in either the House of Senate, as ranking member of the Committee on Governmental Affairs, the committee of jurisdiction over FACA, I would like to make the following clarifications regarding the bill's provisions.

Section 15 of the bill establishes procedures with which NAS and NAPA must comply as part of agreements with Federal agencies on work to be performed. I want to be clear that both NAS and NAPA should apply these procedures to standing committees in their future work for Federal agencies in addition to future committees that may be created, either temporarily or on a standing basis, to complete a specific project or projects under an agreement with an agency. In particular, it should be noted that any replacement or new member added to a standing committee should be done so in accordance with the provisions of section 15(b)(1).

Even though the requirements of section 15(b) of the bill are effective on the date of enactment, NAS has indicated in a letter that they would make reasonable and practicable efforts, to the fullest extent, to apply those requirements to committees that began work as part of an agency agreement prior to the date of enactment. I ask unanimous consent that the NAS letter be made part of the RECORD at the conclusion of my remarks.

Section 15(b) provides that public notice be given for a number of committee activities. Traditionally, under FACA, public notice constitutes notice in the Federal Register. However, FACA was written over 20 years ago prior to advent of the information technology revolution. Therefore, I believe that public notice under this bill could include the use of the Internet, including notice and information timely posted on their home pages, by the NAS and NAPA as a means to satisfy the bill's public notice procedures.

Regarding the NAS, I understand that they will establish a reading room, free and open to the general public, to make available information required to be made public under section 15(b). I concur with this approach. Furthermore, the legislation provides that a reasonable charge may be imposed by the NAS for distribution of written materials. I believe that this charge should be as minimal as possible and should not exceed the costs of copying, paper, printing, and mailing—if needed. My preference would be that future agreements between the Federal agencies and NAS include sufficient funds for copying and distribution of relevant materials so that there would be no charge to the public, particularly if the request for written materials is a narrow or limited one. I would also encourage both academies to use the Internet here as well.

I also want to clarify that the provisions of this bill do not apply to NAS or NAPA committees that are self-funded or funded through a non-Federal source. However, if Federal funds are added to such a committee pursuant to an agreement with an agency and the respective academy, then the committee must comply with the provisions of this bill.

Finally, Federal agencies should take note that we have vested discretion to the NAS and NAPA regarding implementation of the requirements of section 15(b). Agencies should not seek to manage or control the specific procedures each academy will adopt in order to comply with the requirements of the bill. A certification from the academies at the time the final report is to be submitted shall suffice. Agencies should not interpret section 15(b)(1) as implying that the conflict of interest provisions under the Ethics in Government Act are the de facto standard to be employed. That act requires extensive financial disclosure and other requirements that are not appropriate in this instance.

I ask unanimous consent that the text of a letter from the National Academy of Sciences be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ACADEMY OF SCIENCES,
OFFICE OF THE PRESIDENT,
Washington, DC, November 9, 1997.

Hon. JOHN GLENN,
Ranking Minority Member, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: I am writing on behalf of the National Academy of Sciences to explain how the Academy intends to apply the requirements of the Federal Advisory Committee Act of 1997 to Academy committees that are currently working on contracts or agreements with federal agencies.

Under the Act, the Academy is not required to apply the procedures of section 15 to committees that are currently underway. This makes sense, because the appointment provisions of section 15 could not be applied retroactively to committees whose members have already been appointed. There are, however, some provisions of section 15 that depending upon the stage of a committee's work could be reasonably applied to ongoing committees. For example, if a committee has not yet concluded its data gathering process, the requirement that data gathering meetings be open to the public could be followed by the committee.

On behalf of the Academy, you have my assurance that the Academy will apply the procedures set forth in section 15 to committees that are currently underway to the fullest extent that is reasonable and practicable.

Sincerely,

BRUCE ALBERTS,
President, National Academy of Sciences.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the

motion to reconsider be laid upon the table and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2977) was passed.

OCEAN AND COASTAL RESEARCH REVITALIZATION ACT OF 1997

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 287, S. 927.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 927) to reauthorize the Sea Grant Program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1636

(Purpose: To reauthorize the Sea Grant Program)

Mr. LOTT. Senator SNOWE has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Ms. SNOWE, proposes an amendment numbered 1636.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Ms. SNOWE. Mr. President, I am offering a manager's amendment with Senator HOLLINGS and Senator CHAFEE to S. 1213, the Oceans Act of 1997. The year 1998 has been declared the International Year of the Ocean by the United Nations, and around the world scientists, governments, nongovernmental organizations, and private citizens are preparing activities that recognize the importance of the oceans to all of humanity as well as the planet. Passage of the Oceans Act today would serve as a very fitting contribution to the Year of the Ocean, signifying that the United States is at the forefront of ocean policy, and that we as a nation are continuing to strive for the conservation and sustainable use of our ocean resources.

S. 1213, which I cosponsored with Senators HOLLINGS, MCCAIN, KERRY, STEVENS, and others is intended to address current and future problems related to the oceans, coasts, and Great Lakes, and to ensure that we have a national oceans policy capable of meeting these challenges.

The bill would create a commission to analyze the full range of ocean policy issues facing the Nation, and the way in which the Federal Government is currently responding to them through its agencies and programs. After completing its analysis, the commission would provide recommendations to the President and the Congress on the development of a comprehensive, cost-effective policy to address these issues.

It also requires the President to create an interagency council to help improve coordination and cooperation, and eliminate duplication of effort among Federal agencies.

This legislation is based on a law enacted in 1966 which created a similar commission known as the Stratton Commission. That commission led to the creation of NOAA in 1970, and it helped to shape our public policies on these issues in the succeeding years. But the times have changed over the past 30 years, and the problems that we face in the marine environment have changed as well.

The manager's amendment which I am proposing today embodies virtually all of S. 1213 are reported by the Commerce Committee, but it also addresses the concerns of some Senators about the establishment of the interagency National Oceans Council. Over the last few days, I have worked closely with Senators CHAFEE, HOLLINGS, and MCCAIN on modifications to help ensure that the Council has an appropriate role within the administration. It is intended to assist the commission with its work, providing information from the appropriate Federal agencies as necessary, and to help the President implement the national ocean policy that he is charged with developing under the bill. The changes that we have agreed to and that are contained in the manager's amendment clarify the role of the Council, and establish a sunset provision requiring the Council to disband 1 year after the commission issues its report. The amendment also makes clear that the Council cannot supersede any other existing administration coordination mechanisms, or interfere with ongoing Federal activities under existing law.

Mr. President, this is a very good bipartisan bill that is supported by the leaders of both the Commerce and Environment and Public Works Committees. It will give the United States very important guidance on how to prepare for the ocean-related challenges that will face the Nation in the 21st century. I urge my colleagues to support the amendment and the bill as amended.

Mr. HOLLINGS. Mr. President, I rise in support of S. 927, a bill to reauthorize the National Sea Grant College Program. First, I offer my thanks to Senator SNOWE, the primary sponsor of the bill.

Sea Grant is a results-oriented program that builds bridges among Government, academia, and industry, putting information and technology from research laboratories into the hands of the people who can really use it. The National Sea Grant Program serves as a successful model for multidisciplinary research directed at scientific advancement and economic development. Sea Grant has improved the competitiveness of the Nation's coastal and marine economy by increasing the pool of skilled manpower, fostering scientific achievement, facilitating technology transfer, and educating the public on critical resource and environmental issues.

Mr. President, the 1966 Stratton Commission outlined a seminal vision for the benefits this Nation could derive from the oceans and coasts. The Sea Grant Program has played a vital part in realizing that vision. Today, Sea Grant researchers are examining important problems affecting our marine resources. This research is not just being put on a shelf. It is being used to improve aquaculture, market new technologies, develop pharmaceuticals, educate our young people, manage fisheries, and much more. This legislation, S. 927, will carry Sea Grant into its next 30 years by strengthening the Sea Grant Program, improving the procedures by which it operates, clarifying the respective roles of the Federal Government and the universities that participate in the program, and reducing administrative costs. I urge all of my colleagues to join me in supporting this important program and the passage of the bill.

Mr. LEAHY. Mr. President, I rise today in support of S. 927, the Ocean and Coastal Research Revitalization Act of 1997. Last year, Congress passed the National Invasive Species Act. S. 927 will enable colleges and universities across the country to address the goals of the National Invasive Species Act and will foster research on our marine and coastal resources. My amendment to include Lake Champlain as one of the Great lakes will allow Vermont colleges and universities to join the Sea Grant College Program and increase research on the many environmental threats to Lake Champlain.

A recent study shows that the zebra mussels have spread from 4 States in 1988 to 20 States this year. The zebra mussel is a prime example of what can happen when an exotic species is introduced into an environment where it has no natural predators. The zebra mussel, having hitchhiked over from Europe, is invading the far reaches of Lake Champlain at an alarming rate.

We Vermonters have come to think of it as great for many reasons though: Lake Champlain is vital both environmentally and economically to Vermont. Lake Champlain supports a watershed of over 8,200 square miles and an economy of over $9 billion in the region. In addition, the importance of Lake Champlain spreads throughout the Northeast, since residents of New England and the mid-Atlantic States cherish the lake and its resources for its recreational, ecological, and scenic

values. Although Vermonters have always considered Lake Champlain the sixth Great Lake, this legislation will now officially recognize Lake Champlain as the sixth Great Lake under the Sea Grant Program.

This designation will allow colleges and universities in the Lake Champlain basin to become a Sea Grant college, enabling them to conduct vital research on the many invasive species threatening Lake Champlain, including zebra mussels, sea lampreys, Eurasian watermilfoil, and water chestnut. Inclusion in the National Sea Grant College Program would allow Vermont schools to focus greater attention on invasive species, but also would help Vermont and New York implement a number of the priorities identified in the Lake Champlain Basin Plan signed by our Governors this winter.

As the economic importance of the lake and the population of the Champlain Valley has grown, so have the environmental problems of Lake Champlain. One of the main environmental issues facing the lake is controlling pollution that flows into the lake. In particular, increases in the levels of phosphorus have turned parts of Lake Champlain green with algae. Runoff from farms and urban streets and treated water from sewage plants have caused this increase.

Historically, scientific efforts on Lake Champlain have lagged behind other regions with coastal waters of national significance. Although the University of Vermont was one of the original land grant colleges, it did not receive Sea Grant college status during the initial selections because the Sea Grant Program has been focused on areas with marine research needs. Since that time, several new Sea Grant designations were made to address critical issues facing the Great Lakes.

Lake Champlain plays an important role in the Great Lakes system, connected by hydrologic, geologic, and biological origins. The issues facing Lake Champlain represent the emerging issues facing the Great Lakes, such as nutrient enrichment, toxic contamination, habitat destruction, and fisheries issues. Allowing Vermont to participate in the Sea Grant Program would provide an opportunity for the State's scientists to compete for badly needed Federal dollars to support lake research.

The University of Vermont and other Vermont colleges are ideally situated to attain Sea Grant college status to work on Lake Champlain research. These researchers have been participating in lake research projects over the past several years, pulling together limited funding from numerous sources. Designation as a Sea Grant college will remedy this situation. Vermont will be able to improve the long-term water quality and biological monitoring on Lake Champlain. This monitoring is critical to determine the success of management actions outlined in the Lake Champlain Basin Plan. The Sea Grant Program would enable Vermont to track toxic substances in the water, sediment, air and biota and invasive species.

I want to thank my colleague from Maine, Senator SNOWE, and her staff for their assistance in increasing attention to the environmental issues in Lake Champlain.

Mr. BREAUX. Mr. President, this legislation reflects an effort to reach a compromise within the international ocean shipping industry. It reflects a middle ground among the somewhat dissimilar interests of the ocean carriers and shippers and shipping intermediaries, as well as the interests of U.S. ports and post-related labor interests such as longshoremen and truckers. I have worked with Senators HUTCHISON, LOTT, and GORTON to craft a compromise allowing us to move forward with legislation. I had hoped to be able to move forward with floor consideration before we adjourn, but it appears now that we ran out of time on this bill. I look forward to taking this bill up early in the next session of Congress. It has been very difficult to balance the competing considerations affected by this bill. In fact, I would liken it to squeezing Jell-O, you push in one direction and objections would ooze out in the other direction. However, I feel certain that we are close to achieving a workable agreement that all parties can support.

It is safe to say that our ocean shipping industry affects all of us in the United States since 96 percent of our international trade is carried by ships, but very few of us fully understand the ocean shipping industry. International ocean shipping is a half-a-trillion-dollar annual industry that is inextricably linked to our fortunes in international trade. It is a unique industry, in that international maritime trade is regulated by more than just the policies of the United States. In fact, it is regulated by every nation capable of accepting vessels that are navigated on the seven seas. It is a complex industry to understand because of the multinational nature of trade, and its regulation is different from any of our domestic transportation industries such as trucking, rail, or aviation.

The ocean shipping industry provides the most open and pure form of trade in international transportation. For instance, trucks and railroads are only allowed to operate on a domestic basis, and foreign trucks and railroads are required to stop at border locations, with cargo for points further inland transported by U.S. firms. International aviation is subject to restrictions imposed and a result of bilateral trade agreements, that is, foreign airlines can only come into the United States if bilateral trade agreements provide access into the United States. However, international maritime trade is not restricted at all, and treaties of friendship, commerce, and navigation guarantee the right of vessels from anywhere in the world to deliver cargo to any point in the United States that is capable of accommodating the navigation of foreign vessels.

The Federal Maritime Commission [FMC] is charged with regulating the international ocean shipping liner industry. The ocean shipping liner industry consists of those vessels that provide regularly scheduled services to U.S. ports from points abroad. In large part, the trade consists of containerized cargo that is capable of international movement. The FMC does not regulate the practices of ocean shipping vessels that are not on regularly scheduled services, such as vessels chartered to carry oil, chemicals, bulk grain, or coal carriers. One might ask why regulate the ocean liner industry, and not the bulk shipping industry? The answer is that the ocean liner industry enjoys a worldwide exemption from the application of U.S. antitrust laws and foreign competition policies. Also, the ocean liner industry is required to provide a system of common carriage, that is, our law requires carriers to provide service to any importer or exporter on a fair, and nondiscriminatory basis.

The international ocean shipping liner industry is not a healthy industry. In general, it is riddled with trade-distorting practices, chronic overcapacity, and fiercely competitive carriers. In fact, rates have plunged in the transpacific trade to the degree that importers and exporters are expressing concerns about the overall health of the shipping industry. The primary cause of liner shipping overcapacity is the presence of policies designed to promote national-flag carriers and also to ensure strong shipbuilding capacity in the interest of national security. These policies which are not necessarily economically effective include subsidies to purchase ships and to operate ships, tax advantages to lower costs, cargo reservation schemes, and national control of shipyards and shipping companies. A prime example of policies that promote and subsidize a national-flag carrier is one of the largest shipping companies in the world, the China Overseas Shipping Company [COSCO]. It is operated by the Government of China, much in the way the United States Government controls the Navy and is not constrained by considerations that plague private sector companies.

Historically, ocean shipping liner companies attempted to combat rate wars resulting from overcapacity by establishing shipping conferences to coordinate the practices and pricing policies of liner shipping companies. The first shipping conference was established in 1875, but it was not until 1916

that the U.S. Government reviewed the conference system. The Alexander Committee—named after the then-chairman of the House Committee on Merchant Marine and Fisheries—recommended continuing the conference system in order to avoid ruinous rate wars and trade instability, but also determined that conference practices should be regulated to ensure that their practices did not adversely impact shippers. All other maritime nations allow shipping conferences to exist without the constraints of antitrust or competition laws, and presently no nation is considering changes to their shipping regulatory policies.

In the past, U.S. efforts to apply antitrust principles to the ocean shipping liner industry were met with great difficulty. Understandably, foreign governments objected to applying U.S. antitrust laws instead of their own laws on competition policy to their shipping companies. Many nations have enacted blocking statutes to expressly prevent the application of U.S. antitrust laws to the practices of their shipping companies. As a result of these blocking statutes, U.S. antitrust laws would only be able to reach U.S. companies and would destroy their ability to compete with foreign companies. With the difficulties in applying our antitrust laws, U.S. ocean shipping policy has endeavored to regulate ocean shipping practices to ensure that the grant of antitrust immunity is not abused and that our regulatory structure does not contradict the regulatory practices of foreign nations.

The current regulatory statute that governs the practices of the ocean liner shipping industry is the Shipping Act of 1984. The Shipping Act of 1984 was enacted in response to changing trends in the ocean shipping industry. The advent of intermodalism and containerization of cargo drastically changed the face of ocean shipping, and nearly all liner operations are now containerized. Prior to the Shipping Act of 1984, uncertainty existed as to whether intermodal agreements were within the scope of antitrust immunity granted to carriers. In addition, carrier agreements were subject to lengthy regulatory scrutiny under a public interest-type of standard. Dissatisfaction with the regulatory structure led to hearings and legislative review in the late 1970's and early 1980's. In the wake of passage of legislation deregulating the trucking and railroad industry, deregulation of the ocean shipping industry was accomplished with the enactment of the Shipping Act of 1984.

The Shipping Act of 1984 continues antitrust immunity for agreements unless the FMC seeks an injunction against any agreement it finds "is likely, by a reduction of competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost." The act also clarifies that agreements can be filed covering intermodal movements, thus allowing ocean carriers to more fully coordinate ocean shipping services with shore-side services and surface transportation.

The Shipping Act of 1984 attempts to harmonize the twin objectives of facilitating an efficient ocean transportation system while controlling the potential abuses and disadvantages inherent in the conference system. The Act maintains the requirement that all carriers publish tariffs and provide rates and services to all shippers without unjust discrimination, thus continuing the obligations of common carriage. In order to provide shippers with a means of limiting conference power, the Shipping Act of 1984 made three major changes: First, it allowed shippers to utilize service contracts, but required the essential terms of the contract to be filed and allowed similarly situated shippers the right to enter similar contracts; second, it allowed shippers the right to set up shippers associations, in order to allow collective cargo interests to negotiate service contracts; and third, it mandated that all conference carriers had the right to act independently of the conference in pricing or service options upon 10 days' notice to the conference.

Amendments to the Merchant Marine Act, 1920, and the passage of the Foreign Shipping Practices Act of 1988, strengthened the FMC's oversight of foreign shipping practices and the practices of foreign governments that adversely impact conditions facing U.S. carriers and shippers in foreign trade. The FMC effectively utilized its trade authorities to challenge restrictive port practices in Japan, and after a tense showdown convinced the Japanese to alter their practices that restrict the opportunity of carriers to operate their own marine terminals. The changes that will be required to be implemented under this agreement will save consumers of imports and exporters trading to Japan, millions of dollars, and the FMC deserves praise for hanging tough in what was undeniably a tense situation.

While we were not able to address all concerns about our new ocean shipping deregulation proposal I would like to elaborate on the progress that has been made toward ultimate Senate passage of legislation. I would also like to thank Senators HUTCHISON, LOTT and GORTON for their efforts on this bill. Additionally, the following staffers spent many hours meeting with the affected members of the shipping public and listening to their concerns about our proposal and I would like to personally thank Jim Sartucci and Carl Bentzel of the Commerce Committee staff, Carl Biersack of Senator LOTT's staff, Jeanne Bumpus of Senator GORTON's staff, Amy Henderson of Senator HUTCHISON's staff as well as my own staffers, Mark Ashby and Paul DeVeau.

S. 414, the Ocean Shipping Reform Act, and the proposed amendment to the committee reported bill, attempt to balance the competing interests of those affected by international ocean shipping practices. One of the major obstacles to change in this area was the need to provide additional service contract flexibility and confidentiality, while balancing the need to continue oversight of contract practices to ensure against anti-competitive practices immunized from our antitrust laws. I think the contracting proposal embodied in S. 414 adequately balances these competing considerations. The bill transfers the requirements of providing service and price information to the private sector, and will allow the private sector to perform functions that had heretofore been provided by the Government. The bill broadens the authority of the FMC to provide statutory exemptions, and reforms the licensing and bonding requirements for ocean shipping intermediaries.

Importantly, the bill does not change the structure of the Federal Maritime Commission. The FMC is a small agency with a annual budget of about $14 million. When you subtract penalties and fines collected over the past 7 years, the annual cost of agency operations is less than $7 million. All told, the agency is a bargain to the U.S. taxpayer as it oversees the shipping practices of over $500 billion in maritime trade. The U.S. public accrues an added benefit when the FMC is able to break down trade barriers that cost importers and exporters millions in additional costs, as recently occurred when the FMC challenged restrictive Japanese port practices.

The FMC is an independent regulatory agency that is not accountable to the direction of the administration. Independence allows the FMC to maintain a more aggressive and objective posture when it comes to the consideration of eliminating foreign trade barriers.

S. 414 also provides some additional protection to longshoremen who work at U.S. ports. The concerns expressed by U.S. ports and port-related labor interests revolved around reductions in the transparency afforded to shipping contracts, and the potential abuse that could occur as a result of carrier antitrust immune contract actions. In order to address the concerns of longshoremen who have contracts for longshore and stevedoring services, S. 414 sets up a mechanism to allow the longshoremen to request information relevant to the enforcement of collective bargaining agreements.

It is my feeling that we have before us a package of needed shipping reforms that will allow us to move ahead, and I look forward to passing this bill in the next session of Congress.

Mr. LOTT. I ask unanimous consent that the amendment be agreed to, the

bill be considered read a third time and passed, as amended, the motion to reconsider be laid upon the table and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1636) was agreed to.

The bill (S. 927), as amended, was passed.

DOCUMENTATION OF THE VESSEL "PRINCE NOVA"

Mr. LOTT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 1349 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1349) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid on the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1349) was passed, as follows:

S. 1349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DOCUMENTATION OF THE VESSEL PRINCE NOVA.

(a) DOCUMENTATION AUTHORIZED.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA (Canadian registration number 320804).

(b) EXPIRATION OF CERTIFICATE.—A certificate of documentation issued for the vessel under subsection (a) shall expire unless—

(1) the vessel undergoes conversion, reconstruction, repair, rebuilding, or retrofitting in a shipyard located in the United States;

(2) the cost of that conversion, reconstruction, repair, rebuilding, or retrofitting is not less than the greater of—

(A) 3 times the purchase value of the vessel before the conversion, reconstruction, repair, rebuilding, or retrofitting; or

(B) $4,200,000; and

(3) not less than an average of $1,000,000 is spent annually in a shipyard located in the United States for conversion, reconstruction, repair, rebuilding, or retrofitting of the vessel until the total amount of the cost required under paragraph (2) is spent.

Mr. LOTT. Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

NATIONAL VETERANS CEMETERY

Mr. NICKLES. Mr. President, I rise to express my profound disappointment in the action the President took on November 1 of this year when he used his veto pen to line-item veto $900,000 from the VA-HUD appropriations bill. This money was set aside for the final planning and design of a new national veterans cemetery to be built at Fort Sill in Lawton, OK. While I am disappointed, I know my disappointment pales in comparison to the shock and frustration that the veterans of Oklahoma and their families have expressed to me and my staff regarding the President's action.

The shock and frustration expressed by veterans living in Oklahoma who have selflessly served our country and their families comes because the President's veto will further delay a national cemetery that has been in one stage of planning or another since 1987 when the Department of Veteran Affairs stated its intention to build a new national cemetery in Oklahoma.

I hope my colleagues will bear with me as I review what the veterans of Oklahoma and their families have gone through over the past 10 years.

Efforts to establish a national veterans cemetery in central Oklahoma date back to 1987. That year the Department of Veterans Affairs, in a report to Congress, identified central Oklahoma as an area in need of a national veterans cemetery because of Oklahoma's large veterans population and an official acknowledgment that the Fort Gibson cemetery in eastern Oklahoma would soon be full. The Oklahoma congressional delegation did not make this determination, Oklahoma's large veteran population did not make this determination the VA made this determination.

The VA then embarked on a 4-year selection process and narrowed the potential cemetery sites to three: Fort Reno, Edmond, and Guthrie. The Congress, in accordance with the 1987 report, appropriated $250,000 in fiscal year 1991 for the purpose of conducting an environmental impact statement on these three sites to determine which site best met the needs of our veterans and was suitable for construction of a cemetery.

In late 1993, the VA officially announced Fort Reno as its preferred site, and Congress, in 1994, appropriated another $250,000 for the initial planning and design stages of the cemetery. Unfortunately, in that same year a land dispute arose over the Fort Reno site. After a year of trying to work out an agreement on the property at Fort Reno no resolution could be found.

On January 23, 1995, the VA issued a press release announcing that it was no longer committed to the Fort Reno site because the land dispute could not be resolved. In that same press release Jesse Brown, the Secretary of Veterans Affairs, made the following statement:

I am reiterating VA's commitment to provide a new national cemetery for the veterans of this region. We will look for other potential sites and expedite the selection decision.

Thankfully, another piece of property was soon found at Fort Sill that could be used for a cemetery, and true to Secretary Brown's statement the process was expedited.

The VA, using money left over from the initial environmental impact statement, conducted another study of the piece of property identified as a potential cemetery site at Fort Sill. The second environmental impact statement was completed on the property at Fort Sill and it was deemed suitable for a cemetery.

Again, acting on the VA's commitment of 1987 to build a national veterans cemetery which was reiterated in January 1995, by Secretary Brown, the Congress adopted an amendment that I offered to the fiscal year 1997 Defense authorization bill that called for the transfer of that property at Fort Sill for the establishment of a new national veterans cemetery.

I recently spoke to the Army and was informed that this land transfer is progressing very well and ought to be complete by mid-January of 1998—that's about two months away.

This year I worked with my good friend, Senator BOND, chairman of the VA–HUD appropriations subcommittee, to include $900,000 for the final planning and design of the cemetery. It was included in the bill that was passed by the Senate and included in the conference report.

As I stated earlier, about a week ago, the President used his veto pen to line-item veto this project. This project was the only VA project that was line-tem vetoed this year.

Besides being disappointed at the President's action, I don't understand it. The cemetery project is completely within the budget agreement that was hammered out this year. The cemetery project was identified by the VA as a project it wanted.

I do want to let the administration and the veterans of Oklahoma know

that I am committed to this project and I intend to work with the administration and the VA to see that the veterans of Oklahoma get a new national veterans cemetery in a timely fashion. Ten years has already been a long time to wait. The veterans of Oklahoma and their families have endured much as they served our country, I intend to see to it that the establishment of a new national veterans cemetery does not become yet another test of that endurance.

Mr. President, I believe the President made a mistake. He made a mistake in several items that were vetoed in the MilCon bill and he made a mistake in this case. The VA had made a commitment to build this cemetery. The veterans who served our country so well are entitled to be buried in a national veterans' cemetery. The Veterans' Department said maybe the new cemetery in Oklahoma should be a State cemetery. However, the veterans of Oklahoma have stated they want to be buried in a national veterans' cemetery, and I am committed to that. I know the veterans of Oklahoma are committed to that. We have had a commitment from this administration and this administration should not renege on it. They should not go back on their word to the veterans of Oklahoma, as evidenced by the President's veto. I think it was a mistake.

It just so happens the President does not have a Secretary of Veterans' Affairs. I will be meeting with the Acting Secretary and the President's nominee to be Secretary and hopefully we will come to an understanding very quickly that this is a commitment that will be completed. We need to uphold the commitment we made to the veterans of Oklahoma that we will have a national cemetery built.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2159

Mr. NICKLES. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of the conference report to accompany H.R. 2159, the foreign operations bill. I further ask consent there be 30 minutes of debate equally divided in the usual form, and immediately following that debate or yielding back of time the conference report be considered as adopted and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that morning business be extended until 12 noon under the same terms as previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

FAST TRACK

Mr. DORGAN. Mr. President, because the proposal for fast-track trade authority was not adopted, there have been a good many columns and commentators evaluating why fast track failed. I wanted to comment about that just a bit today. It is interesting. Even though the political pathologists for this legislation—the journalists, and the beltway insiders—have picked the fast track carcass clean, they still missed the cause of death.

The eulogies I read have no relationship to the deceased. Fast track didn't die because of unions and union opposition to fast track. Fast track didn't die because the President didn't have the strength to get it through the Congress. Fast track didn't die because our country doesn't want to engage in international trade. Fast track died because this country is deeply divided on trade issues. There is not a consensus in this country at this point on the issue of international trade. Instead of a national dialogue on trade we have at least a half dozen or more monologues on trade.

What people miss when they evaluate what happened to fast track is the deep concern that this country has not done well in international trade, especially in our trade agreements. This did not matter very much during the first 25 years after the Second World War. We could make virtually any agreement with anybody and provide significant concessions under the guise of foreign policy and we could still win the trade competition with one hand tied behind our backs. We could do that because we were bigger, better, stronger, better prepared, and better able. Thus, trade policy was largely foreign policy.

During the first 25 years after the Second World War, our incomes continued to rise in this country despite the fact that our trade policy was largely foreign policy. However, the second 25 years have told a different story, and we now face tougher and shrewder competition from countries that are very able to compete with us. And our trade policy must be more realistic and must be a trade policy that recognizes more the needs of this country.

Will Rogers said something, probably 70 years ago, that speaks to our trade policy concerns. I gave an approximate quote of that here on the floor the other day. He describes the concern people have about trade, yes, even today. Let me tell you what he said. Speaking of the United States, he said,

> We have never lost a war and we have never won a conference. I believe that we could, without any degree of egotism, single-handedly lick any nation in the world. But we can't even confer with Costa Rica and come home with our shirts on.

A lot of people still feel this way about our country. We could lick any nation in the world but we can't confer with Costa Rica and come home with our shirts on. "We have never lost a war and never won a conference," Will Rogers said.

What are the various interests here that cause all of this angst and anxiety? There is the interest of the corporations, particularly the very large corporations. They have an interest of profit. Their interest is to go somewhere else in the world and produce a product as cheaply as they can produce it and send it back to sell in America. That provides a profit. That is in their interest. It is a legitimate interest on behalf of their stockholders, but it is their interest. Is it parallel to the national interest?

Economists: their interest is seeing this in theory in terms of the doctrine of comparative advantage. Now this was first preached at a time when there weren't corporations, only nations. This is the notion that each nation should do what it is best prepared and equipped to do and then trade with others for that which it is least able to do.

Consumers: consumers have an interest, in some cases, of trying to buy the cheapest or least expensive product available.

Workers: workers want to keep their jobs and want to have good jobs and want to have a future and an opportunity for a job that pays well, with decent benefits.

Then there are the big thinkers. Those are the people who think they know more than all the rest of us. They understand that trade policy is simply called trade policy. Actually, they still want it to be foreign policy. Incidentally, some of those big thinkers were around last week. When the real debate about fast track got going, who rushed to Capitol Hill? The Secretary of State, and U.S. Ambassador to the United Nations, came here because we still have some of those big thinkers who believe trade policy must inevitably be foreign policy in our country.

Oliver Wendell Holmes once said, "The question is not where you stand but in what direction are you moving?" You must always move, you must not drift or lie at anchor.

The question is, now that fast track has failed, what direction are we moving? What is our interest in trade? What can spark a national consensus on trade issues? What are the new goals?

First of all, I think most Americans would understand that we want our country to be a leader in trade. Our country should lead in the area of expanding world trade. Yet the real question is, how do we lead and where do we lead?

I think the starting point is this. We have the largest trade deficits in this country's history. Most Americans viscerally understand that. We have the largest trade deficits in our country's history, and they are getting worse, not better. We must do something about it.

We have specific and vexing trade problems that go unresolved. I have mentioned many times on the floor of the Senate the trade problem with Canada, which is not the largest problem we have. Yet, it is a huge problem for the people that it affects. I am talking about the flood of unfairly traded Canadian grain that is undercutting our farmers' interests.

I just got off the phone with a farmer an hour ago. He was calling from North Dakota. He said the price of grain is down, way down. He's trying to compete with terribly unfair imports coming in through his back door from a state trading enterprise which would be illegal in this country and are sold at secret prices.

Trade problems which go unresolved fester and infect, and that is what causes many in this country to have a sour feeling about this country's trade policy. Because of a range of these problems, this country does not have a consensus on trade policy, at least not a consensus that Congress should pass fast track.

Last weekend and early this week when fast track failed to get the needed votes to pass the Congress, there were people who almost had apoplectic seizures here in Washington, DC. They were falling over themselves, saying, "Woe is America. What on Earth is going happen?"

Then we had countries in South America get into the act. I read in the paper that one of the countries in South America said, "You know, if the United States can't have fast-track trade authority then we are going to have to negotiate with somebody else."

Oh, really? Who are you going to negotiate with? Have you found a substitute for the American marketplace anywhere on the globe? Is there anywhere on Earth that a substitute for the American marketplace exists? Maybe you want to negotiate with Nigeria? How about Zambia? Zambia has a lower gross national product than the partners of Goldman Sachs have income. So go negotiate with Zambia.

Would our trading partners do us a favor, and not think the world is coming apart because we have not passed fast track? They need to understand that we want expanded trade. In the debate about trade we want to have embedded some notion about responsibilities. These are the responsibilities that we have as a country to decide that our trade policy must also reflect our values. These values are about the environment, about safe workplaces, about children working, about food safety and, yes, about human rights.

Does that mean we want to impose our values, imprint them, stamp them in every circumstance around the globe for a condition of trade? No. It does mean there is a bar at some point that we establish that says this minimum represents the set of values that we care about with respect to our trade relations.

Do we care if another country allows firms to hire 12-year-old kids, work them 12 hours a day and pay them 12 cents an hour and then ships these products to Pittsburgh, Los Angeles and Fargo? Yes, the consumer gets a cheaper product, but do we want 12-year-old kids working somewhere to produce it? Do we care that they compete with a company in this country that is unable to hire kids because this country is unwilling to let companies hire kids? We also say to these companies that they cannot dump chemicals into the air and into the water. We require a safe workplace. We require that a living wage be paid. At least we have minimum wage conditions.

We need to answer those questions. What really is fair trade? In whose interests do we fight for the set of values that we want for our future in our trade policies?

As we seek a new consensus on trade in this country, I hope that consensus will include the following goals:

First, it would be in this country's interest to end its chronic trade deficits. For 21 years in a row we have had chronic, nagging, growing trade deficits. I hope that as a goal we will decide that it is in this country's interest to end these trade deficits. Hopefully we would do it by increasing net exports from this country.

Second, we want more and better jobs in this country. That means our trade agreements ought to be designed to foster and improve job conditions in this country and living standards. As a part of that we need to require that our values are reflected in our trade policies, including our concerns about others who do not respect the rights of children and the environment.

Third, we need mandatory enforcement of trade agreements. Let us finally enforce the trade agreements we have made in the past. There are too many agreements that our trading partners are not abiding by. Let us not consign American producers and American workers to some wilderness out there facing vexing trade problems that cannot and will not be solved. Let's decide as a country, if an agreement is worth making, it is worth enforcing. Let us stand up to Canada, Mexico, China, and Japan and others and say, "If you are going to have trade agreements with us, this country insists on its behalf and on behalf of its farmers, workers and employers that we are going to enforce trade agreements."

Fourth, let us end the currency trap doors in trade agreements. When we make a trade agreement with some country and they devalue their currency, all the benefits of that trade agreement, and much, much more, are swept away in an instant.

Fifth, all trade agreements should relate to the question of whether they contribute to this country's national security.

These are the values that I think make sense for this country to discuss and consider as it tries to seek a new consensus on trade policy.

Once again, those who do the autopsies on failed public policies, including fast track during this last week, should not miss the cause of death. The reason fast track failed was because, as President Wilson once said, the murmur of public policy in this country comes not from this Chamber and not from the seats of learning in this town, but it comes from the factories and the farms and from the hills and the valleys of this country and from the homes of people who care about what happens to the economy of this country, and the economy of their State and their community.

They are the ones who evaluate whether public policy is in their interest or in this country's interest. They are the ones, after all, who decide what happens in this Chamber, because they are the ones who sent us here and the ones who asked us to provide the kind of leadership toward a system of trade and economic policy that will result in a better country.

Finally, Mr. President, I hope that as we discuss trade in the days ahead, it will be in a thoughtful, and not thoughtless, way. We do not need a discussion by those who say, "Well, fast track is dead, the protectionists win." That is not what the vote was about. It is not what the issue was about, and it is not the way I think we will confront trade policies in the future.

I will conclude with one additional point. There is an op-ed piece in the New York Times today which I found most interesting. I ask unanimous consent to have this op-ed piece printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

(See exhibit 1.)

Mr. DORGAN. Mr. President, this is an op-ed piece by Thomas Friedman. I commend it to my colleagues. He talks about the new American politics and especially about fast-track trade authority. He said we have a trade debate among people divided into four categories:

The Integrationists: "These are people who believe freer trade and integration are either inevitable or good, and they want to promote more trade agreements and Internet connections from one end of the world to the other, 24 hours a day."

There are the Social Safety-Netters. "These are people who believe that we

need to package global integration with programs that will assist the 'know-nots' and 'have-nots.'"

Then there are the Let-Them-Eat-Cakers. "These are people who believe that globalization is winner-take-all, loser-take-care-of-yourself.

He provides an interesting statement of where he thinks all of the current key players in the debate find themselves.

Now everyone in the fast-track debate is in my matrix: Bill Clinton is an Integrationist-Social-Safety-Netter. Newt Gingrich is an Integrationist-Let-Them-Eat-Caker. Dick Gephardt is a Separatist-Social-Safety-Netter and Ross Perot is a Separatist-Let-Them-Eat-Caker.

If that piques your interest, I encourage you to look at this particular piece by Thomas Friedman in which he describes his interesting matrix of trade policy and the need to build a new consensus.

Finally, I want to say that what this country needs most at this point is to understand there is not now a consensus on trade policy. I say to the President and I say to the corporations and labor unions and the people in this country that it is time to develop a new consensus. I am interested, for one, in finding a way to bridge the gaps among all of the competing interests in trade to see if we might be able to weave a quilt of public policy that represents this country's best interest in advancing our economy and our American values.

Mr. President, I yield the floor.

EXHIBIT 1

[From the New York Times, Nov. 13, 1997]

THE NEW AMERICAN POLITICS

(By Thomas L. Friedman)

Well, I guess it's official now: America has a four-party system.

That's the most important lesson to come out of Monday's decision by Congressional Democrats to reject President Clinton's request for "fast track" authority to sign more international free-trade agreements. I see a silver lining in what Congress did, even though it was harebrained. Maybe now at least the American public, and the business community, will fully understand what politics is increasingly about in this country, and will focus on which of America's four parties they want to join.

Me, I'm an Integrationist-Social-Safety-Netter. How about you?

To figure out which party you're in let me again offer the Friedman matrix of globalization politics. Take a piece of paper and draw a line across the middle from east to west. This is the globalization line, where you locate how you feel about the way in which technology and open markets are combining to integrate more and more of the world. At the far right end of this line are the Integrationists. These are people who believe that freer trade and integration are either inevitable or good; they want to promote more trade agreements and Internet connections from one end of the world to the other, 24 hours a day.

Next go to the far left end of this line. These are the Separatists. These are people who believe free trade and technological integration are neither good nor inevitable; they want to stop them in their tracks. So first locate yourself somewhere on this line between Separatists and Integrationists.

Now draw another line from north to south through the middle of the globalization line. This is the distribution line. It defines what you believe should go along with globalization to cushion its worst social, economic and environmental impacts. At the southern end of this line are the Social-Safety-Netters. These are people who believe that we need to package global integration with programs that will assist the "know-nots" and "have-nots," who lack the skills to take advantage of the new economy or who get caught up in the job-churning that goes with globalization and are unemployed or driven into poorer-paying jobs. The Safety-Netters also want programs to improve labor and environmental standards in developing countries rushing headlong into the global economy.

At the northern tip of this distribution line are the Let-Them-Eat-Cakers. These are people who believe that globalization is winner-take-all, loser-take-care-of-yourself.

Now everyone in the fast-track debate is my matrix: Bill Clinton is an Integrationist-Social-Safety-Netter. Newt Gingrich is an Integrationist-Let-Them-Eat-Caker. Dick Gephardt is a Separatist-Social-Safety-Netter and Ross Perot is a Separatist-Let-Them-Eat-Caker. That's why Mr. Clinton and Mr. Gingrich are allies on free trade but opponents on social welfare, and why Mr. Gephardt and Mr. Perot are allies against more free trade, but opponents on social welfare.

As I said, I'm an Integrationist-Social-Safety-Netter. I believe that the technologies weaving the world more tightly together cannot be stopped and the integration of markets can only be reversed at a very, very high cost. Bill Clinton is right about that and Dick Gephardt and the unions are wrong.

But Mr. Gephardt and the unions are right that globalization is as creatively destructive as the earlier versions of capitalism, which destroyed feudalism and Communism. With all its positives, globalization does churn new jobs and destroy old ones, it does widen gaps between those with knowledge skills and those without them, it does weaken bonds of community. And the Clinton team, the business community and all the workers already benefiting from the information economy never took these dark sides seriously enough.

One hopes they now realize that this is one of the most fundamental issues—maybe the most fundamental issue—in American politics. You can't just give a speech about it one month before they vote, you can't just have your company buy an ad supporting it the day before you vote, you can't just summon a constituency for it on the eve of the vote. You have to build a real politics of Integrationist-Social-Safety-Nettism—a politics that can show people the power and potential of global integration, while taking seriously their needs for safety nets to protect them along the way. Build it and they will come.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

VETERANS DAY

Mr. GLENN. Mr. President, earlier this week, we celebrated a national holiday, Veterans Day. We were not in session on that day, November 11, so I want to make a few comments about that day and what it means to our country.

Veterans Day comes from the Armistice Day that ended World War I in 1918. The armistice was signed that day at 11 o'clock in the morning with the hope that that would be the war to end all wars. As we look back on what has happened since that time, we know that that is not what happened, however, that is the way World War I was billed at that time.

Later, Armistice Day was changed to Veterans Day to better represent all the conflicts that this country has ever participated in. I think it is good that we have a day where we can reflect on, and commemorate those who took part in those wars.

However, sometimes on that day, we are reminded that appreciation for the military, and for their sacrifices, does not get its proper attention. I am reminded of the old Kipling poem where he talks about how the lack of appreciation for our military occurs, or seems to occur, in those time periods when they are most needed.

Kipling was British, and in Britain, GI's were called tommies. In his famous poem Kipling wrote:

It's Tommy this, an' Tommy that,
an' "Chuck him out, the brute!"
But it's "Savior of 'is country"
when the guns begin to shoot.

We tend to forget about the sacrifices our military personnel when peace breaks out. History shows us that over the last 100 years or so, we have had approximately 17-year cycles of war and peace. It is amazing, almost uncanny, how our military buildups and downgrades fit into that 17-year cycle. In fact, the only conflict that occurred outside of that pattern was World War II, which was only about 4 years off the 17-year cycle. I can only hope that our current period of peace will break that 17-year cycle.

On Veterans Day, we recognize those who have gone through these cycles before us. It is a time to point out some of the sacrifices they made, the devotion to duty that they were required to perform, and the courage that they exhibited. It is a time to say, "The professionalism of our military saved lives."

Veterans themselves, do not need a special day, because they remember their own experiences in the military. They do not need a special day because those times are forever etched in their memories. They remember the people that they were associated with, their friends, people of all walks of life. They remember the rich, the poor, the advantaged, the disadvantaged; all tossed together, rubbing elbows, in what is the finest military in the world. They remember the places where they were stationed, their training, and they certainly remember their days in combat, which is forever etched on their memory, like nothing else out of their past.

Some survived and some did not. Veterans Day is a time to go back and remember those people. It is time, not just for veterans, but for all Americans, to remember that this country was built on the sacrifices of the brave men and women who served in the military, and protected our country. It is a day to remember and appreciate what made this country, the greatest nation in the world.

Mr. President, another important day occurred early this week and I would like to make a few remarks about it also.

THE MARINE CORPS' 222D BIRTHDAY

Mr. GLENN. Mr. President, Monday, November 10, was the 222d birthday of the U.S. Marine Corps. That day is celebrated by marines, and former marines, wherever they are, wherever they may go.

Last year, on the Marine Corps birthday, I was on a plane with our minority leader and several other Senators, on a trip to the Far East. We were on our way to visit Ho Chi Minh City, Hong Kong, and Taiwan. We had just left Japan, and I was sitting there with my wife, Annie, when I remembered that it was the Marine Corps birthday. Because it is a ritual for marines to celebrate their birthday, no matter where they are, I told Annie that I was going back to the galley to get something to be our Marine Corps birthday cake. I know this may sound silly to some people, but to marines, it does not sound silly at all.

So, right as I was getting ready to head back to the galley, other people on the flight started gathering around where we were sitting. It turned out that they also had remembered how important this day was to me, and my fellow marines. Not only did they know what the 10th of November was, they had brought a cake along with them. It was a beautiful cake and was decorated with the Marine Corps emblem. So probably like a lot of other isolated marines in the world, we had our own party. It was a very memorable celebration.

This year I had the chance to participate in the Marine Corps birthday ball here in Washington, at the Marine Barracks. Once again, we had a wonderful celebration.

The corps remains proud of the role it has played in the history of our country—as the 911 force, the emergency force that is always available when requirements dictate that the most best is needed now.

The Marine Corps remains unique to the other services, in the respect that it has all elements of supporting arms in one unit. It has supplies for 60 days of combat. It has infantry, air, armor, and artillery. It has all the elements wrapped up in one unit, necessary to go in and be a very tough, hard-hitting organization for a short period of time.

This was vividly illustrated in the Persian Gulf during Desert Storm. The Marine Corps came in with two divisions, completely equipped, and set up a blocking position, to give our other forces time to build up—a build up that over a several-month period came to number over 520,000 Americans.

This was typical of the role that the U.S. Marine Corps has played as the ready force. And there isn't a Marine unit in existence that does not have some of its expeditionary gear, some of its combat equipment boxed and ready to go now and move within hours. If the Marine Corps ever loses that kind of readiness, I believe it will have lost its reason for being.

So in their 222d year of existence, the marines continue to celebrate the traditions of the Marine Corps. They honor and remember the sacrifices of marines who fought in places like Belleau Wood, Guadalcanal, Tarawa, Bougainville, Iwo Jima, Pork Chop Hill and the Chosen Reservoir, and Khe Sanh.

One thing that has remained the same though out the Marines history, and something that I am proud of, is in the way in that the Marine Corps recruits people. The Marine Corps recruits people to serve. They do not recruit on a promise of "Here's what is good for you, or here's what you'll get out of it yourself", they recruit by asking the question, "Are you good enough to serve your country?" And it is here, and later where they are trained, that the attitudes required to prepare them for battle, are instilled. It calls for each person to devote themselves to a purpose bigger than themselves, a purpose to each other, a purpose to the unit, a purpose to the corps, and a purpose to this country of ours.

This was well spelled out in a Parade magazine article last Sunday, November 9. This article said so much about the training that is going on in the Marine Corps today, training that continues to be updated from one war to the next.

This article was not written by some Marine Corps public relations person, it was written by Thomas E. Ricks, a writer for the Wall Street Journal. Mr Ricks starts out in the first part of this article by saying, "What is it about the Marine Corps that makes it so successful in transforming teenage boys and girls into responsible, confident men and women? He goes on to show how ordinary "Beavises and Butt-heads" can be molded into effective leaders. And he says of himself, "I majored in English literature at Yale, and, like everybody with whom I grew up and went to school with, I have no military experience. Yet I learned things at Parris Island that fascinated me."

He talks about "Lessons From Parris Island" that are instilled into these young people coming into the Marine Corps which are—first, "Tell the truth;" second, "Do your best, no matter how trivial the task;" third, "Choose the difficult right over the easy wrong;" fourth, "Look out for the group before you look out for yourself;" fifth, "Don't whine or make excuses;" and, sixth, "Judge others by their actions and not their race."

By my way of thinking, those are some pretty good objectives for anybody in our society to follow. And they are the building blocks that are instilled in all U.S. Marines as they go through boot camp.

Mr. President, I will not read this whole article this morning. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A FEW GOOD TRUTHS

(By Thomas E. Ricks)

WHAT WE CAN LEARN FROM THEM

On a hot night in 1992, on my first deployment as a Pentagon reporter, I went on patrol in Mogadishu, Somalia, with a squad of Marines led by a 22-year-old corporal. Red and green tracer bullets cut arcs across the dark sky. It was a confusing and difficult time. Yet the corporal led the patrol with a confidence that was contagious.

Ever since that night, I had wanted to see how the Marine Corps turns teenage Americans into self-confident leaders. At a time when the nation seems distrustful of its teenage males—when young black men especially, and wrongly, are figures of fear for many—the military is different. It isn't just that it has done a better job than the larger society in dealing with drug abuse and racial tension—even though that is true. It also seems to be doing a better job of teaching teenagers the right away to live than does, say, the average American high school. And it thrives while drawing most of its personnel from the bottom half of our society, the half that isn't surfing the information superhighway.

I wanted to see how the Marines could turn an undereducated, cynical teenager into that young soldier, who, on his second night in Africa, could lead a file of men through the dark and dangerous city. How could a kid we would not trust to run the copier by himself back in my office in Washington become the squad leader addressing questions that could alter national policy: Do I shoot at this threatening mob in a Third World city? Do I fire when a local police officer points his weapon in my direction? If I am performing a limited peacekeeping mission, do I stop a rape when it occurs 50 yards in front of my position?

To find out how the Marines give young Americans the values and self-confidence to make those decisions, I decided to go to Marine boot camp. I went not as a recruit but as an observer. I come from the post-draft generation. I majored in English literature at Yale, and, like everybody with whom I grew up and went to school, I have no military experience. Yet I learned things at Parris Island that fascinated me—and should interest anyone who cares about where our youth are going. In a society that seems to have trouble transmitting healthy values,

the Marines stand out as a successful institution that unabashedly teaches those values to the Beavises and Butt-heads of America.

I met Platoon 3086 on a foggy late winter night in 1995 when its bus arrived on Parris Island, S.C. I followed the recruits intermittently for their 11 weeks on the island, then during their first two years in the Marine Corps.

The recruits arrived steeped in the popular American culture of consumerism and individualism. To a surprising degree, before joining the Corps, they had been living part-time lives—working part-time, going to community college part-time (and getting lousy grades) and staying dazed on drugs and alcohol part-time. When they arrived on Parris Island, all that was taken away from them. They were stripped of the usual distractions, from television and music to cars and candy. They even lost the right to refer to themselves as "I" or "me." When one confused recruit did so during the first week of boot camp, Sgt. Darren Carey, the platoon's "heavy hat" disciplinarian, stomped his foot on the cement floor and shouted, "You got on the wrong bus, cause there ain't no I, me, my's or I's here!"

On Parris Island, for every waking moment during the next 11 weeks, they were immersed in a new, very different world. For the first time in their lives, many encountered absolute standards: Tell the truth. Don't give up. Don't whine. Look out for the group before you look out for yourself. Always do your best—even if you are just mopping the floor, you owe it to yourself and your comrades to strive to be the best mopper at this moment in the Corps. Judge others by their actions, not their words or their race.

The drill instructors weren't interested in excuses. Every day, they transmitted the lesson taught centuries ago by the ancient Greek, philosophers: Don't pursue happiness; pursue excellence. Make a habit of that, and you can have a fulfilling life.

These aren't complex ideas, but to persuade a cynical teenager to follow them, they must be painstakingly pursued every day—lived as well as preached. I have seen few people work as hard as did Platoon 3086's drill instructors in the first few weeks they led the platoon. Sergeant Carey, an intense young reconnaissance specialist from Long Island, routinely put in 17 hours a day, six and half days a week. His ability to drive himself at full speed all day long awed and inspired his charges. Recruit Paul Bourassa said of his drill instructor. "When you're gone 16 hours, and you're wiped out, and you see him motoring, you say to yourself, 'I've go to tap into whatever he has.'"

Sergeant Carey clearly wasn't doing it for the money. He was paid $1775 a month—a figure that worked out to about the minimum wage. Of course, the wages were nearly irrelevant. The recruits learned that money isn't the measure of a man, that a person's real wealth is in his character. One of the funniest moments I saw in boot camp came when Sergeant Carey was lecturing the platoon on the importance of knowledge.

"Knowledge is what?" he bellowed.

"Power, sir," responded the platoon.

"Power is what?" he then asked.

That puzzled the platoon. Faces scrunched up in thought. Eventually one recruit hazarded a guess: "Money?"

Sergenat Carey was dumbfounded to find such a civilian attitude persisting is his platoon. "No!" he shouted. "Power is VICTORY!" (Then, in a whispered aside, he added, "I swear, I'm dealing with aliens.")

The drill instructors didn't try to make their recruits happy. They tried to push the members of the platoon harder than they'd ever been pushed, to make them go beyond their own self-imposed limits. Nearly all the members of the platoon cried at one time or another. Yet by the end of 11 weeks almost all had been transformed by the experience—and were more fulfilled than they had ever been. They had subordinated their needs to those of the group, yet almost all emerged with a stronger sense of self. They unembarrassedly used words like "integrity."

I learned more than I expected. One of my favorite moments came when Sergeant Carey ordered a white supremacist from Alabama to share a tent in the woods with a black gang member from Washington, D.C. The drill instructor's message to the recruits was clear: If you two are going to be in the Marine Corps, you are going to have to learn to live with each other. Recruits Jonathan Prish and Earnest Winston Jr. became friends during that bivouac. "We stuck up for each other after that," Prish said.

The recruits generally seemed to find race relations less of an issue at boot camp than in the neighborhoods they'd left behind. If America were more like the Marines, argued Luis Polanco-Medina, a recruit from New Jersey, "there would be less crime, less racial tension among people, because Marine Corps discipline is also about brotherhood."

Two other things surprised me. I didn't hear a lot of profanity. Once notoriously foul-mouthed, today's drill instructors generally are forbidden to use obscenities. Also, I saw very little brutality. "I expected it to be tougher," said recruit Edward Linsky, in a typical comment as he sat on his footlocker.

Platoon 3086 graduated into the Marine Corps in May 1995 and became part of a family that includes 174,000 active-duty members and 2.1 million veterans (there really is no such thing as an "ex-Marine"). Over the last two years, members of the platoon have experienced some disappointments. But as Paul Bourassa concluded a year after graduating from boot camp, "It pretty much is a band of brothers."

What I think the Marine Corps represents is counterculture, but the Marines are rebels with a cause. With their emphasis on honor, courage and commitment, they offer a powerful alternative to the loneliness and distrust that seem so widespread, especially among our youth.

Any American—young or old, pro- or anti-military—can learn something from today's Corps. That goes for the corporation as well as the individual. Just listen to Maj. Stephen Davis describe his approach to leadership: "Concentrate on doing a single task as simply as you can, execute it flawlessly, take care of your people and go home." Those steps offer an efficient way to run any organization.

I took away a lot from boot camp myself. I don't talk to my own kids like a drill instructor (and neither do thoughtful drill instructors). But I was struck by the importance of the example the DIs provided: Kids want values, but they are rightly suspicious of talk without action. So while you need to talk to kids about values, your words will be meaningless unless you live them as well. Also, of all the things that can motivate people, the pursuit of excellence is one of the most effective—and one of the least used in our society.

None of this is a revelation. Lots of families live by these standards. But few of our public institutions seem to. "You'd see the drill instructors teach kids who barely made it through high school that they weren't stupid that they could do things if they had the right can-do attitude," summarized Charles Lees of Platoon 3086. "It was all the things you should learn growing up but, for some reason, society de-emphasizes."

The white supremacist and the black gang member who were thrown together in boot camp both went on to happy careers in the Corps. Earnest Winston Jr., the D.C. gangbanger, became a specialist in the recovery of aircraft making emergency landings and was posted to Japan. "It's beautiful," he told me. "Not a lot of people on my block get to go places like these." His friend Jonathan Prish, the Alabaman, became a guard near the American Embassy in London, Prish had his racist tattoos covered. "I've left all that behind," he said. "You go out and see the world, and you see there are cool people in all colors."

LESSONS FROM PARRIS ISLAND

Tell the truth.

Do your best, no matter how trivial the task.

Choose the difficult right over the easy wrong.

Look out for the group before you look out for yourself.

Don't whine or make excuses.

Judge others by their actions not their race.

TRIBUTE TO FRED PANG

Mr. GLENN. Mr. President, a man who worked with me very closely on the Armed Services Committee, Fred Pang, a man who rose to become the Assistant Secretary of Defense for Force Management Policy, will retire from almost 40 years of service to our Government, on November 16.

During these 40 years he has always kept one principle paramount in his service—that principle has been the welfare of the troops. Over his entire period of service, and especially during the past 3 years, he has constantly worked to improve the quality of life for our men and women in uniform and their families.

Mr. Pang's long and productive association with the military of the United States dates back to his earliest days. Growing up in Hawaii, his father was a shipyard worker at Pearl Harbor and a survivor of the Japanese attack on December 7, 1941. Perhaps growing up in Hawaii during World War II helped shape Mr. Pang's propensity for public service, his fervent patriotism, and his penchant to participate in the defense of our Nation. In high school, Mr. Pang was a member of the Army Junior Reserve Officer Training Corps program at McKinley High School. Next, he joined the Naval Reserves, and following boot camp in San Diego, he served aboard two destroyers. While pursuing his bachelor's degree at the University of Hawaii, he enrolled in the Air Force Reserve Officer Training Corps program, and upon graduation, he was commissioned a second lieutenant in the U.S. Air Force. Thus, began

his long and illustrious active affiliation with the Department of Defense.

His 27-year Air Force career included a variety of manpower and personnel assignments, including a tour in Vietnam in 1968–69. Before retiring as a colonel in 1986, he was the Director of Officer and Enlisted Personnel Management and the Director of Compensation in the Office of the Assistant Secretary of Defense for Force Management and Personnel—two of the most important and demanding personnel jobs in the entire Department of Defense for an active duty officer. During his stint in these jobs, he worked on many critically important projects with long-term implications for the professional personnel management of uniformed personnel. Most noteworthy was the research and analysis he did in support of the Defense Officer Personnel Management Act [DOPMA] of 1981. While this act was obviously the result of much hard work by many people and was, in the final analysis, a work of the Congress, the work done by Mr. Pang in the Department of Defense contributed immeasurably to its success. The fact that DOPMA has remained in tact for over 16 years as the governing law for all Department of Defense officer personnel stands in tribute to the work done by then-Colonel Pang and all others who contributed to its development.

Upon his retirement from the Air Force, and after a very short, 6 months, time in the private sector, Mr. Pang again answered the call of his country and went to work as a professional staff member on the Senate Armed Services Committee [SASC]. As the majority staffer on the Personnel Subcommittee of the SASC, Mr. Pang was recognized as one of the leading experts and most influential people in the entire Government when it came to matters relating to the management of U.S. military personnel. Although his accomplishments on the SASC are far too numerous to list here, there is one facet of his service with the committee, which deserves mention. Following the end of the cold war, the Department of Defense was faced with the unprecedented task of drawing down an All-Volunteer military. Having lived through the post-Vietnam war drawdown, which was something less than successful, Mr. Pang was determined that we would not return to hollow military of the mid- to late-1970's. Working tirelessly, he developed a package of downsizing incentives including the voluntary separation incentive [VSI], special separation benefit [SSB], and temporary early retirement authority [TERA]. These programs have proven themselves to be extraordinarily effective in helping reshape our military as it was reduced by some 33 percent. The results speak for themselves. Today, we have a military that is of higher quality in terms of education and aptitude scores than ever before in history. The force was drawndown in a well-balanced manner so that today our service men and women are more experienced and capable than ever before. Additionally, when the drawdown began, many feared that minorities and women would be disproportionately affected. So good were the tools provided by Congress, developed mostly by Mr. Pang and so skillful was the execution of the drawdown that the military force of today is more richly diverse than ever before.

Working with his committee chairman, Senator Sam Nunn of Georgia, Mr. Pang recognized that the true peace dividend coming out of the cold war was the incredible number of high quality men and women coming out of the military and returning to civilian life. He conceived and developed an innovative and effective package of transition benefit programs that have proved to be successful beyond anyone's wildest dreams. Literally millions of service men and women have separated from the military since the drawdown began. Transition counseling packages written into law along with brilliant and innovative programs such as Troops to Teachers and Troops to Cops have ensured that not only have our recent veterans found meaningful and rewarding employment, but that their skills, developed in the military, are now being utilized to the fullest in the civilian sector. A great deal of anecdotal evidence exists that these transition programs have worked exceedingly well. However, as overall evidence of the effectiveness of the transition programs developed by Mr. Pang, notwithstanding the huge number of people separating from the military during the downsizing, the amount of money, as a percent of the budget, that the Department of Defense has paid out in unemployment compensation has not increased at all. People are finding jobs in the private sector, and they are finding good jobs. Through job fairs and transition bulletin boards, private sector employers have acquired new employees who have a great work ethic, who understand the concept of mission, and who are drug free. And society has acquired former service members who are outstanding role models for the youth of America. Much of the credit for this truly American success story has got to go to Mr. Fred Pang.

During his tenure as Assistant Secretary of the Navy for Manpower and Reserve Affairs and as Assistant Secretary of Defense, Force Management Policy, Mr. Pang has continued and focused his leadership in the area of military and civilian personnel management and equal opportunity. Hard to put into words, but clearly evident from the accomplishments of the organizations that he has so skillfully led over the past 4 years, is the "can do", positive attitude that he inspires as a leader. During his tenure as Assistant Secretary of the Navy for Manpower and Reserve Affairs, he dealt with some of the thorniest issues facing the Navy in many years such as the Tailhook scandal and the U.S. Naval Academy cheating scandal. Mr. Pang's integrity and commonsense approach to problemsolving did much to put the Navy on the correct course in dealing with these very difficult issues. As the Assistant Secretary of Defense, Force Management Policy, he completely revised and made right the Department of Defense Directive on officer promotion and nomination procedures. In the aftermath of Tailhook and other highly publicized officer promotion and nomination problems, the new directive, written under Mr. Pang's leadership, has not only put the processing of these critical actions back on an efficient and timely track, but has restored the faith and confidence of the Senate Armed Services Committee and of the American public in the officer promotion and nomination process. One of the major efforts of former Secretary of Defense William Perry was improving the quality of life of service and family members. He placed Mr. Pang in charge of this effort and appointed him as the chairman of the Department of Defense Executive Committee on Quality of Life. Under Dr. Perry's guidance and Mr. Pang's leadership, the Quality of Life Executive Committee has made major accomplishments in improving the quality of life of our service and family members, and, for the first time, we have established a series of measurements and standards for all quality of life services. Because of these efforts, the lives of service and family members worldwide have been improved and enriched.

Mr. Pang has led the Force Management Policy organization to new heights of efficiency and accomplishment across the spectrum of civilian and military personnel management; personnel support, families and education; equal opportunity; morale welfare and recreation and resale activities; and women in the military. He is leaving a legacy of service to the Department of Defense and our Nation, and most importantly, to our men and women serving in uniform, of dedicated service and lasting contributions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that morning business be extended until 12:30 under the same terms as previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADOPTION AND SAFE FAMILIES ACT OF 1997

Mr. CHAFEE. Mr. President, I would like to express my strong support for legislation that will be considered by the Senate and has been considered by the House this morning. This legislation is the Adoption and Safe Families Act of 1997. This bill, which is a compromise version of legislation that I introduced originally now has as supporters and sponsors: Senator ROCKEFELLER, Senator CRAIG, Senator BOND, Senator DEWINE, Senator COATS, Senator JEFFORDS, Senator LANDRIEU, Senator LEVIN, Senator KERREY, Senator DORGAN, Senator MOYNIHAN, Senator MOSELEY-BRAUN, and Senator JOHNSON. Mr. President, this legislation will make some critical changes to the child welfare system—changes that will vastly improve the lives of hundreds of thousands of children currently in foster care and waiting for adoptive homes. I am very hopeful that the President, who has indicated his support for this legislation, will sign this measure promptly.

Mr. President, just yesterday, there was yet another story in the newspapers about a young girl, 9 years old, who was found dead from severe abuse in her sister's Bronx apartment. The tragic story of young Sabrina Green's short life is harrowing, and it is all too reminiscent of the cases we read and hear about, unfortunately, every single day. Each time I read about a case like Sabrina Green's, I feel outrage and frustration with a system that cannot take care of the most vulnerable members of our society. Now, Mr. President, we cannot bring Sabrina Green back to life, nor can we bring back any of the hundreds of children who have died under similar circumstances; but we can take action to prevent such deaths in the future, and that is what we are doing today.

The bill that will come over to us shortly, Mr. President, will put the safety and health of the child first. That is a significant change in the law. Under this legislation, the safety and health of the child will come first. We will not continue the current system of always putting the needs and rights of the biological parents first. While we still believe that family reunification is a worthy goal, it's time we recognize that some families simply cannot and should not be kept together. Children who have suffered severe abuse or whose parents have committed violent crimes should be moved out of those homes rapidly and into adoptive homes. Our bill does that. Children who are in foster care for over 15 months deserve to have a decision made about their future. Our legislation does both of those things.

It is also time we put a stop to children lingering in foster care for years. There are currently half a million children in this country—500,000 children in the United States of America—who have been removed from their abusive or neglectful parents and are living in foster care. In my State, there are 1,500 of these children in foster care. Nationally, each of these children in foster care will remain so for an average of 3 years before a decision is made about their future, and many of them will wait much longer. The average is 3 years. Some have stayed for years and years in foster care. Today, we are sending those half a million children a message of hope. Under this legislation, their time in foster care will be shortened. States will be required to make a permanent plan for these children after a year, and if a child has been in foster care for more than 15 months—1 year and 3 months—the State will be required to take the first steps toward terminating parental rights and finding an adoptive home.

Terminating parental rights is the critical first step in moving children into permanent placements, but it is not enough. We also must promote adoption of these children, and our bill does that. Our bill removes geographic barriers to adoption. There are no limitations under this bill about children in one State having to be adopted in that State. We remove these geographic barriers to adoption and require States to document efforts to move children into safe adoptive homes. We also provide financial bonuses to States that increase their adoption rights. There is money here for States that increase the rate of adoption in their States.

There are legal and procedural barriers to adoption, and there are also financial barriers. Lack of medical coverage is one such barrier to families who want to adopt special needs children. What is a special needs child? It is a child who has medical problems or physical problems, or a child of such an age, maybe 15 or 16, in a foster home. Adoptive parents are very reluctant to take on a child of that age. Many of these children have significant physical and mental health problems due to years of abuse and neglect and foster care. Many of these children have been shuttled from foster parent to foster parent. So the adoptive parents are taking a huge financial risk in adopting these children if the parents are not guaranteed that there will be health insurance for these special needs children. Our bill ensures that special needs children who are going to be adopted will have medical coverage. We also ensure that children whose adoptive parents die or whose adoptions disrupt or terminate for some reason, they will continue to receive Federal subsidies when they are adopted by new parents.

Mr. President, I am very proud of this legislation. The Senate and House sponsors have worked tirelessly for many months to come to an agreement. Our shared commitment to improving the lives of these children brought us together. In closing, I want to especially thank my good friend, Senator JAY ROCKEFELLER, who has spent years devoting his time and attention to these children. I also thank Senator CRAIG, who brought his own personal experiences and dedication to this effort, and Senator DEWINE, who brought so much expertise and professional experience to this initiative. I also want to thank the other members of the coalition, those Senators that I mentioned earlier, and I will repeat their names—Senator BOND, Senator COATS, Senator JEFFORDS, Senator LANDRIEU, Senator LEVIN, Senator KERREY, Senator DORGAN, Senator MOYNIHAN, Senator MOSELEY-BRAUN, and Senator JOHNSON.

I also want to congratulate the House sponsors who worked so hard on this—Congressman CAMP and Congresswoman KENNELLY.

I thank our staffs for the extraordinary efforts they devoted to achieving passage of this legislation. Particularly, I salute Laurie Rubiner, of my staff, and Barbara Pryor, of Senator ROCKEFELLER's staff. All of these individuals that are mentioned, and others, have been so helpful in achieving passage of this legislation, which I think has just now passed the House and will be coming here. We look for rapid action here.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

FOREIGN OPERATIONS FISCAL YEAR 1998 APPROPRIATIONS—CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, under the previous order, I submit a report of the committee of conference on the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the conference report.

The assistant legislative clerk read as follows.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2159) have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate will proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 12, 1997.)

The PRESIDING OFFICER. There is now 30 minutes of debate equally divided. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I am pleased the Senate is taking up this afternoon H.R. 2159, the foreign operations, export financing and related programs for fiscal year 1998. As is the case every year, it was not easy getting to this point partly because this bill is very different than the bills we passed in the last several years.

First and foremost, we have increased our commitment to America's global leadership by nearly $1 billion. We have provided $12.8 billion for the 1998 foreign assistance programs and an additional $359 million in arrears we have owed to multilateral institutions, bringing the grand total to $13.1 billion, a shade under the administration's request.

Let me review the important contributions this bill will make to stability and security around the world.

First, Mr. President, we have substantially increased our commitment to the New Independent States of the former Soviet Union over last year's levels; $770 million for the region has been provided, including earmarks of $225 million for Ukraine, $92.5 million for Georgia, and $87.5 million for Armenia. Funds for Georgia and Armenia, along with resources to assist the victims of the Nagorno-Karabakh and Abkhaz conflicts are included within a new $250 million regional Caucasus fund. Congressman CALLAHAN, my counterpart in the House, deserves credit for the idea to create this fund, believing it would provide incentive to achieve a peace agreement between Armenia and Azerbaijan.

In an effort to assure balance to our regional approach and promote American energy security interests, we have ended the confusion over the impact of section 907 and clearly authorized OPIC, Ex-Im, TDA, and the Foreign Commercial Service support for American businesses operating in Azerbaijan and the Caspian.

I believe we have served our clear interest in securing stability and economic growth in the New Independent States with these earmarks and the overall level of funding for that area. I also think we have served both our principles and security interests with two Senate provisions which were included in the conference report.

The first addresses the issue of Russian cooperation with Iran on its nuclear and ballistic missile program. I have repeatedly expressed my disappointment with the administration's reluctance to leverage U.S. assistance to secure an end to this lethal cooperation. Let me remind my colleagues that we have provided more than $4 billion in aid to Russia—more than any we have provided to any combination of other countries.

For the past several years, the Senate has carried a provision suspending aid unless the Russians stopped their training, technology transfer and support for the Iranian nuclear program. Each year a waiver has been added in conference because of a threat of veto and the President has in fact exercised the waiver. Each time he has done so the Iranians have moved closer to acquiring and testing a ballistic missile. This year, instead of a blanket waiver, the President will have to prove the Russians have taken specific steps to curtail the nuclear cooperation. While it is not as tough as I would have liked, it is a vast improvement over the broad waiver we have given him in the past.

I also want to draw attention to the efforts of Senator BENNETT and Senator GORDON SMITH who worked hard to assure inclusion of a provision conditioning assistance on Russia's protection of religious freedom. There is no freedom more fundamental than the right to worship in a church of one's choice. The legislation President Yeltsin signed into law appears to have a chilling effect on religious freedom, a problem we have addressed by requiring the President to certify that the government has not enforced or implemented laws which would discriminate against religious groups or religious communities.

Now, Mr. President, beyond the NIS, I think the bill clearly serves our national security interests in the Middle East by sustaining our past earmarks for Israel and Egypt and expanding and earmarking support to Jordan. At a time when the foreign aid request increased by nearly $1 billion, I was disappointed the administration only asked for $70 million for Jordan.

An increase was a very high priority for me, and I am pleased to report the conference agreement provides $225 million in economic and security assistance as recognition for King Hussein's contribution and determination to achieve a durable peace and regional stability.

Let me once again note my concern about Egypt's role in the peace process. For more than a decade, the bill has consistently stated that resources are provided as a measure of the recipient's commitment and support for peace. For the past 18 months, there is no question that Cairo has not faithfully served that key interest. Just this week, Mr. President, Egyptian officials announced they would not send representatives to an economic summit designed to restore relations and rebuild confidence. This is not an isolated example of problems in our relations with Egypt. In particular, Cairo's international campaign to remove sanctions against Libya is inexcusable. I expect that the bill's provision to withhold 5 percent of the aid to any country failing to enforce the sanctions may affect Egypt's assistance, notwithstanding the earmark. Let me put everyone on notice that if this persists, once again, next year as I did this year, I will not be including an earmark for Egypt in the chairman's mark as we begin the process of developing the appropriations bill for foreign operations for next year.

Turning to other areas, the bill also reflects the Senate's commitment to strengthen our economic interests by increasing over the President's request our support for the Export-Import Bank. The Bank provides crucial support to U.S. exporters, creating jobs and income. I did not think the President's request was adequate to meet America's commercial interests. Consistent with the Senate's decision, we provide $51 million more than the request for a total of $683 million.

This support comes with a word of caution for the board. I share my colleagues' concerns about the substantial funding that has been made available to Gazprom by the Bank, given Gazprom's announced plans to develop Iranian gas fields. The Bank must suspend support for Gazprom until the problem can be resolved. Complementing support for the Bank, we have provided the full request and authorization language for OPIC and $41.5 million for the Trade Development Agency. Both are consistent with Senate positions.

Mr. President, in Asia, important priorities were sustained in the conference report. The Senate's position increasing aid to supporters of democracy in Burma, restricting assistance to the Hun Sen Government in Cambodia, and funding for the Korean Energy Development Organization was included. With regard to KEDO—that is the Korean Energy Development Organization—the conference agreed to our effort to reduce the costs of purchasing oil on the spot market by fully funding the 1998 costs and providing $10 million in back debt if other donors contribute sufficient funds to clear the balance.

After much negotiation and some modifications, we also preserved the Senate's interests in conditioning aid to governments in the Balkans which refuse to cooperate in the extradition of war criminals. It is absolutely clear that inclusion of tough provisions in the original chairman's mark produced immediate results in U.S. efforts to secure cooperation. I intend to closely watch the situation to assure the administration continues to press for the transfer and prosecution of war criminals. There will be no long-term peace

or stability in Bosnia or, for that matter, in the region if we fail in this effort to bring about a moral reconciliation.

Finally, Mr. President, let me mention the multilateral financial institutions. We have fully funded the International Development Association and met our commitments at the other regional banks and made a substantial downpayment on clearing all outstanding arrears. Senator DOMENICI deserves recognition for establishing the guidelines allowing us to solve this vexing problem without compromising current programs.

Unfortunately, in trying to resolve the matter of funding for family planning, the administration chose to pay a very high price and agreed to abandon efforts to fund the IMF's New Arrangements for Borrowing. Events in the Asian markets make clear the need for the NAB, a facility which would assure a multilateral effort to ease currency in economic crises. I support this burdensharing institution and will continue to work with the administration to find a vehicle to provide this vital line of credit.

I thank my friend and colleague, Senator LEAHY, for his good advice and exceptional cooperation in achieving passage of this bill. He played a key role in assuring full funding for the multilateral institutions and the development assistance programs. In particular, he deserves recognition for looking ahead to a major threat facing this country and successfully fighting to expand U.S. efforts to combat infectious diseases. Senator LEAHY is ably assisted in this effort by Tim Reiser, who has been a patient and persistent staff director for the minority.

I also wish to thank Chairman STEVENS and his staff director, Steve Cortese, for their active engagement and support at key points as we worked to secure passage. Senator STEVENS is the model of a good chairman. He is always there with good ideas when you need him. Let me also thank Jay Kimmitt for his invaluable assistance in putting together the bill and the report.

I ask unanimous consent that Members be permitted to submit statements prior to passage and that staff be able to make technical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Further, Mr. President, let me thank my long-time foreign policy adviser, Robin Cleveland, who sits here to my right, for her invaluable assistance in developing this package and for her tenacity in sticking with it all the way to the end, which has been a tortuous path and difficult to predict from moment to moment over the last month. Robin's done that with intelligence and good humor when that was required and toughness when that was required. It is always a pleasure to work with her. I have immensely enjoyed doing that over the last 13 years. And to her right, Billy Piper, who also makes an important contribution to this debate every year. Billy has been a pleasure to work with over the course of this legislation . And also Robin's assistant on the committee, Will Smith. I appreciate the important contribution that he has made.

Mr. President, with that, I see my friend and colleague is here, and I will yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I am pleased to say that we have finally completed action on the fiscal year 1998 foreign operations conference report. I want to thank the chairman of the Appropriations Committee, Senator STEVENS, and the ranking member, Senator BYRD, for their support throughout this process, and the chairman of the Foreign Operations Subcommittee, Senator MCCONNELL, for his leadership and bipartisanship. The Appropriations Committee is an extraordinary group of people who work together, Republicans and Democrats, like no other committee, and it is a privilege to be part of it.

The conference report that we are adopting as part of this package today is the product of a year's work and many sleepless nights. Although we finished our conference on all but two issues several weeks ago, it would be an understatement to say that resolving those open issues, especially funding for international family planning, has not been easy.

There were times when I did not think we would get here. As I have said before, I long for the time when we set aside a day or two each year to debate and vote on abortion—once, twice, 50 times if necessary. It would consume that day or two, but it would be worth it. Then we would not have to revisit the issue time and time again, as we do now for no apparent purpose, only to repeat what has already been said or voted on innumerable times before. It would save a great deal of time, it would give everyone ample opportunity to be counted, and we could spend the rest of the year on other pressing business. I offer that as a suggestion, for what it is worth.

The agreement we have reached on family planning is not everything that I would like, but that is to be expected. An issue as divisive as this is not going to be resolved in a way that anyone is happy about. The agreement would freeze funding for these programs at last year's level, and limit disbursement to a rate of 8.34 percent per month over the 1998 fiscal year. I would have far preferred the Senate funding level of $435 million, but the cut was part of the price of keeping Mexico City language out of the bill and avoiding a veto.

The American people should also be aware that the pro-Mexico City faction in the House exacted a heavy price on the administration for its refusal to accept the Mexico City language. The price was that the U.S. contribution to the IMF's New Arrangements to Borrow, the previously agreed upon down payment on U.S. arrears to the United Nations, and the authorization for the State Department reorganization, are no longer included. Although these last two are not foreign operations matters, it is outrageous that they were linked to the family planning issue in the first place. There are sound foreign policy reasons for paying our U.N. arrears especially when just yesterday we were petitioning the United Nations for support for sanctions against Iraq. This is the American people's loss, as much as it is the State Department's loss, and I find it incredible that the House leadership would permit this result. It is shortsighted, it is vindictive, and it severely undercuts U.S. leadership around the world. There should be no mistake about who bears responsibility. We have a Secretary of State who is deeply respected and admired around the world. She needs our support. It is tragic and inexplicable that because a few dozen House Members did not get their way on an unrelated issue, they have denied her the tools to do her job. I intend to do whatever I can to see that this is corrected at the earliest possible date next year.

Mr. President, I hope we can avoid repeating again next year the tortuous process that got us here. As long as President Clinton is in the White House, the Mexico City policy is not going to become law. It is time that people in the House accepted that and saved us all the headache of refighting this pointless battle.

Now that the conference report has been completed I want to take this opportunity to speak on a number of other provisions in it.

I am very pleased that we have fully funded our commitments, including arrearages, to the World Bank. I will have a separate statement on that because I believe it so important that the World Bank's management and the Treasury Department understand the importance we give to U.S. leadership in the international financial institutions, and our intention that our influence be exerted to achieve significant reforms in a number of critical areas.

One of the provisions I am especially proud of in the conference report is entitled "Limitation on Assistance to Security Forces," which has also become known as the Leahy law. This provision expands on current law, which seeks to ensure that U.S. assistance does not go to individuals who abuse human rights. I want to thank Congressman GILMAN for his support for

this provision. Despite an initial misunderstanding about how the current provision was being applied, I am convinced that he too wants to do everything possible to ensure that in our efforts to support foreign security forces that respect human rights, we also prevent those who abuse human rights from receiving our assistance.

In order to implement this provision, the State Department has required recipients of our assistance to enter into end-use monitoring agreements, and to ensure that if there is credible evidence that a security force unit that has received our assistance has abused human rights, effective measures are being taken to bring the responsible individuals to justice. These agreements should be routine whether or not the Leahy law were in effect. The kind of measures we expect a foreign government to take to bring those responsible to justice are discussed in the joint statement of the managers accompanying the conference report. We also make clear that we expect our own Government to do everything it can to assist in that effort.

Mr. President, before I leave this subject I want to mention that while we have seen a decrease in abuses by the Colombian Army, there has been an alarming increase in atrocities attributed to paramilitary forces in that country. We have seen this pattern in other Latin American countries where the armed forces, either actively or passively, supported the clandestine activities of paramilitary forces. I want it to be known that as the author of the Leahy law, I believe it is incumbent on the Colombian Army to demonstrate that it is not acting in collusion with the paramilitary groups, or standing by idly as they do their dirty deeds.

Mr. President, to turn to another subject, the international community rapidly responded with sanctions in the aftermath of the July 1997 coup in Cambodia. According to reports, the suspension of foreign assistance, which constitutes nearly two-thirds of Cambodia's annual revenue, sent a strong message to Hun Sen and his supporters.

The conference report prohibits most bilateral aid to the Cambodian Government and instructs United States executive directors of the international financial institutions to vote in opposition to loans to Cambodia. The joint statement of the managers also expresses the hope that Hun Sen's political opponents will be allowed to return to Cambodia and safely participate in free and fair elections.

These measures and others like them have been instituted around the world against the perpetrators of the coup. They are a necessary and important response to those who stand in the way of democracy. Nevertheless, the sanctions directed against Hun Sen and his supporters have also fallen heavily on the shoulders of the Cambodian people. Therefore, the conference report permits humanitarian, demining, and electoral assistance to go forward. One item Congressman Callahan and I had agreed upon but because of an oversight neglected to include in the joint statement of the managers, was a statement that the prohibition on assistance to Cambodia is not intended to preclude basic education programs as long as they are conducted at the local level and not through the central government. During the Khmer Rouge regime most of the country's teachers were killed or forced into exile. A large percentage of the population is illiterate, and we want to continue basic education activities as part of our effort to help the Cambodian people overcome that tragic period.

Finally, I want to make clear that while we do permit electoral assistance, I would not support significant expenditures in this area unless Hun Sen is demonstrating his commitment to free and fair elections, to the prosecution of individuals implicated in the U.N. human rights investigation of the July 1997 coup, and then only if Hun Sen has made an unequivocal statement that if defeated in a free and fair election he would relinquish power.

Mr. President, another initiative I am very proud of seeks to enhance U.S. leadership in the global effort to combat the spread of infectious diseases, which also poses a direct threat to the health and welfare of Americans. We include in the conference report sufficient funds to provide an additional $50,000,000 for these activities. The Senate and House foreign operations reports, as well as the joint statement of the managers, describe the rationale for this initiative and the purposes for which we are making these additional funds available. I also intend to solicit the recommendations of AID, the World Health Organization, the Center for Disease Control, the National Institute of Health, and other agencies, organizations and distinguished individuals, regarding how we can most effectively use these funds to buttress existing efforts in surveillance and control of infectious diseases.

The Leahy war victims fund has been assisting war victims in over a dozen countries since 1989. I am pleased that the joint statement of the managers recommends up to $7,500,000 for these programs in fiscal year 1998, a $2,500,000 increase over the current level. The fund has been primarily used to assist victims of landmine explosions, a problem that has attracted increasing world attention, but it is also available to support other types of assistance to disabled war victims. This is consistent with the President's September 17 announcement that the administration intends to devote considerably more resources to demining and to assist landmine victims.

Over the years, the Congress has passed numerous resolutions on the situation in East Timor. Despite international pressure, the Indonesian Government has refused to withdraw its thousands of troops from the island. The situation has remained tense since the 1990 Dili massacre, the anniversary of which coincidentally was yesterday, and arbitrary arrests and disappearances of East Timorese are common.

Indonesia is the world's fourth most populous country and enjoys close economic and security relations with the United States. I would like to see that relationship flourish. But we cannot ignore what happened this past June when supporters of democracy were arrested and killed by Indonesian soldiers, and the main political opponent of the Suharto regime was forced to withdraw from the election, notwithstanding that the election was rigged from the start. Nor can we ignore the abuses in East Timor. I had the honor of meeting East Timorese Bishop Bello earlier this year, and I believe that while we should encourage close relations with Indonesia, we should also do what we can to ensure that we are not contributing to the problems in East Timor. For that reason, a provision I authored was included in the conference report which is designed to prevent United States lethal equipment or helicopters from being used in East Timor. This provision is intended to expand on the administration's current policy of not providing small arms, crowd control items, or armored personnel carriers to Indonesia. It is also consistent with actions taken recently by the British Government.

There is a provision in the conference report which makes funds available for reconstruction and remedial activities relating to the consequences of conflicts within the Caucasus region. These funds, which will be made available through nongovernmental and international organizations, are very important. Contrary to what some have suggested, we are not providing direct assistance to the authorities in the conflict areas because we do not want to become embroiled in the issues of sovereignty and control that remain unresolved there. However, there are needy people in Nagorno Karabakh and Abkhazia who we want to help recover from the ravages of war.

Mr. President, I want to mention a couple of other items. The Senate report encourages AID to establish a program of physicians exchanges with the countries of the former Soviet Union, with a focus on the diseases that are major contributors to excess morbidity and mortality and where effective medical intervention is possible. I strongly support this idea and look forward to hearing AID's reactions.

Also in the Senate report we discuss the alarming incidence of violence against women in Russia. The administration has taken some steps in this

area in response to congressional concerns, but I am convinced that far more could be done to tap the experience and knowledge of U.S. police officers and prosecutors who have developed procedures for dealing with domestic violence here. We have requested the State Department, in consultation with the Justice Department, to submit a report on future plans in this area and I strongly encourage them to pursue training programs that bring U.S. and Russian police officers together, preferably in Russia, to address these issues.

Finally, the conference report requires the Department of Defense, in consultation with the Department of State, to submit a report to the Appropriations Committees describing potential alternative technologies and tactics, and a plan for the development of such alternatives, to protect antitank landmines from tampering in a manner consistent with the Ottawa Treaty, which bans antipersonnel mines. This is very important because if we are ever going to join that treaty, as I believe we must, we need to solve this problem. I am convinced it can be solved. Informed people in the Pentagon say it boils down to preventing tampering with antitank mines that are aerially delivered at remote distances, and then only for a period of 30 minutes which is the difference in time it takes an enemy soldier to disarm or remove an anti-tank mine alone, and one that is protected with antipersonnel mines. Unfortunately, there is an institutional inertia at the Pentagon that stands in the way of solving it. There is little inclination to do so absent an order from above. This report, which we expect to be objective and thorough, is intended to set the stage for such an effort.

Mr. President, I believe this is among the better foreign operations bills to have passed the Congress in several years. I am disappointed that the U.S. contribution to the IMF's New Arrangements to Borrow fell victim to the Mexico City issue, but I am confident that it will be passed on a supplemental appropriations bill next year. It does not score against the budget, and in fact would reduce the burden on the U.S. Treasury in the event the U.S. is needed to help prevent harm to the U.S. economy from an international financial crisis. Why the House did not want that is beyond me.

THE WORLD BANK

Mr. President, the fiscal year 1998 foreign operations conference report contains full funding for the International Development Association [IDA], the concessional lending window of the World Bank. It also fully funds our past commitments to IDA. With this appropriation we will be current, for the first time in several years, in our payments to IDA. This is an important milestone, and I appreciate the support of the chairman of the Appropriations Committee, Senator STEVENS, the chairman of the Foreign Operations Subcommittee, Senator MCCONNELL, the chairman of the Budget Committee, Senator DOMENCICI, and others, who also supported this funding, because it reaffirms U.S. leadership at the World Bank and our intention to exert that leadership to promote significant reforms in the institution. As one who played a role in obtaining this funding, I can say with confidence that the Congress is sending two important messages by approving the conference report.

First, we recognize that in order to exert leadership in the multilateral development banks we need to meet our financial commitments. We have been in the ludicrous position of having an American, Jim Wolfensohn, at the helm of the World Bank, but our representative on the Board of Directors has been at the sidelines, unable to even vote on some loans. Why? The U.S. sank so far into arrears to IDA—nearly $1 billion at one point—that some of our voting privileges were revoked. Now, with the passage of this legislation we are paying off the last bit of arrearages, $235 million, plus our current obligations.

Second, we are sending the message that we expect this investment to yield results. We are fortunate that World Bank President Wolfensohn is a dynamic and reform-minded leader who is taking steps to shake up the bureaucracy, get rid of dead wood and demand high standards of performance. His reform plan, the strategic compact, promises development results in 2 years. Frankly, I am concerned that despite his best intentions, the Bank bureaucracy continues to put up fierce resistance and may in the end succeed in thwarting many of his reforms. That is why this reaffirmation of U.S. leadership is so important.

Reform at the World Bank is moving forward, but there is a long way to go. Not all member countries have the same vision for change that we have. I want to take this opportunity to briefly discuss what I believe the Congress needs to see, at a minimum, from the Bank's reform efforts in order to continue to support the institution. We expect the Treasury Department and the U.S. Executive Director to work closely with the Congress to achieve these reforms.

One of the issues that has received increased attention in recent years is the Bank's role in fostering good governance. I think this is critical. While the Bank needs to avoid becoming embroiled in the domestic politics of borrowing countries, when systems are corrupt and on the take the Bank cannot look the other way. When governments are undemocratic, when they abuse human rights, the World Bank as a public institution must not collude. The Bank has made strides in attacking corruption, but stronger action is needed. In addition, the Bank needs to ensure that it is not the handmaiden of borrowing governments that trample on the needs and rights of people in the pursuit of economic prosperity.

A related issue, because of its importance to the quality of Bank lending and borrowing governments' responsibility to their people, is consultation with local people. The Foreign Operations Conference Report calls on the Bank to systematically consult with local communities on the potential impact of loans as part of the normal lending process, and to expand the participation of affected peoples and nongovernmental organizations in decisions on the selection, design and implementation of projects and economic reform programs. This is common sense. It is also vitally important. Private corporations do not launch products or services without market surveys and the knowledge that there is a demand for what they have to offer. Public institutions, like the World Bank, also need to know about the people they are serving. This does not mean just interacting more with affected communities, it means letting them wield influence and responding to their concerns.

The Bank has taken steps in this direction. It is decentralizing and hiring staff for its Resident Missions that are concerned with the well-being of affected communities. We want to know whether the intended beneficiaries of Bank-financed projects want these projects and whether they have a say in designing them. Too often, local people are not involved in a project until the implementation stage, when it is too late to have a real influence. Efforts at headquarters and in the regions need considerably more resources to work with borrowers to reach out to affected communities.

The Bank's loan portfolio has a low level of sustainable projects. Studies show that in recent years, only two-thirds have succeeded during implementation. Only 44 percent have been sustained after completion. Social assessments are now performed on less than ten percent of projects, despite the fact that every project has a social impact. We want the Bank to deliver on the promise of its strategic compact to substantially increase this percentage in 2 years. Over and over again, the Bank's own studies show that projects with good social assessment seldom fail. And we do not want social assessments limited to projects in the social sectors. They are just as essential for lending for structural adjustment, financial sector reform, energy, and industry as they are for education and health loans. In addition, we want

these assessments to address the needs of the most vulnerable people. As we all know, powerful interest groups can represent themselves.

It is not enough to do environmental impact assessments [EIA's] and social assessments. They need to be acted on. EIA's are often shelved and do not influence project design. That is a waste of money, it does environmental damage and betrays the people involved. We would not want the Army Corps of Engineers to ignore these kinds of assessments, and the World Bank should not either.

The World Bank is a bank as well as a development institution. We understand the pressure to keep loan volumes at certain levels. We also understand that to be competitive, the Bank needs to serve its client governments in a timely and efficient way. However, some of the reform efforts are going overboard in this direction. Careful project preparation with quality checks should not be sacrificed on the altar of speed and efficiency. I know Mr. Wolfensohn shares our concerns about this. The Bank needs to provide management with much stronger incentives to maintain quality in the face of pressures for volume and speed.

For participation in Bank-supported lending operations to be meaningful, people need information. In 1992, the Bank adopted an information disclosure policy, largely in response to pressure from Congress. It has made gradual progress in implementing that policy. Much more needs to be done in terms of making the information available in borrowing countries in local languages, and providing information in a timely way at early stages of lending operations. The Project Information Document, which describes plans for operations, is often provided late, incomplete, and only in English.

We want to see progress in providing the full text of Project Concept Documents as well as draft copies of technical papers that assess feasibility, and information from Country Assistance Strategies.

A Country Assistance Strategy is the Bank's master plan for lending to each borrower country, and it describes the Bank's framework for all operations and priority investments. More needs to be done to include social development analyses in these documents. In addition, the bulk of their contents should be available to the public. Parliaments and citizens have a right to information about the Bank's lending plans. I recognize that some of the Country Assistance Strategy contents are confidential, but the essentials certainly should not be. Nonetheless, Bank management has opposed proposals to release these and other documents containing their projected lending plans. That is unacceptable.

We also need to see greater openness between the World Bank management and the Board of Directors. During late 1996 and 1997, the Bank conducted a substantial review of its portfolio. It reviewed 150 projects in 14 sectors at a cost of $800,000. For reasons that I find inexplicable, some Board members have been unable to obtain these studies.

We do not want our dollars contributing to bloated state bureaucracies and systems in which the private sector is crowded out by state controls. On the other hand, there is obviously a role for governments, as the Bank's most recent World Development Report describes, and for public-private partnerships. The Bank is doing more today to promote such partnerships than it ever has. I welcome that.

But promoting the private sector must not come at the expense of normal precautions about financial, technical, social and environmental risks. Public inducements to investment, such as guarantees against political risks, must not distort the feasibility analyses of project viability. To insure that this does not happen, Mr. Wolfensohn has said he wants to harmonize the World Bank Group's activities under one set of social and environmental policies. At the present time, there are different standards in the World Bank Group. For instance, the International Finance Corp., the Bank's affiliate that deals with the private sector, has lower standards with respect to information disclosure, protection of the environment and of the rights of indigenous peoples.

The answer is not to abolish or weaken sound policies and standards. It is essential that harmonization not result in a retreat from current policies to a lowest common denominator. I am concerned that Bank management is under pressure to do that. Congress helped to create some of these global standards. They need to be respected and built upon by the Bank Group, including the IFC and Multilateral Investment Guarantee Agency. There is language on the IFC in the Foreign Operations Conference Report which aims to make progress in this area.

Currently, the World Bank stresses lending to countries which adopt sound macroeconomic policies. That makes sense, but the Bank should also give priority in lending to governments which listen to their people, involve them in development activities, and demonstrate a commitment to reducing poverty.

The World Bank says its primary purpose is to reduce poverty, but it is falling short in building the political will among member governments to achieve this goal. The rift between rhetoric and reality remains wide. IDA resources must do more than reach poor countries. They must reach and benefit poor and marginalized people in those countries. In 1995, an evaluation showed that just 10 percent of World Bank projects launched in the mid-1980's contained poverty reduction components, and many of those fell short of thier goals.

Surveys of borrower country officials reveal a high level of dissatisfaction with the Bank's lack of focus on poverty and equity issues. Some are even unaware that the Bank's purpose is poverty reduction. The World Bank needs a far more systematic approach to these issues.

Each IDA loan or transaction should describe how it will reduce poverty. As I have consistently urged for years, World Bank investments in nutrition, health, education, and family planning should increase, as should programs which increase poor people's access to productive assets, such as land, water and credit. But according to information I have received, World Bank figures for fiscal year 1997 show that lending for education and health, including nutrition, and AIDS prevention has fallen from roughly $4 billion in 1996 to $2.25 billion in 1997.

The Inspection Panel, which was established in part in response to pressure from Congress, must be maintained and supported. The Panel investigates whether the Bank has violated its own policies. Its investigations have helped the Bank restructure or halt projects, such as dam construction, when they were poorly conceived or implemented. It is one of the few mechanisms that allows local people affected by Bank-supported projects to identify problems and seek redress. I am concerned that there are people among the Bank's management and its borrower governments who resent the Panel looking over their shoulders. Those individuals need to recognize that they are entrusted with public funds, and are responsible for adhering to their own policies and guidelines. The World Bank needs to be a broker of many interests. Some borrower governments lack the mechanisms to insure that the interests of indigenous people affected by the construction of infrastructure, such as large dams, are represented.

Mr. President, there is one other issue I want to mention. It is the mistreatment of women employees at the Bank. Women have been subjected to gender discrimination, retaliation, abuse of power, and sexual harassment. It is a systemic problem. It has been virtually ignored. In fact, complaints brought by women who allege mistreatment by their managers have been aggressively fought by the Bank's lawyers. That is bad enough. Even worse is that the Bank, because it is an international organization, is immune from lawsuit in U.S. courts. The only recourse for a person who alleges abuse is the Bank's internal grievance process, which, to put it bluntly, is a sham. The deck is stacked against the claimant. Investigations are cursory, at best. Requests to call witnesses are denied.

Rulings are based on hearsay, double hearsay, and innuendo. Even if a claimant who has left her job because of the abuse files a grievance and prevails, the remedy is limited to monetary compensation. The process is patently unfair and the people who investigate and adjudicate these cases have failed in their responsibility. There is a culture at the Bank that discourages witnesses to come forward for fear of retribution. It is nothing unusual. We have seen the same thing in the Armed Forces, in private industry, in any bureaucracy, but that is no excuse.

I have tried to get Bank management to deal aggressively with this problem. I get assurances that they are aware of the inadequacies in the grievance process and are taking steps to remedy the situation. So far, I am not impressed. They are not treating this situation with the seriousness it demands. They are too quick to shift the blame to the victim for being "too aggressive," "not a good listener," or "in over her head," even when their own performance review process is badly flawed. I intend to monitor this closely because radical change is urgently needed.

Mr. President, I have faith in Jim Wolfensohn to promote these reforms. I know he agrees that they are fundamental to the Bank's future, and of great importance to the Congress. They are especially important because the Bank is a pace setter for other international institutions. Ultimately, the success or failure of this effort will determine whether or not these institutions play the key role we need them to play in advancing political, economic and social stability around the world. Real stability depends on development that gives everyone a chance for prosperity. That is the central purpose of these reforms, and I hope the Bank's management understands how serious this is to the Congress, especially to those in Congress who have fought the hardest to support these institutions.

Mr. President, I often say Senators are merely constitutional impediments to their staffs. But we wouldn't be here if it were not for the staff who worked so very hard. We are privileged by the quality of the men and women who work with and for the U.S. Senate, on both sides of the aisle, and in so many of the other support positions that reflect neither party. So many times we debate these issues until late in the evening, agree on something, Members go home—staff stay until 3, 4, 5 o'clock, or all night long, to get it done.

Robin Cleveland, Senator MCCONNELL's chief of staff for foreign policy, has done a superb job. I am delighted to see her on the floor today. I appreciate the way she has worked so cooperatively with my own staff on this committee, and Will Smith and Billy Piper who have so ably assisted her.

On this side, I have Tim Rieser, who is my chief of staff for foreign policy matters. He has done an extraordinary job on the subcommittee and in working with Members on both sides of the aisle to try to achieve the compromises necessary. He has been ably assisted by Cara Thanassi, who is also a Vermonter, as is Tim. She, too, even though new to the subcommittee, has already shown an excellent grasp of the issues here and has proven very valuable. I also want to recognize Dick D'Amato, of the committee staff, and Jay Kimmitt, whom the chairman has already mentioned. Both gave invaluable advice and support.

FISCAL YEAR 1998 DEPARTMENT OF DEFENSE APPROPRIATIONS—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

Mr. SPECTER. Mr. President I would like to enter into a colloquy with Senate Appropriations Committee Chairman TED STEVENS concerning Federally Funded Research and Development Centers.

Is it the chairman's understanding that it was the intent of Congress to exempt Federally Funded Research and Development Centers [FFRDC's] from the provisions of section 8041 of the fiscal year 1998 Department of Defense Appropriations Act which reduce funding for advisory and assistant services by $300,000,000? This exemption is necessary because FFRDC funding is specifically reduced by $71,800,000 in section 8035 of the same act.

Mr. STEVENS. The Senator from Pennsylvania is correct. While the Department of Defense chooses to group selected FFRDC's in the category of advisory and assistance services, the Congress has for several years dealt with these issues separately. FFRDC's should be exempt from the reduction in contractor advisory and assistance services.

Mr. JEFFORDS. Mr. President, I compliment the Senior Senator from Vermont, Mr. LEAHY, and the Senator from Kentucky, Mr. MCCONNELL for the excellent job they have done in shepherding the Foreign Operations appropriations bill along it's difficult journey. While I would have written some sections differently, I believe that on balance this is a reasonable product of compromise that advances the primary goals of U.S. foreign policy.

I am, however, very disturbed to see that the compromise on U.N. funding that was contained in the State Department authorization bill has now been dropped. While I was not pleased with some aspects of the Helms-Biden compromise, at least it provided a way to start meeting our obligations to the United Nations.

I am disturbed, Mr. President, that greater thought has not been given by those who oppose this provision to the timing of this move. We are teetering on the brink of hostilities with Iraq over Saddam Hussein's refusal to allow entry to American members of the U.N. weapons inspection team. The United Nations has insisted that the integrity of its teams be respected and Saddam Hussein must not be allowed to pick and choose who he lets in. Last week, Secretary General Kofi Annan sent a three-member delegation to Iraq to impress upon Saddam Hussein the necessity of complying with United Nations requirements on access for inspectors. Unfortunately, they came away empty handed. But the United Nations Security Council continues to meet daily in an effort to counteract Iraq's intransigence.

I think most of my colleagues realize that this would be a very inappropriate time to suddenly be forced to go it on our own. We may decide at some point that unilateral action against Iraq is the most appropriate, but that should only come after careful consideration of all policy options available to us. And quite frankly, Mr. President, I believe that some of our best options involve working closely with our allies and our friends in the Arab world to present a united front to Saddam Hussein. With all its warts, the United Nations is still the best mechanism for consulting quickly with all the parties involved and negotiating possible courses of action. This is always a difficult task, but it would be made many times more difficult if we were not able to work through the United Nations. While nothing in the legislation before us today says we must pull out of the United Nations, the refusal of a small number of members to let a broadly agreed-upon package of reforms and arrearage payments move forward is a de-facto renunciation of the United Nations just as we are again turning to that body for assistance in keeping one of the world's worst scofflaws in line.

Getting other nations to join us in these efforts takes carrots and not just sticks. Our diplomats need to bring more to the table than the threat of military retaliation. That should be our last resort, and not before. If we are not willing to put our money where our mouth is at the United Nations, how can we expect Saddam to take our threats seriously?

I know that efforts are underway at this very moment to reverse this unfortunate decision by the House of Representatives. And I hope they succeed. Not just today, but increasingly in the future, we are going to need more tools of diplomacy at our disposal, not fewer. I urge my colleagues in the House to take this into account before it is too late.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I want to make a couple final observations. Seeing the occupant of the chair, the distinguished Senator from Wyoming, I thought I would mention his imprint on this bill. Senator ENZI had

an important provision requiring a report from the administration on funding by all Federal agencies on the climate change program. He required its submission by October 31, which is obviously past. The conference included the provision requiring a report by November 15. I would say, for cold State Members, this is very important so we can begin to understand how extensive these programs are and what they are costing the taxpayers.

My thanks to the distinguished Senator from Wyoming, the occupant of the Chair, Senator ENZI, for his support and contribution to this bill as well.

Finally, let me say I understand Christian, the son of our staff director, Robin Cleveland, may be watching because he is sick today. Christian, I hope you get to feeling better. We are all sorry that you were inconvenienced by your mother's long hours during the course of the last few weeks.

Mr. President, I believe we are at a point now where this bill should move forward.

The PRESIDING OFFICER. Do the managers yield back the remaining time on the conference report?

Mr. LEAHY. Mr. President, is the Senator from Vermont correct in understanding when all time is yielded back it is, indeed, passed?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I yield back time on this side.

Mr. MCCONNELL. Mr. President, I yield whatever remaining time I may have.

The PRESIDING OFFICER. In light of yielding back the remaining time, under the previous order the conference report is agreed to and the motion to reconsider that vote is laid upon the table.

The conference report was agreed to.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that there now be a period for morning business until 2 p.m., with each Senator permitted to speak up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I see my friend from New Mexico on the floor. I would like to make a brief statement and then yield the floor to him, if he doesn't mind.

REMARKS OF ASSISTANT SECRETARY SARA LISTER AND THE MARINE CORPS

Mr. BURNS. Mr. President, I rise today to express my grave disappointment in the statement that Sara Lister, the Army's Assistant Secretary for Manpower and Reserve Affairs, made in reference to the U.S. Marine Corps. We just finished Veterans Day, and November 10 is traditionally the Marine Corps' birthday. So I guess her sense of timing is unbelievable. But, basically, this is what the Assistant Secretary said: "The Marines are extremists" and "wherever you have extremists, you've got some risks of total disconnection with society."

For whatever I have done with my life personally, I attribute some of what I learned in the U.S. Marine Corps. I think the statement that she made is grossly unjust, and is an affront to every person who has ever worn the uniform of the U.S. Marine Corps, or to any person who has worn any uniform of the Armed Forces of this country, and those who have died for the very freedoms that we Americans, even Ms. Lister, enjoy today and every day.

Mr. President, back in 1955, we were taught that the code of the corps is honor, courage, and commitment—honor in the defense of freedom, courage in the face of adversity and commitment to the members of your unit but, more important, to those folks at home.

I am very proud to say that these principles have guided my life, and I hope that these would be the principles that our society could emulate, not values that should be considered "disconnected" with the norm. I am wondering who is really disconnected here.

The corps has always presented to its new members a challenge for higher standards and higher achievements. In its 222-year history, they are incomparable and, yes, they are the guiding light of all services and something of which every American can be proud.

I understand Ms. Lister has sent an apology to the Commandant of the Marine Corps, General Krulak. That might be enough for him, but it is not enough for me. She claims that she was quoted out of context. I don't accept that either. No one service should be placed over another. Nobody has a corner on bravery or valor or commitment to this country. But you must remember that it was these men and women who fought and died for the blessings of liberty for our Nation, and no one should forget that their words still reflect today.

So I am saying Secretary Lister should resign her post, because I personally think that she is unfit to serve in a leadership position in the military of this Nation. I am very sad about this day.

GALLATIN EXCHANGE

Mr. BURNS. Mr. President, we just introduced a placeholder in a bill on the Gallatin exchange to preserve that option. It expires December 31. It is a land exchange in the Gallatin National Forest. I support that land exchange. I did not want to get into an adjournment situation and let the time run out and not have a placeholder, because I am concerned about one area in particular, as is everybody. I heard the concerns of my constituents in the Bridger Bang Tail area of the Gallatin National Forest and in the Taylor Creek area. This area has to be kept in the condition that it is now because it is probably the most important migration area for wildlife we have from Yellowstone Park into Montana and out of Montana. This is a migration corridor that must be protected.

We have an obligation to complete this land exchange. It is a good land exchange. It is the right thing to do for that particular part of our country, and I will support it. Of course, the delegation from Montana will get together and work out the details. But I wanted to put that in there to make sure that our options are left open when Congress comes back into session, because I feel very strongly about this area, about the preservation of this area in the management of forests, especially in very fragile areas and in areas that are very, very important to the migration of wildlife, in particular elk and deer. We have introduced that placeholder for those reasons today.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that David Schindel, who is a fellow in my office, be granted the privilege of the floor for the remainder of this period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADVANCED TECHNOLOGY TO IMPROVE EDUCATION

Mr. BINGAMAN. Mr. President, as we prepare to complete this first session of the 105th Congress, I want to take a moment to look back at one of the great bipartisan accomplishments that we have made this year, and also to look forward to some important work that still lies ahead.

I am referring specifically to the work we have been able to do in putting advanced technology to work to improve education in the country.

Technology and better use of technology is critical in my home State of New Mexico. It is a big State. We have only a few concentrations of population and economic activity, and technology offers us a way to bring communities closer together and offers us a

way to eliminate the gaps that separate the "haves" and the "have-nots" in our State and throughout the country.

In more than half of American households with incomes of over $50,000, the children have access to a computer at home. But in my State the average family earns about $26,000, and in that income range the estimate is that one in four children in those homes will have access to a computer.

We need to do better in the public sector, Mr. President, in providing technology in our schools so that we can use technology to narrow the gap between the haves and have-nots, rather than to allow that gap to increase.

In the past year, several magazines have published articles that have challenged the idea that technology in schools can really improve education. The Atlantic Monthly had a cover story called "The Computer Delusion." There have been articles that consider computers in schools to be "snake oil" or "the filmstrip of the 1990's," just to cite some of the phrases used.

Those articles are one reason I was interested in several recent reports that have reviewed the hundreds of research studies on the effects of educational technology on student achievement. The Educational Testing Service [ETS] did a report. Also, there has been a study commissioned by the Software Publishers Association [SPA]. The research results are uneven, but there are solid peer-reviewed studies that show significant improvement in student performance and attitude in all age groups and all subject areas through better use of technology. Overall, technology-based instruction is 30 percent more effective in improving student achievement than instruction that does not include the use of technology. This is the equivalent of about 3 months of additional learning each year for our students.

The findings of these studies validate the Federal investment in education technology that we have made. I introduced the Technology for Education Act in 1994, and it became law later that year. But when it did become law, I don't believe any of us could have predicted the progress that could have been made in these 3 short years. Let me show you some charts, Mr. President, to indicate the progress that has been made.

This first chart, I think, makes the case very dramatically. It is a chart that demonstrates computer availability, that is, the students per computer, from the period 1983–84 through this just-completed school year, 1996–97. You can see the dramatic improvement that has occurred. In 1983–84, there were 92 students per computer in our public schools in this country. In this last school year, there were seven students per computer. That is significant progress. Computers have become much more available to students than they ever were before.

Let me show another chart that is an indicator of the progress that has been made. This is a chart that shows connections to the Internet. It shows how those connections have continued to increase rapidly: 65 percent of schools are now connected to the Internet. That is this green line on the chart. It indicates 65 percent are now connected. Only 14 percent of our classrooms are connected, but that number is also increasing rapidly. Real progress is being made there as well.

This past summer, the Federal Communications Commission approved plans to implement the universal services fund that will provide schools and libraries with $2.25 billion in communications discounts next year. Thanks to the leadership of Senators SNOWE, ROCKEFELLER, EXON, and KERREY, schools will have affordable access to the Internet over the coming years.

So looking at these very positive trends, one would think that students are using computers a lot more, but that is not really the case, Mr. President. Let me show you one more chart that indicates the concern I have.

This is a chart from a recent report by Education Week, a publication entitled "Technology Counts." It shows that more than half of the eighth grade math students never or hardly ever use computers in their classrooms. Only 12 percent use computers almost every day. In my State, the numbers are even more startling. Two-thirds of the eighth grade math students indicate that they hardly ever use computers; 11 percent in my State indicate that they use computers almost every day. This chart is a graphic depiction of those statistics.

Another recent report by the CEO Forum, the Chief Executive Officers Forum, supports this same finding. Only 3 percent of schools have fully integrated technology into teaching.

This means that we're making progress in some places, but that some important barriers are stopping our progress in other schools.

This past weekend, the Congress passed the spending bill for the Department of Education, and I was privileged to be at the White House this morning when President Clinton signed that bill. It contains significant increases for programs authorized by the bill that I introduced back in 1994.

Let me show on this final chart that I have here this afternoon some of the increases that we have been able to accomplish in a bipartisan way this year.

In the technology literacy challenge fund—that is grant money that goes to States and school districts to support better use of technology—in fiscal year 1997, we appropriated $200 million. In the bill signed by the President today that number goes to $425 million. So it is more than twice the amount of funding.

In the technology innovation challenge grants the figure for 1997 was $57 million. The figure for 1998 is $76 million.

This year, for the very first time, we have funds earmarked to go specifically to train teachers to use technology more effectively. That is $30 million that was added in by the appropriators, and I think very wisely added. I think we have all begun to recognize that that is an item that needs additional attention.

This last item is crucially important. We need a balanced investment in technology. Balanced investment in educational technology means more than just buying the right hardware and software, it means investing in the training of the teachers and the administrators to use the software and the hardware.

Experts say that we should invest 30 percent of our technology budget in training. Nationally, we are investing less than 10 percent in training today. In my State, the estimate is that we are investing less than 5 percent of the funds that go into educational technology in the training of teachers to use that technology. Lack of teacher training will be the biggest barrier that we have to progress in this area.

This problem is described in a report entitled "Technology and the New Professional Teacher: Preparing for the 21st Century Classroom."

That is a report from the National Council for Accreditation of Teacher Education [NCATE]. They indicate that 2 million new teachers will be hired in the next decade.

Here is a quote from that report. It says:

> If teachers don't understand how to use technology effectively to promote student learning, the billions of dollars being invested in educational technology initiatives will be wasted.

Colleges of education clearly need to change the way they train new teachers. And if today's teacher candidates are taught with technology, then they will teach using technology themselves.

So that is why I introduced earlier in this Congress the Technology for Teachers Act and worked for the $30 million appropriation that I just referred to. Clearly, Senators HARKIN and MURRAY here in the Senate deserve great credit for their support and their advocacy on these issues as well.

The appropriation will provide competitive grants to States and will support growth and dissemination of the most effective programs for teacher training in the use of technology.

This $30 million, as I see it, is a downpayment on what will need to be a very long-term investment in tomorrow's teachers. And I intend to work for, at least, a doubling of that in next year's budget. I think that is clearly the direction we need to move in.

The Federal Government plays an important role in promoting the use of technology in education. But there are obviously other extremely important participants. The States and the school districts are developing challenging new standards. University researchers are discovering diverse ways that people learn.

The role of the teacher is changing. The teacher is no longer going to be just a lecturer but rather a learning coach to the students. The software industry is developing powerful new learning tools.

All of these efforts are pieces of a large and complex puzzle. Without a national strategy for coordination of these efforts, and without reliable data on what works, we will never get all of the puzzle's pieces to fit together.

I am interested in what I read in a recent report from the President's Committee of Advisors on Science and Technology [PCAST]. That report stressed the need for more research as we introduce more technology into our schools. We need to study which approaches in this area are most effective, and we need to determine the best investment mixture among hardware, software, training, and other categories.

As we come to the end of this Congress, I ask my colleagues to join me next year as we build on the progress that has been made here, the very substantial bipartisan progress. We need to take some new steps in promoting education technology. We need to continue our investment, of course, both in computers and in Internet connections. We need to increase substantially the investment in teacher training. And we need to promote new investments in research on the effective use of educational technology.

The Federal Government can play a crucial role by promoting greater coordination and collaboration among the private sector and university researchers and educators and State and local governments.

There are several ways to accomplish this. We can do so through a federally funded research and development center, or a consortium of private firms, or a network of universities and schools and companies and agencies. The participants will have to make the final decision as to what mechanism works best.

The cost of this initiative, like the decisionmaking process, should not be the sole responsibility of the Federal Government. The costs should be shared by all the participants.

Mr. President, I am proud of the progress that we have made on providing educational technology so it can be used to upgrade education in our schools. And I am very encouraged by the data that shows the first beneficial impacts in our schools, but we have a great deal left to do. The President and many here in Congress deserve credit for the progress that has been made, but obviously their continued effort will be needed in the future.

The private sector, universities, and educational agencies need to work together to create a new culture of collaboration that will give teachers and their students the full benefit of these new technologies that are being developed.

Mr. President, on a personal note, I also want to particularly acknowledge the excellent work that David Schindel has done as a fellow in my office throughout the year on this issue of educational technology, as well as several other issues. His accomplishments have been extremely useful to me and I think to the Senate. I appreciate his good work.

Mr. President, with that I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. The Senator from Wyoming is recognized to speak for up to 10 minutes in morning business.

Mr. ENZI. Thank you, Mr. President.

THE STATE ENVIRONMENTAL AUDIT PROTECTION ACT

Mr. ENZI. Mr. President, I come to the floor—in the waning hours of this session—to express my continuing frustration with the way that the Environmental Protection Agency is handling Wyoming's environmental audit law. The troubles began last September, when the EPA delayed granting final approval of Wyoming's clean air permitting plan.

Earlier this year, I joined with the other Members of Wyoming's congressional delegation in sending a letter to Administrator Carol Browner at the EPA. We suggested that it was inappropriate to withhold delegation of Clean Air Act permitting authority because of the State's environmental audit law. Administrator Browner responded with an assurance that,

> EPA has not taken steps to withhold further delegations of Federal programs in Wyoming as a result of the State environmental audit law.

In September, the EPA announced that it had completed its review of Wyoming's audit law. It found that,

> The State won't need to make statutory changes to the self-audit law to retain primacy over Federal laws like the Clean Air Act.

The EPA went on to say that,

> The law shouldn't interfere with the Wyoming Department of Environmental Quality's efforts to gain primacy over several other Federal programs.

Mr. President, in spite of Ms. Browner's assurances, there has been a very real and ongoing manipulation of States that attempt to craft sensible audit laws. I trust that my colleagues from Colorado, Utah, Michigan, and Texas would be able to verify that activity. Their States have all been coerced by the EPA into changing their audit laws.

On October 29, I introduced the State Environmental Audit Protection Act, which is S. 1332. This bill would provide a safe harbor from EPA's coercive actions for States that adopt reasonable audit laws. The next day, the Senate Environment and Public Works Committee held a very good hearing on the issue. We listened to an excellent panel of witnesses on both sides of the issue. Both myself, and Senator HUTCHISON of Texas—who has also introduced legislation to resolve this problem—testified on the need for Federal legislation.

I was interested to read in the paper on October 30, the day after the hearing, that the EPA is now requiring Wyoming to change its law. The EPA has submitted legislation to a special session of the Wyoming legislature. On Monday, a joint committee in Cheyenne heard preliminary testimony on the revisions. The proposal would strike at least 50 percent of Wyoming's law regarding discovery of evidence in criminal proceedings.

A State environmental audit law is designed to help clean up the environment. In Wyoming, we created our State law to provide incentives for good faith efforts. We thoroughly debated this issue in the Wyoming State legislature. We consulted with the State Department of Environmental Quality and different stakeholder groups. We wanted to provide a mechanism that would encourage people to make an extra effort—an extra effort—to clean up the environment in their communities. We debated it in a Democratic forum and we passed a consensus bill. And we passed it by more than a two-thirds vote in each body.

Our State law allows an entity to hire an auditor to review their operations. The entity might be a town that is trying to examine its storm drainage system. It might be a hospital that wants to review its air emissions. It might be a college or school district whose vocational education department uses solvents. It might be a company that maintains a construction yard, or a garage. These are all entities that may be affecting their environment without even knowing the consequences of their operations.

Some of them are on regular inspection schedules, but the majority of them will never be inspected.

How many of those entities would know, with 100 percent certainty, that they are in full compliance with all applicable State and Federal laws? How many of them think they are in compliance? How many of them don't know? How many inspectors are out there randomly checking these facilities?

These are questions I cannot answer. In fact, I asked a similar question to the Environmental Protection Agency in Senator CHAFEE's committee hearing. There was a general notion of how many EPA inspectors were employed, but they did not know how many total inspectors are out there. Furthermore, they could not say what percentage of regulated entities were on an actual inspection schedule.

There is one simple question here that I can answer. That is, how many of those regulated entities would ask an EPA inspector to come around and take a look? How many of them would trust the EPA to offer friendly advice.

The answer to these questions, my friends, is zero. People don't trust the EPA any more than they trust the IRS.

The fact is, Mr. President, most of these entities are afraid of the EPA. Most of them are unaware that their operations could land them in Federal court. They are unfamiliar with the regulations and they are afraid to find out if they are in compliance. They are afraid because if they search for problems and find them, they may be fined and even sued. And if they are sued, their own review has given regulators a roadmap for prosecution.

No small business is going to spend money to hire an auditor to collect evidence for regulators to use against the small business. And I do not believe more heavy handed enforcement is the answer. We, as legislators, should be able to encourage entities to look for problems. We can design legislation that protects good faith efforts, without sacrificing traditional enforcement. We can design legislation that promotes cooperation toward a cleaner environment.

The EPA and the Department of Justice rely heavily on enforcement as a deterrent. But in spite of Vice President GORE's reinventing Government proposals—and in spite of President Clinton's commitment to revinventing regulations—neither the EPA nor the Department of Justice have supported any statutory compliance assistance programs. Their command and control methods remain firmly ensconced—not just in rhetoric, but in practice.

I agree that strong enforcement is necessary as a deterrent against environmental violations. I have never suggested that we should hamstring our regulators. We can, however, look at audit laws as a positive and reasonable way to supplement strong enforcement. When the goal is a cleaner, healthier environment, we should not be afraid to be innovative. We can do it in a reasonable and thoughtful way. We can agree not to penalize good behavior.

The EPA and the Department of Justice have shown a complete unwillingness, however, to cooperate. They have repeatedly argued against State and Federal audit laws. They maintain that such laws are unnecessary and dangerous. They describe numerous imaginative scenarios where laws could be abused. When asked for constructive suggestions, however, they choose instead to mischaracterize audit laws, implying that there is no middle ground. In the rhetorical attacks on audit laws, the EPA and Department of Justice always start by constructing their own premises—not those of the actual law—so the most frightful conclusions can be drawn to support their position.

I point this out because the term "secrecy" has been the most recurrent fallacy dragged across this debate. It was used to excess in the recent Environment and Public Works Committee hearing. The EPA maintains the danger of secrecy by suggesting that audit laws will shield evidence of wrongdoing and impede public access to information.

Nobody in this body has been talking about creating an audit law to allow secrecy or fraud. These are things the EPA argues against. They are things I have argued against. Under a well-crafted audit law, this kind of abuse can be easily avoided.

First, the EPA claims companies will conduct audits to hide evidence. I want to expose the holes in that argument. An audit report can only include information gathered during a specific time period and according to a defined audit procedure. Because privilege is not extended to cover fraud or criminal activity, it cannot reach back to cover prior malfeasance.

For example, in Wyoming, before a company conducts an audit pursuant to our State law, they must tell the regulators they plan to conduct an audit. Only information that is gathered after that date, and as a part of the audit, can fall under the audit protections. An audit report cannot include information that is otherwise required to be disclosed, such as emissions monitoring. It can only include information that is voluntarily disclosed.

How does the privilege work in practice? First, if nothing is discovered and nothing is disclosed, the report may not be privileged. If the company does find a deficiency during the audit, then it must report the problem and clean it up with due diligence. If these conditions are not met, then it cannot assert privilege to the information related to the deficiency. The privileged information is never secret because the deficiency must be disclosed.

Remember, the company must report the deficiency and clean it up to assert privilege. The public can view the disclosure form. They can know about the problem and they can make sure it is cleaned up. As long as these conditions for privilege are met, the report may not be admitted as evidence in a civil or administrative action. The end result of this is a cleaner environment—not secrecy—as the EPA suggests.

One only has to think logically to expose the flaws in EPA's arguments about secrecy. If a company says they are going to conduct an audit, then they must find violations, disclose them, and clean them up to get any benefit from the law. If they don't disclose anything, they gain no protections from an audit law. A company would not spend money to conduct an audit and then keep the violations secret. If they did so, they would face criminal liability for knowingly violating the law.

I ask my colleagues, if a company conducts an audit, discloses its violations, and cleans them up, what have we lost? Haven't we improved environmental quality? That is the goal of our environmental laws. That is the point of compliance assistance.

The EPA and Department of Justice maintain that audit laws run counter to our common interest in encouraging the kind of openness that builds trust between regulating agencies, the regulated community, and the public.

Mr. President, litigation does not build trust. Using voluntarily gathered information to prosecute good actors does not build trust. Enforcement depends on intimidation to act as a powerful deterrent. But it does not build trust.

Reasonable audit laws will promote cooperation between regulated entities and their regulators. We should ensure that people who act in good faith and who go the extra mile don't face stricter enforcement than those companies that do nothing. Audit laws do build trust.

Most importantly, they will result in a cleaner and healthier environment.

I look forward to working on this issue when the Senate reconvenes next year. It has been a broad bipartisan issue in the States and I know it can be a broad bipartisan solution here in the U.S. Senate.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask if it is appropriate that I be allowed to address the Senate in morning business?

The PRESIDING OFFICER. It is more than appropriate. The Senator from Connecticut is recognized to speak in morning business for up to 10 minutes.

BOSNIA AND IRAQ

Mr. LIEBERMAN. Mr. President, a short while ago, the Senate adopted the foreign operations bill. Last week, the Senate adopted the Department of Defense authorization bill. Previous to that, we adopted the Defense appropriations bill for the coming year—all of those aimed at keeping America both strong and involved in the world.

There is no small measure of common sense and reason for us to do that. Mr. President, all we have to do is follow the news of the day to see how much our own leadership in the world is depended upon by other people and how critical that leadership is to the peace and stability of the world. This is, apparently, the last day in which the people's forum, the Senate Chamber, will be open for public discussion, particularly in morning business, which is such an extraordinary and, I think, constructive forum for public debate.

I want to address my colleagues on two matters that may well be acted upon, or decided partially at least, in the time after we leave this first session of the 105th Congress and before we come back in January. Those are events abroad relating to, first, Bosnia and then to Iraq.

Mr. President, if I may speak briefly about the situation in Bosnia. As the record is clear here, acts of aggression were occurring, acts of genocide, slaughter, unseen in Europe since the end of the Second World War which, in this case, was being portrayed on our television screens every night, bringing understandable agitation and demands for action. Ultimately, particularly after the fall of Srebrenica and the slaughter that occurred there, the President led the NATO forces to decisive airstrikes, which led to the Dayton conference, which led to the Dayton peace accords and to the cessation of hostilities on the ground in Bosnia and the beginning of a civilian reconstruction of that war-torn country, based on the Dayton agreements, based on a goal of trying, over a period of time, to reconstruct a multiethnic country there in Bosnia, on the premise that partition into ethnic conclaves was inherently unstable because one group would inevitably strike another group. If one looks at this glass, there is still plenty of empty room in it. It is also a glass that, thanks to the allied effort, an effort that encompasses in this case Russia as well, not only has the slaughtering stopped and have troops been disengaged, but there is substantial progress being made on the road to civilian reconstruction.

I have felt all along, Mr. President, that we made a mistake in setting deadlines for the presence of American personnel as part of, first, the IFOR and then the SFOR—Implementation Force and then the Stabilization Force—in Bosnia. I understand that the deadline was probably attached as a way to garner sufficient support for the American involvement. But, in my opinion, respectfully, it was a mistake. Better to have set out goals for our participation in Bosnia and when those goals were reached to withdraw, than to establish the expectation, both in this Chamber and more broadly among the public, that we were going to pull out by a date certain, only to have to come back and say, no, no, no, that is not what we meant, and then imposing another deadline.

It is clear from statements that are coming from the President, the Secretary of State, others in the administration of our country, and our allies in Europe, that there is a strong inclination to keep American troops on the ground in Bosnia as part of a follow-on force after the previously, and I think mistakenly, set deadline of June 30, 1998. I support that inclination. I hope it is a fact, because I think if we pull out now—we Americans—the Europeans will follow suit, and what is likely to take place at this stage is a slide back downward into the pit of separation and of conflict.

I do hope that, in extending our presence there, we are mindful of two factors. One is to not repeat the mistake of again setting an artificially explicit deadline. If we are going to stay there, let's try to define the goals most comfortably related to the Dayton process, the Dayton agreement, and see if we can express more generally what those goals are, and when we achieve them, be ready to pull out.

Some have said—and it may be a good beginning point—that we can and should leave, we should not be there for a long time, we certainly should not be there forever. We can and should leave when the Dayton peace process appears to be self-sustaining. That is not a bad goal. So I hope, one, we don't repeat the mistake of setting an artificial and misleading deadline.

Second, if we decide to keep American troops as part of the follow-on peacekeeping force in Bosnia as a way of guaranteeing that the conflict does not erupt there again, that we don't threaten stability in Europe, that we don't run the risk of a wider war throughout the Balkans and beyond. If we decide to keep American troops there, I hope we will leave it to the professional soldiers, to the Pentagon, to the Secretary of Defense, advised by our military on the ground in Bosnia, by the chiefs of the services involved here in the Pentagon, as to how many American troops we want to leave there. There has been some indication, some comment, that it would be a good idea to reduce the number of American personnel there as a way of showing that we continue to be on the way out. The fact is that we started out with almost 30,000; we are down to about 8,500 American personnel.

The point I want to make is this: The administration should not feel pressured, as a way to build more support here or among the American people for our continued presence in Bosnia, to reduce the number of American soldiers that are there, unless that is what the generals in charge and the Secretary of Defense advise and request. We are getting down to a relatively small number of Americans there. We have an obligation to each and every one of them to make sure that we keep a critical mass present on the ground so that, in case of trouble, in case of conflict, in case of the eruption of hostilities, we have enough people and resources there so that we can minimize the risk of any damage to our personnel.

This is an occasion like the next one I want to speak of, where, though there is disagreement here among Members of the Senate and the other body and the American people about whether or not and under what circumstances or not American personnel should remain in Bosnia, this Senator is convinced that if the President as Commander in Chief states the case, and particularly one which is strongly backed up, as to the number of American personnel there by our military, the majority of the Congress across party lines will support the President in that leadership.

Second, Mr. President, is the question of Iraq—once again, very much on our minds and, once again, threatening stability under Saddam Hussein in the Middle East, an area of vital interest to the United States, morally, militarily and economically. This is a crisis that is totally the work of one man—Saddam Hussein. An agreement made to end the gulf war, in which we were the dominant power, with our allies involved an agreement by Iraq to have international inspection teams constantly there to make sure that Saddam Hussein and his government were not concealing or constructing weapons of mass destruction—ballistic missiles—done not in a punitive way, but because the record makes clear who Saddam Hussein is and what he is prepared to do. In the time he has been the leader of Iraq—I believe I have this number right—he has carried out five invasions of neighboring countries. When he has had capacity to wage warfare with gas, a relatively rudimentary form of chemical warfare, he has done so. He has used gas against his own people in Iraq to suppress an uprising. He used it against the Iranians in the Iraq-Iran war during the 1980's. There is some evidence to believe that he

would have armed his personnel in the gulf war with chemical weapons that might have been used against American personnel were it not for his fear that we might retaliate with nuclear weapons.

So we know the ambitions of this leader, we know his willingness, beyond the formal considerations of devastation to humans, to use every weapon in his control to achieve a wider hegemony over the Middle East and particularly over the oil resources there that we continue to depend on.

As I said before, this crisis is one that is totally of his making—by forbidding Americans from being part of this international inspection team, by threatening now to evict, to eject, to push out of Iraq that small number of Americans that are part of that inspection team. And while the threat posed at the current moment is not as visually frightening and destabilizing as the Iraqi invasion of Kuwait in 1990, its consequences, the consequences of U.N. inspections stopping and the Iraqis developing and broadening their capacity at special warfare, at warfare with weapons of mass destruction and the ballistic missile capacity to deliver them to distant targets, is every bit as consequential and profoundly disruptive of stability in the Middle East and profoundly threatening to the vital interests of the United States, and we have little choice but to respond.

The threat may be at least as fundamental and destabilizing as the Iraqi invasion of Kuwait in 1990. But the challenge to leadership internationally will be to marshal the same kind of international coalition against the possibility of Iraqi aggression that was marshaled in 1990 and 1991.

Part of the problem is that time has passed and people's taste for conflict is reduced. People in some sense have to be reminded of what is on the line. Part of the problem is that some of those nations that stood by our side and fought with us in the Gulf war may have short memories and be drawn more by economic interests in doing business with Iraq than a realistic appreciation of the consequences of allowing Saddam Hussein to develop chemical weapons of mass destruction and ballistic missiles to deliver them. It won't be easy for those in the alliance—the international alliance—who understand the seriousness of this threat from Iraq under Saddam Hussein to marshal as broad an international coalition to respond. But it is most certainly a worthy effort and in our national interest.

If we cannot by inspection guarantee that Saddam Hussein is not developing weapons of mass destruction and the ballistic missile capacity to deliver them against our troops on land and sea in the region to our allies in the Arab world and in Israel, then we must consider doing so by intervention—if not by inspection, then by intervention. Because history tells us—and it is fresh history—that whatever capacity for war making Saddam Hussein develops and possesses, he will use. And that is why it is so critical to deny him that capacity.

The specific course that President Clinton and some of those of our allies who seem more likely to stand with us—such as the British, probably the Turkish, others, hopefully in the moderate nations of the Arab world—the specific course that President Clinton as Commander in Chief chooses to take is, of course, respectfully his judgment. But I hope in the fateful days that are ahead when this Congress is out of session and these decisions will probably have to be made that the President appreciates what I sense as I talk to colleagues here in the Senate, that there is a broad bipartisan understanding of the seriousness of the challenge that Saddam Hussein has cleverly and diabolically set before us; and that there will be broad bipartisan support for an effective response as determined by the President of the United States, hopefully in joint action with a large number of our allies.

So, Mr. President, this has been a long session—a session of extraordinary accomplishments, certainly on the balanced budget, and some disappointment, of course, as always is the case in other areas.

But, as we depart, we leave some immense decisions to be made by the President and the administration. And I hope that they will be made in the spirit that this Congress across party lines will support the Commander in Chief when he chooses to lead, and that across party lines we understand that partisanship, though it may occasionally rear its head too often perhaps here in Congress, certainly does end at the Nation's coasts when our security and our values are threatened throughout the world.

I thank the Chair. I thank my colleagues for their patience.

I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

EXTENSION OF MORNING BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that morning business be extended until 2:30 p.m. under the same terms as previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I yield the floor.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Thank you, Mr. President.

A PERSONAL MESSAGE TO SADDAM HUSSEIN

Mr. TORRICELLI. Mr. President, almost 10 years ago I had an opportunity in visiting Baghdad to meet with Saddam Hussein and members of his cabinet.

I went to Iraq because of a brutal and seemingly endless conflict between the armies of Iran and Iraq that were consuming hundreds of thousands of lives. Like many people in our Government, I was concerned about how this would impact the region, and whether, indeed, it threatened world peace. I left Baghdad with unmistakable impressions of Saddam Hussein who continued to influence my own judgment, and which I revisit now—that we are on the verge of yet another conflict with the army of Iraq.

President Hussein knew little of the Western World, and profoundly misunderstood the United States. Because we are a good and a decent people willing to engage in dialog, it was interpreted as a lack of resolve; a failure of will.

It was for these reasons when President Bush sent American forces to the Persian Gulf that I was proud as a Member of the House of Representatives to be the Democratic sponsor of the war resolution.

In the years since American men and women triumphed in the Persian Gulf war to uphold the will of the United Nations and serve the best traditions of our country, the Saddam Hussein that I met on that day has not only not changed; he remarkably seems to have learned very little.

His rape and pillage of Kuwait is now known to have included not simply combatants but thousands of innocent Kuwaiti citizens. Six years after his retreat from Kuwait he continues to hold 620 unaccounted for Kuwaiti civilians. Upon his retreat he torched the land with oil fires and sullied the water, creating the largest oilspill and oil fires in history.

In 1988, he employed mustard gas against his own people killing more than 5,000 Kurds.

The Saddam Hussein that America met in the Persian Gulf war was not an isolated departure from good judgment. It was part of a long record of brutality against his own people and his neighbors.

Today we are on the verge of yet another conflict with Saddam Hussein, because not only is there a long tradition of such irresponsible international behavior but because nothing seemingly has changed.

In 1992, he violated the terms of the gulf war cease-fire by moving antiaircraft missiles into northern and southern Iraq. The world responded. The coalition held. And more than 100 United States, British, and French planes fired on missile stations.

A year later—in 1993—still not having learned the price of his

misjudgements, Saddam Hussein ordered an attempt on the life of former President George Bush. President Bush was visiting Kuwait. Not only was Saddam Hussein not humbled in the face of the victor; he planned an assassination leading to an American military response against his intelligence headquarters.

In 1994, he sent battalions of Iraqis 20 miles north of the Kuwaiti border. Again, the United States needed to respond and 40,000 troops were again sent to the Persian Gulf.

And, last year, despite a willingness by the United Nations to begin easing sanctions in order to ease the pain on the Iraqi people in a food for oil program that was instituted, Saddam Hussein responded by military attack against the Kurds in the town of Erbil needing a response with the oil for food program.

There are few comparisons in contemporary history of any leader in any government that has so routinely miscalculated at the disadvantage of his government and himself.

The Saddam Hussein that I met a decade ago may not have understood much about the world, or his place in it, the relative power of his country as opposed to potential adversaries, the use of technology, his measure of international will—his misunderstanding of the United States may have been legendary—but it is almost unbelievable that with these annual confrontations, this extraordinary record of miscalculations, that virtually nothing seems to have been learned.

What more is necessary to be understood about the resolve of the United States? This Government is clearly prepared to pay the price to maintain the peace in the Middle East. This country has a deep determination to deny Saddam Hussein every and all classes of weapons of mass destruction.

The United States will provide leadership for international response when necessary, but clearly is both capable and willing to act unilaterally if required.

What is it, Saddam Hussein, that you do not understand about the world resolve? And what is it about us that could still be unclear?

Last month, this long and extraordinary record of miscalculation added yet another chapter. Saddam Hussein barred access to U.N. weapons inspectors under the pretext that they included American citizens. He challenged the right of the United States to be a part of the inspection teams of the United Nations, and asked rhetorically by what right we would be present.

Saddam Hussein, it comes to mind that the United States has about 500,000 reasons why we have a right to participate and will demand full compliance—a reason for every man and woman that left family, friends and home to put their lives on the line in the Persian Gulf war to end your occupation of Kuwait. And those 500,000 reasons have not yet run their course. They will stand for a long time.

The record since the United Nations began the inspections to ensure compliance with its resolutions has not been without success.

Since 1991, U.N. inspectors have found and destroyed more illegal weapons in Iraq than were destroyed during the entire Persian Gulf war. Surveillance cameras to monitor weapons activities were installed. This is a regime imposed by the United Nations of weapons inspection that has and can yield real results. But, as we now stand on the verge of yet another military confrontation, it is necessary to face the unmistakable and painful truth that there is no reason to believe that anything has changed in Baghdad.

This week, the Washington Times revealed that Saddam Hussein has been intending to buy five electronic warfare systems that would allow him to detect and destroy radar-evading aircraft.

The weapons markets of the world have routinely been contacted by Iraqi agents and representatives still seeking military technology.

This is important lest we fail to understand that the strategy of frustrating U.N. inspectors and noncompliance is not happening in a vacuum. It is part of an ongoing strategy to restore military capability.

The lessons of the Persian Gulf war and our experience through our sacrifices have yielded more than simply the destruction of these weapons. There is another great lesson that the Persian Gulf war has left the United States, the United Nations and the international community. It is, first, that the international community is capable of acting in concert for common purpose, but it is also that there is by definition a class of nations with leaders who are easily identifiable who are so irresponsible by their actions, who act in such contempt of international normal standards of conduct and international law that the international community will take it upon itself to deny them aspects of their own sovereignty.

Of all the things that Saddam Hussein failed to learn about us and our resolve and our capability or the international community's ability to act in concert it is the single lesson that is the foundation of the current crisis. Saddam Hussein will not be allowed to have weapons of mass destruction or wage war on his own people or regain great military capability because as a consequence of the Persian Gulf war and the invasion of Kuwait, the international community has decided to deny him that sovereign right of other nations to possess certain weapons and conduct their own affairs today, tomorrow and potentially forever.

It is not only a lesson of the Persian Gulf war; it is a gift of this generation to succeeding generations that something has been learned by the history of the 20th century. And the primary pupil of this lesson will be Saddam Hussein, in life or in death, today or tomorrow, one way or another.

I know every Member of this Senate, indeed, the entire U.S. Government, is in prayerful hope that military confrontation is avoided. In an age when military weapons hold such power and the destructive capability is so great, conflict must always be avoided when possible. That is our nature. It speaks well of our people that this is our resolve.

Saddam Hussein, with so many miscalculations, so many mistakes that caused so much harm for your people, do not miscalculate again.

There is in this Senate, I know, nothing but affection for the people of Iraq, an abiding hope that there will be a day when not only we can meet them again in friendship but the Members of this Senate may vote to send an ambassador of good intention and good will to Baghdad to normalize relations. Between this day and that is either the learning of a fundamental lesson by Saddam Hussein against all odds and all experience or that the people of Iraq take their future in their hands against extraordinary odds and regain responsible leadership.

I do not know, Mr. President, how this crisis will be resolved. Indeed, no one could predict. Only that somehow we be understood and that somehow the United Nations obtain the strength and resolve to see its judgments fulfilled. All the frustration of these years and all the sacrifice from the international community can still have real meaning if this lesson will be learned not simply by Saddam Hussein but by all the dictators, all the despots to come who would abuse their people and wage war. If we can stand together here, finally have the lesson learned, all this will have had real meaning.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Indiana.

EXTENSION OF MORNING BUSINESS

Mr. COATS. I ask unanimous consent that morning business be extended until 3 p.m. under the same terms as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I ask that I may speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMARKS OF SARA LISTER

Mr. COATS. Mr. President, on Tuesday of this week, our Nation celebrated

Veterans Day. I had the pleasure of returning to Indiana and talking to some of our veterans and speaking to an important group about the meaning of Veterans Day and the contributions veterans have made to our country and their sacrifices. We honor Americans on that day, both men and women, who served in both peace and war, as watchmen and women on the wall of freedom. We honor them by remembering their heroism, passing stories of their character and courage from generation to generation.

It is disappointing and extremely unfortunate that in this very same week the Assistant Secretary of the Army, Ms. Sara Lister, made some remarks to a group to whom she was speaking at Harvard, referring to members of the U.S. Marine Corps as "extremists." I quote her. She says the Marines are "extremists. Wherever you have extremists, you've got some risks of total disconnection with society. And that's a little dangerous."

Now, subsequently, Ms. Lister has penned a letter of apology to the Commandant of the Marine Corps, General Krulak, in which she says it's unfortunate that my remarks were taken out of context. It's unfortunate that they were misinterpreted.

Now, all of us in the business of politics have had occasion to pick up the paper in the morning and seen our remarks taken out of context and be misinterpreted. So I appreciate that this sort of thing often takes place. I truly hope that in this case these remarks were taken out of context and that they were misinterpreted. I am concerned that they were not. I have asked for a tape or transcript of the presentation by Ms. Lister at the Harvard group so that I can understand the context. It is not really understandable or discernible at this particular point.

I am disturbed that one of our top civilian appointees at the Pentagon could make such a statement. It is hard for me to construct any context in which the use of the word "extremism," and the phrase a "total disconnection between our society" and the U.S. Marine Corps is appropriate. I don't understand in what context that could be presented that would explain the use of those remarks and the statement that this is a "dangerous" situation.

And so I rise today to raise serious questions about the continued leadership of Ms. Lister as Assistant Secretary of the Army. By her remarks, she has offended not only the 174,000 active duty members of the Marine Corps but the 2.1 million Marine Corps veterans and, frankly, all Americans.

The Marine Corps teaches truths and convictions which are becoming more rare in today's society, and it is the continuity of these values in the Marine Corps which has produced men and women of character and honor who are ready and willing to sacrifice their lives in defense of their country.

I would commend to Ms. Lister a piece which appeared in the Sunday Parade magazine, probably in most Sunday papers across our country. It featured a very insightful story of recruits in the Marine Corps and what we can learn from the Marine Corps. The article correctly shows that the Marine Corps teaches and trains young people important values.

If these values are extremism, then I suggest that is what we need more of in this country. Let me just quote a few things from the article.

> In a society that seems to have trouble transmitting healthy values, the Marines stand out as a successful institution that unabashedly teaches those values . . .
>
> For the first time in their lives, many encountered absolute standards; tell the truth. Don't give up. Don't whine. Look out for the group before you look out for yourself. Always do your best . . . Judge others by their actions, not their words or their race. . . Don't pursue happiness; pursue excellence. Make a habit of that, and you can have a fulfilling life.
>
> The recruits learned that money isn't the measure of a man; that a person's real wealth is in his character.
>
> The recruits generally seemed to find race relations less of an issue at boot camp than in the neighborhoods they'd left behind.

The author of the article goes on to say:

> If America were more like the Marines, argued a recruit from New Jersey, there would be less crime, less racial tension among people, because Marine Corps discipline is all about brotherhood.
>
> With their emphasis on honor, courage and commitment, they offer a powerful alternative to the loneliness and distrust that seem so widespread, especially among our youth.

Well, Mr. President, if those values are a disconnect from American society, then it is not the Marine Corps that is in deep trouble. It is American society that is in deep trouble. These are the values to which we should be aspiring. I think under the leadership of General Krulak—and the tradition and the history of the Marines—the Marine Corps has demonstrated a continuing commitment to values to which we should all aspire.

General Krulak responded to Ms. Lister's remarks—I will just briefly quote that—by saying that "honor, courage and commitment are not extreme."

Mr. President, as I said, I hope that these comments were taken out of context. I hope that they were misinterpreted. Again, I cannot conceive of a context in which they would be considered as appropriate. The use of the term "extremists", the statement that the Marine Corps is disconnected from American society reflects, unfortunately, an attitude and a belief about the Marine Corps and perhaps about others in uniform that is inappropriate for an Assistant Secretary of Defense.

I note that Ms. Lister earlier had announced that at some point she was going to retire from her position. Perhaps it wouldn't be too early for her to think about accelerating that retirement so that the position could be turned over to someone who is able to present his thoughts in a better context, in a way that will not be misinterpreted. Perhaps then we will not have this difficult explanation of why one of our most honorable branches of military service has been labeled in such a way.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

RECOGNITION OF THE 20TH ANNIVERSARY OF THE GREAT ALASKA SHOOTOUT

Mr. STEVENS. Mr. President, the day before Thanksgiving the University of Alaska's Athletic Department marks a milestone—the 20th anniversary of the Great Alaska Shootout.

The shootout is a basketball tournament that began as an impossible dream of Bob Rachal, a coach who wanted to put his fledgling University of Alaska Anchorage basketball team on the map.

Now, the shootout continues under Charlie Bruns and Tim Dillon, athletic director and has become an annual Thanksgiving tradition for Alaskans and basketball fans across our Nation.

In the 20 years since the shootout began, our Nation's greatest college teams have traveled to Alaska over the Thanksgiving break to vie for the tournament trophy.

Twenty former NCAA champions have taken part in the shootout over the two decades; last year marked the fifth time the defending national champion has participated in the shootout.

The first game, 20 years ago, was played in a drafty field house on Fort Richardson, a military post in Anchorage, to about 2,500 fans.

Now, the shootout fills our state-of-the-art Sullivan Sports Arena in Anchorage, and is televised live nationwide via ESPN. Sportswriters from the wire services, newspapers and magazines regularly travel to Anchorage to cover the shootout.

Because the teams that participate are the best, the games are invariably closely contested; 60 of the previous 228 games have been won by margins of five points or less. Six have been settled in overtime; four in double overtime, and one in triple overtime.

It isn't only the games that are important in the shootout, it is the opportunity players, coaches, and the families of the players and coaches, have to experience the greatness of Alaska and Alaskans, and the opportunity Alaskans have to meet these young athletes, their coaches, and their families from across our Nation.

Volunteers open their homes to shootout participants and support the players and the guests in countless other ways, including transportation, entertainment and other special events. Our largest Alaska grocery chain, Carr's, provides important corporate support.

The National Collegiate Athletic Association recognizes the special place this tournament holds by its votes over the years to allow the tournament a special place in American collegiate sports.

The teams represent the finest programs in NCAA basketball history, and the University of Alaska Anchorage has gained a reputation for hosting one of the best tournaments in college basketball.

The players and coaches and all who work to make the shootout a success bring credit to the University of Alaska, to Anchorage and to Alaska. Mr. President, I commend Chancellor Lea Gorsuch and the University of Alaska as it observes the 20th anniversary of a very special sports event. I know Dr. Lee Piccard, the former vice chancellor, who has seen every shootout game during all 20 years will enjoy it again.

A. MICHAEL ARNOLD, M.A. CANTAB., M.A. OXON, F. INST. D., F. INST. P.

Mr. STEVENS. Mr. President, I want to recognize the assistance I have received over the years from a longtime friend, A. Michael Arnold, whose intellectual capacity and international insights have proven to be of significant value to me and others. I have often passed on Mick Arnold's comments to many Members of Congress including our leaders. Since the early eighties, Mick and I have corresponded regularly, and occasionally have had the opportunity to meet either here or in Britain. He is a resident of Great Britain. We are both blessed with wonderful wives. Mick's wife Wendy is a respected author in her own right. My wife, Catherine, and Wendy share in our friendship.

These insights in Mr. Arnold's correspondence have run the gamut from the 1980's arms buildup in South America, to the current conflict in Bosnia with its implications for world peace, the internal convulsions in Russia, the tensions between Israel and the Arab world, the threats from Iran and Iraq, and to the reason d'etre of the United Nations. Mick's observations have been provocative, accurate, and full of sage advice. He has not sought recognition for his efforts. He told me that knowing that his observations may help to bring clarity to a confused world scene was sufficient to him.

I recall several specific instances of Mick's perceptiveness in international affairs. Mick's assessments in 1983 and 1984 of the political scene in the Soviet Union: He anticipated that Chernenko would stabilize his power base and advance Gorbachev as one of his key deputies. By early 1984 Chernenko had made Gorbachev his No. 2. Noting Chernenko's precarious health, Mick then anticipated that Gorbachev would succeed Chernenko. History records the accuracy of that assessment. That advice was very helpful to those of us who were working on Soviet affairs in the 1980's.

In 1991 Mick expressed anguish over the potential for a conflagration in Yugoslavia * * * one that could envelope Bosnia-Herzegovina. Once again Mick's international instincts proved accurate. Many times that he shared his worries in papers I then passed on to others, those fears were realized in what did take place in Bosnia.

In April of this year, Mick commented on the upcoming Presidential elections in Iran and observed that Mohammed Khatemi would, if elected, be more open to foreign relations. History has yet to validate the accuracy of Mick's assessment of Khatemi's but many are hopeful he is correct.

He continues to be one who observes the world scene from his background being a Don at Oxford.

The world would be a far better place if there were more people with the intellectual capacity, compassion, and common sense of Mick Arnold, ones who would pass on their opinions without any publicity, without seeking any remuneration for their work—just to be a friend. It's from the point of view of friendship.

I look forward to continuing this friendship and value Mick's informed observations on the international scene. I come today because my friend has told me he is going to reduce the frequency of his comments. He is not totally retiring, but he's going to limit the scope of his activities. But I wanted the Senate to know that, whether many are aware of it, the U.S. Senate has benefited from his counsel and his insights. I have benefited greatly from his friendship.

My wife and I wish Wendy and Mick many more years of success, and I continue to value his advice.

I yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Maine.

EXTENSION OF MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m., under the same terms as previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CENTENNIAL OF SENATOR MARGARET CHASE SMITH'S BIRTH

Ms. COLLINS. Mr. President, I rise to say a few words in honor of one of our Nation's most legendary Senators and one of Maine's most beloved public figures: Senator Margaret Chase Smith.

December 14 marks the 100th anniversary of Senator Smith's birth. Since we will not be in session on the 14th, I would like to take the opportunity to speak in honor of her centennial today.

Margaret Chase Smith has the distinction of being the first woman elected in her own right to both the House of Representatives and the U.S. Senate. She served in the Senate from 1949 to 1972—the entire time that I was growing up in Maine. Throughout her tenure in Congress, she served as a great source of pride and inspiration for countless people throughout Maine and the Nation.

Mr. President, I am one of those fortunate people whose life was touched personally by Senator Margaret Chase Smith. So it is with a great deal of gratitude and admiration that I speak about her legacy today in celebration of her centennial.

Mr. President, when I was just 18 years old, a high school senior from Caribou, ME, Senator Margaret Chase Smith encouraged me to pursue a career in public service. Now I serve in the U.S. Senate, holding her very seat. Her example of moderation, independence and integrity continues to guide me every day as I seek to represent the people of Maine.

Walking through the Halls of the Senate, I am frequently reminded of my first significant encounter with Senator Smith.

In January 1971, I left my hometown of Caribou, ME, to spend a week here in Washington, DC. I was one of 100 high school students from around the Nation participating in the U.S. Senate Youth Program. The program consisted of VIP tours of Washington, formal dinners, and numerous high-profile speakers ranging from Supreme Court Justices to top White House officials. The highlight of my week, however, was the afternoon that we visited our respective Senators.

When I arrived at Senator Smith's office, I was immediately ushered into her personal suite. Her office was bustling with activity, and yet it had a stately and serene quality. Senator Smith looked perfectly at home in the setting as the only woman in the Senate. Her green office suited her well and, of course, reminded me of the State of Maine. She shook my hand and invited me to sit down, and seemed genuinely interested in what I had to say.

Much to my amazement, Mr. President, instead of just quickly posing with me for a picture, Senator Smith spent nearly 2 hours talking to me

about her years in Congress. She stressed the importance of public service and the difference that one person could make. We talked about her opposition to McCarthyism and the necessity of standing tall for one's principles no matter what the cost.

As I was leaving, she handed me a copy of her famous "Declaration of Conscience" speech to take with me. I was struck by her presence and I knew that she was a woman of enormous strength and integrity. I was so proud that she was my Senator.

As I bid her farewell, I could not keep the smile from stretching across my face nor the dreams from racing through my mind. To me, Senator Smith was living proof that women, even those of us from small rural towns in Maine, could accomplish anything upon which we set our sights.

I have since learned that my early impressions of Senator Smith are shared by thousands of others throughout our State and throughout the Nation whose lives she touched. But we in Maine are particularly fortunate to have had her as a role model and as our Senator.

As one Congresswoman recently said to me, "You know, it was much harder for women to get elected in my State because we didn't have Margaret Chase Smith."

Senator Smith's 32 years of leadership epitomized the type of thoughtful, independent representation that sets a standard for public service.

As I campaigned throughout Maine for the Senate last year, it was apparent to me that the name "Margaret Chase Smith" strikes a resounding chord with the citizens of my State. From Kittery to Calais to Fort Kent, people recognize and honor her name and her legacy as synonymous with thoughtful, independent, and honest representation. This above all else, Mr. President, is the legacy of Senator Smith and the tradition which those of us who are honored to follow in her footsteps strive to uphold.

While Senator Smith served as an inspiration to me as a young girl and as a beacon of strength during my two statewide campaigns, it was not until I began my service in the Senate that I fully understood her legacy and the extraordinary courage she exhibited throughout her years in Congress.

Margaret Chase Smith is perhaps best remembered for her principled and unabashed stance against Senator Joe McCarthy. Because the courageous stand that she took against McCarthyism is so familiar to all of us today—it seems to be so obviously the right thing to do—we sometimes forget and underestimate the risks that she took and the hardships she endured in this fight. From my new perspective as a U.S. Senator, I must say that the courage that Senator Smith showed during the McCarthy era is truly remarkable.

Over the course of the past several months, I have had many occasions to reflect upon another of Senator Smith's principled positions.

As a member of the Governmental Affairs Committee, I have been involved in investigating the fundraising abuses of the 1996 Presidential election campaigns. These hearings have examined some of the most deplorable and certainly most excessive fundraising practices in our Nation's history, such as operating the Lincoln Bedroom like a hotel, phony issue ads, fundraising coffees in the Oval Office and soft money contributions of staggering sums and questionable origins.

In the 24 years since Senator Smith left office, fundraising has become an all-consuming and self-propelling institution. It is difficult for those of us who are in office today to remember that Senator Smith waged so many successful political campaigns without soliciting a single contribution. How we envy her. She believed that big money had the potential to be a corrupting influence in the system, and she has certainly been proven right.

Throughout this past year—my first in the Senate—I have been reminded of one of Senator Margaret Chase Smith's most famous statements time and again. She once said that there is a "difference between the principle of compromise and the compromise of principle." This sentiment has guided me through many tough negotiations and heated debates where it is sometimes difficult to know when it is best to be stalwart for the sake of principle and when it is time to seek common ground in the name of action.

Compromising one's principles is wrong; but the principle of compromise, on the other hand, is the essence of a healthy democracy. Senator Smith's wisdom has helped me many times in reaching decisions on thorny issues.

Mr. President, 25 years after my first encounter with Senator Smith, I fulfilled the dream that she fostered in me back in 1971, and was elected to her seat in the U.S. Senate. Just as Senator Smith was the first woman elected in her own right to both the House of Representatives and the Senate, upon my election, Maine became the first State in the Nation to be represented and to elect two Republican women Senators.

This distinction is a fitting tribute and testament to the legacy of Margaret Chase Smith. If not for her 32 years of congressional service, many doors to and within the Capitol might still be closed to women today.

In all of history, Mr. President, there have only been 15 women elected to the U.S. Senate in their own right, and 3 of us have been from the great State of Maine.

Thanks to Senator Smith's decades of selfless service, principled leadership and pioneering efforts, the people of Maine know that leadership is not about gender; it is about decency and tenacity and service and integrity. Margaret Chase Smith embodied all of these traits, and so much more.

Today, I honor her for paving the way for me, and countless others, and for establishing the thoughtful and independent approach to public service that Mainers have come to expect from their elected officials.

I thank the Chair. And I also thank the Chair for presiding for me so that I could pay tribute on the 100th anniversary of the great Senator from Maine, Margaret Chase Smith.

I yield the floor.

The PRESIDING OFFICER. The Presiding Officer in his capacity as a Senator from the State of Wyoming suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I compliment the distinguished Senator from Maine, Senator COLLINS, for those very erudite and profound remarks. The U.S. Senate is graced by two women Senators, Senator OLYMPIA SNOWE and Senator SUSAN COLLINS. I know that Senator Margaret Chase Smith is a role model for them as she is a role model for so many in America—men as well as women.

It is with some frequency I quote her famous dictum, to distinguish between the principle of compromise and the compromise of principle.

I think with the qualities of Senator COLLINS and Senator SNOWE, they would be in the U.S. Senate even without Senator Margaret Chase Smith blazing the trail for them in Maine, but it didn't do them any harm.

That was an extraordinary statement. I have had the good fortune to work with both Senator COLLINS and Senator SNOWE on a little Wednesday lunch group and on the Governmental Affairs Committee. Senator COLLINS has done outstanding work on the Governmental Affairs Committee and I think there is more coming.

NOMINATION OF JUDGE MASSIAH-JACKSON

Mr. SPECTER. I have sought recognition today to comment about the pending judicial nomination of Judge Frederica A. Massiah-Jackson who has been nominated for the U.S. District Court for the Eastern District of Pennsylvania. Judge Massiah-Jackson currently serves on the court of common pleas of Philadelphia County where she has been a State court judge for the past 14 years. I believe Judge Massiah-

Jackson should be confirmed, and regrettably that will not happen today, which is the last day of the session, because two of our colleagues have insisted on rollcall votes, and one colleague insisted on an opportunity to debate the nomination beyond a rollcall vote.

It appears virtually certain, if not certain, that there will be no rollcall votes today, our last day in session, because our distinguished majority leader, Senator LOTT, had announced that he would not have rollcall votes unless he gave Senators who are widely dispersed at this time an opportunity to come back, and therefore the business of the Senate is going to be completed by voice votes.

I do not question the judgment of my colleagues to ask for rollcall votes, although customarily we do not have rollcall votes on district court nominees. Perhaps it would be sufficient for individual Senators to note their objection for the record. These two Senators have already noted their opposition to Judge Massiah-Jackson on the rollcall vote in the Judiciary Committee where she was recommended for nomination by a 12 to 6 vote.

Judge Massiah-Jackson had substantial Republican support in the committee and she has the support of my distinguished colleague, Senator SANTORUM, as well as myself, the two home State senators. It is the practice for the caucus to rely upon home State senators on matters involving U.S. district court judges.

Judge Massiah-Jackson has been questioned on two intemperate remarks which she made, one which she thought was under her breath, and has acknowledged her error, and I think it fair to say that if two intemperate remarks were disqualifiers or a disqualifier from being a Federal judge or a U.S. Senator, for most positions, perhaps all positions of responsibility, nobody would hold any job of responsibility because intemperate remarks escape all of us from time to time. She has apologized. The Senator who presided at her hearing noted with some acknowledgment the sufficiency of that particular apology.

Judge Massiah-Jackson has been questioned about sentencing. She has tried more than 4,000 criminal cases. There were 95 appeals taken and she was reversed in some 14 cases, which is a pretty good record. Her rating on the standard for judges on compliance with the sentencing guidelines is well within the norm of her contemporaries. She had a rating in the 72- to 82-percent compliance at a time when the compliance of other common pleas judges was in the 70- to 86-percent range.

She had questioned, from time to time, certain police officers. I was district attorney of Philadelphia for 8 years following being an assistant D.A. for some 4 years, and while I was district attorney I ran tough investigating grand juries where there was evidence of narcotics violations, narcotics corruption within the police department. There have recently been a spate of many reversals and Federal investigations by the U.S. Attorney for the Eastern District of Pennsylvania. So it is not unusual to have questions about police conduct following on the old statement that there are some bad apples in the barrel.

I think in totality, Judge Massiah-Jackson's record is a very good one. I am disappointed she will not be confirmed because we have just had the swearing in of circuit Judge Midge Rendell, and we are now planning the swearing in of Judge A. Richard Caputo in Wilkes-Barre and former State court Judge Bruce Kaufman in the Eastern District.

I am sorry Judge Massiah-Jackson will not be sworn in before the end of the year to take on the very substantial duties of helping the backlog in the Eastern District. I do thank my distinguished and majority leader, Senator LOTT, for agreeing to list Judge Massiah-Jackson on the second day when we return. We are due to come in on January the 27. That is expected to be the night of the State of the Union speech, and Senator LOTT has told me that he will schedule Judge Massiah-Jackson for floor debate and a vote on the day we return. It may be that there will be two other judges in a similar position, so I thank Senator LOTT for his assistance there, and I thank him, also, for aiding me in the determination of Senators on our side of the aisle who have so-called holds.

ABOLISH SECRET HOLDS

Mr. SPECTER. I compliment our colleagues, Senator GRASSLEY and Senator WYDEN, for their initiative in moving to end the practice of a hold. For those watching, if anyone, on C-SPAN2 at the moment, a hold is a Senate procedure which is secret, where the Senator says that matter may not move without notifying me. The final days of the session are sufficient to stop any action on an individual by a statement that there be insistence on debate, where there is no time for votes, or when we are not having them, as we have not had any for the past several days.

I intend to join Senator GRASSLEY and our Republican caucus to try to end this pernicious practice. It simply ought not to prevail in an open society and in an open setting.

If someone has an objection to some individual or to some bill, I think it only right that the individual stand up and state the objection. I do thank my colleagues who had objected to Judge Massiah-Jackson for being forthright in discussing the matter with me, and I understand an honest difference of opinion. I respect that difference of opinion. I don't agree with it, but I do respect it, so long as you have an opportunity to discuss the matter, to find out what is happening and we can try to do something about it.

CONGRATULATIONS ON SESSION CONCLUSION

Mr. SPECTER. This is the end of our first session of the 105th Congress, and I congratulate our colleagues both in the House and the Senate on doing the country's business and being out by Thanksgiving. I think that is an accomplishment.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Madam President.

MARGARET CHASE SMITH

Mr. ENZI. I appreciated the comments earlier of the Presiding Officer. I learned a great deal from listening to the Senator talk of the people that have gone before her. Of course, that reminds me of people that have gone before me from my State and all of those who have gone before us in this great body. We not only think about those who have gone before, we think about those people who are here now, those people who are at home in our respective States at the moment, and those people who are relying on our judgment in this Chamber today to preserve the right for them to be here or in Maine or in Wyoming in the future.

NOMINATION OF ANN AIKEN TO BE FEDERAL DISTRICT COURT JUDGE, DISTRICT OF OREGON

Mr. ENZI. Madam President, today I rise to oppose a nomination. I want to tell you, I have a hold on a nomination. It is not a secret hold. Those that are interested in the nomination know I have the hold on it. I would not do that in secret. The purpose is not for secrecy. The purpose is to get an action that will show on the record, that will be reflected by this body for years to come. That is what we were sent here for.

Judge Ann Aiken has been nominated by the President of the United States to be a District Court Judge for the District of Oregon. I have asked for a rollcall vote because I want to be on record as opposing this nominee. I don't question Judge Aiken's experience or academic qualifications to sit on the Federal bench. I do have serious concerns about her judicial philosophy as she has applied it in State court in Oregon. One particularly tragic case perhaps best illustrates concern. It is

the case of State versus Ronny Lee Dye, a 26-year-old man who was convicted of first-degree rape of a 5-year-old girl. Instead of sentencing this convicted rapist to State prison, Judge Aiken sentenced him to only 90 days in jail and 5 years' probation, plus a $2,000 fine. According to local papers, Judge Aiken did not want to sentence Dye to state prison because the prison did not have a sex offender rehabilitation program.

How do you think the parents of that girl felt? Moreover, she believed that the probation following the jail term provided a stricter supervision than the parole that would have followed the prison sentence.

Less than a year after the conviction for rape, Dye violated his parole by driving under the influence of alcohol and having contact with minor children without permission of his probation officer. I believe that Judge Aiken's handling of this case and others illustrates an inclination toward an unjustified leniency for convicted criminals.

I do not pretend to be able to predict with any degree of accuracy how the nominee or any other will rule while on the Federal bench in exercising our solemn constitutional duty to advise and consent on the President's nominations for Federal courts, what this body stands for, we have only the past action, statements and writings to guide our deliberations. Moreover, since Federal judges have life tenure—life tenure—and salary protection while in office we have but one opportunity to voice our concerns in disapproval of a judge's record.

I, for one, cannot vote to confirm a nominee to the Federal court who I believe is inclined to substitute his or her personal policy preferences for those of the U.S. Congress and the various State legislatures. I have strong concerns about this judge. If confirmed, would she be inclined to this type of judicial activism? For this reason, I will cast my vote against the confirmation of Judge Aiken and insist on a rollcall vote so that it will be recorded.

That may result in a delay in that court, but I think it is an important delay. I don't think I'm the only one opposing this, and I will insist on the rollcall vote.

I yield the floor.

Mr. NICKLES. First, I wish to congratulate my colleague, Senator ENZI, from Wyoming, for that statement. I wish more Senators would spend more time doing their homework on Federal judges. I think it is obvious in this case he has done a lot of homework on the judge. We should all do more, and he is certainly entitled to express that sentiment on the floor and he is entitled to a rollcall vote. I will certainly support him in that effort.

ROAD AHEAD ON GLOBAL TOBACCO DEAL

Mr. NICKLES. Madam President, as we move toward adjournment in the first session of the 105th Congress, I want to take a couple of minutes to look ahead at one of the real big challenges that we have next year. That issue is tobacco and the so-called global tobacco deal that was agreed to earlier this year between the tobacco industry, States attorneys general, and health advocates.

Madam President, we have seen a significant sea change in our culture's attitudes toward smoking in the last 30 years. The proportion of adult smokers peaked at 43 percent in 1966 and has dropped dramatically since then to about 25 percent today. According to the Federal Trade Commission, demand for cigarettes is forecast to continue to decline about 0.6 percent a year for the foreseeable future.

However, as adult use has declined, concern has grown about the number of underage smokers who every day try their first cigarette. Madam President, 4.5 million kids ages 12 to17 are current smokers, according to the Department of Health and Human Services; 29 percent of males age 12 to 21, and 26 percent of females in the same age group currently smoke, according to reports of the National Center for Health Statistics. In 1994, the Surgeon General's report found that 9 out of 10 Americans who currently smoke say they began smoking as teenagers. Many Americans share a common goal to reduce teen smoking dramatically to break the cycle of smoking as we enter into the 21st century. Members of Congress, Republican and Democrat, too, would like to see our children smoke free and families free from fear of smoke-related cancers and disease.

The agreement between the tobacco industry and States attorneys general was motivated by good intentions, but it resulted in a deal that is very complicated. In the Senate, several committees have held numerous hearings trying to elicit more information and understanding of the agreement.

Since the Clinton administration was intimately involved in crafting the June 20 deal, we were hopeful that the President would come forward with specific recommendations and legislation to describe how the deal would work.

Unfortunately, the President ducked a historic opportunity for leadership. Rather than following the regular order of submitting legislation, he sent us five vague principles. His inaction set back the work of the Congress considerably.

I remain hopeful that the President and his administration will tell us specifically what he wants in legislation. For now, though, the Congress has to do the heavy lifting. We have to make our own decisions about how the various elements of the deal should be put together.

Through the summer and fall, I met several times with Senate committee chairmen who have jurisdiction over the major elements of the deal. They include the Committees of Agriculture, Commerce, Finance, Labor, Judiciary, Environment and Public Works, as well as Indian Affairs.

I have requested that, when we reconvene next year, they begin work and try to find out what the majority in their committees, Republicans and Democrats, believe are important elements of a comprehensive plan targeted on reducing teenage smoking. I have asked them to conclude their work by March 16, 1998, and they have agreed to meet that timetable.

As they do their work, I am asking them to answer, to their satisfaction and to the satisfaction of the public, 10 important questions, which I will have printed in the RECORD at the end of my remarks. These questions deal with the whole parameter of the proposed resolution. For example: What works best to reduce teen smoking? We have Government programs and we have private programs. What really works? What is the best method of reducing teen smoking?

Should we increase the price of tobacco? President Clinton mentioned he thought we should increase the price a dollar and a half. Should that be done in the form of taxes or in the form of price increases? If it is done in the form of price increases, do we need to give exemptions for that to happen? Do we need to make sure tobacco companies would not make more money than that would allow? Are they going to be able to make excess profits from the price increase? Do we increase the price by increasing tobacco taxes? Should the States have the allowance to be able to increase tobacco taxes, in addition to whatever the Federal Government would do?

Another big question is, Who gets the money? This is a big dispute. A few weeks ago, Health and Human Services Secretary Donna Shalala wrote a letter to the States and said that the Federal Government is entitled to its pro rata share of the Medicaid money, assuming States were getting most of their money to reimburse them. The States attorneys general said no. They went to court and they filed suits. The Federal Government didn't join in those lawsuits. The States are saying, give us the money. They took the legal action; the Federal Government didn't. So who should get the money? We need to make those decisions.

How much money are we talking about? The States attorneys general and the industry came up with an agreement that said $368 billion over 25 years. The administration said, "We want a lot more." They didn't say how much more. Should there be additional

fines and penalties? These decisions have to be made. Should the money go to the States and have it be off budget? They have not made those decisions.

As you can see, these are not easy decisions to make, and there are more questions. What would be an appropriate antitrust exemption for tobacco companies? What kind of limitations should they have on immunity from lawsuits? Should there be a total exemption from class action lawsuits for the tobacco industry? Should that apply to individuals as well?

How much power should the FDA have? Should they be able to ban or regulate nicotine or cigarettes, or control advertising and sales? Is that something that would require legislative action?

How do we take care of those people who are directly affected by this, such as the tobacco farmers, the processors, the distributors, the people that have the vending machines, and so on? They were not included in the original package. Should they be included in whatever comprehensive legislation we would pass?

What did the proposed resolution leave out? There are a lot of things we should consider that weren't included. Should we have a limitation on compensation for the attorneys in this process? And so on. I could go on and on about the unanswered questions.

My point is that there is a lot of work to do. If the Congress is going to move this piece of legislation next year in a comprehensive bill, then we are going to have to go to work early. So I have asked the committee chairs to consult with the ranking members and the other members of the committee to try and come up with what they believe in their committee of jurisdiction they have strong support for and what they think should be included in a total package. Then we have, as I mentioned, six committees that are involved in this legislation directly—maybe more are indirectly involved—and certainly more. I didn't include Budget, which is involved. So I'm asking all committees to make their recommendations, and we will try to put a package together to see if we can't really have a concerted, aggressive, energetic effort to reduce teenage consumption of smoking, teenage addiction to smoking.

I might mention, Madam President, that in addition to smoking, I think Congress should be tackling teenage addiction to drugs, because teen drug use, unfortunately, has doubled in the last 5 years. We have seen enormous increases. As a matter of fact, 11 percent of kids in junior high now use dangerous, illegal, illicit drugs. Today, 1 out of 10 kids in sixth, seventh, and eighth grade are using illegal drugs on a monthly basis. The number of kids using marijuana has more than doubled in the last many years. We have to have a concerted effort, I think, to reduce teenage addiction to tobacco, but also other drugs as well.

Madam President, this will not be easy. If you try to see all of the different pieces of this package and try and put it together, it will not be easy. But I think that we have what I would say is a bipartisan agreement that we should reduce consumption and addiction of drugs and smoking among teenagers. I am very committed to trying to pass a comprehensive package that will reduce teenage smoking and teenage addiction to drugs.

I just say to all my colleagues, let's work together and see if we can't come up with a package we can all be proud of—not just something that's good for politics, but let's do something that is going to good policy. It will be good policy if we can get teenagers off drugs and away from a tobacco addiction. Let's work together to make that happen, not just try to score points and say who is the most antitobacco, or the most this or that. Let's work on good policy, something that will help curb the growth of teenage addiction to tobacco and drugs. I welcome the contributions of Senator MCCAIN, Senator HATCH, Senator LUGAR, Senator MACK, and others over the past few weeks on this issue. I think we can work together for the betterment of our children, and our country.

Madam President, in conclusion, I want to insert a couple of other things in the RECORD. One is a summary of a study that was done by the Federal Government. There was a $25 million Federal study published on September 10 in the Journal of the American Medical Association entitled the National Longitudinal Study of Adolescent Health. The study concluded that feeling loved, understood, and paid attention to by parents helps teenagers avoid high-risk activities, such as using drugs and smoking cigarettes. The study further concluded that teenagers who have strong emotional attachments to parents and teachers are much less likely to use drugs and alcohol, attempt suicide, and smoke cigarettes.

Madam President, I mention this study because it had a lot of common sense. The study found that the presence of parents at home at key times—in the morning, after school, at dinner, and bedtime—made teenagers less likely to use alcohol, tobacco, and marijuana.

Ironically, the Government spends millions of dollars on programs to reduce teen smoking and, frankly, many of them haven't worked. I think this study shows that loving parents may be the best program that we can have.

Madam President, I ask unanimous consent that an article summarizing that study, published in the Washington Post on September 11, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 10, 1997]

LOVE CONQUERS WHAT AILS TEENS, STUDY FINDS

(By Barbara Vobejda)

Teenagers who have strong emotional attachments to their parents and teachers are much less likely to use drugs and alcohol, attempt suicide, engage in violence or become sexually active at an early age, according to the largest ever study of American adolescents.

The study, published in today's Journal of the American Medical Association, concludes that feeling loved, understood and paid attention to by parents helps teenagers avoid high-risk activities regardless of whether a child comes from a one- or two-parent household. It is also more important than the amount of time parents spend at home, the study found.

At school, positive relationships with teachers were found to be more important in protecting teenagers than any other factors, including classroom size or the amount of training a teacher has.

Researchers also found that young people who have jobs requiring them to work 20 or more hours a week, regardless of their families' economic status, are more likely to use alcohol and drugs, smoke cigarettes, engage in early sex and report emotional distress.

The findings are the first wave of data from a $25 million federal study known as the National Longitudinal Study of Adolescent Health, which surveyed 90,000 students in grades 7 through 12 across the country. Researchers also conducted interviews with more than 20,000 teenagers in their homes and with 18,000 parents. The results will continue to be analyzed in increasing detail over the next decade, researchers said.

The first analysis of the massive data not only confirms what other studies have shown—that family relationships are critical in raising healthy children—but teases apart more precisely what elements of family life are most important.

While the amount of time spent with parents had a positive effect on reducing emotional distress, for example, feeling "connected" to parents was five times more powerful. And this emotional bound was about six times more important than was the amount of various activities that teenagers did with their parents.

Though less important than the emotional connection, the presence of parents at home at "key times"—in the morning, after school, at dinner and at bedtime—made teenagers less likely to use alcohol, tobacco and marijuana. The data did not cite any one period of the day as most important.

"This study shows there is no magical time," said Robert W. Blum, head of adolescent health at the University of Minnesota and one of the principal researchers.

The study also found: Individual factors in a teenager's life are most important in predicting problems. Most likely to have trouble are those who have repeated a grade in school, are attracted to persons of the same sex, or believe they may face an early death because of health, violence or other reasons. Teenagers living in rural areas were more likely to report emotional stress, attempt suicide and become sexually active early. Adolescents who believe they look either older or younger than their peers are more likely to suffer emotional problems, and those who think they look older are more

likely to have sex at a younger age and use cigarettes, alcohol and marijuana. The presence of a gun at home, even if not easily accessible, increases the likelihood that teenagers will think about or attempt suicide or get involved in violent behavior.

The researchers, most of whom are associated with the University of Minnesota or the University of North Carolina-Chapel Hill, said the study underscores the importance of parents remaining intensely involved in their children's lives through the teenage years, even when they may feel their role is diminishing.

"Many people think of adolescence as a stage where there is so much peer influence that parents become both irrelevant and powerless," said J. Richard Udry, professor of maternal and child health at UNC-Chapel Hill and principal investigator of the study. "It's not so that parents aren't important. Parents are just as important to adolescents as they are to smaller children."

The study did not compare the influence of peers to that of family. But the authors did suggest steps parents can take: Set high academic expectations for children; be as accessible as possible; send clear messages to avoid alcohol, drugs and sex; lock up alcohol and get rid of guns in the home.

Udry led a team of a dozen researchers, whose work was funded by Congress in 1993 to learn more about what can protect young people from health risks. The study was sponsored by the National Institute of Child Health and Human Development, which is part of the National Institutes of Health.

The researchers went to great lengths to assure teenagers that their answers would remain confidential. On sensitive topics involving sex and drug use, for example, teenagers listened to tape recorded questions and answered on a lap-top computer.

Overall, the study found, most American teenagers make good choices that keep them from harm. But a significant minority report a range of problems.

About 20 percent of girls and 15 percent of boys, for example, said over the past year they had felt significantly depressed, lonely, sad, fearful, moody or had a poor appetite because of emotional distress.

Researchers said they were not sure why adolescents who work 20 hours or more a week are more likely to have problems. But Udry speculated that it may be because they are surrounded by an older group and "have more money to spend to get into trouble."

In its examination of schools, the study looked at attendance rates, parent involvement, dropout rates, teacher training, whether schools were public or private and whether teenagers feel close to their teachers and if they perceive other students as prejudiced.

But only one of those—whether students felt close to their teachers—made a difference in helping teenagers avoid unhealthy behavior.

"Overriding classroom size, rules, all those structural things, the human element of the teacher making a human connection with kids is the bottom line," Blum said.

Mr. NICKLES. Madam President, I ask unanimous consent that a Republican policy paper entitled "President Clinton's Failing War on Drugs" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT CLINTON'S FAILING WAR ON DRUGS

Throughout the Clinton presidency, America has been witnessing increases in illegal drug use among our nation's younger generation. This sharp reversal from the steady progress made against illegal drug use throughout the 1980s and early 1990s is the inescapable result of the Clinton Administration's retreat in the war against drugs. The Clinton Administration has de-emphasized law enforcement and interdiction while relying heavily on drug treatment programs for hard-core drug abusers in the hopes of curbing drug usage. Result: backward momentum.

BACKWARD MOMENTUM FROM DAY ONE: DRUG ABUSE UNDER CLINTON

Two national annual surveys show that drug abuse by our nation's youth has continued to increase since President Clinton came to office. The most recently released Parents Resource Institute for Drug Education—the so called "PRIDE" survey—and the University of Michigan's "Monitoring the Future" both offer cause for alarm.

The Monitoring the Future Study reveals that illicit drug use among America's schoolchildren has consistently increased throughout the Clinton Administration:

For 8th graders, the proportion using any illicit drug in the prior 12 months has increased 56 percent since President Clinton's first year in office, and since 1993 it has increased 52 percent among 10th graders and 30 percent among 12th graders.

Marijuana use accounted for much of the overall increase in illicit drug use, continuing its strong resurgence. All measures of marijuana use showed an increase at all three grade levels monitored in 1996. Among 8th graders, use in the prior 12 months has increased 99 percent since 1993, President Clinton's first year in office. Among 10th graders, annual prevalence has increased 75 percent—and a full 121 percent increase from the record low in President Bush's last term in 1992. Among 12th graders it increased 38 percent since 1993.

Of particular concern, according to the survey, is the continuing rise in daily marijuana use. Nearly one in every twenty of today's high school seniors is a current daily marijuana user, and one in every thirty 10th graders uses daily. While only 1.5 percent of 8th graders use marijuana daily, that still represents a near doubling of the rate in 1996 alone.

The annual prevalence of LSD rose in all three grade levels in 1996. In short, since President Clinton assumed office, annual LSD use has increased 52 percent, 64 percent, and 29 percent among 8th, 10th, and 12th graders respectively. Hallucinogens other than LSD, taken as a class, continued gradual increases in 1996 at all three grade levels.

The use of cocaine in any form continued a gradual upward climb. Crack cocaine also continued a gradual upward climb among 8th and 10th graders. In short, since President Clinton assumed office, annual cocaine use is up 77 percent, 100 percent, and 49 percent among 8th, 10th, and 12th graders respectively.

The longer-term gradual rise in the of amphetamine stimulants also continued at the 8th and 10th grade levels.

Since 1993, annual heroin usage has increased by 129 percent, 71 percent, and 100 percent for 8th, 10th, and 12th graders respectively. That is, for 8th and 12th graders, use of heroin has at least doubled since Clinton first took office.

NOW IS NOT THE TIME TO TAKE A BACK SEAT

According to some experts, the age of first use is a critical indicator of the seriousness of the drug problem because early risk-taking behavior statistically correlates to riskier behavior later. For example, the Center on Addiction and Substance Abuse at Columbia University estimates that a young person who uses marijuana is 79 times more likely to go on to try cocaine than one who hasn't used marijuana.

The most current survey on drug use—the so called PRIDE survey—shows a continuing and alarming increase in drug abuse by young kids. While the increase in drug use among older students has remained flat this year, illegal drug use among 11 to 14 year-olds has continued on a dangerous upward path. According to the President of PRIDE, "Senior high drug use may have stalled, but it is stalled at the highest levels PRIDE has measured in ten years. Until we see sharp declines in use at all grade levevls, there will be no reason to rejoice." With respect to younger students, the survey found that:

A full 11 percent of junior high students (grades 6–8) are monthly illicit drug users.

Junior high students reported significant increases in monthly use of marijuana, cocaine, uppers, downers, hallucinogens and heroin, specifically: Annual marijuana use increased 153 percent since Mr. Clinton's first year in office; cocaine use increased 88 percent since Mr. Clinton's first year in office; and hallucinogen use increased by 67 percent since Mr. Clinton's first year in office.

PRESIDENT CLINTON'S MISTAKEN PRIORITIES: FAILED ENFORCEMENT OF DRUG LAWS

A recent analysis by Robert E. Peterson, former drug czar for the state of Michigan, revealed:

In 1994, a person was more likely to receive a prison sentence for federal gambling, regulatory, motor carrier, immigration or perjury offense than for possessing crack, heroin, or other dangerous drugs under the federal system.

The time served for drug possession in less than half that of federal regulatory and tax offenses, less than a third that of mailing obscence materials, and equivalent to migratory bird offense sentences.

In 1995, a federal trafficker could expect seven months less on average drug sentences than in 1992.

Possession of 128 pounds of cocaine, 128 pounds of marijuana, 3 pounds of heroin and/or 1.5 pounds of crack earned only eight months in prison. Six in ten of these federal criminals served no time at all in 1992.

The average federal setence imposed for drug offenders increased by 37 percent from 1986–1991, but has declined 7 percent from 1991–1995.

RETURNING TO A SERIOUS STRATEGY

In 1993 the Clinton Administration promised to "reinvent our drug control programs" and "move beyond ideological debates." What that amounted to was de-emphasizing law enforcement and interdiction and expecting dividends from "treatment on demand." Two years later, a congressional leadership task force developed the principles for a coherent, national counter-drug policy and a five-point strategy for future action. The task force called for: Sound interdiction strategy; serious international commitment to the full range of counter-narcotic activities; effective enforcement of the nation's drug laws; united full-front commitment towards prevention and education; and accountable and effective treatment with a commitment to learn from our nation's religious institutions.

Illegal drug use endangers our children and our economy and disproportionately harms

the poor, yet President Clinton has accumulated a record of callous apathy. America cannot afford a "sound bite" war on drugs. Only a serious commitment to enforcement and interdiction efforts will produce results.

Mr. NICKLES. Madam President, I ask unanimous consent that the list of questions that I have alluded to in my comments, the 10 questions focusing in on reviewing the tobacco settlement, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSISTANT MAJORITY LEADER,
U.S. SENATE,
Washington, DC, November 6, 1997.

To: Committee chairmen.
From: Senator Nickles.
Re Ten questions to focus on in reviewing tobacco settlement.

(1) What works best to reduce teen smoking? What sort of government-run programs, if any, work to reduce teen smoking? If there are some that work, is it best they be designed and run at the Federal level, or the state level? In addition, are there other things we can do to help parents and families create the conditions that support a child in his or her vulnerable years, that encourage a child not to start smoking or experiment with drugs?

(2) Should we increase the per-pack price; by how much; and how should we do it? Should the funding mechanism be an increase in taxes, or an industry-coordinated price increase? Does Federal action bar States from moving on their own to increase their tobacco taxes, if they so choose?

(3) Who gets the money? Should the payments contemplated under the global agreement go directly to the states, go directly to caregivers who treat patients, or be collected and disbursed by the Federal government in existing programs such as Medicaid or Medicare—or should we create a whole new set of programs? Is it appropriate to give billions of dollars to advocacy and interest groups?

(4) How are we to treat this in the Federal budget? Should the deal be on or off budget? Should any new spending be subject to the existing discretionary spending caps and pay-as-you-go rules? Should tobacco industry payments and/or penalties be deductible as ordinary business expenses, subject to capitalization as assets, or simply nondeductible?

(5) What are the implications for States? Should anything agreed to by Congress and the President, or entered into by the tobacco companies voluntarily, pre-empt State laws or regulations that may be more stringent? Should Federal action rewrite state laws on liability and immunity, or remove pending tobacco cases from state courts to Federal courts? How are states supposed to reconfigure their budget and health programs, and how much money, if any, are they supposed to give to Washington? Does the agreement treat States equitably?

(6) What's an appropriate anti-trust exemption for tobacco companies? How large an anti-trust exemption should be granted to the tobacco companies to operate in concert to execute some of the requirements of the agreement?

(7) How far should we go on liability and immunity? Is it constitutional, or fair, to eliminate individuals' rights to class-action lawsuits and punitive damages? Are the level of payments, fines and penalties an appropriate trade-off for the industry receiving legal protection in the future? What precedent does this set for other liability issues facing Congress?

(8) What new powers should be given to the FDA? How much authority, if any, should Congress grant to the FDA to regulate, or ban, nicotine, or control advertising and sales?

(9) How should we take care of those directly hurt by the deal? Under the agreement, farmers will see demand for their product decline. Machine vendors are put out of business. Retailers are required to remodel their stores to put cigarettes out of sight. If a global deal is to be implemented, what is the fairest way to take care of these people?

(10) What did the deal leave out that needs to be included? Negotiators left out dealing with drugs, tobacco farmers, immense fees paid to a few lawyers—but what else wasn't thought of that the majority on our committees believe is important? And what, if any, unintended consequences will occur? For example, if tobacco usage does decline, as advocates of the agreement insist, then possibly money paid under the agreement might decline too. Who, then, would pay for all these new initiatives?

Mr. NICKLES. Madam President, I yield the floor.

FOREIGN OPERATIONS

Mr. GRAMS. Madam President, I rise to talk a little bit today about how I am extremely disappointed that the House passed the foreign operations conference report without the provisions of the State Department authorization bill attached to it.

While the foreign operations bill does many positive things, its failure to include language to reorganize our foreign relations bureaucracy and establish benchmarks for the payment of U.N. arrears seriously flaws this bill.

The proposals to reorganize our foreign policy apparatus and to attach the payment of U.S. arrears to U.N. reforms had been carefully worked out over many months.

Unfortunately, my colleagues in the House of Representatives are holding these provisions hostage to the Mexico City policy. While I am a strong supporter of the Mexico City policy, I believe that debate on this issue should not hold up the important United States and U.N. foreign policy reforms.

Now, if the State Department authorization bill dies in the House, the House has lost the Mexico City policy debate, and the only victory they can claim is that they have given the United Nations new money for the United States assessments, but with no reform strings attached, and they block a reorganization of our foreign policy apparatus that we have pursued for more than four years.

That isn't a record they should regard with pride.

As chairman of the International Organization Subcommittee, I worked hard to help forge a solid, bipartisan United Nations reform package. The Senate's message in crafting this legislation is simple and straightforward:

The United States can help make the United Nations a more effective, more efficient, and financially sounder organization, but only if the United Nations and other member states, in return, are willing to finally become accountable to the American taxpayers.

The reforms proposed by the United States are critical to ensure the United Nations is effective and relevant. We must reform the United Nations now and the United States has the responsibility to play a major role in this effort.

If we do nothing, and the United Nations collapses under its own weight, then we will have only ourselves to blame. So I urge my colleagues to act now, or this window of opportunity may be lost for achieving true reform at the United Nations.

But passing this U.N. package is not just about a series of reforms for the future. It impacts directly on the credibility of the U.S. mission at the United Nations right now.

Ambassador Richardson has been pushing other member states to accept the reforms in this package in return for the payment of arrears. Now that package will not arrive.

At this critical juncture, when the United Nations is facing down Saddam Hussein, and the United States is trying to keep the gulf war coalition unified, it is reckless for the House of Representatives to do anything that would undercut the negotiating position of Ambassador Richardson and Secretary of State Albright at the United Nations. And believe me, the failure to pass this legislation will have a negative impact on the conduct of our foreign policy.

Madam President, the United States does not owe most of these arrears to the United Nations. It owes them to our allies, like France, for reimbursement for peacekeeping expenses.

Under normal circumstances, I am the last one who could be expected to make a pitch for funding for France. But considering that France is one of the members on the Security Council that is going soft on Iraq—soft on Saddam Hussein—depriving the United States Government the ability to use these funds as leverage is irresponsible. After all, our diplomats need carrots as well as sticks to achieve our foreign policy goals.

Madam President, I am hopeful that my colleagues in the House will see the wisdom of adopting measures that will enhance America's ability to exert leadership in the international arena through the consolidation of our foreign relations apparatus and the revitalization of the United Nations.

The State Department authorization bill should be allowed to pass or fail on its own merit—not on the merits of the Mexico City policy. This agreement is in America's best interest, and the best interest of the entire international community.

Madam President, I yield the floor.

I see no other Senators wishing to speak, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, is there an order operative at this moment?

The PRESIDING OFFICER. The Senate is in morning business until 4 p.m.

Mr. DOMENICI. Are the times limited on speeches?

The PRESIDING OFFICER. The special order provides for 10 minutes for each Senator to speak.

Mr. DOMENICI. I yield myself the 10 minutes that I am allowed.

THE ANNUAL BUDGETING PROCESS

Mr. DOMENICI. Madam President, I want to talk a little bit about what a joyous day of wrap-up of the Senate in the first year of the 2-year Congress could be if, as a matter of fact, we left here after completing the appropriations bills and went about our business to go home to our home States, had a good Christmas season, worked with all of our constituents, and then came back next year, the second year of a Congress, and the appropriations were already done and the budget was already done. But that is not going to happen.

We just finished appropriations, I assume we will hear shortly. And what has taken up the entire year? I don't have the statistics. But early next year I will put them in the RECORD. But I am just going to ask the Senators who have a little recollection of the year to just think about what we did.

First of all, we worked diligently on a balanced budget. That didn't occur until late May and early June. I am trying mightily to think what was accomplished before that, thankfully. I wish I had a better memory. But I don't think we did a lot. A few bills here and there, but I am sure we didn't have any superb oversight.

People are all waiting for what? For the budget. And then for what? All the appropriations bills that have to come after it. Oh, by the way, in between, we had to implement the budget with those two big reconciliation bills.

So essentially we stand on the threshold of wrapping up the Congress for a year, and we start next year. We are going to anxiously await the President's budget—another 1-year budget. Would it have been better for America, for the U.S. Congress, for all the agencies that are funded, from NIH to some grant to a university, to our Armed Forces, and all the money that they have to spend if they could have a 2-year appropriation? Wouldn't we be better off, in a 2-year Congress—that is what we are, by the Constitution—if in 1 year we did all of the budgeting and all of the appropriations?

I have been working on budgets and appropriations bills long enough to know that there are all kinds of reasons for not doing 2-year budgets. I am an appropriator who thinks we should have a 2-year budget. Maybe many of the appropriators think we are better off sending our little measures to the President every year, and maybe we get more that way.

Just look at the 2-year appropriations. You get 2 years in there because we do 2-year appropriations bills. If you are worried about getting enough things in it, you can do it twice, even as we appropriate only one time for 2 years. But I don't think there is a great majority who are worried about that. I think we just are fearful to break with tradition. Somehow or another we have been appropriating every year.

Then when we wrote the Budget Act not too long ago, we said, "Well, we have to have a budget every year."

So what do we do? We do that. It is almost like we get started next year, and we are right back at the budget, which many people think we just finished. Sure enough, in the middle of the year, some appropriators will start looking at their bills, and sure enough, we will be back here, predictably—if not at this time a little later—and we will still have two or three appropriations bills that we can't get completed. Why? Because they are being held up by authorization riders that are very, very much in contention.

I ask, wouldn't we be better off if we had that kind of argument, be it on the money that we now refer to as the "Mexican issue" with reference to birth control and the kinds of family planning that we put money into foreign countries for, wouldn't we be better off if we voted on that only once every 2 years? It would have exactly the same effect. In fact, we could fight just one time out of 2 years. We could send these little bills back and forth between the President and the Congress with these little 1-day extensions of Government. We could do that only 1 year out of 2, and everybody could make the same vote. Everybody could make their case in the same way. But who would gain?

I believe the institution known as the U.S. Senate and the U.S. House of Representatives would gain immensely. In fact, might I suggest that what it means to be a U.S. Senator would be dramatically changed if we had 2-year appropriations, a 2-year budgeting, because, if we did these every 2 years, we would be able to have oversight and see what is happening to the programs that we fund and the programs that we put in motion through the process called authorization.

Then, Madam President and fellow Senators and anybody interested in good government, we have not yet been able to encapsulate into our thinking what the executive branch of Government wastes by having to produce a budget every single year with budget hearings at the OMB, with people who are planning over at the National Institutes of Health to get a program going that is going to be 10 years in duration and come and present this 1-year part of that every single year. As a matter of fact, there would be twice as much time to do the things we are neglecting—to debate foreign policy in a real way, to have a 2- or 3-month debate on tax reform where people would really spend time. And day after day we could be on the floor instead of in some little room under the threat of a bill reconciliation measure from the budget process telling you to get it done in 25 days. We could have people looking at education, at the myriad and scores of bills that are already out there that are funding programs. Instead of finding new ones every year and new problems, we would go back and look to see what the whole entourage of education money looks like. Are there programs there that aren't working? But you need a lot of time to do that. You can't be getting up and running to the floor to vote every single year on 50 to 60 budget amendments, all of the appropriations bills with their attendant amendments, and then have to have your staff focus on what is in each one of those bills only to find you are back again in 6 months doing the same thing over again.

As a matter of fact, the more I think about that and the more I talk about it, the more I think I am prepared to say for us to appropriate and budget annually when the Constitution says Congress lasts for 2 years, that it is absurd from the standpoint of modern planning with the modern tools we have to do the estimating that we are doing every year instead of doing it for 2 years.

Some are going to say you are going to have to have a lot of supplemental appropriations. I am sure the occupant of the chair is already hearing that when she speaks about 2-year appropriations and 2-year budgets. Let me tell you, even with 1-year appropriations, we have to have supplementals because some few things break in the Government, and we are not quite right on, and we have to go fix them. But there is a way to limit the supplementals even in a 2-year process to no more than we are doing now.

Once I asked four different departments of Government, as they reported to the Appropriations Committee, to give us information on the appropriations before us on that particular year

and asked how much of it is similar if not exactly the same as last year's. You would be surprised. As much as 90 percent of appropriations bills are the same year after year. Isn't it interesting? We debate them all over again. We mark them up all over again, and we add these amendments that cause us to debate ad infinitum, which could just as well be 2-year amendments as 1-year. But we do it to ourselves by making sure we go through this kind of difficult confrontational atmosphere every single year.

Put yourself in the position of those in America that we have said should get some Government money for something. I have spoken to large groups of scientists from our universities, from our hospital research centers, from our laboratories, and they all want more certainty of funding. Of course, they would all like more funding. But they shout to the rooftops when you say, wouldn't you prefer to have 2 years instead of 1 year as your appropriation? Could you manage it better? Could you be more efficient? The answer to all of those questions is "absolutely." Yet, we remain stuck in the mud of tradition saying we have to do it every single year.

There is a bill pending. It has cleared the Governmental Operations Committee 13 to 1—S. 261. It is here. It is at the desk. I am thankful that since we have a 2-year Congress, it is still at the desk. Congress isn't finished until next year come January.

I am going to work very hard with others in this Senate to urge that our leader schedule early a lengthy time on the floor in the early days of the Congress to debate this issue. Thirty-three Senators from both sides of the aisle cosponsored the measure before it cleared Governmental Operations. I believe, if I had enough time to circulate it even more among Senators, that I would have had more than 50 Senators supporting it. It might be because of the processes around here that there will be a Senator who will object, and we might have to get 60 votes, because obviously changing the budget to 2 years and the appropriations for 2 years could be a controversial issue.

So I am prepared for the 60-vote requirement. But even at that, I want to say to those who oppose it, who oppose this modernization, this bringing into modern times of our processes around here, that I believe there are more than 60 Senators if they hear the debate and if we configure that debate so as to make the Senators feel just like we are finished here today instead of next February or March, we could be saying if this 2-year budget, 2-year appropriations bill, had passed, we would be finished for a full year. We could do other things, and the departments of our Government could go about their business without preparing yet another budget and going through all of the rigor, time, effort, and lack of efficiency that comes with that.

So, Madam President and fellow Senators, I just want to make two wrap-up points. I believe anybody watching this year, if presented with a real opportunity to go through this only once every 2 years instead of twice and have time for other things, we would probably have a huge, huge plurality voting with us.

The American people can't get excited about process issues, but if they understood what we go through and what we have assigned to ourselves, to the executive branch and to all those that we fund by way of making it difficult and tough and inefficient by doing the same thing over each year, then I think the American people would be excited by this reform. If the people knew we could do it for 2 years at a time, if we could just get that out there, get that debated in a very open manner that everybody understands, then we might have kind of a birth of modernization, kind of a ray of light shining on these processes, and I believe the American people would gain.

I believe we would do our jobs better. I believe we could do oversight; we could have more hearings; we could actually, every couple of years, take a month or two and go out in the hinterland and hold hearings in our country which wouldn't be all that bad. How are we going to do it under the current annual process? Somebody think of that around here and the first thing you know there will be five appropriations bills ready for the normal 50 votes, or a budget resolution taking 2, 3 weeks, taking vote after vote after vote, half of them being sense-of-the-Senate issues which shouldn't be even allowed on a budget resolution, but that is the current process.

So that is one point. We would be doing the American people a better job if we could do that.

And second, the Senate and House would be better places within which to do business for the American people if there wasn't so much redundancy and waste of time and effort. So we are going to try to see if we can accomplish both of those goals which I think are rather admirable.

I do not want to leave the wrong impression for those who seek to defeat this measure that it violates the Budget Act. The bill is not subject to a 60-vote point of order. It just takes a simple majority. It has been in both committees. That is why we went through that. It's gone to the Governmental Affairs Committee. Then it went to the Budget Committee, which was discharged, and so it is here as any other normal bill. So if we get that magic 51 votes, we can change this process.

I just want to put in the RECORD the major legislation that passed this year and even some of our authorizing processes were very late for one reason or another. While a great deal of legislation has passed, we only will clear about three major authorization bills for the President's signature: DOD authorization, FDA reform, SBA reform. The compelling amount of time and the overwhelming majority of effort was spent on the budget resolution, two reconciliation bills, and 13 appropriations bills. And we haven't quite done that; six continuing resolutions before we're done tonight. I do not blame anyone for that. The chairman of the Appropriations Committee this year has been a stalwart in trying to get the appropriations bills done on time. He has not benefited from the two Houses being able to agree on four or five issues and a majority in the House being on the opposite side of the President on two or three issues.

Besides appropriations, we spent a great deal of effort on the budget resolution and the Balanced Budget Act of 1997 and the Taxpayer Relief Act of 1997—the two reconciliation bills called for by the balanced budget agreement and the budget resolution. And frankly, hardly any time was left for other major bills to be debated for any length of time, and I think we can do our job a lot better than that.

I thank the Chair and I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

EXTENSION OF MORNING BUSINESS

Mr. ROTH. Madam President, I ask unanimous consent that morning business be extended until the hour of 6 p.m. under the same terms as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAST TRACK

Mr. ROTH. Madam President, a little over a week ago, I stood to introduce the Finance Committee's fast track bill. On that occasion, I made it clear that fast track authority is important to America's future. I advocated the need for American leadership if we are to make progress in expanding economic opportunities for individuals and families here at home.

I emphasized that America has always been a trading nation. From colonial times to the creation of the post-World War II international economic order, the United States has pressed for open commerce, free of discriminatory preferences and trade-distorting barriers.

From battles with Barbary pirates on the shores of Tripoli to the arduous negotiations that led to the signing of the Uruguay round agreements in Marrakesh, Morocco, we have promoted and defended open, fair, and unfettered trade.

The United States has been a driving force for expanding world trade and the prosperity it yields, particularly over the last six decades. From the creation of the GATT, to the initiation of each successive round of multilateral trade negotiations, to the political will to conclude the Uruguay round, America has taken the lead.

We have pursued this course in our own economic and political self-interest. In purely economic terms, the United States is the world's largest trading state and the largest beneficiary of the international trading system. We lead the world in both exports and imports.

Thirty percent of our current annual economic growth depends on exports. Eleven million jobs are directly tied to those export sales.

According to the Federal Reserve, our two-way trade, both exports and imports, have played a major role in the 7 years of sustained, noninflationary economic growth we enjoy today. And no other nation in the world is so well positioned to bless its citizens through open trade than America. Our Nation, better than any other, is situated to succeed in a global economy.

We have the diversity of cultures, the most advanced technology, the most efficient capital markets, and a corporate sector that is constantly innovating and has already gone through substantial restructuring that is necessary for global competition. We have a single currency, a common language, and the important blessing of geography: we are a nation—a continent—that looks both to Europe and to Asia.

No other nation is so well positioned to reap the blessings of a global economy. As Thomas L. Friedman suggested in the New York Times, America, as a nation, almost appears to have been designed to compete in such a world.

Having said this, let me be clear that we have not pursued the goal of liberalizing trade solely because it is in our own economic interest to do so. We have pursued that goal because it is in our political and security interests as well.

It is worth noting, in the shadow of the Veterans Day remembrance, that conflicts over trade in the 1930's deepened the Great Depression profoundly and fostered the political movements that gave us the Second World War. Our own revolution was fought in large part because of the constraints Great Britain imposed on the colonies' trade. Indeed, it is difficult to recall any great conflict in which trade did not play a part.

In my view, prosperity is the surest means to secure peace, both because it strengthens our capacity to maintain our defense and because it reduces the causes of conflicts that lead to war.

In this Chamber, we have had a spirited debate that has raised a number of significant issues—from alleged flaws in our trade agreements, to the causes and consequences of the trade deficit, to the issues of labor standards and the environment. We have benefited from this exchange of views on both sides. And, I was heartened by the vote in the Senate to move to proceed to debate the Finance Committee's bill extending fast track negotiating authority—a vote that commanded a majority of Members from both sides of the aisle.

As heartened as I was by our vote, I was as disappointed in the President's decision to ask that the measure not be put to a vote in the House. It is clear, from all reports, that the President was unable to move a sufficient number of Members of his own party to join in the effort to promote American economic and political interests abroad.

My first thought on hearing of the President's decision, however, was not about the past. My first thought was for the future.

I say this because I happen to believe that we are on the edge of an era of unparalleled prosperity, not just in the United States, but throughout the world. But the realization of such prosperity will depend on conditions. It will depend on our making the right kinds of choices.

It will depend on our ability to advance the cause of open markets and the freedom to compete fairly throughout the world.

Walter Lippman coined the term the "American Century" to apply to the decades from the turn of the century during which the United States grew to a position of unrivaled economic, political, and cultural strength. I happen to believe that we are now entering a second "American Century," if we have the courage to embrace the challenges and opportunities of international leadership that our greater destiny offers us.

We will not advance our own cause if we shirk that responsibility. Nor will we serve the generations of Americans that follow us if we shrink from an expansive vision of what we can accomplish together if we, as Americans, remain united in a common purpose.

In the abstract and arcane world of international trade, there is little that is not subject to debate and differing points of view. One exception, however, is that for the world to make progress, the United States must lead.

This is the essence of the fast track debate—whether we would offer the President the means by which he can exercise American leadership on the trade front. Absent fast track, he will not have a seat at the table. The rules of the road will be written without our full participation. History tells us that, when that happens, the world does not move in the direction of open, unfettered commerce, but in the direction of preferential trading systems often designed to exclude the United States.

There are a series of negotiations on the horizon within the WTO and other forums. They will redefine the rules in areas like agriculture, financial services, and basic customs rules applicable to every product imported into, or exported from, the United States.

They will proceed without us and in a direction we will not like if the President lacks the authority to engage and lead. And if that is the case, we are certain to lose a great deal. For example, Charlene Barshefsky reminds us that in the area of negotiating market access to government procurement, there is over a trillion dollars at stake in Asia alone. In services, there is over a $1.2 trillion global market, and in agriculture over $600 billion.

I doubt whether the farmers of America will believe that it will be a sufficient response to say that we failed to act on fast track because we did not understand the true cause of our trade deficit and therefore left it to others to define the rules that will govern our agricultural trade into the 21st century.

For that reason—for what is at stake for Americans, for our families, for jobs—high paying jobs—I want to see us return to the issue of trade negotiating authority in the coming session of Congress. I want to see both Houses of Congress move on as broad a front as possible to secure our economic future.

Because of what is at stake, we must make progress where we can, regardless of how broad a consensus we can ultimately achieve. We need to address the reality of these impending items on the international agenda and define the strategy the United States will promote in each. That does not give us the luxury of waiting until a final consensus has been reached on every issue raised in our recent debates. We need to be able to make an impact now and I will be working with my colleagues on both sides of the aisle to ensure that we do.

As for building a stronger bipartisan consensus for the long run on trade, my sense from our debates is that there are a number of important issues that need to be examined. They need to be examined in a way that would excise the politics and help us all understand the dynamics at work in an increasingly global economy. We need to develop a mechanism for addressing these issues, helping us resolve our collective concerns, and allowing us to move forward in a way that will benefit all working Americans. I intend to work closely with my colleagues toward this end in the coming months.

Let me conclude with words of praise for each and every Member of this body. I believe that we have shown incredible leadership ourselves on an issue of the utmost importance to America.

I know we share a common goal of a stronger American economy that benefits all working men and women. In the

months ahead, let us unite in an effort to resolve the differences between ourselves in order to remove the roadblocks that stand between us and that common goal. Let us pull together in this coming session of Congress to redefine the debate in terms of the progress we can make together toward our ultimate objective.

Based on the Senate's record in the past, I have great confidence that we can and will take that step forward to embrace a brighter American future. I thank my colleagues for their efforts over the recent weeks, and look forward to the opportunity to rejoin them in pursuit of the greater good for all Americans in this coming session.

Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER (Mr. GRAMS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAURICE JOHNSON

Mr. LOTT. Mr. President, I want to take a few minutes to recognize the work of a man who has been a real asset to this institution. He has many fans in this room, both here on the floor of the Senate and up there in the press gallery. His name is Maurice Johnson, Superintendent of the Senate Press Photographers Gallery. He is retiring this year after nearly 30 years.

What a perspective—30 years of life in the Senate through a photographer's eye. Maurice has seen the entire range of congressional milestones, celebrations, inaugurations, investigations, and, of course, occasional legislation. He has taken part in sharing those events with the world, helping in many ways to ensure that the media coverage has run smoothly. No one has yet found a corner of the Capitol for which Maurice doesn't know the best angle and lighting.

Maurice is a voice for all photographers who cover the Senate day to day. As liaison between the Senators and the photographers, he has been an effective adviser, advocate, and coordinator.

He has been most helpful to my staff and to me over the past year and a half as we have adjusted to our leadership role. I thank him for his graciousness always under all circumstances.

We should not forget that Maurice is an accomplished photographer himself. He captured history as he covered the administrations of Presidents Truman, Eisenhower, Kennedy, Johnson and Nixon. Many of the images that we have from national political campaigns and conventions are Maurice's work. Some assignments must have been less like work than others, though. Photography for him has included the Redskins games or the U.S. Open golf tournament. Sometimes it has been the Miss America pageant. It certainly seems to me he hasn't exactly always had a tough day at the office. It sounds like it has been fun.

His talents have been rewarded by a steady stream of awards that have names like "Best Picture of the Year" and "First Prize." He has been honored nationally for single photos, for his work in the Senate Photographers Gallery, and for the entire span of his career.

At a recent reception in Maurice's honor, the room overflowed with colleagues, friends, and family members who conveyed their affection and high regard for him. Now, as the session draws to a close, I want to take the opportunity to let Maurice know how much we in the Senate appreciate him and his work. I am sure my colleagues join me in thanking him for his many years of dedication. We wish him, his wife Lanny, and their children, Keith and Maureen, well.

I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABSENCE OF DEBATE

Mr. GRASSLEY. Mr. President, I noted on Monday of this week that the administration had taken an important step on drug policy. I think, however, it was very much a misstep, and I do not think the administration played fair in doing it. Each year, the Congress requires the administration to submit a list of countries to be considered for certification on drug cooperation. This is called the Majors List.

The list serves as a basis for considering whether the countries listed have fully cooperated with the United States to control drug production and trafficking. It is this list that the President then considers for certification on March 1 of each year.

This year, and in keeping with what seems to be a tradition with this administration, the list came up to the Hill very, very late. Because of this and because of the history of tardiness, I decided to send a message to the administration, one that seemed necessary to get their attention. So I put a hold on several ambassadorial nominations to send the signal that Congress takes compliance with this certification law on the Majors List very seriously. After more than a week's delay, we finally received the list. As a result, I removed my holds, but the list as a document contains an omission that deserves careful notice.

Left off the list were the countries of Syria and Lebanon. Not just left off, but what does that mean, "left off"? In this backhanded way, the administration decided in one big step to certify these two countries as somehow fully cooperating with the rest of the world, in this case the United States, on drug policy.

Let's think about this for a moment. Syria has been decertified for over 10 years. Syria was not certified even during Desert Storm or Desert Shield when it was one of our allies in that war. Lebanon has just received a national-interest waiver—a decertification with somehow a get-out-of-jail-free card. Now, without debate or without substantive explanation, the administration has simply left these two countries off the list. This is a momentous change in policy. It reverses years of consideration, and it appears to ignore considerable evidence.

In the letter forwarding the list to Congress, the President makes two arguments for doing this. Neither argument stands up well.

The first argument seems to advance the idea that because Syrian and Lebanese cultivation of opium has dropped below 1,000 hectares, that this act alone justifies a reconsideration of their being on the list.

It may justify a reconsideration, possibly, but it hardly justifies backdoor certification, and this is backdoor certification. Even the State Department's own annual drug report makes it clear that both Syria and Lebanon remain major transiting countries for drugs. This criterion alone is enough to qualify for inclusion on the Majors List, but the administration then advances the argument that this is somehow OK, because the drugs do not come into the United States. There seems to be some belief in the administration that this is a justification for not keeping these two countries on the Majors List. However, it is apparent the administration does not read the law or doesn't even read its own reports.

But even if the facts supported removing Syria from the list, which they do not, the Congress deserves to be briefed on this momentous change beforehand. Israel and other European allies deserve notice of this dramatic change of our policy. The American public deserves a chance to understand the change. This did not happen. Instead, what we have is indirect certification. As a result, Syria will now escape serious consideration next March, despite evidence of significant trafficking and production of these illegal drugs.

When my staff first learned of the prospect of the change in policy, I told them to indicate to the State Department that this would be a very, very

big mistake. I hoped that the Department would not take the step that they took.

I was of the opinion, however, mistake though it was, that if the administration wanted to proceed well, then it was their call. I did not extend my hold on the ambassadorial nominations to cover the issue of Syria, and I withdrew my hold on these nominations as soon as the list was delivered, late though it was. But this list raises yet another concern.

What we are left with, days before Congress adjourns, is a roundabout certification of Syria. I believe, as I said before, that such a decision is a big blunder. The way it was done does not do justice to the issue or the process of certification.

If it had not been done this way, imagine for a moment how the issue would have been handled. Next year, in February, the administration would have to make a decision to certify Syria or not based on the merits. It would have to make a case to Congress at that point and even to the public at that point for such a move. There may be some who believe that in that more straightforward environment, the same decision would have been made, but I doubt it.

With time to reflect and to consider, to publicly debate the issues and the facts, I seriously doubt that this administration would have certified Syria as fully cooperating in drug control. So not wanting to face the music, the administration did this behind-the-scene two-step instead. I hope the administration will reconsider, and I hope that my colleagues will join me in signing a letter to the President asking him to relook the issue.

I ask unanimous consent that a copy of that letter by myself from this body and Congressman J.C. WATTS, who is leading the effort in the House of Representatives, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, November 13, 1997.

THE PRESIDENT OF THE UNITED STATES,
Executive Office of the President, The White House, Washington, DC.

DEAR MR. PRESIDENT: We note with concern that you have not included Syria and Lebanon on the annual Majors List sent to the Congress. By this act, you have, in effect, certified Syria as fully cooperating on drug control issues. The arguments advanced in your transmittal letter to Congress, however, seems to be based on assumptions supported neither in the relevant law or by the facts. Even should the facts justify the decision to ultimately certify Syria and Lebanon, however, we are also concerned about the method by which this momentous decision was reached. This change in policy and approach was not discussed with Congress nor was there an effort made to establish the justifications for this action. Instead, the decision was made in a most indirect way at the end of the Congressional year, thus precluding debate or public discussion of the issues.

For these reasons, we hope that you will reconsider the decision to place Syria and Lebanon on the Majors List. That change will then provide the Administration, Congress, and the public the opportunity to discuss the merits of this decision publicly, with ample time to reflect on the justifications for such a decision.

Sincerely,

CHARLES E. GRASSLEY.
J.C. WATTS.

NEED FOR HIGHEST STANDARDS FOR INSPECTORS GENERAL

Mr. GRASSLEY. Mr. President, I spoke a week ago about the necessity of the inspector general of the Treasury Department to resign. I want to continue that discussion, because she has not done that yet.

Next year is going to mark the 20th anniversary of the Inspector General Act of 1978. In my experience, inspectors general are an important function of our system of checks and balances. Whereas committees of Congress may not have the time or inclination to perform rigorous oversight, which happens to be our constitutional responsibility, the inspectors general offices are there full time with nothing else to do.

I have worked very closely with many IG's. For the most part, they are good at what they do. The IG Act has been a tremendous success. Hundreds of billions of dollars have been saved by inspectors general.

At the same time, rarely has the IG's integrity been called into question. That is, at least until now, Mr. President. The integrity of the inspector general of the Treasury Department, Valerie Lau, has been called into question.

The Permanent Subcommittee on Investigations, chaired by Senator SUSAN COLLINS, held 2 days of hearings just last month. The subcommittee found that the IG broke the law twice and violated the standards of ethical conduct. These violations involved the letting of two sole-source contracts, one to a long-time associate of hers. In addition, her office improperly opened a criminal investigation on two Secret Service agents. In that matter, at least one key document was destroyed—just plain destroyed. And that indicated a coverup.

Furthermore, the inspector general provided false information to Congress. And that is a no-no for anybody, but particularly for somebody charged with looking out to see that laws are faithfully enforced and that money is properly spent. Of all people in the bureaucracy, the inspector general should be most careful.

The irony in all of this is, the IG is supposed to stop this kind of activity, not commit it. Yet that is what Valerie Lau did.

Mr. President, the charge that IG Lau violated these legal and ethical standards is not conjecture. It is not someone's opinion or judgment. They are simple facts—concrete facts. They are findings. They are findings of a subcommittee of the Congress of the United States. They are found in conjunction with the independent and nonpartisan General Accounting Office.

Bad enough that these violations occurred by a watchdog, a watchdog whose job it is to deter such actions, but this IG's reaction is even more troubling. She agreed that they were technical violations of law, but she thinks that her actions were justified.

The Treasury IG is one of the most important of all inspector general positions. Perhaps it is the most important. The Treasury IG oversees 300 employees, many of whom are law enforcement officers.

How in the world can we allow an IG who violated the law twice and who is in denial about committing the violations to continue to perform the important functions of inspector general? How can the public, how can the Congress, how can even her own employees have confidence that she knows the difference between what is and what is not the law?

Her responsibility is to catch those who break the law. That is what an inspector general is supposed to be doing. How can she do that given her own actions and her responses to the findings of the General Accounting Office?

Ten days ago, Mr. President, immediately after Senator COLLINS' hearings, I called, as I said previously today, for Inspector General Lau's resignation, citing all these aforementioned violations. I cited the need for the IGs to be beyond reproach, to have the highest standards of integrity and credibility and conduct. The public's trust and confidence in this inspector general has without a doubt been undermined.

Today, I renew my call for her resignation. If the Treasury IG does not get it, does not get that she should step down, the Treasury Secretary should. The President should as well. The Treasury Secretary has a responsibility, under this law, to generally supervise the IG. However, only Presidents can fire inspectors general. In my view, that means that Secretary Rubin is obliged to review the record and to make a recommendation to the President. The President would be obliged to take action and notify Congress of his action and why he took it. It should be done swiftly. As long as this IG remains in office, her troops remain demoralized and the IG's important work will be neutered.

There has been a lot of talk around Washington that recent IG hires have lacked experience and background. That is certainly the case with the Treasury inspector general.

I went back and reviewed the record of her confirmation. Her hearing lasted nearly 5 minutes. She was asked just

one question—whether her mother was present in the audience. To follow up, questions were then asked of her mother. That ended the confirmation process.

For the record, I want to make it clear that I am a member of the committee, the Finance Committee, that conducted the confirmation hearing. I did not attend the hearing, but I submitted an extensive list of questions for the record. And I received responses. They are part of the permanent record.

As a result, I feel some obligation that I did not do more to question Inspector General Lau's credentials and experience at the time. I guess that is because you like to give the President's nominee the benefit of the doubt. I guess I learned the hard way that for the position of inspector general, questioning one's experience and qualifications obviously is paramount.

I intend to be more aggressive on that score in the future. The Inspector Generals Act requires that the IG have "demonstrated ability." That is in the law, the words "demonstrated ability." And it is in the law not once, not twice, but seven different areas of the law.

Here is what the IG Act of 1978 says:

There shall be at the head of each office an inspector general who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

Ms. Lau would attempt to claim a demonstrated ability in accounting and auditing. She is a CPA and has been a Government auditor and evaluator. But in this area of auditing, she had reached only a GS–13 level. She managed only three employees, according to her deposition. And there was a 5-year gap between this experience and when she was finally confirmed by the U.S. Senate.

How does that translate into becoming the head of a 300-employee operation that conducts huge, complex audits and even criminal investigations?

What is clear is that Ms. Lau began the process of getting placed within this administration through the Democratic National Committee. Were the political connections enough to get the job? I hope that is not the case. We should have higher standards than that for the job of inspector general, which is a very important job.

Reflecting back on the statute, the inspector general was not qualified in the first place. Once in office, she undermines her own integrity and credibility. She no longer has the moral authority needed to lead that office. To me, it is an open and shut case. Verdict: Time for new leadership.

That brings me to my final point. This body would do well in the future to watchdog the watchdogs. And the inspectors general are watchdogs within each department, both before confirmation and during their tenure, I might say. I, for one, intend to increase my own vigilance of the IG community, as well as the experience and background of nominees.

For starters, there is the IG's peers—called the President's Commission on Integrity and Efficiency.

The PCIE, as I will call it for short, was established to conduct peer review and investigate allegations of wrongdoing by the IG. It is comprised of other IG's and is overseen by the Office of Management and Budget. It is also known as a do-nothing organization. IG's have rarely, if ever, been disciplined for wrongdoing by this organization.

Last April, I forwarded the allegations against Inspector General Lau to the PCIE. The issues involving the illegal contracts that she let were sent to the PCIE, by the PCIE to the Public Integrity Section of the Justice Department. The allegations involving her improper opening of a criminal case against two Secret Service agents was sent to the independent counsel.

Because of the long process PCIE has, which takes up to 6 months, Senator COLLINS and her staff decided to act swiftly and dig out all the facts without the usual bureaucratic delay. Meanwhile, by July, the PCIE shut down its entire involvement in this matter of Inspector General Lau.

Now that Senator COLLINS' investigation is over, and the findings are on the table, now is the time for decisive action. Instead, and in very typical fashion, here is what is going on.

Even though only the President can fire the IG, the White House is saying it is up to the Treasury Department to act. The Treasury Department, which must, according to law, generally supervise the IG, says it is up to the PCIE to act. The problem is, the PCIE does not act. Besides, they washed their hands of this matter way back in July. The only possible PCIE involvement at this point would be to drag out any decision. That is because the PCIE process takes 6 bureaucratically long months.

What is going on here, Mr. President? Where is the decisionmaking? Where is the leadership? Where is the sense of outrage from an administration that says it will tolerate nothing but the highest standards? This issue demands action, not finger pointing. The longer it takes, the more we undermine the public's trust and confidence in this administration and in our Government generally.

RECIPROCAL TRADE AGREEMENTS ACT OF 1997

Mr. GRASSLEY. Mr. President, on another matter, I want to speak for a minute on the failure of fast-track trade negotiating authority for the President of the United States and the action of the House of Representatives this past weekend.

Last week, the Senate voted by a margin of 68 to 31 to proceed to debate on the fast-track bill. I believe without a doubt it would have passed here and would have been passed by a very huge bipartisan margin. But the leadership in the House decided not to bring the bill to a vote and risk a defeat on such an important issue for our Nation. The leadership of the House decided that on the advice of the President of the United States because he could not deliver even 20 percent of the Democrat vote, the vote of his own party, in the other body.

Unfortunately, the result is the same. The President of the United States still does not have the negotiating authority that every other President since Gerald Ford has had. How ironic that the Democratic-controlled Congresses in the past granted fast-track authority to a Republican President—such as Gerald Ford, Ronald Reagan, and George Bush—and yet Democrats in this Congress refuse to give the President, a President from their own party, the same authority. Who would have thought that the President could not convince one-fifth of his own party to vote with him on such an important issue? This was a big win for leaders of labor unions in Washington. They proved that they have more influence with Democrats in the House of Representatives than the President of the United States does. But it was not a win for the rank and file union members, the workers who manufacture the products or perform the services that would be exported throughout the world.

It was not a win for the farmers of America either who increasingly depend on foreign markets for a big share of their income. It was a big loss for working men and women of this country.

I know some may question my qualifications for drawing these conclusions. You might say, how can a Republican Senator substitute his judgment for that of labor leaders? So I would like to read a few quotes from a Washington Post editorial of November 11.

As you know, Mr. President, the Washington Post has often taken the side of labor against Republican policies. So I believe they might have some credibility on this issue, as well.

Labor opposed fast track because they believe that liberalized trade leads to American companies relocating to other countries and American workers losing their jobs to imports. They also argued that fast track was flawed because it didn't give the President authority to force other countries to adopt our labor and environmental standards.

The Washington Post, for one, believes that the lack of fast-track authority actually makes it more likely that Americans will lose their jobs. The Washington Post says that the President, not having negotiating authority, makes it more likely that American workers will lose their jobs.

. . . while fast track's defeat may be good news for a few unions . . . it certainly doesn't help the vast majority of American workers. With the President less able to knock down trade barriers overseas, U.S. manufacturing firms will have more, not less, incentive to relocate, to get footholds, inside closed markets.

That bears repeating, Mr. President. Without fast track, companies have more incentive to relocate. That's because high trade barriers may prohibit U.S. companies from exporting to a foreign market. In order to sell in that area the company would actually relocate there.

Why would we want a trade policy in this country that would make an American company go to some other country to make a product to sell in that country, when if you reduce the barriers in that other country through these negotiations, that company could stay in America and export to that country and become competitive?

Just within the last 2 weeks, I had a CEO of a major corporation in Des Moines, IA, our capital city, who said if the President doesn't get this authority and the barrier to Chile reduced through trade or through trade negotiations, then he was going to have to move there to build to do the business in South America that he wants to do.

The United States has one of the most open economies in the world. Our average tariff is just 2.8 percent. Many other countries have virtually closed markets. According to the World Bank, for instance, China's average tariff is 23 percent; Thailand, 26 percent; the Philippines, 19 percent; Peru, 15 percent; Chile, a flat 11 percent tariff.

It can be difficult for American companies to export to a country like China that places a 23-percent tariff on our goods. The tariff prices our goods out of the market. One alternative for these companies is to actually move their plants to China and avoid paying that tariff.

The preferred alternative, Mr. President, and the one that is going to benefit American workers and, hence, benefit the entire economy, because American workers are very productive, is obviously to negotiate with China to lower tariffs, bring their tariffs down to our level. Then the companies can stay here, employ American workers and export their goods to China.

But we can't negotiate these tariffs down without the President fast-track authority. That is why fast track is so important. It leads to lower tariffs in foreign countries. Most importantly, it leads to the preservation of American jobs.

Fast track also leads to the creation of new jobs. Exports already support 11 million jobs in this country. Each additional $1 billion of sales of services or manufactured products creates between 15,000 and 20,000 new jobs. These jobs pay 15 percent to 20 percent higher than non-export-related jobs. In Iowa, companies that export provide their employees 32 percent greater benefits than nonexporting companies.

All of this is in jeopardy without our passing a bill giving the President the authority to negotiate. As the Washington Post puts it, "[w]ith exports growing more slowly, or not at all, fewer new jobs will be created." So the failure of fast track hurts the workers of this country.

Mr. President, the editorial has one final comment on labor's concerns with worker standards in other countries. "Less trade certainly won't improve the standards of overseas workers, for whose welfare many Democrats claimed concern. And with the United States Government hamstrung, Japan, the European Union and developing countries will have a greater influence in shaping world trade policies. How hard do you think they'll push for improved labor and environmental standards?"

Mr. President, I don't often say that the Washington Post is right. Economic stability and prosperity are the only proven means of increasing labor and environmental standards. The United States, due to our affluence, has the luxury of imposing high labor and environmental standards. Other countries don't yet have this ability. But increased trade will bring this economic stability, and it will lead to higher labor and environmental standards in other countries as well.

Cutting off trade, or failing to pass this legislation, reduces our influence in these other countries and it increases the influence of countries such as Japan and the European Union. Can we trust Japan and the European Union to advance America's interests in world trading negotiations? The Washington Post correctly assumed that we cannot. Only the President of the United States, and the Congress working in conjunction with him, because that is what this legislation can do, can advance our interests and protect our interests. Only we can influence other countries to improve their environment and labor standards, to improve human rights, and to embrace democracy through the process of international trade that brings people together rather than keeping people apart.

That is what I am most concerned about. The failure of fast track leaves a vacuum of leadership in international issues. Up until now, this vacuum had been filled by the United States. Ever since World War II, to some extent going back to the Reciprocity Act of the 1930's, since 1934, the United States has led the world in reducing barriers to trade, and we have benefited greatly from this leadership.

American workers are the most productive, highest paid workers in the world. American companies produce the highest quality products. And American consumers have more choices of goods and pay less of their income on necessities such as food than consumers in any other country. These are the benefits that we have enjoyed because we have been willing to lead on trade.

I'm afraid that our leadership may now be questioned by our trading partners after last weekend's events. These countries are going to move on without us. They are going to continue to form regional and bilateral trading arrangements that won't include the United States. The United States won't be at the table to protect our interests. And the losers in all of this will be the American workers, the loss of jobs, and the consumers won't have the benefit that they now have.

Mr. President, I hope we can return next year and we can have a rational debate about what trade means to this country—because somehow that has been lost in the process—and how important it is for the President of the United States to have fast track authority, to be the living representation of America's moral leadership, to lead in free and fair trade, which we have done for 40 or 50 years.

We have already lost 3 full years without this legislation and the opportunity to lead; 20 agreements we have missed out on. We cannot afford to wait any longer.

I ask that the Washington Post editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 11, 1997]

THE FAST-TRACK LOSS

Trade liberalization benefits most people, but it also invariably hurts a few. Those who are helped—as goods become cheaper, as standards of living rise, as exports grow—often don't attribute their good fortune to rising trade, which is after all only one component of a complex economy. Those who have lost their jobs or believe they have lost their jobs to overseas competition, on the other hand, don't hesitate to affix blame. In the political process, the losers and potential losers naturally lobby vociferously; the winners, a larger but more diffuse group, don't. To rise above the special interests of the losers (while taking into consideration their legitimate needs) and vote in the overall interest of society is what we should expect of our politicians—it has something to do with statesmanship. And until now, every Congress since President Ford's time has managed to do just that. But this Congress, in failing early Monday morning to approve trade-negotiating authority for President Clinton, did the opposite—it caved in to the special pleaders. Washington insiders will measure the defeat in its impact on Mr. Clinton—whether it spells the beginning of his

lame-duckhood, and all the rest. But the more serious damage is to U.S. economic leadership—America's ability to help shape the global rule book—and, potentially, to global economic prosperity.

The post mortems will find no shortage of culprits. Mr. Clinton overpromised on NAFTA and underdelivered on the promises he made to Congress to win NAI approval. He waited too long to push for renewed negotiating authority—known as "fast track," because it allows him to negotiate treaties that Congress can reject but not amend—and then don't even have legislation ready when he finally, this fall, began the campaign for what he called his most important legislative priority. More broadly, his inconstancy over the years left many members of Congress unwilling to put faith in his promises and assurances. Businesses, which generally support free trade, jumped into the fight too late and too half-heartedly. And 25 Republicans congressmen who could have provided the margin of victory but who withheld their backing in a failed effort to extort support from Mr. Clinton for an unrelated (and unjustified) proposal to gut America's family-planning assistance overseas, also bear responsibility.

But of course the lion's share of blame—or credit, as they would have it—goes to Mr. Clinton's fellow Democrats and their backers in organized labor. In the end, fewer than 45 of 205 House Democrats were ready to stand by their president. In part, this reflects the growing importance of union contributions to political campaigns. Since the Democrats lost control of the House, businesses have shifted their giving heavily to Republicans; total Democratic receipts from political action committees have gone down, and the union share has gone up—to 46 percent in 1996.

Of course, most Democrats said they were voting on the merits, not the dollars. But while fast track's defeat may be good news for a few unions, such as in the textile trades—though even that is arguable—it certainly doesn't help the majority of American workers. With the president less able to knock down trade barriers overseas, U.S. manufacturing firms will have more, no less, incentive to relocate, to get footholds inside closed markets. With exports growing more slowly, or not at all, fewer new jobs will be created. Less trade certainly won't help improve the standards of overseas workers, for whose welfare many Democrats claimed concern. And with U.S. government hamstrung Japan, the European Union and developing countries will have a greater influence in shaping world trade policies. How hard do you think they'll push for improved labor and environments standards?

Mr. Clinton yesterday withdrew his proposal before it could go down to defeat, and he said he intends to try again in this Congress. The signs are not auspicious, but you never know. Maybe next time the greater good will prevail.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

CONFERENCE REPORT ON COMMERCE, STATE, JUSTICE APPROPRIATIONS

Mr. LAUTENBERG. Mr. President, I want to discuss the report pending that should come over from the House of Representatives in the next while on the appropriations bill that relates to the Commerce, State, Justice Departments. And part of what is in this report that we expect to see relates to the importation of surplus military weapons that were manufactured in the United States and, many years ago, were sent abroad as part of our military assistance program.

Now, although there was initially no bill or report language on the issue in either the House or the Senate bills before conference, the issue has nevertheless consumed an enormous amount of time over the past few weeks, and it has generated some significant controversy. I have had a deep interest in this subject because I believe that when we load this society of ours up with more guns, we ought to know why we are doing it.

It has been the policy of three administrations—Reagan, Bush, and now the current Clinton administration—to ban foreign governments from exporting to our shores and selling these American-made military weapons that we gave or sold them at sharp discounts to help us fight common enemies, and sell these weapons to the U.S. commercial markets.

Nonetheless, the National Rifle Association and the gun importers supported an attempt—in the dark of night, I point out—to slip a provision into the conference agreement on this bill to overturn this longstanding policy and allow military weapons made for military use to flood America's streets.

The administration strongly opposed this attempt. In fact, the President's senior advisers, at one point, said they would recommend that the President veto the bill—this important bill—to finance our Justice Department, our State Department, and our Commerce Department—if it included an amendment to allow foreign governments to export large quantities of military weapons for commercial sale in America's cities and towns. They don't restrict whose hands these fall into.

I ask unanimous consent that a copy of the letter from the OMB director, Franklin Raines, on this issue be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, November 6, 1997.

HON. FRANK LAUTENBERG,
Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: The Administration strongly objects to the inclusion of any provision in the FY 1998 Commerce, Justice and State Appropriations Conference Report to allow for the importation of surplus military weapons. We have repeatedly opposed such provisions, and the President's senior advisers would recommend that he veto the bill if it includes language that would allow large quantities of surplus military weapons to be imported.

The Administration finds it unacceptable that—in the same appropriations bill that funds the nation's law enforcement priorities, such as putting more police on our streets—the Committee is considering language that could flood our streets with millions of military surplus weapons. These weapons, including M–1 Garands and M–1911 .45 caliber pistols, were designed for military purposes and provided to foreign governments as a form of military aid. Moreover, hundreds of these guns have already been recovered by law enforcement officers throughout the United States. Opening the door to more of these weapons would only serve to further undermine public safety.

We strongly urge the Committee to reject this provision.

Sincerely,

FRANKLIN D. RAINES,
Director.

Mr. LAUTENBERG. The Washington Post and the New York Times also editorialized against this dark-of-night assault just this past week.

I ask unanimous consent that the text of these and previous editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 12, 1997]

HILL ALERT: A BAD OLD GUN BILL

We're down to the dangerous mad-dash time in Congress when truly bad ideas can sneak into law—and today the gun lobbyists are poised with a flood-the-market firearms scheme disguised as an innocent "curios and relics" proposal. Once again, certain members of Congress who are semiautomatic hawkers of the National Rifle Association's line, linked with lobbyists for gun importers, are seeking to slip language into an appropriations bill that would allow an arsenal of some 2.5 million weapons from abroad to go on the U.S. market.

This stockpile has made the rounds globally: The weapons were originally paid for by U.S. taxpayers. Then as U.S. Army surplus the firearms were given or sold to foreign governments years ago. But they are more than quaint relics for the walls of collectors; many of these firearms can be converted easily into illegal automatic weapons for domestic crimes such as holdups, assaults and murder. The weapons could pile into the U.S. market from supplies in the Philippines, Morocco, India, Turkey, Vietnam, Iran, and other countries. Estimated value of these deadly weapons on legal or illegal markets? Approximately $1 billion.

It has been for the safety of the public that the Reagan, Bush and Clinton administrations all enforced a policy of keeping such

overseas stockpiles out of the country and thus off the streets. Letting them in would risk driving down the price of firearms generally and making weapons more easily obtainable by street criminals.

Law enforcement officials around the country warn that there has been an increased use of these weapons against police officers. More than 1,800 M1 rifles and M1911 pistols were traced to crime scenes in 1995–96 and in 1997, about 1,000 more have been traced. According to the Bureau of Alcohol, Tobacco and Firearms, 13 law enforcement officers have been killed by M1 rifles or M1911 pistols since 1990.

Clinton administration officials have advised Sen. Frank Lautenberg and others seeking to block the gun-lobby scheme that senior advisers would recommend a veto if this proposal comes to the president's desk. But it shouldn't come to that, just as it shouldn't be slipped into any appropriations bill at the eleventh hour of a congressional session. The provision should be removed and if not, rejected.

[From the New York Times, Nov. 12, 1997]

AVOIDING ADJOURNMENT BLUNDERS

The final hours before Congress takes a long recess are usually dangerous. It is a time when bad riders are attached to blameless appropriations bills, and complex legislation is denied the measured debate it deserves. With these cautionary notes, we urge Congress to avoid the following pitfalls as it stumbles toward the door.

National Forests. The so-called "Quincy Library Group" bill passed the House with only one dissenting vote and now awaits action on the Senate floor. The Senate should delay and use its vacation to rethink a measure that was marketed to the House under false pretenses.

The bill would require at least 40,000 acres of logging each year in a 2.5-million-acre stretch of national forest in California's Sierra Nevada. It was advertised as an experimental fire-control program and touted as a consensus measure devised by local and timber industry officials who met at the Quincy, Calif., town library in 1993. Yet this is not a pilot program—it would double logging in the area and threaten valuable watersheds. Further, the Forest Service, by law the custodian of the national forests, had no real input. This bill sets bad precedents and requires major revisions.

Family Planning. Both the House and Senate have attached to their foreign aid appropriations bill a provision that would deny Federal funds to any overseas family planning organization that performs abortions or lobbies to change foreign abortion laws—even though the groups in question use their own money to further objectives. President Clinton does not like this provision. Congress could avoid a nasty veto fight by removing the objectionable language in conference.

Gun Control. Some House members want to attach to an appropriations bill a dangerous amendment that would allow the importation of some two million surplus military rifles and handguns from countries that originally got them as a form of military assistance. The N.R.A. and its supporters—including dealers who would buy and re-sell the weapons—say they are merely relics. But they can still kill people. This attempt to overturn current law, which bans such imports, deserves a crushing defeat.

Congress could more profitably use its final hours to rectify an oversight. It granted itself a modest 2.3 percent pay raise last month but failed to award the same increase to Federal judges, whose pay is linked to Congressional pay. The remedy is to attach an amendment to one of the appropriations bills granting the raise. That is one last-minute rider we would applaud.

[From the New York Times, Sept. 9, 1997]

THE SURPLUS GUN INVASION

Gun dealers, with the enthusiastic support of the National Rifle Association, are once again trying to sneak through Congress a measure that could put 2.5 million more rifles and pistols onto American streets and provide a handsome subsidy for weapons importers and a few foreign governments. This bill, introduced with disgraceful stealth, should be pounced on by the Clinton Administration and all in Congress who are concerned about crime.

The bill is an amendment to the Treasury Department's appropriation, which may come to a vote in the House this week. It would allow countries that received American military surplus M–1 rifles, M–1 carbines and M1911 pistols to sell them to weapons dealers in the United States. The countries—allies and former allies such as the Philippines, South Korea, Iran and Turkey—got the guns free or at a discount or simply kept them after World War II, or the Korean and Vietnam wars. Current law requires them to pay the Pentagon if they sell the guns and bars Americans from importing them. The new bill would change both provisions.

The N.R.A. argues that the guns are merely relics. But they are not too old to kill. In 1995 and 1996 the Bureau of Alcohol, Tobacco and Firearms traced these models to more than 1,800 crime sites. Senator Frank Lautenberg, the bill's main opponent, says these guns have killed at least 10 police officers since 1990. M–1 carbines can be converted to automatic firing, and all the M–1's are easily converted into illegal assault weapons.

Republicans attached a similar bill to an emergency spending measure last year but took it out under pressure from the White House. President Clinton should threaten to veto the Treasury appropriation if the measure remains.

[From the Washington Post, Aug. 4, 1997]

SURPLUS WEAPONS, SURPLUS DANGER

Gun sales are flat, so the nation's gun importers are looking to shake up the market. Once again they want permission to bring into the country an arsenal of as many as 2.5 million U.S. Army surplus weapons that were given or sold to foreign governments decades ago.

The industry classifies the guns as obsolete "curios and relics" of interest mostly to collectors and sports shooters. But they're not talking about a gentleman officer's pearl-handled revolvers. These are soldiers' M1 Garand rifles, M1 carbines and .45-caliber M1911 pistols; some can be converted to automatic or illegal assault weapons with parts that cost as little as $100. For public safety reasons, the Pentagon declines to transfer such surplus to commercial gun vendors, which is why the Clinton, Bush and Reagan administrations have enforced a policy of keeping the overseas weapons out.

This week, the gun importers, cheered on by the National Rifle Association, quietly persuaded a House appropriations panel to approve language to prevent the State, Justice and Treasury departments from denying the importers' applications. It's a slap at the country's efforts to reduce gun violence.

To introduce a flood of these historical weapons is to risk driving down the price of firearms and putting more within the reach of street criminals. It isn't simply gun-control groups but the Bureau of Alcohol, Tobacco and Firearms that warns of an increased use of these kinds of weapons against police around the country. In 1995–96 alone, 304 U.S. military surplus M1 rifles and 99 surplus pistols were traced to crime scenes. At least nine law enforcement officers have been killed by M1 rifles or M1911 pistols since 1990, according to Sen. Frank Lautenberg (D–N.J.), who has introduced legislation to cement the import ban in law by reconciling some contradictory statutes.

The State Department says that weapons transfers—even for outdated guns—should remain an executive branch prerogative to be handled country by country. Why should the governments of Turkey, Italy or Pakistan collect a windfall from U.S. gun importers when the products they are trading originally were supplied by the U.S. government? Why should Vietnam and Iran be allowed to earn currency from U.S.-made weaponry they took as "spoils of war." President Clinton last year headed off a similar effort to allow in the surplus weapons and should be counted on to do so again.

GUNS—AND THE M–1 BOOMERANG

The people who bring you America's Gross National Arsenal—the weapons-pushers who keep the firearms flowing to the streets of neighborhoods near you—are poised to go global with sales of weapons that you already bought with your taxes years ago. The U.S. gun industry hopes to make a fortune by importing millions of M–1 Garand rifles, M–1 carbines and .45-caliber M1911 pistols—surplus American military firearms that the Pentagon originally gave away or sold at a discount to various countries over the years. Many of these weapons are especially handy because they can be converted easily into (illegal) automatic weapons for domestic uses such as committing crimes and killing people.

That's not how this deadly deal is characterized by the industry, of course, or by John Sununu, former chief of staff under President Bush, or others working with the gun industry who are pushing the import plan in Congress. These groups prefer to talk about the weapons that would go to collectors and describe the legislation they keep trying to slip quietly through Congress as a harmless move to offer a new supply of "curio and relic" guns for collectors and other souvenir-seekers.

But as reported by Post staff writer John Mintz this week, the firearms would be coming back to the United States from supplies in the Philippines, Morocco, India, Turkey and other countries. Gun industry lobbyists helped persuade Sen. Ted Stevens of Alaska to introduce measure allowing the weapons into the country—and specifically forbidding federal officials from blocking their entry. In July, with no debate, Sen. Stevens got the provisions slipped into the appropriations continuing resolution; it wasn't until the White House objected that the provision was removed. Now, the senator's office and industry representative say they hope to get the provision enacted soon.

Backers of the plan argue that the weapons at issue are obsolete and pose no threat to anyone. It's true that the M–1 rifle is bulky and not a great item for street crimes. But the M–1 carbine and the pistols are another lethal matter. The carbine can be converted easily to automatic fire. The concern is not

with single sales to individual collectors but with supplies getting into the wrong hands. Legislation to allow imports only of rifles that are, say, World War II vintage or earlier could serve the collector market. But Congress should consider any such proposal carefully—and openly, with hearings—instead of blessing a new domestic flood of weapons designed for war.

Mr. LAUTENBERG. Finally, a coalition of 50 organizations including Handgun Control, the Violence Policy Center, and the Coalition to Stop Gun Violence, opposed this effort to overturn the policy of three administrations on this issue.

I ask unanimous consent to have printed in the RECORD a copy of their letter on the issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 8, 1997.

DEAR REPRESENTATIVE: In late-July, during mark-up of the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill, the Appropriations Committee accepted an amendment that would allow foreign governments to export to the United States for commercial sale, millions of military weapons the United States previously made available to foreign countries through military assistance programs.

For a range of public health and safety, national security, and taxpayer reasons, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Supporters of this amendment describe it as an innocuous measure which simply allows the importation of some obsolete "curios and relics." In reality, the amendment would allow the import of an estimated 2.5 million weapons of war, including 1.2 million M1 carbines. The M1 carbine is a semi-automatic weapon that can be easily converted into automatic fire equipped with a 15-30 round detachable magazine.

This is a Public Safety Issue: Although the backers of the provision claim that these World War II era weapons are now harmless "curios and relics", in reality they remain deadly assault weapons. According to the Bureau of Alcohol, Tobacco, and Firearms, the M1 Carbine can be easily converted into a fully-automatic assault rifle. For this reason, the Department of Defense has refused to sell its surplus stocks of these weapons to civilian gun dealers and collectors in the United States.

According to Raymond W. Kelley, the Treasury Department's Under-Secretary for Enforcement, the inflow of these weapons will drive down the price of similar weapons, making them more accessible to criminals. Already, during 1995–1996, ATF has traced 1,172 M1911 pistols and 639 M1 rifles to crimes committed in the United States.

This is a Government Oversight Concern: Nearly 2.5 million of these weapons were given or sold as "security assistance" to allied governments. Under United States law, recipients of American arms and military aid must obtain permission from the United States government before re-transferring those arms to third parties. Setting a dangerous precedent, this amendment fundamentally undercuts the ability of the United States government to exercise its right of refusal on retransfer of United States arms.

The Reagan, Bush, and Clinton Administrations have all barred imports of these military weapons by the American public. The Appropriations bill explicitly overrides this policy, prohibiting the government from denying applications for the importation of "U.S. origin ammunition and curio or relic firearms and parts." In effect, the provision would force the Administration to allow thousands of M1 assault rifles and M1911 pistols into circulation with the civilian population, thereby not only threatening public safety but also undermining governmental oversight and taxpayer accountability.

STOP THE IMPORT OF MILITARY WEAPONS

This is Also a Taxpayer Concern: The amendment also presents a windfall of millions of dollars to foreign governments and United States gun dealers. The amendment effectively terminates a requirement that allies reimburse the United States treasury if they sell United States-supplied weapons. According to ATF, each M1 Carbine, M1 Garand rifle, and M1911 pistol currently sells for about $300–500 in the United States market. The South Korean, Turkish, and Pakistani governments and militaries stand to make millions from the resale of these weapons. South Korea has 1.3 million M1 Garands and Carbines, while the Turkish military and police have 136,000 M1 Garands and 50,000 M1911 pistols. These weapons were originally given free, or sold at highly subsidized rates, or retrieved as "spoils of war." The United States Department of Defense does not sell these lethal weapons on the commercial market for profit. Why should we allow foreign governments to do so?

Again, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Thank you.

American College of Physicians, American Friends Service Committee, James Matlack, Director, Washington Office; American Jewish Congress, David A. Harris, Director, Washington Office; American Public Health Association, Mohammad Akhter, M.D., Executive Director; Americans for Democratic Action, Amy Isaacs, National Director; British American Security Information Council, Dan Plesch, Director; Ceasefire New Jersey, Bryan Miller, Executive Director; Children's Defense Fund; Church of the Brethren, Washington Office, Heather Nolen, Coordinator; Church Women United, Ann Delorey, Legislative Director.

Coalition to Stop Gun Violence, Michael K. Beard, President; Community Healthcare Association of New York State, Ina Labiner, Executive Director; Concerned Citizens of Bensonhurst, Inc., Adeline Michaels, President; Connecticut Coalition Against Gun Violence, Sue McCalley, Executive Director; Demilitarization for Democracy; Episcopal Peace Fellowship, Mary H. Miller, Executive Secretary; Federation of American Scientists, Jeremy J. Stone, President; Friends Committee on National Legislation, Edward (Ned) W. Stowe, Legislative Secretary; General Federation of Women's Clubs, Laurie Cooper, GFWC Legislative Director; Handgun Control, Inc., Sarah Brady, Chair; Independent Action, Ralph Santora, Political Director; Iowans for the Prevention of Gun Violence, John Johnson, State Coordinator; Legal Community Against Violence, Barrie Becker, Executive Director; Lutheran Office for Government Affairs, ELCA, The Rev. Russ Siler; Mennonite Central Committee, Washington Office, J. Daryl Byler, Director; National Association of Children's Hospitals and Related Institutions, Stacy Collins, Associate Director, Child Health Improvement; National Association of Secondary School Principals, Stephen R. Yurek, General Counsel.

National Black Police Association, Ronald E. Hampton, Executive Director; National Coalition Against Domestic Violence, Rita Smith, Executive Director; National Commission for Economic Conversion and Disarmament, Miriam Pemberton, Director; National Council of the Churches of Christ in the U.S., Albert M. Pennybacker, Director, Washington Office; National League of Cities; New Hampshire Ceasefire, Alex Herlihy, Co-Chair; New Yorkers Against Gun Violence, Barbara Hohlt, Chair; Orange County Citizens for the Prevention of Gun Violence, Mary Leigh Blek, Chair; Peace Action, Gordon S. Clark, Executive Director; Pennsylvanians Against Handgun Violence, Daniel J. Siegel, President; Physicians for Social Responsibility, Robert K. Musil, PhD., Executive Director; Presbyterian Church (U.S.A.), Washington Office, Elenora Giddings Ivory, Director; Project on Government Oversight, Danielle Brian, Executive Director; Saferworld, Peter J. Davies, U.S. Representative; Texans Against Gun Violence—Houston, Dave Smith, President; Unitarian Universalist Association of Congregations, The Rev. Meg A. Riley, Director, Washington Office for Faith in Action; U.S. Conference of Mayors; Unitarian Universalist Service Committee, Richard S. Scobie, Executive Director; Virginians Against Hangun Violence, Alice Mountjoy, President; WAND (Women's Action for New Directions), Susan Shaer, Executive Director; Westside Crime Prevention Program, Marjorie Cohen, Executive Director; YWCA of the U.S.A., Prema Mathai-Davis, Chief Executive Officer; 20/20 Vision, Robin Caiola, Executive Director.

Mr. LAUTENBERG. Fortunately, Mr. President, the provision was not included in the conference agreement that the Senate will consider later this evening and these dangerous military weapons will not flood our streets. This is a huge victory for the American people.

Mr. President, the weapons at issue were granted or sold to foreign governments, often at a discount, through military assistance programs, and some were given to or left in foreign countries during wars. They are called curios or relics because they are considered by some to have historic value or are more than 50 years old.

One of them I carried in World War II when I was a soldier in Europe. It was an M–1 carbine. It may be a curiosity now or a relic. But I can tell you it was there to be used for my protecting myself or to kill the enemy. Fortunately, neither happened. But I carried it by my side when I served on the European Continent.

But they are not innocuous antiques or museum pieces. They remain deadly weapons.

Proponents of allowing the importation of these weapons argue that they are historic firearms that are not dangerous. In fact, the amendment would have flooded the market with millions of lethal killing weapons.

Under the amendment that was rejected, 2.5 million, semiautomatic military weapons—including the M–1 carbine, M–1 Garand, and M–1911 pistol—would have flooded the streets. The M–1 carbine can easily be converted into an illegal, fully automatic weapon.

These semiautomatic military weapons may be old, but they are lethal. Thirteen American police officers have recently been murdered with M–1's and M–1911's.

In New Jersey in 1995, Franklin Township Sgt. Lee Gonzalez was killed by Robert "Mudman" Simon during a routine stop. Simon was a Warlocks motorcycle gang member. Simon, who had just committed a robbery, shot Gonzalez twice, once in the head and once in the neck, using an M–1911 semiautomatic pistol. That's the same weapon that would be imported under the rejected amendment.

In Texas in 1991, Pasadena police officer Jeff Ginn was killed with an M–1 carbine. He was responding to a call about smoke coming from a house in the neighborhood he was patrolling. Ginn found Marvin Harris holding a woman hostage in her own home. When he saw police officer Ginn, Harris shot him in the leg. Ginn hobbled to the front of the house, where he leaned up against a tree, begging not to be shot again. Harris murdered officer Ginn by shooting him in the temple and the abdomen with the M–1 carbine.

In New Hampshire—the home State of the distinguished chairman of the subcommittee, Senator JUDD GREGG, who knows only too well of the impact of the use of that weapon—Sgt. James Noyes of the New Hampshire State Police was killed in the line of duty with an M–1 carbine in 1994.

And there are many innocent civilians who have been threatened and murdered with these weapons as well. In 1995 and 1996, M–1's and M–1911 weapons were traced to more than 1,800 crimes nationwide. Already, nearly 1,000 crimes have been traced to these weapons in 1997.

Allowing the importation of large numbers of these killer weapons would undermine efforts to reduce gun violence in this country. And everybody would like to have that done. I can tell you. It doesn't matter what State or what kind of community—rural or urban. That is the biggest fear that people have; that is, that they will lose a loved one to a violent act, or someone will pick up a gun, or either randomly or directly shoot one of their children, brother, sister, mother or father.

This would also reduce the cost of weapons, because there would be a marketplace filled with 2.5 million—the maximum capacity for exportation—making them more accessible to criminals.

It would also provide a windfall for foreign governments at the expense of the U.S. taxpayer. The weapons were paid for by the American taxpayer and were provided to foreign governments through our assistance program. The market value of the 2.5 million that can be traced to foreign governments exceeds $1 billion.

That adds insult to injury.

Allowing millions of U.S.-origin military weapons to enter the United States would profit a limited number of arms importers and would not be in the overall interest of the American people. These weapons are not designed for hunting or for shooting competitions; they are designed for war. Foreign countries should not be permitted to sell these weapons on the commercial market for profit.

There is no doubt foreign governments would make a handsome profit from their sale in the commercial market. Consequently, countries that the United States assisted in times of need, such as South Korea and the Philippines, and even a country like Iran could make a profit out of these sales. Imagine permitting weapons to be imported into this country that would send dollars back to Iran. It is an outrage.

In lieu of approval of an amendment to import these weapons, the administration is being asked to provide a report on the curios or relics issue. The report will provide information about the quantity of applications and articles that have been approved for importation as well as an estimate of the number of firearms available for importation from overseas. It will also explain how an M–1 carbine can be converted into an illegal machinegun or assault weapon.

I have no problem asking the Government to prepare a report for the use of the House or the Senate. But I would like to make sure that this is a balanced report, that it doesn't simply list statistics. But I want to explain why it is important for the President and Secretary of State to retain their authority to retain control over firearms granted or sold by the Government exclusively for foreign military use and never intended for private use.

I would also encourage the administration when it submits a report to include information about applications in the Bush and Reagan administrations as well. After all, this administration is upholding a policy that was first established by President Reagan and upheld by the Bush administration.

I believe the administration should include in the report a description of any law enforcement or grand jury investigations of alleged illegal conduct related to the importation of M–1 or M1911 firearms. A grand jury previously investigated one attempt to import these weapons by a company with a peculiar name called Blue Sky. There were serious allegations that the law was manipulated for personal gain, and the investigation ended when the lead witness mysteriously died in a plane crash. The American people have the right to understand what happened in this inquiry.

The report I believe also—this is an expansion on what is in the report requested of the administration. It is something I didn't agree with. But we are at a very late point in time when these bills have to be considered. So we have accepted this report against, frankly, my best judgment.

The report also should provide an analysis of the number and types of weapons that have been added to the curios or relics list since 1980, the process by which those weapons are added to the list, and the entities that have petitioned to have weapons added to the list. The American people have the right to understand more about the way military weapons are designated as curios and relics.

Finally, I believe it should include a comprehensive overview of the number of homicides and violent crimes committed against police officers and against civilians with M1's or M1911's, regardless of the manufacturer, or any other firearm on the curios or relics list. Though curios and relics may have some historical interest for collectors, many of these firearms remain of concern due to crime.

Mr. President, I am delighted that this effort to overturn U.S. policy behind closed doors in the dark of night was defeated. And just to clarify, for the information of those who might not understand our arcane way of operation, there is a bill, and in the bill there is a mandate that certain things be done. Report language is suggested on top of that bill but does not have the effect of law. That is what I am talking about here—this report language, not the bill itself.

I am delighted, again, that this effort to overturn U.S. policy behind closed doors was defeated. It would have been an insult to the American people to overturn a longstanding policy behind the closed doors of the Appropriations Committee.

I have introduced legislation, S. 723, to repeal a loophole in the Arms Export Control Act that could enable these weapons to enter the country under a future administration. I hope that my colleagues will support this bill.

In the meantime, Mr. President, this is a victory for the American taxpayer and a victory for all concerned about safety.

I hope we reject the notion that we ought to take back and pay for things that we gave away, or that we sold at sharp discounts.

I yield the floor.

Mr. CRAIG. Mr. President, I would like to respond to remarks made by the Senator from New Jersey, Senator LAUTENBERG, concerning the "curio or relics" U.S. origin historic firearms issue. I believe it's important for the Senate to be aware of this information in evaluating the actions taken today on the Commerce, Justice, State and Judiciary appropriations bill.

The amendment that the Senator from New Jersey refers to, which has been under consideration in both the fiscal year 1997 and fiscal year 1998 appropriations processes, is intended to correct a serious injustice in the way that our nation's firearms import laws are being administered. The amendment stops the Administration from ignoring Congress' intent that historic firearms be allowed to return to U.S. soil. Despite the fact the amendment was not added to the Commerce, Justice, and State spending bill, I am confident, based on the bipartisan support enjoyed by the amendment, that it will be passed in this Congress. A brief review of the history behind this issue is in order. In 1984, Congress first enacted a statute, 18 U.S.C. 925(e), specifically permitting the importation of military surplus curio or relic imports. At the time of enactment, however, the statute only benefited foreign collectibles, since other acts interfered with U.S. origin curio or relics from returning to the United States.

In 1987, Congress remedied the inconsistency by enacting a provision for the importation of certain U.S. origin ammunition and curio or relic firearms and parts into the United States at 22 U.S.C. 2778(b)(1)(B). The Treasury Department issued implementation regulations after the passage of both laws. The Department of State, which in certain cases consults with the Treasury Department on firearms imports, frustrated the purpose of the 1988 law by refusing to consent to U.S. origin applications, ostensibly on the basis of foreign policy interests. The Department of State for years has frustrated the efforts of importers to bring historic curio or relic firearms into the United States.

In addition to fully assembled U.S. origin curio and relic firearms being denied entry into the United States, curio or relic U.S. origin military surplus parts and U.S. origin military surplus ammunition applications that used to be approved by ATF directly, are now being denied. Many hobbyists and collectors are being denied access to these historic arms. Many millions of dollars in business will now be lost on rifle parts sales and rifle ammunition, severely hurting an import industry that has already been very adversely affected by President Clinton's policies.

With regard to the criticism that has been leveled against the amendment, and these arms, several important facts are in order. First of all, this amendment was not inserted in any bill "in the dark of night", it was part of an open mark-up over a year ago in the Commerce, Justice, State Subcommittee in the Senate for the appropriations bill for fiscal year 1997, and this year, for fiscal year 1998, it was added on the House side in an open full committee mark-up on the Treasury, Postal Service appropriations bill. This is a well-known issue and one that has been widely publicized; in fact, Senator LAUTENBERG and other opponents of this provision have certainly ensured that it has been given attention.

I realize that opponents of this amendment have been using the media to sensationalize the subject and to scare the general public into believing that there is something nefarious about these fine old arms. However, allegations concerning or implying a special crime threat that "curio or relic" M1 Garands, M-1 Carbines and M-1911A1 pistols pose to police officers or innocent civilians is simply false. Similarly, allegations that Iran will profit from the sale of these firearms is also wrong. In addition, the characterization of what the Bureau of Alcohol, Tobacco and Firearms trace data indicates is misleading at best, as even ATF acknowledges that ATF gun trace data may not be used to make statistical assumptions about the use of firearms.

Here are just some of the basic facts about this matter:

First, "curio or relics" are defined as firearms which are of special interest to collectors, and are at least fifty years old, or are certified by a curator of a municipal, State or Federal museum to be curios or relics of museum interest, or have some rare, novel or bizarre characteristic because of their association with some historical figure, period or event. They are not the crime gun of choice for criminals.

Second, corrective language is needed to enforce existing import laws and regulations that already permit the importation of U.S. origin curio or relic firearms, parts and ammunition from non-proscribed nations (the Arms Export Control Act, Section 38, 22 U.S.C. 2778 and the Gun Control Act of 1968).

Third, the purpose of the Gun Control Act was to provide "support to Federal, State and local law enforcement officials in their fight against crime and violence," but not to "place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity." Additionally, the enactment of the Gun Control Act was "not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes" (i.e., such as gun collecting). The Administration's actions are completely contrary to legitimate collecting and hobby pursuits.

Fourth, these firearms and ammunition were initially supplied to friendly foreign governments by sale or gift to promote the foreign policy interests of the United States. The U.S., under the Foreign Assistance Act, can waive receipt of any proceeds derived from such a sale and request that the proceeds be set aside in a special account. In most cases, the U.S. does so for the purposes of letting the ally nation modernize its military equipment. Since the U.S. usually would have assisted such a nation anyway in some manner with the modernization of their military equipment, the allowance of keeping the sale proceeds actually represents a potential cost savings to the U.S. taxpayer.

Fifth, rifles, which constitute the vast majority of these guns, are not the alleged crime threat that opponents of this provision would like the American people to believe. In ATF's July, 1997 report entitled "ATF, The Youth Crime Gun Interdiction Initiative, Crime Gun Trace Analysis Reports" 8 out of 10 crime guns traced within a 10 month period in 1996/97 were handguns. Out of an average of the trace data that ATF compiled from 17 major cities across the United States, from July 1, 1997 through April 30, 1997, all rifles comprised only 7.98 percent of the total firearms traced to crimes. In fact, according to ATF's latest data concerning firearms traced to a crime scene" in 1995, out of the 70,000 firearms traced to a crime scene, only .331 percent were U.S. origin firearms. In 1996, the percentage decreased: out of the 140,000 firearms traced to a crime scene, only .275 percent were U.S. origin firearms. In 1997, U.S. origin firearms constitute only .303 percent out of the total 200,000 firearms traced. In summary, these firearms are generally not attractive to criminals. They are expensive, heavy, cumbersome and not easily concealable.

Sixth, Senator LAUTENBERG's figure of 2.5 million U.S. origin "curio or relic" firearms that would be imported is incorrect. First of all, we do not import "millions" of guns into this country on an annual basis. Currently, the rough total number of all firearms that are annually imported into this country is in the 800,000 to 900,000 range. Only a relatively modest number of U.S. origin curio or relic firearms are available for importation into the United States in commercially acceptable and safe-to-shoot condition—these will not number in the millions.

Finally, current law—the International Traffic in Arms Regulations, the Arms Export Control Act, the Foreign Assistance Act and the Gun Control Act of 1968—already prohibits U.S. importers from trading with proscribed countries, such as Iran, whose foreign policy threatens world peace and the national security of the U.S. and supports acts of terrorism. The proposed appropriations language made it very clear that importation would only be permitted from non-proscribed nations.

Regarding the report language that has been added to the bill. I would like to point out that Senator LAUTENBERG's statement suggested expansion of the conference report language is contrary to what was accepted in the bill. It is clear that the items Senator LAUTENBERG offered on the floor were specifically rejected by the Conferees, which are as follows:

First, the Conferees did not accept the Administration providing a description of any law enforcement or grand jury investigations of alleged illegal conduct related to the importation of M–1 or M19911 firearms.

Second, the Conferees did not accept the Administration reporting on the number and types of weapons that have been added to the "curios or relics" list since 1980, the process by which those weapons are added to the list, and the entities that have petitioned to add weapons added to the list.

Third, the Conferees did not accept the Administration providing a comprehensive overview of the number of homicides and violent crimes committed against police officers and against civilians with M1s or M19911s.

In addition, Mr. President, Senator LAUTENBERG suggested by the use of term "simple" that the Administration should report on how "simple" the conversion of M–1 carbine is from semiautomatic to an illegal fully automatic gun. That is not what the report language calls for—it calls for an explanation of the facts. Converting the M–1 carbine requires an M2 parts conversion kit; however, that is not readily or easily accomplished, since it is strictly controlled under the National Firearms Act of 1934.

In summary, this amendment is needed, and I regret we could not achieve it this year. With the additional information from the administration, and an early start on the matter, I believe we will be able to right what has been a wrong to the gun collecting and importing community for many years.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH pertaining to the introduction of S. 1530 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

JUDICIAL CONFIRMATION PROCESS

Mr. HATCH. Mr. President, as we complete the 1st session of the 105th Congress, I would like to update my colleagues on how we have advanced the judicial confirmation process. Let me say from the outset that I believe one of the Senate's most important functions is its constitutional authority, and responsibility, to render advice and consent to the President in his nomination of Federal judges.

Unique in our system of Government, Federal judges serve for life, and are entirely unaccountable to the electorate. When a single Federal judge is confirmed by the U.S. Senate, he or she will exercise enormous power over our people, our States, and our public and private institutions, for years and years to come. As the scope of Federal law—both statutory and constitutional—has exploded to cover virtually all areas of our lives and culture, and as our society has become more litigious, Federal judges have come to wield vast power over countless aspects of our everyday lives. Moreover, the troubling trend toward increased judicial activism has only enhanced the power that judges exercise in our society.

As a result, I have dedicated considerable time and energy to thoroughly review each nominee in an effort to ensure that only individuals of the highest caliber are permitted to serve on the Federal bench. At the same time, of course, I am cognizant that as President, Mr. Clinton is entitled to some deference in his choice of Federal judges, and I have sought to respect the President's decisions.

To date, the Senate has confirmed 239 Clinton judges, of which 35 were confirmed this year alone. Those 239 judges represent nearly one-third of the entire Federal bench. We currently have nine judges pending on the Senate floor. If those judges are confirmed, as I hope they will be, the Senate will have confirmed 44 Federal judges during this session.

I believe that the Judiciary Committee has been proceeding fairly and at reasonable pace. Indeed, I strongly believe that we must do our best to reduce the approximately 80 vacancies that currently exist in the Federal courts. There are, however, limits to what the Judiciary Committee can do. We cannot, no matter how hard we may try, confirm judges who have yet to be nominated. Of the 43 nominees currently pending, 9 were received in the last month.

And 13 of those pending nominees are individuals simply renominated from last Congress. So, of those 80 vacancies, 45 are, in effect, a result of the administration's inaction. Forty-three total pending − 8 incomplete paperwork = 35 real nominees; 80 vacancies − 35 real nominees = 45 White House inaction.

Moreover, of the 79 total judicial nominees sent forward to the committee this year, 47 have now had hearings. Of the 47 nominees that have had hearings, 41 have been reported out of committee. Of those 41 nominees reported out of committee, 35 have been confirmed, and 9 are pending on the Senate floor.

The committee has moved noncontroversial nominees at a relatively speedy pace. In fact, I pledge that when the administration sends us qualified, noncontroversial, nominees, they will be processed fairly and promptly. Indeed, in the last few months, the administration has finally begun sending us nominees that I have for the most part found to be quite acceptable. Take Ms. Frank Hull, for example. She was nominated for a very important seat on the Eleventh Circuit. Ms. Hull was nominated June 18, had her hearing July 22, and was confirmed on September 4. This is a remarkably fast turnaround.

Or consider Mr. Alan Gold from Florida. He was nominated in February. We completed his paperwork and our review in March and April, he had a hearing shortly thereafter in May, and he was reported out of committee and confirmed before the July 4 recess.

Two other good examples are Ms. Janet Hall from Connecticut and Mr. Barry Silverman, of Arizona. Ms. Hall was nominated to the U.S. District Court June 5, 1997, the committee had a hearing on July 22, and she was confirmed September 11. Mr. Silverman may have even set the record: The committee received his nomination on November 8, held his hearing on November 12, and reported him out of committee today.

Clearly, when it comes to new, noncontroversial nominees, we are, in fact, proceeding with extraordinary speed and diligence.

More controversial nominees, however, take more time. Indeed, many of the individuals renominated from the 104th Congress have proven difficult to move for a variety of reasons. Unfortunately, of the 79 individuals nominated this Congress, only 56 have been new; the other 23 are individuals who were previously nominated, but have been controversial and proven difficult to move through the committee—much less to confirm. When the administration simply sends back nominees who had problems last Congress, it takes much more time, and is much more difficult, to process them. It is worth pointing out that there was, in virtually every instance, a reason why the Senate confirmed 239 other Clinton nominees but not those 23. And, if all we are left with are judges whom we are not ready to move, I will not compromise our advice and consent function simply because the White House has not sent us qualified nominees. As I said at the outset, the Senate's advice

and consent function should not be reduced to a mere numbers game. The confirmation of an individual to serve for life as a Federal judge is a serious matter, and should be treated as such. In fact, we have sat down with the White House and Justice Department and explained the problems with each nominee, and they understand perfectly well why those nominees have not moved.

Many inaccurate accounts have been written charging that this body has unreasonably held up judicial nominations. That claim is simply not true. As of today, we have processed 47 nominees—35 confirmed, 9 on the floor, 2 are pending in committee and 1 withdrawn. Now, not all of these judges have yet been confirmed, but I expect that they will be confirmed fairly promptly. Assuming most of these nominees are confirmed, I think you will see that our efforts compare quite favorably to prior Congresses, in terms of the number of judges confirmed at this point in the 1st session of a Congress. As of today, we have confirmed 35 judges. If we confirm the 9 judges pending on the Senate floor, we will have confirmed 44 Federal judges this year.

Republicans confirmed 55 judges as of the end of the 1st session in the 104th Congress. Indeed, the Democrats confirmed only 28 judges for President Clinton at the end of the 1st session back in the 103d Congress. Although the Democrats confirmed 57 judges as of the end of the first session back in 1991, for a Republican President, they confirmed only 15 judges in 1989 and 42 judges in 1987, both for Republican Presidents. So the plain fact is that we are right on track with, if not ahead of, previous Congresses. And this is particularly significant given the fact that we have more authorized judgeships today than under Presidents Bush or Reagan. In fact, there are more sitting judges today than there were throughout virtually all of the Reagan and Bush administrations. As of today, there are 763 active Federal judges. At this point in the 101st and 102d Congresses, by contrast, when a Democrat-controlled Senate was processing President Bush's nominees, there were only 711 and 716 active judges, respectively.

The Democrat Senate actually left a higher vacancy rate under President Bush: Just compare today's 80 vacancies to the vacancies under a Democratic Senate during President Bush's Presidency. In May 1991 there were 148 vacancies, and in May 1992 there were 117 vacancies. I find it interesting that, at that time, I don't recall a single news article or floor speech on judicial vacancies. So, in short, I think it is quite unfair, and frankly inaccurate, to report that the Republican Congress has created a vacancy crisis in our courts.

It is plain then, that current vacancies are not the result of Republican stall. First, even the Administrative Office of the Courts has concluded that most of the blame for the current vacancies falls on the White House, not the Senate. It has taken President Clinton an average of 534 days to name nominees currently pending, for a vacancy—well over the time it has historically taken the White House. It has taken the Senate an average of only 97 days to confirm a judge once the President finally nominates him or her, and in recent months we've been moving noncontroversial nominees at a remarkably fast pace. As a result, with the exception of nominees whose completed paperwork we have not yet received, the White House has only sent up 43 nominees for these 80 vacant seats—of which 13 were received just prior to the Senate going into recess. Forty-five of those seats are, in effect vacant because of White House inaction.

Second, those vacancies were caused by a record level of resignations after the elections. During President Clinton's first 4 years, we confirmed 204 judges—a near record high, and nearly one quarter of the entire Federal bench. By the close of last Congress, there were only 65 vacancies. This is virtually identical to the number of vacancies under Senator BIDEN in the previous Congress. The Department of Justice itself stated that this level of vacancies represents virtual full employment in the Federal courts. So last Congress we were more than fair to President Clinton and his judicial nominees. We reduced the vacancy level to a level which the Justice Department itself considers virtual full employment. But after the election last fall, 37 judges either resigned or took senior status—a dramatic number in such a short period. This is what has led to the current level of 80 vacancies.

Many judicial "emergencies" are far from that: I would also like to clarify a term that is now bandied about with little understanding of what it really means. A judicial "emergency" is simply a seat that has been unfilled for a certain period of time. In reality, though, many of those seats are far from emergencies. Indeed, of the 29 judicial emergencies, the administration has not even put up a nominee for 7 of those seats. As for the others, I think you will find that a number of the relevant districts do not in fact have an overly burdensome caseload.

And, keep in mind that the Clinton administration is on record as having stated that 63 vacancies—a vacancy rate of just over 7 percent—is considered virtual full employment of the Federal judiciary. The current vacancy rate is only 9 percent. How can a 2-percent rise in the vacancy rate—from 7 to 9 percent—convert full employment into a crisis?

It can't. The reality is that the Senate has moved carefully and deliberately to discharge its constitutional obligation to render advice and consent to the President as he makes his appointments. I am satisfied by the committee's work this session, and look forward to working with the administration in the coming months to identify qualified candidates to elevate to the Federal bench.

I yield the floor I thank the Chair.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

TRIBUTE TO SENATOR WILLIAM B. SPONG, JR., OF VIRGINIA

Mr. ROBB. Mr. President, I rise today to reflect on the life and service of William B. Spong, Jr., a distinguished statesman, a former U.S. Senator from the Commonwealth of Virginia, and a mentor to many of us who entered politics inspired by his extraordinary conviction.

Bill Spong died in Portsmouth, VA, on October 8, 1997, at the age of 77. He left behind a son, a daughter, five grandchildren, and a legacy of public service to the people of Virginia unmatched in his lifetime. As his childhood friend, Dick Davis, said so eloquently, "the state has lost a leader that may never be replaced."

Bill Spong epitomized the professional commitment and personal integrity that was his hallmark. He was a quiet giant.

The product of two outstanding Virginia universities—Hampden Sydney College and the University of Virginia School of Law—Bill Spong could have gone anywhere and made money. But he went home to Portsmouth, set up a law practice with his friend, Dick Davis, and successfully ran for the Virginia House of Delegates and then the State senate.

A philosopher once said, while "every man is a creature of the age in which he lives, very few are able to raise themselves above the ideas of the time." We, in Virginia, will be forever grateful that Bill Spong was one of those rare individuals who thought—and acted—ahead of his time. While in the House of Delegates, he joined a moderate group of "Young Turks" to pressure the legendary Byrd Machine into investing more money into education. And as a member of the State senate in 1958, he exhibited what would become a lifetime understanding of the value of learning by chairing a statewide Commission on Public Education.

Then, in 1966, Bill Spong made history. In a Democratic primary, he challenged U.S. Senator A. Willis Robertson, a 20 year Byrd machine-backed incumbent, and won by 611 votes. "We called him Landslide Spong," remembered his friend and campaign manager William C. Battle.

As a member of this body, Mr. President, Bill Spong focused not on politics, but on policy and principle. "He

agonized over legislation in his quest to do what he believed to be right,'' his former Press Secretary, Pete Glazer, said recently.

''Bill Spong was the kind of public servant we all try to emulate,'' said Congressman ROBERT C. SCOTT, ''a man of integrity who courageously stood by his convictions and his principles, even when it might not be the immediately popular thing to do.'' As Alson H. Smith, Jr., reflected: ''If Bill Spong thought it was right, he did it.''

Mr. President, Bill Spong was a statesman.

But 1972 taught us that Senators with great courage can be demagogued and out spent, and Bill Spong lost his Senate seat amidst George McGovern's landslide defeat to Richard Nixon. ''In the Watergate year of 1971,'' remembered his college friend, and former U.S. attorney, Tom Mason, ''Bill Spong became an early victim of the 11th hour 30-second television spots that continue to plague our political system.'' ''In my judgement,'' Mason said, ''Bill Spong's defeat in 1972 was one of the worst developments in Virginia's political history.''

The Senate's great loss, however, was the Commonwealth's great gain, as Bill Spong left this institution to continue his extraordinary service to Virginia. He became dean of William and Mary's Marshall-Wythe School of Law in 1976 and his stewardship brought our Nation's oldest law school from near ruin to national prominence. In 1989, he became the interim president of Old Dominion University in Norfolk.

''He had a real intellectual bent,'' remembered Bill Battle. ''He was probably more comfortable as Dean of the Law School at William and Mary than at any other time of his life.''

''His sense of humor was unbelievable,'' Battle continued. ''When we were in law school together after World War II, he was always where the trouble was but never in it. It's hard to believe he's no longer around.''

Mr. President, we may mourn Bill Spong's death. We may remember his life. But we may never know the breadth of his legacy, or the inspiration he lent along the way. No political leader in the Commonwealth was more responsible for my own entry into Virginia politics than Bill Spong. Dick Davis entered public life because he was angry that his lifelong friend—who he described last week as ''a great Virginian and a great Senator'' —lost his Senate seat. There's no question that Bill Spong was an enormous force in the leadership of our State that began in 1981.

In fact, in 1977, when I was Lieutenant Governor and our party was fractured and discouraged, I asked Bill Spong to help us put the pieces back together. I'll always be grateful that the Spong Commission Report, as we called it, laid the groundwork for the unity we needed to succeed 4 years later.

Mr. President, during the time I served as Governor, I appointed Bill Spong to the Council on Higher Education and asked him to Chair the Governor's Commission on the Future of Virginia. The latter produced an extraordinary report that helped guide public policy—and progress—in Virginia for over a decade. Just last summer, I asked Bill Spong to chair a judicial nomination committee to recommend a nominee for the U.S. District Court for the Eastern District of Virginia. As always, his extraordinary judgment and unique vision were invaluable.

''Bill worked hard throughout his public and private life to bring Virginians together to make a better world for all of us,'' Congressman SCOTT said. ''I will miss his leadership and his friendship.''

''He never forgot where he came from,'' remembered his former press aide, Pete Glazer, ''and he died in the city where he was born.''

''Two hundred years ago, we were fortunate to have dedicated and enlightened leaders of this Commonwealth,'' said H. Benson Dendy III. ''Truly Senator Spong was such as a leader of our time.''

I will close, Mr. President, with two eulogies delivered at Bill Spong's memorial service in Williamsburg by Robert P. Crouch, Jr. and Timothy J. Sullivan. Their eloquence is a shining tribute to a man who has been an inspiration to so many.

I ask unanimous consent they be printed in the RECORD.

There being no objection, the eulogies were ordered to be printed in the RECORD, as follows:

REMARKS ON THE LIFE OF THE HONORABLE WILLIAM B. SPONG, JR.

(By Robert P. Crouch, Jr.)

Athenians of antiquity defined a statesman as one who plants trees knowing he will never enjoy their shade. Such was the statesmanship—such was the life—of William Belser Spong, Jr.

Bill Spong entered my life in June of 1971, when I followed my friend, the Senator's good and devoted friend, Whitt Clement, as the Senator's driver and aide. I traveled with the Senator in that capacity for the remaining year and a half of his Senate service.

It was an unusual position that we who served as ''wheelman and gofer'' occupied. Callow and often bungling, just out of college, we had a staff position that was among the most humble in the office . . . in title, in rank, and in salary.

But ours was also the most privileged position on the staff. For we were with the Senator. And anyone who was with Bill Spong for much time at all became his student.

Awestruck to work for this Senator whose career I had admired from a distance, I traveled with him to his beloved Portsmouth during my first week on the job. Entering the Spong home, luggage in hand, I was met by the Senator's mother, Emily Spong. (My awe was to increase very rapidly.) She stood at the top of the stairs and said to me, with what I would come to know as unquestionable authority:

''Young man, you go tell Billy, the one you call 'Senator,' to get in here right now!''

I quickly developed a tremendous affection for Emily Spong, fueled, in part, by her sharing with me stories of youthful misbehavior of the Senator and his best friend Richard, but I never stopped calling her son ''The Senator.''

And while we of his Senate staff would, over the years, hear him referred to as ''Dean Spong,'' then ''President Spong'' (I liked that one a lot, and suspect that he enjoyed it as well), or—more familiarly as—''Bill,'' or ''Billy,'' or even ''Spongo,'' by some of his oldest and dearest friends—Tom Mason, Dick Davis, the Battle boys, John and Bill, among others—most of those of us who worked with him in Washington would always refer to him as ''The Senator.'' And always will.

The details of that Senate service—the legislation, the tough decisions on tough votes, the campaigns—are well known and have been well reviewed in recent news articles. I prefer to take this brief time to speak of the character of his public service.

An anecdote shared with me by an assistant United States attorney in our Roanoke office, Don Wolthuis, who was a student of the Senator at the Marshall-Wythe School of Law, captures that character. Faced with a difficult personal decision, Don went to Dean Spong for advice. After hearing Don explain his dilemma, the Senator simply responded: ''Whatever you do, do it well.''

But ''doing it well'' was not a simple or brief process for Bill Spong. It was a well ordered and deliberate process. And it was this he applied to his Senate service as he did to every other aspect of his life. It involved anticipating the challenges and the needs of the future; scanning the horizon of time; thoughtfully examining options and consequences; making a well informed choice, then carrying through with that decision with grace and excellence. He lived the motto of Virginia-born Sam Houston: ''Do the right thing and risk the consequences.''

The Senator delighted in one reporter's description of him as ''A gray cat in the Chesapeake fog.'' During that time, in the years since, and in the past several days, the word ''cautious'' has been frequently used to describe him. If caution is understood to mean ''risk adverse,'' then it is incorrectly applied to Bill Spong, for it is the seemingly ''cautious'' choice which is often the least popular; the most difficult to make; the least understood by others; the most frustrating to sustain; and the most expensive.

His integrity—intellectual and moral—informed all that Bill Spong did in the United States Senate, and it earned him the respect and affection of his colleagues of both political parties, and of their office and committee staff.

We who worked for him during those years learned not only from the Bill Spong of the Senate office and the Senate floor. He later acknowledged that his political fortune was the victim of his Senate duty—and it is correct that he chose to sacrifice the votes of civil club meetings to the votes duty required he cast on the Senate floor. However, it should also be understood that whenever he was free from Senate duties, he was in the State. During that year and a half, for example, we traveled to all but one of Virginia's counties. And what travels those were.

He loved two Virginias. First, Virginia Wise Galliford, the Marine Corps general's daughter he married and with whom he

raised Martha and Tom. She was a beautiful, generous, and strong woman who also graced the lives of many here today, and we miss her.

And to be with the Senator was to learn of the other Virginia of his life, the Commonwealth: its magnificent natural beauty, its wonderful and diverse people, its history—colonial, Civil War, twentieth century—and, certainly, its politics; traveling with Senator Spong was a course in the rule of law; a class in big band music; a seminar in sports from Bill Belser, his Walter Mitty-sportswriter self (and if last week's resignation of UNC's Dean Smith marked the departure of the ACC's greatest coach, it has also just lost its greatest fan in Bill Spong).

We, his staff and supporters, knew then, of course, that his Senate tenure was too short. History knows it now. Yet, the Senate's loss, the Nation's loss, was clearly the gain of this great institution and of many others he cared so deeply about.

His departure from the Senate enabled him to spend more time with his family, with Virginia, with Martha, and with Tom. News articles have related his expression in later years of how important that was to him. Many of us with him in 1972 heard him say it then.

To Martha and Tom and to other members of the Spong family, our thoughts and prayers for you today will extend into the future. He was immensely proud of you, and of his and Virginia's five splendid grandchildren: Edward, Peter, Chase, Madison, and Lucy.

These beautiful and historic surroundings remind us that there have been other "gray cats" in Virginia's history. George Wythe, George Mason, come to mind. They turned events, and their lives sent ripples through decades and generations, and into the centuries.

As we reflect on the life of William Spong, our fine teacher, many of us know our own lives were enriched and blessed by the important place he has had, and will continue to have, in them.

We know, too, and history will conclude, that in his public service, Mr. Spong of Virginia was the best of his day, and is among the greatest of Virginians.

EULOGY FOR WILLIAM B. SPONG, JR.

(By Timothy J. Sullivan)

It all began—with bourbon—and with tuna salad. Not a few of you must be wondering what I could possibly mean. How could Bill Spong's triumphant William and Mary years have anything at all to do with bourbon and tuna salad? But that is the way they did begin, and you should know the story.

On a brilliant autumn Saturday sometime in October of 1975 I drove from Williamsburg to Portsmouth. I was the very young chair of the William and Mary Law Dean Search Committee. My job—and it seemed to me mission impossible—was to help convince Senator Spong that he really—really—did want to become dean of a law school which was at substantial risk of losing its professional accreditation.

Bill invited me to meet him at his home. We sat down to lunch at the kitchen table. His beloved Virginia provided the tuna salad—which was very good, Bill supplied the bourbon—which was also good. Martha hovered—so it seemed to me—skeptically on the fringes of the room. Tommy would occasionally catapult through in pursuit of an errant soccer ball.

Bill and I talked—he was interested—and the rest is happy history. Bill Spong did—as we all know—come to William and Mary, and his leadership first healed a crippled institution and then raised it to a level of national distinction that none of us dared dream. He built a place of genuine intellectual excellence—but he did more. He built a law school of which George Wythe would have approved. And that is not a casual compliment. George Wythe's approval mattered to Bill—it mattered very much. Bill's inspiration shaped a place where would be lawyers learned not only their duty to their clients, but their duty to humanity—a place where professional success was and is defined not only by hours billed—but by a client's burdens lifted—by anguish eased.

During much of Bill's deanship, I served as one of his associate deans. We became friends—more than friends really—our association deepened in ways that—then and now—makes it one of the great treasures of my life.

He was my teacher, too. I learned life lessons that I have never forgotten and for which I have never failed to be grateful. As a teacher, Bill was almost magical. He taught without seeming to teach, and you learned without realizing that you were being taught—until afterwards—when you were left to discover—with manifest joy—the power of the lessons he had lodged deep within your heart.

As most of you know, Bill did not drive. When he was here, I was one of those who shared with Virginia the responsibility of getting him where he needed to go—and that led to not a few adventures.

One day he asked me whether I would like to go to Hampden-Sydney. I said yes. I had never been there—and I was anxious to see for myself—a place Bill really believed was some kind of collegiate paradise. I asked him when I should pick him up. He said—don't worry—just be here in the morning. When I arrived on the next day, I discovered he had engaged Mr. Albert Durant—a loquacious and long-time chauffeur for hire—who was something of a local institution. Mr. Durant's vehicle was a great, long black limousine—the vintage of which would have given it pride of place in President Eisenhower's first inaugural parade.

We bought sandwiches from the Cheese Shop and rolled up the road to Farmville—fully occupied by Mr. Durant's non-stop commentary while eating our lunch out of paper sacks in the back seat.

When we approached the limits of that collegiate paradise—Bill leaned forward and said—Mr. Durant . . . "Mr. Durant . . . see that alley up there on the right—turn in there. I can't let them see me coming in a car like this." Now—it wouldn't have been accurate exactly—to say that we snuck on to the campus in camouflage—but it would be accurate to say that we didn't make a point of being seen until we were a safe distance from any possible connection with Mr. Durant's gleaming but antique limousine.

On the way home, we stopped to get gas in what was then the wilderness of Chesterfield. I got out with Mr. Durant to stretch my legs. Bill stayed in the car. As he serviced the car, the attendant peered in to the back window—turned to me—and asked with some awe in his voice—"Would that be the Governor in there?" "No," I said, "but he should have been." I still think that. He should have been.

But now, all is memory—the life is complete. What he should have been doesn't matter. What does is what he was. And what he way—was the most thoughtful public servant of his generation—a great man who loved this Commonwealth—not uncritically—but loved it still—the beauty of the land—the decency of its people—the glory of its history.

What he was—was a teacher and builder who believe profoundly in the power of education and who struck many a powerful blow for civility and civilization.

What he was—was a friend whose friendship made you laugh for the sheer joy of it, whose love gave you strength and whose example gave you courage.

All that we must consign to memory—at the moment it is a memory that wounds—and deeply.

But we all know—that in God's good time—that the wound will mostly heal—the pain will largely disappear—and we will be left with the wonder—and may I say the warming glory of having been numbered among that special band who loved and were loved by our eternal friend—Bill Spong.

Mr. ROBB. Mr. President, I note the temporary absence of anyone else seeking to speak. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

MAMMOGRAPHY QUALITY STANDARDS ACT

Ms. MIKULSKI. Mr. President, I rise today to celebrate the Senate passage of the Mammography Quality Standards Act. I am delighted that the Senate acted on Sunday, November 9 to unanimously approve this important legislation. The bill that the Senate has now passed reauthorizes the original legislation which passed in 1992 with bipartisan support. This year's bill is presented to the Senate with 55 cosponsors.

What MQSA does is require that all facilities that provide mammograms meet key safety and quality-assurance standards in the area of personnel, equipment, and operating procedures. Before the law passed, tests were misread, women were misdiagnosed, and people died as a result of sloppy work. Since 1992, MQSA has been successful in bringing facilities into compliance with the federal standards.

What are these national, uniform quality standards for mammography? Well, facilities are required to use equipment designed specifically for mammography. Only radiological technologists can perform mammography. Only qualified doctors can interpret the results of mammography. Facilities must establish a quality assurance and control program to ensure reliability, clarity and accurate interpretation of mammograms. Facilities must be inspected annually by qualified inspectors. Finally, facilities must be accredited by an accrediting body approved by the Secretary of Health and Human Services.

This current reauthorization makes a few minor changes to the law to ensure the following: Patients and referring physicians must be advised of any mammography facility deficiency. Women are guaranteed the right to obtain an original of their mammogram. Finally, both state and local government agencies are permitted to have inspection authority.

I like this law because it has saved lives. The front line against breast cancer is mammography. We know that early detection saves lives. But a mammogram is worse than useless if it produces a poor-quality image or is misinterpreted. The first rule of all medical treatment is: Above all things, do no harm. And a bad mammogram can do real harm by leading a woman and her doctor to believe that nothing is wrong when something is. The result can be unnecessary suffering or even a death that could have been prevented. That is why this legislation is so important. This law needs to be reauthorized so that we don't go back to the old days when women's lives were in jeopardy.

A strong inspection program under MQSA is extremely important to ensure the public that quality standards are being met. In a GAO report which evaluated the MQSA inspection program, GAO praised the program. They also recommended changes to further strengthen the program. FDA is in the process of implementing these recommendations. The FDA has proposed to direct its attention to conducting comprehensive inspections on those facilities where problems have been identified in the past, while decreasing the extensiveness of inspections at those facilities with excellent compliance records. I think it is important for the FDA to move promptly in this direction. The best way to protect the public health is for the FDA to focus its resources on the problem facilities.

I want to make sure that women's health needs are met comprehensively. It is expected that 180,000 new cases of breast cancer will be diagnosed and about 44,000 women will die from the disease in 1997. This makes breast cancer the most common cancer among women. And only lung cancer causes more deaths in women.

We must aggressively pursue prevention in our war on breast cancer. I pledge to fight for new attitudes and find new ways to end the needless pain and death that too many American women face. This bill is an important step in that direction.

As the 105th Congress comes to a close, we can look back on some great bipartisan victories and other great partisan frustrations. But one area Republicans and Democrats have always worked together on is women's health. I am proud of this bill's broad bipartisan support. I want to take this opportunity to thank all the cosponsors for making this happen. A special thanks to Senator JEFFORDS for working with me on making passage of this bill a reality. As Dean of the Democratic Women, I want to also thank the Dean of the Republican Women, KAY BAILEY HUTCHISON, for always reaching out to work together on the issues that matter most to American women and their families.

Still, Senate passage alone does not assure reauthorization. It is my hope that the strong show of bipartisan support for this bill here in the Senate will encourage the House of Representatives to promptly move forward on this bill. I hope they will follow our lead to ensure a quick reauthorization of MQSA. America's women are counting on it.

Mr. HARKIN. Mr. President, I join Senator MIKULSKI and many of my colleagues today to support reauthorization of the Mammography Quality Standards Act. I want to especially commend Senator MIKULSKI for her invaluable leadership on this issue. She brought the problem of poor quality mammography screening to the Senate's attention several years ago and authored the historic legislation we are today reauthorizing.

As many of you know, I lost my sisters at an early age because of breast cancer. This experience has helped to make me acutely aware of the need for research on and improved early detection of breast cancer. I've always thought if they had had access to quality mammography screening, they would be alive with us today.

Starting in 1990, as chairman of the Labor, Health and Human Services Appropriations Subcommittee, I worked with Senator MIKULSKI and others to start and fund a program at the CDC to provide screening for lower income women without insurance. And in 1992, I offered an amendment to dedicate $210 million in the Defense budget for breast cancer research. Because of this legislation, funding for breast cancer research has been included in the Defense Department budget every year since 1992, and will be included again in Fiscal Year 1998.

It is clear that if we are to win the war on breast cancer we must continue to support research on improved treatments, but we must also ensure that breast cancer is detected early enough to apply these treatments effectively. The need for legislating mammography quality standards is obvious—every year approximately 180,000 women will be diagnosed and 44,000 women will die of breast cancer. We can prolong and save the lives of millions of women if we can detect the cancer early in its development. The earlier we can diagnose breast cancer, the sooner a women can begin to receive appropriate treatment, and the more likely it is that she will survive. It is vital that all women have access to mammograms which are both properly performed and accurately analyzed. This screening is a very powerful weapon in the battle against cancer.

Early diagnosis, and consequently early treatment, depend upon accurate evaluations of breast tissue. This means that the health care professionals taking mammograms and reading mammograms must be properly trained. This Act sets forth requirements that all mammography facilities meet stringent standards in terms of equipment used, personnel, and reporting of mammography findings.

Congress must act quickly to pass this reauthorization so that women throughout our nation can be confident that they are receiving the safest, most reliable mammography available. Without these standards, women do not have such guarantees. They would be forced to place their lives in the hands of a random patchwork of Federal, State, and voluntary standards. This is unacceptable. We cannot return to the days before this law was passed, when women were misdiagnosed because mammography clinics did not have standards for quality control.

Women also deserve the best technology available when it comes to early detection of cancer because advanced technology means more accurate, and therefore earlier diagnosis. One such advance is digital mammography. This screening technique involves the creation of digital images which are more easily visualized and can also be stored and forwarded to other medical sites. This can provide women in rural areas with vital access to expert medical diagnosticians.

When women and their doctors have access to the best technology available, such as digital mammography, it can mean the difference between life and death. It can also mean money saved, because it is cheaper to treat a small, confined tumor than it is to treat a full-blown metastactic cancer which has spread to other organ systems.

Breast cancer is the most common cancer among American women, but it does not have to be the No. 1 cancer killer among women in the United States because we have ways to detect it early on. The National Cancer Institute advises that "high-quality mammography combined with a clinical breast exam is the most effective technology presently available to detect breast tumors." We have an obligation to American women to ensure that the mammographies they receive meet high-quality federal standards. I am proud to be an original cosponsor of this legislation and I look forward to its speedy passage into law.

Mrs. HUTCHISON. Mr. President, I rise today to commend my colleagues for passing the Mammography Quality Standards Act, assuring that national, uniform quality standards will be in place for this lifesaving, preventive procedure.

Experts universally agree that mammography is one of the best ways to detect breast cancer early. Yet, statistics show that the majority of women who need mammograms are not getting them. Nearly 40 percent of women ages 40 to 49, 35 percent of women ages 50 to 64, and 46 percent of women 65 years of age and over have not received a mammogram in the past 2 years. With 44,000 women dying annually from breast cancer, one in three of these might be saved if her breast cancer is detected early.

Since almost 10 percent of breast cancers are not detected by mammography, it's essential to remember breast self-examination and clinical screening as the other important early detection tools we have at our disposal.

This was the first year that the National Cancer Institute joined the American Cancer Society and other breast cancer organizations in support of screening mammograms on a regular basis. Dr. Richard Klausner, NCI Director, announced in March that the mammography recommendations of the National Cancer Screening Board would be adopted by NCI.

Dr. Klausner spoke movingly about NCI-conducted focus groups that found that many women are not aware that breast cancer risks increase with age and that most women who develop breast cancer have no family history of the disease. He is to be commended for launching a new education campaign featuring new breast health and mammogram fact booklets, and breast health information hotline and Internet website.

The passage of the reauthorization of the Mammography Quality Standards Act dovetails nicely with these efforts. The original legislation passed in 1992 has been successful in bringing mammography screening facilities into compliance with a tough Federal standard. Patients can be assured that their mammography procedures and results are provided by qualified technical professionals and with annually inspected radiographic equipment and facilities.

This reauthorization makes some needed improvements to existing law. Facilities are now required to inform the patient as well as the physician about the screening results, and patients may now obtain their original mammogram films and report. Consumers and physicians must now be advised of any mammography facility deficiencies, and both State and local government agencies are granted inspection authority. These improvements were recommended in a GAO report as ways to assure that this vital prevention program continues to protect the public health and address women's health needs.

Last, I want to thank all the countless radiologists, radiologic technicians, and support workers who provide this very worthwhile service and make the time spent undertaking this procedure as pleasant as possible. These are the soldiers in our war against cancer, and their contributions are invaluable. I thank you all for your support.

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. THURMOND. Mr. President, I rise today to advise Members of the Senate why I have objected to the Senate consideration of H.R. 2513. This bill, which was sent by the House to the Senate in the closing days of this session, would provide tax relief for certain matters involving active financing income from foreign personal holding company income and sale of stock in agricultural processors to certain farmers' cooperatives.

First of all, Mr. President, I have no objection to the provisions which provide tax relief in these matters. However, I do object to the manner in which the House has proposed that we pay for these tax reductions. The use of sales of defense stockpiles to finance these tax relief measures is, in my opinion, inappropriate and inconsistent with section 311 of the Budget Act.

While I am removing my objection to the consideration of H.R. 2513, I want to make clear to Members in both the Senate and the House that I do not consider that a precedent is being established for using defense assets as offsets for non-defense-related expenditures. I want to make it clear also that I intend to object to any similar tax relief legislation which is paid for in such a manner in the future.

As the majority leader moves to close out the remaining business so that the Senate can adjourn, I want to take this opportunity to commend him for his superb leadership and the outstanding manner in which he has managed the Senate's business as the majority leader. I look forward to continuing to work with him in the future.

TRIBAL FOSTER CARE AND ADOPTION

Mr. DASCHLE. Mr. President, I would like to bring to the attention of the Senate an issue which, I believe, needs to be addressed. Title IV–E of the Social Security Act, Federal payments for foster care and adoption assistance, does not provide equitable foster care and adoption services for Indian children living in tribal areas. I had hoped we might be able to amend this bill, which is designed to better serve children in need of permanent, loving homes, to include children living in tribal areas. However, it appears that we will be unable to do that at this time. Nonetheless, it is clear that the funding that provides services to Indian children is sufficient to address the compelling needs of children not equivalent to that provided for services to children not living on reservations, and for that reason, I would like to engage in a discussion about how we might address this issue.

Mr. ROCKEFELLER. Mr. President, I am happy to engage in a colloquy with the Democratic leader. Can the leader tell me what constitutes the primary impediment to Indian children and tribal government access to the Federal foster care program and Federal adoption assistance program?

Mr. DASCHLE. Mr. President, the flaw in the statute is that it provides IV–E assistance only to children placed by State courts or agencies with whom States have agreements. In doing so, the law has left out Indian children living in tribal areas who are placed in foster care and adoptive homes by tribal courts. A relatively small number of tribes—50, or 10 percent of the total number of federally recognized tribes—has been able to work out tribal/State agreements whereby foster care payments are made for children placed by tribal courts. These agreements do not provide the full services of the title IV–E program, as they by and large do not include training and administrative funding for tribal governments. A major impediment to reaching even these less-than-ideal tribal/State agreements is that State governments retain liability under the agreements, something that States are reluctant to do.

The result is that Indian children—often the poorest of the poor in our Nation—are sometimes placed in unsubsidized homes without necessary foster care services. This should not be the case. Other children in this Nation who meet the eligibility requirements are eligible for the services of the open-ended Foster Care and Adoption Assistance Entitlement Program. State governments have benefited from large amounts of Federal administrative and training funds for their foster care/adoption assistance programs. Tribal governments and Indian children have not.

The legislation being considered today is designed to improve services and encourage permanent placements for children. Indian children living in tribal areas, however, have not benefited to the same extent as other children under the current program, and we should ensure that that discrepancy is eliminated.

The IV–E program provides help to fund the basics, such as food, shelter, clothing, and school supplies for the children, but this program does not include Indian children. We need to get our priorities in order, and help all children, especially those with special needs, including Indian children. I understand the primary reason for not including an amendment to make Indian children in tribal areas and tribal government eligible for the IV–E program

is that no offset was provided for the cost.

Mr. ROCKEFELLER. Mr. President, the Senator is correct. Unfortunately, there are many provisions and new investments that Members wanted to include. But we are running out of time in this session, and securing new funding and appropriate revenue offsets is an overwhelming challenge. I appreciate the concerns the Senator has raised and would like to work with him in the future. As my colleagues know, Indian children are covered under a special law, known as the Indian Child Welfare Act. We should work together to ensure that this law and other Federal programs for abused and neglected children are better coordinated.

Let me assure my colleagues, though, that this package will help Indian children. Within the Promotion of Adoption, Safety, and Support for Abused and Neglected Children, the PASS Act, is a provision to extend the 1993 law to provide funding for family preservation and family support for 3 additional years. This program is designed to support community-based programs to help innovative projects invest in prevention and programs to strengthen families. Within the existing law is a 1-percent set aside for the tribes. This will be extended 3 more years, and I hope this funding will enable the tribes to continue ongoing efforts to help Indian children.

Mr. INOUYE. Mr. President, I, too, want to express my strong interest in amending the title IV–E statute so that Indian children placed by tribal courts have access to this program on the same basis as other children and that tribal governments with approved programs be made eligible for IV–E administrative and training funds on the same basis as States. Senator CAMPBELL and I jointly wrote the Finance Committee on this matter.

I would point out that the Senate Committee on Indian Affairs, in April 1995, held a hearing on welfare reform proposals. At that hearing, a representative of the Department of Health and Human Services, Office of the Inspector General, testified with regard to its August 1994 report: "Opportunities for Administration on Children and Families to Improve Child Welfare Services and Protections for Native American Children," which documented that tribes receive little benefit or funding from the title IV–E Foster Care and Adoption Assistance Program—and other Social Security Act programs. The OIG report states: "The surest way to guarantee that Indian people receive benefits from these Social Security Act programs is to * * * provide direct allocations to tribes." The OIG report also noted that the State officials with whom they talked preferred direct IV–E funding to tribes:

With respect to IV–E funding, most State officials with whom we talked favored ACF (Administration on Children and Families) dealing directly with Tribes. This direct approach for title IV–E would eliminate the need for Tribal-State agreement, and because title IV–E is an uncapped Federal entitlement, would not affect the moneys available to the States. (p. 13)

Mr. MCCAIN. Mr. President, I share the concerns expressed by my colleagues about basic fairness. Last year during consideration of welfare reform, I advocated that we use that bill as a vehicle to fix the title IV–E law with regard to tribes and Indian children in tribal areas. Under the current law, states cannot even administer a Temporary Assistance for Needy Families [TANF] program unless they have in place a foster care/adoption assistance program. I appreciate the efforts of Representatives HAYWORTH and MCDERMOTT in trying to fix this problem during the Ways and Means Committee consideration of its adoption bill, H.R. 867, and also of former Representative Bill Richardson who early this year introduced a freestanding bill on this issue. It seems that we keep running into the issue of funding. This is, however, a clear-cut case of fairness, and we must work together to provide equitable assistance to Indian children.

Mr. CHAFEE. Mr. President, I certainly appreciate the perspective my colleagues bring to this issue. Clearly, we need to take into account the status of tribes and tribal court system and the children under their jurisdiction in determining IV–E payments. I will work with them to correct this inequity.

Mr. DORGAN. I would like to add my voice to those of my colleagues who share my belief that it is fundamentally unfair for Indian children placed by tribal courts to be ineligible for IV–E assistance even though these children otherwise meet the eligibility requirements. In my judgment, we have a responsibility, both because of the Federal Government's trust relationship with Indian tribes and because of the desperate need that exists in Indian country for this funding, to correct this oversight as quickly as possible.

Mr. DASCHLE. Mr. President, I thank all of my colleagues for joining me in this discussion and for their acknowledgment that this is an injustice that must be corrected. I look forward to working with them to make sure we provide the same resources for Indian children as we do for other children in this country.

TRIBUTE TO THE LATE BOB JONES, JR.

Mr. THURMOND. Mr. President, I am saddened to report the passing of a longtime friend, a man of integrity and honor, and someone who was well respected throughout the United States, Dr. Bob Jones, Jr.

Dr. Jones was the chancellor and chairman of the fundamentalist Christian Bob Jones University, which was founded by his father in 1927 and moved to South Carolina in 1947. Students who attend this institution learn the fundamentals of Christianity while gaining a valuable education that will prepare them for their future. The university's talented and devoted staff of educators make many contributions to the world through their service to the community and their dedication to teaching others the truths of the Bible. Graduates of Bob Jones University are employed throughout the Nation in many different fields, but each possesses the qualities and values of a good Christian upbringing, and are sound in both mind and body.

In addition to his service at the university, Dr. Jones was a well respected preacher and Christian leader throughout the Nation. Addressing crowds at church services, conferences, and meetings around the world, he was often touted as an evangelical leader who gained an unequaled respect and admiration from those who had the privilege of hearing him speak. Words cannot possibly express the degree of his devotion to the Christian faith, his community, family, and friends. His death has left a large void that will serve to remind us of the great impact he had upon each of these. Dr. Jones was a dear friend of mine, and I feel a deep loss in his death, as do so many throughout our Nation.

His family, which includes his wife, Fannie May Holmes Jones; his three children; 10 grandchildren; and his three great-grandchildren, all have my deepest sympathies. They have lost a wonderful husband, father, grandfather, and great-grandfather, and South Carolina has lost an irreplaceable son.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, November 12, 1997, the Federal debt stood at $5,429,798,432,997.19 (Five trillion, four hundred twenty-nine billion, seven hundred ninety-eight million, four hundred thirty-two thousand, nine hundred ninety-seven dollars and nineteen cents).

One year ago, November 12, 1996, the Federal debt stood at $5,246,804,000,000 (Five trillion, two hundred forty-six billion, eight hundred four million).

Five years ago, November 12, 1992, the Federal debt stood at $4,083,868,000,000 (Four trillion, eighty-three billion, eight hundred sixty-eight million).

Ten years ago, November 12, 1987, the Federal debt stood at $2,394,714,000,000 (Two trillion, three hundred ninety-four billion, seven hundred fourteen million).

Fifteen years ago, November 12, 1982, the Federal debt stood at $1,141,767,000,000 (One trillion, one hundred forty-one billion, seven hundred

sixty-seven million) which reflects a debt increase of more than $4 trillion—$4,288,031,432,997.19 (Four trillion, two hundred eighty-eight billion, thirty-one million, four hundred thirty-two thousand, nine hundred ninety-seven dollars and nineteen cents) during the past 15 years.

TIME TO CLEAN UP AMERICA'S COAL-FIRED POWERPLANTS

Mr. LEAHY. Mr. President, the Senate will soon recess until the beginning of this Congress' 2d session in January of 1998. That provides time to develop a thoughtful proposal on one of the most pressing environmental threats confronting the United States as a whole, and especially the Midwest and the Northeast: namely, the rivers of pollution that stream from the smokestacks of hundreds of old coal-fired powerplants, especially in the Midwest.

These powerplants are collectively the source of enormous amounts of air pollution. Mercury poisons lakes and streams, as well as the fish that swim in them. Oxides of nitrogen not only create ground-level ozone that chokes almost every major America city, but are transformed into acids that contribute to both acid rain and fine particulate matter. Together with the fine particles formed by sulfur dioxide emissions, they contribute to tens of thousands of unnecessary deaths. Finally, carbon-rich coal adds to global warming, which has increased the temperatures of Earth's air, oceans, and soils, while raising sea levels and triggering meltdowns of glaciers and ice-caps. If you want to see the effects of this pollution, you need only to hike to the top of Camel's Hump in the Green Mountains, or talk to the fishermen in Missisquoi Bay who catch fish contaminated with mercury, or measure the increasing acid deposition in pristine lakes within Vermont wilderness areas.

Mr. President, none of this is necessary and eliminating these problems need not trigger the sort of regional conflicts that characterized the sometimes bitter 10 year struggle to enact a Federal program to control acid rain. There are ways of burning coal so that it produces only a tiny fraction of the air pollution now being emitted by these powerplants. And, since virtually all of these powerplants are reaching the age at which significant investment is required to keep them on line, the Nation has a unique and valuable opportunity to address the problem.

Steps should be taken not only to prevent further degradation of our environment, but also to ensure fairness in retail electricity competition. When Congress passed the Clean Air Act in 1970, many of the old, dirty powerplants that were expected to close down were granted exemptions to the strict air pollution control requirements that applied to new facilities. Yet, twenty years later, these old plants continue to operate and enjoy a substantial, unfair competitive economic advantage over electric generators with pollution control technology.

If ways can be found to assure that investments are made in clean technologies, pollution of almost every sort can be sharply reduced and, in likelihood, so can electricity rates. Contrary to the recent wave of doomsday advertising paid for by multi-million dollar electric utility companies, this can be done without jeopardizing our economy. Vermont has shown how jobs can be created through renewable energy and energy efficient technology.

It is clear, Mr. President, that these new technologies and the expertise in building and operating them, will be needed by every nation in the world. If the United States can be the first to master these new engines of the future, we can also be the first to build and export them.

The challenge, Mr. President, is to find the proper combination of measures. During the coming winter, I hope and intend to work with my colleagues and others to identify those measures.

AMENDING THE COMMUNICATIONS ACT OF 1934

Mr. MCCAIN. Mr. President, I would like to discuss a very important bill that I first introduced on October 31, 1997. The bill, S. 1354, which is cosponsored by Senators CAMPBELL, STEVENS, INOUYE, DASCHLE, and DORGAN, is an amendment to the Communications Act of 1934. The amendment enables the Federal Communications Commission [FCC] to designate common carriers not under the jurisdiction of a State commission as eligible recipients of universal service support.

Universal Service provides intercarrier support for the provision of telecommunications services in rural and high-cost areas throughout the United States. However, section 254(e) of the Communications Act states that only an eligible carrier designated under section 214(e) of the Communications Act, shall be eligible to receive specific Federal universal support after the FCC issues regulations implementing the new universal service provisions into the law. Section 214(e) does not account for the fact that State commissions in a few States have no jurisdiction over certain carriers. Typically, States also have no jurisdiction over tribally owned common carriers which may or may not be regulated by a tribal authority that is not a State commission per se.

The failure to account for these situations means that carriers not subject to the jurisdiction of a State commission have no way of becoming an eligible carrier that can receive universal service support. This would be the case whether these carriers are traditional local exchange carriers that provide services otherwise included in the program, have previously obtained universal service support, or will likely be the carrier that continues to be the carrier of last resort for customers in the area.

This simple amendment will address this oversight within the amendments made by the Telecommunications Act of 1996, and prevent the unintentional consequences it will have on common carriers which Congress intended to be covered under the umbrella of universal service support.

Mr. DASCHLE. Would this bill have any effect on the existing jurisdiction of State commissions over new or incumbent local exchange carriers, or providers of commercial mobile radio services?

Mr. MCCAIN. No, this bill does nothing to alter the existing jurisdiction that State commissions already have over local exchange carriers or providers of commercial mobile radio services as set forth in section 332(c)(3) of the Communications Act. Nor will this bill have any effect on litigation that may be pending regarding jurisdictional issues between the States and federally recognized tribal governments. I thank the Democratic leader for his interest in this matter.

Mr. DASCHLE. I thank the Senator for his clarification of this matter.

VETERANS DAY

Mr. ABRAHAM. Mr. President, I rise today in recognition of Veterans Day, that day on which all of us are called on to honor the sacrifices made for our country by those who serve in her armed forces and those who risked or gave their lives defending her.

It is only right, Mr. President, that we pay tribute to the brave men and women who put their country before themselves in time of danger. On the beaches of Normandy or in the jungles of Vietnam, in the South Pacific or the Persian Gulf, on the shores of Inchon or the deserts of North Africa, our soldiers and sailors have defended this country around the globe, in the face of bombs, bullets, disease and hunger. Nothing we do can repay the debt we owe them. But we must note that debt, recognize it and make certain our children know how great it is.

As we remember the brave young people who have defended our nation in time of war, we should not forget that many of them put their lives on the line for America even though they were born in a different land. These soldiers and sailors were not born in this country. But they loved her enough to risk their lives to protect her.

Over 60,000 active military personnel are immigrants to this country. More than 20 percent of recipients of our highest military declaration, the Congressional Medal of Honor, have been

immigrants. And the most decorated combat team of World War II was a regiment made up of the sons of Japanese immigrants.

Many immigrants have made the ultimate sacrifice for our country. More than once I have told audiences the story of Nicolas Minue, the Polish born soldier who served the United States in World War II. I tell this story because of the inspiring bravery that is its subject, because of the pride it should evoke in every American, native or foreign born.

In Tunisia in 1943, private Minue's company was pinned down by enemy machine gunfire.

According to the official report, "Private Minue voluntarily, alone, and unhesitatingly, with complete disregard of his own welfare, charged the enemy entrenched position with fixed bayonet. Private Minue assaulted the enemy under a withering machine-gun and rifle fire, killing approximately ten enemy machine gunners and riflemen. After completely destroying this position, Private Minue continued forward, routing enemy riflemen from dugout positions until he was fatally wounded. The courage, fearlessness and aggressiveness displayed by Private Minue in the face of inevitable death was unquestionably the factor that gave his company the offensive spirit that was necessary for advancing and driving the enemy from the entire sector."

America remains free because she has been blessed with many American heroes, willing to give their lives in her defense. Nicolas Minue showed that not every American hero was born in America.

Michigan, too, has her share of heroes. More than once, I have related the story of Francisco Vega, a citizen of my state who was born and raised in San Antonio, Texas, the son of Mexican immigrants. His father, Naba Lazaro Vega served in the American Army during World War I. I tell Mr. Vega's story because it, too, is one of inspiring bravery and love of country.

Mr. Vega volunteered for the Army in October 1942 and served during the Second World War. He fought for the Americans in five major battles in Europe, including the crucial landing at Omaha Beach in Normandy. He was awarded bronze stars for bravery in each of these five battles. Mr. Vega was discharged in December 1945 and came to Michigan, where he attended the University of Michigan in Ann Arbor and graduated from Aquinas College in Grand Rapids. He retired from his own cemetery business in 1993 and currently resides in Grand Rapids.

In Vietnam, also, immigrants served our nation and became heroes. For example, Alfred Rascon immigrated to the U.S. from Mexico. At age 20, while a lawful permanent resident, Mr. Rascon volunteered to serve in Vietnam. During a firefight he twice used his body to shield wounded soldiers. He was nearly killed dashing through heavy enemy fire to get desperately needed ammunition, but refused medical attention until the wounds of all the other soldiers in his unit were tended. Asked why he showed such courage even though he was not yet a U.S. citizen, Mr. Rascon replied "I was always an American in my heart." So impressed were they by his bravery that fellow soldiers who witnessed his acts have urged that he receive the Medal of Honor.

I could tell many more such stories. But let these three suffice to show the commitment to America's ideals and way of life that has been shown by so many brave young soldiers and sailors over the years.

We owe a debt to all these people for keeping our nation free and safe in a dangerous world. And we owe a continuing debt of gratitude to those today who serve, guarding our country, our homes and our freedom. Like all good things, freedom must be won again and again. I hope all of us will remember those, immigrants and native born, who have won freedom for us in the past, and stand ready to win freedom for us again, if they must.

May we never forget our debt to the brave who have fallen and the brave who stand ready to fight.

I yield the floor.

RECOGNIZING JEAN FORD FOR HER CONTRIBUTIONS TO THE GREAT STATE OF NEVADA

Mr. REID. Mr. President, I rise today to pay tribute to a Nevadan whose dedication, foresight and work on behalf of women and minorities has profoundly changed the face of the Silver State. Jean Ford can be called a role model and an inspiration for generations to come, not only in Nevada but across our great Nation. Time and again she has given of herself to better the lives of those around her and she has created a legacy that will long endure in the history of Nevada.

Jean Ford has been a State legislator, an educator, a successful businesswoman and I am proud to say a true friend to me and my family. Over the years we worked together on a great many projects, and I have come to deeply admire Jean's compassion for all people, and her devotion to protecting and preserving Nevada's natural beauty.

I first met Jean Ford more than 25 years ago when she was elected to Nevada's State Assembly. Jean quickly rose to become a driving force for women's equality in Nevada, introducing the equal rights amendment in our State and working to end sex discrimination and break down long standing gender barriers. Through the years, her work in the legislature also carried over to other minority groups who found in Jean a voice, and a visionary willing to lead them on what was often a long, hard struggle for equal treatment under the law. Senior citizens, the disabled, single mothers, they were all important to Jean, and in turn, she helped make them important to each of us.

It was through working with Jean that I came to realize the importance of many of the issues that I have taken on in my own legislative career. Women's health, child care, the environment, equal rights, protecting our seniors and the list goes on. I also owe her a great deal of thanks for bringing to my attention the need for involvement by women at every level of the political spectrum. From the State legislature where Jean and I both cut our political teeth, to this very body I stand before today. Diversity of opinion is the lifeblood that feeds democracy and I am grateful that people like Jean Ford helped break down the walls that once kept all but a privileged few out of the political realm.

For her work in opening these doors, Jean has been honored dozens of times by groups throughout Nevada, including being named "Outstanding Woman of the year" by the Nevada Women's Political Caucus, and "Civil Libertarian of the year" by the ACLU. Jean's legacy also encompasses several political organizations which she helped co-found including the National Women's Legislator's Network, and the Nevada Elected Women's Network.

More recently, Jean has dedicated herself to helping future Nevadans through her work in the classroom. Since 1991, Jean has been an instructor at the University of Nevada—Reno, where she served as acting director of the Women's Studies Program. She has also been an instructor of History and Political Science, and helped developed the Nevada Women's archives through the University library system. It is only fitting that Jean is also the current State coordinator for the Nevada Women's History Project.

But In spite of all that she has endeavored to create, the magnificent achievements of Jean Ford are truly overshadowed by the warmth and graciousness which she has exhibited through the many years that I have known her. I am sure if you could count them, her friends would number in the thousands, and her admirers would number even more. That is the true testament to a life long list of accomplishments.

I ask all my colleagues to join with me today to recognize a true pioneer who changed her world for the better, and whose efforts have touched not only those who call Nevada home, but the hearts and minds of all who have had the pleasure and the honor to know my friend Jean Ford.

JUDICIAL NOMINATIONS DURING THE FIRST SESSION

Mr. LEAHY. Mr. President, as we wrap up our business for the first year of the 105th Congress, I believe it is appropriate to take account of the Senate's advice and consent on judicial nominations. As I have said many times this year in the Judiciary Committee and on the Senate floor, the Senate has failed to fulfill its constitutional responsibilities to the Federal judiciary.

In recent days, the Senate has quickened its painfully slow pace on reviewing and confirming judicial nominations. I have commended the Chairman of the Judiciary Committee for holding two judicial nominations hearings in September and October and for holding another hearing yesterday, which brings the total for the year to nine.

Unfortunately, we had no hearings at all in 4 months—January, February, April or August—and none is anticipated in December. I repeat that we have never had a day go by this session without having a backlog of at least 20 judicial nominations awaiting a hearing. Even with the virtual frenzy of last-minute hearings, we will close the year with more than 30 nominees having never been accorded a confirmation hearing.

I acknowledge that the majority leader has allowed the Senate to proceed to confirm 13 judicial nominees in the last week, but that still leaves eight outstanding nominees on the Senate Calendar still to be considered.

I understand that Senator BOXER has received a commitment from the Republican leadership to proceed to consideration of the longstanding nomination of Margaret Morrow by the middle of February next year. I commend the Senator from California for achieving what appeared to be impossible, getting the Senate to debate this outstanding nominee. I deeply regret that we have not proceeded to debate and vote to confirm Margaret Morrow to the District Court for the Central District of California this year. Hers is the nomination that has been stalled before the Senate the longest, since June 12.

She has twice been reported to the Senate favorably by the Judiciary Committee. She has been unfairly maligned and her family and law partners made to suffer for far too long without cause or justification. Some have chosen to use her nomination as a vehicle for partisan political, narrow ideological, and conservative fund raising purposes. She deserved better treatment. The people of California deserved to have this nominee confirmed and in place hearing cases long ago. The wait can never be rectified or justified.

I hope that the Republican leadership will not require any of the other nominees currently pending on the calendar to remain hostage to their inaction. Ann Aiken was finally reported favorably by the Judiciary Committee earlier this month. Her nomination was first received in November 1995, 2 years ago. She had an earlier hearing in September 1996 and another last month. This is a judicial emergency vacancy that should be filled without further delay.

G. Patrick Murphy would be a much-needed addition to the District Court for the Southern District of Illinois. He was reported unanimously by the Judiciary Committee and his confirmation should be expedited.

Michael P. McCuskey was likewise reported without a single objection by the Judiciary Committee for a vacancy that is a judicial emergency that ought to be filled without delay.

Frederica Massiah-Jackson is a Pennsylvania State court judge. The Senate should move to consider her nomination without the months of delay that will ensue following adjournment.

As we enter the final hours of this session, the Senate has confirmed 36 of the President's 77 judicial nominations. That is certainly better than the 17 confirmed last year. It is better than the total of only 9 who had been confirmed before September this year. But in a time period in which we have experienced 121 vacancies on the Federal courts, the Senate has proceeded to confirm judges at an annual rate of only three per month. And that does not begin to consider the natural attrition that will lead to more vacancies over the next several months.

I want to thank the President of the United States for helping. Not only has the President sent us almost 80 nominees this year but he devoted a national radio address to reminding the Senate of its constitutional responsibility to consider and confirm qualified nominees to the Federal bench. When he spoke, the American people, and maybe even the Senate, listened. Since word that he would be speaking out on this issue reached Capitol Hill, the pace has picked up a bit.

Unfortunately, the final report on this session of Congress is that the Senate did not make progress on the judicial vacancy crisis. In fact, there are many more vacancies in the Federal judiciary today than when the Senate adjourned last year. At the snail's pace that the Senate has proceeded with judicial nominations this year, we are not even keeping up with attrition. When Congress adjourned last year, there were 64 vacancies on the Federal bench. In the last 11 months, another 57 vacancies have occurred. Thus, after the confirmation of 36 judges in 11 months, there has been a net increase of 16 vacancies, an increase of more than one-third in the number of current Federal judicial vacancies.

Judicial vacancies have been increasing, not decreasing, over the course of this year and therein lies the vacancy crisis, which the Chief Justice of the United States Supreme Court has called the rising number of vacancies "the most immediate problem we face in the Federal judiciary."

The Senate still has pending before it 11 nominees who were first nominated during the last Congress, including five who have been pending since 1995. While I am delighted that we are moving more promptly with respect to some of this year's nominees, I remain concerned about the other vacancies and other nominees.

There remains no excuse for the Senate's delay in considering the nominations of such outstanding individuals as Professor William A. Fletcher, Judge James A. Beaty, Jr., Judge Richard A. Paez, M. Margaret McKeown, Susan Oki Mollway, Margaret M. Morrow, Clarence J. Sundram, Ann L. Aiken, Annabelle Rodriguez, Michael D. Schattman and Hilda G. Tagle, all of whom have been pending since the last Congress. All of these nominees have been waiting at least 18 months and some more than 2 years for Senate action.

Most of these outstanding nominees have been waiting all year for a hearing. Professor Fletcher and Ms. Mollway had both been favorably reported last year. Judge Paez had a hearing last year but has been passed over so far this year. Judge Paez, Professor Fletcher, and Ms. McKeown are all nominees for judicial emergency vacancies on the Ninth Circuit, as well.

Next year, I hope that the Committee will proceed without delay to consider these nominations, as well as the nominations of Clarence Sundram and Judge Sonia Sotomayor, who have participated in hearings but are still bottled up in the Judiciary Committee.

We should be moving promptly to fill the vacancies plaguing the Federal courts. Thirty-five confirmations in a year in which we have witnessed 121 vacancies is not fulfilling the Senate's constitutional responsibility.

At the end of Senator HATCH's first year chairing the Committee, 1995, the Senate adjourned having confirmed 58 judicial nominations. In the last year of the Bush Presidency, a Democratic majority in the Senate proceeded to confirm 66 judges.

Unfortunately, this year there has been a concerted campaign of intimidation that threatens the very independence and integrity of our judiciary. We are witnessing an ideological and political attack on the judiciary by some, both outside and within Congress. Earlier this fall the Republican Majority Whip in the House and the Majority Leader in the Senate talked openly

about seeking to "intimidate" the Federal judiciary. It is one thing to criticize the reasoning of an opinion, the result in a case, or to introduce legislation to change the law. It is quite another matter to undercut the separation of powers and the independence that the Founders created to insulate the judiciary from politics. Independent judicial review has been an important check on the political branches of our Federal Government that have served us so well for over 200 years.

I want to commend all those who have spoken out against this extremist and destructive rhetoric.

I also thank my Democratic colleagues for their patience this year. No Democrat has delayed or placed a "hold" on a single judicial nominee for a single day, all year. It is the normal course in the Senate when one Senator sees the recommendations of other Senators of the other party moving through to confirmation while his or her nominees are being held back, to place such a hold. This year we resisted.

I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and to work with us to have the Judiciary Committee and the Senate fulfil its constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges. The mounting backlogs of civil and criminal cases in the dozens of emergency districts, in particular, are growing more critical by the day.

I hope that when we return in January, there will be a realization by those in this body who have started down this destructive path of attacking the judiciary and stalling the confirmation of qualified nominees to the Federal bench that those efforts do not serve the national interest or the American people. I hope that we can once again remove these important matters from partisan and ideological politics.

PRESIDENT'S LINE ITEM VETO OF THE OPEN SEASON FOR CIVIL SERVICE RETIREMENT SYSTEM EMPLOYEES IN THE TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

Mr. STEVENS. Mr. President, last year the Congress enacted, and the President signed into law, the Line Item Veto Act—Public Law 104–130. This act delegated specific authority to the President to cancel in whole any dollar amount of discretionary budget authority identified by Congress, new direct spending, and limited tax benefits. As the chairman of the Governmental Affairs Committee at that time, I was chairman of the conference committee and one of the principal authors of the act. Another principal author was the Senator from New Mexico, my good friend and chairman of the Senate Budget Committee. We are here on the floor today to say that the President exceeded the authority delegated to him when he attempted to use the Line Item Veto Act to cancel section 642 of the Treasury and General Government Appropriations Act of 1998, which is Public Law 105–61.

Section 642 of that law would allow a six month open season for employees currently under the Civil Service Retirement System (CSRS) to switch to the Federal Employee Retirement System (FERS). The last such open season was in 1988.

On October 16 President Clinton sent a special message to Congress in which he claims to have canceled section 642 pursuant to the authority delegated to him by Congress in the Line Item Veto Act. Under the Act the President is permitted to cancel in whole any dollar amount of discretionary budget authority, any item of new direct spending, or any limited tax benefit if the President determines that such cancellation will reduce the Federal budget deficit, not impair any essential government function, and not harm the national interest. A cancellation must be made and Congress must be notified by special message within five calendar days of the date of enactment of the law providing the dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit that was canceled.

The President's special message number 97–56 on the Treasury and General Government Appropriations Act of 1998 states that the President is canceling $854 million in discretionary budget authority provided by section 642. The President arrives at this figure by estimating the dollar amount that employee contributions to the CSRS would be reduced as a result of Federal employees shifting to FERS. Unfortunately for the President, these contributions do not represent a "dollar amount of discretionary budget authority" as defined by the Line Item Veto Act. Therefore those funds could not be canceled pursuant to that Act.

Mr. DOMENICI. I agree with my colleague from Alaska. Congress added the Line Item Veto Act as Part C of title X of the Congressional Budget and Impoundment Control Act of 1974, which is more commonly referred to as the Budget Act. This was done deliberately, so that the cancellation authority provided by the Line Item Veto Act is part of a larger, established system of budgetary tools that Congress imposes on itself or has delegated to the President to control federal spending.

The Line Item Veto Act provides a detailed definition of what represents a "dollar amount of discretionary budget authority." The definition specifically allows the President to cancel the "entire dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included," which appears to be the definition which the President used to justify the cancellation of section 642. However, in doing so it appears that the President's advisors failed to realize that section 642 does not constitute "budget authority" as defined in section 3 of the Budget Act. That definition also applies to Part C of title X of the Budget Act, which as I mentioned is the Line Item Veto Act.

"Budget authority" is defined in the Budget Act as "provisions of law that make funds available for obligation and expenditure * * * borrowing authority * * * contract authority * * * and offsetting receipts and collections * * *." Section 642 does not make any funds specifically available, so it does not meet that definition of budget authority. Nor does it provide authority to borrow money or the authority to obligate funds for future expenditure. This means that in order to qualify as budget authority, the $854 million reduction in CSRS employee contributions the President purported to cancel using the Line Item Veto Act would have to be offsetting receipts.

Unfortunately for the President, his advisors seem to have overlooked that employee contributions to retirement accounts are considered governmental receipts, and not offsetting receipts, so they do not meet the definition of budget authority.

Mr. STEVENS. The senator from New Mexico is making my point exactly. The President's advisors cannot change the definition of budget authority to permit him to reach this provision. As a senior member of the Appropriations Committee I was particularly concerned with the precise nature of the authority delegated to the President, and worked very hard along with my staff to ensure that the definitions were clear and unambiguous. That is the reason for the detailed definition in section 1026 of the Budget Act, as added by the Line Item Veto Act, which incorporates the long established definition of budget authority in section 3 of the Budget Act. Is it the Senator from New Mexico's understanding that prior to the attempted cancellation of section 642 that the President's own documents classified employee contributions to retirement accounts as governmental receipts that are counted as revenue and not offsetting receipts that offset budget authority and outlays?

Mr. DOMENICI. The Senator from Alaska is correct. In the President's Budget for Fiscal Year 1998 there is a proposal to increase employee contributions to both CSRS and FERS. This proposal is shown on page 317 of

the Budget, in Table S–7 that shows the impact of tax relief provisions and other revenue measures, as an increase in governmental receipts. This same proposal is listed under "miscellaneous receipts" in Table 3–4 showing Federal receipts by source on page 59 of the Analytical Perspectives document that accompanied the FY 98 Budget. The fact that section 642 would have resulted in a reduction in employee contributions to CSRS does not alter their treatment under the Budget Act; they are still governmental receipts collected from employees through the government's sovereign powers and not offsetting receipts collected as a result of a business-like or market oriented activity.

Mr. STEVENS. I thank the Senator from New Mexico for that explanation. In closing, I would like to take this opportunity to clarify further how the Line Item Veto Act operates. Section 1021(a)(3)(B) of the Budget Act—the section of the Line Item Veto Act that provides the cancellation authority—makes it clear that the authority is limited to the cancellation of a dollar amount of discretionary budget authority that is provided in the just-signed law before the President. Under the specific terms and definitions provided in the Line Item Veto Act, the President cannot reach a dollar amount of discretionary budget authority provided in some other law that is not the one before the President. The Treasury and General Government Appropriations Act did not provide $854 million in discretionary budget authority for section 642, so that amount could not be rescinded under the terms of the Line Item Veto Act. The $854 million figure came from the President's estimates of the loss of employee contributions to CSRS government-wide. As we have explained above that loss is not budget authority, so it cannot be canceled. But even if it were, the President could not reach dollar amounts of discretionary budget authority government-wide unless the dollar amount of budget authority needed government-wide was provided in the specific appropriations law before him.

As the definition of cancel in section 1026 of the Budget Act clearly states, in the case of a dollar amount of discretionary budget authority the term "cancel" means "rescind"—a term which itself has a long history in congressional-executive branch relations. The recission of budget authority in a specific law does not change the operative effect of a general provision in that specific law with respect to budget authority provided in another law. As the statement of managers accompanying the Line Item Veto Act makes clear, the delegated authority in the Act does not permit the President to strike out or rewrite the law. It merely allows him discretionary authority to close the doors to the Federal Treasury and refuse to spend funds appropriated by Congress in that particular law.

In contrast, the definition of "cancel" with respect to new direct spending, which also results in the expenditure of budget authority, is to prevent the specific provision of law or legal obligation from "having legal force or effect." This distinction recognizes that provisions of law that result in new direct spending may not actually provide budget authority that can be canceled at that time—say for example a provision of law that simply increases the amount an individual will receive at a future date under an existing benefit program provided in a law enacted years before. Such provisions create a legal obligation or right that may be exercised in the future, or which result in a future increase in expenditures from budget authority provided elsewhere. If the President wishes to remove the legal force or effect of a specific provision of law that applies to budget authority provided in a law other than the appropriations law the provision is in, then he may only do so if that provision is new direct spending under the Line Item Veto Act.

Section 642 is not an "item of new direct spending" as defined in section 1026 of the Budget Act because it results in savings to the government when compared to the present budget baseline. As explained above, the President's wish to the contrary notwithstanding, it does not result in a dollar amount of discretionary budget authority. Thus, the President has exceeded his delegated authority by violating the terms of the statute, and I would urge the Justice Department to concede that the cancellation of section 642 was outside the authority provided by the statute.

Mr. DOMENICI. I concur in the Senator's analysis and recommendation. The Line Item Veto Act is a carefully crafted delegation of authority. The President undermines that delegation when he attempts to reach outside the clear limits of that Act.

Mr. STEVENS. I thank the Senator from New Mexico for joining me in this colloquy, and I yield the floor.

STATUS OF OCEAN SHIPPING REFORM AND OECD SHIPBUILDING AGREEMENT LEGISLATION

Mr. LOTT. Mr. President, I rise today to address the status of the Ocean Shipping bill and the implementation of the OECD Shipbuilding Agreement in the Senate. These are very important bills which are badly needed to reform America's maritime industry.

A number of my Senate colleagues joined me in working very hard this year, in a bipartisan way, to get these two bills done. The legislation and amendments reflected a balance among the concerns of all affected parties. However, I must report that a few Senators have held up each bill. This minority of Senators wants more than most of us believe is do-able. Given the waning hours of this session, the Senate will not be able to consider and pass either of these bills this year. I am deeply disappointed.

Mr. President, maritime issues are very important to me. I grew up in the port town of Pascagoula. I still live there. My father worked in the shipyard. I have spent my entire adult life working on maritime issues. So I am very concerned by the Senate's inaction on these two pieces of legislation.

The Ocean Shipping Act is D.I.W.—"dead in the water", at least for this year. The incremental Shipping Act reforms have been stopped because some want to inject new issues into the legislation. Issues that should be resolved at the labor-management negotiating table. Issues not directly related to making America's container ships more competitive in the international marketplace.

Mr. President, the bill's sponsors have made it clear on several occasions that we are not trying to undo or inject the Senate into the collective-bargaining process for port labor agreements. These concerns can and should be addressed in a fair and even-handed manner at the bargaining table.

Despite my efforts to work through this issue this past weekend, some Senators on the other side of the aisle have chosen to stop the Ocean Shipping Reform bill.

Mr. President, the Ocean Shipping Reform bill is necessary.

Mr. President, the Ocean Shipping Reform bill helps U.S. exporters in every State of this nation compete with their foreign competitors.

Without Ocean Shipping Reform, the Senate keeps 50 states D.I.W. for a small organized group.

Mr. President, the Ocean Shipping Reform bill helps America's container ships and exporters.

When we take up this bill early next year, each Senator will be asked to choose between helping the thousands of workers in his or her State or harming them.

Mr. President, the second piece of important maritime legislation I would like to see passed is the implementation of the OECD Shipbuilding Agreement, signed nearly 3 years ago. This legislation, I am disappointed to report, is also D.I.W.

Senators on two committees worked very hard this session, in a bipartisan manner, to address the legitimate concerns of our nation's largest shipyards. U.S. participation in this agreement is essential, but it must be based on the firm understanding that the Jones Act and national security requirements regarding vessel construction will not be restricted by other countries. What America desires is a level playing field,

without compromising our national security interests.

I believe that S. 1216, with the Lott-Breaux amendment, addresses these principles in a good faith effort to resolve the issues identified by Representative BATEMAN. I would not support any legislation that didn't respect these principles.

Let me be clear. I am a Jones Act supporter, period. And I believe the amendment protects the integrity of the Jones Act.

But once again, a few Senators have stopped this vital legislation in mid-ocean. Another D.I.W. bill.

This minority of Senators wants to include additional exceptions to the OECD Agreement's limitations on commercial vessel construction subsidies and credits. I am concerned that this attempt will scuttle the entire Agreement. This is counter-productive. This would force U.S. shipbuilders back into a subsidy race that the U.S. cannot afford to win. This small minority of Senators are not just stopping this legislation in mid-ocean, but scuttling it—sinking it. And I believe that, no matter how well-meaning they may be, they will eventually jeopardize the very U.S. commercial shipbuilding industry they are trying to protect. Our commercial shipbuilding industry needs a worldwide, level playing field. We need it now.

Mr. President, it is time for these few Senators to set aside narrow regional and partisan interests and take up an oar and start rowing with the rest of the Senate. The Senate needs to get the Ocean Shipping and OECD bills moving. I intend to put these bills to a Senate vote early next year.

In the meantime, the Senate has left two vital pieces of maritime legislation stranded in the middle of the ocean, for a long winter. D.I.W. Dead in the water. This is not good for America's maritime world. This is not good for America.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on November 13, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that House had passed the following bills, each without amendment:

S. 1378. An act to extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes.

S. 1507. An act to amend the National Defense Authorization Act for Fiscal Year 1998 to make certain technical corrections.

S. 1519. An act to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

The message also announced that the House has agreed to the following concurrent resolutions, each without amendment.

S. Con. Res. 61. Concurrent resolution authorizing printing of a revised edition of the publication entitled "Our Flag."

S. Con. Res. 62. Concurrent resolution authorizing of the brochure entitled "How Our Laws Are Made."

S. Con. Res. 63. Concurrent resolution authorizing printing of the pamphlet entitled "The Constitution of the United States of America."

The message further announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. An act to make technical corrections to title 11, United States Code, and for other purposes.

H.R. 2440. An act to make technical amendments to section 10 of title 9, United States Code.

H.R. 2709. An act to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

H.R. 2979. An act to authorize acquisition of certain real property for the Library of Congress, and for other purposes.

H.J. Res. 95. Joint resolution granting the consent of Congress to the Chickasaw Trail Economic Development Compact.

H.J. Res. 96. Joint resolution granting the consent and approval of Congress for the States of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Transit Regulation Compact.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate.

S. 1079. An act to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 669. An act to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

S. 714. An act to amend title 38, United States Code, to revise, extend, and improve programs for veterans.

S. 923. An act to amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes.

S. 1231. An act to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

S. 1258. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

S. 1347. An act to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city.

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code.

H.R. 1090. An act to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakeable error.

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

H.R. 2366. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

H.R. 2813. An act to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict.

H.J. Res. 91. Joint resolution granting the consent of Congress to the Apalachicola-Chattahooche-Flint River Basin Compact.

H.J. Res. 92. Joint resolution granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.

The enrolled bills and joint resolution were signed subseqently by the President pro tempore [Mr. THURMOND].

MESSAGES FROM THE HOUSE

At 12:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate of the bill (H.R. 867) to promote the adoption of children in foster care, with an amendment, in which it requests the concurrence of the Senate.

At 3:05 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the bills, each without amendment:

S. 1228. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1354. An act to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

S. 1417. An act to provide for the design, construction, furnishing and equipping of a

Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.

S. 1505. An act to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3025. An act to amend the Federal charter for Group Hospitalization and Medical Services, Inc., and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 1658) to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 731. An act to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate numbered 1–60, 62, and 63 to the bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 364, and 18–R before the Indian Claims Commission; and that the House disagrees to the amendment of the Senate numbered 61 to the said bill.

At 3:54 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 130. Concurrent resolution concerning the situation in Kenya.

H. Con. Res. 172. Concurrent resolution expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 476. An act to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

At 6:25 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 196. Concurrent resolution to correct the enrollment of the bill S. 830.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2796. An act to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning on October 1, 1996, and ending on May 31, 1997.

H.R. 3034. An act to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspectional personnel in connection with the arrival of passengers in Florida, and for other purposes.

H.R. 3037. An act to clarify that unmarried children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 738. An act to reform the status relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 562) to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 112. An act to provide for the conveyance of certain property from the United States to Stanislaus County, California; to the Committee on Commerce, Science, and Transportation.

H.R. 404. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property needed for use for a law enforcement or fire and rescue purpose; to the Committee on Governmental Affairs.

H.R. 434. An act to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico; to the Committee on Energy and Natural Resources.

H.R. 764. An act to make technical corrections to title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

H.R. 849. An act to prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Environment and Public Works.

H.R. 1129. An act to establish a program to provide assistance for programs of credit and other assistance for microenterprises in developing countries, and other purposes; to the Committee on Foreign Relations.

H.R. 1502. An act to designate the United States Courthouse located at 301 West Main Street in Benton, Illinois, as the "James L. Foreman United States Courthouse"; to the Committee on Governmental Affairs.

H.R. 1534. An act to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, security by the United States Constitution, have been deprived by final actions for Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; to the Committee on the Judiciary.

H.R. 1805. An act to amend the Auburn Indian Restoration Act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and for other purposes; to the Committee on Indian Affairs.

H.R. 1839. An act to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicle; to the Committee on Commerce, Science, and Transportation.

H.R. 2232. An act to provide for increased international broadcasting activities to China; to the Committee on Foreign Relations.

H.R. 2402. An act to make technical and clarifying amendments to improve the management of water-related facilities in the Western United States; to the Committee on Energy and Natural Resources.

H.R. 2440. An act to make technical amendments to section 10 of title 9, United States Code; to the Committee on the Judiciary.

H.R. 2464. An act to amend the Immigration and Nationality Act to exempt internationally adopted children 10 years of age or younger from the immunization requirement in section 212(a)(1)(A)(ii) of such Act; to the Committee on the Judiciary.

H.R. 2534. An act to reform, extend, and repeal certain agricultural research, extension, and education programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3037. An act to clarify that unmarried children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program; to the Committee on Foreign Relations.

H.R. 2535. An act to amend the Higher Education Act of 1965 to allow the consolidation of student loans under the Federal Family Loan Program and Direct Loan Progam; to the Committee on Labor and Human Resources.

H.R. 2616. An act to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools; to the Committee on Labor and Human Resources.

H.R. 2920. An act to amend the Illegal Immigration Reform and Immigration Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system; to the Committee on the Judiciary.

The following measures were read and referred as indicated:

H. Con. Res. 130. Concurrent Resolution concerning the situation in Kenya; to the Committee on Foreign Relations.

H. Con. Res. 139. Concurrent Resolution expressing the sense of Congress that the United States Government should fully participate in EXPO 2000 in the year 2000, in Hannover, Germany, and should encourage

the academic community and the private sector in the United States to support this worthwhile undertaking; to the Committee on Foreign Relations.

H. Con. Res. 172. Concurrent Resolution expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia, and for other purposes; to the Committee on Foreign Relations.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 2709. An act to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

ENROLLED BILLS PRESENTED

The Secretary of the State reported that on November 13, 1997 he had presented to the President of the United States, the following enrolled bills:

S. 699. An act to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

S. 714. An act to amend title 38, United States Code, to revise, extend, and improve programs for veterans.

S. 923. An act to amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes.

S. 1231. An act to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

S. 1258. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

S. 1347. An act to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city.

REPORTS OF COMMITTEE

The following reports of committee were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998" (Rept. 105–155).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 569: A bill to amend the Indian child Welfare Act of 1978, and for other purposes (Rept. No. 105–156).

By Mr. SPECTER, from the Committee on Veterans Affairs, without amendment:

S. 464: A bill to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error (Rept. No. 105–157).

S. 999: A bill to specify the frequency of screening mammograms provided to women veterans by the Department of Veterans Affairs (Rept. No. 105–158).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1172: A bill for the relief of Sylvester Flis.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

William J. Lynn, III, of the District of Columbia, to be Under Secretary of Defense (Comptroller).

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Henry G. Ulrich, III, xx...

(The above nomination was reported with the recommendation that he be confirmed.)

By Mr. HATCH, from the Committee on the Judiciary:

Barry G. Silverman, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

Carlos R. Moreno, of California, to be United States District Judge for the Central District of California.

Richard W. Story, of Georgia, to be United States District Judge for the Northern District of Georgia.

Christine O.C. Miller, of the District of Columbia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years. (Reappointment)

Robert S. Warshaw, of New York, to be Associate Director for National Drug Control Policy.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 1526. A bill to authorize an exchange of land between the Secretary of Agriculture and Secretary of the Interior and the Big Sky Lumber Company; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 1527. A bill to encourage and to assist in the permanent settlement of all litigation and other claims to the waters of the Walker River Basin and to conserve and stabilize the water quantity and quality for fish habitat and recreation in the Walker River Basin, consistent with the Walker River Decree issued by the United States District Court for the District of Nevada; to the Committee on Energy and Natural Resources.

By Mr. ROBB:

S. 1528. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide for the equitable waiver of certain limitations on the election of survivor reductions of Federal annuities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. WYDEN, Mrs. FEINSTEIN, and Mr. TORRICELLI):

S. 1529. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1530. A bill to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans; read the first time.

By Ms. SNOWE:

S. 1531. A bill to deauthorize certain portions of the project for navigation, Bass Harbor, Maine; to the Committee on Environment and Public Works.

S. 1532. A bill to amend the Water Resources Development Act of 1996 to deauthorize the remainder of the project at East Boothbay Harbor, Maine; to the Committee on Environment and Public Works.

By Mr. BREAUX (for himself and Mr. COCHRAN):

S. 1533. A bill to amend the Migratory Bird Treaty Act to clarify restrictions under that Act of baiting, and for other purposes; to the Committee on Environment and Public Works.

By Mr. TORRICELLI:

S. 1534. A bill to amend the Higher Education Act of 1965 to delay the commencement of the student loan repayment period for certain students called to active duty in the Armed Forces; to the Committee on Labor and Human Resources.

By Mr. SANTORUM (for himself, Mr. LAUTENBERG, Mr. DEWINE, Mr. CHAFEE, Mr. COATS, Mr. GREGG, Mr. FEINGOLD, and Mr. SPECTER):

S. 1535. A bill to provide marketing quotas and a market transition program for the 1997 through 2001 crops of quota and additional peanuts, to terminate marketing quotas for the 2002 and subsequent crops of peanuts, and to make nonrecourse loans available to peanut producers for the 2002 and subsequent crops of peanuts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TORRICELLI (for himself and Ms. SNOWE):

S. 1536. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis and to help women make informed choices about their reproductive and post-menopausal health care, and to otherwise provide for research and information concerning osteoporosis and other related bone diseases; to the Committee on Labor and Human Resources.

By Mr. CHAFEE:

S. 1537. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 2-{{1-{{(2,3-dihydro-2-oxo-1H-benzimidozal-5-yl) amino}; to the Committee on Finance.

By Mr. SANTORUM:

S. 1538. A bill to amend the Honey Research, Promotion, and Consumer Information Act to improve the honey research, promotion, and consumer information program,

and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE:

S. 1539. A bill to suspend until December 31, 2002, the duty on N-{4-(Aminocarbonyl)phenyl}4-{{(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)amino) carbonyl}-2-oxopropyl}azo}benzamide; to the Committee on Finance.

S. 1540. A bill to suspend until December 21, 2002, the duty on Butanamide, N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-2-{{-(trifluoro-methyl)phenyl}azo}-; to the Committee on Finance.

S. 1541. A bill to suspend until December 31, 2002, the duty on 1,4 - Benzenedicarboxylic acid, 2 - {{1 - {{(2,3-dihydro - 2-oxo-1H-benzimidazol-5 - yl)amino carbonyl}-2-oxopropyl}azo}-,dimethyl ester; to the Committee on Finance.

S. 1542. A bill to suspend until December 31, 2002, the duty on Butanamide, 2,2′-{1-2,-ethanediylbis(oxy - 2,1-phenyleneazo) }bis{N-(2,3 - dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-; to the Committee on Finance.

S. 1543. A bill to suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-chloro-2-{{5-hydroxy-3-methyl-1-(3 - sulfophenyl) - 1H-pyrazol-4-yl}az0}-5-methyl-.calcium salt (1:1); to the Committee on Finance.

S. 1544. A bill to suspend until December 31, 2002, the duty on 4 - {{5- {{{4-(Aminocarbonyl)phenyl} amino}carbonyl} -2-methoxyphenyl}azo} - N - (5- chloro-2, 4-dimethozyphenyl) - 3-hydroxynaphthalene-2-carboxamide; to the Committee on Finance.

S. 1545. A bill to suspend until December 31, 2002, the duty on Benzenesulfonic acid,4 - {{3-{{2-hydroxy - 3 - {{4 - methoxyphenyl)amino}carbonyl} - 1 - naphtha-lenyl}azo}-4- methylbenzoyl}amino} -, calcium salt (2:1); to the Committee on Finance.

S. 1546. A bill to suspend until December 31, 2002, the duty on Butanamide, 2,2′ - {3,3′-dichloro{1,1′ - biphenyl}-4,4′ - diyl)bis(azo)}bis{N - (2,3-dihydro - 2-oxo-1H-benzimidazol-5yl)-3-oxo; to the Committee on Finance.

S. 1547. A bill to suspend until December 31, 2002, the duty on Butanamide, N,N′-(3,3′dimethyl{1,1′-byphenyl}-4,4′-diyl)bis{2,4-dichlorophenyl) azo}-3-oxo-; to the Committee on Finance.

S. 1548. A bill to suspend until December 31, 2002, the duty on N-(2,3- Dihydro-2-oxo-1H-benzimidazol-5-yl)-5-methyl-4-{(methylamino) sulphonyl} phenyl}azo}naphthalene-2-carboxaminde; to the Committee on Finance.

S. 1549. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 2-{{3-{{(2,3-dihydro-2-oxo-1H-1H-benzimidazol-5-yl) amino}carbonyl}-2-hydroxyl-1-naphthalenyl}azo}-, butyl ester; to the Committee on Finance.

S. 1550. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 4-{{(2,5-dichlorophenyl)amino}carbonyl}-2-{{2-hydroxy - 3-{{(2 - methoxyphenyl) amino}carbonyl}-1-naphthalenyl}-,methyl ester; to the Committee on Finance.

By Mr. TORRICELLI:

S. 1551. A bill for the relief of Kerantha Poole-Christian; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 1552. A bill to provide for the conveyance of an unused Air Force housing facility in La Junta, Colorado, to the City of La Junta; to the Committee on Armed Services.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1553. A bill to amend the Marine Protection, Research, and Santuaries Act of 1972 with respect to the dumping of dredged material in Long Island Sound, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself and Mr. LIEBERMAN):

S. 1554. A bill to provide for relief from excessive punitive damage awards in cases involving primarily financial loss by establishing rules for proportionality between the amount of punitive damages and the amount of economic loss; to the Committee on the Judiciary.

By Mr. FAIRCLOTH:

S. 1555. A bill to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 1556. A bill to improve child nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TORRICELLI (for himself, Mr. AKAKA, Mr. KERRY, and Mrs. FEINSTEIN):

S. 1557. A bill to end the use of steel jaw leghold traps on animals in the United States; to the Committee on Environment and Public Works.

By Mr. D'AMATO:

S. 1558. A bill to amend the Harmonized Tariff Schedule of the United States with respect to shadow mask steel; to the Committee on Finance.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1559. A bill to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University; considered and passed.

By Mr. FAIRCLOTH:

S. 1560. A bill to require the Federal banking agencies to make certain certifications to Congress regarding new accounting standards for derivatives before they become effective; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER:

S. 1561. A bill to reform the conduct of Federal elections; to the Committee on Rules and Administration.

By Mr. BAUCUS:

S. 1562. A bill to authorize an exchange of land between the Secretary of Agriculture and Secretary of the Interior and Big Sky Lumber Co; to the Committee on Energy and Natural Resources.

By Mr. SMITH of Oregon (for himself, Mr. CRAIG, Mr. GORTON, Mr. ROBERTS, and Mr. GRAMS):

S. 1563. A bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 1564. A bill to provide redress for inadequate restitution of assets siezed by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes; considered and passed.

By Mr. ABRAHAM:

S. 1565. A bill to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act; considered and passed.

By Mr. THURMOND:

S. 1566. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to protect the voting rights of military personnel, and for other purposes; considered and passed.

By Mr. BREAUX:

S. 1567. A bill to suspend until January 1, 2001, the duty on 2,6- Dimethyl-m-Dioxan-4-ol Acetate; to the Committee on Finance.

By Mr. BIDEN:

S. 1568. A bill to provide for the rescheduling of flunitrazepam into schedule I of the Controlled Substances Act, and for other purposes; to the Committee on the Judiciary.

By Mr. LOTT:

S.J. Res. 39. A joint resolution to provide for the convening of the second session of the One Hundred Fifth Congress; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 156. A resolution authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments after the sine die adjournment of the present session; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 157. A resolution tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

S. Res. 158. A resolution tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 159. A resolution to commend the exemplary leadership of the Democratic Leader; considered and agreed to.

By Mr. DASCHLE:

S. Res. 160. A resolution to commend the exemplary leadership of the Majority Leader; considered and agreed to.

By Mr. LOTT:

S. Res. 161. A resolution to amend Senate Resolution 48; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 162. A resolution to authorize testimony and representation of Senate employees in *United States* v. *Blackley;* considered and agreed to.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. WELLSTONE, Mr. LEVIN, Mr. DODD, Mr. TORRICELLI, Mr. REED, Mr. DURBIN, Ms. MIKULSKI, and Mr. KENNEDY):

S. Res. 163. A resolution expressing the sense of the Senate on the 100th anniversary of the birth of Dorothy Day and designating the week of November 8, 1997, through November 14, 1997, as "National Week of Recognition for Dorothy Day and Those Whom She Served"; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 68. A concurrent resolution to adjourn sine die the first session of the One Hundred Fifth Congress; considered and agreed to.

By Mr. JEFFORDS:

S. Con. Res. 69. A concurrent resolution to correct the enrollment of the bill S. 830; considered and agreed to.

By Mr. D'AMATO:

S. Con. Res. 70. A concurrent resolution to correct a technical error in the enrollment of the bill S. 1026; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 1526. A bill to authorize an exchange of land between the Secretary of Agriculture and Secretary of the Interior and the Big Sky Lumber Co.; to the Committee on Energy and Natural Resources.

THE GALLATIN LAND CONSOLIDATION ACT OF 1997

Mr. BURNS. Madam President, I am introducing draft legislation to complete the third phase of the Gallatin Land Consolidation Act. As Congress winds down to the final hours of this session it has become increasingly important to show Montanans that we are committed to completing this act.

In Montana there are many folks who have small problems with the details of the proposed agreement between Big Sky Lumber and the U.S. Forest Service. Also at stake are the exceptional natural resources of the Taylors Fork lands. These lands are privately owned and face an uncertain future. By showing the private landowners that Congress is, in fact, committed to completing this exchange, the environmental value of Taylors Fork will be preserved.

Taylors Fork is a migration corridor for wildlife which leave Yellowstone National Park for winter range in Montana. With legislation I am committed to preserving Taylors Fork as close to a natural state as possible.

I am confident that by working together, the Montana congressional delegation will be able to resolve the outstanding land use issues in the Bridger-Bangtail area. I also believe we can resolve the concerns of the timber small business set-aside.

This bill is a placeholder. There are many details that need to be included. The deadline for ensuring the Taylors Fork lands remain included in the agreement is December 31 of this year. My intent with this bill is to satisfy the deadline to preserve our option on Taylors Fork and to provide a forum for Montanans to begin to comment on the details of the package. I look forward to moving ahead with Senator BAUCUS and Congressman HILL and completing the original act of 1993 in the next session of Congress.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. WYDEN, Mrs. FEINSTEIN, and Mr. TORRICELLI):

S. 1529. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

THE HATE CRIMES PREVENTION ACT OF 1998

Mr. KENNEDY. Mr. President, it is a privilege to join Senator SPECTER and Senator WYDEN in introducing the Hate Crimes Prevention Act of 1998. Last Monday, President Clinton convened a historic White House Conference on Hate Crimes. This conference brought together community leaders, law enforcement officials, religious and academic leaders, parents, and victims for a national dialogue on how to reduce hate violence in our society.

I commend President Clinton for his leadership on this important issue. Few crimes tear at the fabric of society more than hate crimes. They injure the immediate victims, but they also injure the entire community—and sometimes the entire nation. So it is entirely appropriate to use the full power of the federal government to punish them.

This bill is the product of careful consultation with the Department of Justice, constitutional scholars, law enforcement officials, and many organizations with a long and distinguished history of involvement in combating hate crimes, including the Anti-Defamation League, the National Organization of Women Legal Defense Fund, the Human Rights Campaign, the National Coalition Against Domestic Violence, and the American Psychological Association. President Clinton strongly supports the bill, and we look forward to working closely with the administration to ensure its passage.

Hate crimes are on the rise throughout America. The Federal Bureau of Investigation documented 8,000 hate crimes in 1995, a 33-percent increase over 1994. The 8,000 documented hate crimes actually understate the true number of hate crimes, because reporting is voluntary and not all law enforcement agencies report such crimes.

The National Asian Pacific American Legal Consortium recently released its 1997 Audit of anti-Asian violence. Their report documented a 17-percent increase in hate crimes against Asian-Americans. The National Gay and Lesbian Task Force documented a 6-percent increase in hate violence against gay, lesbian, and bisexual citizens in 1996. Eighty-two percent of hate crimes based on religion in 1995 were anti-Semitic.

Gender motivated violence occurs at alarming rates. The Leadership Conference on Civil Rights recently issued a report on hate crimes which correctly noted that "society is beginning to realize that many assaults against women are not 'random' acts of violence but are actually bias-related crimes."

The rising incidence of hate crimes is simply intolerable. Yet, our current Federal laws are inadequate to deal with this violent bigotry. The Justice Department is forced to fight the battle against hate crimes with one hand tied behind its back.

There are two principal gaps in existing law that prevent federal prosecutors from adequately responding to hate crimes. First, the principal federal hate crimes law, 18 United States Code 245, contains anachronistic and onerous jurisdictional requirements that frequently make it impossible for federal officials to prosecute flagrant acts of racial or religious violence. Second, federal hate crimes law do not cover gay bashing, gender-motivated violence, or hate crimes against the disabled.

Our bill closes these gaps in existing law, and gives prosecutors the tools they need to fight bigots who seek to divide the nation through violence. Our bill expands the federal government's ability to punish racial violence by removing the unnecessary jurisdictional requirements from existing law. In addition, the bill gives federal prosecutors new authority to prosecute violence against women, against the disabled, and against gays and lesbians.

The bill also provides additional resources to hire the necessary law enforcement personnel to assist in the investigation and prosecution of hate crimes. The bill also provides additional resources for programs specifically targeted at preventing hate crimes.

Finally, the bill addresses the growing problem of adults who recruit juveniles to committee hate crimes. In Montgomery County, Tennessee, a white supremacist founded a hate group known as the "Aryan Faction," and recruited new members by going into local high schools. The group then embarded on a violent spree of firebombings and arsons before being apprehended. Hate crimes disproportionately involve juveniles, and the bill directs the Sentencing Commission to study this problem and determine appropriate additional sentencing enhancements for adults who recruit juveniles to commit hate crimes.

The structure of this bill is modeled after the Church Arson Prevention Act, the bipartisan bill enacted by the Senate unanimously last year in response to the epidemic of church arson crimes. Combating hate crimes has always been a bipartisan issue in the Senate. The Hate Crimes Statistics Act has overwhelming bipartisan support, and it was extended last year by a unanimous vote. The Hate Crimes Sentencing Enhancement Act was enacted in 1994 by a 92–4 vote in the Senate.

The bill we are introducing today is the next step in our bipartisan effort to combat hate violence. This bill is an essential part of the battle against bigotry, and I urge the Senate to give high priority when Congress returns to session in January.

Mr. WYDEN. Mr. President, I am pleased to join my colleagues, Senators KENNEDY and SPECTER, in introducing a bill that will make it clear that this country will no more tolerate violence directed at gays, women, or people

with disabilities. This legislation will end the bizarre double standard which says that hate crimes motivated by one sort of prejudice are a Federal crime, while those motivated by other biases are not. It will assure that every American who becomes a victim of a hate crime has equal standing under Federal law, because hatred and violence are always wrong.

This bipartisan bill is based on a common conviction that this country still has work to do in rooting out hatred, prejudice and the violence they generate. Hate crimes—the threat or use of force to injure, intimidate or interfere with another person solely because of the person's race, color, religion or national origin—cannot be tolerated in our society. That point has already been enshrined in law and passage of the Hate Crimes Statistics Reporting Act in 1990, followed by the Hate Crimes Penalty Enhancement Act in 1993 and the 1996 resolution condemning church burnings.

Our bill simply seeks to offer the same protection to victims of gay bashing, woman beating and crimes against people with disabilities that has already been offered to victims of bias crimes based on racial and ethnic discrimination.

Today, the perpetrator who hurls a brick at someone because he is Asian-American can be prosecuted under Federal law. The one who attacks gay men to "teach them a lesson" cannot. The perpetrator who burns a black church or defaces a synagogue can be prosecuted under Federal law. The one who targets people in wheelchairs or blind people cannot. This legislation would erase that double standard from the books. Hate crimes are all the same, and they are never acceptable.

I urge my colleagues to join us in moving forward with this important legislation when we return here next year.

By Mr. HATCH:

S. 1530. A bill to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans; read the first time.

THE PLACING RESTRAINTS ON TOBACCO'S ENDANGERMENT OF CHILDREN AND TEENS ACT

Mr. HATCH. Mr. President, perhaps the most important legacy this Congress can leave for future generations is implementation of a strong plan to curb tobacco use, and especially its use by children and teens.

Quite simply, something needs to be done to get tobacco out of the hands of children—or perhaps more accurately, out of the lungs and mouths of children.

TEENS AND TOBACCO USE

The numbers of children who smoke cigarettes and use other tobacco products such as snuff and chewing tobacco are truly alarming. And these numbers are on the rise.

According to the Centers for Disease Control and Prevention, most youths who take up tobacco products begin between the ages of 13 and 15. It is astounding that up to 70% of children have tried smoking by age 16.

Again according to the CDC, nearly 6,000 kids a day try their first cigarette, and 3,000 of them will continue to smoke. One-thousand of them will die from smoking.

At the Judiciary Committee's October 29 hearing, Dr. Frank Chaloupa, a renowned researcher who has spent the last decade studying the effect of prices and policies on tobacco use, told us that "there is an alarming upward trend in youth cigarette smoking over the past several years. Between 1993 and 1996, for example, the number of high school seniors who smoke grew by 14%, the number of 10th grade smokers rose by 23%, and the number of eighth grade smokers increased 26%."

During the time between the issuance of the first Surgeon General's report in 1964 and 1990, the number of kids smoking was on the decline. Unfortunately, at that time, the number of children who try tobacco products started to rise.

Nearly all first use of tobacco occurs before high school graduation, which suggests to me that if that first use can be prevented, perhaps we can wean future generations off these harmful tobacco products.

We also know that adolescents with lower levels of school achievement, those with friends who use tobacco, and children with lower self-images are more likely to use tobacco. Experts have found no proven correlation between socio-economic status and smoking.

An element that is compelling to me as Chairman of the Judiciary Committee is the fact that tobacco use is associated with alcohol and illicit drug use and is generally the first substance used by young people who enter a sequence of drug use.

Public health experts have found a number of factors associated with youth smoking. Among them are: the availability of cigarettes; the widespread perception that tobacco use is the norm; peer and sibling attitudes; and lack of parental support.

Unfortunately, what many young people fail to appreciate is that cigarette smoking at an early age causes significant health problems during childhood and adolescence, and increased risk factors for adult health problems as well.

Smoking reduces the rate of lung growth and maximum lung functioning. Young smokers are less likely to be fit. In fact, the more and the longer they smoke, the less healthy they are. Adolescent smokers are more likely to have overall diminished health, not to mention shortness of breath, coughing and wheezing.

THE HEALTH EFFECTS OF SMOKING

We all know that tobacco is unhealthy. Just how unhealthy is hard to imagine.

According to a 1988 Surgeon General's report, the nicotine in tobacco is as addictive as heroin or cocaine.

Cigarette smoking is the leading cause of premature death and disease in the United States.

Each year, smoking kills more Americans than alcohol, heroin, crack, automobile and airplane accidents, homicides, suicides, and AIDS—combined. Cigarettes also have a huge impact on fire fatalities in the United States. In 1992, cigarettes were responsible for almost 23% of all residential fires, resulting in over 1,000 deaths and over 3,200 injuries.

And, Mr. President, too many Americans smoke.

According to the CDC, one-quarter of the adult population—almost 50 million persons—regularly smoke cigarettes.

In my home state of Utah, there are 30,000 youth smokers, grades 7–12, and 163,000 adult smokers. The Utah Department of Health has found that over 90% of current adult Utah smokers began smoking before age 18; 60% started before age 16. And I would note that it is not legal to smoke in Utah until age 19.

And, so, it has been established that tobacco products are harmful, that children continue to use them despite that fact, and that cigarettes can provide the gateway through which our youth pass to even more harmful behaviors such as illicit drugs.

CURBING TOBACCO USE

How can we reverse these trends? Many in the Congress have heeded the public health community's advice that increases in the price of tobacco products are the most important way that youth tobacco use can be curbed.

According to testimony that Dr. Chaloupa presented to us, for each 10% increase in price, there is corresponding overall reduction in youth cigarette consumption of about 13%. For adult smoking, Dr. Chaloupa has found, a 10% price increase only corresponds to a 4% decrease in smoking.

As Dr. Chaloupa relates, there are several factors which cause teenagers to be more responsive to cigarette prices, including: their lack of disposable income; the effect of peer pressure; the tendency of youth to deny the future; and the addictive nature of tobacco products.

The important thing about a price increase is not that it keep smokers from buying cigarettes, it is that it can help keep people from starting to smoke. If

we can keep a teen from smoking, we may very well be keeping an adult from smoking. The important thing to keep in mind is that there is an exponential increase in risk based on when you start smoking. The earlier you start, the worse it is for your health.

Kids who smoke start out smoking less and then build up. After a few years, they are pack a day smokers. The national average for smokers is 19 cigarettes a day, one fewer than a pack.

Much has been debated about the effect of advertising on teen smoking. The plain fact is that kids prefer to smoke the most advertised brands. One study indicates that 85% of kids smoke the top three advertised brands, whereas only about a third of adults smoke those brands.

We also know that children are three times more affected by advertising expenditures than adults (in terms of brand preference). Research is unclear on the effect of advertising in terms of getting kids to start smoking. Movies, TV and peer pressure seem to be key factors, but kids deny that.

These facts lead me to conclude that it is in the national interest for us to undertake a campaign which will discourage the advertising of tobacco products to children and youth. In so doing, however, we must be mindful of the Constitution's First Amendment freedom of speech protections.

In fact, we also need to take advantage of the power that media hold over youth, and undertake counter-advertising on tobacco products. Public health experts advise me that there is good evidence that counter-advertising has a measurable and positive effect on teen smoking. However, the U.S. has never had a national counter-advertising campaign.

Restrictions on youth access are also an important part of the no-teen-smoking equation. While there is not a solid body of knowledge on this issue, it is important to note that Florida has an aggressive policy on enforcement of laws against youth smoking, and they now have a success rate of 10% for youths who try to buy tobacco products illegally vs. a 50% national average.

An equally important factor is the influence of the family in developing an atmosphere in which kids don't want to smoke. That is something we will never be able to legislate, any more than we can legislate against teen pregnancy. However, we can help families develop the skills and have the information they need to create as favorable a no-tobacco climate as possible in the home.

For example, we know that the more directed information kids receive, the less likely they are to smoke. We also know that kids are very attuned to hypocritical messages. For example, if a school has a no-smoking policy, but the teachers smoke, that can have a very detrimental effect.

WORK BY THE STATE ATTORNEYS GENERAL

Against that backdrop, a very courageous cadre of State Attorneys General began filing suits against the tobacco industry. Most of these suits, but not all, were based on the fact that the States' Medicaid costs were rising dramatically because of the costs of treating unhealthy smokers.

Subsequent to those suits, negotiations began with the tobacco industry, the AGs, a representative from the public health community, and the litigants from a large class-action tobacco suit, the Castano suit.

As some of my colleagues may be aware, Mrs. Castano is the lead plaintiff in the first class action lawsuit filed against the tobacco company in March 1994. She has testified before our Committee in favor of the proposed settlement and has presented a very compelling story.

Quite simply, Mrs. Castano related to us that her goal is to raise the public awareness about the power of nicotine. She told the Committee she believes that if the proposed agreement's health provisions were enacted, it would have prevented her husband's death. Peter Castano began smoking at 14, attempted to quit numerous times, and died of lung cancer at the age of 47 after smoking 33 years.

Mrs. Castano's legal team organized 64 law firms with individual pending cases and combined them into a large class eventually representing 60% of smokers, and this large class was had a place at the negotiation table.

Many of us watched the progress of those negotiations as we would watch a cliff-hanger sports event. We wanted a victory, but we couldn't believe our team could come from behind and win.

On June 20, those Attorneys General, led by Mississippi General Mike Moore, who had brought the first suit, made a dramatic announcement that a settlement had been reached. Six days later, the Senate Judiciary Committee held the first of the 16 congressional hearings that have been held thus far, during which we heard testimony from the tobacco industry, the State Attorneys General, and the public health community.

The settlement, which was ratified by the five major tobacco companies and which must have many of its provisions approved by Congress through implementing legislation, offers our Nation a once-in-a-generation opportunity to reduce teen smoking and to undertake a major anti-tobacco, anti-addiction initiative never before thought possible.

At this point, it would be useful to give a brief summary of the proposal which has been submitted to the Congress.

As proposed by the 40 State Attorneys General on June 20, 1997, this global tobacco settlement would require participating tobacco companies to pay $368.5 billion (not including attorneys' fees) over a 25-year period, the major of which will go to fund a major new national anti-tobacco initiative. Part of the money would also be used to establish an industry fund that would be used to pay damage claims and treatment and health costs to smokers.

During negotiations on the June 20 proposal, parties agreed there would be significant new restrictions on tobacco advertising. It would be banned outright on billboards, in store promotions and displays, and over the Internet. Use of the human images, such as the Marlboro Man, and cartoon characters, such as Joe Camel, would be prohibited. The tobacco companies would also be banned from sponsoring sports events or selling or distributing clothing that bears the corporate logo or trademark. The sale of cigarettes from vending machines would be banned, and self service displays would be restricted. Cigarette and other tobacco packages must carry strong warning labels concerning the ill effects of cigarettes (such as, its use causes cancer) that cover 25% of the packages. The tobacco companies would have to pay for the anti-tobacco advertising campaigns.

Parties to the agreement would consent to the FDA's jurisdiction over nicotine. The FDA would have the authority to reduce nicotine levels over time. The FDA, however, could not eliminate nicotine from cigarettes before 2009. Furthermore, as part of the settlement, tobacco companies would have to demonstrate a 30 percent decline of aggregate cigarette and smokeless tobacco use by minors within 5 years, a 50 percent reduction within 7 years, and a 60 percent reduction within 10 years. If not successful, penalties may be assessed against the tobacco companies up to $2 billion a year.

In return, future class-action lawsuits involving tobacco company liability would be banned. This would settle suits brought by 40 States and Puerto Rico seeking to recover Medicaid funds spent treating smokers. Also settled would be one State class action against industry and 16 others seeking certification. Current class actions, therefore, would be settled, unless they are reduced to final judgment prior to the enactment of legislation implementing the agreement. Claimants who opt out of existing class actions would be permitted to sue for compensatory damages individually, but the total annual award would be capped at $5 billion. These amounts would be paid from the industry fund. In return for a payment (to be used as part of the industry fund), punitive damage awards would be banned. Nevertheless, claimants could seek punitive damages for conduct taking place after the settlement

is adopted and implementing legislation is passed.

That is an overview of the settlement, as explained to the Judiciary Committee at our June 26 hearing.

Even a cursory examination of the settlement presents Congress with a clear question: Should we seize the opportunity to undertake a serious new national war on tobacco by implementing certain liability reforms in exchange for enhanced FDA regulation, substantial industry payments, and, in short, a new national commitment.

JUDICIARY COMMITTEE CONSIDERATION

Our Committee has examined this in great detail, during four hearings.

At our second hearing, in July, we heard testimony from two constitutional experts, who advised the Committee on the constitutionality of the settlement, including its advertising provisions. That testimony was extremely valuable in both reassuring me that legislation could be written which would pass constitutional muster, and in guiding me on how an appropriate legislative framework should be crafted.

But as important as the legal issues are, we must never lose sight of the fact that this proposed settlement must be a public health document, a public health statement, a commitment on the part of our country.

At our third hearing, the Committee heard additional testimony from public health experts about the proposed settlement.

I recall with great clarity a very vivid statement made by Dr. Lonnie Bristow, the immediate past president of the American Medical Association and the only physician to participate in the global settlement discussions, who said this settlement has the potential to produce greater public health benefits than the polio vaccine.

In apprising the Committee about the enormous potential of the public health provisions contained in the settlement, Dr. Bristow recommended that our public health agenda with respect to smoking be guided by three ultimate objectives: First, significantly reducing the number of children who start smoking; second, reducing the number of existing smokers who will die from their addiction; and third, making the industry pay for the damage it has done.

Dr. Bristow also addressed the fundamental question of who will benefit from the proposed settlement, relating that the American Cancer Society has estimated one million children will be saved from premature death if certain key provision of the settlement are implemented. These include enforcement of proof-of-age laws, requiring point-of-purchase sales, mandatory licensing of retailers, dramatic restrictions on advertising, and stronger warning labels.

And so, it appears to me that the elements are there for development of a new national tobacco policy which will make unprecedented gains in public health. The question is whether this Congress has the wherewithal to make the tough decisions, with all the attendant political implications, in order to codify the settlement and move us toward a substantial new commitment to improving public health.

Three years ago, on the 30th anniversary of the first Surgeon General's Advisory Committee on Smoking and Health report, I received a letter from seven past Surgeon Generals of the United States, representing the Administrations spanning Eisenhower through Bush. In that letter, the Surgeon Generals said:

While the scientific evidence is overwhelming and indisputable, significant policy changes in how this product is manufactured, sold, distributed, labeled, advertised and promoted have been slow in coming. There has been little federal leadership for policy changes for the last 30 years. It seems inconceivable to those of us in the public health community that this nation's single most preventable cause of death is also its least regulated.

They continued:

As past Surgeons General of the United States we have had great hopes that a day would come before the year 2000 when we will achieve the goal of a smoke-free society. However, it is very clear from the past 30 years that such a goal will not be achieved unless there is federal leadership and a commitment to change that has as its goal the health and welfare of the American public.

And now the question before this body is whether we are willing to accelerate our efforts and rise up to the challenge offered us by the Surgeons General.

If ever there were to be such a time, it is now.

I believe that the June 20 proposal offers us the solid basis for such a national initiative.

I think it behooves the Congress to seize upon that initiative, to improve it where we can without jeopardizing any of its basic components, and to pass legislation immediately upon our return in January.

That task will not be easy. Since the settlement has provisions that span the jurisdiction of more than half the Senate committees, it will be a monumental procedural undertaking.

Nevertheless, after my considerable study of this issue, I have concluded it is in the national interest for us to approve the settlement, and I intend to do everything I can to move us toward the public health goals it offers.

INTRODUCTION OF THE PROTECT ACT

Accordingly, I am today introducing legislation I have drafted as a discussion vehicle and which I hope will engender the public debate we need on all the fine points of this massive issue so that we are ready to move legislation upon our return.

I expect this bill to be a "lightening rod," a draft work product which can be refined over the next 2 months.

The proposed global tobacco settlement is incredibly complex. Drafting this legislation has required 101 decisions, many of them interrelated.

I am willing, indeed eager, to work with all interested parties to refine this legislation as it moves forward. What I am not willing to do, however, is further delay action on what could be the most important opportunity to advance public health in decades.

I have entitled the legislation I introduce today the "PROTECT" Act, or "Placing Restraints on Tobacco's Endangerment of Children and Teens Act."

I consider this to be a "settlement plus" bill. It retains and, indeed, strengthens the major provisions of the settlement; but, it does so in a carefully balanced way which I believe will not only pass constitutional muster but also could be enacted.

Let me be clear about what this bill is.

I consider this to be a discussion draft, a vehicle for the dialogue we must have about this important issue during the next 2 months when Congress is not in session and when we are able to consult with our constituents back home.

At the outset, let me say that I have aimed for a consensus document, a piece of legislation which bridges the divide over contentious issues in a way that is legislatively viable.

Because it starts with this as a goal, I am painfully aware that this bill will totally please no one. Interest groups, by their very definition, advocate a particular position. Enactment of a tobacco settlement bill will require us to meld many of those positions, to develop a consensus around the center.

As a consensus document put out for discussion purposes, it is my intention that the PROTECT Act would be a useful departure point for future, productive discussions.

I am also cognizant of the anti-tobacco groups' interest in seeing a piece of legislation that does its utmost to discourage tobacco use.

I would like to do that as well.

That is my primary goal.

I say that not only as a Senator who represents a State which has the lowest smoking rates in the country, not only as a member of a Church which condemns the use of tobacco, but also as a Senator who has devoted the majority of his career to the public health.

Yet, many anti-tobacco groups may be disappointed because this bill is not as stringent as they would like. But I urge those who might believe this to keep an open mind. I think they will find that, in many cases, my bill is more stringent than the AG's proposal.

I would also urge them to keep in mind our primary goal of helping future generations of children. The only way to do that is to approve legislation, which necessitates legislation

which is approvable. That is my goal—to get a good bill enacted. A bill that is "perfect" from the point of view of one side or the other cannot be enacted; it must be a consensus.

For that reason, the bill must also contain the legal reform provisions put forward by the attorneys' general. Those liability provisions were agreed to not only the industry, but also by the representatives of 40 states, by the public health community, and some members of the plaintiff's bar.

We should not fool ourselves into believing that such a massive anti-tobacco policy as is embodied in either the AG's proposal or the PROTECT Act can be enacted absent the liability provisions agreed to in June.

Yes, we should keep the pressure on for as anti-tobacco bill as we can. But if we are to enact this bill next year, which is my goal, we must be realistic. There are very few legislative days left, believe it or not.

GENERAL DESCRIPTION OF PROTECT ACT

Accordingly, I have drafted my bill as a global tobacco settlement, which mirrors in many ways the key components of the proposal put before us on June 20.

Unlike other bills introduced thus far this session, it is a comprehensive bill.

It contains all of the elements of the June 20 document, embodying the critical balance among the punitive, the preventive, and the realistic. It combines strong penalties on the tobacco industry with strict regulation of tobacco products by the FDA, implementation of a major national anti-tobacco, anti-addiction campaign, and defined liability protections for the tobacco industry.

The PROTECT Act requires substantial industry payments to fund state and federal public health activities, contains restrictions on tobacco advertising aimed at youth, and provides continuing oversight of the industry through a strong "look-back" provision.

In addition, the PROTECT Act improves on the state attorneys general June 20 settlement, in a number of key areas:

First, industry payments over 25 years will total $398.3 billion. Of those payments, $95 billion will represent the punitive damages for the tobacco industry's past reprehensible conduct. These funds will be devoted toward a National Institutes of Health Trust Fund for biomedical research, similar to the legislation drafted by our colleagues Senator Connie MACK and Senator Tom HARKIN.

Second, I have inserted a strong provision to preclude youth access to tobacco products, sponsored by our colleague Senator GORDON SMITH. Since the States have a substantial role in enforcing the laws precluding youth smoking, I have also made State receipt of the public health funds contained in this bill contingent upon enforcement of those youth anti-tobacco provisions.

Third, to address a concern expressed by members on both sides of the aisle, as well as the President, this bill provides transitional assistance to farmers modeled after the legislation introduced by Agriculture Committee Chairman DICK LUGAR, combined with educational assistance for retraining taken from the "LEAF" Act, drafted by Senators MCCONNELL, FORD, FAIRCLOTH, and HELMS. There is much to commend both of these bills, and I look forward to working with proponents of each to refine further these provisions as the legislation moves forward.

Fourth, a National Institutes of Health [NIH] Trust Fund is established with funds paid by tobacco companies for the settlement of punitive damages for their past reprehensible marketing of tobacco. It will significantly enhance research related to diseases associated with tobacco use, such as cancer, lung, cardiovascular and stroke—similar to Mack-Harkin. This fund would provide an additional $95 billion for biomedical research, a goal which clearly must rank at the top of our national agenda in this day of ever-emerging medical discoveries.

In earlier versions of this legislation, I had considered making these punitive damages not tax-deductible. However, upon further reflection about the precedent this would set in tax law, and the fact that the June 20 proposal was intended to be tax deductible, the bill I am introducing today does not contain that provision at this time.

Fifth, my legislation contains a substantial new program to enhance significantly Indian health care efforts, particularly related to tobacco use. This provision will be funded at $200 million per year.

Sixth, significant new funding is provided to States for anti-smoking, anti-addiction efforts. States will receive $186 billion directly. These funds will be allocated based on the agreement of the State attorneys general. States will be able to use whatever portion of the funds that would have been attributable to their State Medicaid match with no strings whatsoever. The portion that would be attributable to the Federal Medicaid match must be used for delineated health-related anti-tobacco programs. None of these funds are considered to be part of the Medicaid program, however. The Federal anti-tobacco program, administered by HHS, will provide an additional $92 billion to States, half of which will be administered through a block grant program.

Seventh, in a departure from the AG's agreement and the FDA rule, which regulates tobacco as a restricted medical device, the bill treats tobacco products as their own class and as unapproved drugs. However, the bill provides the FDA with substantial new authority over tobacco products, including the authority to control their composition through reductions or eliminations of all constituents. Unlike the AG agreement, though, which gives FDA the authority to ban tobacco products after 12 years, my proposal allows the Secretary to make that recommendation in any year, but it cannot be implemented unless approved by Congress.

Eighth, the "look-back" surcharge on tobacco manufacturers has been significantly strengthened with penalties more than doubled and the cap on payments removed. The Secretary may abate all or part of a penalty, totally at her discretion.

Ninth, after funding is provided for a limited program on tobacco-related asbestos liability, transitional agricultural assistance, and the new Indian health program, my bill divides the remaining funding in half. Fifty percent will be provided to the Federal Government for our new war on tobacco addiction and tobacco use. Fifty percent will be provided to the States for anti-tobacco programs.

These funds will be provided to each state by a formula agreed upon by the Attorneys General Allocation Subcommittee on September 16. My bill does not treat these payments to the states as Medicaid recoveries per se, and indeed, my bill waives the Medicaid subrogation law. However, for purposes of use of these State funds, the States will be able to retain that portion of the funds which would have been attributable to their Medicaid matching rate, and use those funds with absolutely no restrictions. The portion of the funds which would have represented the Federal share under Medicaid, generally the larger share, must be used for certain anti-tobacco public health purposes delineated in the bill.

I want to take the opportunity today to discuss many of these areas in more detail.

NATIONAL TOBACCO SETTLEMENT TRUST FUND

The bill establishes a Trust Fund—termed the "National Tobacco Settlement Trust Fund." This is the apparatus that takes the inflow of proceeds made by the participating tobacco manufacturers and makes payments to the states and various federal health programs.

Here is how the fund works: The participating manufacturers must deposit $398.3 billion in the Trust Fund. Of this amount, $303 billion reflects settlement for compensatory damages and $95 billion for the settlement of punitive damages for bad acts of the tobacco industry prior to the legislative settlement of the claims.

These amounts are deposited into two accounts: a state account for use to pay back the states for Medicaid expenditures and a federal account to

fund health and tobacco anti-cessation programs. A detailed expenditure table is provided in the bill which earmarks where the payments are being made.

These payments represent a licensing fee, of which $10 billion is paid "up front" to the Trust Fund by the participating tobacco manufacturers and the remainder will be paid in annual amounts stipulated in the bill. The bill thereafter sets the base amount licensing fee that the participating manufacturers must pay to the Trust Fund for the 25 year base period.

The bill also provides for penalties and the possible loss of the civil liability protections of the Act if the participating manufacturers default on payments.

The U.S. Attorney General shall administer the Trust and the Secretaries of Treasury and Health and Human Services shall be co-trustees. To ensure that each participant of the tobacco settlement has a fair say, an advisory board is created to advise the Trustees in the administration of the Trust Fund. Four members are to be appointed by the House and Senate majority and minority leadership, and one member each representing the state attorneys general, the tobacco industry, the health industry, and the Castano plaintiffs' class.

NATIONAL TOBACCO PROTOCOL

The bill establishes a Protocol—in essence a binding contract among the federal government, the States, the participating tobacco manufacturers, and the Castano private class.

The primary purpose of the Protocol is to effectuate the consent decrees, which terminate the underlying tobacco suits. To receive the civil liability protections of the bill, the participating manufacturers must sign the Protocol. This works as a powerful incentive for the participating members of the tobacco industry to abide by the restrictions contained in the protocol.

Basically, the Protocol establishes restrictions on advertising by industry and includes general and specific restrictions, format and content requirements for labeling and advertising, and sets a ban on nontobacco items and services, contents and games of chance, and sponsorship of events.

Because these restrictions raise serious First Amendment concerns, and to avoid years of litigation that would surely tie up the implementation of the bill, we have placed these restrictions in the Protocol contract provision.

More specifically, here is how the Protocol works.

To be eligible for liability protection, each participating tobacco manufacturer must sign the Protocol and thus contractually agree to the provisions restricting their tobacco advertising.

The Protocol will also bind the manufacturer's distributors and retailers to agree to the restrictions by requiring that in any distribution or sales contract between these parties, the restrictions will become material terms. If a tobacco manufacturer, or one of his distributors or retailers, violates any provision contained in the Protocol, liability protection for the manufacturer is no longer afforded. The restrictions on advertising include prohibitions on outdoor advertising, in the use of human and cartoon figures, on advertising in the Internet, on point of sale advertising, and in sporting events. Advertising is also subject to brand name, types of media, and FDA restrictions

As I stated, the restrictions were placed in the Protocol because current statutory restrictions on tobacco advertising contained in a FDA final rule, and in other proposed legislation, raise serious constitutional questions.

It remains unclear whether such statutory restrictions violate the First Amendment's guarantee of freedom of speech. And this doubt invites years of litigation to determine whether or not the statutory restrictions are constitutional.

Rather than open the door to endless litigation, which could delay the implementation of the restrictions for years, I have made the restrictions contractual. Because the Protocol is a binding and enforceable contractual agreement between the interested parties, a challenge to the constitutionality of the restrictions is avoided. This, I believe, the wisest and most effective approach in dealing with tobacco advertising restrictions.

As a type of commercial speech, tobacco advertising is entitled to some, but not full, First Amendment protection. The law provides that commercial speech may be banned if it advertises an illegal product or service, and unlike fully protected speech, may be banned if it is unfair or deceptive. Even when it advertises a legal product and is not unfair or deceptive, the government may regulate commercial speech more than it may regulate fully protected speech. This is the case of tobacco advertising.

In May 1996, in *44 Liquormart, Inc.* v. *Rhode Island*, the Supreme Court increased the protection that the Supreme Court in its Central Hudson test guarantees to commercial speech by making clear that a total prohibition on the "dissemination of truthful, nonmisleading commercial messages for reasons unrelated to the preservation of a fair bargaining process" will be subject to a stricter review than a regulation designed to "protect consumers from misleading, deceptive, or aggressive sales practices."

This case may evidence a trend on the part of the Supreme Court's part to increase the First Amendment protection it accords to commercial speech. If this trend continues, a court is more likely to find that restrictions on tobacco—a legal product—is subject to stricter scrutiny than the traditional antifraud type commercial free speech cases, particularly when the tobacco advertising is truthful and nondeceptive.

The Protocol also contains a provision establishing an arbitration panel to determine the legal fees for the tobacco settlement and caps such awards to 5 percent of the amounts annually paid to the Trust Fund, any remainder to be paid the next fiscal year. The attorney fees are to paid by the manufacturers and are not to be counted against the Trust Fund fees and deposits. Finally, the Protocol may be enforced by the Attorney General, the State attorneys general, and the private signatories in the applicable courts.

THE CONSENT DECREES

The primary purpose of this section is to settle existing claims against the participating tobacco manufacturers. Once signed by the parties (federal and state governments, the Castano class private litigants, and the participating tobacco manufacturers) as an enforceable contract, the consent decree becomes effective on the date of the bill's enactment and allows for three important things: (1) a state receives Settlement Trust funding; (2) a manufacturer receives liability protection; and (3) the Castano claims are settled.

The consent decrees require the parties to agree to various restrictions, including restrictions on tobacco advertising, and on trade associations and lobbying, the disclosure of tobacco smoke constituents and nontobacco ingredients in tobacco products, the disclosure of important health documents, the dismissals of the various underlying tobacco suits, requirements for warning labels and other packaging restrictions, and the obligation to make payments for the benefit of the States, the private litigants, and the general public.

Pursuant to the consent decrees, the parties waive their right to bring constitutional claims. It also provides that the provisions are severable. The Attorney General must approve the consent decrees, and a state may bring an action to enforce provisions contained in the consent decree, if appropriate.
Civil Liability Provisions

In exchange for payments and other concessions, of which I already spoke, the tobacco manufacturers will gain certain benefits from the bill. It is these benefits which have given the tobacco companies the incentive to come forward and participate in the negotiations which were necessary to resolve the massive litigation surrounding tobacco use. Keep in mind that these benefits only apply to those tobacco manufacturers who voluntarily enter into the Protocol and consent decrees. There are several aspects to this section of the bill:

First, all actions which are currently pending against the manufacturers will

be dismissed. Those actions include actions by states or local governments, class actions, or actions based on addiction to tobacco or dependency on tobacco. The tobacco companies will be immune from such class action claims in the future. I want to emphasize that personal injury claims will still be viable. An individual will still be able to make claims directly against tobacco companies after the enactment of the bill.

Second, the primary benefit which the tobacco companies will receive under this bill is relief from liability for punitive damages. This relief only applies to punitive damages for actions which the tobacco companies took prior to this bill's enactment. If, at some future date, the tobacco companies take some action or commit some wrong that would subject them to punitive damages, this bill will not relieve them of that future liability.

Third, this bill makes the participating manufacturers jointly and severally liable for damages arising out of claims by individuals. Of course, manufacturers who do not voluntarily consent to the terms of the protocol and consent decree will be treated separately and lawsuits involving both types of tobacco companies will be tried separately.

Fourth, the bill includes a cap on the amount of damages that can be paid out on individual claims each year. The cap is one-third of the total annual payments that are due from all the participating tobacco manufacturers. The excess over the cap and the excess of any individual claim over $1 million will be paid in the following year. Eighty percent of those payments to individuals will be credited toward payments due to the fund. These provisions were all drawn from the June 20th proposal and are drafted to be identical to that agreement.

Finally, as an enforcement mechanism, if a tobacco company which has signed the protocol and consent decree is delinquent in payment by more than 12 months, the benefits granted under this bill will no longer apply. The bill also contains enforcement mechanisms for material breaches of the protocol and consent decree. I must point out that nonsignatories—such as tobacco companies that refuse to sign the protocol and consent decrees—are not eligible to receive the civil liability protections in the bill.

With regard to a state's eligibility to receive funds under this bill, it is relatively simple. A state must dismiss any claims it has pending against the participating tobacco companies and it must adopt provisions in its state code which mirror the benefits granted to the participating tobacco companies in this bill. On an annual basis, the Attorney General will certify each state which is eligible to receive funds.

FDA JURISDICTION OVER TOBACCO PRODUCTS

It is may surprise some in this body to learn that the current provision in food and drug law that established the efficacy standard for drugs was enacted in 1962 through Judiciary Committee leadership when Senator Kefauver was chairman.

As the current chairman of the committee, I has great reservation about embarking down a path that appears to turn the world upside down and gut the normal safety and efficacy requirements as applied to medical devices by creating an exception that swallows the rule.

Using the restricted device law—a law whose purpose is to regulate a class of products that require special controls to help patients—to keep an inherently dangerous product on the market troubles me. I am not certain what kind of precedent this will be but I fear that it will be significant and of questionable necessity and benefit.

As I understand it, the only product that has been regulated under the restricted device provisions of the law are hearing aids. I am not sure why some apparently feel a compelling need to equate the treatment of cigarettes with hearing aids. I don't share this enthusiasm.

Judging by some of the public rhetoric since the June 20 announcement of the Attorney General's agreement, one of the most hotly contested areas of the proposed settlement concerns the provision addressing the Federal Government's authority to regulate tobacco products.

Since June 20 some have adopted the rallying cry of "unfettered FDA authority" and have suggested that there are major deficiencies in the proposed agreement relating to the ability of FDA to regulate tobacco products.

I suggest that the quality and substance of this debate would improve if we focus on the real issues.

As far as I am concerned, the substantive issue is not whether FDA should have authority over tobacco products; the real question is precisely how much and precisely what kind of authority that FDA should be delegated over these dangerous products.

Frankly, I am of the school that unfettered FDA authority is a bad idea. As a conservative, the notion of giving any Federal agency unfettered authority is a not a good idea.

Anyone who argues for the principle of unfettered FDA authority apparently has not ever read FDA's organic statute, the Federal, Food, Drug, and Cosmetic Act. This important law has its origins in the 1906 Pure Food and Drugs Act safeguards our Nation's supply of food, drugs, cosmetic, medical and radiological devices. My version of this law contains 254 pages of "fetters" on the FDA. And this does not even include the many pages of additional "fetters" placed on FDA in the Public Health Service Act provisions relating to the regulation of biologicals.

Frankly, I am not sure that many other executive agencies have as many fetters placed upon it as FDA. And that is a good thing. FDA performs such critical public health missions as approving new drugs and medical devices.

In a democratic society it is only reasonable to expect that the American public—which has some much at stake with respect to FDA's decisions—will require its elected representatives to watch closely what FDA is doing and enact legislation that will improve the efficiency of its operations.

Just this last Sunday, Congress completed its latest exercise in fettering the FDA when this Senate passed, and passed by a unanimous voice vote I must add, the FDA Modernization Act of 1997. This bill takes up fully 22 pages in the CONGRESSIONAL RECORD.

So if anyone is under the false impression that "unfettered FDA authority" is the norm, I would only invite them to read the statute and its latest modification.

The Congress would not, and should not, pass a bill that says in essence that FDA has unfettered authority over tobacco any more than we would pass laws that said that FDA has plenary, unfettered power over drugs and devices.

As I said earlier, the real question tobacco products is not if but what precise authority we give FDA over these products.

I think that Attorney General Mike Moore got it right as when he told several Senate Committees that all he asked from the public health community is to be told exactly how tobacco should be regulated.

There was no intent by the Attorney Generals, the Castano plaintiffs group, the public health representatives to act to undermine FDA's ability to regulate tobacco. For that matter, we must recognize that, even while they were, and are, litigating the issue of FDA authority in the Federal courts, the industry negotiators made unprecedented concessions in terms of FDA's authority in the June 20 agreement.

It is possible, as many legal experts believe, that the Fourth Circuit Court will rule that FDA does not have the authority to regulate tobacco.

One thing that I do know is that whatever happens at the court of appeals, the loser will likely appeal its decision.

This will take time, time in which more and more young children will start a lifetime addiction to tobacco products that will lead to illness and premature death.

Regardless of the outcome of this litigation, I am convinced that this Congress has a public duty to act, and act now.

Title IV of my bill describes in detail what I think is the appropriate way for FDA to regulate tobacco products.

First of all, let me start by taking my hat off to FDA and the Department of Health and Human Services under the leadership of Secretary Shalala for its creativity of using the existing food and drug laws in fashioning its final rules on youth tobacco.

In many ways, these regulations created the environment that made it possible for the negotiators to sit at the table and bring us the settlement proposal that we are considering today. So I take my hat off to the negotiators as well.

As fully explained in the preamble to the final rule and accompanying legal justification, one of the major reasons why FDA regulated tobacco products as restricted medical devices was because of the relative inflexibility of the drug laws versus the flexibility of the medical device laws.

We all know that this question is before the Fourth Circuit, and we expect a decision very soon. But regardless of the outcome of that case, many have expressed the concern that FDA has stretched the statute beyond the breaking point when it uses a statutory provision whose hallmark is the safety and efficacy standard in a fashion to reach products that are inherently unsafe and ineffective.

Call it what it is: A tobacco product is a tobacco product, not a medical device.

My proposal is to create a new regulatory chapter that exclusively addresses tobacco products. New chapter IX contains the rules that will apply to tobacco products.

If a tobacco product is not in compliance with this chapter it will run afoul of the FDC statute by the two new prohibited acts that S. 1530 creates in section 301 of the act. It will be against the law to introduce into interstate commerce any tobacco product that does not comply with these tough new provisions.

In addition, S. 1530 proposes to alter the definition of drug to include tobacco products that do not comply with new chapter IX. That means that nonconforming tobacco products will be subject to the rigid treatment accorded drugs. Talk about an incentive to comply with the new chapter.

My new proposed chapter IX includes many tough provisions including, tobacco product health risk management standards, good manufacturing standards, tobacco product labeling, warning, and packaging standards, reduced risk tobacco product standards, tobacco product marketing.

As well, my bill creates a Tobacco Products Scientific Advisory Committee that will advise the Secretary and FDA on all of these new standards.

I want to highlight that unlike the proposed settlement that my bill would allow the Secretary to recommend that tobacco products be banned at any time. The AG agreement had a 12-year bar to any such actions.

But because this decision is a major public health decisions with considerable political, social economic, and even philosophical consequences, I require that any such decision to ban products to be made personally by the Secretary and require the concurrence of Congress.

So please examine my proposal. I want to hear the comments and constructive criticism of all of my colleagues in this body and other interested parties and citizens.

From my experience, I know that FDA legislation is always controversial and contentious. There are always a lot of devilish details.

I put out this proposal in the interest of moving the tobacco debate forward in the Senate and in public debate.

I challenge those who have in an interest in FDA prevailing in court in the current litigation to put that litigation aside as you read my FDA language and consider what law you would write if you were not constrained by the current drug and device paradigms.

I salute those many public health groups and officials who have brought the antitobacco use battle so far in the last few years.

Let us start from a clean blackboard. I believe that my approach is preferable than to continue to stretch a perhaps already overstretched statute.

If any in this body believe that my proposal falls short, I hope they will tell me how. If some believe it is too lenient here and too rigid there, I hope they will respond with fixes, not with shouts.

I look forward to this aspect to the debate because of my long term interest in the FDA and the Federal Food, Drug, and Cosmetic Act. Let us take particular care in crafting this language and do so in a way that does not distract FDA from its core missions, including its central role in getting the latest in medical technology to the American public.

THE PRICE OF TOBACCO PRODUCTS

Another issue of keen concern to the public health community is the price of tobacco products. Earlier this year, I joined with several of my colleagues on both sides of the aisle to propose the Child Health Insurance and Lower Deficit Act, the CHILD bill. That bill, most of which has now been enacted as part of the Balanced Budget Act, made huge strides toward providing uninsured children with health care services, and it was predicated on a 43 cents increase in the excise tax on cigarettes.

We had a bipartisan coalition under the best of circumstances, and in the end, our 43 cents was whittled down to 10 cents phased up to 15 cents.

In that climate, I do not think it is reasonable for anyone to expect that this Congress will enact a cigarette excise tax of $1 or $1.50.

I do, believe, however, that there is consensus that it would be an important public health goal for the price of cigarettes and other tobacco products to be raised significantly to discourage youth consumption.

It is possible to do that without an excise tax, and that is what my bill does. Under my proposal, which predicates payments upon a Federal licensing fee, I estimate that when fully phased in year six, cigarette prices will go up an additional $1.09 per pack at the manufacturer level, which will be reflected in a retail level of $1.50 or more.

Economists have found that markups by cigarette manufacturers are always accompanied by increases down the distribution chain, including state excise tax increases. Thus, for purposes of this debate, I think it is critical that we discuss potential price increases in net terms, rather than the manufacturer markup.

There is an important reason to implement the agreement through a licensing payment, as opposed to a tax. Law enforcement officials have noted that the closer the price rise is to the source of the cigarettes, the less opportunity there is for diversion.

For example, if this bill were predicated on an excise tax, manufacturer sales to distributors would not reflect the higher price, and there would be ample opportunity for diversion into the black market of the cheaper goods.

In sum, I believe that my proposal will bring the price of cigarettes to a high level and do so in a way that discourages black market diversion.

Another issue of keen concern to the Congress are the tobacco farmers, most of whom could be displaced if this legislation is successful.

AGRICULTURAL PROVISIONS

Mr. President, we cannot forget about our country's tobacco farmers. Even though the tobacco farmers have the most to lose from the tobacco settlement, they were completely left out of the settlement negotiations.

Tobacco farms in this country are often small family run businesses, and in many cases, the entire economic foundation of a community is tied up in the production or processing of tobacco.

As many of my colleagues in the Senate know, I would probably be the last person to stand up and defend the tobacco industry or our nation's tobacco program. I feel strongly, though, that we should not turn our backs on tobacco farmers and their communities at a time when many will be harmed as a consequence of the tobacco settlement.

Senator LUGAR, the Chairman of the Senate Agriculture Committee, has introduced a bill that would end the tobacco program while providing payments and other assistance to tobacco farmers over a three-year transition period. His proposal follows the pattern established by the 1996 farm bill, by

getting the government out the farming business and by making temporary assistance available to farmers as they adjust to the free market.

Senator FORD has introduced the LEAF Act, which provides some of the same assistance contained in Senator LUGAR's bill but adds additional grants and assistance for tobacco farmers and workers employed in the processing of tobacco. However, Senator FORD's bill maintains the tobacco program largely intact.

Frankly, Mr. President, I believe our tobacco communities have tough challenges ahead of them. For that reason, I have combined what I think are the best parts of each of these two bills into the PROTECT Act to ensure that we care for our nation's tobacco farmers and our tobacco dependent communities.

My bill establishes a Tobacco Transition Account, funded through the Trust Fund. The Transition Account will provide buyout payments to tobacco quota owners, who will lose their quotas, and assistance payments to farmers who lease their quotas from these owners. In addition, the PROTECT Act creates Farmer Opportunity Grants. These will be available to eligible family members of tobacco farmers to help pay for higher education. Eligibility requirements for Farmer Opportunity Grants will be similar to those of the Pell Grant program.

Mr. President, we should also remember the workers in the tobacco processing industry who could be displaced as a result of the tobacco settlement. The PROTECT Act sets up the Tobacco Worker Transition program. Patterned after the NAFTA Trade Adjustment Assistance program, the Tobacco Worker Transition program will provide assistance to displaced workers and help them receive job retraining.

Finally, Mr. President, the PROTECT Act will provide a total of $300 million over three years in block grants to affected states for economic assistance. Governors will be able to use these grants to help rural areas and tobacco dependent communities make the transition to broader based economies and to the free market.

NATIVE AMERICAN HEALTH PROVISIONS

Let me next turn toward another component of my legislation which relates to American Indians and Alaska Natives.

Tobacco use and abuse are significant health issues in Indian country. Native Americans smoke more than any other ethnic group—more than twofold for Indian men and more than fourfold for Indian women over non-Indians. The Centers for Disease Control estimate that 40 percent of all adult American Indians and Alaska Natives smoke an average of 25 or more cigarettes daily.

Moreover, according to the Indian Health Service [IHS] lung cancer remains the leading cause of cancer mortality. The IHS further reports that in some parts of the country 80 percent of Indian high school students smoke or chew tobacco. The statistics further show that smoking by American Indians is actually increasing while it is on the decline among other groups.

Clearly, in the context of this global tobacco settlement, measures must be taken to address the unique problems Indian country faces with the use and regulation of tobacco products.

Accordingly, my bill contains several Indian specific provisions that ensure tribal governments will have the regulatory authority to address issues of particular concern to tribal health officials while maintaining the interest of the tribe in its sovereign authority over activities occurring on its reservation.

These provisions have been developed, in part, on recommendations made at an October 6, 1997, oversight hearing on the tobacco settlement by the Committee on Indian Affairs on which I serve.

Let me also add that I welcome additional input from Indian country on these important provisions. Overall, my provisions are designed to recognize the unique interests of Indian country in the implementation of the act as well as provide assistance to improve the health status of native Americans.

Specifically, my bill makes clear that the provisions of the act relating to the manufacture, distribution and sale of tobacco products will apply on Indian lands as defined in section 1151 of title 18 of the U.S. Code.

The fundamental precept of the Indian provisions is that tribal governments will be treated as States in the implementation of the provisions of the act.

The Secretary of HHS, in consultation with the Secretary of the Interior, will be required to develop regulations to permit tribes to implement the licensing requirements of the act in the same manner by which the States are accorded this authority.

Indian tribes will also be considered as a State for purposes of receiving public health payments in order to carry out the provisions of the act and in accordance with a plan submitted and approved by the Secretary.

Indian tribes are permitted flexibility to utilize these funds to meet the unique health needs of their members as long as their programs meet the fundamental health requirements of the act.

The amount of public health payment funds for tribes will be determined by the Secretary based on the proportion of the total number of Indians residing on a reservation in a State as compared to the total population of the State. Moreover, a State may not impose obligations or requirements relating to the application of this act to Indian tribes.

Tobacco use remains a significant health factor for Indians and the costs associated for patient care and treatment are extremely high and result in a disproportionate allocation of limited IHS dollars for tobacco related illnesses.

Accordingly, my bill establishes a supplemental fund for the IHS to augment its program mission of providing health care services to Indians. A $5 billion account is established to be allotted to the IHS in increments of $200 million annually for 25 years.

ANTITRUST PROVISION

Let me also discuss another issue briefly. The proposed settlement is predicated upon the tobacco companies receiving immunity from antitrust laws in a number of limited areas. For example, in order to determine the price increase that will be passed on to consumers due to the settlement licensing fee. Another area in which such antitrust clarification will be needed is in enforcement of the protocol which accompanies the settlement legislation.

In introducing the bill today, I want to acknowledge that this language may need to be refined and tightened up. I do not intend to give the tobacco companies blanket antitrust immunity. That would be totally unwarranted.

I intend to work closely with Senators MIKE DEWINE and HERB KOHL, the chairman and ranking member of the Judiciary Subcommittee on Antitrust, to further polish this language. They have indicated their willingness to work with me on this issue, and I appreciate their expertise and assistance.

ASBESTOS

There exists medical evidence that tobacco use is a contributory factor in asbestos-related diseases and injuries. This bill contains a program to provide limited compensation for individuals who are exposed to asbestos and whose condition proven to have been exacerbated by tobacco use. The asbestos program is administered by the Secretary of Labor, who will establish standards whereby it can be demonstrated that tobacco is a significant factor in the cause of asbestos-related diseases. This program would be funded at $200 million per year and would complement the existing system for payments related to asbestos.

CLOSING

As I close, I would like to make one final observation. Three thousand kids a day start smoking; countless others start using smokeless tobacco products like snuff.

These children are becoming addicted to powerful tobacco products which can only harm them. The scientific evidence is clear.

I am extremely cognizant of the fact that there is a long history of legal use of tobacco products in this country.

Millions have used them; millions do use them.

I am trying to strike a delicate balance here: That of allowing adults to continue to use these products as they choose, but of discouraging it whenever we can and helping those who are addicted wean themselves from these powerful tobacco products.

But most importantly, we have to renew our efforts aimed at teen tobacco use. The funds provided in the global tobacco settlement will allow us to set that course.

Let me say right now that I fully anticipate criticism of my proposal from those who are afraid it is too large, and perhaps too bureaucratic.

To them I would say that the value of this proposal is in its size. We need to show that we are serious about stopping kids from smoking. We need to penalize the tobacco industry as part of that effort.

I have tried to rely upon the existing administrative structure wherever possible in the implementation of my plan. If others have a better way to run the program, I welcome their advice.

But to those who would advocate a smaller program, let me share my serious concerns about lowering the amount the tobacco industry has already agreed to pay.

I would also have serious concerns about raising the amount and using the funds for unrelated purposes. This is not the pot of money under the rainbow which will allow us to fund 60's-era left-leaning initiatives. This is a tobacco settlement which will provide us with significant new funding for new war on tobacco. A war to save our children.

My bill differs markedly from the others that have been introduced in that it is comprehensive, it includes all the components of the settlement in one piece of legislation, and it makes all the hard choices necessary to delineate how a settlement will operate. Further, it is drafted to be constitutional.

Many have begun to criticize my bill before they have even read it. It happened with the CHILD bill. It will happen again.

But to those who wish to sling barbs at my bill, I urge you to study it carefully. It is not the Kennedy bill. And, by the way, it was never intended to be. It is not the Lautenberg bill, nor the McCain bill.

It is a discussion draft intended to embrace, and improve, the proposed global tobacco settlement recommended to the Congress by 40 states this June. I welcome any suggestions for improvements which may be offered to my bill. That is why I am putting it forward today as a discussion vehicle.

I hope that the majority of Congress will agree with me that this should become a national priority, and begin to move legislation immediately upon our return in January.

In closing, Mr. President, I want to thank all of my colleagues who provide advice and assistance in drafting this legislation. It is clear that we must have a collaborative process if this legislation is to move forward, and I look forward to being a part of that process in the months to come. We can leave no greater legacy to our children.

I want to say a special thanks to Bill Baird in the Office of Legislative Counsel. He worked day and night to get this bill drafted for us, and I want to say publicly how much I appreciate this extra effort.

Anyone who wishes to read the entire text of the bill will soon be able to access it on the Hatch web page which can be reached at: "www.senate.gov/~hatch/". It will take us a day or two, but it will be available to the public. Since it is 308 pages, I think this is the most efficient way to make it available to the public. And, as I just said, I welcome suggestions.

Finally, for those who just want the digest version, I ask unanimous consent to insert a section-by-section summary of the PROTECT Act in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1. SHORT TITLE; TABLE OF CONTENTS. Entitles the bill "Placing Restraints on Tobacco's Endangerment of Children and Teens" Act "PROTECT") and lists a table of contents.

Section 2. FINDINGS. Makes a series of congressional findings with respect to tobacco, its harmful health effects on children and adults, and the role of government in regulating tobacco products.

Section 3. GOALS AND PURPOSES. Sets forth the goals and purposes of the legislation, including decreasing tobacco use by youth and adults, enhancing biomedical research efforts, setting forth Federal standards for smoking in public establishments, establishing the authority of the Food and Drug Administration to regulate tobacco products, providing transitional assistance to farmers, and reforming tobacco litigation practices.

Section 4. NATIONAL GOALS FOR THE REDUCTION IN UNDERAGE TOBACCO USE. Sets out national goals for reduction in youth tobacco use. For cigarettes, the national goals, measured from the baseline year, will be a 30% reduction in use in 2003 and 2004; a 50% decrease in 2005, 2006 and 2007; and a 60% reduction thereafter. For smokeless tobacco, the national goals, measured from the baseline year, will be a 25% reduction in use in 2003 and 2004; a 35% reduction in 2005, 2006, and 2007; and a 45% reduction thereafter.

Section 5. DEFINITIONS. Defines pertinent terms used in the bill.

TITLE I—NATIONAL TOBACCO SETTLEMENT TRUST FUND

Section 101. ESTABLISHMENT OF TRUST FUND. Creates a National Tobacco Settlement Trust Fund that will receive payments from tobacco manufacturers according to a schedule set out in the bill. Over the next 25 years, deposits will be $398 billion, of which $95 billion are considered punitive damages and will be used to fund a biomedical research trust fund.

The National Tobacco Settlement Trust Fund will be administered by the Attorney General, the Secretary of Health and Human Services, and the Secretary of Treasury, and will be advised by a board composed of the Trustees and representatives of State attorneys general, public health experts, the Castano plaintiffs, and the tobacco industry. The initial $10 billion down payment from the tobacco industry, the continued annual payments, and any look-back or surcharge payments or penalties will be deposited into the Settlement Trust Fund.

The Settlement Trust Fund consists of a State Account and a Federal Account. Generally, as specified in section 101(c), the funds are distributed as follows: First, a portion of the total funds are set aside in the Federal Account for a transitional agriculture assistance program, a limited fund for asbestos-related litigation (where it can be proven that tobacco use was a cause of injury), and a new program to enhance Native American health. The remaining funds are divided equally with one-half provided to the States and one-half to the Federal government. In addition to the set aside funds for tobacco farmers, tobacco/asbestos plaintiffs, and Native American activities, the remaining funds from the Federal Account will be essentially divided equally between tobacco-related biomedical research and public health activities as provided in sections 521 and 522, respectively.

Funds from the State Account may be used by the states for both general purposes and for tobacco related programs as specified in sections 501 and 502, respectively. The Trustees are precluded from making an expenditure for programs which are currently being funded at either the Federal or State levels, so that the funds provided in this Act are supplemental to any on-going activities and not a substitution.

Section 102. PAYMENT SCHEDULE. As a condition of receiving the liability provisions contained in Title II, participating manufacturers must execute a protocol with the Secretary of Health and Human Services, each respective state attorney general, and Castano litigants, sign consent decrees with States and Castano plaintiffs, and deposit an initial $10 billion payment into the Trust Fund. In addition, to be eligible for the liability protections, manufacturers must make payments according to a schedule listed in the bill. The Trustees are authorized to adjust those continuing payments in two cases: 1) an annual inflation adjustment; 2) a volume adjustment which could either increase or reduce the base payments. The amount that each participating manufacturer will pay will be determined under the protocol appended to the agreement.

Section 103. ADMINISTRATIVE PROVISIONS. The Attorney General will hold the Trust Fund and will report annually to the relevant congressional committees on the financial condition of the Trust Fund. The Trustees will invest excess balances of the Fund in interest-bearing obligations of the U.S. and proceeds therefrom will become a part of the account. Members of the Trustees' advisory board shall serve without compensation, although travel expenses will be reimbursed, and overall costs of the advisory board are capped. Receipts and disbursements from the Trust Fund will not be included in the annual budget, and cannot be transferred to the general fund of the Treasury.

Section 104. ENFORCEMENT. Any participating manufacturer which fails to make payments required by the Act will be subject to daily fines. If the manufacturer has not made the required payment within one year,

the manufacturer will be considered non-participating, will lose the liability protections contained in the Act, and will be ineligible from becoming a participating manufacturer in the future.

TITLE II—NATIONAL PROTOCOL AND LIABILITY PROVISIONS

SUBCHAPTER A—PROTOCOL RESTRICTIONS ON ADVERTISING

Section 201. REQUIREMENT. To be eligible for the liability protections contained in Subtitle C, each tobacco manufacturer shall enter into a binding and enforceable contract ("the Protocol") in each state, with the Attorney General on behalf of the Chief Executive Officer of the state and representatives of the Castano litigants. As part of the protocol, a participating manufacturer shall agree, in any contract entered into with a distributor and retailer, to require the distributor and retailer to comply with the applicable terms of the protocol.

Section 211. APPLICATION OF SUBCHAPTER. The following provisions will be considered part of the Protocol.

Section 212. AGREEMENT TO PROHIBIT ADVERTISING. Parties to the executed Protocol agree that they will not use any form of outdoor product advertising, nor will they advertise in any arena or stadium where athletic, musical, artistic or other social or cultural events or activities occur. Parties also agree not to use human images or cartoon characters in tobacco-related advertising, labeling or promotional materials, and not to advertise tobacco products on the Internet. Parties also agree to limit point of sale advertising of tobacco products both in terms of number of advertisements and format, except in adult-only stores and tobacco outlets.

Section 213. GENERAL RESTRICTIONS. Parties agreeing to the Protocol will not use a trade or brand name of a non-tobacco product as the trade or brand name for a cigarette or smokeless tobacco product, except for products sold in the United States before January 1, 1995. Parties further agree to limit the media in which tobacco products will be advertised and will not make payments for placement of tobacco products in television programs, motion pictures, videos or video game machines.

Section 214. AGREEMENT ON FORMAT AND CONTENT REQUIREMENTS FOR LABELING AND ADVERTISING. Those signing the Protocol agree to limit tobacco-related advertising to black text on white background, except in certain cases such as vending areas not visible from the outside and adult publications. Further, parties using audio or video formats agree to certain limits, such as restrictions on music or sound.

Section 215. AGREEMENT TO BAN NON-TOBACCO ITEMS AND SERVICES, CONTESTS AND GAMES OF CHANCE, AND SPONSORSHIP OF EVENTS. Parties to the Protocol agree to ban all non-tobacco merchandise bearing the brand name, logo or other identifier of tobacco products. They also agree not to offer any gift or item in connection with the purchase of a tobacco product. Parties agree not to sponsor any athletic, musical, artistic or other social/cultural event in which identifiers of tobacco products are used, although the use of a corporate number in use in the United States prior to January 1, 1995 would be permissible.

SUBCHAPTER B—PROVISIONS RELATING TO LOBBYING

Section 220. APPLICATION OF SUBCHAPTER. The provisions of this subchapter will be considered part of the Protocol.

Section 221. AGREEMENT TO PROVISIONS RELATING TO LOBBYING. A manufacturer signing the Protocol must require that any lobbyists it retains will sign an agreement consenting to comply with applicable laws and regulations governing tobacco products, including this Act and the consent decree under this Act, and agreeing not to support or oppose any Federal or State legislation without express consent from the manufacturer.

Section 222. AGREEMENT TO TERMINATE CERTAIN ENTITIES. Parties to the Protocol agree that, within one year of enactment, the Tobacco Institute and the Council for Tobacco Research, U.S.A. will be terminated, and that any successor organizations will meet strict guidelines with respect to membership and activities and will be subject to oversight by the Department of Justice.

SUBCHAPTER C—OTHER PROVISIONS

Section 225. APPLICATION OF SUBCHAPTER. The provisions of this subchapter will be considered part of the Protocol.

Section 226. DETERMINATION OF PAYMENT AMOUNT. Manufacturers agreeing to the Protocol will determine the percentages each specific manufacturer must pay.

Section 227. ATTORNEY'S FEES AND EXPENSES. Within 30 days of enactment, an arbitration panel will be appointed by the Trustees, the participating manufacturers, and State Attorneys General participating in the June 20, 1997 memorandum of understanding and the Castano litigants. The arbitration panel will establish procedures for its operation, receive petitions for attorneys' fees and expenses, and make awards based on enumerated criteria subject to an annual cap which is equal to 5% of the amount paid to the Trust Fund for the applicable year. Awards made by the panel will be paid by the participating manufacturers and will not be paid from the Trust Fund.

Section 228. LIMITATIONS WITH RESPECT TO INDIAN COUNTRY. Participating manufacturers will agree not to conduct any activity within Indian country that is otherwise prohibited under this Act, and agrees to sell or otherwise distribute tobacco products to an Indian tribe or tribal organization under the same terms and conditions as the manufacturer imposes on others.

Section 231. FEDERAL ENFORCEMENT OF THE PROTOCOL. Sets forth the terms and conditions under which the Attorney General may bring civil actions, including imposition of stiff penalties, to enforce the Protocol. The Attorney General may enter into contracts with state agencies to assist in enforcement. The Attorney General is authorized to utilize funds from the Trust Fund for performance of her duties under this section.

Section 232. STATE ENFORCEMENT OF THE PROTOCOL. The chief law enforcement officer of a state may bring actions to enforce the protocol if the alleged violation is the subject of a proceeding within that State. However, the State must first give the Attorney General 30 days' notice before commencing such a proceeding, and the State may not bring a proceeding if the Attorney General is diligently prosecuting or has settled a proceeding relating to the alleged violation.

Section 233. PRIVATE ENFORCEMENT OF PROTOCOL. A participating manufacturer may also seek a declaratory judgment in Federal District Court to enforce its rights and obligations under the Act, and may also bring a civil action against other participating manufacturers to enforce or restrain breaches of the contract. In general, no such actions may be commenced, however, if the Attorney General or applicable State is already pursuing an action on the same alleged breach.

Section 234. REMOVAL. The Act allows removal to Federal court of state claims which seek to enforce the Protocol.

SUBTITLE B—CONSENT DECREES

Section 241. CONSENT DECREES. For a State to receive funding under Title V, for a manufacturer to receive liability protections under subtitle C, and for settlement of the Castano claims, consent decrees must be signed effective on the date of enactment.

The consent decrees shall include provisions relating to restrictions on tobacco advertising and youth access, restrictions on trade associations and lobbying, disclosure on tobacco smoke constituents, disclosure of nontobacco ingredients in tobacco products, disclosure of all documents relating to health, toxicity, and addiction, the obligation of manufacturers to make payments for the benefit of States, the obligation of manufacturers to deal only with distributors and retailers that comply with all laws regarding tobacco products, requirements for warnings, labeling, and packaging, the dismissal of pending litigation as required under this Act, and any other matters deemed appropriate by the Secretary.

The consent decrees shall not include information on tobacco product design, performance, or modification, manufacturing standards and good manufacturing practices, testing and regulation with respect to toxicity and ingredients, and the national goals relating to reductions in underage use of tobacco. Constitutional claims shall be waived and the provisions are severable. The decree must be approved by the Attorney General. The decree shall remain in effect regardless of amendments to the Act, except as superseded by said amendments. A state may only seek injunctive enforcement of the consent decree in state court. The Attorney General will regulate to ensure consistency of state court rulings regarding consent decrees which are not exclusively local.

Section 242. STATE ENFORCEMENT OF CONSENT DECREES. A State may bring an injunctive action to enforce the terms of a consent decree which falls within its jurisdiction. It can only seek criminal or monetary relief for a subsequent violation of an injunction previously granted.

Section 243. NON-PARTICIPATING MANUFACTURERS. Provides an incentive for manufacturers to participate in the national tobacco control protocol. Non-participating firms will not be protected by the civil liability protections of this bill. A non-participating company will be required to transfer funds to the National Tobacco Settlement Trust Fund in an amount based on the proportion of the market share of the sales of the firm. Each non-participating manufacturer shall place into an escrow reserve fund each year an amount equal to 150% of its share of the annual payment required of participating manufacturers.

SUBTITLE C—LIABILITY PROVISIONS

Section 251. DEFINITIONS. Defines pertinent terms used in Subtitle C.

CHAPTER 1—IMMUNITY AND LIABILITY FOR PAST CONDUCT

Section 255. APPLICATION OF CHAPTER. This chapter is the sole enforcement mechanism and exclusive remedy for any claims against any participating manufacturer which have not reached final judgment or settlement by the effective date of this act.

Any court judgment entered subsequent to this bill's enactment shall include express language subjecting the judgment to the act. No bond, penalty, or increased interest shall be required in connection with appeal of any judgment arising under this act.

Section 256. LIMITED IMMUNITY. All pending actions against participating manufacturers whether brought by a State or local government entity, as a class action, or as a civil action based on addition to or dependence, are hereby terminated. All participating manufacturers are hereby immune from any future action brought by a State or local governmental entity, as a class action, or as a civil action based on tobacco addiction or dependence. Individual personal injury claims arising from the use of tobacco are preserved.

Section 257. CIVIL LIABILITY FOR PAST CONDUCT. This section applies to all actions permitted under section 256 for conduct before enactment. Punitive damages are prohibited.

All actions must be brought by individuals and may not be consolidated without consent of defendants. The only means to remove an action is if a defendant removes it to Federal court. Participating manufacturers must jointly share in civil liability for damages; they shall not be jointly and severally liable with non-participating manufacturers; and actions involving participating and non-participating manufacturers shall be severed. Permissible plaintiffs are individuals, their heirs, and third-party payers who are bringing individual claims for tobacco-related injuries and third-party payers whose claims are not based on subrogation that were pending on June 9, 1997. Defendants under this section are participating manufacturers, their successors or assigns, any future fraudulent transferees, or any entity for suit designated to survive a defunct signatory. Vicarious liability for agents applies. Subsequent development of reduced risk tobacco is not admissible or discoverable.

Aggregate annual cap is 1/3 of annual payments required of all signatories for the year involved. Excess amounts shall be paid in the following year. Signatories shall receive credit of 80% of amounts paid under judgments or settlements for the year involved. Any amount awarded over $1,000,000 may be paid in the following year. Each annual payment shall not exceed $1,000,000, unless all judgments in the first year can be paid without exceeding the aggregate annual cap. Defendants shall bear their own attorneys' fees and costs.

Section 258. CIVIL LIABILITY FOR FUTURE CONDUCT. This section applies to all actions permitted under section 256 for conduct after enactment. Sections 257(c) and (e) through (I) shall apply to actions under this section. Third-party payor claims not based on subrogation shall not be commenced under this section. There is no prohibition for punitive damages under this section.

Section 259. NON-PARTICIPATING MANUFACTURERS. This title shall not apply to non-signatories to the Protocol and participating manufacturers who are 12 months delinquent in payments due pursuant to the act.

Section 260. PAYMENT OF JUDGMENTS AND SETTLEMENTS. A participating manufacturer may seek injunctive relief in federal court to stop a state court from enforcing a judgment which is unenforceable under this chapter. The federal court shall issue an injunction if the participating manufacturer demonstrates that the judgment or settlement is unenforceable under this chapter.

Section 261. STATE ELIGIBILITY. A state shall be eligible to receive funds under this act if (1) (by the effective date of the act) it adopts sections 256 through 259 as unqualified state law and any defendant in a civil action under this act shall have a right to a prompt interlocutory appeal to the highest court of the state to enforce the requirements of state law; and (2) it withdraws and dismisses any claims required to be dismissed under section 256.

Within 6 months of the effective date of this act (with special provision for states whose legislature do not meet within that time frame), and annually thereafter, the AG shall certify that each state eligible to receive funds has complied with this section—states not certified shall not receive funds. No state claim may be maintained in any court of that state if it does not comply with subsection (a)(1) herein. This chapter governs any action by a state which is not in compliance with subsection (a)(1) herein but is otherwise maintainable in the state.

Section 262. REMOVAL. This section amends the existing code to enact the removal provisions and give the federal court jurisdiction.

Section 263. CONFORMING AMENDMENTS. The section conforms existing code sections with this act.

TITLE III—REDUCTION IN UNDERAGE TOBACCO USE

Subtitle A—State Laws Regarding the Sale of Tobacco Products to Minors

Section 301. STATE LAWS REGARDING SALE OF TOBACCO PRODUCTS TO INDIVIDUALS UNDER THE AGE OF 18. Expands upon what is popularly known as the "Synar amendment" (relating to the sale or distribution of tobacco products to individuals under the age of 18) P.L 102-321.

Effective in FY 1999 (or FY 2000 for States with legislatures which do not convene in 1999) and thereafter, a State which wishes to receive funding under Title V of this Act must have in effect a State law consistent with the provisions contained in the model law described in section 302. A State must enforce the law systematically and conscientiously and in a manner which can reasonably be expected to reduce the extent to which tobacco products are available to individuals under age 18. A State must also certify that enforcement of the law is a priority, conduct random, unannounced inspections to ensure compliance, and annually transmit to the Trustees a report describing its operation of the program. As a funding source for the program, States may use payments from the Trust Fund, grants under sections 1901 and 1921 of the Public Health Service Act, license fees or penalties collected pursuant to this Act, or any other funding authorized by the State legislature. The Trustees are authorized to reduce payments to States for noncompliance.

Section 302. MODEL STATE LAW. Describes the provisions of the model state law. Under that model, a series of conditions are placed on the sale of tobacco to restrict use by persons under age 18. It will be unlawful for a person to distribute a tobacco product to an individual under age 18. Persons who violate this section, and employers of employees who violate the section, are liable for civil penalties. Under the model, it is also unlawful for an individual under age 18 to purchase, smoke or consume (or attempt such acts) in a public place. Penalties are imposed for violations of this provision. Law enforcement agencies are required to notify promptly the parent(s) or guardians about such violations. Persons who sell tobacco products at retail must post signs communicating that the sale to individuals under 18 is prohibited. It is also unlawful for product samples or opened packages to be provided to anyone under 18, or for packages to be displayed so that individuals have direct access. Civil penalties for violations of these requirements apply.

The model law also requires employers who distribute tobacco products at retail to implement a program to ensure that employees are not distributing tobacco products to minors in violation of the preceding requirements. The model also requires appropriate state and local law enforcement officials to enforce the Act in a manner reasonably expected to reduce the extent to which individuals under age 18 have access to tobacco products. Under certain conditions, states are authorized to use individuals under age 18 to test compliance with this act. The Act also sets forth requirements for states to license persons engaged in the distribution of tobacco products, and describes the procedures which will be used for suspension, revocation, denial and non-renewal of licenses. States are required to report annually on compliance with the Act.

SUBTITLE B—REQUIRED REDUCTION IN UNDERAGE USAGE

Section 311. PURPOSE. Encourages achievement of dramatic and immediate reductions in the number of underage consumers of tobacco through substantial financial surcharges on manufacturers if targets are not met.

Section 312. DETERMINATION OF UNDERAGE USE BASE PERCENTAGES. Sets forth a methodology for the Secretary of HHS to set base percentages for the calculation by age group of children who use tobacco products.

Section 313. ANNUAL DAILY INCIDENCE OF UNDERAGE USE OF TOBACCO PRODUCTS. Five years after enactment, and annually thereafter, the Secretary shall make a determination according to the methodology set out in this section of the average annual incidence of daily tobacco use by individuals under age 18.

Section 314. REQUIRED REDUCTION IN UNDERAGE TOBACCO USE. Requires the Secretary to determine if the annual incidence of the daily use of tobacco products exceeds the national goals set forth in section 4.

Section 315. APPLICATION OF SURCHARGES. If the Secretary determines that the national goals have not been met in any year following year five, she will make a report to Congress outlining changes to the national program established in this act that she believes must be undertaken to move the country toward achievement of the national goals. The Secretary is authorized to impose a surcharge on cigarette manufacturers of $100 million per percentage point for each of the first five percentage points by which the goal is not met; the surcharge will be $200 million for each of the next five percentage points by which the goal is not met, and $300 million per percentage point for the amount that the goal is not met by eleven or more percentage points. In the case of smokeless tobacco products, which represent one-seventh of youth use of tobacco products, the potential lookback penalties will be $15 million per applicable percentage point for each of the first five points by which the goal is not met. The potential surcharge that could apply would be $30 million and $45 million for the next two five percentage point increments, respectively.

Five years after the surcharge provisions are applicable (the eleventh year after passage), the surcharge payments will be increased. For cigarettes, the surcharge payment will be $250 million for each of the first five percentage points that the goal is not met and $500 million for each additional percentage point by which the goal is not met. (E.g., If cigarette usage failed to meet the applicable target by 6 percentage points, in year 6 the surcharge assessment is $700 million, and in year 11 is $1.75 billion.) For smokeless tobacco products, the corresponding surcharge amounts will be $30 million and $60 million, respectively. This section provides an annual cap on surcharge payments for cigarettes of $5 billion for the first five years in which the surcharges apply under the Act (the sixth year after passage) and $10 billion thereafter. For smokeless tobacco products, the analogous caps are, $500 million and $1 billion, respectively.

Any surcharge imposed under this section is the joint and several obligation of all participating manufacturers (subject to the abatement provisions contained in section 316) as allocated by the market share of each manufacturer. Any funds generated under this section will be available to the Trust Fund.

Section 316. ABATEMENT PROCEDURES. A manufacturer who becomes subject to any surcharge that might be imposed under section 315 must first pay the surcharge, and then may petition the Secretary for abatement of the surcharge. The Secretary is required to hold a hearing on the abatement petition, during which the burden will be on the participating manufacturer to prove by a preponderance of the evidence that the manufacturer should be granted the abatement. The Secretary will make her decision based on criteria described in this section. She may abate all or part of the surcharge, but this is totally at her discretion. Judicial review of the Secretary's decision may be sought.

Section 317. INCENTIVES FOR EXCEEDING THE NATIONAL TOBACCO PRODUCTS USE REDUCTION GOALS. In any year, including the first five program years, that the ultimate national tobacco product use reduction goals are exceeded (a 60% reduction for cigarettes and a 45% reduction for smokeless tobacco products, tobacco manufacturers will be assessed reduced payments. This section provides that for payments related to cigarettes, for each percentage point by which the 60% reduction goal has been exceeded payments will be reduced by a factor of ⅙₀ per percentage point. (E.g., if cigarette use dropped by 80% from the base year in a given year, the payment would be reduced by 20/80th's, or 25%). The corresponding factor for smokeless tobacco products is 1/110 per percentage point that the 45% goal is exceeded.

TITLE IV—HEALTH AND SAFETY REGULATION OF TOBACCO PRODUCTS

SUBTITLE A—GENERAL AUTHORITY

Section 401. Amendments to Definitions Contained in the Federal Food, Drug, and Cosmetic Act. This title grants clear jurisdiction over tobacco products and establishes the framework for the Secretary of Health and Human Service, acting through the Food and Drug Administration, to oversee a new comprehensive regulatory system for tobacco products. "Tobacco product" and other relevant terms are defined for the first time in the FDA's basic regulatory statute, the Federal Food, Drug, and Cosmetic Act. This section adds two important new prohibited acts to the FD&C statute that make it illegal to manufacture and market tobacco products that do not comply with the new Tobacco Products chapter, Chapter IX. The bill amends the definition of "drug" to give FDA authority to regulate tobacco products as unapproved drugs if they do not comply with new Chapter IX. No change is made in the definition of "medical device" and this bill does not contemplate that tobacco products shall be regulated as restricted medical devices.

Adds a new Chapter IX to the Federal Food, Drug and Cosmetic Act, which will be entitled "Health and Safety Regulatory Requirements Relating to Tobacco Products. It will contain the following new sections.

Section 900. Definitions. Definitions of the term "cigarette," "cigarette tobacco," "nicotine," "smokeless tobacco," "tar," "tobacco additive," and "tobacco product" will be added to the FD&C Act.

Sec. 901. Statement of General Duties. The Secretary of HHS is directed to undertake a number of regulatory activities, detailed in section 902 through section 908, in furtherance of the comprehensive health promotion and disease prevention program that the PROTECT Act establishes for tobacco products.

Sec. 902. Tobacco Product Health Risk Management Standards. This section directs the Secretary to issue regulations, through routine notice and comment rulemaking procedures and in consultation with public health experts, that establish rigorous controls over the composition of tobacco products. These regulations will include provisions relating both to the protection of confidential commercial information and for the public disclosure of the ingredients of tobacco products.

Such regulations will grant the Secretary the authority to issue regulations to assess and manage the risks presented by nicotine and reduce or eliminate constituents of tobacco products, or to ban tobacco products after the Secretary considers relevant factors. These factors include: reduction of public health risks; capacity of the health care system to provide effective and accessible treatments to current consumers of tobacco products; the potential creation of a significant market for contraband tobacco products; and, the technological feasibility of manufacturers to modify existing products. Secretarial actions to ban tobacco products will require a joint resolution of approval from both chambers of the United States Congress.

Sec. 903. Good Manufacturing Practice Standards for Tobacco Products. The Secretary shall issue regulations that specify the good manufacturing practices (GMP) for tobacco products. Such regulations will prescribe the methods used in, and the facilities and management controls used for, the manufacturing of tobacco products. The GMP regulations will contain requirements for registration and inspection of the tobacco product manufacturing establishments.

The GMP regulations promulgated by the Secretary shall contain provisions relating to pesticide residue levels and will provide for an advisory committee to recommend to the Secretary whether to approve, consistent with the public health, petitions for variances to the established residue level standards. The GMP requirements established by the Secretary shall include record keeping and reporting standards for tobacco products.

Sec. 904. Tobacco Product Labeling, Warning, and Packaging Standards. Section 904 stipulates new warning statements for both cigarettes and smokeless tobacco products. Section 904 provides format and type-size requirements and stipulates rotation schedules for tobacco product labels. Section 904 grants the Secretary the authority to issue regulations to revise tobacco product labeling statements and exempts tobacco product exports from these labeling requirements.

Sec. 905. Reduced Risk Tobacco Products. This section requires the Secretary to issue regulations that create incentives for the development and commercial distribution of reduced risks tobacco products. Under section 905 manufacturers of new technologies that reduce the negative health effects of using tobacco products notify, in confidence, the Secretary of such technology. Upon a determination that an innovation reduces the health risks of tobacco products and is technologically feasible, the Secretary may require that such risk reduction innovations be incorporated, through a licensing program, into other tobacco products.

Section 906. Tobacco Product Marketing Restrictions. Section 906 prohibits the sale of tobacco products to persons under 18 years of age and generally requires retailers to conduct sales in a face-to-face manner and to verify the age of tobacco purchasers. Under this section, cigarettes must be sold in packages with no fewer than twenty cigarettes; no free samples may be distributed; the vending machine sales must be eliminated except in certain limited adult facilities; and mail order sales must be accompanied by age verification procedures.

Section 907. Tobacco Products Scientific Advisory Committee. This requires the Secretary to establish a Tobacco Products Scientific Review Committee to assist in the development and in an on-going assessment of the effectiveness of the tobacco product health risk management standards required by section 902, the tobacco product good manufacturing standards required by section 903, the tobacco product labeling, warning, and packaging standards required by section 904, the reduced risk tobacco product provisions of section 905, and the tobacco product marketing restrictions required by section 906. This committee will primarily consist of experts in science, medicine, and public health but will also include experts in law and ethics and include representatives of both pro-, and anti- tobacco use groups.

Section 908. Report to Congress. Section 908 requires the Secretary to report to Congress biennially on the effectiveness of new Chapter IX and the other relevant provisions of the PROTECT Act, and other relevant laws and policies that relate to the nation's effort to reduce use of, and the health risks associated with, tobacco products. Such report will contain information on current use patterns and health effects of tobacco products with a particular emphasis on use of these products by those under 18 years of age. The Secretary shall also report to the Congress on recommended changes in legislation that will increase the effectiveness.

Section 909. Judicial Review Standards. This new section makes clear that in any judicial proceeding involving the regulations issued under Chapter IX, the courts will use procedures, apply standards of review, and grant the degree of deference that it normally accords the Secretary under the Federal Food, Drug, and Cosmetic Act.

Section 910. Preemption. This section permits state and local governments to enact requirements with respect to tobacco products so long as the state or local requirement does not conflict with a requirement of section 902, 903, 904, or 905.

Section 402. Repeals. This section repeals the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act.

TITLE V—PAYMENTS TO STATES AND PUBLIC HEALTH PROGRAMS

SUBTITLE A—PAYMENTS TO STATES

Section 501. Reimbursement for State Expenditures. The Trustees will make available to the states one-half of the Trust Fund amounts each year (after payments have been allocated for tobacco farmers, Native Americans, and certain combined asbestos/tobacco plaintiffs), apportioned state-by-state according to a table listed in the Act which is based on the State Attorney Generals' agreement. The funds will be utilized by the States under two sets of conditions. Utilizing the Medicaid matching percentage rates, the portion of the funds which would have been attributable to the state matching share shall be used by the State for any purpose it deems appropriate. Federal subrogation is waived, and the amount that otherwise would have been returned to the Federal government will be retained by the State, but may only be used for certain specified anti-tobacco-related purposes as outlined in section 502.

Section 502. Requirements for States' Use of Certain Funds. As a condition of receiving funds which otherwise would have been returned to the Federal government, a state must submit to the Trustees a plan that describes the anti-tobacco programs for which the funds will be used, the measurable objectives that will be used to evaluate the program outcome, the procedures which will be used for outreach, and efforts which are made to coordinate the new programs with existing Federal and State programs. The state must also collect necessary data and maintain records to allow the Trustees to evaluate the plan and its effectiveness. State plans and amendments thereto are deemed to be approved unless disapproved by the Trustee within 90 days of submission. Each year, the State must provide the Trustees with an assessment of the plan, including the effectiveness of the plan in reducing the number of children and adults who use tobacco products. In addition, the Trustees will provide an annual report on operations of the plan.

In order to retain the otherwise-Federal share, States must use the funds for anti-tobacco programs in coordination with existing Federal public health and social services programs, including child nutrition programs, maternal and child health, the State Children's Health Insurance Program, Head Start, school lunch, Indian Health Service, Community Health Centers, Ryan White, and social services block grant. States may also use these funds for smoking cessation programs that reimburse for medications or other therapeutic techniques, and anti-tobacco products public education programs, including counter-advertising campaigns.

SUBTITLE B—PUBLIC HEALTH PROGRAMS

Section 521. National Institutes of Health Trust Fund for Health Research. A National Institutes of Health Trust Fund for Health Research is established which reflects the settlement of punitive damages for past reprehensible behavior of the tobacco industry. This punitive damages fund will be funded from the National Settlement Trust Fund, and overall funding will amount to $95 billion over the first 25 years. In year 5 and thereafter, a total of $4 billion annually will be available under this section, subject to any required adjustments due to inflation, sales volume adjustments, and look-back penalties.

Section 521(e) requires the Director of the National Institutes of Health, in consultation with leading experts, to devise a National Tobacco and Other Abused Substances Research Agenda. Funds provided under this section are expended as follows: NIH Director's Discretionary Fund, 2%; Research Facilities, 2%; health information communications, 1%; national cancer research and demonstration centers under section 414 of the Public Health Service Act, 10%; and, the remaining 85% shall be allocated to the established Institutes, Centers, and Divisions of NIH in the same proportion as the annual appropriations bill for NIH. Eligible research are stipulated in section 521(d)(2) and include diseases associated with tobacco use including cancer, cardiovascular diseases, and stroke.

Section 522. National Anti-Tobacco Product Consumption and Tobacco Product Cessation Public Health Program. Under this section, with the funds specified in section 101(c)(3)(C) of Title I of this Act, the Secretary shall establish and implement a national anti-tobacco product consumption and tobacco product cessation program. This program will be coordinated by the Office of Smoking and Health of the Centers for Disease Control and Prevention. In year 6 and thereafter, a total of $4 billion annually will be available under this section, subject to any required adjustments due to inflation, sales volume adjustments, and look-back penalties.

The Secretary may use funds under this section to offset HHS' administrative costs in carrying out the public health components of the PROTECT Act, including the additional costs attributable to the new regulatory responsibilities placed on the Food and Drug Administration under this Act. In carrying out this section, the Secretary may act under the general authorities provided under section 301 of the Public Health Service Act. In carrying out this program the Secretary must act in concert with state and local public health officials and non-governmental organizations and will consider, as appropriate, the public health recommendations made by the Castano class action plaintiffs.

This section requires the Secretary to undertake a substantial public education program, including the development and dissemination of materials that alert, in the most appropriate and effective fashion, the public to the risks of tobacco use, with a special emphasis on materials and techniques that are targeted to young Americans. The Secretary is also directed to make a special effort to inform current adult users of tobacco products of the health benefits of ceasing use of these products. Among the public education and information techniques authorized by this section is a publicly financed nationally directed counter-advertising campaign. The Secretary is also directed to develop and make available a model state anti-tobacco use and tobacco cessation program.

Section 522 directs the Secretary to make available at least one half the funds available under this section through section 101(c)(3)(C) to states in the form of vountary anti-tobacco use and tobacco cessation program block grants. Eligible activities for this block grant will be the same as those specified under 502(e). To the extent possible, the Secretary will harmonize the program management requirements under sections 502 and 522. The formula for the block grant will be devised by the Secretary but shall include such relevant factors as the number of children residing in each participating state.

TITLE VI—STANDARDS TO REDUCE INVOLUNTARY EXPOSURE TO TOBACCO SMOKE

Section 601. DEFINITIONS. Defines pertinent terms used in this section.

Section 602. SMOKE-FREE ENVIRONMENT POLICY. Requires a public facility to implement a smoke-free environment policy, which prohibits tobacco use within the facility and on facility property within the immediate vicinity of the facility's entrance. Requires the policy to be posted in a clear and prominent manner. Exceptions are granted to facilities which meets the requirements of a Specially Designated Smoking Area. No exception would be granted for restaurants, prisons, and congressional office buildings and the Capitol Building. There are special rules for schools and other facilities serving children.

Section 603. PREEMPTION. Precludes preemption of any other Federal, State, or local law in this area.

Section 604. REGULATIONS. Sets a 6-month period to promulgate the title's regulations.

Section 605. EFFECTIVE DATE. Sets an effective date of 6 months after the date the rules are promulgated, or 1 year after date of Act's enactment, whichever is later.

TITLE VII—PUBLIC DISCLOSURE OF HEALTH RESEARCH

Section 701. PURPOSE. Sets the purpose of this title to disclose previously nonpublic or confidential documents by tobacco product manufacturers.

Section 702. NATIONAL TOBACCO DOCUMENT DEPOSITORY. Establishes a National Tobacco Document Depository which will be used as a resource for litigants, public health groups, and other interested parties and which will contain documents described in the statute. The section also creates a Tobacco Documents Dispute Resolution Panel, to be composed of 3 Federal Judges appointed by the Congress, and outlines the Panel's structure, including its basis for determining a dispute, its final decision rule, and its assessment of fees policy. Provides for the Panel to establish a procedure for accelerated review and for a Special Masters.

Section 703. ENFORCEMENT. Allows the Attorney General to bring a proceeding before the Tobacco Documents Dispute Resolution Panel with appropriate notice requirements and civil penalty levels.

TITLE VIII—AGRICULTURAL TRANSITION PROVISIONS

Section 801. SHORT TITLE: "Tobacco Transition Act."

Section 802. PURPOSES. Terminates the federal tobacco program while making compensation to quota owners and tobacco farmers. Provides economic assistance to affected counties through block grants to affected states.

Section 803. DEFINITIONS. Defines pertinent terms used in Title VIII.

SUBTITLE A—TOBACCO PRODUCTION TRANSITION

CHAPTER 1—TOBACCO TRANSITION CONTRACTS

Section 811. TOBACCO TRANSITION ACCOUNT. Establishes the Tobacco Transition Account within the Trust Fund. Through this account, compensation will be made to quota owners and tobacco farmers. Economic assistance block grants to affected states will also be provided through the Transition Account.

Section 812. OFFER AND TERMS OF TOBACCO TRANSITION CONTRACTS. The Secretary of Agriculture shall offer to buy tobacco quotas from owners through a three-year payment period. All restrictions on the

production and marketing of tobacco will be lifted in 1998, ending the tobacco quota program.

Section 813. ELEMENTS OF CONTRACTS. Within 90 days of enactment of this legislation, the Secretary to offer contracts to quota owners until June 31, 1999. Buyout payments and transition payments shall start at the beginning of the 1999 marketing year and end at the end of the 2001 marketing year.

Section 814. BUYOUT PAYMENTS TO OWNERS. During the three-year phaseout period, buyout payments will be made to quota owners as a compensation for the lost value they experience associated with the ending of the quota program. The payments will be determined by multiplying $8.00 by the average annual quantity of quota owned during the 1995–1997 crop years.

Section 815. TRANSITION PAYMENTS TO PRODUCERS. Provides assistance to farmers who do not own quotas but who leased from quota owners during three of the last four years. Transition payments only apply to the leased portion of the recipient's crop and will constitute a compensation to the producer for lost revenue caused by this act. The payments shall be determined by multiplying 40 cents by the average quantity of tobacco produced during the three years of the transition period.

Section 816. TOBACCO WORKER TRANSITION PROGRAM. Establishes a retraining program for displaced tobacco workers involved in the manufacture, processing or warehousing of tobacco or tobacco products. Patterned after the NAFTA Trade Adjustment Assistance program, the Governor and then the Secretary of Labor shall determine a group's eligibility for the program. The total amount of payments for the Tobacco Worker Transition Program is capped at $50,000,000 for any fiscal year, and after ten years the program will be terminated. Any individual receiving tobacco quota buyout payments are ineligible for this program.

Section 817. FARMER OPPORTUNITY GRANTS. Amends the Higher Education Act of 1965 to establish a grant payment for tobacco farmers and their families to pay for higher education. Grants will be made in the amount of $1,700 per year, rising to $2,900 annually by 2019. Academic eligibility requirements will mirror the standards regulating Pell Grants. Receipt of a Farmer Opportunity Grant will not affect a student's eligibility to receive other income-based assistance.

CHAPTER 2—RURAL ECONOMIC ASSISTANCE BLOCK GRANTS

Section 821. Rural Economic Assistance Block Grants. For each of the three years of the transition period, 1999 through 2001, the Secretary shall provide block grants to tobacco growing states to assist areas that are largely dependent on tobacco production. The grants will total $100 million for each of the three years, with a total cost of $300 million. The amount of each state's block grant will be based on (1) the number of counties within the state dependent on tobacco production and (2) the extent to which the counties are dependent on tobacco production. The Governor shall use a similar formula to apportion the state's grant to the counties. Use of the grants by the counties shall be approved by the Governor.

SUBTITLE B—TOBACCO PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS

CHAPTER 1—TOBACCO PRICE SUPPORT PROGRAM

Section 831. INTERIM REFORM OF TOBACCO PRICE SUPPORT PROGRAM. Amends Section 106 of the Agricultural Act of 1949 to phase out the tobacco price support program over the four years following the enactment of this act. In 1999, the price supports will decline by 25% and then by 10% in 2000 and in 2001, after which the price support program will be terminated.

Section 832. TERMINATION OF TOBACCO PRICE SUPPORT PROGRAM. Amends Section 101 of the Agricultural Act of 1949 to repeal the tobacco price support program after 2001.

CHAPTER 2—TOBACCO PRODUCTION ADJUSTMENT PROGRAMS

Section 835. TERMINATION OF TOBACCO PRODUCTION ADJUSTMENT PROGRAMS. Amends the Agricultural Adjustment Act of 1938 to exclude tobacco from the provisions of the Act, effectively ending the Tobacco Production Adjustment Program.

SUBTITLE C—FUNDING

Section 841. TRUST FUND. Provides for the transfer of funds from Tobacco Transition Account (in the Trust Fund) to the Commodity Credit Corporation (CCC).

Section 842. COMMODITY CREDIT CORPORATION. Allows the Secretary to use the CCC in carrying out the provisions of this title.

TITLE IX—MISCELLANEOUS PROVISIONS

Section 901. PROVISIONS RELATING TO NATIVE AMERICANS. Provides that the requirements of this Act relating to the manufacturer, distribution and sale of tobacco products will apply on Indian lands as defined in section 1151 of title 18 of the U.S. Code. Any federal tax or fee imposed on the manufacture, distribution or sale of tobacco products will be paid by any Indian tribe engaged in such activities, or by persons engaged in such activities on such Indian lands, to the same extent such tax applies to other entities.

The Secretary, in consultation with the Secretary of the Interior, is authorized to treat Indian tribes as a state for purposes of this Act. The Secretary is authorized to provide any such tribe grant assistance to carry out the licensing and enforcement functions in accordance with a plan submitted and approved by the Secretary as in compliance with the Act.

A participating tobacco manufacturer shall not engage in any activity within Indian country that is prohibited under the Protocol. A state may not impose obligations or requirements relating to the application of this Act to Indian tribes and organizations.

Recognizing that tobacco use remains a significant risk factor for Indians and that cigarette smoking is more than twofold for Indian men and more than fourfold for Indian women over non-Indians, a supplemental fund is established for the Indian Health Service to raise the health status of Indians. The fund is established at $5 billion to be allotted to IHS at increments of $200 million annually for 25 years.

Section 902. WHISTLEBLOWER PROTECTIONS. A tobacco manufacturer or distributor may not retaliate against an employee for disclosing a substantial violation of law related to this Act to the Secretary, the Department of Justice, or any State or local authority. Said employee may file a civil action in federal court if he believes such retaliation has occurred (within two years of the retaliation). The court may order reinstatement of the employee, order compensatory damages, or other appropriate remedies. Employees who deliberately participate in the violation or knowingly provide false information are excluded from this section.

Section 903. LIMITED ANTITRUST EXEMPTION. Federal and state antitrust laws shall not apply to certain actions by manufacturers, which are taken pursuant to this Act, including entering into the Protocol or consent decree, refusing to deal with noncomplying distributors, or other actions meant to comply with plans or programs to reduce the use of tobacco by children. In order for the exemption to apply, such plans or programs must be approved by the Attorney General pursuant to a process set forth in this section.

Section 904. EFFECTIVE DATE. The effective date will be the date of enactment.

By Mr. BREAUX (for himself and Mr. COCHRAN):

S. 1533. A bill to amend the Migratory Bird Treaty Act to clarify restrictions under that act of baiting, and for other purposes; to the Committee on Environment and Public Works.

THE MIGRATORY BIRD TREATY REFORM ACT

Mr. BREAUX. Mr. President, I am pleased to join with the distinguished senior Senator from the State of Mississippi, Senator COCHRAN, in introducing the Migratory Bird Treaty Reform Act. I believe it is legislation all of our colleagues should support.

As members of the Migratory Bird Conservation Commission, Senator COCHRAN and I recognize the importance of protecting and conserving migratory bird populations and habitat.

Eighty years ago, Congress enacted the Migratory Bird Treaty Act, which implemented the 1916 Convention for the Protection of Migratory Birds between Great Britain, for Canada, and the United States. Since then, the United States, Mexico, and the former Soviet Union have signed similar agreements. The Convention and the Act are designed to protect and manage migratory birds and regulate the taking of that renewable resource. They have had a positive impact, and we have maintained viable migratory bird populations despite the loss of natural habitat because of human activities.

Since passage of the Migratory Bird Treaty Act and development of the regulatory program, several issues have been raised and resolved. One has not—the issue concerning the hunting of migratory birds "[b]y the aid of baiting, or on or over any baited area."

A doctrine has developed in the federal courts by which the intent or knowledge of a person hunting migratory birds on a baited field is not an issue. If bait is present, and the hunter is there, he is guilty under the doctrine of strict liability. It is not relevant that the hunter did not know or could not have known bait was present. I question the basic fairness of this rule.

Mr. President, I do not want anyone to misunderstand me. I strongly support the Migratory Bird Treaty Act. We must protect our migratory bird resources from overexploitation. I would not weaken the Act's protections.

The fundamental goal of the Migratory Bird Treaty Reform Act is to address the baiting issue. It is the result of months of negotiation by the International Association of Fish and Wildlife Agencies' Ad Hoc Committee on Baiting. The Committee has representatives from each of the migratory flyways, Ducks Unlimited, the National Wildlife Federation, and the North American Wildlife Enforcement Officers Association.

Under this legislation, no person may take migratory birds by the aid of bait, or on or over bait, where that person knew or should have known the bait was present. It removes the strict liability interpretation presently followed by federal courts. In its stead, it establishes a standard that permits a determination of the actual guilt of the defendant. If the facts show the hunter knew or should have known of the bait, liability, which includes fines and possible incarceration, would be imposed. However, if the facts show the hunter could not have reasonably known bait was present, the court would not impose liability or assess penalties. This is a question of fact determined by the court based on the evidence presented.

This legislation would require the U.S. Fish and Wildlife Service to publish, in the Federal Register, a notice for public comment defining what is a normal agricultural operation for that geographic area. The Service would make this determination after consultation with state and federal agencies and an opportunity for public comment. The purpose of this provision is to provide guidance for landowners, farmers, wildlife managers, law enforcement officials, and hunters so they know what a normal agricultural operation is for their region.

The goal of the Migratory Bird Treaty Reform Act is to provide guidance to landowners, farmers, wildlife managers, hunters, law enforcement officials, and the courts on the restrictions on the taking of migratory birds. It accomplishes that without weakening the intent of current restrictions on the method and manner of taking migratory birds; nor do the proposed provisions weaken protection of the resource.

Mr. President, I urge my colleagues to join us in supporting this important legislation, and I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Migratory Bird Treaty Reform Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Migratory Bird Treaty Act was enacted in 1918 to implement the 1916 Convention for the Protection of Migratory Birds between the United States and Great Britain (for Canada). The Act was later amended to reflect similar agreements with Mexico, Japan, and the former Soviet Union.

(2) Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior is authorized to promulgate regulations specifying when, how, and whether migratory birds may be hunted.

(3) Contained within these regulations are prohibitions on certain methods of hunting migratory game birds to better manage and conserve this resource. These prohibitions, many of which were recommended by sportsmen, have been in place for over 60 years and have received broad acceptance among the hunting community with one principal exception relating to the application and interpretation of the prohibitions on the hunting of migratory game birds by the aid of baiting, or on or over any baited area.

(4) The prohibitions regarding the hunting of migratory game birds by the aid of bait, or on or over bait, have been fraught with interpretive difficulties on the part of law enforcement, the hunting community, and courts of law. Hunters who desire to comply with applicable regulations have been subject to citation for violations of the regulations due to the lack of clarity, inconsistent interpretations, and enforcement. The baiting regulations have been the subject of multiple congressional hearings and a law enforcement advisory commission.

(5) Restrictions on the hunting of migratory game birds by the aid of baiting, or on or over any baited area, must be clarified in a manner that recognizes the national and international importance of protecting the migratory bird resource while ensuring consistency and appropriate enforcement including the principles of "fair chase".

SEC. 3. CLARIFYING HUNTING PROHIBITIONS.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b)(1) No person shall—

"(A) take any migratory game bird by the aid of baiting, or on or over any baited area, where the person knows or reasonably should have known that the area is a baited area; or

"(B) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting or on or over the baited area.

"(2) Nothing in this subsection prohibits any of the following:

"(A) The taking of any migratory game bird, including waterfowl, from a blind or other place of concealment camouflaged with natural vegetation.

"(B) The taking of any migratory game bird, including waterfowl, on or over—

"(i) standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown; or

"(ii) grains, agricultural seeds, or other feed scattered solely as a result of—

"(I) accepted soil stabilization practices or accepted agricultural planting, harvesting, or manipulation after harvest; or

"(II) entering or exiting of areas by hunters or normal hunting activities such as decoy placement or bird retrieval, if reasonable care is used to minimize the scattering of grains, agricultural seeds, or other feed.

"(C) The taking of any migratory game bird, except waterfowl, on or over any lands where salt, grain, or other feed has been distributed or scattered as a result of—

"(i) accepted soil stabilization practices;

"(ii) accepted agricultural operations or procedures; or

"(iii) the alteration for wildlife management purposes of a crop or other feed on the land where it was grown, other than distribution of grain or other feed after the grain or other feed is harvested or removed from the site where it was grown.

"(3) As used in this subsection:

"(A)(i) Except as otherwise provided in this Act, the term 'baiting' means the intentional or unintentional placement of salt, grain, or other feed capable of attracting migratory game birds, in such a quantity and in such a manner as to serve as an attractant to such birds to, on, or over an area where hunters are attempting to take them, by—

"(I) placing, exposing, depositing, distributing, or scattering salt, grain, or other feed grown off-site;

"(II) redistributing grain or other feed after it is harvested or removed from the site where grown;

"(III) altering agricultural crops, other than by accepted agricultural planting, harvesting, or manipulation after harvest, altering millet planted for nonagricultural purposes (planted millet), or altering other vegetation (as specified in migratory bird hunting regulations issued by the Secretary of the Interior) planted for nonagricultural purposes; or

"(IV) gathering, collecting, or concentrating natural vegetation, planted millet, or other vegetation (as specified in migratory bird hunting regulations issued by the Secretary of the Interior) planted for nonagricultural purposes, following alteration or harvest.

"(ii) The term 'baiting' does not include—

"(I) redistribution, alteration, or concentration of grain or other feed caused by flooding, whether natural or man induced; or

"(II) alteration of natural vegetation on the site where grown, other than alteration described in clause (i)(IV).

"(iii) With respect only to the taking of waterfowl, the term 'baiting'—

"(I) does not include, with respect to the first special September waterfowl hunting season locally in effect or any subsequent waterfowl hunting season, an alteration of planted millet or other vegetation (as specified in such regulations), other than an alteration described in clause (i)(IV), occurring before the 10-day period preceding the opening date (as published in the Federal Register) of that first special season; and

"(II) does not include, with respect to the first regular waterfowl hunting season locally in effect or any subsequent waterfowl hunting season, such an alteration occurring before the 10-day period preceding the opening date (as published in the Federal Register) of that first regular season.

"(B) The term 'baited area' means any area that contains salt, grain, or other feed referred to in subparagraph (A)(i) that was placed in that area by baiting. Such an area shall remain a baited area for 10 days following complete removal of such salt, grain, or other feed.

"(C) The term 'accepted agricultural planting, harvesting, and manipulation after harvest' means techniques of planting, harvesting, and manipulation after harvest that are—

"(i) used by agricultural operators in the area for agricultural purposes; and

"(ii) approved by the State fish and wildlife agency after consultation with the Cooperative State Research, Education, and Extension Service, the Natural Resources Conservation Service, and the United States Fish and Wildlife Service.

"(D) The term 'accepted agricultural operations or procedures' means techniques that are—

"(i) used by agricultural operators in the area for agricultural purposes; and

"(ii) approved by the State fish and wildlife agency after consultation with the State Cooperative State Research, Education, and Extension Service, the State Office of the Natural Resources Conservation Service, and the United States Fish and Wildlife Service.

"(E) The term 'accepted soil stabilization practices' means techniques that are—

"(i) used in the area solely for soil stabilization purposes, including erosion control; and

"(ii) approved by the State fish and wildlife agency after consultation with the State Cooperative State Research, Education, and Extension Service, the State Office of the Natural Resources Conservation Service, and the United States Fish and Wildlife Service.

"(F) With respect only to planted millet or other vegetation (as designated in migratory bird hunting regulations issued by the Secretary of the Interior) planted for nonagricultural purposes, the term 'planted'—

"(i) subject to clause (ii), means sown with seeds that have been harvested; and

"(ii) does not include alteration of mature stands of planted millet or of such other vegetation planted for nonagricultural purposes.

"(G) The term 'migratory game bird' means any migratory bird included in the term 'migratory game birds' under part 20.11 of title 50, Code of Federal Regulations, as in effect October 3, 1997.".

SEC. 4. PENALTIES.

Section 6(c) of the Migratory Bird Treaty Act (16 U.S.C. 707(c)) is amended as follows:

(1) By striking "All guns," and inserting "(1) Except as provided in paragraph (2), all guns".

(2) By adding the following at the end:

"(2) In lieu of seizing any personal property not crucial to the prosecution of the alleged offense, the Secretary of the Interior shall permit the owner or operator of the personal property to post bond or other collateral pending the disposition of any proceeding under this Act.".

By Mr. TORRICELLI:

S. 1534. A bill to amend the Higher Education Act of 1965 to delay the commencement of the student loan repayment period for certain students called to active duty in the Armed Forces; to the Committee on Labor and Human Resources.

THE VETERANS' STUDENT LOAN DEFERMENT ACT OF 1997

Mr. TORRICELLI: Mr. President, I rise today to introduce the Veterans' Student Loan Deferment Act of 1997. This important legislation will amend the Higher Education Act to preserve the 6-month grace period for repayment of federal student loans for reservists who have been called into active duty.

Throughout my career as a public official, I have always supported the brave men and women who serve our nation in the Reserve Components. These forces represent all 50 States and four territories, and truly embody our forefathers' vision of the American citizen-soldier. Reservists are active participants in the full spectrum of U.S. military operations, from the smallest of contingencies to full-scale theater war, and no major operation can be successful without them.

However, under current law, students who receive orders to serve with our military in places like Bosnia are returning home to discover that they have lost the six month grace period on their federal student loans and must begin making repayments immediately. I believe it is patently unfair and inconsistent with our increased reliance on the Reserve Forces to call up these students to serve in harm's way and, at the same time, to keep the clock running on the six month grace period for paying-back student loans. Enactment of my legislation would eliminate this serious inequity confronting students in the Reserves.

Mr. President, hundreds upon hundreds of New Jerseyans have been involved in Operation Joint Endeavor in Bosnia to date. Many of these courageous individuals had to withdraw from classes in order to serve their nation in uniform. Although the Department of Education can grant deferments to these students, federal law prohibits reinstating their grace period, so interest continues to accrue on their loans whenever they are not attending classes. It is important to note that this legislation will not provide these veterans with any special treatment or benefit. My legislation will simply guarantee that the repayment status on their student loans will be the same when they return home as when they left for service.

I feel very strongly that students should not be punished for serving in the Reserves, and believe that when they are called to serve our country, their focus should be on the mission, not on the status of their student loans. I am proud to offer this legislation on behalf of the hundreds of thousands of Reservists in the United States, and look forward to working with my colleagues to ensure its passage. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DELAY IN COMMENCEMENT OF REPAYMENT PERIOD.

(a) FEDERAL STAFFORD LOANS AND FEDERAL DIRECT STAFFORD/FORD LOANS.—Section 428(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(7)) is amended by adding at the end the following:

"(D) There shall be excluded from the 6 month period that begins on the date on which a student ceases to carry at least one-half the normal full-time academic workload as described in subparagraph (A)(i) any period not to exceed 3 years during which a borrower who is a member of a reserve component of the Armed Forces named in section 10101 of title 10, United States Code, is called or ordered to active duty for a period of more than 30 days (as defined in section 101(d)(2) of such title).".

(b) FEDERAL PERKINS LOANS.—Section 464(c) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)) is amended by adding at the end the following:

"(7) There shall be excluded from the 9 month period that begins on the date on which a student ceases to carry at least one-half the normal full-time academic workload as described in paragraph (1)(A) any period not to exceed 3 years during which a borrower who is a member of a reserve component of the Armed Forces named in section 10101 of title 10, United States Code, is called or ordered to active duty for a period of more than 30 days (as defined in section 101(d)(2) of such title).".

By Mr, SANTORUM (for himself, Mr. LAUTENBERG, Mr. DEWINE, Mr. CHAFEE, Mr. COATS, Mr. GREGG, Mr. FEINGOLD, and Mr. SPECTER):

S. 1535. A bill to provide marketing quotas and a market transition program for the 1997 through 2001 crops of quota and additional peanuts, to terminate marketing quotas for the 2002 and subsequent crops of peanuts, and to make nonrecourse loans available to peanut producers for the 2002 and subsequent crops of peanuts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE PEANUT PROGRAM IMPROVEMENT ACT OF 1997

Mr. SANTORUM. Mr. President, I rise to introduce legislation that will phase out the peanut quota program over 6 years, with the quota system being eliminated beginning in crop year 2002. I am joined in this effort by my colleague from New Jersey, Mr. LAUTENBERG, as well as other original cosponsors.

Under our legislation, the price support for peanuts grown for edible consumption is gradually reduced each year from the current support price of $610 per ton to $445 per ton by 2001. In the year 2002 and ensuing years, there would be no quotas on peanuts and the Secretary of Agriculture would be required to make non-recourse loans available to all peanut farmers at 85 percent of their estimated market value, consistent with the non-recourse loan program available for other agricultural commodities. In year 2002, and thereafter, the non-recourse loan is capped at the current world price of $350 per ton.

In determining quotas for the crop years 1998 through 2001, the Secretary would be required to consult with representatives of the entire industry. The Secretary would also be required to consider stocks in Commodity Credit Corporation's inventory at the beginning of the new crop year as well as a

reasonable carryover to permit orderly marketing at the end of the crop year.

The bill also authorizes the complete sale, lease or transfer of poundage quotas across county and state lines. It abolishes the current limitation that now restricts sales, leases, and transfers to no more than 40 percent of the total poundage quota in the county within a state.

Under current law, additional peanuts (those produced in excess of the farmers' poundage quota) may only be sold for export or crushing. The bill would permit additional peanuts to also be used for sale to the Department of Defense, as well as to other federal, state or local government agencies, including for use in the school lunch program.

Mr. President, the federal peanut program is an anachronism. Born in the 1930's during an era of massive change and dislocation in agriculture, the program is sorely out of place in today's vibrant agricultural sector. While other farm commodities are seeking new export opportunities abroad, building new markets and helping to improve our national balance of trade; the peanut industry is building new barriers to protect its rapidly diminishing industry. Certainly imports are a factor, but the true threat to America's peanut farmer is the very quota system that he so stubbornly protects. Industry statistics show that the quota program is causing the demand for peanuts to fall sharply. The quota system stifles freedom for farmers, and it fosters a set of economic expectations that cannot be sustained without continued government intervention. Moreover, failure to reform this program costs consumers $500 million annually, and adds to the cost of feeding programs for low-income Americans.

This program must be changed. As sponsors of this measure, however, my colleagues and I recognize that the peanut program cannot be repealed overnight. That is why we are proposing a fair transition period to enable farmers and lenders to adjust their expectations to the marketplace. Following completion of the phase-out period, the peanut program will operate like most other agricultural commodities.

I am pleased that Senators DEWINE, CHAFEE, COATS, GREGG, and FEINGOLD have joined Senator LAUTENBERG and I as original sponsors of this measure, and I encourage my colleagues to support swift enactment of this important legislation.

By Mr. TORRICELLI (for himself and Ms. SNOWE)

S. 1536. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis and to help women make informed choices about their reproductive and post-menopausal health care, and to otherwise provide for research and information concerning osteoporosis and other related bone diseases; to the Committee on Labor and Human Resources.

THE EARLY DETECTION AND PREVENTION OF OSTEOPOROSIS AND RELATED BONE DISEASES ACT OF 1997

Mr. TORRICELLI. Mr. President, I rise today to introduce the Early Detection and Prevention of Osteoporosis and Related Bone Diseases Act of 1997 along with my colleague from Maine, Ms. SNOWE.

Osteoporosis and other related bone diseases pose a major public health threat. More than 28 million Americans, 80 percent of whom are women, suffer from, or are at risk for, osteoporosis. Between three and four million Americans suffer from related bone diseases like Paget's disease or osteogenesis imperfecta. Today, in the United States, 10 million individuals already have osteoporosis and 18 million more have low bone mass, placing them at increased risk.

Osteoporosis is often called the "silent disease" because bone loss occurs without symptoms. People often do not know they have osteoporosis until their bones become so weak that a sudden bump or fall causes a fracture or a vertebra to collapse. Every year, there are 1.5 million bone fractures caused by osteoporosis. Half of all women, and one-eighth of all men, age 50 or older, will suffer a bone fracture due to osteoporosis.

Osteoporosis is a progressive condition that has no known cure; thus, prevention and treatment are key. The Early Detection and Prevention of Osteoporosis and Related Bone Diseases Act of 1997 seeks to combat osteoporosis, and related bone diseases like Paget's disease and osteogenesis imperfecta, in two ways.

First, the bill requires private health plans to cover bone mass measurement tests for qualified individuals who are at risk for developing osteoporosis. Bone mass measurement is the only reliable method of detecting osteoporosis in its early stages. The test is noninvasive and painless and is as predictive of future fractures as high cholesterol or high blood pressure is of heart disease or stroke. This provision is similar to a provision in the Balanced Budget Act of 1997 that requires Medicare coverage of bone mass measurements.

Second, the Early Detection and Prevention of Osteoporosis and Related Bone Diseases Act authorizes $1,000,000 to fund an information clearinghouse and $50,000,000 in each fiscal year 1999 through 2001 for the National Institutes of Health to expand and intensify its effort to combat osteoporosis and other bone-related diseases.

Funding for research on osteoporosis and related bone diseases is severely constrained at key research institutes like the National Institute on Aging. Further research is needed to improve prevention and treatment of these devastating diseases.

Money spent now on prevention and treatment will help defray the enormous costs of these diseases in the future. Currently, osteoporosis costs the United States $13,000,000,000 every year. The average cost of repairing a hip fracture, a common effect of osteoporosis, is $32,000.

Because osteoporosis is a progressive condition and affects primarily aging individuals, reductions in the incidence or severity of osteoporosis will likely significantly reduce osteoporosis-related costs under the Medicare program.

Medical experts agree that osteoporosis and related bone diseases are highly preventable. However, if the toll of these diseases is to be reduced, the commitment to prevention and treatment must be significantly increased. With increased research and access to preventive testing, the future for definitive treatment and prevention is bright.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Early Detection and Prevention of Osteoporosis and Related Bone Diseases Act of 1997".

(b) FINDINGS.—Congress makes the following findings:

(1) NATURE OF OSTEOPOROSIS.—

(A) Osteoporosis is a disease characterized by low bone mass and structural deterioration of bone tissue leading to bone fragility and increased susceptibility to fractures of the hip, spine, and wrist.

(B) Osteoporosis has no symptoms and typically remains undiagnosed until a fracture occurs.

(C) Once a fracture occurs, the condition has usually advanced to the stage where the likelihood is high that another fracture will occur.

(D) There is no cure for osteoporosis, but drug therapy has been shown to reduce new hip and spine fractures by 50 percent and other treatments, such as nutrition therapy, have also proven effective.

(2) INCIDENCE OF OSTEOPOROSIS AND RELATED BONE DISEASES.—

(A) 28 million Americans have (or are at risk for) osteoporosis, 80 percent of which are women.

(B) Osteoporosis is responsible for 1.5 million bone fractures annually, including more than 300,000 hip fractures, 700,000 vertebral fractures and 200,000 fractures of the wrists.

(C) Half of all women, and one-eighth of all men, age 50 or older will have a bone fracture due to osteoporosis;

(D) Between 3 and 4 million Americans have Paget's disease, osteogenesis imperfecta, hyperparathyroidism, and other related metabolic bone diseases.

(3) IMPACT OF OSTEOPOROSIS.—The cost of treating osteoporosis is significant:

(A) The annual cost of osteoporosis in the United States is $13.8 billion and is expected to increase precipitously because the proportion of the population comprised of older persons is expanding and each generation of older persons tends to have a higher incidence of osteoporosis than preceding generations.

(B) The average cost in the United States of repairing a hip fracture due to osteoporosis is $32,000.

(C) Fractures due to osteoporosis frequently result in disability and institutionalization of individuals.

(D) Because osteoporosis is a progressive condition and affects primarily aging individuals, reductions in the incidence or severity of osteoporosis, particularly for post menopausal women before they become eligible for medicare, has a significant potential of reducing osteoporosis-related costs under the medicare program.

(4) USE OF BONE MASS MEASUREMENT.—

(A) Bone mass measurement is the only reliable method of detecting osteoporosis at an early stage.

(B) Low bone mass is as predictive of future fractures as is high cholesterol or high blood pressure of heart disease or stroke.

(C) Bone mass measurement is a noninvasive, painless, and reliable way to diagnose osteoporosis before costly fractures occur.

(D) Under section 4106 of the Balanced Budget Act of 1997, Medicare will provide coverage, effective July 1, 1998, for bone mass measurement for qualified individuals who are at risk of developing osteoporosis.

(5) RESEARCH ON OSTEOPOROSIS AND RELATED BONE DISEASES.—

(A) Technology now exists, and new technology is developing, that will permit the early diagnosis and prevention of osteoporosis and related bone diseases as well as management of these conditions once they develop.

(B) Funding for research on osteoporosis and related bone diseases is severely constrained at key research institutes, including the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetics and Digestive and Kidney Diseases, the National Institute of Dental Research, and the National Institute of Child Health and Human Development.

(C) Further research is needed to improve medical knowledge concerning—

(i) cellular mechanisms related to the processes of bone resorption and bone formation, and the effect of different agents on bone remodeling;

(ii) risk factors for osteoporosis, including newly discovered risk factors, risk factors related to groups not ordinarily studied (such as men and minorities), risk factors related to genes that help to control skeletal metabolism, and risk factors relating to the relationship of aging processes to the development of osteoporosis;

(iii) bone mass measurement technology, including more widespread and cost-effective techniques for making more precise measurements and for interpreting measurements;

(iv) calcium (including bioavailability, intake requirements, and the role of calcium in building heavier and denser skeletons), and vitamin D and its role as an essential vitamin in adults;

(v) prevention and treatment, including the efficacy of current therapies, alternative drug therapies for prevention and treatment, and the role of exercise; and

(vi) rehabilitation.

(D) Further educational efforts are needed to increase public and professional knowledge of the causes of, methods for avoiding, and treatment of osteoporosis.

SEC. 2. REQUIRING COVERAGE OF BONE MASS MEASUREMENT UNDER HEALTH PLANS.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act, as amended by section 703(a) of Public Law 104–204, is amended by adding at the end the following new section:

"SEC. 2706. STANDARDS RELATING TO BENEFITS FOR BONE MASS MEASUREMENT.

"(a) REQUIREMENTS FOR COVERAGE OF BONE MASS MEASUREMENT.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall include (consistent with this section) coverage for bone mass measurement for beneficiaries and participants who are qualified individuals.

"(b) DEFINITIONS RELATING TO COVERAGE.—In this section:

"(1) BONE MASS MEASUREMENT.—The term 'bone mass measurement' means a radiologic or radioisotopic procedure or other procedure approved by the Food and Drug Administration performed on an individual for the purpose of identifying bone mass or detecting bone loss or determining bone quality, and includes a physician's interpretation of the results of the procedure. Nothing in this paragraph shall be construed as requiring a bone mass measurement to be conducted in a particular type of facility or to prevent such a measurement from being conducted through the use of mobile facilities that are otherwise qualified.

"(2) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means an individual who—

"(A) is an estrogen-deficient woman at clinical risk for osteoporosis;

"(B) has vertebral abnormalities;

"(C) is receiving chemotherapy or long-term gluococorticoid (steroid) therapy;

"(D) has primary hyperparathyroidism, hyperthyroidism, or excess thyroid replacement; or

"(E) is being monitored to assess the response to or efficacy of approved osteoporosis drug therapy.

"(c) LIMITATION ON FREQUENCY REQUIRED.—Taking into account the standards established under section 1861(rr)(3) of the Social Security Act, the Secretary shall establish standards regarding the frequency with which a qualified individual shall be eligible to be provided benefits for bone mass measurement under this section. The Secretary may vary such standards based on the clinical and risk-related characteristics of qualified individuals.

"(d) RESTRICTIONS ON COST-SHARING.—

"(1) IN GENERAL.—Subject to paragraph (2), nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to bone mass measurement under the plan (or health insurance coverage offered in connection with a plan).

"(2) LIMITATION.—Deductibles, coinsurance, and other cost-sharing or other limitations for bone mass measurement may not be imposed under paragraph (1) to the extent they exceed the deductibles, coinsurance, and limitations that are applied to similar services under the group health plan or health insurance coverage.

"(e) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide incentives (monetary or otherwise) to individuals to encourage such individuals not to be provided bone mass measurements to which they are entitled under this section or to providers to induce such providers not to provide such measurements to qualified individuals;

"(3) prohibit a provider from discussing with a patient osteoporosis preventive techniques or medical treatment options relating to this section; or

"(4) penalize or otherwise reduce or limit the reimbursement of a provider because such provider provided bone mass measurements to a qualified individual in accordance with this section.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an individual who is a participant or beneficiary to undergo bone mass measurement.

"(g) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 713(g) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(h) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(i) PREEMPTION.—

"(1) IN GENERAL.—The provisions of this section do not preempt State law relating to health insurance coverage to the extent such State law provides greater benefits with respect to osteoporosis detection or prevention.

"(2) CONSTRUCTION.—Section 2723(a)(1) shall not be construed as superseding a State law described in paragraph (1).".

(B) CONFORMING AMENDMENT.—Section 2723(c) of such Act (42 U.S.C. 300gg–23(c)), as amended by section 604(b)(2) of Public Law 104–204, is amended by striking "section 2704" and inserting "sections 2704 and 2706".

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 702(a) of Public Law 104–204, is amended by adding at the end the following new section:

"SEC. 713. STANDARDS RELATING TO BENEFITS FOR BONE MASS MEASUREMENT.

"(a) REQUIREMENTS FOR COVERAGE OF BONE MASS MEASUREMENT.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall include (consistent with this section) coverage for bone mass measurement for beneficiaries

and participants who are qualified individuals.

"(b) DEFINITIONS RELATING TO COVERAGE.—In this section:

"(1) BONE MASS MEASUREMENT.—The term 'bone mass measurement' means a radiologic or radioisotopic procedure or other procedure approved by the Food and Drug Administration performed on an individual for the purpose of identifying bone mass or detecting bone loss or determining bone quality, and includes a physician's interpretation of the results of the procedure. Nothing in this paragraph shall be construed as requiring a bone mass measurement to be conducted in a particular type of facility or to prevent such a measurement from being conducted through the use of mobile facilities that are otherwise qualified.

"(2) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means an individual who—

"(A) is an estrogen-deficient woman at clinical risk for osteoporosis;

"(B) has vertebral abnormalities;

"(C) is receiving chemotherapy or long-term gluococorticoid (steroid) therapy;

"(D) has primary hyperparathyroidism, hyperthyroidism, or excess thyroid replacement; or

"(E) is being monitored to assess the response to or efficacy of approved osteoporosis drug therapy.

"(c) LIMITATION ON FREQUENCY REQUIRED.—The standards established under section 2706(c) of the Public Health Service Act shall apply to benefits provided under this section in the same manner as they apply to benefits provided under section 2706 of such Act.

"(d) RESTRICTIONS ON COST-SHARING.—

"(1) IN GENERAL.—Subject to paragraph (2), nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to bone mass measurement under the plan (or health insurance coverage offered in connection with a plan).

"(2) LIMITATION.—Deductibles, coinsurance, and other cost-sharing or other limitations for bone mass measurement may not be imposed under paragraph (1) to the extent they exceed the deductibles, coinsurance, and limitations that are applied to similar services under the group health plan or health insurance coverage.

"(e) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide incentives (monetary or otherwise) to individuals to encourage such individuals not to be provided bone mass measurements to which they are entitled under this section or to providers to induce such providers not to provide such measurements to qualified individuals;

"(3) prohibit a provider from discussing with a patient osteoporosis preventive techniques or medical treatment options relating to this section; or

"(4) penalize or otherwise reduce or limit the reimbursement of a provider because such provider provided bone mass measurements to a qualified individual in accordance with this section.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an individual who is a participant or beneficiary to undergo bone mass measurement.

"(g) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

"(h) PREEMPTION.—

"(1) IN GENERAL.—The provisions of this section do not preempt State law relating to health insurance coverage to the extent such State law provides greater benefits with respect to osteoporosis detection or prevention.

"(2) CONSTRUCTION.—Section 731(a)(1) shall not be construed as superseding a State law described in paragraph (1).".

(B) CONFORMING AMENDMENTS.—

(i) Section 731(c) of such Act (29 U.S.C. 1191(c)), as amended by section 603(b)(1) of Public Law 104–204, is amended by striking "section 711" and inserting "sections 711 and 713".

(ii) Section 732(a) of such Act (29 U.S.C. 1191a(a)), as amended by section 603(b)(2) of Public Law 104–204, is amended by striking "section 711" and inserting "sections 711 and 713".

(iii) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Standards relating to benefits for bone mass measurement.

(b) INDIVIDUAL HEALTH INSURANCE.—

(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act, as amended by section 605(a) of Public Law 104–204, is amended by inserting after section 2751 the following new section:

"SEC. 2752. STANDARDS RELATING TO BENEFITS FOR BONE MASS MEASUREMENT.

"(a) IN GENERAL.—The provisions of section 2706 (other than subsection (g)) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

"(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 713(g) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.

"(c) PREEMPTION.—

"(1) IN GENERAL.—The provisions of this section do not preempt State law relating to health insurance coverage to the extent such State law provides greater benefits with respect to osteoporosis detection or prevention.

"(2) CONSTRUCTION.—Section 2762(a) shall not be construed as superseding a State law described in paragraph (1).".

(2) CONFORMING AMENDMENTS.—Section 2762(b)(2) of such Act (42 U.S.C. 300gg–62(b)(2)), as added by section 605(b)(3)(B) of Public Law 104–204, is amended by striking "section 2751" and inserting "sections 2751 and 2752".

(c) EFFECTIVE DATES.—

(1) GROUP HEALTH PLANS.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 1999.

(2) INDIVIDUAL MARKET.—The amendments made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

SEC. 3. OSTEOPOROSIS RESEARCH.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by adding at the end the following new section:

"RESEARCH ON OSTEOPOROSIS AND RELATED DISEASES

"SEC. 442A. (a) EXPANSION OF RESEARCH.—The Director of the Institute, the Director of the National Institute on Aging, the Director of the National Institute of Diabetes and Digestive and Kidney Diseases, the Director of the National Institute of Dental Research, and the Director of the National Institute of Child Health and Human Development shall expand and intensify research on osteoporosis and related bone diseases. The research shall be in addition to research that is authorized under any other provision of law.

"(b) MECHANISMS FOR EXPANSION OF RESEARCH.—Each of the Directors specified in subsection (a) shall, in carrying out such subsection, provide for one or more of the following:

"(1) Investigator-initiated research.

"(2) Funding for investigators beginning their research careers.

"(3) Mentorship research grants.

"(c) SPECIALIZED CENTERS OF RESEARCH.—

"(1) IN GENERAL.—The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct research on osteoporosis and related bone diseases. Subject to the extent of amounts made available in appropriations Acts, the Director shall provide for not less than three such centers.

"(2) ACTIVITIES.—Each center assisted under this subsection—

"(A) shall, with respect to osteoporosis and related bone diseases—

"(i) conduct basic and clinical research;

"(ii) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(iii) conduct training programs for such individuals;

"(iv) develop model continuing education programs for such professionals; and

"(v) disseminate information to such professionals and the public;

"(B) may use the funds to provide stipends for health and allied health professionals enrolled in training programs described in subparagraph (A)(iii); and

"(C) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(3) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(d) DEFINITION OF RELATED BONE DISEASES.—For purposes of this section, the term 'related bone diseases' includes—

"(1) Paget's disease, a bone disease characterized by enlargement and loss of density with bowing and deformity of the bones;

"(2) osteogenesis imperfecta, a familial disease marked by extreme brittleness of the long bones;

"(3) hyperparathyroidism, a condition characterized by the presence of excess parathormone in the body resulting in disturbance of calcium metabolism with loss of calcium from bone and renal damage;

"(4) hypoparathyroidism, a condition characterized by the absence of parathormone resulting in disturbances of calcium metabolism;

"(5) renal bone disease, a disease characterized by metabolic disturbances from dialysis, renal transplants, or other renal disturbances;

"(6) primary or postmenopausal osteoporosis and secondary osteoporosis, such as that induced by corticosteroids; and

"(7) other general diseases of bone and mineral metabolism including abnormalities of vitamin D.

"(e) AUTHORIZATIONS OF APPROPRIATIONS.—

"(1) NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES.—For the purpose of carrying out this section through the National Institute of Arthritis and Musculoskeletal and Skin Diseases, there are authorized to be appropriated $17,000,000 for each of the fiscal years 1999 through 2001, and such sums as may be necessary for each subsequent fiscal year.

"(2) NATIONAL INSTITUTE ON AGING.—For the purpose of carrying out this section through the National Institute on Aging, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1999 through 2001, and such sums as may be necessary for each subsequent fiscal year.

"(3) NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES.—For the purpose of carrying out this section through the National Institute of Diabetes and Digestive and Kidney Diseases, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1999 through 2001, and such sums as may be necessary for each subsequent fiscal year.

"(4) NATIONAL INSTITUTE OF DENTAL RESEARCH.—For the purpose of carrying out this section through the National Institute of Dental Research, there are authorized to be appropriated $5,000,000 for each of the fiscal years 1999 through 2001, and such sums as may be necessary for each subsequent fiscal year.

"(5) NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT.—For the purpose of carrying out this section through the National Institute of Child Health and Human Development, there are authorized to be appropriated $5,000,000 for each of the fiscal years 1999 through 2001, and such sums as may be necessary for each subsequent fiscal year.

"(6) SPECIALIZED CENTERS OF RESEARCH.—For the purpose of carrying out subsection (c), there are authorized to be appropriated $3,000,000 for each of the fiscal years 1999 through 2001, and such sums as may be necessary for each subsequent fiscal year.

"(7) RELATION TO OTHER PROVISIONS.—Authorizations of appropriations under this subsection are in addition to amounts authorized to be appropriated for biomedical research relating to osteoporosis and related bone diseases under any other provision of law.".

SEC. 4. FUNDING FOR INFORMATION CLEARINGHOUSE ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) of the Public Health Service Act (42 U.S.C. 284e(d)) is amended by adding at the end the following sentence: "In addition to other authorizations of appropriations available for the purpose of the establishment and operation of the information clearinghouse under subsection (c), there are authorized to be appropriated for such purpose $1,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001.".

By Mr. SANTORUM:

S. 1538. A bill to amend the Honey Research, Promotion, and Consumer Information Act to improve the honey research, promotion, and consumer information program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ACT AMENDMENTS ACT OF 1997

Mr. SANTORUM. Mr. President, I rise to offer a measure to revise the Honey Research, Promotion and Consumer Information Act, the statute under which the National Honey Board is organized.

Briefly, my bill would impose a penny per pound assessment on handlers and importers of honey. This will increase the research budget of the Honey Board by approximately $500,000; and enable the industry to fund research programs aimed at addressing the serious problems caused by viruses, parasitic mites, and Africanized bees.

The bill also changes the constitution of the National Honey Board to improve packer representation on the board to reflect the imposition of a new assessment on honey handlers. Under my amendments, packers would have a total of four seats versus the current two. Producer and importer representation on the board will not change.

In developing my legislation, I worked the American Beekeeping Federation, which represents more than 1,400 honey producers nationwide. The amendments have the support of a broad coalition including producers, packers, and importers, and I encourage my colleagues to join me in this effort by approving this legislation.

By Mr. CHAFEE:

S. 1537. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 2-{{1-{{(2,3-dihydro-2-oxo-1H-benzimidozal-5-yl) amino}; to the Committee on Finance.

S. 1539. A bill to suspend until December 31, 2002, the duty on N-{4-(Aminocarbonyl)phenyl}4-{{(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)amino) carbonyl}-2-oxopropyl}azo}benzamide; to the Committee on Finance.

S. 1540. A bill to suspend until December 21, 2002, the duty on Butanamide, N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-2-{{-(trifluoromethyl)phenyl}azo}-; to the Committee on Finance.

S. 1541. A bill to suspend until December 31, 2002, the duty on 1,4-Benzenedicarboxylic acid,2-{{1-{{(2,3-dihydro - 2 - oxo - 1H - benzimidazol - 5-yl}amino carbonyl}-2-oxopropyl}azo}-, dimethyl ester; to the Committee on Finance.

S. 1542. A bill to suspend until December 31, 2002, the duty on Butanamide, 2,2¼- {1-2,-ethanediylbis (oxy-2,1-phenyleneazo) }bis{N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-; to the Committee on Finance.

S. 1543. A bill to suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-chloro-2-{{5-hydroxy-3-methyl-1- (3-sulfophenyl)-1H-pyrazol-4-yl}azo}-5-methyl-.calcium salt (1:1); to the Committee on Finance.

S. 1544. A bill to suspend until December 31, 2002, the duty on 4 - {{5-{{{4-(Aminocarbonyl)phenyl } amino } carbonyl } -2-methoxyphenyl}azo}-N-(5-chloro-2, 4-dimethozyphenyl) -3-hydroxynaphthalene-2-carboxamide; to the Committee on Finance.

S. 1545. A bill to suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-{{3-{{2-hydroxy-3-{{4-methoxyphenyl) amino } carbonyl } -1-naphtha-lenyl}azo} -4-methylbenzoyl}amino}-, calcium salt (2:1); to the Committee on Finance.

S. 1546. A bill to suspend until December 31, 2002, the duty on Butanamide, 2,2'-{3,3'-dichloro{1,1'-biphenyl} -4,4'-diyl)bis(azo) }bis{N-(2,3-dihydro-2-oxo-1H-benzimidazol-5yl)-3-oxo; to the Committee on Finance.

S. 1547. A bill to suspend until December 31, 2002, the duty on Butanamide, N,N'-(3,3'dimethyl{1,1'-byphenyl } -4,4' -diyl) bis {2,4-dichlorophenyl)azo}-3-oxo-; to the Committee on Finance.

S. 1548. A bill to suspend until December 31, 2002, the duty on N-(2,3-Dihydro-2-oxo-1H-benzimidazol-5-yl)-5-methyl-4-
{(methylamino)
sulphonyl}phenyl}azo}naphthalene-2-carboxaminde; to the Committee on Finance.

S. 1549. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 2-{{3-{{(2,3-dihydro-2-oxo-1H-1H-benzimidazol-5-yl)amino}carbonyl}-2-hydroxyl-1-naphthalenyl}azo}-, butyl ester; to the Committee on Finance.

S. 1550. A bill to suspend until December 31. 2002, the duty on Benzoic acid, 4-{{(2,5-dichlorophenyl) amino}carbonyl}-2{{2-hydroxy-3-{{(2-methoxypheny)amino}carbonyl}-1-naphthalenyl}-, methyl ester; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. CHAFEE. Mr. President, today I am introducing 13 bills to suspend the duty on the importation of certain products that are used by manufacturers in my home state of Rhode Island.

The products in question are organic replacements for colorants that use heavy metals—such as lead, molybdenum, chrome, and cadmium—in the plastics and coatings industries. Heavy metal colorants traditionally have been used in the coloration of plastics and coatings, especially where the applications are subjected to high heat, or where high weatherfastness or lightfastness are required. Until recently, finding substitutes for these heavy metal-based products was difficult. However, thanks to new formulations, a number of organic products have proved themselves to be satisfactory substitutes.

Reducing our reliance on heavy metal colorants makes sense environmentally. However, none of the organic substitutes in question are produced in the United States. Thus, our producers have no choice but to import the substitutes and pay the requisite import taxes, which range from 6.6 to 14.6 percent. The total price tag associated with these duties, while relatively small in the context of our federal budget, translates into a considerable business cost to the importing manufacturers. The added cost hurts their ability to compete, and thus their ability to maintain their workforce. Yet, given that there is no domestic industry producing these substitutes, the duties serve little purpose.

The package of bills I am introducing today would remedy this situation by suspending the duty on these thirteen products. As I say, none of these organic substitutes are produced in the United States, and therefore lifting the current duties will not result in harm to any domestic industry. Rather, suspending the duties will allow our domestic manufacturers to reduce costs, thus maintaining U.S. competitiveness and safeguarding Rhode Island jobs.

This is a critical point. I feel strongly that we in Rhode Island should do all we can to keep the state's economy going by creating jobs, encouraging business activity, and spurring new growth. These bills will help contribute to a productive manufacturing sector in Rhode Island, and aid our employers in keeping their costs down and their sales—and employment—up.

It is my hope that by introducing this package of legislation now, there will be ample time for review and comment on each bill, and that as a result, should the Senate take up comprehensive duty suspension legislation next year, these provisions will be ready for inclusion.

By Mr. CAMPBELL:

S. 1552. A bill to provide for the conveyance of an unused Air Force housing facility in La Junta, Colorado, to the city of La Junta; to the Committee on Armed Services.

THE LA JUNTA AIR BASE LAND CONVEYANCE ACT OF 1997

Mr. CAMPBELL. Mr. President, by way of legislation, I offer my support to the city of La Junta, Colorado, for its innovative and impressive response to the challenges facing the Lower Arkansas Valley. City officials have seized a unique opportunity to alleviate La Junta's housing crisis, expand the local Head Start program and increase access to child care, and solve Otero Junior College's dormitory problems.

The city of La Junta, in conjunction with Otero Junior College, has proposed to take over the recently closed La Junta Air Base family housing site. Until one year ago, when it was farmed out to a civilian defense contractor, the Air Force's test range for its bomber pilots was housed in La Junta. Since then, several federal agencies have expressed interest in the site, but none has asserted their formal desire to reuse the facility.

Further, taxpayers are spending nearly $100,000 annually to maintain an empty facility, while the city and residents of La Junta are losing out on a significant supplement to the local tax base. The reuse plan I am endorsing provides for a self-sustaining and revenue generating housing and local services site, which is a well developed and cooperative solution to some very real local concerns.

Given the lack of any formal initiative on the part of a federal agency, which would be given priority consideration, I support the efforts of the city. Our college, Congressman BOB SCHAFFER, representing Colorado's 4th congressional district, has introduced legislation in the House of Representatives to convey the unused Air Force housing facility to the city of La Junta. Today, I am introducing a companion measure in the Senate.

It is my hope that this bill will be referred to the appropriate committee and receive expedited consideration through next year's authorizing and appropriations process.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1553. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 with respect to the dumping of dredged material in Long Island Sound, and for other purposes; to the Committee on Environment and Public Works.

THE LONG ISLAND SOUND PRESERVATION AND PROTECTION ACT

Mr. D'AMATO. Mr. President, I rise today to introduce legislation along with my friend and colleague, Senator MOYNIHAN, that will help guarantee that one of our Nation's most important estuaries is no longer used as a dumping ground for polluted dredged material. Long Island Sound is a spectacular body of water located between Long Island, New York and the State of Connecticut. Unfortunately, past dumping of dredged material of questionable environmental impact has occurred in the sound. It is high time that Congress put an end to any future, willful pollution of the sound.

The legislation that we are introducing today will prevent any individual of any government agency from randomly dumping sediments into the ecologically sensitive sound. Specifically, the legislation prevents all sediments that contain any constituents prohibited as other than trace contaminants, as defined by federal regulations, from being dumped into either Long Island Sound or Block Island Sound. Exceptions to the act can be made only in circumstances where the Administrator of the Environmental Protection Agency shows that the material will not cause undesirable effects to the environment of marine life.

In the fall of 1995, the U.S. Navy dumped over 1 million cubic yards of dredged material from the Thames River into the New London dump site located in the sound. Independent tests of that sediment indicated that contaminants were present in that dredged material that now lies at the bottom of the sound's New London dump site—contaminants such as dioxin, cadmium, pesticides, polyaromatic hydrocarbons, PCB's, and mercury. Right now, there is a question as to the long-term impact this material will have on the aquatic life and the environment in that area of the ocean. Such concerns should not have to occur. It has taken years to come as far as we have in cleaning up Long Island Sound—we should not jeopardize those gains by routinely allowing the dumping of polluted sediments in these waters.

Vast amounts of federal, state, and local funds have been spent in the State of New York in the last quarter century combating pollution in the sound. However, at times over the last 25 years, we have looked the other way when it comes to dumping in the sound. Such actions are counter-productive in our efforts to restore the sound for recreational activities such as swimming and boating as well as the economic benefits of sportfishing and the shellfish industry—all of which bring more than $5.5 billion to the region each year.

New Yorkers realize the importance of the sound and are stepping up their efforts to make sure it is cleaned up. New York voters approved an environmental bond initiative that, among other things, commits $200 million for sewage treatment plant upgrades, habitat restoration, and nonpoint source pollution controls on Long Island Sound. New York is doing its part; it is time now to get the support of the federal government. With the actions

taken by New York, and with the passage of the legislation Senator MOYNIHAN and I are introducing, I am confident that Long Island Sound will move steadily forward on the road to recovery. I urge my colleagues to join us in cosponsoring this bill, and I encourage its swift passage in the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Long Island Sound Preservation and Protection Act of 1997".

SEC. 2. DUMPING OF DREDGED MATERIALS IN LONG ISLAND SOUND.

Section 106 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1416) is amended by striking subsection (f) and inserting the following:

"(f) DUMPING OF DREDGED MATERIAL IN LONG ISLAND SOUND.—

"(1) PROHIBITION.—No dredged material from any Federal or non-Federal project in a quantity exceeding 25,000 cubic yards that contains any of the constituents prohibited as other than trace contaminants (as defined by the Federal ocean dumping criteria set forth in section 227.6 of title 40, Code of Federal Regulations) may be dumped in Long Island Sound (including Fishers Island Sound) or Block Island Sound, except in a case in which it is demonstrated to the Administrator, and the Administrator certifies by publication in the Federal Register, that the dumping of the dredged material containing the constituents will not cause significant undesirable effects, including the threat associated with bioaccumulation of the constituents in marine organisms.

"(2) COMPLIANCE WITH OTHER REQUIREMENTS.—In addition to other provisions of law and notwithstanding the specific exclusion relating to dredged material of the first sentence in section 102(a), any dumping of dredged material in Long Island Sound (including Fishers Island Sound) or Block Island Sound from a Federal project pursuant to Federal authorization, or from a dredging project by a non-Federal applicant, in a quantity exceeding 25,000 cubic yards, shall comply with the requirements of this Act, including the criteria established under the second sentence of section 102(a) relating to the effects of dumping.

"(3) RELATION TO OTHER LAW.—Subsection (d) shall not apply to this subsection.".

By Mr. HATCH (for himself and Mr. LIEBERMAN):

S. 1554. A bill to provide for relief from excessive punitive damage awards in cases involving primarily financial loss by establishing rules for proportionality between the amount of punitive damages and the amount of economic loss; to the Committee on the Judiciary.

THE FAIRNESS IN PUNITIVE DAMAGES AWARDS ACT

Mr. HATCH. Mr. President, I rise today to introduce, along with Senator LIEBERMAN, the Fairness in Punitive Damages Awards Act. In general, this bill limits the amount of punitive damages that may be awarded in certain civil actions, primarily financial injury lawsuits, to three times the amount awarded to the claimant for economic loss or $250,000, whichever is greater.

These are cases where the claims essentially arise from breach of contract or insurance "bad-faith" or fraud injuries. The punitive damages limitation provision also excludes awards in cases where death, loss of limb, bodily harm, or physical injury occur. It generally does not encompass products liability and physical harm tort cases—cases where supporters of punitive damage awards contend that exemplary damages are needed to deter reckless behavior.

Thus, what sets this bill apart from previous measures is that it has been narrowly tailored to address concerns raised by the Administration and opponents of punitive damages limitations bills. We hope to attract bipartisan support because of the narrow scope of the bill, and, more significantly, because the bill addresses a major impediment to economic growth—runaway punitive damage awards, particularly in financial injury cases.

It is beyond doubt that our civil justice system is being plagued by an epidemic of punitive damage awards. In recent testimony before the Judiciary Committee, former Assistant Attorney General Theodore Olson noted that throughout the 19th until the mid-20th century, punitive damages were quite rare. "For example, the highest punitive damages award affirmed on appeal in California through the 1950's was $10,000. But the punitive damage landscape began to change dramatically in the 1960's. California's record for punitive damage awards affirmed on appeal soared to $15 million in the 1980's, an increase of 1,500 fold in just 30 years." In Alabama, according to Olson, an aggregate of only $409,000 in punitive damages had been affirmed on appeal during the period 1974–1978. The comparable total just 15 years later skyrocketed to $90 million.

Indeed, punitive damage lawyers have largely succeeded in taking over the civil justice compensation system. In 1960, according to a Rand study, punitive damages accounted for just 2% of total damages in civil cases in San Francisco, California. Thirty years later, according to Rand, punitive damages accounted for an amazing 59% of all damages in financial injury cases, and an even more amazing 80% in Alabama.

And the size of these awards is staggering and, I must add, irrational. Take the recent CSX Railroad case. Even though a federal probe found the railroad blameless in a tank car explosion on CSX owned tracks which caused relatively minor harm to some 20 plaintiffs in Louisiana, a state jury awarded $2.3 million in compensatory and $2.5 billion in punitive damages against CSX. Although the Louisiana Supreme Court at least temporarily barred this irrational verdict—because under Louisiana law no verdict for damages may be made until all the underlying claims are decided—a far more common practice is for courts to halve or reduce the punitive portion of the award. Of course, half of $2.5 billion is still a staggering amount to pay for any private entity. From coffee spills at McDonald's to medical malpractice, in the words of Morton Kondracke in a recent article in Roll Call, "trial lawyers reap exorbitant profits by trolling for clients and convincing juries to sock it to supposedly deep-pocketed defendants. Consumers pay the bill as companies pass on their massive insurance premiums through higher prices."

Indeed, the very efficiency of the American market has been weakened by these trends. Certainly, increased litigation and unnecessarily large punitive damage awards have increased the price of doing business. Undoubtedly, these costs have been passed on to consumers and have led to a decrease in productivity and a rise in unemployment. This is supported by a fairly recent study done by Representative and law professor Tom Campbell and other scholars, under the aegis of Stanford University, which demonstrated that in jurisdictions that reform the civil liability process—including placing caps on punitive damages—productivity and employment rise.

Furthermore, untenable jury verdicts create what Rand calls a "shadow effect" whereby verdicts totaling tens of billions of dollars send signals as to what other juries might do. Thousands of cases are settled, regardless of their merits, for fear of irrational verdicts. As a result of the shadow effect, consumers nationwide have been adversely affected through the withdrawal of products, producers, services, and service providers from the marketplace, and from excessive liability costs passed on to consumers through higher prices.

But the worst cost to our society is the delegitimization of the judicial process as a means of dispute resolution. Litigation today is often seen as an unpredictable "crap shoot," where awards are rendered—not upon justice—but upon envy (who has the "deep pockets") or upon blatant emotionalism. So why not sue? Why not spin the wheel? Passage of this bill will help to ameliorate this misconception and restore faith in our civil justice system—which I believe is fundamentally sound.

Another reason for bipartisan support for this bill, one that I anticipate will attract many of our colleagues to the bill, is that we have addressed specific concerns which the Administration has expressed about previous bills.

You may recall that last year when President Clinton vetoed the products liability bill, he claimed that the bill would protect drunk drivers and terrorists. Our bill will not apply to any case where the injury was caused by a person who was committing a crime of violence, an act of terrorism, a hate crime, a felony sexual offense, or that occurred when the defendant was under the influence of alcohol or drugs. These exceptions, combined with the bill's qualification that excludes cases where an individual has suffered a permanent physical injury or impairment, will ensure that this bill will not limit punitive damages in cases where such egregious conduct has occurred or where a serious injury has been inflicted.

Finally, we have included in the bill a provision specifically designed to protect small businesses, which form the backbone of Utah's and our country's economy. Excessive, unpredictable, and often arbitrary punitive damage awards jeopardize the financial well-being of many individuals and companies, particularly the Nation's small businesses. Under this bill, if the claim for damages is against an individual whose net worth is less than $500,000 or against a business with less than 25 full-time employees, then punitive damages are limited to the lesser of 3 times the economic loss or $250,000.

Establishing a rule of proportionality between the amount of punitive damages awarded and the amount of economic damages would be fair to both plaintiffs and defendants. In addition, we will take a step towards resolving the constitutional objection, raised by the United States Supreme Court last year in BMW of North America v. Gore, to punitive damages that are grossly excessive in relation to the harm suffered.

Mr. President, we must restore rationality, certainty, and fairness to the award of punitive damages. This bill is an important step in that direction. I urge my colleagues to join me in cosponsoring this legislation and encourage the Senate to act expeditiously on this important bill.

Mr. President, I ask unanimous consent that the entire text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness in Punitive Damage Awards Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) punitive damage awards in jury verdicts in financial injury cases are a serious and growing problem, and according to a Rand Institute for Civil Justice study in 1997 of punitive damage verdicts from calendar years 1985 through 1994 in States that represent 25 percent of the United States population—

(A) nearly 50 percent of all punitive damage awards are made in financial injury cases (those in which the plaintiff is alleging a financial injury only and is not alleging injuries to either person or property);

(B) punitive damages are awarded in 1 in every 7 financial injury verdicts overall and 1 in every 5 financial injury cases in the State of California;

(C) between calendar years 1985 through 1989 and calendar years 1990 through 1994, the average punitive damage verdict in financial injury cases increased from $3,400,000 to $7,600,000;

(D) between calendar years 1985 through 1989 and calendar years 1990 through 1994, the award of such damages at the 90th percentile increased from $3,900,000 to $12,100,000;

(E) between calendar years 1985 through 1989 and calendar years 1990 through 1994, the total amount of punitive damages awarded increased from $1,200,000,000 to $2,300,000,000, for a 10-year total of $3,500,000,000;

(F) punitive damages represent a very large percentage of total damages awarded in all financial injury verdicts, increasing from 44 percent to 59 percent during the period analyzed; and

(G) in the State of Alabama, punitive damages represent 82 percent of all damages awarded in financial injury cases;

(2)(A) punitive damage verdicts are only the tip of the iceberg because only a small percentage of all complaints filed (1.6 percent according to a Department of Justice study in 1995) result in a jury verdict; and

(B) the Rand Institute of Civil Justice calls the impact of these verdicts on settlements the "shadow effect" of punitive damages;

(3) excessive, unpredictable, and often arbitrary punitive damage awards have a direct and undesirable effect on interstate commerce by increasing the cost and decreasing the availability of goods and services;

(4) as a result of excessive, unpredictable, and often arbitrary punitive damage awards, consumers have been adversely affected through the withdrawal of products, producers, services, and service providers from the marketplace, and from excessive liability costs passed on to consumers through higher prices;

(5) excessive, unpredictable, and often arbitrary punitive damage awards jeopardize the financial well-being of many individuals and companies, particularly the Nation's small businesses, and adversely affect government and taxpayers;

(6) individual State legislatures can create only a partial remedy to address these problems because each State lacks the power to control the imposition of punitive damages in other States;

(7) it is the constitutional role of the national Government to remove barriers to interstate commerce and to protect due process rights;

(8) there is a need to restore rationality, certainty, and fairness to the award of punitive damages in order to protect against excessive, arbitrary, and uncertain awards;

(9) establishing a rule of proportionality, in cases that primarily involve financial injury, between the amount of punitive damages awarded and the amount of compensatory damages, as 15 States have established, would—

(A) be fair to both plaintiffs and defendants; and

(B) address the constitutional objection of the United States Supreme Court in BMW of North America v. Gore 116 S. Ct. 1589 (1996) to punitive damages that are grossly excessive in relation to the harm suffered; and

(10) permitting a maximum for each claimant recovery for punitive damages of the greater of 3 times the amount of economic loss or $250,000 is a balanced solution that would reduce grossly excessive punitive damage awards by as much as 40 percent, according to the Rand Institute for Civil Justice.

(b) PURPOSES.—Based upon the powers contained in Article I, section 8, clause 3 and section 5 of the 14th amendment of the United States Constitution, the purposes of this Act are to—

(1) promote the free flow of goods and services and to lessen burdens on interstate commerce; and

(2) uphold constitutionally protected due process rights by placing reasonable limits on damages over and above the actual damages suffered by a claimant.

SEC. 3. DEFINITIONS.

For purposes of this Act, the term—

(1) "act of terrorism" means any activity that—

(A)(i) is a violation of the criminal laws of the United States or any State; or

(ii) would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) appears to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by assassination or kidnaping;

(2) "claimant"—

(A) means any person who brings a civil action that is subject to this Act and any person on whose behalf such an action is brought; and

(B) includes—

(i) a claimant's decedent if such action is brought through or on behalf of an estate; and

(ii) a claimant's legal guardian if such action is brought through or on behalf of a minor or incompetent;

(3) "economic loss" means objectively verifiable monetary losses including medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities, to the extent such recovery is allowed under applicable Federal or State law;

(4) "harm" means any legally cognizable wrong or injury for which punitive damages may be imposed;

(5) "interstate commerce" means commerce among the several States or with foreign nations, or in any territory of the United States or in the District of Columbia, or between any such territory and another, or between any such territory and any State or foreign nation, or between the District of Columbia and any State or territory or foreign nation;

(6) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(7) "punitive damages" means damage awarded against any person to punish or deter such person, or others, from engaging in similar behavior in the future; and

(8) "qualified charity" means any organization exempt from filing information returns pursuant to section 6033(a) of the Internal Revenue Code of 1986 as that exemption exists on the effective date of this Act.

SEC. 4. APPLICABILITY.

(a) GENERAL RULE.—

(1) CIVIL ACTIONS COVERED.—Except as provided in subsection (b), this Act applies to

any civil action brought in any Federal or State court where such action affects interstate commerce, charitable or religious activities, or implicates rights or interests that may be protected by Congress under section 5 of the 14th amendment of the United States Constitution and where the claimant seeks to recover punitive damages under any theory for harm that did not result in death, serious and permanent physical scarring or disfigurement, loss of a limb or organ, or serious and permanent physical impairment of an important bodily function. Punitive damages may, to the extent permitted by applicable State law, be awarded against a person in such a case only if the claimant establishes that the harm that is the subject of the action was proximately caused by such person. Notwithstanding any other provision of this Act, punitive damages may, to the extent permitted by applicable State law, be awarded against a qualified charity only if the claimant established by clear and convincing evidence that the harm that is the subject of the action was proximately caused by an intentionally tortious act of such qualified charity.

(2) QUESTION OF LAW.—What constitutes death, serious and permanent physical scarring or disfigurement, loss of a limb or organ, or serious and permanent physical impairment of an important bodily function shall be a question of law for the court.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The provisions of this Act shall not apply to any person in a civil action described in subsection (a)(1) if the misconduct for which punitive damages are awarded against that person—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) constitutes an act of terrorism for which the defendant has been convicted in any court;

(C) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act, Public Law 101–275; 104 Stat. 140; 28 U.S.C. 534 note) for which the defendant has been convicted in any court;

(D) occurred at a time when the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug that may not lawfully be sold without a prescription and had been taken by the defendant other than in accordance with the terms of a lawful prescription; or

(E) constitutes a felony sexual offense, as defined by applicable Federal or State law, for which the defendant has been convicted in any court.

(2) QUESTION OF LAW.—The applicability of this subsection shall be a question of law for determination by the court. The liability of any other person in such an action shall be determined in accordance with this Act.

SEC. 5. PROPORTIONAL AWARDS.

(a) AMOUNT.—

(1) IN GENERAL.—The amount of punitive damages that may be awarded to a claimant in any civil action that is subject to this Act shall not exceed the greater of—

(A) 3 times the amount awarded to the claimant for economic loss; or

(B) $250,000.

(2) SPECIAL RULE.—

(A) IN GENERAL.—Notwithstanding paragraph (1), in any civil action that is subject to this Act against an individual whose net worth does not exceed $500,000 or against an owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has fewer than 25 full-time employees, the amount of punitive damages shall not exceed the lesser of—

(i) 3 times the amount awarded to the claimant for economic loss; or

(ii) $250,000.

(B) APPLICABILITY.—For purposes of determining the applicability of this paragraph to a corporation, the number of employees of a subsidiary of a wholly owned corporation shall include all employees of a parent corporation or any subsidiary of that parent corporation.

(b) APPLICATION OF LIMITATIONS BY THE COURT.—The limitations in subsection (a) shall be applied by the court and shall not be disclosed to the jury.

SEC. 6. PREEMPTION.

Nothing in this Act shall be construed to—

(1) create a cause of action for punitive damages;

(2) supersede or alter any Federal law;

(3) preempt or supersede any Federal or State law to the extent such law would further limit the award of punitive damages; or

(4) modify or reduce the ability of courts to order remittitur.

SEC. 7. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction pursuant to this Act based on section 1331 or 1337 of title 28, United States Code.

SEC. 8. EFFECTIVE DATE.

This Act applies to any civil action described in section 4 that is commenced on or after the date of enactment of this Act, without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before such date of enactment.

By Mr. FAIRCLOTH:

S. 1555. A bill to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes; to the Committee on Finance.

THE INTERNAL REVENUE SERVICE OVERSIGHT, RESTRUCTURING AND TAX CODE ELIMINATION ACT OF 1997

Mr. FAIRCLOTH. Mr. President, today I am introducing S. 1555, the "Internal Revenue Service Oversight, Restructuring and Tax Code Elimination Act of 1997." This legislation establishes an oversight board composed of private citizens to review the policies and practices of our nation's tax collection agency. The measure also eliminates the existing tax code by December 31, 2000, and eliminates the Internal Revenue Service by the end of the Year 2000 fiscal year.

Mr. President, the American people have been telling this Congress that all is not right at the Internal Revenue Service, and it is time for the Congress to do something about it. Of course, no one enjoys paying their taxes, but the American people voluntarily comply with the tax code to a degree that is the envy of governments around the world. They do so because they want to do what is right. They deserve to be treated fairly, and they deserve a tax system that supports working families, not one that punishes them.

This past September, the Senate Committee on Finance held hearings in which taxpayers described the many abuses they have suffered at the hands of the Internal Revenue Service. The general theme of those hearings was an agency which has become arrogant and unresponsive to the American people, ruining businesses and causing considerable suffering to the men and women who were unlucky enough to be the focus of IRS scrutiny. For most Americans, those hearings were an all too familiar reflection of a painful episode in their own lives.

Mr. President, something must be done about the Internal Revenue Service and the massive Internal Revenue Code of 1986. Our tax code is incomprehensible to all but a few tax attorneys who make their living off of the current chaos created by our tax laws. What is worse, the agency charged with enforcing our tax laws has developed procedures to target their auditing efforts at middle class taxpayers.

The time has come to get rid of the I.R.S., get rid of our nightmarish tax code, and create an oversight board composed entirely of citizens from outside of the I.R.S. to keep watch over that agency until the date when it ceases to exist.

To carry out those objectives, I have introduced S. 1555, the Internal Revenue Service Oversight, Restructuring and Tax Code Elimination Act of 1997. This legislation establishes an oversight board composed of nine members, each of whom are from the private sector, and at least one of whom must be an owner or manager of a small business. This oversight board will be responsible for reviewing the policies and practices of the Internal Revenue Service.

Among the specific areas the board will oversee are the agency's auditing procedures and collections practices, as well as the agency's procurement policies for information technology. Procurement at the I.R.S. has resulted in outrageous waste and misuse of taxpayer funds, such as the decision to spend nearly $4 billion to develop a new computer system, which officials now concede has been a complete failure.

Creating an oversight board to rein in the IRS is just the first step. S. 1555 also calls for the tax code to be terminated as of December 31, 2000, with exceptions for Social Security and Railroad Retirement.

My bill sets out several guidelines for the structure of a new tax code. The new code should apply a low rate to all Americans; require a supermajority of both Houses of Congress to raise taxes; provide tax relief for working Americans; protect the rights of taxpayers and reduce tax collection abuses; eliminate the bias against savings and investment; promote economic growth and job creation; encourage rather than penalize marriage and families; protect the integrity of Social Security

and Medicare; and provide for a taxpayer-friendly collections process to replace the Internal Revenue Service.

Mr. President, it is time to get rid of the I.R.S. and the massive and incomprehensible tax code in favor of a fairer, simpler system. I firmly believe that we will never be rid of our tax code until Congress sets out a specific deadline for its elimination. That is what my bill does. We should begin the national debate now over the form a new tax code should take. I have laid out a series of guidelines in this legislation for the new tax code. Without the current tax code, there is no need for the I.R.S., and it is my view that this agency is too entrenched in its bureaucratic ways to be reformed. It should simply be eliminated. Until the I.R.S. is gone, an oversight board is badly needed to protect the interests of the taxpayers, and act as a watchdog over this unaccountable agency. I urge my colleagues to support this legislation.

By Mr. LEAHY:

S. 1556. A bill to improve child nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE CHILD NUTRITION INITIATIVES ACT

Mr. LEAHY. Mr. President, as the ranking member of the nutrition subcommittee, I want to make very clear that I am looking forward to working with the chairman of the Agriculture, Nutrition and Forestry Committee, Senator LUGAR, with the ranking member, Senator HARKIN, and with the chairman of the nutrition subcommittee, Senator MCCONNELL, on the child nutrition reauthorization bill next year.

When I was chairman of that committee, and continuing under the helm of Senator LUGAR, the Agriculture Committee worked together in a bipartisan fashion on nutrition legislation.

I am proud of all the members of that committee who over the years worked together on improving nutrition programs for children. I also had the privilege of working with the former majority leader—Senator Bob Dole—on many child nutrition matters.

The bill that I am introducing today does not represent my effort on a reauthorization bill—I will work on that bill with members of the committee, including the three leadership Members mentioned above.

Rather, this bill indicates changes that should be enacted into law regardless of other actions the Congress might take regarding child nutrition reauthorization.

It includes child nutrition provisions that were included, with some modifications, in the Senate-passed research bill—which passed the Senate by unanimous consent.

Over the recess I intend to consult with nutrition leaders in Vermont, the Under Secretary for Food and Consumer Services, Shirley Watkins, Secretary Glickman, national nutrition advocates and local program directors to gather information for the reauthorization effort.

Also, I urge the President to include sufficient funding in his budget proposals to fund this bill as well as other nutrition initiatives which the Secretary and the Under Secretary for Food and Consumer Services are working to develop.

I must compliment Under Secretary Shirley Watkins for the great job she has done so far. She has taken strong command of an agency that was adrift. Also, I continue to appreciate Secretary Dan Glickman's leadership role in the administration regarding nutrition programs and the strong support of his chief of staff, Greg Frazier.

I note also that Senator TIM JOHNSON has introduced a school lunch program bill. I will carefully study that bill over the recess. I will also look at the study conducted by the Minnesota Department of Children, Families and Learning called Energizing the Classroom.

Over the years many Vermonters have provided me with outstanding advice and guidance on child nutrition issues.

I intend to work with Jo Busha who heads the Child Nutrition Programs for the Vermont Department of Education. She has done a remarkable job in promoting school-based nutrition programs and was recently commended by the Food Research and Action Center for her accomplishments. I was very pleased to work with the committee on a bill that set up the school breakfast startup grant program which has worked extremely well in Vermont. It provided thousands of dollars to Vermont schools to cover the one-time costs of setting up a breakfast program.

I look forward to receiving advice from Mary Carlson, president of the National Association of Farmers' Markets Nutrition Programs, on the WIC-Farmer's Market Program known as the Farm-to-Family program in Vermont.

This program has helped in greatly expanding the number of farmers markets in Vermont and helped low-income families provide their children with healthy foods.

My bill would assure funding for this program and permit other States to participate in the program, or to increase their participation levels.

The bill provides assured funding for programs like the Vermont Common Roots program of Food Works, a nonprofit educational organization in Vermont which has been praised by educators and administrators as an effective educational tool.

Robert Dostis has done an outstanding job as the executive director of the Vermont Campaign to End Childhood Hunger. He also deserves a great deal of credit regarding the effort to get more schools on the school breakfast program. He has recently written a "Report on Childhood Hunger in Vermont: A Handbook for Action."

He cites some startling statistics in this report. For example, he notes that about 8,000 Vermont children are receiving food from local Vermont food shelves—which is double the figure for 1990.

In addition, nearly 222,000 meals are being served yearly at two dozen community kitchens in Vermont—that is 21 percent more than in 1994.

I will be also working with Donna Bister, as I have for years, on issues related to the WIC program and with Alison Gardner who is the Public Health Nutrition Chief, for the Vermont Department of Health.

I want to extend a special thanks to Dr. Richard Narkewicz of Vermont who is a past president of the American Academy of Pediatrics. He recently visited me with his grandson Corey.

Most of all I want to thank the hundreds of volunteers who run Vermont's Food Shelves and Community Kitchens, and all of those helping out at Vermont's Community Action Agencies.

For many years I have watched the tremendous contributions made by the Vermont FoodBank in the fight against hunger. They have been a first line of defense against child hunger in Vermont and I look forward to working with their director, Deborah Flateman.

All of these Vermonters, and hundreds more who I have not mentioned, carry out the true Vermont tradition of extending a helping hand to neighbors in need.

My bill incorporates many ideas from Vermonters. I have often designed nutrition legislation based on ideas from State and local officials from around the Nation.

Since this bill is not a full reauthorization bill—which I will cosponsor at a later date with other members of the Committee—I have not automatically extended each expiration date in current law. I will certainly support such extensions as appropriate at a later date and will support many other improvements to the bill.

Section 101 is based on an idea provided to me by Joseph Keifer of the Vermont Food Works program. It provides modest Federal funding to help integrate food and nutrition projects with elementary school curricula for a few pilot tests of this provision.

Section 102 increases the reimbursement rates for the summer food service program to a level that should encourage strong participation. At the recommendation of the Vermont Campaign to End Childhood Hunger the bill also provides special funding to help defray the costs of transporting children to the food service locations. This

additional financial support—of 75 cents per day for each child transported to and from school—is only applicable in very rural areas, as defined by USDA.

Vermont child care sponsors strongly recommended that I support funding for an additional meal supplement for children who are in a child care center for 8 hours or more. Section 103 of the bill does just that and thus helps working parents.

The bill provides for the eligibility of additional schools for the after school care meals program and expands funding for a program that provides meals to homeless preschool children in emergency shelters.

Title II of the bill creates a grant program to assist schools and others to establish or expand a school breakfast program, or a summer food service program. $5 million, per year, in mandatory funding would be made available for this effort.

The school breakfast start up program in Vermont, before it was terminated by Congress, was a remarkable success in part due to the hard work of Jo Busha, Bob Dostis, the Vermont School Food Service Association, and many others.

Also under Title II of the bill, the WIC Farmers' Market Program is provided guaranteed funding. I have worked on this program for a number of years with Mary Carlson of Vermont. Mary is now the president of the association that represents State farmers' market nutrition programs such as the WIC Farmers' Market Program. Making this tremendous program mandatory will assure funding and avoid any appearance of being in competition with the WIC program for appropriated funds.

The bill also sets forth a sense of the Congress that the WIC program should be fully funded, now and forever, for all eligible applicants nationwide. I know that reaching this goal has taken a long time. I appreciate all the help that Donna Bister, the Vermont WIC Director, and many other Vermonters, as well as Bread for the World at the national level, have provided on the WIC program. David Beckmann and Barbara Howell of Bread for the World have worked for years toward this goal.

Finally, I have heard from Alison Gardner about the problems she is having with funding for the Nutrition, Education and Training Program. Congress made that program mandatory but then changed its status back to a program subject to appropriations. My bill will provide $10 million a year for that program and provide a State minimum grant of $85,000 per year.

I want to emphasize again that my bill represents some important child nutrition initiatives. I hope they will all be included in the reauthorization bill. I look forward to working with Senators LUGAR, HARKIN, MCCONNELL and all the other members of the Agriculture, Nutrition and Forestry Committee on this effort just as we worked together on the child nutrition provisions in the Senate-passed research bill.

I also look forward to working with all the Members of the House of Representatives Education and the Workforce Committee. I know they have a keen interest in protecting children and I have enjoyed working in the past with Chairman Goodling and with the ranking minority member Mr. BILL CLAY.

The last reauthorization bill passed both the Senate and the House of Representatives by unanimous consent. This shows how well the Congress can work together when the interests of children are at stake.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Child Nutrition Initiatives Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—NATIONAL SCHOOL LUNCH ACT
Sec. 101. Grants to integrate food and nutrition projects with elementary school curricula.
Sec. 102. Summer food service program for children.
Sec. 103. Child and adult care food program.
Sec. 104. Meal supplements for children in afterschool care.
Sec. 105. Homeless children nutrition program.
Sec. 106. Boarder baby and other pilot projects.
Sec. 107. Information clearinghouse.
TITLE II—CHILD NUTRITION ACT OF 1966
Sec. 201. Area grant program.
Sec. 202. Special supplemental nutrition program for women, infants, and children.
Sec. 203. Nutrition education and training.

TITLE I—NATIONAL SCHOOL LUNCH ACT

SEC. 101. GRANTS TO INTEGRATE FOOD AND NUTRITION PROJECTS WITH ELEMENTARY SCHOOL CURRICULA.

Section 12(m) of the National School Lunch Act (42 U.S.C. 1760(m)) is amended—

(1) by striking "(m)(1) The" and inserting the following:

"(m) GRANTS TO INTEGRATE FOOD AND NUTRITION PROJECTS WITH ELEMENTARY SCHOOL CURRICULA.—

"(1) IN GENERAL.—Subject to paragraph (5), the";

(2) by striking paragraph (3) and inserting the following:

"(3) AMOUNT OF GRANTS.—Subject to paragraph (5), the Secretary shall make grants to each of the 3 private organizations or institutions selected under this subsection in amounts of not less than $60,000, nor more than $130,000, for each of fiscal years 1999 through 2001."; and

(3) by striking paragraph (5) and inserting the following:

"(5) PAYMENTS.—

"(A) IN GENERAL.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out this subsection $300,000 for each of fiscal years 1999 through 2001.

"(B) ENTITLEMENT TO FUNDS.—The Secretary shall be entitled to receive the funds made available under subparagraph (A) and shall accept the funds.

"(C) INSUFFICIENT NUMBER OF APPLICANTS.—The Secretary may expend less than the amount described in subparagraph (A) for a fiscal year to the extent that there is an insufficient number of suitable applicants for grants under this subsection for the fiscal year.

"(D) UNOBLIGATED FUNDS.—Of any funds that are made available, but not obligated, for a fiscal year under this paragraph—

"(i) 25 percent shall remain available until expended; and

"(ii) the remainder shall be returned to the general fund of the Treasury.".

SEC. 102. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) PURPOSES.—Section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended in the first sentence by striking "initiate and maintain" and inserting "initiate, maintain, and expand".

(b) DEFINITION OF AREAS IN WHICH POOR ECONOMIC CONDITIONS EXIST.—Section 13(a)(1)(C) of the National School Lunch Act (42 U.S.C. 1761(a)(1)(C)) is amended by striking "50 percent" and inserting "40 percent".

(c) COMMERCIAL VENDORS.—Section 13(a)(2) of the National School Lunch Act (42 U.S.C. 1761(a)(2)) is amended in the first sentence—

(1) by striking "institution or" and inserting "institution,"; and

(2) by inserting before the period at the end the following: ", or by commercial vendors".

(d) NUMBER OF PRIVATE NONPROFIT ORGANIZATIONS IN A RURAL AREA.—Section 13(a)(7)(B)(i)(II) of the National School Lunch Act (42 U.S.C. 1761(a)(7)(B)(i)(II)) is amended by striking "20 sites" and inserting "25 sites".

(e) SECOND HELPINGS.—Section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)) is amended by adding at the end the following:

"(8) SECOND HELPINGS.—In carrying out this section, the Secretary shall issue regulations that provide an allowance for a second helping of up to 5 percent of the quantity of the first helping served.".

(f) PAYMENTS.—Section 13(b)(1) of the National School Lunch Act (42 U.S.C. 1761(b)(1)) is amended—

(1) in subparagraph (B)(i), by striking "$1.97" and inserting "$2.23";

(2) in subparagraph (C), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (D)"; and

(3) by adding at the end the following:

"(D) REIMBURSEMENT FOR TRANSPORTATION.—

"(i) IN GENERAL.—The Secretary shall provide an additional reimbursement to each eligible service institution located in a very rural area (as defined by the Secretary) for the cost of transporting each child to and from a feeding site for children who are brought to the site by the service institution or for whom transportation is arranged by the service institution.

"(ii) AMOUNT.—Subject to clause (iii), the amount of reimbursement provided to a service institution under this subparagraph may not exceed the lesser of—

"(I) 75 cents per day for each child transported to and from a feeding site; or

"(II) the actual cost of transporting children to, and home from, a feeding site.

"(iii) ADJUSTMENTS.—The amounts specified in clause (ii) shall be adjusted in accordance with subparagraph (C).".

(g) NUMBER OF MEALS AND SUPPLEMENTS.—Section 13(b)(2) of the National School Lunch Act (42 U.S.C. 1761(b)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "(2) Any service" and inserting the following:

"(2) MEALS AND SUPPLEMENTS.—

"(A) IN GENERAL.—Any service";

(3) by striking "3 meals, or 2 meals and 1 supplement," and inserting "4 meals"; and

(4) by adding at the end the following:

"(B) CAMPS AND MIGRANT PROGRAMS.—A camp or migrant program may serve a breakfast, a lunch, a supper, and meal supplements.".

(h) EXTENSION.—Section 13(q) of the National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking "1998" and inserting "2003".

SEC. 103. CHILD AND ADULT CARE FOOD PROGRAM.

(a) EXTENSIONS.—Section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subsection (c)(6)(B), by striking "1997" and inserting "2003";

(2) in subsection (f)(3)(D), by striking "fiscal year 1997" each place it appears and inserting "each of fiscal years 1997 through 2003"; and

(3) in subsection (p), by striking "1998" each place it appears and inserting "2003".

(b) NUMBER OF MEALS AND SUPPLEMENTS.—Section 17(f)(2)(B) of the National School Lunch Act (42 U.S.C. 1766(f)(2)(B)) is amended by striking "2 meals and 1 supplement" and inserting "2 meals and 2 supplements, or 3 meals and 1 supplement,".".

(c) GRANTS TO STATES TO PROVIDE ASSISTANCE TO FAMILY OR GROUP DAY CARE HOMES.—Section 17(f)(3)(D)(ii)(I) of the National School Lunch Act (42 U.S.C. 1766(f)(3)(D)(ii)(I)) is amended by striking "$30,000" and inserting "$45,000".

SEC. 104. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

Section 17A(a)(2)(C) of the National School Lunch Act (42 U.S.C. 1766a(a)(2)(C))) is amended by striking "on May 15, 1989".

SEC. 105. HOMELESS CHILDREN NUTRITION PROGRAM.

Section 17B(g)(1) of the National School Lunch Act (42 U.S.C. 1766b(g)(1)) is amended in the first sentence by striking "and $3,700,000 for fiscal year 1999" and inserting "$3,700,000 for fiscal year 1999, $4,000,000 for fiscal year 2000, $4,100,000 for fiscal year 2001, and $4,200,000 for fiscal year 2002".

SEC. 106. BOARDER BABY AND OTHER PILOT PROJECTS.

Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended—

(1) in subsection (c)—

(A) by striking "1998" each place it appears and inserting "2003"; and

(B) in paragraph (3)(A)—

(i) in clause (v), by striking "and" at the end; and

(ii) by adding at the end the following:

"(vii) salaries and expenses of support staff, including management, medical, nursing, janitorial, and other support staff; and";

(2) in subsection (e)(5), by striking "and 1998" and inserting "through 2003";

(3) in subsections (g)(5) and (h)(5), by striking "1997" each place it appears and inserting "2003"; and

(4) in subsection (i)(8), by striking "1998" and inserting "2003".

SEC. 107. INFORMATION CLEARINGHOUSE.

Section 26(d) of the National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking "$100,000 for fiscal year 1998" and inserting "$185,000 for each of fiscal years 1998 through 2003".

TITLE II—CHILD NUTRITION ACT OF 1966

SEC. 201. AREA GRANT PROGRAM.

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by adding at the end the following:

"(f) AREA GRANT PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE SCHOOL.—The term 'eligible school' means a school—

"(i) attended by children, a significant percentage of whom—

"(I) are members of low-income families, as determined by the Secretary; or

"(II) live in rural areas and have unmet needs for initiation or expansion of a school breakfast or summer food service program for children; and

"(ii)(I) as used with respect to a school breakfast program, that agrees to operate the school breakfast program established or expanded with the assistance provided under this subsection for a period of not less than 3 years; and

"(II) as used with respect to a summer food service program for children, that agrees to operate the summer food service program for children established or expanded with the assistance provided under this subsection for a period of not less than 3 years.

"(B) SERVICE INSTITUTION.—The term 'service institution' means an institution or organization described in paragraph (1)(B) or (7) of section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)).

"(C) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—The term 'summer food service program for children' means a program authorized by section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(2) ESTABLISHMENT.—The Secretary shall establish a program under this subsection to be known as the 'Area Grant Program' (referred to in this subsection as the 'Program') to assist eligible schools and service institutions through grants to initiate or expand programs under the school breakfast program and the summer food service program for children.

"(3) PAYMENTS.—

"(A) IN GENERAL.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out this subsection $5,000,000 for fiscal year 1998 and each fiscal year thereafter.

"(B) ENTITLEMENT TO FUNDS.—The Secretary shall be entitled to receive the funds made available under subparagraph (A) and shall accept the funds.

"(C) USE OF FUNDS.—The Secretary shall use the funds made available under subparagraph (A) to make payments under the Program—

"(i) in the case of the school breakfast program, to school food authorities for eligible schools; and

"(ii) in the case of the summer food service program for children, to service institutions.

"(D) INSUFFICIENT NUMBER OF APPLICANTS.—The Secretary may expend less than the amount described in subparagraph (A) for a fiscal year to the extent that there is an insufficient number of suitable applicants to initiate or expand programs under this subsection for the fiscal year.

"(4) PRIORITY.—The Secretary shall make payments under the Program on a competitive basis and in the following order of priority (subject to the other provisions of this subsection) to:

"(A) School food authorities for eligible schools to assist the schools with nonrecurring expenses incurred in—

"(i) initiating a school breakfast program under this section; or

"(ii) expanding a school breakfast program.

"(B) Service institutions to assist the institutions with nonrecurring expenses incurred in—

"(i) initiating a summer food service program for children; or

"(ii) expanding a summer food service program for children.

"(5) ADDITIONAL PAYMENTS.—Payments under the Program shall be in addition to payments under subsection (b) of this section and section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(6) PREFERENCES.—Consistent with paragraph (4), in making payments under the Program for any fiscal year to initiate or expand school breakfast programs or summer food service programs for children, the Secretary shall provide a preference to a school food authority for an eligible school or service institution that—

"(A) in the case of a summer food service program for children, is a public or private nonprofit school food authority;

"(B) has significant public or private resources that will be used to carry out the initiation or expansion of the programs during the year;

"(C) serves an unmet need among low-income children, as determined by the Secretary;

"(D) is not operating a school breakfast program or summer food service program for children, as appropriate; or

"(E) is located in a rural area, as determined by the Secretary.

"(7) RECOVERY AND REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other school food authorities for eligible schools or service institutions any amounts under the Program that are not expended within a reasonable period (as determined by the Secretary).

"(8) MAINTENANCE OF EFFORT.—Expenditures of funds from State, local, and private sources for the maintenance of the school breakfast program and the summer food service program for children shall not be diminished as a result of payments received under the Program.".

SEC. 202. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) EXTENSIONS.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended in subsections (g)(1), (h)(2)(A), and (h)(10)(A) by striking "1998" each place it appears and inserting "2003".

(b) SENSE OF CONGRESS ON FULL FUNDING FOR WIC.—It is the sense of Congress that the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) should be fully funded for fiscal year 1998 and each subsequent fiscal year so that all eligible participants for the program will be permitted to participate at the full level of participation for individuals in their category, in accordance with regulations issued by the Secretary of Agriculture.

(c) FARMERS' MARKET NUTRITION PROGRAM.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) in paragraph (1), by striking "(m)(1) Subject" and all that follows through "the Secretary" and inserting the following:

"(m) FARMERS' MARKET NUTRITION PROGRAM.—

"(1) IN GENERAL.—The Secretary";

(2) in paragraph (6)(B)—

(A) by striking "(B)(i) Subject to the availability of appropriations, if" and inserting the following:

"(B) MINIMUM AMOUNT.—If"; and

(B) by striking clause (ii); and

(3) in paragraph (9), by striking "(9)(A)" and all that follows through the end of subparagraph (A) and inserting the following:

"(9) FUNDING.—

"(A) PAYMENTS.—

"(i) IN GENERAL.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out this subsection $15,000,000 for fiscal year 1999, $19,000,000 for fiscal year 2000, and $24,000,000 for fiscal year 2001, $30,000,000 for fiscal year 2002 and $37,000,000 for fiscal year 2003. Such funds shall remain available for this program until expended.

"(ii) ENTITLEMENT TO FUNDS.—The Secretary shall be entitled to receive the funds made available under subparagraph (A) and shall accept the funds.".

SEC. 203. NUTRITION EDUCATION AND TRAINING.

Section 19(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(i)) is amended—

(1) in paragraph (2)—

(A) in the first sentence of subparagraph (A), by inserting "and each succeeding fiscal year" after "1996"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) MINIMUM AMOUNT.—The minimum amount of a grant provided to a State for a fiscal year under this section shall be $85,000.";

(2) by striking paragraph (3); and

(3) by redesignating paragraphs (4) and (5) as paragraph (3) and (4), respectively.

By Mr. TORRICELLI (for himself, Mr. AKAKA, Mr. KERRY, and Mrs. FEINSTEIN):

S. 1557. A bill to end the use of steel jaw leghold traps on animals in the United States; to the Committee on Environment and Public Works.

THE STEEL JAW LEGHOLD TRAP ACT OF 1997

Mr. TORRICELLI. Mr. President, today, Senators, AKAKA, FEINSTEIN, KERRY, and I rise to introduce legislation to end the use of the steel jaw leghold trap. I rise to draw this country's attention to the many liabilities of this outdated device and ask for my colleagues support in ending its use.

This important and timely issue now takes on added importance as the European Union proposes to ban the importation of U.S. fur caught with this class of trap. By ending the use of the leghold trap within our borders, we will effectively set a humane standard for trapping, as well as protect the U.S. fur industry by keeping Europe's doors open to U.S. fur.

While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping by prohibiting the import or export of, and the interstate shipment of steel jaw leghold traps and articles of fur from animals caught in such traps.

The steel jaw leghold trap is a cruel and antiquated device for which many alternatives exist. The American Veterinary Medical Association and the American Animal Hospital Association have condemned leghold traps as inhumane and the majority of Americans oppose the use of this class of trap. Currently, 89 nations have banned these cruel devices, and have done so with broad-based public support. In addition, Colorado and Massachusetts have joined Rhode Island, Florida and my home State of New Jersey in banning the trap.

One quarter of all U.S. fur exports, $44 million, go to the European market. Of this $44 million, $21 million would be eliminated by the ban. This would clearly cause considerable economic damage to the U.S. fur industry, an important source of employment for many Americans. Since many Americans rely on trapping for their livelihood, it is imperative to find a solution which prevents the considerable damage that this ban would cause to our fur industry. It is important to note that since the steel-jaw leghold trap has been banned in Europe, alternatives have been provided to protect and maintain the European fur industry.

Our Nation would be far better served by ending the use of the archaic and inhumane steel jaw leghold trap. By doing so, we are not only setting a long-overdue humane standard for trapping, we are ensuring that the European market remains open to all American fur exports.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DECLARATION OF POLICY.

It is the policy of the United States to end the needless maiming and suffering inflicted upon animals through the use of steel jaw leghold traps by prohibiting the import or export of, and the shipment in interstate commerce of, such traps and of articles of fur from animals that were trapped in such traps.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) ARTICLE OF FUR.—The term "article of fur" means—

(A) any furskin, whether raw or tanned or dressed; or

(B) any article, however produced, that consists in whole or part of any furskin.

For purposes of subparagraph (A), the terms "furskin", "raw", and "tanned or dressed" have the same respective meanings as those terms have under headnote 1 of chapter 43 of the Harmonized Tariff Schedule of the United States.

(2) CUSTOMS LAWS OF THE UNITED STATES.—The term "customs laws of the United States" means any law enforced or administered by the Customs Service.

(3) INTERSTATE COMMERCE.—The term "interstate commerce" has the same meaning as given such term in section 10 of title 18, United States Code.

(4) IMPORT.—The term "import" means to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an entry into the customs territory of the United States.

(5) PERSON.—The term "person" includes any individual, partnership, association, corporation, trust, or any officer, employee, agent, department, or instrumentality of the Federal Government or of any State or political subdivision thereof, or any other entity subject to the jurisdiction of the United States.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) STEEL JAW LEGHOLD TRAP.—The term "steel jaw leghold trap" means any spring-powered pan- or sear-activated device with two opposing steel jaws which is designed to capture an animal by snapping closed upon the animal's limb or part thereof.

SEC. 3. PROHIBITED ACTS AND PENALTIES.

(a) OFFENSES.—It is unlawful for any person knowingly—

(1) to import, export, ship, or receive in interstate commerce an article of fur if any part of the article of fur is derived from an animal that was trapped in a steel jaw leghold trap;

(2) to import, export, deliver, carry, transport, or ship by any means whatever, in interstate commerce, any steel jaw leghold trap; or

(3) to sell, receive, acquire, or purchase any steel jaw leghold trap that was delivered, carried, transported, or shipped in contravention of paragraph (2).

(b) PENALTIES.—A person who violates subsection (a), in addition to any other penalty that may be imposed—

(1) for the first such violation, shall be guilty of an infraction punishable under title 18, United States Code; and

(2) for each subsequent violation, shall be imprisoned not more than 2 years, fined under title 18, United States Code, or both.

SEC. 4. REWARDS.

The Secretary shall pay, to any person who furnishes information which leads to a conviction of a violation of any provision of this Act or any regulation issued thereunder, an amount equal to one half of the fine paid pursuant to the conviction. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his or her official duties is not eligible for payment under this section.

SEC. 5. ENFORCEMENT.

(a) IN GENERAL.—Except with respect to violations of this Act to which subsection (b) applies, the provisions of this Act and any regulations issued pursuant thereto shall be enforced by the Secretary, who may use by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency or of any State agency for purposes of enforcing this Act.

(b) EXPORT AND IMPORT VIOLATIONS.—

(1) IMPORT VIOLATIONS.—The importation of articles in contravention of section 3 shall be treated as a violation of the customs laws of the United States, and the provisions of law relating to violations of the customs laws shall apply thereto.

(2) EXPORT VIOLATIONS.—The provisions of the Export Administration Act of 1979 (including the penalty provisions) (50 U.S.C.

App. 2401 et seq.) shall apply for purposes of enforcing the prohibition relating to the export of articles described in section 3.

(c) JUDICIAL PROCESS.—The district courts of the United States may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this Act and any regulation issued thereunder.

(d) ENFORCEMENT AUTHORITIES.—Any individual having authority to enforce this Act (except with respect to violations to which subsection (b) applies), may, in exercising such authority—

(1) detain for inspection, search, and seize any package, crate, or other container, including its contents, and all accompanying documents, if such individual has reasonable cause to suspect that in such package, crate, or other container are articles with respect to which a violation of this Act (except with respect to violations to which subsection (b) applies) has occurred, is occurring, or is about to occur;

(2) make arrests without a warrant for any violation of this Act (except with respect to violations to which subsection (b) applies) committed in his or her presence or view or if the individual has probable cause to believe that the person to be arrested has committed or is committing such a violation; and

(3) execute and serve any arrest warrant, search warrant, or other warrant or criminal process issued by any judge or magistrate of any court of competent jurisdiction for enforcement of this Act (except with respect to violations to which subsection (b) applies).

(e) FORFEITURE.—

(1) IN GENERAL.—Except as provided in paragraph (3), any article of fur or steel jaw leghold trap taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, or shipped in violation of this Act shall be subject to forfeiture to the United States.

(2) APPLICABLE LAW.—The provisions of law relating to—

(A) the seizure, summary and judicial forfeiture, and condemnation of property for violations of the customs laws,

(B) the disposition of such property or the proceeds from the sale thereof,

(C) the remission or mitigation of such forfeitures, and

(D) the compromise of claims,

shall apply to seizures and forfeitures under this subsection, except that the duties performed by a customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws of the United States may be performed with respect to seizures and forfeitures of property under this subsection by the Secretary or such officers and employees as the Secretary may designate.

(3) EXCEPTION.—The provisions of the Export Administration Act of 1979 shall apply with respect to the seizure and forfeiture of any article of fur or steel jaw leghold trap exported in violation of this Act and the customs laws of the United States shall apply with respect to the seizure and forfeiture of any such article or trap imported in violation of this Act.

(f) INJUNCTIONS.—The Attorney General of the United States may seek to enjoin any person who is alleged to be in violation of any provision of this Act.

(g) COOPERATION.—The Secretary of Commerce, the Secretary of the Treasury, and the head of any other department or agency with enforcement responsibilities under this Act shall cooperate with the Secretary in ensuring that this Act is enforced in the most effective and efficient manner.

SEC. 6. REGULATIONS.

The Secretary shall prescribe such regulations as are necessary to carry out this Act.

SEC. 7. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 year after the date of enactment.

By Mr. D'AMATO:

S. 1558. A bill to amend the Harmonized Tariff Schedule of the United States with respect to shadow mask steel; to the Committee on Finance.

THE SHADOW MASK STEEL HARMONIZED TARIFF SCHEDULE AMENDMENT ACT OF 1997

Mr. D'AMATO. Mr. President, I rise today to introduce legislation to amend the Harmonized Tariff Schedule of the United States with respect to shadow mask steel. Shadow mask steel, a vital component of color television picture tubes and computer video monitors, is used to produce "shadow masks" which prevent image distortion on the viewing screens of televisions and computer video monitors. Unfortunately, neither shadow mask steel, nor any viable substitute, is produced within the United States. Therefore, United States shadow mask producers must import this product from steel producers in Japan and Germany.

Domestic shadow mask production faces a difficult challenge to stay competitive in today's shadow mask market. Competition from foreign shadow masks is increasing as foreign manufacturers aggressively pursue the U.S. market. In addition, color picture tube and computer video monitor manufacturers are increasing their efforts to reduce production costs due to increased competition in the television and computer markets.

These factors reinforce the vital need for competitively-priced component materials, such as shadow masks. Eliminating the duty on shadow mask steel, a product that is already subject to a gradual tariff elimination schedule, would be an important step toward enabling domestic manufacturers to remain competitive in the global market.

Major U.S. television picture tube and computer video monitor manufacturers that employ thousands of workers throughout the United States rely on a consistent supply of domestically-produced shadow masks. If such companies were unable to count on such a supply, we run the risk of supplanting domestic production of this product with imported shadow masks from foreign competitors, resulting in higher costs and delivery uncertainties associated with purchasing shadow mask imports.

Such increased costs and uncertainty would certainly result in reduced competitiveness of U.S. television picture tube and computer video monitor manufacturers vis—vis foreign manufacturers. Reduced competitiveness could lead to the transfer of existing U.S. manufacturing operations abroad, and/or the closing of U.S. facilities, resulting in the loss of thousands of actual and potential U.S. jobs in the television and computer manufacturing industries.

By Mr. FAIRCLOTH:

S. 1560. A bill to require the Federal banking agencies to make certain certifications to Congress regarding new accounting standards for derivatives before they become effective; to the Committee on Banking, Housing, and Urban Affairs.

THE ACCURATE ACCOUNTING STANDARDS CERTIFICATION ACT OF 1997

Mr. FAIRCLOTH. Mr. President, several times during this session, the Securities Subcommittee of the Senate Banking Committee has held hearings on the issue of the Financial Accounting Standards Board (FASB) accounting standards for derivatives and other instruments.

The hearings have demonstrated that there is great concern in the banking industry, and virtually every industry, about the FASB standards as they are presently written.

In particular, there are concerns that the FASB will finalize these standards by the end of this year, without re-exposing its draft for further public comment. FASB has received hundreds of comment letters expressing concern about the new standards. Yet, the comments appear to go unheeded. In particular, there is concern in the banking industry that the standards are not taking into account the unique nature of banks. Even Alan Greenspan has taken the unusual step of expressing his concern to the FASB.

The Chairman of the Federal Reserve Board of Governors said in his letter that "FASB's planned approach would not improve the financial reporting of derivatives activities and would constrain prudent risk management practices."

Mr. President, I am a strong supporter of Generally Accepted Accounting Princples. I strongly believe that these standards should be set by the private sector. I am concerned, however, that the FASB, a private organization, is working too closely with the SEC, and therefore, is ignoring the concerns raised by bank regulators. In effect, this is not so much a dispute of a private body defying the wishes of an industry—but it is a dispute between two parts of our Government over how best to proceed on accounting for risk on the balance sheet. The FASB appears to be ignoring the concerns of the bank regulators, and by doing so, needlessly complicating disclosure to investors. Investors and analysts right now are fully capable of reviewing the balance sheets of depository institutions and determining who is well run and who is not.

The Securities Subcommittee issued a report this year in which it stated

that "by focusing on derivatives risk exposure in isolation from the risk faced by companies, (the FASB proposals) are prone to present investors a distorted and misleading picture of company conditions and activities."

In my view, the new standards will throw a wrench into the present accounting rules that will only serve to confuse investors. It is highly ironic that financial institutions, the principal users of accounting information in order to make credit decisions, find the new standards confusing and cumbersome.

For this reason I feel compelled to introduce legislation that would provide the banking regulatory agencies with the authority to reject the standards if they find that the new standards will not accurately reflect assets, liabilities and earnings. Further, the regulators could refuse to adopt the standards if the new rules would serve to diminish the use of the risk management techniques, thus, actually reducing safety and soundness in the operation of an insured depository institution.

I think this is an appropriate solution to this problem. I have great faith that the banking regulators, the primary users of financial information from banks, can make the best determination if these standards are appropriate. Thank you Mr. President.

By Mr. WARNER:

S. 1561. A bill to reform the conduct of Federal elections; to the Committee on Rules and Administration.

THE CONSTITUTIONAL AND EFFECTIVE REFORM OF CAMPAIGNS ACT

Mr. WARNER. Mr. President, today I introduce the Constitutional and Effective Reform of Campaigns Act, or "CERCA". This legislation is the product of 2 years of hearings in the Rules Committee, discussions with numerous experts, party officials, and candidates, and nearly two decades of participating in campaigns and campaign finance debates in the Senate. Many of the proposals in this bill have been made in some form by several of my Senate colleagues and by Members of the House, and I readily acknowledge drawing on their expertise. Most particularly, the important discussions during the meetings of this year's task force headed by Senator NICKLES, at the request of Majority Leader LOTT, were invaluable.

This legislation offers an opportunity for bipartisan support. It is a good faith effort to strike a middle ground between those who believe public financing of campaigns is the solution, and those who believe the solution is to remove current regulations. It offers a package of proposals which realistically can be achieved with bipartisan support and meet the desire of the majority of Americans who believe that our present system can be reformed. In my judgment, we will not succeed with any measure of campaign reform in this complicated field without a bipartisan consensus.

In drafting this legislation, I began with four premises. First, all provisions had to be consistent with the First Amendment: Congress would be acting in bad faith to adopt provisions which have a likelihood of being struck down by the federal courts. Second, I oppose public financing and mandating "free" or reduced-cost media time which in my mind is neither free nor a good policy idea. Why should seekers of federal office get free time, while candidates for state office or local office—from governors to local sheriffs—do not receive comparable free benefits? Such an inequity and imbalance will breed friction between federal and state office seekers. Third, I believe we should try to increase the role of citizens and the political parties. Fourth, any framework of campaign reform legislation must respect and protect the constitutional right of individuals, groups, and organizations to participate in advocacy concerning political issues.

This bill is designed to be a "bilateral disarmament" on the tough issues of soft money and union dues: each side must give up equivalent ground. The Republicans should give ground by placing a cap on soft money which has tended to favor our side. And Democrats should give ground by allowing union members to decide voluntarily for themselves whether to contribute the portion of dues which goes to political contributions or activities.

Specifically, on the issue of soft money, no reform can be considered true reform without placing limits on the corporate and union donations to the national political parties. This bill places a $100,000 cap on such donations. While this provision addresses the public's legitimate concern over the propriety of these large donations, it allows the political parties sufficient funds to maintain their headquarters and conduct their grassroots efforts. In addition, the current limits on "hard" contributions must be updated. The ability of citizens to contribute voluntarily to a wide range of candidates and to their parties is fundamental.

At the same time, the practice of mandatory union dues going to partisan politics without union members' consent must end: it is counter to all the political freedoms that make America a true democracy. The concept of "paycheck protection" must be included in any campaign finance reform, so that these deductions are voluntary, whether these dues fund direct contributions to candidates or parties, or pay for undisclosed spending on phone banks, get-out-the-vote efforts, literature, and television ads.

Under this legislation, unions would be required to obtain advance, written consent before deducting money for political activities from union members' paychecks. The present state of the law requires most union workers to give up their rights to participate in the union if they seek refunds of that portion of dues going to politics. In addition, this section would strengthen the reporting requirements for unions engaged in political activities and enhance an aggrieved union member's right to challenge a union's determination of the portion of dues going to political activities.

In the Senate debates thus far, there has been much discussion about whether corporations should be required to obtain shareholder approval to make political contributions. This is an issue which warrants consideration. My proposal not only limits these corporate and union contributions to $100,000, it also includes a requirement that companies disclose their donations to federal political parties in their annual reports. And under current policies of the Securities and Exchange Commission, shareholders have the same rights to make recommendations to boards of directors on the propriety of political donations as they do on any business issue related to the company.

In addition, the SEC is in the process of making it easier for shareholders to raise questions related to social policy matters at annual meetings. I am monitoring how these changes are implemented: if they are insufficient to guarantee adequate rights to shareholders, I will consider amending my bill to protect these rights.

As an aside, I reject the notion that the status of union members is similar to those who belong to groups such as the National Rifle Association or the Sierra Club. Nobody is compelled to join these types of organizations, and those that do, know or should know that their dues are going in part to political causes.

Furthermore, I considered including in this bill a narrowly-tailored disclosure requirement for individuals and groups spending large sums on public advertising affecting the public image of candidates during election seasons. However, in keeping with my first basic premise that reforms must pass the federal court test of constitutionality, I concluded that such a provision, in view of a long line of Supreme Court cases, likely would be declared unconstitutional, and thus I did not include the provision.

The McCain-Feingold bill was thoroughly debated in the Senate, and any objective observor of the Senate would agree that we are genuinely deadlocked. This body needs to move beyond the debate of McCain-Feingold. I hope that all Members will review my bill as an objective and pragmatic approach to current problems with our campaign system. I encourage other Members to come forward, as I have, with proposals which objectively represent pragmatic approaches to what can be achieved. I do not claim to have the only solution: those with other ideas should come forward.

In addition to the issues of soft money and union dues discussed above, nine other fundamental problems—all of which can be solved in a constitutional manner—are the most pressing. Here are these problems, in no particular order, and my proposed solutions:

Problem 1: Politicians spend too much time fundraising, at the expense of their legislative duties for incumbents, and, for both incumbents and challengers, at the expense of debating the issues with voters.

Solution: The current individual contribution limit of $1,000 has not been raised, or even indexed for inflation, for over 20 years. This fact requires that candidates must spend more and more time seeking more and more donors. The limit should be doubled, as well as indexed for inflation.

Problem 2: The influence of voters on campaigns has been diminished by the activities of political action committees and interest groups.

Solutions: I propose a $100 tax credit for contributions made by citizens, with incomes under specified levels, to Senate and House candidates in their states: this credit should spark an influx of small dollar contributions to balance the greater ability of citizens with higher incomes to participate.

In addition, the increased individual contribution limit should balance the activities of political action committees.

Problem 3: The influence of voters on campaigns has been diminished by contributions from those not eligible to vote.

Solution: If you are not eligible to vote, you should not contribute to campaigns. My bill would prohibit contributions by those ineligible to vote, including non-citizens, children, and persons under felony convictions. It also codifies current regulations concerning political donations by domestic subsidiaries of foreign companies.

Problem 4: Compared to incumbents, challengers face greater difficulties raising funds and communicating with voters, particularly at the outset of a campaign.

Solutions: This legislation will allow candidates to receive "seed money" contributions of up to $10,000 from individuals and political action committees. This provision should help get candidacies off the ground. The total amount of these "seed money" contributions could not exceed $100,000 for House candidates or $300,000 for Senate candidates. To meet the constitutional test, this provision would apply to both challengers and incumbents alike, but in the case of an incumbent with money carried over from a prior cycle, those funds would count against the seed money limit.

Second, Senate incumbents would be barred from using the franking privilege to send out mass mailings during the election year, rather than the sixty day ban in current law.

Problem 5: Candidates with personal wealth have a distinct advantage through their constitutional right to spend their own funds.

Solution: If a candidate spends more than $25,000 of his or her own money, the individual contribution limits would be raised to $10,000 so that candidates could raise money to counter that personal spending. Again, to meet constitutional review, this provision would apply to all candidates.

Problem 6: Current laws prohibiting fundraising activities on federal property are weak and insufficient.

Solution: The current ban on fundraising on federal property was written before the law created such terms as "hard" and "soft" money. This bill updates this law to require that no fundraising take place on federal property.

Problem 7: Reporting requirements and public access to disclosure statements are weak and inadequate.

Solutions: Under this proposal, the FEC would be required to post reports on the Internet for all to see, and to require that candidates, and groups making independent expenditures, make faster and more complete reports. In addition, registered lobbyists would be required to report their campaign contributions and those of their employer on their lobbyist disclosure reports.

Problem 8: The Federal Election Commission is in need of procedural and substantive reform.

Solutions: This legislation contains a number of procedural and substantive reforms of the FEC, including term limits for commissioners, and increases in penalties for serious violations.

Problem 9: The safeguards designed to protect the integrity of our elections are compromised by weak aspects of federal laws regulating voter registration and voting.

Solutions: The investigations of contested elections in Louisiana and California have shown significant weaknesses in federal laws designed to safeguard the registration and voting processes. The requirement that states allow registration by mail has undermined confidence that only qualified voters are registering to vote and only registering once: states should be allowed to decide whether to allow mail-in registrations. In addition, states should be allowed to require proof of citizenship when registering and proof of identification when voting: we require a photo ID to buy beer or cigarettes and can certainly allow states to protect the voting process by requiring a photo ID. Lastly, this bill would allow states to purge inactive voters and to allow state law to govern whether voters who move without re-registering should be allowed to vote.

These are the problems which I believe can be solved in a bipartisan fashion. Attached to this statement is a section by section review of the legislation. I look forward to working with my colleagues to enact meaningful campaign reform, by looking at reform beyond the usual soundbites and addressing the real problems with our present system of campaigns.

Mr. President, I ask unanimous consent that the text of the bill summary be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL AND EFFECTIVE REFORM OF CAMPAIGNS ACT—SECTION-BY-SECTION

TITLE I—ENHANCEMENT OF CITIZEN INVOLVEMENT

Section 101.—Prohibits those ineligible to vote (non-citizens, minors, felons) from making contributions ("hard money") or donations ("soft money"). Also bans foreign aliens making independent expenditures and codifies FEC regulations on foreign control of domestic donations.

Section 102.—Updates maximum individual contribution limit to $2000 per election (primary and general) and indexes both individual and PAC limits in the future.

Section 103.—Provides a tax credit up to $100 for contributions to in-state candidates for Senate and House for incomes up to $60,000 ($200 for joint filers up to $120,000).

TITLE II—LEVELING THE PLAYING FIELD FOR CANDIDATES

Section 201.—Seed money provision: Senate candidates may collect $300,000 and House candidates $100,000 (minus any funds carried over from a prior cycle) in contributions up to $10,000 from individuals and PAC's.

Section 202.—"Anti-millionaires" provision: when one candidate spends over $25,000 of personal funds, a candidate may accept contributions up to $10,000 from individuals and PAC's up to the amount of personal spending minus a candidate's funds carried over from a prior cycle and own use of personal funds.

Section 203.—Bans use of Senate frank for mass mailings from January 1 to election day for incumbents seeking reelection.

TITLE III—VOLUNTARINESS OF POLITICAL CONTRIBUTIONS

Section 301.—Union dues provision: Labor organizations must obtain prior, written authorization for portion of dues or fees not to be used for representation: Establishes civil action for aggrieved employee. Requires employers to post notice of rights. Amends reporting statute to require better disclosure of expenses unrelated to representation.

Section 302.—Corporations must disclose soft money donations in annual reports.

TITLE IV—ELIMINATION OF CAMPAIGN EXCESSES

Section 401.—Adds soft money donations to present ban on fundraising on federal property and to other criminal statutes.

Section 402.—Hard money contributions or soft money donations over $500 which a political committee intends to return because of illegality must be transferred to the FEC and may be given to the Treasury as part of a civil or criminal action.

Section 403.—"Soft" and "hard" money provisions. Soft money cap: no national party, congressional committee or senatorial committee shall accept donations from any source exceeding $100,000 per year. Hard money increases: limit raised from $25,000 to $50,000 per individual per year with no sublimit to party committees.

Section 404.—Codifies FEC regulations banning conversion of campaign funds to personal use.

TITLE V—ENHANCED DISCLOSURE

Section 501.—Additional reporting requirements for candidates: weekly reports for last month of general election, 24-hour disclosure of large contributions extended to 90 days before election, and end of "best efforts" waiver for failure to obtain occupation of contributors over $200.

Section 502.—FEC shall make reports filed available on the Internet.

Section 503.—24-hour disclosure of independent expenditures over $1,000 in last 20 days before election, and of those over $10,000 made anytime.

Section 504.—Registered lobbyists shall include their own contributions and soft money donations and those of their employers and the employers' coordinated PAC's on lobbyist disclosure forms.

TITLE VI—FEDERAL ELECTION COMMISSION REFORM

Section 601.—FEC shall develop and provide, at no cost, software to file reports, and shall issue regulations mandating electronic filing and allowing for filing by fax.

Section 602.—Limits commissioners to one term of eight years.

Section 603.—Increases penalties for knowing and willful violations to greater of $15,000 or 300 percent of the contribution or expenditure.

Section 604.—Requires that FEC create a schedule of penalties for minor reporting violations.

Section 605.—Establishes availability of oral arguments at FEC when requested and two commissioners agree. Also requires that FEC create index of Commission actions.

Section 606.—Changes reporting cycle for committees to election cycle rather than calendar year.

Section 607.—Classifies FEC general counsel and executive director as presidential appointments requiring Senate confirmation.

TITLE VII—IMPROVEMENTS TO NATIONAL VOTER REGISTRATION ACT

Section 701.—Repeals requirement that states allow registration by mail.

Section 702.—Requires that registrants for federal elections provide social security number and proof of citizenship.

Section 703.—Provides states the option of removing registrants from eligible list of federal voters who have not voted in two federal elections and did not respond to postcard.

Section 704.—Allows states to require photo ID at the polls.

Section 705.—Repeals requirement that states allow people to change their registration at the polls and still vote.

By Mr. BAUCUS:

S. 1562. A bill to authorize an exchange of land between the Secretary of Agriculture and Secretary of the Interior and Big Sky Lumber Co; to the Committee on Energy and Natural Resources.

THE GALLATIN RANGE CONSOLIDATION COMPLETION ACT OF 1997

Mr. BAUCUS. Mr. President, I rise today to introduce an important piece of legislation for Montana. This bill is titled "the Gallatin Range Consolidation Completion Act of 1997."

Mr. President, this legislation is similar to a bill introduced earlier today by my colleague from Montana. While I am glad he has at last staked out a public position in favor of this exchange, I believe his approach is too little, too early. So I am introducing a bill which more accurately reflects where discussions on this exchange have progressed since Senator BURNS' earlier involvement.

Completing the Gallatin Land Exchange is a top priority for me. The land considered in this legislation is key wildlife habitat and is among some of the most beautiful anywhere. When completed, this exchange will result in improved habitat and will improve recreation opportunities in the region. But, as with many land exchanges this will not be a simple process.

The company involved, Big Sky Lumber has been pursuing this matter for nearly 4 years. The Forest Service has collected public comment and has worked to see that concerns of all parties affected, the recreation interests, conservation groups, homeowners, and the business owners are all addressed. I have been working with these groups drafting legislation with the help of the Forest Service.

I was surprised that Senator BURNS introduced a draft bill today without notice. Contrary to an agreement among the State's congressional delegation that no bill be introduced until we reached agreement among ourselves and with other interested groups. The bill I am introducing today is an updated version of the earlier draft I gave to Senator BURNS for his review. I look forward to working with Senator BURNS and all interested parties to get this process back on track so that we can pass a fair and balanced bill soon after we convene the next session of Congress.

Over the next 2 months, my staff and I will be meeting with people about this exchange. My goal is to prepare a consensus bill that can be introduced by the entire Montana delegation when Congress convenes come January. Soon after the introduction of that consensus bill, I will hold public hearings in the state to hear what people think about our efforts. I am hopeful that in the future the entire Montana delegation will work together to protect the Taylor Fork and other important Montana lands in the Gallatin.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gallatin Land Consolidation Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) the land north of Yellowstone National Park possesses outstanding natural characteristics and wildlife habitats that would make the land a highly valuable addition to the National Forest System;

(2) it is in the interest of the United States for the Secretary of Agriculture to enter into an Option Agreement for the acquisition of land owned by Big Sky Lumber Co.; and

(3) it is in the interest of the United States to—

(A) establish a logical and effective ownership pattern for the Gallatin National Forest, substantially reducing long-term costs for taxpayers; and

(B) consolidate the Gallatin National Forest in a manner that will enable the public to have access to and enjoy the many recreational uses of the land.

SEC. 3. DEFINITIONS.

In this Act:

(1) BSL.—The term "BSL" means Big Sky Lumber Co., an Oregon joint venture, and its successors and assigns, and any other entities having a property interest in the BSL land.

(2) BSL LAND.—The term "BSL land" means the up to approximately 55,000 acres of land owned by BSL that is to be acquired by the Secretary of Agriculture, as depicted in Exhibit A to the Option Agreement.

(3) EXCHANGE AGREEMENT.—The term "Exchange Agreement" means the agreement entered into between BSL and the Secretary of Agriculture under section 4(e).

(4) OPTION AGREEMENT.—The term "Option Agreement" means the agreement dated _____ and entitled "Option Agreement for the Acquisition of Big Sky Lumber Co. Lands Pursuant to the Gallatin Range Consolidation and Protection Act of 1993" and the exhibits and maps attached to the agreement.

SEC. 4. GALLATIN LAND CONSOLIDATION COMPLETION.

(a) IN GENERAL.—If BSL offers fee title to the BSL land, including mineral interests, that is acceptable to the United States—

(1) the Secretary of Agriculture shall accept a warranty deed to the BSL land;

(2) the Secretary of Agriculture shall convey to BSL, subject to valid existing rights and to such other terms, conditions, reservations, and exceptions as may be agreed on by the Secretary of Agriculture and BSL, fee title to up to approximately 25,000 acres of National Forest System land and appurtenances thereto as depicted in Exhibit B to the Option Agreement;

(3) the Secretary of Agriculture shall grant to BSL timber harvest rights to up to approximately 50,000,000 board feet of timber in accordance with subsection (c) and as described in Exhibit C to the Option Agreement;

(4) subject to availability of funds, the Secretary of Agriculture shall purchase land belonging to BSL in the Taylor Fork area, as depicted in Exhibit D, at a purchase price of not more than $6,500,000; and

(5) the Secretary of the Interior shall convey to BSL, by patent or otherwise, subject to valid existing rights and to such other terms, conditions, reservations, and exceptions as may be agreed to by the Secretary of the Interior and BSL, fee title to approximately 1,860 acres of Bureau of Land Management land, as depicted in Exhibit B to the Option Agreement.

(b) VALUATION.—The property and other assets exchanged by BSL and the United States under subsection (a) shall be approximately equal in value, as determined by the Secretary of Agriculture.

(c) TIMBER HARVEST RIGHTS.—

(1) IN GENERAL.—The Secretary of Agriculture shall prepare, grant to BSL, and administer the timber harvest rights identified in Exhibit C to the Option Agreement, over a period of 5 consecutive years after the date of enactment of this Act.

(2) ENTIRE TIMBER SALE PROGRAM OF THE GALLATIN NATIONAL FOREST.—Timber harvest volume shall constitute the timber sale program for the Gallatin National Forest for that 5-year period.

(3) SUBSTITUTION.—If exceptional circumstances, such as natural catastrophe, changes in law or policy, or extraordinary environmental or financial circumstances prevent the Secretary of Agriculture from conveying the timber harvest rights identified in Exhibit C to the Option Agreement, the Secretary of Agriculture shall replace the value of the diminished harvest rights by—

(A) substituting equivalent timber harvest rights volume from the same market area;

(B) conveying national forest lands containing merchantable timber within the Gallatin National Forest; or

(C) making a payment from funds made available to the Secretary of Agriculture out of the Land and Water Conservation Fund.

(4) PROCEDURES.—

(A) IN GENERAL.—The following procedures shall apply to all national forest timber harvest rights identified for exchange under subsection (a):

(i) IDENTIFICATION OF TIMBER.—The Secretary of Agriculture shall designate Federal timber, as depicted in Exhibit C to the Option Agreement, for exchange to BSL.

(ii) HARVEST SCHEDULE.—The Secretary of Agriculture and BSL shall mutually develop and agree upon schedules for all national forest timber to be conveyed to BSL in the exchange.

(iii) OPEN MARKET.—All timber harvest rights granted to BSL in the exchange shall be offered for sale by BSL through the competitive bid process.

(iv) SMALL BUSINESS.—All timber harvest rights granted to BSL in the exchange shall be subject to compliance by BSL with Forest Service small business program procedures in effect as of the date of enactment of this Act, including contractual provisions for payment schedules, harvest schedules, and bonds.

(v) COMPLIANCE WITH OPTION AND EXCHANGE AGREEMENTS.—All timber harvest rights granted to BSL in the exchange and all timber harvested under the exchange shall comply with the terms of the Option Agreement and the Exchange Agreement.

(B) BINDING EFFECT.—The procedures under subparagraph (A) shall be binding on BSL and its assigns, contractors, and successors in interest.

(d) EXCHANGE AGREEMENT.—

(1) IN GENERAL.—The Secretary of Agriculture shall offer to enter into an Exchange Agreement with BSL that—

(A) describes the non-Federal and Federal land and interests in lands to be exchanged;

(B) identifies the terms, conditions, reservations, exceptions, and rights-of-way conveyances; and

(C) describes the terms for the harvest rights of timber granted under subsection (a)(3).

(2) CONSISTENCY.—The Exchange Agreement shall be consistent with this Act and the Option Agreement.

(3) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—On completion of the Exchange Agreement, the Secretary of Agriculture shall submit the Exchange Agreement to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and each member of the Montana congressional delegation; and

(B) DELAYED EFFECTIVENESS.—The Exchange Agreement shall not take effect until 30 days after the date on which the Exchange Agreement is submitted in accordance with subparagraph (A).

(e) RIGHTS-OF-WAY.—As part of the exchange under subsection (a)—

(1) the Secretary of Agriculture, under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), shall convey to BSL such easements in or other rights-of-way over National Forest System land as may be agreed to by the Secretary of Agriculture and BSL in the Exchange Agreement; and

(2) BSL shall convey to the United States such easements in or rights-of-way over land owned by BSL as may be agreed to by the Secretary of Agriculture and BSL in the Exchange Agreement.

(f) QUALITY OF TITLE.—

(1) DETERMINATION.—The Secretary of Agriculture shall review the title for the BSL land described in subsection (a) and, within 60 days after receipt of all applicable title documents from BSL, determine whether—

(A) the applicable title standards for Federal land acquisition have been satisfied or the quality of the title is otherwise acceptable to the Secretary of Agriculture;

(B) all draft conveyances and closing documents have been received and approved;

(C) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary of Agriculture; and

(D) except as provided in section 8(b) (i)-(iii) of the Gallatin Range Consolidation and Protection Act of 1993 (107 Stat. 992), the title includes both the surface and subsurface estates without reservation or exception (except by the United States or the State of Montana, by patent) including—

(i) minerals, mineral rights, and mineral interests;

(ii) timber, timber rights, and timber interests;

(iii) water, water rights, and ditch conveyances; and

(iv) any other interest in the property.

(2) CONVEYANCE OF TITLE.—If the quality of title does not meet Federal standards or is otherwise determined to be unacceptable to the Secretary of Agriculture, the Secretary of Agriculture shall advise BSL regarding corrective actions necessary to make an affirmative determination under subparagraph (1).

(g) TIMING OF IMPLEMENTATION.—

(1) EXCHANGE AGREEMENT.—The Exchange Agreement shall be completed and executed not later than 60 days after the date of enactment of this Act.

(2) LAND-FOR-LAND EXCHANGE.—The Secretary of Agriculture shall accept the conveyance of land described in subsection (a) not later than 60 days after the Secretary of Agriculture has entered into the Exchange Agreement and made an affirmative determination of quality of title.

(3) LAND-FOR-TIMBER EXCHANGE.—The Secretary of Agriculture shall make the timber harvest rights described in subsection (a)(3) available over 5 consecutive years following the date of enactment of this Act. Specific procedures for execution of the harvest rights shall be specified in the Exchange Agreement.

(4) PURCHASE.—The Secretary of Agriculture shall complete the purchase of BSL land under subsection (a)(4) not later than 60 days after the date on which appropriated funds are made available and an affirmative determination of quality of title is made with respect to the BSL land.

SEC. 5. GENERAL PROVISIONS.

(a) MINOR CORRECTIONS.—

(1) IN GENERAL.—The Option Agreement and the Exchange Agreement shall be subject to such minor corrections as may be agreed to by the Secretary of Agriculture and BSL.

(2) NOTIFICATION.—The Secretary of Agriculture shall notify the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and each member of the Montana congressional delegation of any changes made pursuant to this subsection.

(b) PUBLIC AVAILABILITY.—The Option Agreement and Exchange Agreement shall be filed with the county clerks for Gallatin County, Park County, Madison County, and Granite County, Montana, and shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) STATUS OF LAND.—All land conveyed to the United States under this Act shall be added to and administered as part of the Gallatin National Forest and Deerlodge National Forest, as appropriate, in accordance with the Act of March 1, 1911 (commonly known as the "Weeks Act") (36 Stat. 961, chapter 186), and other laws (including regulations) pertaining to the National Forest System.

(d) IMPLEMENTATION.—The Secretary of Agriculture shall ensure that sufficient funds are made available to the Gallatin National Forest to carry out this Act.

By Mr. SMITH of Oregon (for himself, Mr. CRAIG, Mr. GORTON, Mr. ROBERTS and Mr. GRAMS):

S. 1563. A bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation; to the Committee on the Judiciary.

THE TEMPORARY AGRICULTURAL WORKER ACT OF 1997

Mr. SMITH of Oregon. Mr. President, I rise today to introduce the Temporary Agricultural Worker Act of 1997. I am joined by Senators CRAIG, GORTON, and ROBERTS. Our bill would create a streamlined guest worker pilot program which would allow for a reliable supply of legal, temporary, agricultural immigrant workers.

Mr. President, we are facing a crisis in agriculture—a crisis born of an inadequate labor supply, bureaucratic red tape, and burdensome regulations. For many years, farmers and nurserymen have struggled to hire enough legal agricultural labor to harvest their produce and plants. This issue is not new to Congress. In the past, Congress has introduced legislation to address this urgency, but no workable solution has been implemented. The agriculture industry cannot survive without a reliable and legal supply of agricultural

workers. The labor pool is tight and shortages are developing because of the limited domestic workers willing to work in agricultural fields.

The United States has historically been faced with a need to supplement the domestic work force, especially during peak harvesting periods. Since domestic workers prefer the security of full-time employment in year-round agriculture-related jobs, the shorter term seasonal jobs are often left unfilled by domestic workers. These domestic workers also prefer the working conditions involved in packing and processing jobs, which are generally performed indoors and do not involve the degree of strenuous physical labor associated with field work.

Labor intensive agriculture is one of the most rapidly growing areas of agricultural production in this country. Its growth not only creates many production and harvest jobs, but also creates many more jobs outside of agriculture. Approximately three off-farm jobs are directly dependent upon each on-farm job.

Currently, the H–2A program is the only legal temporary foreign agricultural worker program in the United States. This program is not practicable for the agriculture and horticulture industry because it is loaded with burdensome regulations, excessive paperwork, a bureaucratic certification process, untimely and inconsistent decision-making by the U.S. Department of Labor, and costly housing requirements. The H–2A program has also been very small in relation to the total number of U.S. farm workers. It is estimated that out of the 2.5 million farm workers in the United States, only 23,496 H–2A job certifications have been issued by the Department of Labor this year. In my State of Oregon, only 12 sheepshearers and 62 sheepherders are currently using the H–2A program.

It is time we address the shortfalls of current policy, and I believe that our bill is a meaningful step in that direction.

Mr. President, the bill we are introducing today would not replace or interfere with the current H–2A program, but would supplement the H–2A program with a two-year pilot program that examines an alternative approach to recruiting agricultural workers. The pilot program will be limited to 25,000 participants per fiscal year and would protect the domestic workers' rights and living standards.

Mr. President, let me briefly summarize the provisions of our bill.

The bill would establish a procedure by which an agricultural employer anticipating a shortage of temporary or seasonal agricultural workers may file a labor condition statement, or attestation, with the state employment security agency. The attestation would provide specified terms and conditions of employment in the occupation in which a shortage is anticipated. Employers would also be required to file a job order with the local job service and give preference to all qualified U.S. domestic workers.

The Department of Labor would enforce compliance with the labor condition requirements of the program and could impose back pay, civil monetary penalties, and debarment from the program for violators.

The alien guest workers are issued an identification card, which is counterfeit- and tamper-resistant, with biometric identifiers to assure program integrity.

A portion of the alien guest workers' earnings would be paid into an interest-bearing trust fund that would be rebated to the workers upon evidence of timely return to their home country. This would ensure that the aliens return to their countries of origin after the temporary job is completed. The alien guest workers could also be debarred from future participation in the program for violating the conditions of their admission.

Our bill is endorsed by over 50 agriculture-related associations including the National Council of Agricultural Employers, American Farm Bureau, and the American Association of Nurserymen.

I urge my fellow colleagues to join Senators CRAIG, GORTON, ROBERTS, and me as we introduce this important legislation today.

Mr. President, I ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Temporary Agricultural Worker Act of 1997".

SEC. 2. NEW NONIMMIGRANT CATEGORY FOR PILOT PROGRAM TEMPORARY AND SEASONAL AGRICULTURAL WORKERS.

(a) ESTABLISHMENT OF NEW CLASSIFICATION.—Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)) is amended—

(1) by striking "or (b)" and inserting "(b)"; and

(2) by adding at the end the following:

"or (c) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States pursuant to section 218A to perform such agricultural labor or services of a temporary or seasonal nature;".

(b) NO FAMILY MEMBERS PERMITTED.—Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended by striking "specified in this paragraph" and inserting "specified in this subparagraph (other than in clause (ii)(c))".

SEC. 3. PILOT PROGRAM FOR ALTERNATIVE AGRICULTURAL TEMPORARY WORKER PROCESS USING ATTESTATION.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 218 the following:

"ALTERNATIVE AGRICULTURAL TEMPORARY WORKER PROGRAM

"SEC. 218A. (a) CONDITION FOR EMPLOYMENT OF PILOT PROGRAM ALIENS.—

"(1) ESTABLISHMENT OF PILOT PROGRAM; RESTRICTION OF ADMISSIONS TO PILOT PROGRAM PERIOD.—

"(A) IN GENERAL.—The Attorney General shall establish a pilot program for the admission of aliens classified as a nonimmigrant under section 101(a)(15)(H)(ii)(c) to perform temporary or seasonal agricultural services pursuant to a labor condition attestation filed by an employer or an association for the occupation in which the alien will be employed. No alien may be admitted or provided status as a pilot program alien under this section after the last day of the pilot program period specified in subparagraph (B).

"(B) PILOT PROGRAM PERIOD.—The pilot program period under this subparagraph is the 24-month period beginning 6 months after the date of the enactment of the Temporary Agricultural Worker Act of 1997.

"(2) ADMISSION OF ALIENS.—No alien may be admitted to the United States or provided status as a pilot program alien (as defined in subsection (n)(4)) unless—

"(A) the employment of the alien is covered by a currently valid labor condition attestation which—

"(i) is filed by the employer, or by an association on behalf of the employer, for the occupation in which the alien will be employed;

"(ii) has been accepted by the State employment security agency having jurisdiction over the area of intended employment; and

"(iii) states each of the items described in paragraph (2) and includes information identifying the employer or association and agricultural job opportunities involved;

"(B) the employer is not disqualified from employing pilot program aliens pursuant to subsection (h); and

"(C) the employer has not, during the pilot program period, been found by the Attorney General to have employed any aliens in violation of section 274A(a) or this section.

"(3) CONTENTS OF LABOR CONDITION ATTESTATION.—Each labor condition attestation filed by or on behalf of, an employer shall state the following:

"(A) WAGE RATE.—The employer will pay pilot program aliens and all other workers in the occupation not less than the prevailing wage for similarly employed workers in the area of employment, and not less than the applicable Federal, State or local statutory minimum wage.

"(B) WORKING CONDITIONS.—The employment of pilot program aliens will not adversely affect the working conditions of similarly employed workers in the area of employment.

"(C) LIMITATION ON EMPLOYMENT.—A pilot program alien will not be employed in any job opportunity which is not temporary or seasonal, and will not be employed by the employer in any job opportunity for more than 10 months in any 12-consecutive-month period.

"(D) NO LABOR DISPUTE.—No pilot program alien will be employed in any job opportunity which is vacant because its former occupant is involved in a strike, lockout or work stoppage in the course of a labor dispute in the occupation at the place of employment.

"(E) NOTICE.—The employer, at the time of filing the attestation, has provided notice of the attestation to its workers employed in

the occupation in which, and at the place of employment where, pilot program aliens will be employed.

"(F) JOB ORDERS.—The employer will file one or more job orders for the occupation (or occupations) covered by the attestation with the State employment security agency no later than the day on which the employer first employs any pilot program aliens in the occupation.

"(G) PREFERENCE TO DOMESTIC WORKERS.—The employer will give preference to able, willing and qualified United States workers who apply to the employer and are available at the time and place needed, for the first 25 days after the filing of the job order in an occupation or until 5 days before the date employment of workers in the occupation begins, whichever occurs later.

"(4) LIMITATION ON NUMBER OF VISAS.—In no case may the number of aliens who are admitted or provided status as a pilot program alien in a fiscal year exceed 25,000.

"(5) OPERATION OF PROGRAM IN NOT LESS THAN 5 AREAS.—Alien admissions under this section shall be allocated equally to employers in not less than 5 geographically and agriculturally diverse areas designated by the Secretary of Agriculture. The entire United States shall be encompassed within such areas.

"(6) GENERAL ACCOUNTING OFFICE REPORT.—

"(A) IN GENERAL.—The Comptroller General of the United States shall, concurrently with the operation of the pilot program established by this section, review the implementation and enforcement of the pilot program for the purpose of determining if—

"(i) the program has ensured an adequate and timely supply of qualified, eligible workers at the time and place needed for employers;

"(ii) the program has ensured that pilot program aliens are employed only in authorized employment and that they timely depart the United States when their authorized stay ends;

"(iii) the program has ensured that implementation of the program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

"(iv) an unnecessary regulatory burden has been created for employers hiring workers admitted under this section.

"(B) REPORT.—Not later than 90 days after the termination of the pilot program established by this section, the Comptroller General of the United States shall submit a report to Congress setting forth the conclusions of the Comptroller General from the review conducted under subparagraph (A).

"(b) FILING A LABOR CONDITION ATTESTATION.—

"(1) FILING BY EMPLOYERS—Any employer in the United States is eligible to file a labor condition attestation.

"(2) FILING BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—An agricultural association may file a labor condition attestation as an agent on behalf of its members. Such an attestation filed by an agricultural association acting as an agent for its members, when accepted, shall apply to those employer members of the association that the association certifies to the State employment security agency are members of the association and have agreed in writing to comply with the requirements of this section.

"(3) PERIOD OF VALIDITY.—A labor condition attestation is valid from the date on which it is accepted by the State employment security agency for the period of time requested by the employer, but not to exceed 12 months.

"(4) WHERE TO FILE.—A labor condition attestation shall be filed with the State employment security agency having jurisdiction over the area of intended employment of the workers covered by the attestation. If an employer, or the members of an association of employers, will be employing workers in an area or areas covered by more than one such agency, the attestation shall be filed with each such agency having jurisdiction over an area where the workers will be employed.

"(5) DEADLINE FOR FILING.—A labor condition attestation may be filed at any time up to 12 months prior to the date of the employer's anticipated need for workers in the occupation (or occupations) covered by the attestation.

"(6) FILING FOR MULTIPLE OCCUPATIONS.—A labor condition attestation may be filed for one or more occupations and cover one or more periods of employment.

"(7) MAINTAINING REQUIRED DOCUMENTATION.—

"(A) BY EMPLOYERS.—Each employer covered by an accepted labor condition attestation must maintain a file of the documentation required in subsection (c) for each occupation included in an accepted attestation covering the employer. The documentation shall be retained for a period of one year following the expiration of an accepted attestation. The employer shall make the documentation available to representatives of the Secretary during normal business hours.

"(B) BY ASSOCIATIONS.—In complying with subparagraph (A), documentation maintained by an association filing a labor condition attestation on behalf of an employer shall be deemed to be maintained by the employer.

"(8) WITHDRAWAL.—

"(A) COMPLIANCE WITH ATTESTATION OBLIGATIONS.—An employer covered by an accepted labor condition attestation for an occupation shall comply with the terms and conditions of the attestation from the date the attestation is accepted and continuing throughout the period any persons are employed in an occupation covered by such an accepted attestation, whether or not pilot program aliens are employed in the occupation, unless the attestation is withdrawn.

"(B) TERMINATION OF OBLIGATIONS.—An employer may withdraw a labor condition attestation in total, or with respect to a particular occupation covered by the attestation. An association may withdraw such an attestation with respect to one or more of its members. To withdraw an attestation the employer or association must notify in writing the State employment security agency office with which the attestation was filed of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, is relieved of the obligations undertaken in the attestation with respect to the occupation (or occupations) with respect to which the attestation was withdrawn, upon acknowledgement by the appropriate State employment security agency of receipt of the withdrawal notice. An attestation may not be withdrawn with respect to any occupation while any pilot program alien covered by that attestation is employed in the occupation.

"(C) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by the employer under any other law or regulation as a result of recruitment of United States workers under an offer of terms and conditions of employment required by the pilot program under this section is unaffected by withdrawal of a labor condition attestation.

"(c) EMPLOYER RESPONSIBILITIES AND REQUIREMENTS FOR EMPLOYING PILOT PROGRAM ALIENS.—

"(1) REQUIREMENT TO PAY THE PREVAILING WAGE.—

"(A) EFFECT OF THE ATTESTATION.—Employers shall pay each worker in an occupation covered by an accepted labor condition attestation at least the prevailing wage in the occupation in the area of intended employment. The preceding sentence does not require employers to pay all workers in the occupation the same wage. The employer may, in the sole discretion of the employer, maintain pay differentials based on experience, tenure with the employer, skill, or any other work-related factor, if the differential is not based on a criterion for which discrimination is prohibited by the law and all workers in the covered occupation receive at least the prevailing wage.

"(B) PAYMENT OF STATE EMPLOYMENT SECURITY AGENCY DETERMINED WAGE SUFFICIENT.—The employer may request and obtain a prevailing wage determination from the State employment security agency. If the employer requests such a determination, and pays the wage determined, such payment shall be considered sufficient to meet the requirement of this paragraph if the pilot program aliens—

"(i) are employed in the occupation for which the employer possesses an accepted labor condition attestation, and for which the employer or association possesses a prevailing wage determination by the State employment security agency, and

"(ii) are being paid at least the prevailing wage so determined.

"(C) RELIANCE ON WAGE SURVEY.—In lieu of the procedures of subparagraph (B), an employer may rely on other information, such as an employer generated prevailing wage survey and determination, which meets criteria specified by the Secretary by regulation. In the event of a complaint that the employer has failed to pay the required wage, the Secretary shall investigate to determine if the information upon which the employer relied complied with the criteria for prevailing wage determinations.

"(D) ALTERNATE METHODS OF PAYMENT PERMITTED.—

"(i) IN GENERAL.—A prevailing wage may be expressed as an hourly wage, a piece rate, a task rate (described in clause (ii)), or other incentive pay system, including a group rate (described in clause (iii)). The requirement to pay at least the prevailing wage in the occupation and area of intended employment does not require an employer to pay by the method of pay in which the prevailing rate is expressed. However, if the employer adopts a method of pay other than the prevailing rate, the burden of proof is on the employer to demonstrate that the employer's method of pay is designed to produce earnings equivalent to the earnings that would result from payment of the prevailing rate.

"(ii) TASK RATE.—For purposes of this subparagraph, a task rate is an incentive payment based on a unit of work performed such that the incentive rate varies with the level of effort required to perform individual units of work.

"(iii) GROUP RATE.—For purposes of this subparagraph, a group rate is an incentive payment system in which the payment is shared among a group of workers working together to perform the task.

"(E) REQUIRED DOCUMENTATION.—The employer or association shall document compliance with this paragraph by retaining on file the employer or association's request for a determination by a State employment security agency and the prevailing wage determination received from such agency or other information upon which the employer or association relied to assure compliance with the prevailing wage requirement.

"(2) REQUIREMENT TO PROVIDE HOUSING AND TRANSPORTATION.—

"(A) EFFECT OF THE ATTESTATION.—The employment of pilot program aliens shall not adversely affect the working conditions of United States workers similarly employed in the area of intended employment. The employer's obligation not to adversely affect working conditions shall continue for the duration of the period of employment by the employer of any pilot program aliens in the occupation and area of intended employment. An employer will be deemed to be in compliance with this attestation if the employer offers at least the benefits required by subparagraphs (B) through (D). The previous sentence does not require an employer to offer more than such benefits.

"(B) HOUSING REQUIRED.—

"(i) HOUSING OFFER.—The employer must offer to pilot program aliens and United States workers recruited from beyond normal recruiting distance housing, or a housing allowance, if it is prevailing practice in the occupation and area of intended employment to offer housing or a housing allowance to workers who are recruited from beyond normal commuting distance.

"(ii) HOUSING STANDARDS.—If the employer offers housing to such workers, the housing shall meet (at the option of the employer) applicable Federal farm labor housing standards or applicable local or State standards for rental, public accommodation, or other substantially similar class of habitation.

"(iii) CHARGES FOR HOUSING.—An employer who offers housing to such workers may charge an amount equal to the fair market value (but not greater than the employer's actual cost) for utilities and maintenance, or such lesser amount as permitted by law.

"(iv) HOUSING ALLOWANCE AS ALTERNATIVE.—In lieu of offering housing to such workers, at the employer's sole discretion on an individual basis, the employer may provide a reasonable housing allowance. An employer who offers a housing allowance to such a worker under this subparagraph shall not be deemed to be a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) merely by virtue of providing such housing allowance.

"(v) SECURITY DEPOSIT.—The requirement, if any, to offer housing to such a worker under this subparagraph shall not preclude an employer from requiring a reasonable deposit to protect against gross negligence or willful destruction of property, as a condition for providing such housing.

"(vi) DAMAGES.—An employer who offers housing to such a worker shall not be precluded from requiring a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(C) TRANSPORTATION.—If the employer provides transportation arrangements or assistance to pilot program aliens, the employer must offer to provide the same transportation arrangements or assistance (generally comparable in expense and scope) for other individuals employed by the employer in the occupation at the place of employment who were recruited from beyond normal commuting distance.

"(D) WORKERS' COMPENSATION.—If the employment covered by a labor condition attestation is not covered by the State workers' compensation law, the employer must provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the workers' employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(E) REQUIRED DOCUMENTATION.—

"(i) HOUSING AND TRANSPORTATION.—No specific documentation is required to be maintained to evidence compliance with the requirements of subparagraphs (B) and (C). In the event of a complaint alleging a failure to comply with such a requirement, the burden of proof shall be on the employer to show that the employer offered the required benefit to the complainant, or that the employer was not required by the terms of this paragraph to offer such benefit to the complainant.

"(ii) WORKERS' COMPENSATION.—The employer shall maintain copies of certificates of insurance evidencing compliance with subparagraph (D) throughout the period of validity of the labor condition attestation.

"(3) REQUIREMENT TO EMPLOY ALIENS IN TEMPORARY OR SEASONAL AGRICULTURAL JOB OPPORTUNITIES.—

"(A) LIMITATIONS.—

"(i) IN GENERAL.—The employer may employ pilot program aliens only in agricultural employment which is temporary or seasonal.

"(ii) SEASONAL BASIS.—For purposes of this section, labor is performed on a seasonal basis where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year.

"(iii) TEMPORARY BASIS.—For purposes of this section, a worker is employed on a temporary basis where the employment is intended not to exceed 10 months.

"(B) REQUIRED DOCUMENTATION.—No specific documentation is required to demonstrate compliance with the requirement of subparagraph (A). In the event of a complaint, the burden of proof shall fall on the employer to show that the employment meets such requirement.

"(4) REQUIREMENT NOT TO EMPLOY ALIENS IN JOB OPPORTUNITIES VACANT BECAUSE OF A LABOR DISPUTE.—

"(A) IN GENERAL.—No pilot program alien may be employed in any job opportunity which is vacant because its former occupant is involved in a strike, lockout, or work stoppage in the course of a labor dispute in the occupation at the place of employment.

"(B) REQUIRED DOCUMENTATION.—No specific documentation is required to demonstrate compliance with the requirement of subparagraph (A). In the event of a complaint, the burden of proof shall fall on the employer to show that the job opportunity in which the pilot program alien was employed was not vacant because the former occupant was on strike, locked out, or participating in a work stoppage in the course of a labor dispute in the occupation at the place of employment.

"(5) NOTICE OF FILING OF LABOR CONDITION ATTESTATION AND SUPPORTING DOCUMENTATION.—

"(A) IN GENERAL.—The employer shall—

"(i) provide notice of the filing of a labor condition attestation to the appropriate certified bargaining agent (if any) which represents workers of the employer in the occupation (or occupations) at the place of employment covered by the attestation; or

"(ii) in the case where no such bargaining agent exists, post notice of the filing of such an attestation in at least two conspicuous locations where applications for employment are accepted.

"(B) PERIOD FOR POSTING.—The requirement for a posting under subparagraph (A)(ii) begins on the day the attestation is filed, and continues through the period during which the employer's job order is required to remain active pursuant to paragraph (6)(A).

"(C) REQUIRED DOCUMENTATION.—The employer shall maintain a copy of the notice provided to the bargaining agent (if any), together with evidence that the notice was provided (such as a signed receipt of evidence of attempt to send the notice by certified or registered mail). In the case where no certified bargaining agent described in subparagraph (A)(i) exists, the employer shall retain a copy of the posted notice, together with information as to the dates and locations where the notice was displayed.

"(6) REQUIREMENT TO FILE A JOB ORDER.—

"(A) EFFECT OF THE ATTESTATION.—The employer, or an association acting as agent for its members, shall file the information necessary to complete a local job order for each occupation covered by an accepted labor condition attestation with the appropriate local office of the State employment security agency having jurisdiction over the area of intended employment, or with the State office of such an agency if workers will be employed in an area within the jurisdiction of more than one local office of such an agency. The job orders shall remain on file for 25 calendar days or until 5 calendar days before the anticipated date of need for workers in the occupation covered by the job order, whichever occurs later. The job order shall provide at least the minimum terms and conditions of employment required for participation in the pilot program.

"(B) DEADLINE FOR FILING.—A job order shall be filed under subparagraph (A) no later than the date on which the employer files a petition with the Attorney General for admission or extension of stay for aliens to be employed in the occupation for which the order is filed.

"(C) REQUIRED DOCUMENTATION.—The office of the State employment security agency which the employer or association provides with information necessary to file a local job order shall provide the employer with evidence that the information was provided in a timely manner as required by this paragraph, and the employer or association shall retain such evidence for each occupation in which pilot program aliens are employed.

"(7) REQUIREMENT TO GIVE PREFERENCE TO QUALIFIED UNITED STATES WORKERS.—

"(A) FILING 30 DAYS OR MORE BEFORE DATE OF NEED.—If a job order is filed 30 days or more before the anticipated date of need for workers in an occupation covered by a labor condition attestation and for which the job order has been filed, the employer shall offer to employ able, willing, and qualified United States workers who apply to the employer and who will be available at the time and place needed for the job opportunities covered by the attestation until 5 calendar days before the anticipated date of need for workers in the occupation, or until the employer's job opportunities in the occupation are

filled with qualified United States workers, if that occurs more than 5 days before the anticipated date of need for workers in the occupation.

"(B) FILING FEWER THAN 30 DAYS BEFORE DATE OF NEED.—If a job order is filed fewer than 30 days before the anticipated date of need for workers in an occupation covered by such an attestation and for which a job order has been filed, the employer shall offer to employ able, willing, and qualified United States workers who are or will be available at the time and place needed during the first 25 days after the job order is filed or until the employer's job opportunities in the occupation are filled with United States workers, regardless of whether any of the job opportunities may already be occupied by pilot program aliens.

"(C) FILING VACANCIES.—An employer may fill a job opportunity in an occupation covered by an accepted labor condition attestation which remains or becomes vacant after expiration of the required preference period specified in subparagraph (A) or (B) of paragraph (6) without regard to such preference.

"(D) JOB-RELATED REQUIREMENTS.—No employer shall be required to initially employ a worker who fails to meet lawful job-related employment criteria, nor to continue the employment of a worker who fails to meet lawful job-related standards of conduct and performance, including failure to meet minimum productivity standards after a 3-day break-in period.

"(E) REQUIRED DOCUMENTATION.—No specific documentation is required to demonstrate compliance with the requirements of this paragraph. In the event of a complaint, the burden of proof shall be on the complainant to show that the complainant applied for the job and was available at the time and place needed. If the complainant makes such a showing, the burden of proof shall be on the employer to show that the complainant was not qualified or that the preference period had expired.

"(d) REQUIREMENTS OF NOTICE OF CERTAIN BREAKS IN EMPLOYMENT.—

"(1) IN GENERAL.—The employer (or the association acting as agent for the employer) shall notify the Attorney General within 7 days if a pilot program alien prematurely abandons the alien's employment.

"(2) OUT-OF-STATUS.—A pilot program alien who abandons the alien's employment shall be considered to have failed to maintain nonimmigrant status as an alien described in section 101(a)(15)(H)(ii)(c) and shall leave the United States or be subject to removal under section 237(a)(1)(C)(i).

"(e) ACCEPTANCE BY STATE EMPLOYMENT SECURITY AGENCY.—The State employment security agency shall review labor condition attestations submitted by employers or associations pursuant to this section only for completeness and obvious inaccuracies. Unless such an agency finds that the application is incomplete or obviously inaccurate, the agency shall accept the attestation within 7 days of the date of filing of the attestation, and return a copy to the applicant marked 'accepted'.

"(f) PUBLIC REGISTRY.—The Secretary shall maintain a registry of all accepted labor condition attestations and make such registry available for public inspection.

"(g) RESPONSIBILITIES OF THE STATE EMPLOYMENT SECURITY AGENCIES.—

"(1) DISSEMINATION OF LABOR MARKET INFORMATION.—The Secretary shall direct State employment security agencies to disseminate non-employer-specific information about potential labor needs based on accepted attestations filed by employers. Such dissemination shall be separate from the clearance of job orders through the Interstate and Intrastate Clearance Systems, and shall create no obligations for employers except as provided in this section.

"(2) REFERRAL OF WORKERS ON STATE EMPLOYMENT SECURITY AGENCY JOB ORDERS.—

"(A) IN GENERAL.—Such agencies holding job orders filed by employers covered by approved labor condition attestations shall be authorized to refer any able, willing, and qualified eligible job applicant who will be available at the time and place needed and who is authorized to work in the United States, including pilot program aliens who are seeking additional work in the United States and whose eligibility to remain in the United States pursuant to subsection (i) has not expired, on job orders filed by holders of accepted attestations.

"(B) PROCEDURES.—A State employment agency that refers any individuals for employment pursuant to subsection (g)(2)(A) shall comply with the procedures specified in subsection (b) of section 274A. For purposes of the attestation requirement in subsection (b)(1), the agency employee who is primarily involved in the referral of the individual shall make the attestation on behalf of the agency. The agency shall retain the completed forms and make them available for inspection as required in subsection (b)(3) of section 274A.

"(C) EMPLOYMENT VERIFICATION.—For purposes of complying with subsection (b) of section 274A with respect to an individual referred by a State employment agency, a pilot program employer may, at the employer's option, fulfill the requirements of subsection (b) of this section in lieu of retaining the documentation described in section 274A(a)(5).

"(h) ENFORCEMENT AND PENALTIES.—

"(1) ENFORCEMENT AUTHORITY.—

"(A) INVESTIGATION OF COMPLAINTS.—The Secretary shall establish a process for the receipt, investigation, and disposition of complaints respecting an employer's failure to meet a condition specified in subsection (a) or an employer's misrepresentation of material facts in such an application. Complaints may be filed by any aggrieved person or organizations (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 2 years after the date of the failure or misrepresentation, respectively. The Secretary shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) WRITTEN NOTICE OF FINDINGS AND OPPORTUNITY FOR APPEAL.—After an investigation has been conducted, the Secretary shall issue a written determination as to whether or not any violation described in subparagraph (A) has been committed. The Secretary's determination shall be served on the complainant and the employer, and shall provide an opportunity for an appeal of the Secretary's decision to an administrative law judge, who may conduct a de novo hearing.

"(2) REMEDIES.—

"(A) BACK WAGES.—Upon a final determination that the employer has failed to pay wages as required under this section, the Secretary may assess payment of back wages due to any United States worker or pilot program alien employed by the employer in the specific employment in question. The back wages shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(B) FAILURE TO PAY WAGES.—Upon a final determination that the employer has failed to pay the wages required under this section, the Secretary may assess a civil money penalty up to $1,000 for each failure, and may recommend to the Attorney General the disqualification of the employer from the employment of pilot program aliens for a period of time determined by the Secretary not to exceed 1 year.

"(C) OTHER VIOLATIONS.—If the Secretary, as a result of an investigation pursuant to a complaint, determines that an employer covered by an accepted labor condition attestation has—

"(i) filed an attestation which misrepresents a material fact; or

"(ii) failed to meet a condition specified in subsection (a),

the Secretary may assess a civil money penalty not to exceed $1,000 for each violation. In determining the amount of civil money penalty to be assessed, the Secretary shall consider the seriousness of the violation, the good faith of the employer, the size of the business of the employer being charged, the history of previous violations by the employer, whether the employer obtained a financial gain from the violation, whether the violation was willful, and other relevant factors.

"(D) PROGRAM DISQUALIFICATION.—Upon a second final determination that an employer has failed to pay the wages required under this section, the Secretary shall report such determination to the Attorney General and the Attorney General shall disqualify the employer from any subsequent employment of pilot program aliens.

"(3) ROLE OF ASSOCIATIONS.—

"(A) VIOLATION BY AN ASSOCIATION.—An employer on whose behalf a labor condition attestation is filed by an association acting as its agent is fully responsible for such attestation, and for complying with the terms and conditions of this section, as though the employer had filed the attestation itself. If such an employer is determined to have violated a requirement of this section, the penalty for such violation shall be assessed against the employer who committed the violation and not against the association or other members of the association.

"(B) VIOLATION BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing a labor condition attestation on its own behalf as an employer is determined to have committed a violation under this subsection which results in disqualification from the program under paragraph (2)(D), no individual member of such association may be the beneficiary of the services of a pilot program alien in an occupation in which such alien was employed by the association during the period such disqualification is in effect, unless such member files a labor condition attestation as an individual employer or such an attestation is filed on the employer's behalf by an association with which the employer has an agreement that the employer will comply with the requirements of this section.

"(i) PROCEDURE FOR ADMISSION OR EXTENSION OF PILOT PROGRAM ALIENS.—

"(1) ALIENS WHO ARE OUTSIDE THE UNITED STATES.—

"(A) PETITIONING FOR ADMISSION.—An employer or an association acting as agent for its members who seeks the admission into the United States of pilot program aliens

may file a petition with the District Director of the Immigration and Naturalization Service having jurisdiction over the location where the aliens will be employed. The petition shall be accompanied by an accepted and currently valid labor condition attestation covering the petitioner. The petition may be for named or unnamed individual or multiple beneficiaries.

"(B) EXPEDITED ADJUDICATION BY DISTRICT DIRECTOR.—If an employer's petition for admission of pilot program aliens is correctly filled out, and the employer is not ineligible to employ pilot program aliens, the District Director (or the Director's designee) shall approve the petition within 3 working days of receipt of the petition and accepted labor condition attestation and immediately (by fax, cable, or other means assuring expedited delivery) transmit a copy of the approved petition to the petitioner and to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(C) UNNAMED BENEFICIARIES SELECTED BY PETITIONER.—The petitioning employer or association or its representative shall approve the issuance of visas to beneficiaries who are unnamed on a petition for admission granted to the employer or association.

"(D) CRITERIA FOR ADMISSIBILITY.—

"(i) IN GENERAL.—An alien shall be admissible under this section if the alien is otherwise admissible under this Act and the alien is not debarred pursuant to the provisions of clause (ii).

"(ii) DISQUALIFICATION.—An alien shall be debarred from admission or being provided status as a pilot program alien under this section if the alien has, at any time during the past 5 years—

"(I) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(II) otherwise violated a term or condition of admission to the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(E) PERIOD OF ADMISSION.—The alien shall be admitted for the period requested by the petitioner not to exceed 10 months, or the remaining validity period of the petitioner's approved labor condition attestation, whichever is less, plus an additional period of 14 days, during which the alien shall seek authorized employment in the United States. During the 14-day period following the expiration of the alien's work authorization, the alien is not authorized to be employed unless the original petitioner or a subsequent petitioner has filed an extension of stay on behalf of the alien pursuant to paragraph (2).

"(F) ISSUANCE OF IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—

"(i) IN GENERAL.—The Attorney General shall cause to be issued to each pilot program alien a card in a form which is resistant to counterfeiting and tampering for the purpose of providing proof of identity and employment eligibility under section 274A.

"(ii) DESIGN OF CARD.—Each card issued pursuant to clause (i) shall be designed in such a manner and contain a photograph and other identifying information (such as date of birth, sex, and distinguishing marks) that would allow an employer to determine with reasonable certainty that the bearer is not claiming the identity of another individual, and shall—

"(I) contain a fingerprint or other biometric identifying data (or both);

"(II) specify the date of the alien's authorization as a pilot program alien;

"(III) specify the expiration date of the alien's work authorization; and

"(IV) specify the alien's admission number or alien file number.

"(2) EXTENSION OF STAY.—

"(A) APPLICATION FOR EXTENSION OF STAY.—If a petitioner seeks to employ a pilot program alien already in the United States, the petitioner shall file with the Attorney General an application for an extension of the alien's stay. The application for extension of stay shall be accompanied by a currently valid labor condition attestation.

"(B) LIMITATION ON FILING AN APPLICATION FOR EXTENSION OF STAY.—An application may not be filed for an extension of an alien's stay for a period of more than 10 months, or later than a date which is 2 years from the date of the alien's last admission to the United States as a pilot program alien, whichever occurs first. An application for extension of stay may not be filed during the pendency of an alien's previous authorized period of employment, nor after the alien's authorized stay in the United States has expired.

"(C) WORK AUTHORIZATION UPON FILING AN APPLICATION FOR EXTENSION OF STAY.—An employer may begin employing an alien already in the United States in pilot program alien status on the day the employer files its application for extension of stay. For the purpose of this requirement, the term 'filing' means sending the application by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of sending and receipt of the application. The employer shall provide a copy of the employer's application for extension of stay to the alien, who shall keep the application with the alien's identification and employment eligibility document as evidence that the extension has been filed and that the alien is authorized to work in the United States. Upon approval of an application for extension of stay, the Attorney General shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the application for extension of stay.

"(D) LIMITATION ON EMPLOYMENT AUTHORIZATION OF PILOT PROGRAM ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY CARD.—An expired identification and employment eligibility document, together with a copy of an application for extension of stay, shall constitute a valid work authorization document for a period of not more than 60 days from the date of application for the extension of stay, after which time only a currently valid identification and employment eligibility document shall be acceptable.

"(3) LIMITATION ON AN INDIVIDUAL'S STAY IN PILOT PROGRAM STATUS.—An alien having status as a pilot program alien may not have the status extended for a continuous period longer than 2 years unless the alien remains outside the United States for an uninterrupted period of 6 months. An absence from the United States may break the continuity of the period for which a nonimmigrant visa issued under section 101(a)(15)(H)(ii)(c) is valid. If the alien has resided in the United States 10 months or less, an absence breaks the continuity of the period if its lasts for at least 2 months. If the alien has resided in the United States 10 months or more, an absence breaks the continuity of the period if it lasts for at least one-fifth the duration of the stay.

"(j) TRUST FUND TO ASSURE WORKER RETURN.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund (in this section referred to as the 'Trust Fund') for the purpose of providing a monetary incentive for pilot program aliens to return to their country of origin upon expiration of their visas under this section.

"(2) WITHHOLDING OF WAGES; PAYMENT INTO THE TRUST FUND.—

"(A) IN GENERAL.—Employers of pilot program aliens shall—

"(i) withhold from the wages of their pilot program alien workers an amount equivalent to 25 percent of the wages of each pilot program alien worker and pay such withheld amount into the Trust Fund in accordance with paragraph (3); and

"(ii) pay to the Trust Fund an amount equivalent to the Federal tax on the wages paid to pilot program aliens that the employer would be obligated to pay under the Federal Unemployment Tax Act and the Federal Insurance Contributions Act.

Amounts withheld under clause (i) shall be maintained in such interest bearing account with such a financial institution as the Attorney General shall specify.

"(3) DISTRIBUTION OF FUNDS.—Amounts paid into the Trust Fund on behalf of a worker, and held pursuant to paragraph (2)(A)(i) and interest earned thereon, shall be paid by the Attorney General to the worker if—

"(A) the worker applies to the Attorney General (or the designee of the Attorney General) for payment within 30 days of the expiration of the alien's last authorized stay in the United States as a pilot program alien;

"(B) in such application the worker establishes that the worker has complied with the terms and conditions of this section; and

"(C) in connection with the application, the worker tenders the identification and employment authorization card issued to the worker pursuant to subsection (i)(1)(F) and establishes that the worker is identified as the person to whom the card was issued based on the biometric identification information contained on the card.

"(4) ADMINISTRATIVE EXPENSES.—The amounts paid into the Trust Fund and held pursuant to paragraph (2)(A)(ii), and interest earned thereon, shall be paid to the Attorney General, the Secretary of Labor, and the Secretary of State in amounts equivalent to the expenses incurred by such officials in the administration of section 101(a)(15)(H)(ii)(c) and this section.

"(5) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this subsection.

"(k) INVESTMENT OF TRUST FUND.—

"(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

"(A) on original issue at the price; or

"(B) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter

31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

''(2) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

''(3) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

''(4) REPORT TO CONGRESS.—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Attorney General) to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as both a House and a Senate document of the session of the Congress to which the report is made.

''(l) MISCELLANEOUS PROVISIONS.—

''(1) APPLICABILITY OF LABOR LAWS.—Except as provided in paragraphs (2), (3), and (4), all Federal, State, and local labor laws (including laws affecting migrant farm workers) applicable to United States workers shall also apply to pilot program aliens.

''(2) LIMITATION OF WRITTEN DISCLOSURE IMPOSED UPON RECRUITERS.—Any disclosure required of recruiters under section of 201(a) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1821(a)) need not be given to pilot program aliens prior to the time their visa is issued permitting entry into the United States.

''(3) EXEMPTION FROM FICA AND FUTA TAXES.—The wages paid to pilot program aliens shall be excluded from wages subject to taxation under the Federal Unemployment Tax Act and under the Federal Insurance Contributions Act.

''(4) INELIGIBILITY FOR CERTAIN PUBLIC BENEFITS PROGRAMS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B), any alien provided status as a pilot program alien shall not be eligible for any Federal or State or local means-tested public benefit program.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply to the following:

''(i) EMERGENCY MEDICAL SERVICES.—The provision of emergency medical services (as defined by the Attorney General in consultation with the Secretary of Health and Human Services).

''(ii) PUBLIC HEALTH IMMUNIZATIONS.—Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment for communicable diseases.

''(iii) SHORT-TERM EMERGENCY DISASTER RELIEF.—The provision of non-cash, in-kind, short-term emergency disaster relief.

''(m) REGULATIONS.—

''(1) SELECTION OF AREAS.—The Secretary of Agriculture shall select the areas under subsection (a)(4) not later than 60 days after the date of the enactment of the Temporary Agricultural Worker Act of 1997.

''(2) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Agriculture, and the Attorney General shall approve, all regulations dealing with the approval of labor condition attestations for pilot program aliens and enforcement of the requirements for employing pilot program aliens under an approved attestation. The Secretary shall promulgate, and the Attorney General shall approve, such regulations not later than 90 days after the date of the enactment of the Temporary Agricultural Worker Act of 1997.

''(3) REGULATIONS OF THE ATTORNEY GENERAL.—The Attorney General shall consult with the Secretary of Agriculture on all regulations dealing with the approval of petitions for admission or extension of stay of pilot program aliens and the requirements for employing pilot program aliens and the enforcement of such requirements. The Attorney General shall promulgate such regulations not later than 90 days after the date of the enactment of the Temporary Agricultural Worker Act of 1997.

''(n) DEFINITIONS.—For the purpose of this section:

''(1) AGRICULTURAL ASSOCIATION.—The term 'agricultural association' means any nonprofit or cooperative association of farmers, growers, or ranchers incorporated or qualified under applicable State law, which recruits, solicits, hires, employs, furnishes, or transports any agricultural workers.

''(2) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or section 3121(g) of the Internal Revenue Code of 1986 and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.

''(3) EMPLOYER.—The term 'employer' means any person or entity, including any independent contractor and any agricultural association, that employs workers.

''(4) PILOT PROGRAM ALIEN.—The term 'pilot program alien' means an alien admitted to the United States or provided status as a nonimmigrant under section 101(a)(15)(H)(ii)(c).

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

''(6) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen, a United States national, or an alien, who is legally permitted to work in the job opportunity within the United States other than an alien admitted pursuant to this section.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 218 the following new item:

''Sec. 218A. Alternative agricultural worker program.''.

ADDITIONAL COSPONSORS

S. 61

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

At the request of Mr. LOTT, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 61, supra.

S. 318

At the request of Mr. D'AMATO, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 318, a bill to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes.

S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 839

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 839, a bill to improve teacher mastery and use of educational technology.

S. 852

At the request of Mr. LOTT, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 887

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 887, a bill to establish in the National Park Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 943

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation accidents.

S. 951

At the request of Mr. TORRICELLI, the name of the Senator from New York

[Mr. D'AMATO] was added as a cosponsor of S. 951, a bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency.

S. 1052

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1052, a bill to amend the Andean Trade Preference Act to prohibit the provision of duty-free treatment for live plants and fresh cut flowers described in chapter 6 of the Harmonized Tariff Schedule of the United States.

S. 1169

At the request of Mr. REED, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1169, a bill to establish professional development partnerships to improve the quality of America's teachers and the academic achievement of students in the classroom, and for other purposes.

S. 1204

At the request of Mr. COVERDELL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1204, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficently final to ripen certain Federal claims arising under the Constitution.

S. 1208

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1208, a bill to protect women's reproductive health and constitutional right to choice, and for other purposes.

S. 1220

At the request of Mr. DODD, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

S. 1222

At the request of Mr. CHAFEE, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1222, a bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1251

At the request of Mr. BREAUX, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maine [Ms. COLLINS], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 1251, supra.

S. 1252

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Ohio [Mr. DEWINE], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1287

At the request of Mr. JEFFORDS, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1287, a bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

S. 1297

At the request of Mr. COVERDELL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1297, a bill to redesignate Washington National Airport as "Ronald Reagan Washington National Airport".

S. 1311

At the request of Mr. LOTT, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

S. 1318

At the request of Mr. ABRAHAM, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 1318, a bill to establish an adoption awareness program, and for other purposes.

S. 1320

At the request of Mr. ROCKEFELLER, the names of the Senator from Illinois [Mr. DURBIN], the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. JOHNSON], the Senator from Arizona [Mr. MCCAIN], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Wisconsin [Mr. KOHL], the Senator from New Mexico [Mr. BINGAMAN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1320, a bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf war for purposes of determining a service connection relating to such illnesses, and for other purposes.

S. 1321

At the request of Mr. TORRICELLI, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1335

At the request of Ms. SNOWE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1335, a bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1365

At the request of Ms. MIKULSKI, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1391

At the request of Mr. DODD, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 1391, a bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba.

S. 1396

At the request of Mr. JOHNSON, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1396, a bill to amend the Child Nutrition Act of 1966 to expand the School Breakfast Program in elementary schools.

S. 1418

At the request of Mr. AKAKA, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1418, a bill to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes.

S. 1472

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 1472, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for public elementary and secondary school construction, and for other purposes.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1472, supra.

S. 1520

At the request of Mr. HUTCHINSON, the names of the Senator from Georgia [Mr. COVERDELL], the Senator from New Hampshire [Mr. SMITH], and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of S. 1520, a bill to terminate the Internal Revenue Code of 1986.

SENATE CONCURRENT RESOLUTION 39

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Concurrent Resolution 39, a concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. GRASSLEY, his name was added as a cosponsor of Senate Concurrent Resolution 52, a concurrent resolution relating to maintaining the current standard behind the "Made in USA" label, in order to protect consumers and jobs in the United States.

At the request of Mr. HOLLINGS, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Nebraska [Mr. KERREY], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Concurrent Resolution 52, supra.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 119

At the request of Mr. BAUCUS, his name was added as a cosponsor of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

SENATE CONCURRENT RESOLUTION 68—RELATIVE TO SINE DIE ADJOURNMENT

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 68

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on the legislative day of Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majoriy Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. The Congress declares that clause 5 of rule III of the Rules of the House of Representatives and the order of the Senate of January 7, 1997, authorize for the duration of the One Hundred Fifth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively; to receive messages from the President during periods when the House and Senate are not in session and thereby preserve until adjournment sine die of the final regular session of the One Hundred Fifth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjourment of either House during the current Congress does not prevent the return by the President of any bill presented him for approval.

SEC. 4. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

SENATE CONCURRENT RESOLUTION 69—CORRECTING THE ENROLLMENT OF THE BILL S. 830

Mr. JEFFORDS submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 69

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 119(b) of the bill:

(A) Strike paragraph (2) (relating to conforming amendments).

(B) Strike "(b) SECTION 505(j).—" and all that follows through "'(3)(A) The Secretary shall" and insert the following:

"(b) SECTION 505(j).—Section 505(j) (21 U.S.C. 355(j)) is amended by adding at the end the following paragraph:

"'(9)(A) The Secretary shall".

(2) In section 125(d)(2) of the bill, in the matter preceding subparagraph (A), insert after "antibiotic drug" the second place such term appears the following: "(including any salt or ester of the antibiotic drug)".

(3) In section 127(a) of the bill: In section 503A of the Federal Food, Drug, and Cosmetic Act (as proposed to be inserted by such section 127(a)), in the second sentence of subsection (d)(2), strike "or other criteria" and insert "and other criteria".

(4) In section 412(c) of the bill:

(A) In subparagraph (1) of section 502(e) of the Federal Food, Drug, and Cosmetic Act (as proposed to be amended by such section 412(c)), in subclause (iii) of clause (A), insert before the period the following: "or to prescription drugs".

(B) Strike "(c) MISBRANDING.—Subparagraph (1) of section 502(e)" and insert the following:

"(c) MISBRANDING.—

"(1) IN GENERAL.—Subparagraph (1) of section 502(e)".

(C) Add at the end the following:

"(2) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, shall affect the question of the authority of the Secretary of Health and Human Services regarding inactive ingredient labeling for prescription drugs under sections of the Federal Food, Drug, and Cosmetic Act other than section 502(e)(1)(A)(iii).".

(5) Strike section 501 of the bill and insert the following:

"SEC. 501. EFFECTIVE DATE.

"(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

"(b) IMMEDIATE EFFECT.—Notwithstanding subsection (a), the provisions of and the amendments made by sections 111, 121, 125, and 307 of this Act, and the provisions of section 510(m) of the Federal Food, Drug, and Cosmetic Act (as added by section 206(a)(2)), shall take effect on the date of enactment of this Act.".

SENATE CONCURRENT RESOLUTION 70—CORRECTING A TECHNICAL ERROR IN THE ENROLLMENT OF THE BILL S. 1026

Mr. D'AMATO submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1026) to reauthorize the Export-Import Bank of the United States, the Secretary of the Senate shall strike subsection (a) of section 2 and insert the following:

"(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking 'until' and all that follows through 'but' and inserting 'until the close of business on September 30, 2001, but'.".

SENATE RESOLUTION 156—RELATIVE TO SINE DIE ADJOURNMENT

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 156

Resolved, That notwithstanding the sine die adjournment of the present session of the Congress, the President of the Senate, the President of the Senate pro tempore, the Majority Leader of the Senate, and the Minority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

SENATE RESOLUTION 157—TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 157

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the first session of the One Hundred Fifth Congress.

SENATE RESOLUTION 158—TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 158

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the first session of the One Hundred Fifth Congress.

SENATE RESOLUTION 159—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 159

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the first session of the 105th Congress.

SENATE RESOLUTION 160—COMMENDING THE MAJORITY LEADER

Mr. DASCHLE submitted the following resolution; which was considered and agreed to.

S. RES. 160

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the first session of the 105th Congress.

SENATE RESOLUTION 161—AMENDING SENATE RESOLUTION 48

Mr. LOTT submitted the following resolution; which was considered and agreed to.

S. RES. 161

Resolved, That Senate Resolution 48, 105th Congress, agreed to February 4, 1997, is amended—

(1) in section 1(e), by striking "$5,000" and inserting "$10,000"; and

(2) in sections 1(e) and 1(g), by striking "September 30, 1997" and inserting "September 30, 1998".

SENATE RESOLUTION 162—RELATIVE TO THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 162

Whereas, in the case of United States v. Blackley, Criminal Case No. 97-0166, pending in the United States District Court for the District of Columbia, testimony has been requested from Brent Baglien, a former employee on the staff of the Committee on Agriculture, Nutrition, and Forestry;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Brent Baglien, and any other present or former employee from whom testimony may be required, are authorized to testify in the case of United States v. Blackley, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Brent Baglien and any present or former employee of the Senate in connection with testimony in United States v. Blackley.

SENATE RESOLUTION 163—DESIGNATING A NATIONAL WEEK OF RECOGNITION FOR DOROTHY DAY AND THOSE WHOM SHE SERVED

Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. WELLSTONE, Mr. LEVIN, Mr. DODD, Mr. TORRICELLI, Mr. REED, Mr. DURBIN, Ms. MIKULSKI, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to.

S. RES. 163

Whereas November 8, 1997, marks the 100th anniversary of the birth of Dorothy Day on Pineapple Street in Brooklyn, New York;

Whereas Dorothy Day was a woman who lived a life of voluntary poverty, guided by the principles of social justice and solidarity with the poor;

Whereas in 1933 Dorothy Day and Peter Maurin founded the Catholic Worker Movement and the Catholic Worker newspaper "to realize in the individual and society the express and implied teachings of Christ";

Whereas the Catholic Worker "Houses of Hospitality" founded by Dorothy Day have ministered to the physical and spiritual needs of the poor for over 60 years;

Whereas there are now more than 125 Catholic Worker "Houses of Hospitality" in the United States and throughout the world;

Whereas in 1972 Dorothy Day was awarded the Laetare Medal by the University of Notre Dame for "comforting the afflicted and afflicting the comfortable virtually all of her life";

Whereas upon the death of Dorothy Day in 1980, noted Catholic historian David O'Brien called her "the most significant, interesting, and influential person in the history of American Catholicism";

Whereas His Emminence John Cardinal O'Connor has stated that he is considering recommending Dorothy Day to the Pope for Cannonization; and

Whereas Dorothy Day serves as inspiration for those who strive to live their faith: Now, therefore, be it

Resolved, That the Senate—

(1) expresses deep admiration and respect for the life and work of Dorothy Day;

(2) recognizes that the work of Dorothy Day improved the lives of countless people and that her example has inspired others to follow her in a life of solidarity with the poor;

(3) encourages all Americans to reflect on how they might learn from Dorothy Day's example and continue her work of ministering to the needy; and

(4) designates the week of November 8, 1997, through November 14, 1997, as the "National Week of Recognition for Dorothy Day and Those Whom She Served".

SEC. 2. TRANSMITTAL.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to—

(1) Maryhouse, 55 East Third Street, New York City, New York;

(2) St. Joseph House, 36 East First Street, New York City, New York; and

(3) His Emminence John Cardinal O'Connor of the Archdiocese of New York, New York City, New York.

AMENDMENTS SUBMITTED

THE OCEAN AND COASTAL RESEARCH REVITALIZATION ACT OF 1997

SNOWE AMENDMENT NO. 1636

Mr. LOTT (for Ms. SNOWE) proposed an amendment to the bill (S. 927) to reauthorize the Sea Grant Program; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This act may be cited as the "National Sea Grant College Program Reauthorization Act of 1997".

SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. FINDINGS.

(a) Section 202(a)(1) (33 U.S.C. 1121(a)(1)) is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following:

"(D) encourage the development of forecast and analysis systems for coastal hazards;".

(b) Section 202(a)(6) (33 U.S.C. 1121(a)(6)) is amended by striking the second sentence and inserting the following: "The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions.".

SEC. 4. DEFINITIONS.

(a) Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (3)—

(A) by striking "their university or" and inserting "his or her"; and

(B) by striking "college, programs, or regional consortium" and inserting "college or sea grant institute";

(2) by striking paragraph (4) and inserting the following:

"(4) The term 'field related to ocean, coastal, and Great Lakes resources' means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, or Great Lakes resources.";

(3) by redesignating paragraphs (5) through (16) as paragraphs (7) through (17), respectively, and inserting after paragraph (4) the following:

"(5) The term 'Great Lakes' includes Lake Champlain.

"(6) The term 'institution' means any public or private institution of higher education, institute, laboratory, or State or local agency.";

(4) by striking "regional consortium, institution of higher education, institute, or laboratory" in paragraph (11) (as redesignated) and inserting "institute or other institution";

(5) by striking paragraphs (12) through (17) (as redesignated) and inserting after paragraph (11) the following:

"(12) The term 'project' means any individually described activity in a field related to ocean, coastal, and Great Lakes resources involving research, education, training, or advisory services administered by a person with expertise in such a field.

"(13) The term 'sea grant college' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

"(14) The term 'sea grant institute' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

"(15) The term 'sea grant program' means a program of research and outreach which is administered by one or more sea grant colleges or sea grant institutes.

"(16) The term 'Secretary' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

"(17) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.".

(b) The Act is amended—

(1) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking ", the Under Secretary,"; and

(2) by striking "Under Secretary" every other place it appears and inserting "Secretary".

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204 (33 U.S.C. 1123) is amended to read as follows:

"SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

"(a) PROGRAM MAINTENANCE.—The Secretary shall maintain within the Administration, a program to be known as the national sea grant college program. The national sea grant college program shall be administered by a national sea grant office within the Administration.

"(b) PROGRAM ELEMENTS.—The national sea grant college program shall consist of the financial assistance and other activities authorized in this subchapter, and shall provide support for the following elements—

"(1) sea grant programs which comprise a national sea grant college program network, including international projects conducted within such programs;

"(2) administration of the national sea grant college program and this Act by the national sea grant office, the Administration, and the panel;

"(3) the fellowship program under section 208; and

"(4) any national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed with the approval of the panel, the sea grant colleges, and the sea grant institutes.

"(c) RESPONSIBILITIES OF THE SECRETARY.—

"(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop a long-range strategic plan which establishes priorities for the national sea grant college program and which provides an appropriately balanced response to local, regional, and national needs.

"(2) Within 6 months of the date of enactment of the Ocean and Coastal Research Revitalization Act of 1997, the Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

"(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes under section 207.

"(4) To carry out the provisions of this subchapter, the Secretary may—

"(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;

"(B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

"(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, any information of research, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

"(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41, United States Code;

"(E) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

"(F) accept funds from other Federal departments and agencies, including agencies within the Administration, to pay for and add to grants made and contracts entered into by the Secretary;

"(G) promulgate such rules and regulations as may be necessary and appropriate.

"(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

"(1) The Secretary shall appoint, as the Director of the National Sea Grant College Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated, without regard to the provisions of title 5 governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

"(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

"(A) facilitate and coordinate the development of a long-range strategic plan under subsection (c)(1);

"(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies;

"(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

"(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

"(3) With respect to sea grant colleges and sea grant institutes, the Director shall—

"(A) evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary;

"(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to—

"(i) promote healthy competition among sea grant colleges and institutes;

"(ii) encourage successful implementation of sea grant programs; and

"(iii) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes; and

"(C) ensure compliance with the guidelines for merit review under subsection (c)(2).".

SEC. 6. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 (33 U.S.C. 1126) is amended to read as follows:

"SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

"(a) DESIGNATION.—

"(1) A sea grant college or sea grant institute shall meet the following qualifications—

"(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

"(B) make a long-term commitment to the objective in section 202(b), as determined by the Secretary;

"(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

"(D) have received financial assistance under section 205 of this title (33 U.S.C. 1124);

"(E) be recognized for excellence in fields related to ocean, coastal, and Great Lakes resources (including marine resources management and science), as determined by the Secretary; and

"(F) meet such other qualifications as the Secretary, in consultation with the panel, considers necessary or appropriate.

"(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance—

"(A) meets the qualifications in paragraph (1); and

"(B) maintains a program of research, advisory services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

"(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

"(A) meets the qualifications in paragraph (1); and

"(B) maintains a program which includes, at a minimum, research and advisory services.

"(b) EXISTING DESIGNEES.—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of this Act, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of this act, if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a).

"(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

"(d) DUTIES.—Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute—

"(1) to develop and implement, in consultation with the Secretary and the panel, a program that is consistent with the guidelines and priorities established under section 204(c); and

"(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205.".

SEC. 8. SEA GRANT REVIEW PANEL.

(a) Section 209(a) (33 U.S.C. 1128(a)) is amended—

(1) by striking "; commencement date"; and

(2) by striking the second sentence.

(b) Section 209(b) (33 U.S.C. 1128(b)) is amended—

(1) by striking "The Panel" and inserting "The panel";

(2) by striking "and section 3 of the Sea Grant College Program Improvement Act of 1976" in paragraph (1); and

(3) by striking "regional consortia" in paragraph (3) and inserting "institutes".

(c) Section 209(c) (33 U.S.C. 1128(c)) is amended—

(1) in paragraph (1) by striking "college, sea grant regional consortium, or sea grant program" and inserting "college or sea grant institute";

(2) by striking paragraph (5)(A) and inserting the following:

"(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such panel; and".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

"(A) $55,400,000 for fiscal year 1998;

"(B) $56,500,000 for fiscal year 1999;

"(C) $57,600,000 for fiscal year 2000;

"(D) $58,800,000 for fiscal year 2001; and

"(E) $59,900,000 for fiscal year 2002.

"(2) ZEBRA MUSSEL AND OYSTER RESEARCH.—In addition to the amount authorized for each fiscal year under paragraph (1)—

"(A) up to $2,800,000 may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel;

"(B) up to $3,000,000 may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks; and

"(C) up to $5,000,000 may be made available for competitive grants for university research on Pfiesteria piscicida and other harmful algal blooms.

(b) LIMITATION ON CERTAIN FUNDING.—Section 212(b)(1) (33 U.S.C. 1131(b)(1)) is amended to read as follows:

"(b) PROGRAM ELEMENTS.—

"(1) LIMITATION.—No more than 5 percent of the lesser of—

"(A) the amount authorized to be appropriated; or

"(B) the amount appropriated,

for each fiscal year under subsection (a) may be used to fund the program element contained in section 204(b)(2).

"(c) NOTICE OF REPROGRAMMING.—If any funds authorized by this section are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(d) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 45 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.".

SEC. 10. ADMINISTRATIVE LAW JUDGES.

Notwithstanding section 559 of title 5, United States Code, with respect to any marine resource conservation law or regulation administered by the Secretary of Commerce acting through the National Oceanic and Atmospheric Administration, all adjudicatory functions which are required by chapter 5 of title 5 of such Code to be performed by an Administrative Law Judge may be performed by the United States Coast Guard on a reimbursable basis. Should the United States Coast Guard require the detail of an Administrative Law Judge to perform any of these functions, it may request such temporary or occasional assistance from the Office of Personnel Management pursuant to section 3344 of title 5, United States Code.

THE HOMEOWNERS INSURANCE PROTECTION ACT

D'AMATO AMENDMENT NO. 1637

Mr. LOTT (for Mr. D'AMATO) proposed an amendment to the bill (H.R. 607) to amend the Truth in Lending Act to require notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
TITLE I—SENIOR CITIZEN HOME EQUITY PROTECTION
Sec. 101. Short title.
Subtitle A—Senior Citizen Home Equity Protection
Sec. 111. Disclosure requirements; prohibition of funding of unnecessary or excessive costs.
Sec. 112. Implementation.
Subtitle B—Temporary Extension of Public Housing and Section 8 Rental Assistance Provisions
Sec. 121. Public housing ceiling rents and income adjustments and preferences for assisted housing.
Sec. 122. Public housing demolition and disposition.
Sec. 123. Public housing funding flexibility and mixed-finance developments.
Sec. 124. Minimum rents.
Sec. 125. Provisions relating to section 8 rental assistance program.
Subtitle C—Reauthorization of Federally Assisted Multifamily Rental Housing Provisions
Sec. 131. Multifamily housing finance pilot programs.
Sec. 132. Hud disposition of multifamily housing.
Sec. 133. Multifamily mortgage auctions.
Sec. 134. Clarification of owner's right to prepay.
Subtitle D—Reauthorization of Rural Housing Programs
Sec. 141. Housing in underserved areas program.
Sec. 142. Housing and related facilities for elderly persons and families and other low-income persons and families.
Sec. 143. Loan guarantees for multifamily rental housing in rural areas.
Subtitle E—Reauthorization of National Flood Insurance Program
Sec. 151. Program expiration.
Sec. 152. Borrowing authority.
Sec. 153. Emergency implementation of program.
Sec. 154. Authorization of appropriations for studies.
Subtitle F—Native American Housing Assistance
Sec. 161. Subsidy layering certification.
Sec. 162. Inclusion of homebuyer selection policies and criteria.
Sec. 163. Repayment of grant amounts for violation of affordable housing requirement.
Sec. 164. United States Housing Act of 1937.
Sec. 165. Miscellaneous.
TITLE II—HOMEOWNERS PROTECTION ACT
Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Termination of private mortgage insurance.
Sec. 204. Disclosure requirements.
Sec. 205. Notification upon cancellation or termination.
Sec. 206. Disclosure requirements for lender paid mortgage insurance.
Sec. 207. Fees for disclosures.
Sec. 208. Civil liability.
Sec. 209. Effect on other laws and agreements.
Sec. 210. Enforcement.
Sec. 211. Construction.
Sec. 212. Effective date.
TITLE III—ABOLISHMENT OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD
Sec. 301. Abolishment.

TITLE I—SENIOR CITIZEN HOME EQUITY PROTECTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Senior Citizen Home Equity Protection Act".

Subtitle A—Senior Citizen Home Equity Protection

SEC. 111. DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.

Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and";

(2) in paragraph (9)(F), by striking "and";

(3) in paragraph (10), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services.".

SEC. 112. IMPLEMENTATION.

(a) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by section 111 in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under subsection (b).

(b) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of enactment of this Act, issue final regulations to implement the amendments made by section 111. Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(3)(B) of that section).

Subtitle B—Temporary Extension of Public Housing and Section 8 Rental Assistance Provisions

SEC. 121. PUBLIC HOUSING CEILING RENTS AND INCOME ADJUSTMENTS AND PREFERENCES FOR ASSISTED HOUSING.

Section 402(f) of The Balanced Budget Downpayment Act, I (42 U.S.C. 1437aa note) is amended by striking "and 1997" and inserting ", 1997, and 1998".

SEC. 122. PUBLIC HOUSING DEMOLITION AND DISPOSITION.

Section 1002(d) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995 (42 U.S.C. 1437c note) is amended by striking "September 30, 1997" and inserting "September 30, 1998".

SEC. 123. PUBLIC HOUSING FUNDING FLEXIBILITY AND MIXED-FINANCE DEVELOPMENTS.

(a) EXTENSION OF AUTHORITY.—Section 201(a)(2) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437*l* note) is amended to read as follows:

"(2) APPLICABILITY.—Section 14(q) of the United States Housing Act of 1937 shall be effective only with respect to assistance provided from funds made available for fiscal year 1998 or any preceding fiscal year, except that the authority in the first sentence of section 14(q)(1) of that Act to use up to 10 percent of the allocation of certain funds for any operating subsidy purpose shall not apply to amounts made available for fiscal year 1998.".

(b) MIXED FINANCE.—Section 14(q)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437*l*(q)(1)) is amended by inserting after the first sentence the following: "Such assistance may involve the drawdown of funds on a schedule commensurate with construction draws for deposit into an interest earning escrow account to serve as collateral or credit enhancement for bonds issued by a public agency for the construction or rehabilitation of the development.".

SEC. 124. MINIMUM RENTS.

Section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 40) is amended in the matter preceding paragraph (1) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998".

SEC. 125. PROVISIONS RELATING TO SECTION 8 RENTAL ASSISTANCE PROGRAM.

Section 203(d) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134)) (42 U.S.C. 1437f note) is amended by striking "and 1997" and inserting ", 1997, and 1998".

Subtitle C—Reauthorization of Federally Assisted Multifamily Rental Housing Provisions

SEC. 131. MULTIFAMILY HOUSING FINANCE PILOT PROGRAMS.

Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (b)(5), by inserting before the period at the end of the first sentence the following: ", and not more than an additional 15,000 units during fiscal year 1998"; and

(2) in the first sentence of subsection (c)(4)—

(A) by striking "and" and inserting a comma; and

(B) by inserting before the period at the end the following: ", and not more than an additional 15,000 units during fiscal year 1998".

SEC. 132. HUD DISPOSITION OF MULTIFAMILY HOUSING.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended by inserting after "owned by the Secretary" the following: ", including the provision of grants and loans from the General Insurance Fund for the necessary costs of rehabilitation or demolition,".

SEC. 133. MULTIFAMILY MORTGAGE AUCTIONS.

Section 221(g)(4)(C) of the National Housing Act (12 U.S.C. 1715*l*(g)(4)(C)) is amended—

(1) in the first sentence of clause (viii), by striking "September 30, 1996" and inserting "December 31, 2000"; and

(2) by adding at the end the following:

"(ix) The authority of the Secretary to conduct multifamily auctions under this subparagraph shall be effective for any fiscal year only to the extent and in such amounts as are approved in appropriations Acts for the costs of loan guarantees (as defined in section 502 of the Congressional Budget Act of 1974), including the cost of modifying loans.".

SEC. 134. CLARIFICATION OF OWNER'S RIGHT TO PREPAY.

(a) PREPAYMENT RIGHT.—Notwithstanding section 211 of the Housing and Community Development Act of 1987 or section 221 of the Housing and Community Development Act of 1987 (as in effect pursuant to section 604(c) of the Cranston-Gonzalez National Affordable Housing Act), subject to subsection (b), with respect to any project that is eligible low-income housing (as that term is defined in section 229 of the Housing and Community Development Act of 1987)—

(1) the owner of the project may prepay, and the mortgagee may accept prepayment of, the mortgage on the project, and

(2) the owner may request voluntary termination of a mortgage insurance contract with respect to such project and the contract may be terminated notwithstanding any requirements under sections 229 and 250 of the National Housing Act.

(b) CONDITIONS.—Any prepayment of a mortgage or termination of an insurance contract authorized under subsection (a) may be made—

(1) only to the extent that such prepayment or termination is consistent with the terms and conditions of the mortgage on or mortgage insurance contract for the project; and

(2) only if owner of the project involved agrees not to increase the rent charges for any dwelling unit in the project during the 60-day period beginning upon such prepayment or termination.

(c) APPLICABILITY.—This section shall apply only during the period beginning on October 1, 1997, and ending at the end of September 30, 1998.

Subtitle D—Reauthorization of Rural Housing Programs

SEC. 141. HOUSING IN UNDERSERVED AREAS PROGRAM.

The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997, 1998, and 1999".

SEC. 142. HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES AND OTHER LOW-INCOME PERSONS AND FAMILIES.

(a) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

(b) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997, 1998, and 1999".

SEC. 143. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (q), by striking paragraph (2) and inserting the following:

"(2) ANNUAL LIMITATION ON AMOUNT OF LOAN GUARANTEE.—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such amount as may be provided in appropriation Acts for such fiscal year.";

(2) by striking subsection (t) and inserting the following:

"(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1998 and 1999 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year."; and

(3) in subsection (u), by striking "1996" and inserting "1999".

Subtitle E—Reauthorization of National Flood Insurance Program

SEC. 151. PROGRAM EXPIRATION.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 152. BORROWING AUTHORITY.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 153. EMERGENCY IMPLEMENTATION OF PROGRAM.

Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking "September 30, 1996" and inserting "September 30, 1999".

SEC. 154. AUTHORIZATION OF APPROPRIATIONS FOR STUDIES.

Subsection (c) of section 1376 of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)) is amended to read as follows:

"(c) For studies under this title, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999, which shall remain available until expended.".

Subtitle F—Native American Housing Assistance

SEC. 161. SUBSIDY LAYERING CERTIFICATION.

Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is amended—

(1) by striking "certification by the Secretary" and inserting "certification by a recipient to the Secretary"; and

(2) by striking "any housing project" and inserting "the housing project involved".

SEC. 162. INCLUSION OF HOMEBUYER SELECTION POLICIES AND CRITERIA.

Section 207(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137(b)) is amended—

(1) by striking "TENANT SELECTION.—" and inserting "TENANT AND HOMEBUYER SELECTION.—";

(2) in the matter preceding paragraph (1), by inserting "and homebuyer" after "tenant"; and

(3) in paragraph (3)(A), by inserting "and homebuyers" after "tenants".

SEC. 163. REPAYMENT OF GRANT AMOUNTS FOR VIOLATION OF AFFORDABLE HOUSING REQUIREMENT.

Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended by striking "section 205(2)" and inserting "section 205(a)(2)".

SEC. 164. UNITED STATES HOUSING ACT OF 1937.

(a) IN GENERAL.—Section 501(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (110 Stat. 4042) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively.

(b) UNITED STATES HOUSING ACT OF 1937.—Section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e) is amended by striking subsection (h).

SEC. 165. MISCELLANEOUS.

(a) DEFINITION OF INDIAN AREAS.—Section 4(10) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(10)) is amended to read as follows:

"(10) INDIAN AREA.—The term 'Indian area' means the area within which an Indian tribe or a tribally designated housing entity, as authorized by 1 or more Indian tribes, provides assistance under this Act for affordable housing.".

(b) CROSS-REFERENCE.—Section 4(12)(C)(i)(II) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12)(C)(i)(II)) is amended by striking "section 107" and inserting "section 705".

(c) CLARIFICATION OF CERTAIN EXEMPTIONS.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: "This subsection applies only to rental dwelling units (other than lease-purchase dwelling units) developed under—

"(1) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); or

"(2) this Act.".

(d) APPLICABILITY.—Section 101(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(d)(1)) is amended by inserting before the semicolon at the end the following: ", except that this paragraph only applies to rental dwelling units (other than lease-purchase dwelling units) developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) or under this Act".

(e) SUBMISSION OF INDIAN HOUSING PLAN.—Section 102(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(a)) is amended—

(1) in paragraph (1), by inserting "(A)" after "(1)";

(2) in paragraph (1)(A), as so designated by paragraph (1) of this subsection, by adding "or" at the end;

(3) by striking "(2)" and inserting "(B)"; and

(4) by striking "(3)" and inserting "(2)".

(f) CLARIFICATION.—Section 103(c)(3) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113(c)(3)) is amended by inserting "not" before "prohibited".

(g) APPLICABILITY OF PROVISIONS OF CIVIL RIGHTS.—Section 201(b)(5) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)(5)) is amended—

(1) by striking "Indian tribes" and inserting "federally recognized tribes and the tribally designated housing entities of those tribes"; and

(2) by striking "under this subsection" and inserting "under this Act".

(h) ELIGIBILITY.—Section 205(a)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" at the end; and

(2) by striking subparagraph (B) and inserting the following:

"(B) in the case of a contract to purchase existing housing, is made available for purchase only by a family that is a low-income family at the time of purchase;

"(C) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, is made available for lease-purchase only by a family that is a low-income family at the time the agreement is entered into; and

"(D) in the case of a contract to purchase housing to be constructed, is made available for purchase only by a family that is a low-income family at the time the contract is entered into; and".

(i) TENANT SELECTION.—Section 207(b)(3)(B) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137(b)(3)(B)) is amended by striking "of any rejected applicant of the grounds for any rejection" and inserting "to any rejected applicant of that rejection and the grounds for that rejection".

(j) AVAILABILITY OF RECORDS.—Section 208 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138) is amended—

(1) in subsection (a), by striking "paragraph (2)" and inserting "subsection (b)"; and

(2) in subsection (b), by striking "paragraph (1)" and inserting "subsection (a)".

(k) IHP REQUIREMENT.—Section 184(b)(2) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(b)(2)) is amended by striking "that is under the jurisdiction of an Indian tribe" and all that follows before the period at the end.

(l) AUTHORIZATION OF APPROPRIATIONS.—Section 184(i)(5)(C) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(5)(C)) is amended by striking "note" and inserting "not".

(m) ENVIRONMENTAL REVIEW UNDER THE INDIAN HOUSING LOAN GUARANTEE PROGRAM.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following:

"(k) ENVIRONMENTAL REVIEW.—For purposes of environmental, review, decision-making, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other law that furthers the purposes of that Act, a loan guarantee under this section shall—

"(1) be treated as a grant under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

"(2) be subject to the regulations promulgated by the Secretary to carry out section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115).".

(n) PUBLIC AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—Title IV of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161 et seq.) is amended by adding at the end the following:

"SEC. 408. PUBLIC AVAILABILITY OF INFORMATION.

"Each recipient shall make any housing plan, policy, or annual report prepared by the recipient available to the general public.".

(2) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents by inserting after the item relating to section 407 the following:

"Sec. 408. Public availability of information.".

(o) NON-FEDERAL FUNDS.—Section 520(1)(5)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(1)(5)(B)) is amended by striking "and Indian housing authorities" and inserting "and units of general local government".

(p) INELIGIBILITY OF INDIAN TRIBES.—Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h–1) is amended by striking "fiscal year 1997" and inserting "fiscal year 1998".

(q) INDIAN HOUSING EARLY CHILDHOOD DEVELOPMENT PROGRAM.—

(1) REPEAL.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–11 note) is repealed.

(2) TECHNICAL CORRECTION.—

(A) IN GENERAL.—Section 501(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (110 Stat. 4042), and the amendment made by that section, is repealed.

(B) APPLICABILITY.—Section 519 of Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437a–1) shall be applied and administered as if section 501(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (104 Stat. 4042) had not been enacted.

(3) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall be construed to have taken effect on October 26, 1996.

(r) TRIBAL ELIGIBILITY UNDER THE DRUG ELIMINATION PROGRAM.—The Public and Assisted Housing Elimination Act of 1990 (42 U.S.C. 11901 et seq.) is amended—

(1) in section 5123, by inserting "Indian tribes," after "tribally designated housing entities,";

(2) in section 5124(a)(7), by inserting ", Indian tribe," after "agency";

(3) in section 5125(a), by inserting "Indian tribe," after "entity,"; and

(4) in section 5126, by adding at the end the following:

"(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).".

(s) REFERENCE IN THE PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.—Section 5126(4)(D) of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11905(4)(D)) is amended by inserting "of 1996" before the period.

TITLE II—HOMEOWNERS PROTECTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Homeowners Protection Act of 1997".

SEC. 202. DEFINITIONS.

In this title, the following definitions shall apply:

(1) ADJUSTABLE RATE MORTGAGE.—The term "adjustable rate mortgage" means a residential mortgage that has an interest rate that is subject to change.

(2) CANCELLATION DATE.—The term "cancellation date" means—

(A) with respect to a fixed rate mortgage, at the option of the mortgagor, the date on which the principal balance of the mortgage—

(i) based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 80 percent of the original value of the property securing the loan; or

(ii) based solely on actual payments, reaches 80 percent of the original value of the property securing the loan; and

(B) with respect to an adjustable rate mortgage, at the option of the mortgagor, the date on which the principal balance of the mortgage—

(i) based solely on amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 80 percent of the original value of the property securing the loan; or

(ii) based solely on actual payments, first reaches 80 percent of the original value of the property securing the loan.

(3) FIXED RATE MORTGAGE.—The term "fixed rate mortgage" means a residential mortgage that has an interest rate that is not subject to change.

(4) GOOD PAYMENT HISTORY.—The term "good payment history" means, with respect to a mortgagor, that the mortgagor has not—

(A) made a mortgage payment that was 60 days or longer past due during the 12-month period beginning 24 months before the date on which the mortgage reaches the cancellation date; or

(B) made a mortgage payment that was 30 days or longer past due during the 12-month period preceding the date on which the mortgage reaches the cancellation date.

(5) INITIAL AMORTIZATION SCHEDULE.—The term "initial amortization schedule" means a schedule established at the time at which a residential mortgage transaction is consummated with respect to a fixed rate mortgage, showing—

(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the amortization period of the loan; and

(B) the unpaid principal balance of the loan after each scheduled payment is made.

(6) MORTGAGE INSURANCE.—The term "mortgage insurance" means insurance, including any mortgage guaranty insurance, against the nonpayment of, or default on, an individual mortgage or loan involved in a residential mortgage transaction.

(7) MORTGAGE INSURER.—The term "mortgage insurer" means a provider of private mortgage insurance, as described in this title, that is authorized to transact such business in the State in which the provider is transacting such business.

(8) MORTGAGEE.—The term "mortgagee" means the holder of a residential mortgage at the time at which that mortgage transaction is consummated.

(9) MORTGAGOR.—The term "mortgagor" means the original borrower under a residential mortgage or his or her successors or assignees.

(10) ORIGINAL VALUE.—The term "original value", with respect to a residential mortgage, means the lesser of the sales price of the property securing the mortgage, as reflected in the contract, or the appraised value at the time at which the subject residential mortgage transaction was consummated.

(11) PRIVATE MORTGAGE INSURANCE.—The term "private mortgage insurance" means mortgage insurance other than mortgage insurance made available under the National Housing Act, title 38 of the United States Code, or title V of the Housing Act of 1949.

(12) RESIDENTIAL MORTGAGE.—The term "residential mortgage" means a mortgage, loan, or other evidence of a security interest created with respect to a single-family dwelling that is the primary residence of the mortgagor.

(13) RESIDENTIAL MORTGAGE TRANSACTION.—The term "residential mortgage transaction" means a transaction consummated

on or after the date that is 1 year after the date of enactment of this Act, in which a mortgage, deed of trust, purchase money security interest arising under an installment sales contract, or equivalent consensual security interest is created or retained against a single-family dwelling that is the primary residence of the mortgagor to finance the acquisition, initial construction, or refinancing of that dwelling.

(14) SERVICER.—The term "servicer" has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974, with respect to a residential mortgage.

(15) SINGLE-FAMILY DWELLING.—The term "single-family dwelling" means a residence consisting of 1 family dwelling unit.

(16) TERMINATION DATE.—The term "termination date" means—

(A) with respect to a fixed rate mortgage, the date on which the principal balance of the mortgage, based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 78 percent of the original value of the property securing the loan; and

(B) with respect to an adjustable rate mortgage, the date on which the principal balance of the mortgage, based solely on amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 78 percent of the original value of the property securing the loan.

SEC. 203. TERMINATION OF PRIVATE MORTGAGE INSURANCE.

(a) BORROWER CANCELLATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall be canceled on the cancellation date, if the mortgagor—

(1) submits a request in writing to the servicer that cancellation be initiated;

(2) has a good payment history with respect to the residential mortgage; and

(3) has satisfied any requirement of the holder of the mortgage (as of the date of a request under paragraph (1)) for—

(A) evidence (of a type established in advance and made known to the mortgagor by the servicer promptly upon receipt of a request under paragraph (1)) that the value of the property securing the mortgage has not declined below the original value of the property; and

(B) certification that the equity of the mortgagor in the residence securing the mortgage is unencumbered by a subordinate lien.

(b) AUTOMATIC TERMINATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall terminate with respect to payments for that mortgage insurance made by the mortgagor—

(1) on the termination date if, on that date, the mortgagor is current on the payments required by the terms of the residential mortgage transaction; or

(2) on the date after the termination date on which the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.

(c) FINAL TERMINATION.—If a requirement for private mortgage insurance is not otherwise canceled or terminated in accordance with subsection (a) or (b), in no case may such a requirement be imposed beyond the first day of the month immediately following the date that is the midpoint of the amortization period of the loan if the mortgagor is current on the payments required by the terms of the mortgage.

(d) NO FURTHER PAYMENTS.—No payments or premiums may be required from the mortgagor in connection with a private mortgage insurance requirement terminated or canceled under this section—

(1) in the case of cancellation under subsection (a), more than 30 days after the later of—

(A) the date on which a request under subsection (a)(1) is received; or

(B) the date on which the mortgagor satisfies any evidence and certification requirements under subsection (a)(3);

(2) in the case of termination under subsection (b), more than 30 days after the termination date or the date referred to in subsection (b)(2), as applicable; and

(3) in the case of termination under subsection (c), more than 30 days after the final termination date established under that subsection.

(e) RETURN OF UNEARNED PREMIUMS.—

(1) IN GENERAL.—Not later than 45 days after the termination or cancellation of a private mortgage insurance requirement under this section, all unearned premiums for private mortgage insurance shall be returned to the mortgagor by the servicer.

(2) TRANSFER OF FUNDS TO SERVICER.—Not later than 30 days after notification by the servicer of termination or cancellation of private mortgage insurance under this title with respect to a mortgagor, a mortgage insurer that is in possession of any unearned premiums of that mortgagor shall transfer to the servicer of the subject mortgage an amount equal to the amount of the unearned premiums for repayment in accordance with paragraph (1).

(f) EXCEPTIONS FOR HIGH RISK LOANS.—

(1) IN GENERAL.—The termination and cancellation provisions in subsections (a) and (b) do not apply to any residential mortgage or mortgage transaction that, at the time at which the residential mortgage transaction is consummated, has high risks associated with the extension of the loan—

(A) as determined in accordance with guidelines established by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, in the case of a mortgage loan with an original principal balance that does not exceed the applicable annual conforming loan limit for the secondary market established pursuant to section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act, so as to require the imposition or continuation of a private mortgage insurance requirement beyond the terms specified in subsection (a) or (b) of this section; or

(B) as determined by the mortgagee in the case of any other mortgage, except that termination shall occur—

(i) with respect to a fixed rate mortgage, on the date on which the principal balance of the mortgage, based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 77 percent of the original value of the property securing the loan; and

(ii) with respect to an adjustable rate mortgage, on the date on which the principal balance of the mortgage, based solely on amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 77 percent of the original value of the property securing the loan.

(2) TERMINATION AT MIDPOINT.—A private mortgage insurance requirement in connection with a residential mortgage or mortgage transaction described in paragraph (1) shall terminate in accordance with subsection (c).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require a mortgage or mortgage transaction described in paragraph (1)(A) to be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

SEC. 204. DISCLOSURE REQUIREMENTS.

(a) DISCLOSURES FOR NEW MORTGAGES AT TIME OF TRANSACTION.—

(1) DISCLOSURES FOR NON-EXEMPTED TRANSACTIONS.—In any case in which private mortgage insurance is required in connection with a residential mortgage or mortgage transaction (other than a mortgage or mortgage transaction described in section 203(f)(1)), at the time at which the transaction is consummated, the mortgagee shall provide to the mortgagor—

(A) if the transaction relates to a fixed rate mortgage—

(i) a written initial amortization schedule; and

(ii) written notice—

(I) that the mortgagor may cancel the requirement in accordance with section 203(a) of this Act indicating the date on which the mortgagor may request cancellation, based solely on the initial amortization schedule;

(II) that the mortgagor may request cancellation in accordance with section 203(a) of this Act earlier than provided for in the initial amortization schedule, based on actual payments;

(III) that the requirement for private mortgage insurance will automatically terminate on the termination date in accordance with section 203(b) of this Act, and what that termination date is with respect to that mortgage; and

(IV) that there are exemptions to the right to cancellation and automatic termination of a requirement for private mortgage insurance in accordance with section 203(f) of this Act, and whether such an exemption applies at that time to that transaction; and

(B) if the transaction relates to an adjustable rate mortgage, a written notice that—

(i) the mortgagor may cancel the requirement in accordance with section 203(a) of this Act on the cancellation date, and that the servicer will notify the mortgagor when the cancellation date is reached;

(ii) the requirement for private mortgage insurance will automatically terminate on the termination date, and that on the termination date, the mortgagor will be notified of the termination or that the requirement will be terminated as soon as the mortgagor is current on loan payments; and

(iii) there are exemptions to the right of cancellation and automatic termination of a requirement for private mortgage insurance in accordance with section 203(f) of this Act, and whether such an exemption applies at that time to that transaction.

(2) DISCLOSURES FOR EXCEPTED TRANSACTIONS.—In the case of a mortgage or mortgage transaction described in section 203(f)(1), at the time at which the transaction is consummated, the mortgagee shall provide written notice to the mortgagor that in no case may private mortgage insurance be required beyond the date that is the midpoint of the amortization period of the loan, if the mortgagor is current on payments required by the terms of the residential mortgage.

(3) ANNUAL DISCLOSURES.—If private mortgage insurance is required in connection with a residential mortgage transaction, the servicer shall disclose to the mortgagor in

each such transaction in an annual written statement—

(A) the rights of the mortgagor under this title to cancellation or termination of the private mortgage insurance requirement; and

(B) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(4) APPLICABILITY.—Paragraphs (1) through (3) shall apply with respect to each residential mortgage transaction consummated on or after the date that is 1 year after the date of enactment of this Act.

(b) DISCLOSURES FOR EXISTING MORTGAGES.—If private mortgage insurance was required in connection with a residential mortgage entered into at any time before the effective date of this title, the servicer shall disclose to the mortgagor in each such transaction in an annual written statement—

(1) that the private mortgage insurance may, under certain circumstances, be canceled by the mortgagor (with the consent of the mortgagee or in accordance with applicable State law); and

(2) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(c) INCLUSION IN OTHER ANNUAL NOTICES.—The information and disclosures required under subsection (b) and paragraphs (1)(B) and (3) of subsection (a) may be provided on the annual disclosure relating to the escrow account made as required under the Real Estate Settlement Procedures Act of 1974, or as part of the annual disclosure of interest payments made pursuant to Internal Revenue Service regulations, and on a form promulgated by the Internal Revenue Service for that purpose.

(d) STANDARDIZED FORMS.—The mortgagee or servicer may use standardized forms for the provision of disclosures required under this section.

SEC. 205. NOTIFICATION UPON CANCELLATION OR TERMINATION.

(a) IN GENERAL.—Not later than 30 days after the date of cancellation or termination of a private mortgage insurance requirement in accordance with this title, the servicer shall notify the mortgagor in writing—

(1) that the private mortgage insurance has terminated and that the mortgagor no longer has private mortgage insurance; and

(2) that no further premiums, payments, or other fees shall be due or payable by the mortgagor in connection with the private mortgage insurance.

(b) NOTICE OF GROUNDS.—

(1) IN GENERAL.—If a servicer determines that a mortgage did not meet the requirements for termination or cancellation of private mortgage insurance under subsection (a) or (b) of section 203, the servicer shall provide written notice to the mortgagor of the grounds relied on to make the determination (including the results of any appraisal used to make the determination).

(2) TIMING.—Notice required by paragraph (1) shall be provided—

(A) with respect to cancellation of private mortgage insurance under section 203(a), not later than 30 days after the later of—

(i) the date on which a request is received under section 203(a)(1); or

(ii) the date on which the mortgagor satisfies any evidence and certification requirements under section 203(a)(3); and

(B) with respect to termination of private mortgage insurance under section 203(b), not later than 30 days after the scheduled termination date.

SEC. 206. DISCLOSURE REQUIREMENTS FOR LENDER PAID MORTGAGE INSURANCE.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "borrower paid mortgage insurance" means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by the borrower;

(2) the term "lender paid mortgage insurance" means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by a person other than the borrower; and

(3) the term "loan commitment" means a prospective mortgagee's written confirmation of its approval, including any applicable closing conditions, of the application of a prospective mortgagor for a residential mortgage loan.

(b) EXCLUSION.—Sections 203 through 205 do not apply in the case of lender paid mortgage insurance.

(c) NOTICES TO MORTGAGOR.—In the case of lender paid mortgage insurance that is required in connection with a residential mortgage or a residential mortgage transaction—

(1) not later than the date on which a loan commitment is made for the residential mortgage transaction, the prospective mortgagee shall provide to the prospective mortgagor a written notice—

(A) that lender paid mortgage insurance differs from borrower paid mortgage insurance, in that lender paid mortgage insurance may not be canceled by the mortgagor, while borrower paid mortgage insurance could be cancelable by the mortgagor in accordance with section 203(a) of this Act, and could automatically terminate on the termination date in accordance with section 203(b) of this Act;

(B) that lender paid mortgage insurance—

(i) usually results in a residential mortgage having a higher interest rate than it would in the case of borrower paid mortgage insurance; and

(ii) terminates only when the residential mortgage is refinanced, paid off, or otherwise terminated;

(C) that lender paid mortgage insurance and borrower paid mortgage insurance both have benefits and disadvantages, including a generic analysis of the differing costs and benefits of a residential mortgage in the case lender paid mortgage insurance versus borrower paid mortgage insurance over a 10-year period, assuming prevailing interest and property appreciation rates; and

(D) that lender paid mortgage insurance may be tax-deductible for purposes of Federal income taxes, if the mortgagor itemizes expenses for that purpose; and

(2) not later than 30 days after the termination date that would apply in the case of borrower paid mortgage insurance, the servicer shall provide to the mortgagor a written notice indicating that the mortgagor may wish to review financing options that could eliminate the requirement for private mortgage insurance in connection with the residential mortgage.

(d) STANDARD FORMS.—The servicer of a residential mortgage may develop and use a standardized form or forms for the provision of notices to the mortgagor, as required under subsection (c).

SEC. 207. FEES FOR DISCLOSURES.

No fee or other cost may be imposed on any mortgagor with respect to the provision of any notice or information to the mortgagor pursuant to this title.

SEC. 208. CIVIL LIABILITY.

(a) IN GENERAL.—Any servicer, mortgagee, or mortgage insurer that violates a provision of this title shall be liable to each mortgagor to whom the violation relates for—

(1) in the case of an action by an individual, or a class action in which the liable party is not subject to section 210, any actual damages sustained by the mortgagor as a result of the violation, including interest (at a rate determined by the court) on the amount of actual damages, accruing from the date on which the violation commences;

(2) in the case of—

(A) an action by an individual, such statutory damages as the court may allow, not to exceed $2,000; and

(B) in the case of a class action—

(i) in which the liable party is subject to section 210, such amount as the court may allow, except that the total recovery under this subparagraph in any class action or series of class actions arising out of the same violation by the same liable party shall not exceed the lesser of $500,000 or 1 percent of the net worth of the liable party, as determined by the court; and

(ii) in which the liable party is not subject to section 210, such amount as the court may allow, not to exceed $1000 as to each member of the class, except that the total recovery under this subparagraph in any class action or series of class actions arising out of the same violation by the same liable party shall not exceed the lesser of $500,000 or 1 percent of the gross revenues of the liable party, as determined by the court;

(3) costs of the action; and

(4) reasonable attorney fees, as determined by the court.

(b) TIMING OF ACTIONS.—No action may be brought by a mortgagor under subsection (a) later than 2 years after the date of the discovery of the violation that is the subject of the action.

(c) LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—With respect to a residential mortgage transaction, the failure of a servicer to comply with the requirements of this title due to the failure of a mortgage insurer or a mortgagee to comply with the requirements of this title, shall not be construed to be a violation of this title by the servicer.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to impose any additional requirement or liability on a mortgage insurer, a mortgagee, or a holder of a residential mortgage.

SEC. 209. EFFECT ON OTHER LAWS AND AGREEMENTS.

(a) EFFECT ON STATE LAW.—

(1) IN GENERAL.—With respect to any residential mortgage or residential mortgage transaction consummated after the effective date of this title, and except as provided in paragraph (2), the provisions of this title shall supersede any provisions of the law of any State relating to requirements for obtaining or maintaining private mortgage insurance in connection with residential mortgage transactions, cancellation or automatic termination of such private mortgage insurance, any disclosure of information addressed by this title, and any other matter specifically addressed by this title.

(2) CONTINUED APPLICATION OF CERTAIN PROVISIONS.—This title does not supersede any provision of the law of a State in effect on or before September 1, 1989, pertaining to the termination of private mortgage insurance or other mortgage guaranty insurance, to the extent that such law requires termination of such insurance at an earlier date or

when a lower mortgage loan principal balance is achieved than as provided in this title.

(b) EFFECT ON OTHER AGREEMENTS.—The provisions of this title shall supersede any conflicting provision contained in any agreement relating to the servicing of a residential mortgage loan entered into by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or any private investor or note holder (or any successors thereto).

SEC. 210. ENFORCEMENT.

(a) IN GENERAL.—Compliance with the requirements imposed under this title shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act—

(A) by the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act) in the case of insured depository institutions (as defined in section 3(c)(2) of that Act);

(B) by the Federal Deposit Insurance Corporation in the case of depository institutions described in clause (i), (ii), or (iii) of section 19(b)(1)(A) of the Federal Reserve Act that are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

(C) by the Director of the Office of Thrift Supervision in the case of depository institutions described in clause (v) and or (vi) of section 19(b)(1)(A) of the Federal Reserve Act that are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act);

(2) the Federal Credit Union Act, by the National Credit Union Administration Board in the case of depository institutions described in clause (iv) of section 19(b)(1)(A) of the Federal Reserve Act; and

(3) part C of title V of the Farm Credit Act of 1971 (12 U.S.C. 2261 et seq.), by the Farm Credit Administration in the case of an institution that is a member of the Farm Credit System.

(b) ADDITIONAL ENFORCEMENT POWERS.—

(1) VIOLATION OF THIS TITLE TREATED AS VIOLATION OF OTHER ACTS.—For purposes of the exercise by any agency referred to in subsection (a) of such agency's powers under any Act referred to in such subsection, a violation of a requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act.

(2) ENFORCEMENT AUTHORITY UNDER OTHER ACTS.—In addition to the powers of any agency referred to in subsection (a) under any provision of law specifically referred to in such subsection, each such agency may exercise, for purposes of enforcing compliance with any requirement imposed under this title, any other authority conferred on such agency by law.

(c) ENFORCEMENT AND REIMBURSEMENT.—In carrying out its enforcement activities under this section, each agency referred to in subsection (a) shall—

(1) notify the mortgagee or servicer of any failure of the mortgagee or servicer to comply with 1 or more provisions of this title;

(2) with respect to each such failure to comply, require the mortgagee or servicer, as applicable, to correct the account of the mortgagor to reflect the date on which the mortgage insurance should have been canceled or terminated under this title; and

(3) require the mortgagee or servicer, as applicable, to reimburse the mortgagor in an amount equal to the total unearned premiums paid by the mortgagor after the date on which the obligation to pay those premiums ceased under this title.

SEC. 211. CONSTRUCTION.

Nothing in this title shall be construed to impose any requirement for private mortgage insurance in connection with a residential mortgage transaction.

SEC. 212. EFFECTIVE DATE.

This title shall become effective 1 year after the date of enactment of this Act.

TITLE III—ABOLISHMENT OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

SEC. 301. ABOLISHMENT.

(a) IN GENERAL.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the Thrift Depositor Protection Oversight Board established under section 21A of the Federal Home Loan Bank Act (hereafter in this section referred to as the "Oversight Board") is hereby abolished.

(b) DISPOSITION OF AFFAIRS.—

(1) POWER OF CHAIRPERSON.—Effective on the date of enactment of this Act, the Chairperson of the Oversight Board (or the designee of the Chairperson) may exercise on behalf of the Oversight Board any power of the Oversight Board necessary to settle and conclude the affairs of the Oversight Board.

(2) AVAILABILITY OF FUNDS.—Funds available to the Oversight Board shall be available to the Chairperson of the Oversight Board to pay expenses incurred in carrying out paragraph (1).

(c) SAVINGS PROVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—No provision of this section shall be construed as affecting the validity of any right, duty, or obligation of the United States, the Oversight Board, the Resolution Trust Corporation, or any other person that—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Oversight Board; and

(B) existed on the day before the abolishment of the Oversight Board in accordance with subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Oversight Board with respect to any function of the Oversight Board shall abate by reason of the enactment of this section.

(3) LIABILITIES.—

(A) IN GENERAL.—All liabilities arising out of the operation of the Oversight Board during the period beginning on August 9, 1989, and the date that is 3 months after the date of enactment of this Act shall remain the direct liabilities of the United States.

(B) NO SUBSTITUTION.—The Secretary of the Treasury shall not be substituted for the Oversight Board as a party to any action or proceeding referred to in subparagraph (A).

(4) CONTINUATIONS OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS PERTAINING TO THE RESOLUTION FUNDING CORPORATION.—

(A) IN GENERAL.—All orders, resolutions, determinations, and regulations regarding the Resolution Funding Corporation shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations until modified, terminated, set aside, or superseded in accordance with applicable law if such orders, resolutions, determinations, or regulations—

(i) have been issued, made, and prescribed, or allowed to become effective by the Oversight Board, or by a court of competent jurisdiction, in the performance of functions transferred by this section; and

(ii) are in effect at the end of the 3-month period beginning on the date of enactment of this section.

(B) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS BEFORE TRANSFER.—Before the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the United States.

(C) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS AFTER TRANSFER.—On and after the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the Secretary of the Treasury.

(d) TRANSFER OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUTHORITY AND DUTIES OF RESOLUTION FUNDING CORPORATION TO SECRETARY OF THE TREASURY.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the authority and duties of the Oversight Board under sections 21A(a)(6)(I) and 21B of the Federal Home Loan Bank Act are transferred to the Secretary of the Treasury (or the designee of the Secretary).

(e) MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY BOARD.—Effective on the date of enactment of this Act, section 14(b)(2) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(f) TIME OF MEETINGS OF THE AFFORDABLE HOUSING ADVISORY BOARD.—

(1) IN GENERAL.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(A) by striking "4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board or" and inserting "2 times a year or at the request of"; and

(B) by striking the second sentence.

(2) CLERICAL AMENDMENT.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended, in the subparagraph heading, by striking "AND LOCATION".

Amend the title so as to read: "An Act to amend the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.".

THE FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

McCAIN (AND HOLLINGS) AMENDMENT NO. 1638

Mr. LOTT (for Mr. MCCAIN, for himself and Mr. HOLLINGS) proposed an amendment to the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years

1998 through 2000, and for other purposes; as follows:

On page 12, line 10, strike "$229,673,000," and insert "$226,800,000,".

On page 12, line 25, strike "$56,045,000" and insert "$53,759,000".

On page 13, line 1, strike "$27,137,000" and insert "$26,550,000".

On page 13, line 6, strike "activities.'." and insert "activities; and".

On page 13, between lines 6 and 7, insert the following:

"(5) for fiscal year 1999, $229,673,000.".

On page 13, line 17, strike "leges" and insert "leges, including Historically Black Colleges and Universities and Hispanic Serving Institutions,".

On page 15, strike lines 11 through 17.

On page 15, line 18, strike "**SEC. 5. NOTICE OF REPROGRAMMING.**" and insert "**SEC. 4. NOTICES.**".

On page 15, line 19, insert "(a) REPROGRAMMING.—" before "If".

On page 16, between lines 2 and 3, insert the following:

(b) NOTICE OF REORGANIZATION.—The Administrator of the Federal Aviation Administration shall provide notice to the Committees on Science, Transportation and Infrastructure, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization (as determined by the Administrator) of any program of the Federal Aviation Administration for which funds are authorized by this Act.

On page 16, line 3, strike "**SEC. 6.**" and insert "**SEC. 5.**".

Amend the title so as to read "A Bill to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999, and for other purposes.".

THE OCEANS ACT OF 1997

SNOWE (AND HOLLINGS) AMENDMENT NO. 1639

Mr. NICKLES (for Ms. SNOWE, for herself and Mr. HOLLINGS) proposed an amendment to the bill (S. 1213) to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oceans Act of 1997".

SEC. 2. CONGRESSIONAL FINDINGS; PURPOSE AND OBJECTIVES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Covering more than two-thirds of the Earth's surface, the oceans and Great Lakes play a critical role in the global water cycle and in regulating climate, sustain a large part of Earth's biodiversity, provide an important source of food and a wealth of other natural products, act as a frontier to scientific exploration, are critical to national security, and provide a vital means of transportation. The coasts, transition between land and open ocean, are regions of remarkably high biological productivity, contribute more than 30 percent of the Gross Domestic Product, and are of considerable importance for recreation, waste disposal, and mineral exploration.

(2) Ocean and coastal resources are susceptible to change as a direct and indirect result of human activities, and such changes can significantly impact the ability of the oceans and Great Lakes to provide the benefits upon which the Nation depends. Changes in ocean and coastal processes could affect global climate patterns, marine productivity and biodiversity, environmental quality, national security, economic competitiveness, availability of energy, vulnerability to natural hazards, and transportation safety and efficiency.

(3) Ocean and coastal resources are not infinite, and human pressure on them is increasing. One half of the Nation's population lives within 50 miles of the coast, ocean and coastal resources once considered inexhaustible are now threatened with depletion, and if population trends continue as expected, pressure on and conflicting demands for ocean and coastal resources will increase further as will vulnerability to coastal hazards.

(4) Marine transportation is key to United States participation in the global economy and to the wide range of activities carried out in ocean and coastal regions. Inland waterway and ports are the link between marine activities in ocean and coastal regions and the supporting transportation infrastructure ashore. International trade is expected to triple by 2020. The increase has the potential to outgrow—

(A) the capabilities of the marine transportation system to ensure safety; and

(B) the existing capacity of ports and waterways.

(5) Marine technologies hold tremendous promise for expanding the range and increasing the utility of products from the oceans and Great Lakes, improving the stewardship of ocean and coastal resources, and contributing to business and manufacturing innovations and the creation of new jobs.

(6) Research has uncovered the link between oceanic and atmospheric processes and improved understanding of world climate patterns and forecasts. Important new advances, including availability of military technology, have made feasible the exploration of large areas of the ocean which were inaccessible several years ago. In designating 1998 as "The Year of the Ocean", the United Nations highlights the value of increasing our knowledge of the oceans.

(7) It has been 30 years since the Commission on Marine Science, Engineering, and Resources (known as the Stratton Commission) conducted a comprehensive examination of ocean and coastal activities that led to enactment of major legislation and the establishment of key oceanic and atmospheric institutions.

(8) A review of existing activities is essential to respond to the changes that have occurred over the past three decades and to develop an effective new policy for the twenty-first century to conserve and use, in a sustainable manner, ocean and coastal resources, protect the marine environment, explore ocean frontiers, protect human safety, and create marine technologies and economic opportunities.

(9) Changes in United States laws and policies since the Stratton Commission, such as the enactment of the Coastal Zone Management Act, have increased the role of the States in the management of ocean and coastal resources.

(10) While significant Federal and State ocean and coastal programs are underway, those Federal programs would benefit from a coherent national ocean and coastal policy that reflects the need for cost-effective allocation of fiscal resources, improved interagency coordination, and strengthened partnerships with State, private, and international entities engaged in ocean and coastal activities.

(b) PURPOSE AND OBJECTIVES.—The purpose of this Act is to develop and maintain, consistent with the obligations of the United States under international law, a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities that will assist the Nation in meeting the following objectives:

(1) The protection of life and property against natural and manmade hazards.

(2) Responsible stewardship, including use, of fishery resources and other ocean and coastal resources.

(3) The protection of the marine environment and prevention of marine pollution.

(4) The enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of marine resources.

(5) The expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities.

(6) The continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities.

(7) Close cooperation among all government agencies and departments to ensure—

(A) coherent regulation of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities; and

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities.

(8) The enhancement of partnerships with State and local governments with respect to oceans and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at the State and local level.

(9) The preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The term "Commission" means the Commission on Ocean Policy.

(2) The term "Council" means the National Ocean Council.

(3) The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters and the adjacent shore lands;

(B) the continental shelf;

(C) the Great Lakes; and

(D) the ocean and coastal resources thereof.

(4) The term "ocean and coastal activities" includes activities related to oceanography, fisheries and other ocean and coastal resource stewardship and use, marine aquaculture, energy and mineral resource extraction, marine transportation, recreation and

tourism, waste management, pollution mitigation and prevention, and natural hazard reduction.

(5) The term "ocean and coastal resource" means, with respect to the oceans, coasts, and Great Lakes, any living or non-living natural resource (including all forms of animal and plant life found in the marine environment, habitat, biodiversity, water quality, minerals, oil, and gas) and any significant historic, cultural or aesthetic resource.

(6) The term "oceanography" means scientific exploration, including marine scientific research, engineering, mapping, surveying, monitoring, assessment, and information management, of the oceans, coasts, and Great Lakes—

(A) to describe and advance understanding of—

(i) the role of the oceans, coasts and Great Lakes in weather and climate, natural hazards, and the processes that regulate the marine environment; and

(ii) the manner in which such role, processes, and environment are affected by human actions;

(B) for the conservation, management and sustainable use of living and nonliving resources; and

(C) to develop and implement new technologies related to sustainable use of the marine environment.

SEC. 4. NATIONAL OCEAN AND COASTAL POLICY.

(a) EXECUTIVE RESPONSIBILITIES.—The President, with the assistance of the Council and the advice of the Commission, shall—

(1) develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities consistent with obligations of the United States under international law; and

(2) with regard to Federal agencies and departments—

(A) review significant ocean and coastal activities, including plans, priorities, accomplishments, and infrastructure requirements;

(B) plan and implement an integrated and cost-effective program of ocean and coastal activities including, but not limited to, oceanography, stewardship of ocean and coastal resources, protection of the marine environment, maritime transportation safety and efficiency, marine recreation and tourism, and marine aspects of weather, climate, and natural hazards;

(C) designate responsibility for funding and conducting ocean and coastal activities; and

(D) ensure cooperation and resolve differences arising from laws and regulations applicable to ocean and coastal activities which result in conflicts among participants in such activities.

(b) COOPERATION AND CONSULTATION.—In carrying out responsibilities under this Act, the President may use such staff, interagency, and advisory arrangements as the President finds necessary and appropriate and shall consult with non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. NATIONAL OCEAN COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a National Ocean Council and appoint a Chairman from among its members. The Council shall consist of—

(1) the Secretary of Commerce;

(2) the Secretary of Defense;

(3) the Secretary of State;

(4) the Secretary of Transportation;

(5) the Secretary of the Interior;

(6) the Attorney General;

(7) the Administrator of the Environmental Protection Agency;

(8) the Director of the National Science Foundation;

(9) the Director of the Office of Science and Technology Policy;

(10) the Chairman of the Council on Environmental Quality;

(11) the Chairman of the National Economic Council;

(12) the Director of the Office of Management and Budget; and

(13) such other Federal officers and officials as the President considers appropriate.

(b) ADMINISTRATION.—

(1) The President or the Chairman of the Council may from time to time designate one of the members of the Council to preside over meetings of the Council during the absence or unavailability of such Chairman.

(2) Each member of the Council may designate an officer of his or her agency or department appointed with the advice and consent of the Senate to serve on the Council as an alternate in the event of the unavoidable absence of such member.

(3) An executive secretary shall be appointed by the Chairman of the Council, with the approval of the Council. The executive secretary shall be a permanent employee of one of the agencies or departments represented on the Council and shall remain in the employ of such agency or department.

(4) For the purpose of carrying out the functions of the Council, each Federal agency or department represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

(A) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

(B) undertaking, upon request of the Chairman of the Council, such special studies for the Council as are necessary to carry out its functions.

(5) The Chairman of the Council shall have the authority to make personnel decisions regarding any employees detailed to the Council.

(c) FUNCTIONS.—The Council shall—

(1) assist the Commission in completing its report under section 6;

(2) serve as the forum for developing an implementation plan for a national ocean and coastal policy and program, taking into consideration the Commission report;

(3) improve coordination and cooperation, and eliminate duplication, among Federal agencies and departments with respect to ocean and coastal activities; and

(4) assist the President in the preparation of the first report required by section 7(a).

(d) SUNSET.—The Council shall cease to exist one year after the Commission has submitted its final report under section 6(h).

(e) SAVINGS PROVISION.—

(1) Council activities are not intended to supersede or interfere with other Executive Branch mechanisms and responsibilities.

(2) Nothing in this Act has any effect on the authority or responsibility of any Federal officer or agency under any other Federal law.

SEC. 6. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The President shall, within 90 days after the enactment of this Act, establish a Commission on Ocean Policy. The Commission shall be composed of 16 members including individuals drawn from State and local governments, industry, academic and technical institutions, and public interest organizations involved with ocean and coastal activities. Members shall be appointed for the life of the Commission as follows:

(A) 4 shall be appointed by the President of the United States.

(B) 4 shall be appointed by the President chosen from a list of 8 proposed members submitted by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(C) 4 shall be appointed by the President chosen from a list of 8 proposed members submitted by the Speaker of the House of Representatives in consultation with the Chairman of the House Committee on Resources.

(D) 2 shall be appointed by the President chosen from a list of 4 proposed members submitted by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(E) 2 shall be appointed by the President chosen from a list of 4 proposed members submitted by the Minority Leader of the House in consultation with the Ranking Member of the House Committee on Resources.

(2) FIRST MEETING.—The Commission shall hold its first meeting within 30 days after it is established.

(3) CHAIRMAN.—The President shall select a Chairman from among such 16 members. Before selecting the Chairman, the President is requested to consult with the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

(4) ADVISORY MEMBERS.—In addition, the Commission shall have 4 Members of Congress, who shall serve as advisory members. One of the advisory members shall be appointed by the Speaker of the House of Representatives. One of the advisory members shall be appointed by the minority leader of the House of Representatives. One of the advisory members shall be appointed by the majority leader of the Senate. One of the advisory members shall be appointed by the minority leader of the Senate. The advisory members shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission.

(b) FINDINGS AND RECOMMENDATIONS.—The Commission shall report to the President and the Congress on a comprehensive national ocean and coastal policy to carry out the purpose and objectives of this Act. In developing the findings and recommendations of the report, the Commission shall—

(1) review and suggest any necessary modifications to United States laws, regulations, and practices necessary to define and implement such policy, consistent with the obligations of the United States under international law;

(2) assess the condition and adequacy of investment in existing and planned facilities and equipment associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate technologies and platforms;

(3) review existing and planned ocean and coastal activities of Federal agencies and departments, assess the contribution of such activities to development of an integrated long-range program for oceanography, ocean and coastal resource management, and protection of the marine environment, and identify any such activities in need of reform to improve efficiency and effectiveness;

(4) examine and suggest mechanisms to address the interrelationships among ocean and coastal activities, the legal and regulatory framework in which they occur, and

their inter-connected and cumulative effects on the marine environment, ocean and coastal resources, and marine productivity and biodiversity;

(5) review the known and anticipated demands for ocean and coastal resources, including an examination of opportunities and limitations with respect to the use of ocean and coastal resources within the exclusive economic zone, projected impacts in coastal areas, and the adequacy of existing efforts to manage such use and minimize user conflicts;

(6) evaluate relationships among Federal, State, and local governments and the private sector for planning and carrying out ocean and coastal activities and address the most appropriate division of responsibility for such activities;

(7) identify opportunities for the development of or investment in new products, technologies, or markets that could contribute to the objectives of this Act;

(8) consider the relationship of the ocean and coastal policy of the United States to the United Nations Convention on the Law of the Sea and other international agreements, and actions available to the United States to effect collaborations between the United States and other nations, including the development of cooperative international programs for oceanography, protection of the marine environment, and ocean and coastal resource management; and

(9) engage in any other preparatory work deemed necessary to carry out the duties of the Commission pursuant to this Act.

(c) DUTIES OF CHAIRMAN.—In carrying out the provisions of this subsection, the Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

(d) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government, or whose compensation is not precluded by a State, local, or Native American tribal government position, shall be compensated at a rate equal to the daily equivalent of the annual rate payable for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(e) STAFF.—

(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director who is knowledgeable in administrative management and ocean and coastal policy and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) The executive director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for GS–15, step 7, of the General Schedule under section 5332 of such title.

(3) Upon request of the Chairman of the Commission, after consulting with the head of the Federal agency concerned, the head of any Federal Agency shall detail appropriate personnel of the agency to the Commission to assist the Commission in carrying out its functions under this Act. Federal Government employees detailed to the Commission shall serve without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) The Commission may accept and use the services of volunteers serving without compensation, and to reimburse volunteers for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, a volunteer under this section may not be considered to be an employee of the United States for any purpose.

(5) To the extent that funds are available, and subject to such rules as may be prescribed by the Commission, the executive director of the Commission may procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate payable for GS–15, step 7, of the General Schedule under section 5332 of title 5, United States Code.

(f) ADMINISTRATION.—

(1) All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statement on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(3) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(4) The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

(g) COOPERATION WITH OTHER FEDERAL ENTITIES.—

(1) The Commission is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act. Each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon the request of the Chairman of the Commission.

(2) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(3) The General Services Administration shall provide to the Commission on a reimbursable basis the administrative support services that the Commission may request.

(4) The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to section 303 of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 253), section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416), and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(h) REPORT.—The Commission shall submit to the President, via the Council, and to the Congress not later than 18 months after the establishment of the Commission, a final report of its findings and recommendations. The Commission shall cease to exist 30 days after it has submitted its final report.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to support the activities of the Commission a total of up to $6,000,000 for fiscal years 1998 and 1999. Any sums appropriated shall remain available without fiscal year limitation until the Commission ceases to exist.

SEC. 7. REPORT AND BUDGET COORDINATION.

(a) BIENNIAL REPORT.—Beginning in January, 1999, the President shall transmit to the Congress biennially a report, which shall include—

(1) a comprehensive description of the ocean and coastal activities (and budgets) and related accomplishments of all agencies and departments of the United States during the preceding two fiscal years; and

(2) an evaluation of such activities (and budgets) and accomplishments in terms of the purpose and objectives of this Act. Reports made under this section shall contain such recommendations for legislation as the President may consider necessary or desirable.

(b) BUDGET COORDINATION.—

(1) Each year the President shall provide general guidance to each Federal agency or department involved in ocean or coastal activities with respect to the preparation of requests for appropriations.

(2) Each agency or department involved in such activities shall include with its annual request for appropriations a report which—

(A) identifies significant elements of the proposed agency or department budget relating to ocean and coastal activities; and

(B) specifies how each such element contributes to the implementation of a national ocean and coastal policy.

SEC. 8. REPEAL OF 1966 STATUTE.

The Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1101 et seq.) is repealed.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public

Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Monday, December 15, 1997 at 1:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1253, the Public Land Management Improvement Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Judy Brown or Mark Rey at (202) 224–6170.

ADDITIONAL STATEMENTS

VETERANS DAY 1997

• Mr. KERRY. Mr. President, today I wish to pay deep respect and tribute to the men and women of the United States who have made significant sacrifices in the defense of the freedoms and democratic principles upon which our country was founded and to which we pledge our allegiance today. For every American, Veterans Day holds a special meaning because it is a time to remember those veterans who have died, thank those who are living, and reflect on the honorable contributions that each has made to our country. People of all ages and backgrounds marched in parades across the United States on November 11 honoring veterans whom often they have never met, nor seen, nor heard about—and who too often have received little or no recognition for their unwavering devotion to our country.

As a veteran of the Vietnam war, I share a memory with many others who have served in the U.S. Armed Forces and ascribe a special meaning to this day. We remember the faces of those who served with us and the experiences of those who served beside us. History will remember the cause, but we will remember the people.

I am proud to have served my country and feel blessed that I was lucky enough to return to my family and friends. To those brave men and women who gave their lives for our country or who have survived but paid in human suffering, we collectively owe a great debt and appropriate recognition and respect. We must never forget their service, or their sacrifice, nor must we forget their significance.•

HELP FOR LOCALITIES

• Mr. ABRAHAM. Mr. President, one of the final items to be approved by the Senate for inclusion in the fiscal year 1998 Senate Interior appropriations bill was my amendment to raise the level of funding for the Payment in Lieu of Taxes program, or PILT. I want to thank the Interior appropriations chairman, Senator GORTON, for his assistance and consideration of this important amendment. I also wish to thank my cosponsors, Senators LEVIN, HATCH, CAMPBELL, SMITH, and Dominici. In particular, I am most appreciative of Senator LEVIN, his hard work and cooperation in securing the support of the subcommittee's ranking member was crucial.

Every year, Mr. President, the Federal Government increases the acreage it owns, particularly in the form of national parks. This provides increased opportunities for Americans to enjoy the great outdoors. At the same time, however, it also increases costs for law enforcement, search and rescue and fire departments for literally thousands of small towns throughout our Nation.

Federal land purchases often permanently remove a critical source of income from local communities. PILT payments, or "Payments in Lieu of Taxes," are made to counties and local communities which contain certain federally owned lands that cannot be taxed or, in many cases, developed by the local governments. PILT moneys are often the only means that counties have to pay for police protection and garbage collection and storage as well as funding for one time capital investments for new schools, hospitals, and jails. They also are vital for offsetting costs incurred by counties for services provided users of public lands.

Unfortunately, Mr. President, and despite the very real benefits local communities provide, every year more Federal lands are taken off of county tax rolls, while PILT payments remain stagnant and well below the level authorized by Congress.

That is why my colleagues and I took action to reverse this trend, and why I am so pleased that the Senate has agreed to raise PILT payments to $124 million. I believe this increase has significance beyond the amount approved because it demonstrates that the Congress is beginning to understand the dilemma faced by a significant number of our localities, struggling as they are with increasing costs and a shrinking tax base.

During the conference of the House and Senate, Members agreed to a compromise funding level of $20 million. I suspect that the increased Senate amount was partially responsible for the conferees agreeing to an amount $7 million above the House level. These extra funds will provide crucial help to local communities strapped for funds as they seek to tend to their own citizens' needs. It has been a long time coming and I applaud the Senate for agreeing to support this critical program.•

CONFIRMATION OF RODNEY W. SIPPEL TO BE A UNITED STATES JUDGE FOR THE EASTERN AND WESTERN DISTRICT OF MISSOURI

• Mr. LEAHY. Mr. President, I am delighted that the Senate unanimously confirmed Rodney W. Sippel to serve as a U.S. District Court Judge for the Eastern and Western Districts of Missouri.

Rodney Sippel is a uniquely well-qualified nominee, with a wealth of experience in the practice of law and in public service. He has years of litigation experience at the law firm of Husch & Eppenberger in St. Louis, MO. He is also a dedicated public servant, having served in the office of our former colleague, Senator Thomas Eagleton, and as an administrative assistant to the House Democratic leader, RICHARD GEPHARDT.

The American Bar Association found Mr. Sippel to be qualified for this appointment and his nomination enjoys the support of both Senators from Missouri.

The President nominated Rodney Sippel on May 15, 1997. After several months of inaction, the Judiciary Committee finally held a hearing on his nomination on October 28 and the committee favorably and unanimously reported his nomination to the full Senate on November 6.

I congratulate Rodney Sippel and his family on his confirmation. I look forward to his service as a U.S. district court judge.

I would like to note that the nomination process experienced by Rodney Sippel is a common one in this 105th Congress. It is an experience of unnecessary delay. After his nomination languished for months in the Judiciary Committee, the majority finally focused on Rodney Sippel and he was unanimously confirmed. I am not sure why it took so long for the majority to confirm this well-qualified nominee, but I am glad that they finally realized that he will be an outstanding Federal judge.

CONFIRMATION OF BRUCE C. KAUFFMAN TO BE A U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

• Mr. LEAHY. Mr. President, I am delighted that the Senate confirmed Bruce C. Kauffman to be a U.S. district judge for the eastern district of Pennsylvania. Mr. Kauffman is a well-qualified nominee.

The nominee has decades of legal experience in the private practice of law at the firm of Dilworth, Paxson, Kalish & Kauffman in Philadelphia. He has also served the public interest as a justice of the Supreme Court of Pennsylvania, the Commonwealth's highest appellate court, and as a member of numerous task forces and commissions

benefiting the city of Philadelphia. The American Bar Association has found him to be well-qualified for this appointment.

We first received Mr. Kauffman's nomination on July 31, 1997. He had a confirmation hearing on September 5. He was unanimously reported by the committee on November 6. With the strong support of Senator SPECTER, this nomination has moved expeditiously through the committee and the Senate.

I congratulate Mr. Kauffman and his family and look forward to his service on the district court.•

CONFIRMATION OF MARTIN J. JENKINS TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

• Mr. LEAHY. Mr. President, I am delighted that the Senate confirmed Judge Martin J. Jenkins to be a U.S. District Judge for the Northern District of California.

The American Bar Association unanimously found Judge Jenkins to be well-qualified, its highest rating, for this appointment. He has extensive trial experience as a deputy district attorney for Alameda County, trial attorney with the Department of Justice's Civil Rights Division, and civil litigator with Pacific Bell. He also has extensive judicial experience as a former municipal court judge and in his current position as Alameda County Superior Court judge. His nomination enjoys the strong support of Senator FEINSTEIN and Senator BOXER.

The Judiciary Committee unanimously reported his nomination to the Senate on November 6, 1997. With the confirmation of Charles Breyer, the Northern District of California now has 2 vacancies out of 14 judgeships and desperately needs Judge Jenkins to help manage its growing backlog of cases.

I am delighted for Judge Jenkins and his distinguished family that he was confirmed. He will make a fine judge.•

TRIBUTE TO HERBERT COHEN

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to a good friend and great Vermonter, Herbert Cohen. Herbert died unexpectedly on July 27, 1997 at the age of 67.

A respected entrepreneur in Rutland, Herbert owned and operated Vermont Contract Furnishings along with his wife Sandy. His business focused on interior designs for the condominium and vacation home markets. Accordingly, he was selected to provide these services for the 1980 Winter Olympic Games in Lake Placid.

Herbert was a member of the board for Rutland's Regional Medical Center and was selected to act as president for the local Chamber of Commerce. In recognition of his outstanding achievements and dedication to the people of Vermont, Herbert was named "Citizen of the Year" in 1987.

Herbert played an integral role in Rutland's revitalization. Through his efforts in restoring one of the areas most prominent storefronts, Herbert has left a lasting impression upon residents and visitors alike that will be slow to fade.

Mr. President, I would like to extend my condolences to his family and friends.•

ELEVEN CONNECTICUT ORGANIZATIONS, COMPANIES, AND MUNICIPALITIES NAMED TO WOMEN'S BUREAU HONOR ROLL

• Mr. DODD. Mr. President, I rise today to congratulate 11 organizations, companies, and municipalities in my home State of Connecticut for being named to the honor roll of the Women's Bureau of the U.S. Department of Labor. This honor roll recognizes entities across the country that have made a commitment to working women and to a family-friendly workplace. Most Americans go to work each day worried about their health care, affordable and reliable child care, living wages, and job protection in times of family crisis. These organizations are trying to help alleviate some of these worries and should be applauded for their efforts.

The 11 honorees from Connecticut are: Aetna Inc., the city of New Britain, the Connecticut Women's Education and Legal Fund, DCC/The Dependent Care Connection Inc., the Entrepreneurial Center at Hartford College for Women, GTE Service Corp., ITT Hartford, Phoenix Home Life Mutual Insurance Co., United Illuminating Co., United Technologies Corp., and the Urban League of southwestern Connecticut.

These entities are helping working women to achieve better pay and benefits, to strike a better balance of work and family responsibilities, and to gain more respect and opportunity on the job. For example, flexible work schedules and interactive retirement planning software allow more women to pick up a sick child from school or help plan for their and their families' financial future. Other programs instituted by these family-friendly Connecticut organizations include discounted onsite day care, at-home offices, extensive prenatal care, and seminars to assist families with college planning.

The American work force is changing. When The Department of Labor Women's Bureau was created by Congress in 1920, there were only 8.25 million working women—less than 20 percent of our Nation's work force. Today, nearly 60 million women work for pay—almost 50 percent of our Nation's work force. Not only are more women working, but more women must work to make ends meet for their families. America's work force and families are facing new challenges and it is organizations like these 11 that deserve to be applauded for making innovative and constructive efforts to make their workplaces more family-friendly.

As we applaud these honor roll members we must also remember that there are challenges that still need to be addressed in our changing workplace. By and large, American working women still have difficulty finding affordable child care, paid sick leave, and unpaid family leave during an extended family crisis. And let us not forget that women continue to face discrimination in hiring and promotion, as well as underpayment in comparisons to men with the same or similar credentials.

Though we have made some progress, such as passing the Family and Medical Leave Act, it is obvious we still have challenges to overcome. So, let's applaud the companies, organizations, and municipalities on the Labor Department's honor roll for working women. And let's continue to struggle toward solutions to make every workplace a family-friendly workplace.•

AFRICAN GROWTH AND OPPORTUNITY ACT

• Mr. ABRAHAM. Mr. President, I rise today to cosponsor the African Growth and Opportunity Act, introduced by my colleague, Senator LUGAR. I do this because I believe greater trade and economic development is in the interest of sub-Saharan Africa, and in the interest of the United States.

For too long, Mr. President, our policy toward the nations of sub-Saharan Africa has been based largely on a series of bilateral donor-recipient aid relationships. While this policy has produced some notable successes in terms of staving off starvation, it also has spawned an inappropriate vision of the United States as patron to literally dozens of independent nations, while fostering a debilitating dependence on foreign assistance. As a consequence, this policy has in fact stood in the way of economic growth, self-reliance and political stability for the vast majority of people in this region.

The African Growth and Opportunity Act will establish a new relationship between the United States and the nations of sub-Saharan Africa. It will promote economic growth through private sector activity and trade incentives, fostering a mutually beneficial relationship and encouraging economic and political reforms in the interests of the peoples of sub-Saharan Africa.

The bill directs the President to develop a plan to establish a United States-Sub-Saharan Africa Free-Trade Area to stimulate trade. It also eliminates quotas on textiles and apparel from Kenya and Mauritius, contingent on these countries' adopting a visa system to guard against transshipment.

In addition, this legislation would establish an economic forum to facilitate trade discussions and work with the private sector to develop an investment agenda. USAID moneys would not be effected in any way. However, OPIC would be instructed to create a privately funded, $150 million equity fund and a $500 million infrastructure fund for Africa. Finally, the bill mandates that one member of the board of directors of the Export-Import Bank and OPIC have extensive private investment sector experience in Africa.

Benefits from these initiatives would be available to any nation in the sub-Saharan region instituting serious economic and political reforms.

Mr. President, the provisions of this legislation in effect would create a free-trade zone in sub-Saharan Africa. They would promote increased trade, increased privatization, increased democracy, and increased prosperity for the people of the region. By ending the current patron-client relationship, and substituting for it an equal partnership among independent nations, we can benefit everyone involved.

I urge my colleagues to support this important, forward-looking legislation.●

TRIBUTE TO KATHY LACEY

● Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to Kathy Lacey, my deputy legislative director, who I regret will retire at the end of December after serving California for 27 years as a staff member in the U.S. Senate.

Kathy came to Washington, DC 27 years ago having studied at Vassar College and after graduate work at the University of Southern California. Her graduate work at USC was in Asian studies and Chinese language. She knew other friends who had used their studies by going to work for the Federal Government and she thought she would find similar opportunities. Instead, former Senator Alan Cranston hired Kathy and she went to work using her love and knowledge of California.

When Kathy describes her service in the U.S. Senate to younger staff just starting their careers, she says that her effort was always on behalf of the people of California. Her work ranged from trying to assist farmers with export of their crops, to helping cities get their funds to build sewage treatment plants, to fixing levees or to analyzing the science of radioactive waste, pests, and pesticides, or endangered species.

But what gives Kathy the most satisfaction is the work which she has done, both with me and with Alan Cranston, to protect California's special places. Legislation she has worked on over her 27-year career has protected almost 12 million acres of wilderness in California. More than half of that acreage was part of the Desert Protection Act. I could not have successfully gotten that bill passed without Kathy's knowledge and continuous work.

But Kathy was also involved in the creation of the Santa Monica Mountains National Recreation Area, establishment of Channel Island National Park, expansion of Redwood National Park, protection of Mineral King through its addition to Sequoia National Park, establishment of the Mono Basin National Forest Scenic Area, preservation of the Tuolumne River, enactment of the Smith River bill which protected watersheds and old growth in the Six Rivers National Forest, and designation of almost all of the wilderness in California including the 1.8-million-acre California wilderness bill.

Kathy grew up in Pasadena. Her parents had come to California as teenagers. Her mother and brother still live there. Because Kathy chose to come to Washington, DC, and work for California, she has made a lasting contribution to her State.

Kathy plans to leave the Congress and have new adventures with her husband, Cal, who has also recently retired. On behalf of everyone in California, I thank Kathy for her professional spirit which was important to me from my first days in the U.S. Senate and I thank her for her dedicated example which has proved so significant to California.●

LABOR, HEALTH AND HUMAN SERVICES APPROPRIATIONS BILL

● Mr. SESSIONS. Mr. President, I would like to take a few minutes today in order to lay out my reasons for voting against the Fiscal Year 1998 Labor, Health and Human Services, and Education appropriations bill.

Mr. President, when I was running for the Senate last year, there were two campaign promises that I made to the people of the great State of Alabama. First, I promised that I would work to rein in wasteful Washington spending and secondly, that I would work to bring Alabama values into the Washington public-policy debate. It was for these two simple reasons that I felt compelled to cast my vote against the Labor, HHS appropriations bill.

The fiscal year 1998 Labor, HHS appropriations bill contained roughly $80 billion in spending for Washington social programs. This is an increase of roughly $6.2 billion from fiscal year 1997's bill. Now Mr. President, the average Alabamian, if they're lucky, sees a cost-of-living increase in their paycheck each year of around 2.8 percent. That's it, 2.8 percent. However, this bill increases Washington social spending by over 8 percent. That's an increase of almost three times the average Alabamian's yearly cost-of-living increase. That to me is unacceptable.

I have spent many long hours looking through the merits of many of these programs. We have many good programs, with a proven track record, that need to be funded and supported. But Mr. President, the Labor, HHS appropriations bill we voted on also contained many social programs that are unproven or just too costly. The taxpayers of America deserve to know that their hard earned tax dollars are spent wisely. If we continue to raise spending faster than our economic growth—faster than the cost of living—then we are in danger of returning to the old tax and spend mentality that has nearly bankrupted this country. With great reluctance, I must vote "no."

There were several other provisions missing from this bill which also compelled me to vote against it. First, my tobacco amendment, added to the bill by the Senate on September 10, which would have limited any tobacco attorney's fees and required that all such fees be made public for inspection prior to the passage of any global settlement, was stripped during negotiations between the Senate and House of Representatives conference committee. These fees, in many cases, will be the largest fees in history and will be windfalls for these attorneys. These moneys would be better spent on health care for children.

Second, an education provision, which I strongly supported, authored by my good friend from Washington, Senator SLADE GORTON, was also stripped during the House-Senate conference negotiations. This amendment would have required the Secretary of Education to award certain funds appropriated for the Department of Education for kindergarten through grade 12 programs and activities directly to the local education agencies. This will allow them to use the funds for their greatest needs and reduce paperwork. I supported this amendment because I believe it is time to take control of our schools out of the hands of the well-intentioned individuals in Washington and instead put the control into the hands of the real experts—the teachers, principals, parents and the students of Alabama. Mr. President, this is another example of Government putting Washington values ahead of Alabama's values. The fundamental question is this: Will our children benefit more if Washington is in charge of their education or if their elected representatives are? Alabama values would support the local control of our schools while Washington values support the bureaucratic heavy handed federal control of our education system.

Mr. President, in closing, let me say plainly I support many of the programs and services found in this bill. It was my sincere hope to have been counted among its supporters on the Senate floor. However in this era when families are struggling to get by, we simply

must begin the process of controlling the growth of Washington spending. That is why I have decided to vote "no."•

FAST-TRACK AUTHORITY

• Ms. SNOWE. Mr. President, I rise today to speak on a matter of utmost importance to our Nation—granting the President fast-track authority for global trade agreements for the next 5 years.

I have long opposed extending fast-track authority to the executive branch on the grounds that it removes all possibility of perfecting trade agreements which have wide-ranging impacts on many sectors of our economy. And nothing I have seen in recent history has changed my mind.

We are being asked to rubber stamp not just one agreement, but any trade agreement that may come along, whether in South America, Asia, or anywhere else in the world. We are contemplating letting bureaucrats and other unelected interests negotiate America's future in the new global economy. And if history is any indication, we would be making a grievous mistake.

Experience is a wonderful teacher—just look at NAFTA. What I have learned is that NAFTA has not been the job boon it was advertised to be; that the trade deficit has continued to explode under NAFTA, that too many good paying jobs have already been sacrificed on the altar of so-called fair trade, and that we have serious difficulties in enforcing the agreements we've already made.

That is not a particularly encouraging track record—certainly not one that should inspire us to hand over the trade agreement keys to the White House. To the contrary, it raises grave concerns as to where the administration wants to take the country in the new world of globalization.

That is why I believe the President is obliged to do more than just say that he needs fast-track authority. The gap between what he said would happen under NAFTA and what has actually happened makes it even more essential that he explain to us precisely how he would address the problems that already exist, and what his vision is for the future should he be granted such sweeping authority. Because frankly, the administration has not spelled out why it needs this authority, nor what it will mean for the Nation.

Unfortunately, I can venture a fairly good guess as to what it will mean, based on history. The chart behind me represents the U.S. international merchandise trade from 1947 until last year. For 25 out of the 27 years preceding fast-track authority in 1974, the United States ran a trade surplus. Then, after 1975, the bottom started falling out.

This sea of red ink behind me not only represents millions of dollars in deficit—over $190 billion last year ($191.2 billion)—but lost jobs and shattered lives. For each billion dollars in trade deficit, another 20,000 people are displaced from their jobs—according to the Foreign Trade Division of the Census Bureau, that number is approaching 3.8 million. Every $50,000 in trade deficit is one lost job.

We hear time and time again that enormous opportunities will be created for the American people through trade agreements the President can negotiate if he has fast-track authority. But if the agreements already negotiated are any indication, it's time to put the brakes on, not hit the accelerator. Because working Americans can't afford any more "opportunities" like this.

Right now, each week, the United States borrows from abroad or sells assets worth $3 billion to pay for our trade losses. All across the country, workers are taking cuts in pay—or worse, taking home pink slips. And we are left to wonder how trade agreements that had promised so much have delivered so little. Just look at the lessons of NAFTA.

NAFTA, we were told, would improve our trade deficit with Canada and Mexico. So what's the reality? Before NAFTA in 1993, we had a $1.7 billion surplus with Mexico. As of last year, it's now a $16.2 billion deficit. Before NAFTA we had a $10 billion trade deficit with Canada. After only 3 years of NAFTA, we had a $23 billion deficit. And during those 3 years under NAFTA, our combined merchandise trade deficits with Canada and Mexico have grown 433 percent, as indicated by this chart showing the tremendous downward turn taken after NAFTA.

We all know that, with trade agreements, there are winners and there are losers. But a quick review of the current NAFTA standings shows that, in sports terms, we are well below .500. The White House has claimed credit for 90,000 to 160,000 American jobs from NAFTA. Yet the Economic Policy Institute has issued a report that there are jobs losses in all 50 States because of NAFTA, more than 390,000 jobs eliminated since NAFTA took effect in 1994.

Considering our experience prior to 1994, we can ill afford these kind of results. An October EPI briefing paper states that in the 15 years preceding NAFTA the U.S. goods and services trade deficit eliminated a total of 2.4 million job opportunities, 2.2 million in the manufacturing sector alone. That means 83 percent of the total job decline was in the manufacturing sector.

For example, in my home State of Maine, between 1980 and the inception of NAFTA the Maine footwear industry—the largest in the Nation—lost over 9,000 jobs to countries like Mexico because our Government sat on its hands in spite of recommended action by the International Trade Commission. And in the past three years alone, there have been significant losses in the textile and shoe industries—over 8,000 people have lost their jobs. I have already witnessed too many hard-working people lose their livelihood for me to risk more American jobs.

I am unwilling to trade well-paying jobs with benefits for lower paying ones—but that's precisely what's happened under our ill-conceived trade agreements. As the trade deficit and globalization of U.S. industries have grown, more quality jobs have been lost to imports than have been gained in the lower paying sectors that are experiencing rapid export growth. Increased import shares have displaced almost twice as many high-paying, high-skill jobs than increased exports have created.

Of course, NAFTA has created some good jobs. But the fact that increased imports have caused a large trade deficit tell us that more high-paying jobs were lost than gained in the push for more trade.

Those deficits—and the path the United States is going down—are well illustrated by this chart which shows three roads that have diverged under the previous reign of fast-track authority, first instituted in 1974. Up to that point, Japanese, German, and United States merchandise trade was humming along essentially in balance.

Beginning almost at the start of 1975, however, we clearly see the United States plunging into deficit, while Germany and Japan both enjoy a trade surplus. To paraphrase Robert Frost, the road less traveled certainly has made all the difference—in this case, not for the better. In other words, under NAFTA as well as other previous trade agreements, there have been many more losers than winners.

So we must ask the President: How do you explain the job losses? How do you explain the trade deficit explosion? And what is it going to mean for the future of the country? The affect of NAFTA on these issues was seriously miscalculated—what assurances do we have that the administration's record will be better in the next 5 years, after multiple agreements?

We also need assurances that agreements negotiated will be agreements fulfilled. Unfortunately, after we have negotiated past trade agreements, I do not believe that the United States has aggressively pursued enforcement of the elimination of trade barriers with other countries, whether they are tariff or nontariff barriers. Why then would we grant this authority on a broad basis for whatever agreements may be negotiated by the administration?

The American Chamber of Commerce in Japan summed it up best in a study earlier this year concluding that "it

has often been more important for the two governments to reach agreements and declare victory than to undertake the difficult task of monitoring the agreements to ensure their implementation produces results."

The bottom line is, long after the signing ceremonies and handshakes are forgotten, these trade agreements continue to affect lives on a daily basis. We must remember that our responsibilities don't end with the ratification of our trade agreements—they are just beginning.

Unfortunately, I can only assume from my personal experience that this is a lesson not yet learned by the administration. What other conclusion is there when the NAFTA clean-up plan for the United States-Mexico border has generated only 1 percent of the promised funding? What other conclusion is there when other countries continue to violate our laws by dumping goods in the United States below cost and because of extensive subsidies?

The Atlantic salmon farmers of Maine are a case in point. While we debate giving the President greater authority to close more trade deals, they have a case pending with the Department of Commerce because subsidized, low-priced Atlantic salmon from Chile—which provides at least 25 different subsidies to its producers, I might add—are being dumped in the United States. And while this situation remains unresolved, we have lost more than 50 percent of our salmon aquaculture industry in Maine, while Chile's imports into the United States have risen 75 percent and United States salmon prices have dropped by 30 percent.

So forgive me if I am at a complete loss as to how bringing Chile into NAFTA will create more and better jobs, and a higher standard of living for the hard working people of Maine.

And I could not talk about empty trade promises without mentioning Maine's potato industry. For years I have been raising the issue of an unfair trade barrier with Canada on bulk shipments of potatoes exported to Canada, a trade barrier that is in violation of the National Treatment Principle of article III, paragraph 4 of the GATT, to be specific. This provision requires that GATT/WTO member countries treat imported products the same as goods of local origin with respect to all laws, regulations, and requirements that affect the sale, purchase, transportation, distribution, and use of the goods.

In December of 1994, USTR's then Trade Representative Micky Kantor said he would be filing a trade case with the GATT-WTO to overturn Canada's policy of bulk easements. So what has happened so far? Nothing.

Almost 2 years later, in September of 1996, I wrote to President Clinton to express my belief that we had waited long enough, to urge him to live up to the USTR commitment, and to proceed with a trade case on bulk easements. One week later, USTR's Charlene Barshefsky called me to let me know that serious bilateral consultations on Canadian trade practices would begin.

These talks lead nowhere—in fact, the USTR then actually backtracked on filing a trade case. Two months later, the ITC was asked to investigate. They did, and in July of this year, issued a report, which stated, and I quote: "Canadian regulations restrict imports of bulk shipments of fresh potatoes for processing or repacking." The report also stated, "the United States maintains no such restrictions."

So where are we today? Well, this past week, the U.S. Trade Representative once again promised that bilateral talks on bulk easements will begin no later than March 1998. It looks to me, as Yogi Berra once said, like deja vu all over again. Is this how the administration plans to handle enforcement for future trade agreements? Last week, the President asked the American people to give him the benefit of the doubt on fast track. I believe we need the benefit of enforcement of existing agreements first.

Where are our strict and mandatory enforcement provisions when our trading partners bring injury to our domestic workers? We need to provide the enforcement to ensure full reciprocity in market access and reduction of export subsidies—enforcement and oversight which, up until now, has been lacking.

Yet, we are told that specific concerns should be weighed against the broader economic, political and social aspects of NAFTA expansion. We are told that, overall, no major negative impact is expected if we expand the trade agreement with Chile—except of course for industries like fish, forestry, and fruit, all of which are important to the economic stability of my home State of Maine.

That is why I am not prepared to give up the right to seek assurances that these industries won't be decimated by a flawed trade agreement. The stakes are far too high for Congress to abrogate its responsibilities to the bureaucrats and special interests.

Free trade, as we have seen, doesn't work unless we have agreements that also provide for fair trade, and Congress must have the right to exercise its responsibility to ensure fair trade in each and every agreement that comes down the road. The Senate must be more than just a debating society for global trade issues that affect each and every one of us.

Our country negotiated trade agreements for nearly 200 years before fast-track authority was first granted in 1974, when trade was carved out for an exception unlike any other kind of treaty. We continue to negotiate treaties and agreements on everything from chemical weapons to extradition to tuna-dolphin without fast-track authority. And I have heard no rational explanation of why trade should be treated differently.

I certainly do not believe Congress should approve fast-track authority on the basis of fear that the United States will not have a seat at the trade bargaining table. There is no question we are living in an era dominated by global economics and trade, but at the same time we are an economic super power with an 8.3 trillion dollar economy and 203 million willing buyers—an attractive market to say the least.

I believe it would continue to be in the best interests of nations across the globe to negotiate with the United States—and those of us in Congress are committed to crafting mutually beneficial trade agreements. I think all of us in Congress understand full well the realities of trade as we approach the new millennium. We must also understand, however, that our trade record under fast track mandates that Congress have a strong voice in the process.

Mr. President, we are elected to deliberate and vote on the major issues of our day. Well, what could be more important than trade agreements that will directly affect hard working Americans and their families?

It is imperative that we not relinquish our right to have a voice in these agreements. I don't want to see a repeat of what happened during the summer of 1993 during negotiations on NAFTA side agreements, when United States negotiators, clearly under tremendous pressure to reach agreement on the outstanding issues and conclude the pact in time for a January vote, let Canada and Mexico off the hook on a number of different issues. We need better oversight, more discussion and debate, not less, because we stand at a very important juncture.

A poignant story out of New England illustrates where we are at the end of the 20th century, and points up the failures of past agreements.

Two years ago, Malden Mills, a textile mill in Massachusetts, burned to the ground, leaving thousands unemployed and putting 300 more jobs in jeopardy at the Bridgton Knitting Mills in Maine. In the wake of the fire, the mill's owner, Aaron Feuerstein, had several attractive choices, including rebuilding in another state or country with lower wages, anywhere from Texas to Thailand. Or he simply could have retired after four decades of running Malden Mills, founded by his grandfather more than 90 years ago.

Instead, last month, Mr. Feurstein opened a new, state-of-the-art textile mill, and brought 2,630 very grateful Americans back to work. And the rebuilding of the plant has become a symbol of loyalty to employees and to an entire community. Mr. Feuerstein's

actions are admirable and all of America rightfully extended their appreciation to a man who chose the difficult path over the easy, and perhaps more profitable.

But let's step back for a moment and ask ourselves why this story became a national sensation. The sad fact is, it stood out so glaringly because it is the exception to the rule. The idea that American textile jobs would be kept in the United States when they could easily be shipped overseas is news because it hardly ever happens that way anymore.

Mr. President, I don't want to continue down this path, but I fear we will if we don't retain our congressional right to speak out against trade agreements that aren't in our best interest.

We have an obligation to all those who have already lost good jobs to bad trade agreements, and to all those who are in danger of becoming displaced in the future, to take the time to do it right. And the President has an obligation to fully explain how the wrongs of the past will be fixed, and why the future will be different. This he simply has not done.

We stand poised to begin a new era of prosperity in the global marketplace, but I do not believe that fast track is the way to get us there, I do not believe the President has made his case for this broad authority, and I urge my colleagues to defeat this fast-track legislation.•

ITALIAN HOSPITAL SOCIETY

• Mr. D'AMATO. Mr. President, it is with great pleasure that I note that the Italian Hospital Society is celebrating its 60th anniversary with a dinner and awards presentation on Sunday, November 16th. It is a most notable organization guided by compassion and philanthropy to assist the hospital and health services of Italian communities in New York.

This year's ceremonies will salute four eminent Italian-Americans who have brought the hopes of the Italian Hospital Society closer to reality. I am especially gratified that the committee honors a doctor, a businessman, a union leader, and the principal inspiration of my life, my mamma.

I can speak with particular knowledge and delight about Mamma, known to the public as Antoinette Cioffari D'Amato. She was born and grew up in Brooklyn, the daughter of Italian-American parents. In growing up as her child, I was able to see the qualities, character and enthusiasm for life and for family which the society salutes in her public life. It was she who inspired confidence, exercised discipline and demanded the pursuit of education. It was she who was the foundation for responsibility to the community and for civic involvement.

In her marriage of 61 years to my father, Armand, a teacher and son of Italian-American parents, she was a prototypical "mamma"—cooking, cleaning, exhorting, reprimanding and loving her three children, Alfonse, Armand, and Joanne. During World War II, while my father was in the Army, she worked in a defense plant. As part of the emigration from Brooklyn to Long Island, the D'Amato family moved to Island Park where she and Dad continue to reside. Both still work in the insurance brokerage which has been the family business for over 60 years.

It was my political campaign for the U.S. Senate in 1980 that brought Mamma and her many talents to a wider audience. The advertisements she made for my campaign made me a winner. Ever since she has been unstinting as an active and enthusiastic citizen of New York. She has had a special interest in affordable housing services for older citizens through her membership on the board of the New York Foundation for Senior Citizens Inc. She is a television celebrity and the author of her own cookbook—"Cooking and Canning with Mamma D'Amato."

I commend the Italian Hospital Society for the honor they give my mother for her public participation; but, for all the lessons and love of the private Antoinette Cioffari D'Amato, only a hug and a kiss are the proper awards.

ERNESTO JOFRE

Ernesto Jofre, a native of Chile, came to the United States as a political refugee in 1976. He had spent the 3 previous years as a political prisoner of the Pinochet dictatorship. He joined Local 169 of the Amalgamated Clothing & Textile Workers' Union [ACTWU] as an auditor. Subsequently, he served Local 169 as an organizer, business agent, assistant manager, and then became manager and secretary-treasurer in 1993. He then became manager and secretary-treasurer of the Amalgamated Northeast Regional Joint Board of the Union of Needletrades, Industrial & Textile Employees [UNITE!] in 1994.

He is a vice president of the New Jersey Industrial Union Council, member of the boards of directors of the Amalgamated Bank, the Jewish Labor Committee, and Americans for Democratic Action. He is plan administrator of the health and welfare funds and pension funds of Local 169, UNITE.

MARIO SPAGNUOLO, M.D.

Dr. Mario Spagnuolo was born in Naples in 1930; he graduated cum laude from the School of Medicine of the University of Naples. He trained in New York City at St. Claire's Hospital, the Irvington House Institute for Rheumatic Diseases and Bellevue Hospital. He was the director of the Irvington House Institute and associate professor of medicine at New York University Medical School.

He has written about 60 research papers in rheumatic diseases and several articles for textbooks. An editorial in the New England Journal of Medicine accompanying one of his papers, in January 1968, defined the paper as an extraordinary clinical investigation. The Journal reprinted one of his articles in 1996, 25 years after its publication in 1966, as a "Classic in Medicine."

He has practiced internal medicine in Yonkers for the last 25 years. He has been president of the Westchester Health Services Network. He practices at St. John's Riverside Hospital in Yonkers, where he was director of medicine and is now chief of the medical staff and a member of the board of trustees.

He is married to Kathryn Birchall Spagnuolo. They have four children—Mario, Sandra, Peter, and Eugene, a daughter-in-law—Linda, and three grandchildren—JoAnne, Matthew, and Stephanie.

VINCENT ZUCCARELLI

Vincent Zuccarelli was born in Mongrassano, a small town in Calabria, Italy. He started his education in the seminary and continued through the "Liceo Classico." He was a private tutor of classical languages, Latin and Greek, for the students of the Middle and High Gymnasium School and was head of electoral office in his jurisdiction for 5 years.

Vincent came to the United States in 1958. In 1959, with his brothers, he engaged in and formed the food business in Mount Vernon, NY and Florida known as the Zuccarelli Brothers.

He has been married for 43 years to his wife Nella and has three sons: Mario, Fiore, and Joseph. Vincent and Nella also have six grandchildren: Vincent, Nelli, Marie, Juliana, Joey, and Danielle. He and his wife reside in Bronxville, NY.

He joined the Calabria Society in 1985, and has become an active and proud member. He is the first dinner-dance chairman of the Casa Dei Bambini Italiani Di New York. Mr. Zuccarelli is a member of the Council of the National Italian-American Foundation of Washington, DC, promoting education for the Italian-American values and traditions, and presently he is the NIAF Westchester County Coordinator.

The society continues the work of so many who came to this country as immigrants seeking freedom and a new life in America. But the bonds of kinship and of nationality were often the only protections in a society where intolerance and discrimination was the more likely welcome.

Having done so much over the past 60 years, the Italian Hospital Society has embarked on a new mission to create an Italian Home for the Aged as an independent assisted living facility where Italian-Americans and all elderly and infirm can receive the finest assistance. As they note in their mission statement: "Unfortunately many of

our own parents and grandparents have suffered isolation, depression and feelings of frustration due to cultural and language barriers. It is the mission of the Italian Hospital Society to ameliorate this difficult situation by providing a supervised facility that would be comforting and familiar to our aged community while providing for the physical as well as psychological welfare of these individuals."

Mr. President, I ask to share with our colleagues the joy I have as son of one of the society's honorees and thank them for all the work that they do as a society and for the honors and respect they show toward their four honorees. They and the society inspire us all.•

CONFIRMATION OF JUDGE WILLIAM P. GREENE, JR., AS ASSOCIATE JUDGE, U.S. COURT OF VETERANS APPEALS

• Mr. ROCKEFELLER. Mr. President, I want to express my enormous delight that Judge William P. Greene, Jr., was recently confirmed for the position of associate judge for the U.S. Court of Veterans Appeals. Judge Greene brings to this job a lifetime of experience in the armed services and the law, and I believe President Clinton made an excellent choice in nominating him for this position.

Bill is extremely qualified to serve on the court. After graduating from Howard University School of Law in 1968, he joined the U.S. Army, where he proudly served for 25 years. Bill was an officer in the U.S. Army Judge Advocates Group Corps, and earned the Legion of Merit, Meritorious Service Medal, and Army Commendation Medal more than once.

Since 1993, Bill has served as an immigration judge for the Department of Justice in Baltimore. His leadership skills and ability to make clear, decisive, and just decisions have been well tried—and well proven.

In addition to his many other fine attributes, Bill has another that makes me especially proud of him—he is a native West Virginian. Bill was born in Bluefield, WV, and lived there until he was 10. He grew up in a military family and although they moved around to many different places, Bill always considered West Virginia home, and returned to West Virginia to attend West Virginia State College.

Bill's father was a veteran of World War II, Korea, and Vietnam, and was awarded the Silver Star for valor. So it is no surprise to me that Bill possesses an enormous sense of patriotism and pride in his country. The learning experience of growing up in a military family, combined with the experience of his own military career, will be enormously helpful to him in the job that lies ahead.

Everyone who has worked with me on the Senate Committee on Veterans' Affairs knows that I have long been a supporter of the court, so you can be sure that the quality of those who serve there is important to me. I am confident that Judge Greene will bring to the court the wisdom, judgment, and sensitivity so necessary for the court's vital work. In doing so, he will serve both our country and his fellow veterans well.•

ANNUAL MEETING OF THE COMMUNITY OPERATION ON TEMPORARY SHELTER

• Mr. JEFFORDS. Mr. President, on September 11, 1997, the Community on Temporary Shelter [COTS] held its annual meeting in Burlington, VT. The keynote speaker was Rita Markley, the director of COTS. Through her hard work and dedication to the needs of the homeless in Vermont stands as a glowing example of the value of community service. Her efforts have made a tremendous difference in the fight to end homelessness. It gives me great pleasure to submit, for the RECORD, the text of her remarks.

The text of the remarks follows:

[Sept. 11, 1997]

COMMITTEE ON TEMPORARY SHELTER ANNUAL MEETING—WHERE ARE WE NOW

(By Rita Markley)

Good morning and welcome to our annual meeting and volunteer recognition. This is the day when we thank all of you for giving your support to COTS. It's the time when we reflect on what that contribution means and why it matters.

I think it's too easy these days to forget that there was a time in this country, just 20–25 years ago, when being poor did not mean being homeless. There was a time when retail clerks, gas station attendants, waitresses could afford to pay for their rent and their groceries. Sometimes they even had enough left over for a Saturday afternoon movie. There was a time when the mentally ill were not left to wander America's streets without housing or services. And there was a time, just 15 years ago, when this community did not need a place like COTS because homelessness was something that only happened in big cities.

There have been enormous economic and social changes during the past 20 years that have displaced and uprooted millions of lives. Across the country and here in Vermont, the number of families and individuals without housing has increased tenfold during the past decade. Not since the Great Depression have there been so many homeless Americans. During the 1980's more than half a million units of low income housing were lost every year to condo conversion, arson and demolition. That rate of loss has been even higher during the 1990's. In Chittenden County, rents increased twice as fast as average income during the 80's. Not surprisingly, we now live in a time when homelessness has become so pervasive, so endemic, that we've all but forgotten that it was not always this way. One of my greatest fears is that we will come to accept that this is the way it must be.

It seems impossible that it was less than 20 years ago that we first began to see vast numbers of families all over this country sleeping in abandoned buildings or huddled in doorways because they couldn't afford a home. Back then, we were deeply shaken by the image of small children doing their homework by flashlight in the backseat of cars, the idea of anyone sleeping under cardboard boxes in public parks was astonishing. Our hearts were broken by newspaper stories of entire families scouring through trash dumpsters for scraps of food.

In 1997 the problem of homelessness in America remains one of our greatest challenges and yet we hear little or nothing about this issue in the national media. It's as if seeing those anguished images year after year has become so routine that we no longer see them at all. A few months ago my own sister told me that she was tired of seeing the homeless everywhere she went, that she couldn't look at their faces anymore because there were just too many of them, and it made her feel too sad. Either she forgot what I do every day or she wanted me to remind her that turning away from her own compassion means turning away from her humanity. My sister's reaction, though, is not uncommon. The homeless are increasingly invisible, untouchable. And they know it, they feel the distancing every time someone passes them by on the street without looking into their eyes. Even children living in desperate poverty know that they are regarded differently than cleaner, better dressed children. Here's a quote from a 15 year old girl that describes their experience poignantly:

"It's not like being in jail. It's more like being hidden. It's as if you have been put in a garage somewhere, where, if they don't have room for something but aren't sure if they should throw it out, they put it there in the garage where they don't need to think of it again. That's what it's like." (Kozol interview tapes)

Since the mid-1980's there has been a growing inclination to ignore, conceal and even punish those without homes. Many people in this country have moved from pity to impatience to outright contempt for the homeless.

In Fort Lauderdale, FL a city councilor proposed spraying trash containers with rat poison to discourage foraging by homeless families. "The way to get rid of vermin," he said, "is to cut off their food supply." (1986) In Santa Barbara, California grocers have sprinkled bleach on food discarded in their dumpsters.

In Chicago a homeless man was set ablaze while sleeping on a bench early one December morning. Rush hour commuters passed his charred body and possessions for four hours before anyone called the police.

In the first four months of 1992, 26 homeless people were set on fire while they were sleeping in New York City.

Who are these faceless, forsaken people that they would provoke such hateful acts? They are the poorest and most vulnerable members of our society: they are the elderly and families with children, they are Korean and Vietnam war veterans, they are the mentally ill who were left to fend for themselves on city streets, they are women and children fleeing from violence. I wonder what kind of outcry there would have been if these acts of violence were inflicted on any other group but the most dispossessed.

I'd like to read a few letters by some Vermonters who lost their homes this year. They wrote these last April during the HUD crisis when many of our services would have been wiped out by unexpected cuts in funding.

"DEAR —— I'd never been homeless before this winter. I was out of work suddenly, lost my apartment and had to find a place to stay. . . I was at the Waystation. . . where I met some people who took care of each other, no matter our differences in lifestyles, skills, education or so called sanity. I have a college degree, many skills and I want to work and to give to the community. What I'm saying is that almost anyone could become homeless after some unexpected misfortune. Whether they can work or not they still need food and clothing, safe shelter, and people who care about them. . . I started to work again last week and my home will be open for anyone who needs a place to stay. I won't forget."

"I lost the comfort of my affordable apartment when the building I lived in was closed because of fire. Also, 49 other families were displaced. The renovation of his building will take 18 to 24 months according to the owner. I have not had comfortable housing since that fire on September 7, 1996. My address was 127 St. Paul street where Vermont Transit was located. In the meantime, I'm number 1030 on the Burlington Housing Authority waiting list. What I miss most about my apartment was the peace of mind it gave me. Sincerely, Arlen D."

I'm not sure if Arlen knows yet that only 5 of the renovated units will be rented at a rate anywhere near what he can afford.

We hear a lot these days about building strong communities, and God knows, we've heard no end of how it takes a village to raise a child. But what's missing in all of those discussions is the primacy, the importance and the function of home within any community or village. Think about what home means for all of us. It's the place we gather with family, it's where we sleep and dream and let down our guard at the end of the day. Home is where we keep and cherish what we love: our family, our books and music, whatever it is that we hold dear. It's the place we store all of the things we can't bear to part with: our high school graduation photos, our grandmother's wedding ring, a fifth grade award for spelling. Home is the one place where we can create a safe world within a larger more threatening world.

Losing a home means that you only keep what you can carry in your hands and on your back. It means leaving behind many of the belongings that remind you what has mattered in your life. It means losing connection with your own history. For children, not having a home is devastating; it means losing their pets, their storybooks and their favorite toys.

I cannot imagine the damage done when a child is torn from her home, when she sees her family's belongings piled up on the sidewalk, when she has no idea where she will sleep at night. I cannot imagine the pain a seven year old feels when he's called "shelter trash" by the other children in his school. What I do know is that without the foundation of home, any efforts to build meaningful community will fail. It's untenable to think a village can raise healthy children when its children are sleeping in emergency shelters and on the streets. I remember what a local businessman said to me once, a pretty conservative guy. He'd written a very large check for COTS. I asked him if he wanted his gift targeted to our job program which is popular with many of our business supporters. He said no, the shelters. He was surprised that I was surprised by his answer. If these folks don't have a place to sleep at night, he explained, a place to take a shower, they're not going to get a job or an apartment no matter what kind of training they have. They'll be trapped. First things first, he said.

This past year we helped put first things first for more that a thousand homeless families and individuals. They came to COTS because they had no place left to turn. They came from Burlington, Essex, Colchester, Shelburne, Ferrisburgh, Williston, Milton, Westford, Underhill, South Burlington and Jericho. And for every one of them COTS offered not just a refuge but a chance to reclaim their own lives. We provided voc counseling, job placement services, budgeting assistance, unremitting encouragement, and workshops on everything from nutrition to conflict resolution. For the children, we made certain that every child at our shelter had a brand new backpack, fresh notebooks and pencils for school.

None of the work we did, none of the achievements, would be possible without all of you gathered here today. You volunteer for our phonathon, and donate expert legal, financial and human resource advise to COTS. You answer the phones, spend time with the children at our shelter, and repair our computers. You provide us with graphics and design work that we could never otherwise afford. And you bring us brownies and cookies and flowers because you know the work we do is sometimes heartbreaking.

During the HUD crisis this spring, you came forward with calls, letters, and connections. I want especially to thank Gretchen Morse who was my shrewd political advisor and moral support during the worst days I've ever had in the 5 years I've worked at COTS. I am deeply grateful to Lucy Samara who traveled to Montpelier, alerted the entire religious community about the crisis, and then worked the phones every night like a seasoned politician. She was extraordinary. It terrifies me to think what could have happened without her leadership and initiative. I'd like to thank Barbara Snelling for her eloquent support at the statehouse. And thank you to Doug Racine and the entire Chittenden delegation with special thanks to Jan Backus and Helen Reihle. I am also very grateful to Con Hogan for his advocacy within the Dean Administration. And most of all, I want to thank Senator Leahy for standing up to HUD. I deeply appreciate all of the business owners, the religious leaders, our friends up at UVM who called or wrote on our behalf. Finally, I want to thank those of you without homes who had the courage to put your stories on paper.

Someone from Senator Leahy's staff told me that it was astounding what a diverse range of people called to voice their concerns about COTS. She said it was the most unlikely array of people she could possibly imagine. I told her to come to a COTS walkathon if she wanted to see unlikely combinations of people. This year we had Trey Anastasio from the band Phish walking beside a big deal lawyer from Green Mountain Power and they were walking just a few feet ahead of 4 Sisters of Mercy, one of whom was chatting with a liberal progressive or maybe and anarchist who was walking just in front of a conservative businessman who was strolling along with a recovering alcoholic who stayed at COTS Waystation 5 years ago. Heading up the rear was former governor Tom Salmon and leading the walk were Barbara Snelling and Patrick Leahy. How is this possible?

I believe that when you give your time and support to COTS, you are doing far more than writing a check or working on whatever task is at hand. I believe that what you are really doing is taking a stand, a stand against indifference. When you support COTS you are holding firm with us in the unwavering conviction that every human being has value; and that no one should be discarded or left behind (or set on fire) just because they are poor. When you give your time to COTS, when you help ensure that there is shelter and support for those who have nothing, you reaffirm humanity. That's a tremendous gift to give. And I thank you.•

DR. DAVID SATCHER

• Mr. GLENN. Mr. President, I deeply regret that we have been unable to vote on the nomination of Dr. David Satcher as the Surgeon General and the Assistant Secretary of the U.S. Public Health Service.

As a graduate of Ohio's medical school system, Dr. Satcher is truly a commendable choice for our next Surgeon General. The expediency of his nomination process gives an overwhelming indication of the impressive and extensive reach of his medical career. It is a career in which Dr. Satcher has placed considerable emphasis on the medically impoverished. He has demonstrated an unrelenting compassion for those less fortunate, and to quote Dr. FRIST, "allowed science to drive his decision making" throughout his brilliant career.

Born in rural Alabama his interest in medicine grew after a near-fatal bout with whooping cough at the age of 2. Even though his parents had only the benefit of elementary educations, they instilled in him the passion and drive to pursue his dreams. He received his B.S. from Morehouse College and became the first African-American to earn both an MD and a Ph.D. from Case Western Reserve University, while being elected to the Alpha Omega Alpha Honor Medical Society

After excelling in medical school, Dr. Satcher began his career at the Martin Luther King Jr. Medical Center in Los Angeles. There he developed and chaired King-Drew's Department of Family Medicine and served as the interim dean of the Charles R. Drew Postgraduate Medical School. As interim dean, he directed the King-Drew Sickle Cell Center for 6 years and negotiated the agreement with the UCLA School of Medicine and the Board of Regents.

Before being appointed to his current position of Director of the Centers for Disease Control and Prevention [CDC], Dr. Satcher returned to Atlanta to chair the Community Medicine Department at Morehouse School of Medicine, where he received the Watts Grassroots Award for Community Service in 1979. He then served as the president of Meharry Medical College in Nashville for the following decade. While at Meharry, he was the recipient of the National Conference of Christians and Jews Human Relations Award was elected to the Institute of Medicine of

the National Academy of Sciences, and was appointed to the Council on Graduate Medical Education.

In November 1993, Dr. Satcher was appointed as the Director of the Centers for Disease Control and Prevention [CDC]. With policies he initiated, he has been credited with increasing child immunization rates from 52 percent to a record 78 percent in 1996, and improving the Nation's capacity to respond to emerging infectious diseases. During his tenure, the CDC has placed considerable emphasis on prevention programs as its breast and cervical cancer programs have now been expanded to all 50 States. In his current position, Dr. Satcher has garnered even more awards, including Ebony magazine's American Black Achievement Award in Business and the Professions, the Breslow Award for Excellence in Public Health, and recently the Dr. Nathan B. Davis Award for outstanding public service to advance the public health and the John Stearns Award for Lifetime Achievement in Medicine from the New York Academy of Medicine.

I believe HHS Secretary Dr. Donna Shalala described Dr. Satcher in the best manner, when she said that he brings "world-class stature, management skill, integrity, and preventive health care experience" to any office or title he may hold. President Clinton has stated that Dr. Satcher should concentrate heavily on reducing smoking, particularly among children. As an advocate for preventive health in family medicine, Dr. Satcher has worked to heighten awareness about all Americans' health and will continue to do so.

Mr. President, I believe that Dr. Satcher will bring the same professionalism, dedication, skill, and most of all character to this new position that he has shown throughout his professional career. I strongly urge my colleagues to support his nomination to the post of Surgeon General of the United States.•

SURFACE TRANSPORTATION EXTENSION ACT

• Mr. SESSIONS. Mr. President, I would like to express my gratitude to the diligent work of our leaders in the Senate Environment and Public Works Committee especially the chairman, Senator CHAFEE and ranking member, Senator BAUCUS along with the chairman of the Transportation Subcommittee, Senator WARNER in crafting a comprehensive, 6-year transportation bill. The bill unanimously passed by the Senate Environment and Public Works Committee makes progress towards building a more equitable formula for distributing Federal transportation funds to the States. It is unfortunate Congress did not have the opportunity to debate this bill during this session of Congress although I look forward to building upon progress made by the committee when the Senate reconvenes in January.

The law which authorizes our Federal transportation program expired on September 30 of this year. Thanks to the competent work of Gov. Fob James, and Jimmy Butts, the director at the Alabama Department of Transportation, and Don Vaughn, Assistant Transportation Director, I was alerted early on that if Congress failed to act on passing a transportation bill, critical transportation programs such as Interstate Maintenance, the National Highway System, and needed bridge repair throughout Alabama would cease by December. In addition, the Federal Department of Transportation would have been forced to shut its doors and transportation contractors would have been forced to lay off workers as Alabama and many other States curtailed or ceased awarding of transportation maintenance and construction contracts. To avoid this crisis, the Senate has enacted a short term solution to allow transportation projects to continue by providing additional funding and increased flexibility of Federal transportation funds to States.

The temporary transportation resolution passed by the Senate on Tuesday will allow Alabama access to $174,469,000 for critical highway programs. This amount represents half the amount of Federal highway funds Alabama was able to spend in fiscal year 1997. In addition, the Alabama Department of Transportation will have the flexibility to transfer funds between various transportation programs so that planning, maintenance and expansion can continue as a comprehensive, long-term transportation bill is passed by Congress early next year. Once a new long-term transportation bill is passed, the Secretary of Transportation will offset each State's fiscal year 1998 funding to reflect the funds used by each State as a result of this extension.

Again, I would like to personally thank and congratulate Senator BOND for putting this package together with our leaders of the Environment and Public Works Committee, Senators CHAFEE, WARNER, and BAUCUS. While many of my colleagues and myself would have preferred a long-term solution to our transportation needs, this short-term extension will allow Alabama and all States to continue their transportation planning, maintenance, and construction until a new, long-term bill is negotiated and passed hopefully early next year.•

YEAR 2000 PROBLEM STILL LOOMING, REQUIRES ACTION

• Mr. MOYNIHAN. Mr. President, as we approach the end of the 1st session of the 105th Congress, I would like to implore the Senate for one final time to consider the urgency of the year 2000 crisis. This matter has been much discussed and reported, but little action has taken place. In fact, the General Accounting Office last week released a report that the Social Security Administration, once thought to be at the fore of the solution, faces a possible crash of several crucial systems dealing with disability determination services.

This report is indicative of the enormity of the problem facing the computer systems of the Federal Government. I introduced S. 22 on the first day of this session to establish a bipartisan national commission to handle this problem—as a civil defense task force would. Try as they might, officials at the Office of Management and Budget simply cannot address the enormity of the task at hand.

Every few days I have attempted to keep my colleagues informed of the latest facets of the problem. On this last day of the first session let me add but one more twist to the immense but manageable problem. If only we would act. In the latest U.S. News and World Report, John Marks reports on the troublesome coincidence of converting to the new European currency at the time of the turn of the century. He writes:

> Even before it is introduced on January 1, 1999, the long awaited euro threatens to cost American business $30 billion or more to buy new software and recode old programs, as companies with interests on the other side of the Atlantic attempt to adapt to the new currency . . . the two problems would seem to be unrelated. But the coincidence in timing—the millennium bug and the currency change arrive within a year of each other—has transformed them into a larger single crisis for many companies.

Thus, international companies are forced to deal with two conversions in the next 2 years; and not surprisingly, experts predict there will be a drought in the supply of consultants who know how to do both.

Again, U.S. News:

> Last year, after dire warnings of a technological disaster at the dawn of the new century, companies rushed to hire programmers to save the day. In doing so, they created a labor shortage at a critical moment. Work on both the millennium bug and the euro transition requires knowledge of outdated COBOL computer systems. So all of a sudden, most of the programmers who might be deployed to manage the transition to the euro already have day jobs.

As I have mentioned before on this floor, we must also consider the conversion to the euro and the labor shortage created over the next few years when we consider the size of the problem at hand.

The year 2000 problem is now fairly well known; the need for action plainly clear. With the legislative year coming to a close, I am hopeful my colleagues will realize this fact in the restful period between now and January 27 and be eager to take action on my bill—S. 22 with 18 copsonsors—in the year to come.

I ask that the article "Latest Software Nightmare" from the November 17, 1997, issue of U.S. News and World Report and "Social Security Gets Year 2000 Warning" from the November 5 Washington Post be printed in the RECORD.

The article follows:

[From the U.S. News & World Report, Nov. 17, 1997]

LATEST SOFTWARE NIGHTMARE—THE CURRENCY CHANGE IN EUROPE COULD COST U.S. FIRMS BILLIONS

(By John Marks)

For the past year or so, American businesses have been forced to grapple with the "millennium bug," a computer programming glitch that threatens to wipe out bank accounts, financial statements, and databases when the year 1999 becomes the year 2000. Now, companies must brace themselves for another daunting—very expensive—software-related problem, this one involving the new European currency known as the euro.

Even before it is introduced on Jan. 1, 1999, the long-awaited euro threatens to cost American business $30 billion or more to buy new software and recode old programs, as companies with interests on the other side of the Atlantic attempt to adapt to the new currency. No later than Dec. 31, 1998, people doing business in Europe will have to rewrite their computer software to handle three different base currencies at once. The value of the euro will have to be determined on a daily basis by its relationship to both the dollar and other European currencies. In other words, every bill, every financial statement, and every stock price in the nine countries set to join what is known as the European Monetary Union will have to be "triangulated." So far, says Sarwar Kashmeri, a corporate consultant specializing in the issue, no commercial software exists to make that calculation. "We have been focusing very hard on the year-2000 problem, but we've been missing the euro," says Gary Johnson, an American attorney specializing in European securities markets.

The two problems would seem to be unrelated. But the coincidence in timing—the millennium bug and the currency change arrive within a year of each other—has transformed them into a larger, single crisis for many companies. The well-publicized millennium-bug problem was unwittingly created by computer programmers in the 1960s. In an effort to maximize scarce computer memory, programmers left the first two digits out of the year designation, so that 1997 reads merely "97." Theoretically, when the year 2000 arrives, 90 percent of the world's computers will "think" it is 1900, creating all kinds of chaos. According to the cost conservative estimates, fixing the millennium bug will cost American business between $50 billion and $150 billion.

BUG ZAPPER

Last year, after dire warnings of a technological disaster at the dawn of the new century, companies rushed to hire programmers to save the day. In doing so, they created a labor shortage at a critical moment. Work on both the millennium bug and the euro transition requires knowledge of outdated COBOL computer systems. So all of a sudden, most of the programmers who might be deployed to manage the transition to the euro already have day jobs. "There is a tremendous shortage of those kinds of skill sets," confirms Chris Fell, an executive at International Data corp.

Though the euro will be introduced in January 1999, it will not become the sole currency in Europe until July 1, 2002. On that date, all other currencies will be taken out of circulation. While a large part of the U.S. business community remains skeptical that Europe will pull off this monetary feat, many companies have begun to accept that it will. A few have begun to accept that it will. A few have begun to take steps. DuPont, which has a significant presence in Europe, has put together a team to prepare for the introduction of the currency. United Parcel Service has done the same. Both firms are looking into how to adapt their computer systems.

The change to the euro will affect some companies more than others. For example, Bloomberg Financial Markets, the world's largest provider of financial information, will have to add the euro to 10 year's worth of records—everything from trading prices to financial statements. In a recent Securities and Exchange Commission filing, Alliance Gaming Corp. announced that it would probably have to "redesign new and, possibly, existing" slot machines to accept new currencies.

While the initial changeover to the euro may be a financial headache, the vast new market created by the currency is expected to be lucrative for American companies. And no matter what it costs businesses on this side of the Atlantic to adjust their information technologies, they can rest assured that their European counterparts will be out even more: The most recent estimate puts the price of converting to the euro at $70 billion for European businesses.

[From the Washington Post, Nov. 5, 1997]

SOCIAL SECURITY GETS YEAR 2000 WARNING—MORE WORK NEEDED ON GLITCH, GAO SAYS

(By Rajiv Chandrasekaran)

The General Accounting Office today will warn that the Social Security Administration (SSA) faces a possible computer crash in the year 2000 because the agency has not started analyzing or fixing several crucial systems affected by the year 2000 software glitch.

Among the systems not yet analyzed are most of the 54 computer systems that operate state disability determination services, according to the GAO, the watchdog arm of Congress.

Those systems, which are operated by individual states but funded by the federal government, process applicants for Supplemental Security Income and Social Security Disability Insurance, programs that currently assist 12.5 million people.

"Disruptions to this service due to incomplete Year 2000 conversions will prevent or delay SSA's assistance to millions of individuals across the country," Joel Willemssen, the GAO's director of information resources management, wrote in a report to be released today by Sen. Charles E. Grassley (R-Iowa) and Rep. Jim Bunning (R-Ky.).

The GAO also said the Social Security Administration has not developed adequate contingency plans in case its computers are not fixed in time.

The report, however, did not call into the question the agency's ability to issue standard monthly Social Security checks in 2000 and beyond.

The SSA has long been touted as the federal agency that is most keenly aware of the year 2000 problem. The agency, whose "mission critical" systems collectively had been thought to have about 34 million lines of computer code, began making year 2000 repairs almost a decade ago.

As a result, SSA officials have been asked to hold seminars for other federal agencies about the issue and have been singled out for praise by Congress in the past. The new findings, congressional officials said, could create a new round of uncertainty about the federal government's year 2000 preparedness.

"If Social Security, which we've thought had everything under control, really doesn't, that raises new questions about other agencies," said a congressional staffer.

The year 2000 problem exists because most large computer systems have used a two-digit dating system that assumes that 1 and 9 are the first two digits of the year.

Without specialized reprogramming, the systems will think the year 2000—or 00—is 1900, a glitch that could cause them to go haywire.

According to the GAO, private contractors hired by the SSA to fix the year 2000 glitch on 42 of the 54 state disability determination services computers discovered 33 million additional lines of code that need to be tested and, where necessary, fixed.

The SSA did not include the state disability determination systems in its initial assessment of the date glitch, but now acknowledges that the systems are "mission critical" because of their importance in determining whether a person is medically eligible to receive disability payments, the GAO report said.

Analyzing and fixing the problem likely will be a massive undertaking. In just one office, the GAO said it found 600,000 lines of code in 400 programs that operate the disability system.

Without a full understanding of the scope of the problem on the state disability systems, "SSA increases the risk that benefits and services will be disrupted," the GAO wrote.

Kathleen M. Adams, SSA's chief information officer, said the agency has recently received reports from all 50 states detailing their plans to fix the disability systems.

"They will be tested and implemented by December 1998, like the rest of Social Security," Adams said. "I am very comfortable [the disability systems] will be ready."

Adams said five states already have finished the conversion work for the disability systems.

The GAO also said the SSA faces a significant challenge in ensuring data that it exchanges with other federal and state agencies will be year 2000 compliant.

"Because SSA must rely on the hundreds of federal and state agencies and the thousands of businesses with which it exchanges files to make their systems compliant, SSA faces a definite risk that inaccurate data will be introduced into its databases," the GAO wrote.•

OMNIBUS PATENT ACT OF 1997

• Mr. BOND. Mr President, Congress has the power "to promote the progress of Science and useful Arts, by securing for limited times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." If that phrase sounds familiar to my colleagues, it is because I lifted it straight from the Constitution. Article 1, section 8, known to many as the inventors clause.

This section of the Constitution is the result of the foresight that our Founding Fathers had to cut a deal

with the creative minds of a fledgling country. The deal was rather simple, in exchange for sharing their ingenuity and their creations with the citizens of this new country, the Congress would grant these inventors temporary monopolies on their products and permit them to enjoy the proceeds of their invention for a period of time, with the weight of the law of the land to ensure those rights were protected.

This was a carefully thought out concept by rather brilliant individuals with unquestioned foresight. In my opinion, this compromise has been a smashing success. In the past 220 years, the United States has become an economic, industrial, and intellectual superpower. The creative product of the United States is unmatched the world over and I believe that the United States patent system has played a central role in this success.

Why am I sharing these thoughts with my colleagues, because it is just like the Federal Government to take a good idea and turn it on its head. There is legislation pending on the Senate Calender, with the strong backing of the Clinton administration, that would gut the protection and the incentives offered inventors by our patent and trademark laws. This country's inventors have been an indispensable force in the success of which I have spoken. But this legislation would tip the balance of protection offered by patent laws away from these inventors and thinkers and open them to the hostile environment of intellectual property piracy and idea predators—commonplace in other parts of the world. Our inventors will be jerked from a protective environment, known for nurturing creativity and advancing practical knowledge, and be cast into a far harsher arena where it will be eminently more difficult for inventors to secure their rights and enjoy the rewards of their creativity and entrepreneurship—and possibly be driven from their work all together.

I am here to speak out on behalf of the inventors and the small guys of this country. People with ideas. I would suspect that scattered throughout the bill there may be some good ideas that may improve the efficiency of the Patent and Trademark Office, but taken as a whole the changes proposed would stifle rather than promote the sciences and the useful arts. I believe the legislation is ill-conceived and I will fight it should it see Senate debate.

The past couple of weeks, the Senate has been debating the state of manufacturing in the United States. Many of my colleagues have registered their concern that much of our manufacturing base has left the country and they fear that this trend will continue. I believe that there is a future for manufacturing and industry in this country. I am very encouraged by the number of small businesses and startup companies presently thriving in the United States. Much of our future lies with these startup businesses and small business people that are creating new technology, starting companies, and expanding employment opportunities. But I believe we need to seize the opportunity and continue to encourage it.

This is where the patent comes into the equation. A great idea can come to anyone, regardless of his or her capital or financial resources. This is the point at which the magnificence of our system becomes clear to me. Should a person be the first with an idea and successfully document that idea, that person can be granted a patent. The patent secures a monopoly and if it is a good idea it can be shopped around the venture capital markets. Should the financial assistance be secured, the inventor can build a prototype, start a business, hire people, and perhaps even build a successful company and make money.

I believe that strong patent protection is central to that equation. First, those with capital are not inclined to fork over some money because it is the nice thing to do, they want assurances of return. The legally protected monopoly provides that assurance. The fact that our patent laws offer the strongest possible protection also contributes to that assurance. The inventor's idea is held in secret at the patent office until it is granted, which by the way prevents theft. The law also grants a legal right upon which an inventor can bring a civil action for damages should that idea be infringed upon. Strong patent protection lends value and certainty to this temporary monopoly.

Without the patent protection, ideas that are not backed by financial resources may never see the light of day or else they may be gobbled up by a large company for pennies on the dollar. If one does not hold a realistic belief that they can make a go of it with their own idea, I believe that stifles important incentives present in America to pursue an idea or invent. But even more so, I do not believe this is the American way. This is a great country because anyone with an idea and the fortitude to pursue that idea can make a go it. This country is full of companies that began under just such circumstances.

This country needs its entrepreneurs, they are essential if we are to continue to enjoy economic growth. Think about the role of entrepreneurs and startup companies in our economy. They come up with new ideas, they promote competition, they shake up old establishments, they force competitors to be smart and competitive, they inject vigor and dynamism into our capitalistic system. They create manufacturing jobs right here in the United States. They create secure and well-paying jobs for Americans. And they give you, me, and our children new technology and news ideas for all our use. This force is essential to our strength and continued growth and the patent laws are essential to allowing these start-ups to begin and then thrive.

Many of those that are pushing for this bill are large companies with vast financial resources. Before they put forward their arguments in favor of the legislation, I must challenge them to ask themselves some important questions. Did not their companies begin with a single person with an idea? Did they not seize the opportunities offered in this country to grow and flourish? Did not the patent offer protection needed to pursuing that idea? Pulling the ladder up once you have made it to the top is not the American way, but that agenda is underlying much of this legislation.

I support the inventors who are fighting these changes. I believe they are correct and courageous in their stance. Unfortunately, they have been ridiculed and vilified in the press by the Commissioner of the PTO, the individual running the agency responsible for licensing billions of dollars in intellectual property rights here in the United States. In fact, I read that he said that the opponents of this bill, that would include myself, reside on the lunatic fringe. He also compared our sanity to that of Timothy McVeigh—on behalf of the hardworking inventors of this country, I find such comments outrageous and demeaning. But rather than dignifying those ridiculous comments by responding on the merits, I will share with my colleagues a sampling of those that Mr. Lehman is saying reside on the lunatic fringe.

First, I have been contacted by countless inventors registering their opposition, their creations include medical devices, drugs, machinery, electronic technology, computer technology, and agricultural products—to mention a few. They share a fear that this will open them up to litigation, theft, and harassment while closing down their opportunities to continue their work. I have also been contacted by men and women of science, economists, doctors, and professors. The most notable group of objectors is a group of over 20 Nobel Laureates in science and economics who have signed an open letter to the U.S. Senate opposing the bill. These great minds all agree that this legislation could result in "lasting harm to the United States and to the world." They also concur with the concerns I am advancing today that this bill will be very harmful to small inventors and "discourage the flow of new inventions that have contributed so much to America's superior performance in the advancement of science and technology." Finally, these great scientists and economists

have expressed concern that this bill will create a disincentive to rely on the limited life of a patent to share their creations with the public, an occurrence which will sap the spirit of the inventors clause.

I think that opposition should be enough to convince just about anyone. But respected others, including the New York Times, have spoken out. The Times editorial page has concluded that this bill will "dampen the innovative spirit that helps sustain the American economy." The Times also correctly notes that the American patent system generates more and better patent applications than any other country's, but that this bill terribly threatens the incentives present in our system that stimulates that creativity.

I have also been contacted by Ross Perot, who has expressed in no uncertain terms his absolute objection to this legislation. As Mr. Perot reminded me, patents are a constitutionally guaranteed right which have been essential to countless Americans in their fulfillment of the American dream. But rather than celebrate this success story unique to America, we are proposing selling our inventors down the river. Mr. Perot has called upon the Members of Congress to ask themselves a simple question when considering this bill, is it right or is it wrong? We both agree it is wrong. And we are ready for a fight. Mr. Perot, whose dedication to America and success as a businessman cannot be questioned, has said, in the words of Isaac Hull, "If that fellow wants a fight, we won't disappoint him."

There are other well-respected groups, small business groups and groups of concerned citizens that believe this legislation is bad policy and are lining up for a fight.

I will take the collective contribution of those that oppose this bill and stack them up against Mr. Lehman's arguments any day. The inventors of this country should derive confidence because they have the Constitution and many great minds of science on their side and rhetoric on the other.

For those reviewing the bill, I would like to point out some issues.

First, the proponents of the bill want to create an infringement defense, known as a prior user right. The prior user right is a bad idea for many reasons. Foremost, it starts down a road that changes our "first to invent" system and overturns 200 years of U.S. patent policy. The defense would not only permit inventors to keep their ideas secret, but it encourages them to keep them secret. Our first to invent system protects small inventors. If they document their invention, they will not have to engage in a race to the patent office. They will have time to tinker and perfect their inventions without being forced to file early and then file for all perfections, a costly process for a small inventor.

The defense will hurt small inventors in the capital markets because it will undermine the certainty of the patent. As I said this certainty is important to attracting capital and the capital is important for underfunded inventors to take their products to market. Should one have an invention that requires expensive testing, the idea can not be perfected without finances. Capital is essential for inventors to role out their own ideas. This section poses many problems about which I could speak for quite some time, but I will refrain. The reasons will be aired fully in time.

Many proponents want to force all inventors to publish their ideas after 18 months, regardless of whether the patent review process is completed. Some changes have been made to scale this back, but many are laying in wait to see this implemented. I believe this would open our inventors to theft. Small inventors would have to go to court to recoup their just rewards and would have to depend on costly litigation. Many say, "We won't steal ideas," I hope not, but this is the business world. I am unwilling to put small inventors at this sort of a risk.

Proponents are looking for changes in the system for challenges to patents, this may open small inventors to unnecessary expense and litigation. Taken as a whole, there are profound changes proposed. The collective weight, I believe, will hurt our small inventors.

A quick word about an argument forwarded by the bill's proponents. They will come to your office saying that this bill is necessary because there is a pariah lurking in the world of intellectual property. He uses what is called a submarine patent to manipulate the patent review process to reap unjustified rewards from honest, hard-working men and women. His greed and treachery could potentially destroy thousands of businesses and deal a crushing blow to our economy.

To that I respond—hogwash. Let's engage in an honest debate. When we in Congress agreed to the implementing language in the GATT agreement, we agreed to change the U.S. patent term from a guaranteed 17 years to 20 years from the date of filing. Supposedly, that was done to get at submarine patents. It does take away most if not all of the incentive for an inventor to game the system and should drive a stake into the heart of wrongdoers.

In the process we made a tremendous sacrifice that will cost many of our inventors patent protection. Today, for each day beyond 3 years that a patent lingers in the patent office, our inventors will lose a day of patent protection. Should someone invent a better potato peeler or candy wrapper, it probable won't be in the office today. But the change could have a significant affect on those attempting to get a patent on breakthrough technology. Such technology can often stay under review in the office for years and subsequently our inventors have lost years of protection compared with what they enjoyed before the change. Our inventors have made a great sacrifice to root out the wrongdoers in the system. But the proponents of this bill want more.

They do have more. The PTO has a computer system designed to track patent applications that appear to be those of one attempting to game the system. The Commissioner also has the power to order that the application of one attempting to game the system is published, further curtailing the possibility of the submarine patents. Finally, the Commissioner himself has said that only 1 percent of 1 percent of patent applications could be considered submarine patents.

The Commissioner has plenty of tools at his disposal to curb this problem if it in fact exists. If the problem is out of control, then I believe the problem lies with the Commissioner and those with complaints would be better served leveling their concerns at the other end of Pennsylvania Avenue.

I will conclude by saying that brilliant minds have been drawn to this country and the brilliant minds native to this country have flourished. I do not believe it is an accident. We in America have chosen our own path. The goal of our patent system is to protect and reward entrepreneurs and innovative businesses, to encourage invention and advancement of practical knowledge. The goal of many of our competitor systems is to share technology immediately, not to protect it. That results in preserving the corporate hierarchy without giving innovators the opportunity to compete.

In other countries thoughts and ideas do not receive the level of reward that they do here. The system works, let us not destroy it. If we want to improve the Patent Office, let's get on with it. But let us not organize a systematic assault on the very system that has contributed so much to this country becoming the greatest Nation on Earth.

I ask that two letters and an op-ed be printed in the RECORD.

September 11, 1997.

An Open Letter To the U.S. Senate:

We urge the Senate to oppose the passage of the pending U.S. Senate Bill S. 507. We hold that Congress, before embarking on a revision of our time tested patent system, should hold extensive hearings on whether there are serious flaws in the present system that need to be addressed and if so, how best to deal with them. This is especially important considering that a delicate structure such as the patent system, with all its ramifications, should not be subject to frequent modifications. We believe that S. 507 could result in lasting harm to the United States and the world.

First, it will prove very damaging to American small inventors and thereby discourage the flow of new inventions that have contributed so much to America's superior

performance in the advancement of Science and technology. It will do so by curtailing the protection they obtain through patents relative to the large multi-national corporations.

Second, the principle of prior user rights saps the very spirit of that wonderful institution that is represented by the American patent system established in the Constitution in 1787, which is based on the principle that the inventor is given complete protection but for a limited length of time, after which the patent, fully disclosed in the application and published at the time of issue, becomes in the public domain, and can be used by anyone, under competitive conditions for the benefit of all final users. It will do so by giving further protection to trade secrets which can be kept secret forever, while reducing the incentive to rely on limited life patents.

Nobel Laureates in support of the letter to congress, re: Senate Bill 507

Franco Modigliani, (1985, Economics) MIT.
Robert Solow, (1987, Economics) MIT.
Mario Molina, (1995, Chemistry) MIT.
Roald Hoffman, (1981, Chemistry) Cornell.
Milton Friedman, (1976, Economics) University of Chicago.
Richard Smalley, (1996, Chemistry) Rice.
Clifford Shull, (1994, Physics) MIT.
Herbert A. Simon, (1978, Economics) Carnegie-Mellon.
Douglass North, (1993, Economics) Washington University.
Dudley Herschbach, (1986, Chemistry) Harvard.
Herbert C. Brown, (1979, Chemistry) Purdue.
David M. Lee, (1996, Physics) Cornell.
Daniel Nathans, (1978, Medicine) Johns Hopkins.
Doug Osheroff, (1996, Physics) Stanford.
Har Gobind Khorana, (1968, Medicine) MIT.
Herbert Hauptman, (1985, Chemistry) Hauptman-Woodward Medical Research Institute.
John C. Harsanyi, (1994, Economics) UC Berkeley.
Paul Berg, (1980, Chemistry) Stanford.
Henry Kendall, (1990, Physics) MIT.
Paul Samuelson, (1970, Economics) MIT.
James Tobin, (1981, Economics) Yale.
Jerome Friedman, (1990, Physics) MIT.
Sidney Altman, (1989, Chemistry) Yale.
Robert F. Curl, (1996, Chemistry) Rice.
William Sharpe, (1990, Economics) Stanford.
Merton Miller, (1990, Economics) U. of Chicago.

REFORM PARTY
OF THE UNITED STATES,
Dallas, TX, November 4, 1997.

Hon. CHRISTOPHER S. BOND,
Russell Building, Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR BOND: I want to thank you personally for having the courage and integrity to oppose the Patent Bill now pending before Congress—Senate Bill 507. This Bill will destroy our patent system and remove all incentives for people to create revolutionary new products.

In addition, I would like to thank Senate Majority Leader Trent Lott for standing on principle and refusing to allow this bill to be sneaked through the Senate without hearings or debate.

Obviously, some members of the Senate feel that the owners of the country—the people—have no right to know what Congress is doing.

Under this law, inventors' new products still pending approval, will be made available to all nations, with many countries shamelessly mass-producing these products and ignoring the inventors' rights.

The only recourse for the inventor is to petition the newly created World Trade Organization, where our country only has one unweighted—and believe it or not, the inventor has no recourse in the United States court system. Does anybody really think that this complies with our Constitution?

Granting patent rights to inventors is a Constitutional right—clearly spelled out in our Constitution in Article I, Section 8.

Please remind every member of Congress that it is illegal to amend the Constitution by passing laws.

The only way the Constitution can be amended is through the amendment process. Isn't this a whole lot better than leaving it up to the lobbyists, foreign governments, and corporations? The framers of the Constitution knew what they were doing. Let's follow the rules.

Congress has no business even thinking about circumventing the Constitution with a combination of federal law and international trade agreements.

What would our country and the world be like today if Robert Fulton has not invented the steam engine, Thomas Edison had not invented the electric light, Alexander Graham Bell had not invented the telephone and made instant worldwide communication possible, The Wright brothers had not invented the airplane, Edwin Armstrong had not harnessed the airways and made radio and television possible, Jack Kilby and Robert Noyce had not invented the integrated circuit, just to mention a few.

A few years ago two young men, Ralph Lagergren and Mark Underwood, from Kansas had revolutionary ideas about how to improve the combine used to harvest grain. They had great ideas, but no money.

Using their brains, wits, and creativity as a substitute for money, they successfully created this new product and now hold over 25 patents.

John Deere purchased the technologies and patent rights for several million dollars.

I had the privilege of showing 4,000 Future Farmers of America a videotape of their great work. These teenagers were electrified, because Ralph's and Mark's success made these young people realize that it is still possible to dream great dreams in America and make those dreams come true.

Can't we agree that inventors should not have their Constitutional rights violated and they should be paid for their creative ideas and inventions?

Patent rights and the creativity and ingenuity of United States inventors have been instrumental in giving the United States our world leadership.

Why is this happening? Because our large corporations, foreign governments, and foreign companies who contributed millions of dollars to the 1996 political campaigns want to steal our inventors' new patents. If you question this statement, get a list of the companies working to lobby this change through Congress.

Patents are property rights under U.S. Law. It is immoral and inexcusable for large corporations to band together and spend a fortune trying to lobby this Bill secretly through Congress, so that the creative ideas of United States inventors can literally be stolen.

Why don't these people admit that what they are trying to get done is no better than robbing a bank. In fact, it is even worse to steal an individual's inventions so that companies can increase corporate profits.

If this is such a good idea, why has this whole process been carried out behind closed doors in Congress, with people supporting this Bill doing everything they can to avoid public debates on the floor of the House and Senate?

The answer it is cannot stand the harsh light of public scrutiny.

I want to thank you and every member of the House and Senate who have stood up to the tremendous pressure you are subjected to. I know that many of you have been threatened about what the special interests will do to you in the next election. You are living Commodore Maury's words—"When principle is involved, be deaf to expediency."

Just let these people know that all the special interest money in the world is not worth one penny unless it will buy the votes of the American people. I, and millions of other Americans who share your concerns over Constitutional rights and protecting our inventors' great new ideas, will be working night and day to see that people who have the character and integrity to stand up to this tremendous pressure are overwhelmingly re-elected.

I challenge the people supporting this Bill to come out of the closet, face the American people, and have an open debate on this issue, but I won't hold my breath waiting for them to do it. That is not the way they operate, and they will all be embarrassed if they attempt to do it.

I will pay for the television time to allow a national debate on this issue. The only problem we will have is that the people who are for this Bill will not show up, because it cannot withstand the light of public scrutiny, and they will pressure the television networks not to sell the time.

If this Bill passes, A Constitutional lawsuit will be filed immediately. Foreign nations and corporations will know that the 21st Century pirates for hire reside in the U.S. Congress. Those who vote for it will be paid off handsomely. The people who voted for it will be forced to defend their actions in their 1998 campaigns. It will be a major Constitutional violation issue in the 2000 campaigns.

Isn't it time for our elected officials to stop debating whether their actions are legal or illegal, and ask only one question, "Is it right or wrong?"

Finally, before voting for this Bill, ask every member of the House and Senate who plan to vote for this Bill, to read the words of Isaac Hull, Captain of the U.S.S. Constitution, Old Ironsides—"If that fellow wants a fight, we won't disappoint him."

Again, thank you for your leadership—thank you for your courage—thank you for standing on principle.

Sincerely,

ROSS PEROT.

[From the New York Times, Oct. 17, 1997]

A BAD PATENT BILL

The Senate is considering a misguided bill to recast the patent laws in ways that would threaten small inventors and dampen the innovative spirit that helps sustain America's economy. The bill is so mischievous that it has attracted an unusual coalition of opponents—including the icon of of liberal economists, Paul Samuelson, the icon of conservative economists, Milton Friedman, and 26 other Nobel Prize-winning scientists and economists.

Patent laws currently require inventors to disclose their secrets in return for the exclusive right to market their product for up to 20 years. Early disclosure helps the economy by putting new ideas immediately into the

hands of people who, for a fee to the patent holder, find novel and commercially applicable uses for these ideas. Extended protection, meanwhile, provides a huge incentive for inventors to keep inventing. The American system generates more and better patent applications than any other country's.

The Senate bill would weaken patent protection for small inventors by requiring inventors who file for both American and foreign patents to publish their secrets 18 months after filing rather than when the patent is issued. Small inventors say that premature publication gives away their secret if their application fails. It would also allow large corporations with the financial muscle to fend off subsequent legal challenges to maneuver around the patent even if it is later issued.

Worse, the bills would encourage corporations to avoid the patent process altogether. Under current law, companies that rely on unpatented trade secrets run the risk that someone else will patent their invention and charge them royalties. The Senate bill would permit companies whose trade secrets are later patented by someone else to continue to market their products without paying royalties. Encouraging corporations to hide secrets is the opposite of what an economy that relies on information needs.

Pesky patent holders do in fact get in the way of large corporations. But the economy thrives on independent initiative. Small inventors need ironclad patent protection so that they are not forced into a legal scrum with financial giants. The House of Representatives and the Senate Judiciary Committee approved the patent bill without hearing the country's leading economists and scientists make their case. Senate sponsors now say they will try. Congress needs to hear the critics out before proceeding to any more votes.•

CONNECTICUT TEACHER OF THE YEAR

• Mr. DODD. Mr. President, I rise today to offer congratulations to an outstanding mathematics teacher, Marianne Roche Cavanaugh, who has been named the 1998 Connecticut Teacher of the Year. Mrs. Cavanaugh has demonstrated a lifetime of dedication to the students of Glastonbury's Public Schools, and she has set a standard of excellence for both her students and other educators. I want to express my gratitude and admiration for the commitment that she has displayed over her 22 years in teaching.

Mrs. Cavanaugh has had a distinguished career marked with various awards and achievements. She singlehandedly created the Gideon Wells Marathon—an academic and community involvement program for 7th and 8th graders. Since 1994, students have raised more than $20,000 by securing pledges for each math problem they solve in 1 hour during the marathon. The accumulated funds have been donated to charities chosen by the students. In addition, Mrs. Cavanaugh has directed districtwide professional development, and has codeveloped a problem-solving math curriculum, which emphasizes writing, calculator use, problem-solving, and interdisciplinary activities. Imaginative and productive ideas such as these have earned Mrs. Cavanaugh the distinction of being a finalist for the prestigious Presidential Award for Excellence in Mathematics and Science Teaching in both 1986 and 1998, as well as being the winner of the Celebration of Excellence Award in 1986.

The purpose of the Connecticut Teacher of the Year Program is to identify, from among many outstanding teachers, one teacher to serve as a visible and vocal representative of what is best in the profession. Through her innovative ideas, dedication to the institutional development of mathematics, and love for her profession and her students, Mrs. Cavanaugh has clearly earned this prestigious honor.

While I commend Mrs. Cavanaugh for her display of excellence in teaching, I want also to mention that her work is representative of the work of many educators that too often remain unrecognized. A survey done by the National Center for Education Statistics in 1995 found that only 54 percent of all teachers feel respected by society in their profession. Teachers fill an enormously important role in shaping the developmental experiences of children during the impressionable ages of childhood and adolescence. They serve not only to educate, but to mentor, motivate, influence, and inspire our children. Thanks to Mrs. Cavanaugh and other quality teachers like her throughout the State and the Nation, we have a brighter future ahead of us.•

THE 25TH ANNIVERSARY OF THE GREAT LAKES WATER QUALITY AGREEMENT

• Mr. GLENN. Mr. President, this year marks the 25th anniversary of the Great Lakes Water Quality Agreement, which has united Canada and the United States in their dedication to protecting the biological, chemical, and physical integrity of the Great Lakes. The commitment of both countries to manage water quality on an ecosystem basis has been so successful that other regions often praise our accomplishments and strive to achieve the same high quality of management. I applaud the efforts of both countries in the last 25 years to achieve the goals set forth in the Great Lakes Water Quality Agreement and urge that they continue to work cooperatively to maintain and improve Great Lakes water quality during the next 25 years.

On April 15, 1972, the Great Lakes Water Quality Agreement was signed by President Richard Nixon and Prime Minister Pierre Trudeau as a binational pledge to reduce and prevent pollution in the Great Lakes. The impetus for this agreement was the deteriorated quality of the Great Lakes into which we discharged our untreated wastes. In fact, Lake Erie was declared dead because of its poor quality and the Cuyahoga River had even caught fire. Lake Erie and Lake Ontario suffered from high phosphorus loadings which caused excessive amounts of algae to grow and deplete the water of oxygen. Low oxygen levels in the lakes caused fish to die. Other contaminants discharged into the water entered the food chain and caused deformities in the fish and wildlife of the region.

The initial agreement concentrated on reducing phosphorus and pollutants entering our lakes through municipal and industrial discharges. As a result of the 1972 Great Lakes Water Quality Agreement, phosphorus levels significantly decreased in the Great Lakes. In Lake Erie and Ontario, phosphorus loadings have been reduced by almost 80 percent. The United States and Canada achieved this binational goal through improvements in sewage treatment, lowering the levels of phosphorus in detergents, and reducing agricultural runoff.

While significant improvements were being made in controlling phosphorus and other wastewater discharges, researchers showed that toxic substances were a major concern. Persistent toxic substances, such as DDT, DDE, mercury, and PCB's, bioaccumulate in organisms and increase in concentration up the food chain. Some substances have been shown to cause birth defects in wildlife and adverse health effects in humans.

As a result, the Great Lakes Water Quality Agreement was revised in 1978 to meet the challenge of controlling toxics and included an ecosystem approach to managing the water quality of the Great Lakes basin. The two countries committed themselves to achieving zero discharge of toxic substances in toxic amounts and the virtual elimination of persistent toxic substances.

Due to the United States and Canadian commitment to reduce toxic substance releases, some major strides have been accomplished. The cormorant population in the Great Lakes region has significantly increased from 1950's to 1970's levels when the number of nesting pairs of cormorants dropped by 86 percent. Between 1971 and 1989, concentrations of DDE and PCB's decreased in cormorant eggs by more than 80 percent.

An additional refinement of the Great Lakes Water Quality Agreement occurred with the 1987 protocol which reinforced the 1978 commitments of the two countries and highlighted the importance of human and aquatic ecosystem health. Provisions were added to clean up 42 local areas of concern in the Great Lakes and included the development and implementation of remedial action plans [RAP's] and lakewide management plans.

A challenge to controlling pollutants entering the Great Lakes exists since

toxics and other pollutants enter the system in numerous ways. Therefore, the 1987 protocol also focused on nonpoint source pollution, contaminated sediments, airborne toxic substances, and contaminated groundwater.

Since the 1987 protocol, accomplishments have been made in the areas of concern. In 1994, Collingwood Harbour, ON, attained its restoration goals. The community worked together to insure that the contaminated sediments and deteriorated fish and wildlife habitats were dealt with in an innovative and cost-effective manner. On our side of the border, a fish consumption advisory was lifted for the first time in two decades at Waukegan Harbor, IL, in February of this year. The harbor is an area of concern which has been undergoing remediation efforts to clean up the largest known concentration of PCB's and PCB contaminated sediments.

Though toxic substances continue to pollute the Great Lakes and threaten the health of humans and wildlife, there also have been accomplishments in controlling some toxics. For instance, concentrations of polychlorinated compounds, such as dioxins and furans which are used in the bleaching process of pulp and paper mills, have decreased in the Great Lakes by 90 percent since the late 1980's.

While improvements in Great Lakes water quality are evident, they have not come quickly enough nor have they addressed all facets of the problem. Moreover, the most difficult challenge laid out by the Great Lakes Water Quality Agreement is still before us—the virtual elimination of persistent toxic substances. Much more work needs to be done in this arena. Fortunately, the Great Lakes Water Quality Agreement is precisely the vehicle which will enable us to rise to the challenge of virtually eliminating persistent toxic substances in the Great Lakes. Though crafted 25 years ago, the agreement and its amendments remain, in its current form, a vital road map for the restoration and protection of the Great Lakes. I hope that my colleagues will join me in respecting this agreement so that future generations will be able to enjoy a thriving Great Lakes ecosystem. •

SENATE QUARTERLY MAIL COSTS

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the fourth quarter of fiscal year 1997 to be printed in the RECORD. The fourth quarter of fiscal year 1997 covers the period of July 1, 1997 to September 30, 1997. The official mail allocations are available for frank mail costs as stipulated in Public Law 104–197, the Legislative Branch Appropriations Act for fiscal year 1997.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 09/30/97

Senators	Fiscal year 1997 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$143,028	0		$0.00	
Akaka	43,336	0		0.00	
Allard	59,148	0		0.00	
Ashcroft	97,617	1,689	0.00033	582.70	$0.00011
Baucus	41,864	6,996	0.00849	5,683.59	0.00690
Bennett	50,841	0		0.00	
Biden	40,023	0		0.00	
Bingaman	50,582	700	0.00044	160.10	0.00010
Bond	97,617	0		0.00	
Boxer	382,528	29,800	0.00097	4,844.53	0.00016
Bradley	33,378	0		0.00	
Breaux	82,527	0		0.00	
Brown	20,625	0		0.00	
Brownback	52,198	0		0.00	
Bryan	50,755	18,600	0.01402	3,985.50	0.00300
Bumpers	62,350	0		0.00	
Burns	41,864	0		0.00	
Byrd	53,135	0		0.00	
Campbell	77,822	0		0.00	
Chafee	43,394	0		0.00	
Cleland	90,218	0		0.00	
Coats	100,503	0		0.00	
Cochran	62,491	0		0.00	
Cohen	12,042	0		0.00	
Collins	35,217	92,500	0.07490	11,020.20	0.00892
Conrad	38,762	34,800	0.05472	4,710.37	0.00741
Coverdell	118,346	0		0.00	
Craig	44,496	0		0.00	
D'Amato	232,926	0		0.00	
Daschle	39,578	0		0.00	
DeWine	164,923	51,754	0.00470	39,763.91	0.00361
Dodd	71,425	619	0.00019	529.01	0.00016
Domenici	50,582	0		0.00	
Dorgan	38,762	19,363	0.03044	3,197.15	0.00503
Durbin	125,121	0		0.00	
Enzi	28,054	0		0.00	
Exon	13,199	0		0.00	
Faircloth	121,600	0		0.00	
Feingold	91,527	0		0.00	
Feinstein	382,528	18,519	0.00060	2,389.06	0.00008
Ford	77,040	0		0.00	
Frist	96,062	0		0.00	
Glenn	164,923	0		0.00	
Gorton	97,506	288,528	0.05618	55,591.33	0.01082
Graham	230,836	0		0.00	
Gramm	251,855	1,131	0.00006	384.55	0.00002
Grams	85,350	178,000	0.03973	30,536.17	0.00682
Grassley	65,258	283,000	0.10064	50,124.50	0.01783
Gregg	44,910	0		0.00	
Hagel	38,444	0		0.00	
Harkin	65,258	0		0.00	
Hatch	50,841	0		0.00	
Hatfield	18,477	0		0.00	
Heflin	22,240	0		0.00	
Helms	121,600	0		0.00	
Hollings	76,388	0		0.00	
Hutchinson	47,286	0		0.00	
Hutchison	251,855	0		0.00	
Inhofe	73,454	0		0.00	
Inouye	43,336	0		0.00	
Jeffords	38,357	91,796	0.16105	15,903.49	0.02790
Johnson	29,826	71,600	0.10070	14,035.58	0.01974
Johnston	21,919	0		0.00	
Kassebaum	16,457	0		0.00	
Kempthorne	44,496	0		0.00	
Kennedy	104,638	0		0.00	
Kerrey	50,818	0		0.00	
Kerry	104,638	0		0.00	
Kohl	91,527	0		0.00	
Kyl	83,872	0		0.00	
Landrieu	62,755	0		0.00	
Lautenberg	124,195	503	0.00006	405.81	0.00005
Leahy	38,357	7,380	0.01295	1,570.68	0.00276
Levin	143,028	0		0.00	
Lieberman	71,425	0		0.00	
Lott	62,491	0		0.00	
Lugar	100,503	0		0.00	
Mack	230,836	0		0.00	
McCain	83,872	0		0.00	
McConnell	77,040	0		0.00	
Mikulski	90,835	0		0.00	
Moseley-Braun	163,870	385,000	0.03310	56,505.14	0.00486
Moynihan	232,926	0		0.00	
Murkowski	37,990	286,000	0.48722	41,965.64	0.07149
Murray	97,506	207,437	0.04039	38,963.42	0.00759
Nickles	73,454	0		0.00	
Nunn	31,770	0		0.00	
Pell	11,158	0		0.00	
Pressler	10,108	0		0.00	
Pryor	16,371	0		0.00	

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 09/30/97—Continued

Senators	Fiscal year 1997 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Reed	32,752	0		0.00	
Reid	50,755	18,600	0.01402	3,985.75	0.00300
Robb	109,107	0		0.00	
Roberts	47,525	0		0.00	
Rockefeller	53,135	101,379	0.05595	18,263.09	0.01008
Roth	40,023	0		0.00	
Santorum	176,220	0		0.00	
Sarbanes	90,835	0		0.00	
Sessions	63,649	0		0.00	
Shelby	83,692	0		0.00	
Simon	44,289	0		0.00	
Simpson	9,473	0		0.00	
Smith, Bob	44,910	0		0.00	
Smith, Gordon	53,158	0		0.00	
Snowe	46,609	0		0.00	
Specter	176,220	0		0.00	
Stevens	37,990	0		0.00	
Thomas	37,266	1,055	0.00226	244.00	0.00052
Thompson	96,062	0		0.00	
Thurmond	76,388	0		0.00	
Torricelli	94,702	238,000	0.03056	34,093.31	0.00438
Warner	109,107	0		0.00	
Wellstone	85,350	0		0.00	
Wyden	70,009	0		0.00	

TRIBUTE TO MICHELE JOHNSON

• Mr. CONRAD. Mr. President, I rise for the purpose of commending the efforts of Michele Johnson, a legislative assistant on my staff who will be leaving the Senate at the end of this session. Michele's conscientiousness and exceptional work will be missed.

Michele Johnson, a native of rural Michigan, ND, and graduate of the University of North Dakota, has served on my staff for almost 3½ years. Michele has distinguished herself by her meticulous attention to detail and her ability to tackle a wide range of issues critical to our State. She has been of great help in our work to bring change to the Nation's agricultural credit system in order to help farmers who are struggling financially. She has also played an instrumental role in efforts we have undertaken to bring much needed economic and rural development to every corner of North Dakota. Her accomplishments in these areas will have a positive impact for years to come.

A lawyer by training, Michele has most recently tackled a very difficult assignment. In the wake of this year's millennium flood, she volunteered to go to Grand Forks to assist in the Red River Valley's disaster recovery efforts. Even before the floodwaters had receded, Michele had packed her bags and arrived in Grand Forks to be a part of the onsite assistance team.

While in Grand Forks Michele brought a local perspective to the Federal disaster response and her firsthand experience was enormously helpful in our efforts to lay the groundwork for North Dakota's long-term recovery. In her work, she earned high praise and recognition from community leaders up and down the Red River Valley.

We will miss Michele's contributions to the office, including her cheerful presence and enthusiasm. Thanks, Michele, for a job well done. We wish

you well as you move on to your next assignment.●

MONTEFIORE MEDICAL CENTER

● Mr. D'AMATO. Mr. President, I rise to discuss one important health care initiative in New York State. This worthy project is the Montefiore Medical Center and it is located in the Bronx section of New York City.

The Montefiore Medical Center system, established over 100 years ago, is an integrated health delivery system with two acute care hospitals providing access to over 1,000 beds, 30 community-based primary care centers, and a range of other outreach services operating in the Bronx and the surrounding communities. Through its extensive network, including comprehensive-care sites in some of the Nation's most economically deprived areas, Montefiore provides care to medically underserved residents. The Montefiore system provides nearly 20 percent of all inpatient acute care, and nearly 40 percent of all tertiary care required by Bronx residents, including over $50 million in uncompensated charity care annually. In addition, in partnership with the Children's Health Fund, Montefiore administers the Nation's largest medical program for homeless children.

The Bronx is home to 400,000 children under age 21. In 1995, Montefiore conducted an extensive review of the health status of Bronx children and concluded that the overwhelming majority are at serious health risk, for reasons such as abuse, pediatric AIDS, lead poisoning, and asthma. In particular, asthma is the most serious health risk to Bronx children. Nearly one-third of births in the borough are to teenage mothers who receive no prenatal care. As a result, the child hospitalization rate is 50 percent above the national average.

Montefiore's study also demonstrated that a fundamental restructuring of its pediatric health care delivery system should be necessary to meet the growing challenge of providing services to these extremely at-risk children. Managed care is rapidly transforming how health care services are delivered in underserved communities. To remain viable in the evolving health care marketplace, Montefiore's child health treatment, prevention, and education services must be organized and efficiently coordinated.

Montefiore has long been recognized as one of the Nation's premier pediatric research and training institutions, having trained a significant percentage of the country's pediatricians. In recent years, Montefiore has lost substantial numbers of pediatric specialists to more traditional children's hospitals which could have a dramatic impact on the numbers of physicians who practice in inner-city communities. To ease the competitive disadvantage and ensure its capacity to retain critically needed pediatric resources for the Bronx, Montefiore must consolidate pediatric specialists and specialty care in one location, a children's hospital.

To meet the enormous challenge of providing high-quality, comprehensive services for Bronx children, Montefiore will develop the Montefiore Medical Center Child Health Network [CHN], an integrated system of family-centered care for families of all socio-economic levels. The CHN, organized around the core principle of providing enhanced access to high quality primary care, will offer a full complement of child health services.

As the central institution of the CHN, the Montefiore Children's Hospital will feature 106 beds in age-appropriate units, state-of-the-art pediatric emergency and intensive care units, a full spectrum of tertiary subspecialties, including environmental sciences and behavioral pediatrics, a short-stay day hospital, support facilities and services for children and their families, including playrooms, school facilities, and a family resource center, and lastly, innovative communications technologies including a telemedicine consultation service and on-line teaching and tele-conferencing capabilities.

Montefiore Medical Center has provided community services and community-based health care programs for over a century. It is uniquely qualified to implement an initiative as innovative and far reaching as the Child Health Network. This initiative will strengthen and extend Montefiore's commitment to the Bronx community as a whole, and the children of the Bronx in particular. Through the centralization of its diverse services in this borough of New York City, the new Children's Hospital and its satellites will elevate the quality, scope, and accessibility of primary and specialty health care services available to children and their families.

Mr. President, the Senate Labor, Health and Human Services Subcommittee on Appropriations includes a reference to this initiative in its report. The language is as follows:

> The health status of children living in the Bronx section of New York City is particularly worrisome with sociodemographic and health status indicators which underscore a need for improved health care services. The Committee is aware of plans to establish a state-of-the-art children's hospital in the Bronx to address the critical needs of its pediatric population. To enhance current Federal child health care programs in the area, the Committee encourages the Department to assist in the planning of this new facility and its potential programs.

Mr. President, I look forward to working with the administration, the Congress, and the medical center on developing a Federal partnership for this initiative. This initiative could serve as a national model of how complete health systems can adapt and respond to the very unique and challenging health needs of children in medically underserved urban communities.●

CONFIRMATION OF CHARLES R. BREYER TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

● Mr. LEAHY. Mr. President, I am delighted that the Senate has approved the nomination of Charles R. Breyer to be a U.S. District Judge for the Northern District of California.

The American Bar Association unanimously found Mr. Breyer to be well-qualified, its highest rating, for this appointment. He has extensive trial experience with the district attorney's office for the city and county of San Francisco, the Department of Justice Watergate Special Prosecution Force, and in private practice. His nomination enjoys the strong support of Senator FEINSTEIN and Senator BOXER.

The Northern District of California has 3 vacancies out of 14 judgeships and desperately needs Charles Breyer to help manage its growing backlog of cases.

I am delighted for Mr. Breyer and his distinguished family that he was confirmed. He will make a fine judge.●

CONFIRMATION OF FRANK C. DAMRELL, JR. TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA

● Mr. LEAHY. Mr. President, I am delighted that the Senate confirmed Frank C. Damrell, Jr. to be a U.S. district judge for the eastern district of California.

The American Bar Association found Mr. Damrell to be well-qualified, its highest rating, for this appointment. He has extensive trial experience as a former deputy attorney general for the State of California, a former deputy district attorney for Stanislaus County, and a trial attorney in the private practice of law for the past 27 years. His nomination enjoys the strong support of Senator FEINSTEIN and Senator BOXER.

I am delighted for Mr. Damrell and his distinguished family that he was confirmed. He will make a fine judge.●

CONFIRMATION OF A. RICHARD CAPUTO TO BE A U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

● Mr. LEAHY. Mr. President, I am delighted that the Senate confirmed A. Richard Caputo to be a U.S. District Judge for the Middle District of Pennsylvania. Mr. Caputo is a well-qualified nominee.

The nominee has decades of legal experience in the private practice of law at the firm of Shea, Shea & Caputo in Kingston, PA. Prior to joining this firm, he served the public interest as a assistant public defender in Luzerne County, PA. The American Bar Association has found him to be qualified for this appointment.

We first received Mr. Caputo's nomination on July 31, 1997. He had a confirmation hearing on September 5. He was unanimously reported by the committee on November 6. With the strong support of Senator SPECTER, this nomination has moved expeditiously through the Committee and the Senate.

I congratulate Mr. Caputo and his family and look forward to his service on the district court.•

PADUCAH GASEOUS DIFFUSION PLANT

• Mr. MCCONNELL. Mr. President, I stand today to recognize the achievements and progress of the Paducah Gaseous Diffusion Plant in Paducah, KY. On October 20, 1997, Industry Week Magazine named the Paducah Gaseous Diffusion Plant one of America's top 10 plants. This would be a greater honor for any manufacturer, but I feel that it is particularly remarkable for the Paducah Gaseous Diffusion Plant. When producing a potentially dangerous material like enriched uranium, extensive safety precautions have to be their first priority. The uranium they produce is shipped not only throughout the United States, but worldwide as well, to be used in the nuclear fuel cycle.

The 275 plants nominated for this honor were judged in 14 areas including productivity, quality of product, employee involvement, cost reduction, and customer focus. The Paducah Gaseous Diffusion Plant is impressive in all of these areas, and their performance has improved immensely over the past 5 years. In 1993, analysts predicted that the plant would have to close in the early 21st century, but continuous improvements have put an end to this speculation. There has been a 65-percent reduction in injuries over the past 5 years, a reduction in environmental concerns, and an impressive 100-percent on-time production delivery rate.

The 1,800 workers of the Paducah Gaseous Diffusion Plant, most of which are Kentuckians, are truly to be commended. These workers and their management team have visited other quality plants for innovative ideas about how to improve their own production. They have formed over 30 problem-solving teams, solicited and acted on advice from employees, and engaged in extensive and continual annual training. The positive labor-management relationship has successfully turned the 750-acre facility into thriving, cost-controlled, internationally competitive business. They have worked remarkably well on a daily basis with inspectors from the Nuclear Regulatory Commission, as well as with officials from the U.S. Enrichment Corp. The U.S. Enrichment Corp., which manages both the Paducah and the Pikeville, OH, plants, supplies 80 percent of the nuclear fuel for nuclear plants in the United States, and maintains 44 percent of the world enrichment market.

I would like to extend my sincere congratulations and thanks to the employees of the Paducah Gaseous Diffusion Plant. The plant's appropriate slogan is "Survive and Thrive," and they have done just that. The Paducah Gaseous Diffusion Plant not only provides jobs and benefits to western Kentuckians, but it helps the United States remain self-reliant for our nuclear fuel production.•

HENRI TERMEER WINS MASSACHUSETTS GOVERNOR'S NEW AMERICAN APPRECIATION AWARD

Mr. KENNEDY. Mr. President, it is a privilege for me to take this opportunity to commend Henri Termeer of Massachusetts on receiving the Governor's New American Appreciation Award from Governor Weld earlier this year.

Henri Termeer is well known to many of us in Congress. He is the chief executive officer and president of Genzyme Corp., the largest biotechnology company in Massachusetts and the fourth largest in the world. When Henri joined Genzyme in 1983, the company had only 35 employees. Under his leadership, Genzyme has grown to over 3,500 employees, including 2,100 in Massachusetts.

Henri was born in the Netherlands and grew up expecting that he would eventually join his father's shoe business. As a young man, he worked in the shoe industry in England, intending to gain training and experience there before returning to work for his father. When he left England, however, he decided to come to America instead of returning to the Netherlands.

After earning a masters degree in business administration at the University of Virginia, Henri joined a pharmaceutical company and spent the next 10 years working in Germany and the United States in various management positions. He left that company in 1983 to become president of Genzyme Corp. and later became the company's chief executive officer as well.

In working with Henri Termeer over the years, I have come to know him as an impressive businessman and as an outstanding leader for the biotechnology industry. He is highly respected in the industry for his knowledge, vision, and commitment, and he has won numerous awards from his peers. As a member of Governor Weld's Council on Economic Growth and Technology and chairman of the Subcommittee on Biotechnology and Pharmaceutical Development, Henri's leadership was responsible for the adoption of a number of broad initiatives that have made Massachusetts an excellent business environment for the biotechnology industry. At the present time, biotechnology is a $1.7 billion industry in Massachusetts that employs over 17,000 people.

Henri was selected to receive the Governor's New American Appreciation Award for his charitable and community activities as well as his business leadership. Among his most important civic accomplishments are his efforts to expand learning opportunities for mentally challenged children, to improve science education for minority students, and to train workers displaced from other industries for new careers in biotechnology.

I congratulate Henri Termeer on this well-deserved award. His success in this country is a brilliant new chapter in America's distinguished immigrant heritage and history. He is a modern symbol that the American Dream is alive and well in our own day and generation. The United States needs more New Americans like Henri Termeer.

REGARDING: FEDERAL SCIENCE AND TECHNOLOGY INVESTMENT

• Mr. FRIST. Mr. President, as a Senator, I am afforded a unique opportunity to see a broad cross section of our Nation. From that perspective, I have had a chance to reflect upon why our country continues to be the envy of the world. Some might say that we are blessed with abundant natural resources. That is true enough, but in the final analysis, it is the American people that have made, and will continue to make, this country great.

We are a nation drawn from diverse backgrounds and ideas. Still, there is a thread that unites us. Our forefathers, who came to this land to build a new life, created in turn a nation of builders. We build homes, we build businesses and factories, but most of all we build futures; we build hope. And, as a people, we rise to meet a challenge. At no time was that more apparent than during World War II. That crisis forced our Nation to make drastic sacrifices in order to survive. The legacy of those choices has driven our economy and our policies ever since. It is one of those legacies, the Federal investment in science and technology, that concerns me today.

Science and technology have shaped our world. It is very easy to see the big things: putting a man on the moon, breakthroughs in genetic research, and the burgeoning world of the Internet. In today's world technology surrounds us: the computer that makes our cars run, lets us talk on the telephone, runs

the stoplights, runs the grocery store checkout, and controls the microwave. Our world runs on technology and the American Federal investment in research and development has played a significant part in creating it. Much of our economy runs on technology as well. One-third to one-half of all U.S. economic growth is the result of technical progress. Technology contributes to the creation of new goods and services, new jobs and new capital. It is the principal driving force behind the long-term economic growth and increased standards of living of most of the world's modern industrial societies.

The history of the last five decades has shown us that there is a Federal role in the creation and nurturing of science and technology. But the last three decades have shown us something else: fiscal reality. The simple truth is that we just don't have enough money to do everything we'd like. It took some time for us to realize that and by the time we did, we found ourselves in a fiscal situation that is only now being addressed. As a result, discretionary spending is under immense fiscal pressure.

One only has to look back over the last 30 years to illustrate this trend. In 1965, mandatory spending—entitlements and interest on the debt—accounted for 30 percent of our budget, while 70 percent was discretionary. That meant that 70 percent of the budget could be used for roads, education, medical research, parks, and national defense. Today, just 30 years later, the ratio of discretionary to mandatory spending has reversed. Sixty-seven percent of our budget is spent on mandatory programs, leaving 33 percent of our budget for discretionary spending. Current estimates paint an even grimmer future. By 2012, mandatory spending, the combination of interest and entitlement programs, will consume all taxpayer revenues, leaving nothing for parks, education, roads, or the Federal investment in science and technology. Clearly we as a nation, cannot afford to let this happen.

We have both a long-term problem—addressing the ever increasing level of mandatory spending—and a near-term challenge—apportioning a dwindling amount of discretionary funding. This confluence of increased dependency on technology and decreased fiscal flexibility has created a problem of national significance. Not all deserving programs can be funded. Not all authorized programs can be fully implemented. The luxury of fully funding programs across the board has passed. We must set priorities. By using a set of first or guiding principles, we can consistently ask the right questions about each competing technology program. The answers will help us focus on a particular program's effectiveness and appropriateness for Federal research and development funding. This is the information needed to make the hard choices about which programs deserve support and which do not. Through the application of these First Principles, we can ensure that the limited resources the Federal Government has for science and technology are invested wisely.

There are four First Principles:

First, good science. Our Federal research and development programs must be focused, peer and merit reviewed, and not duplicative; the program must solve the right problem, in the right way.

Second, fiscal accountability. We must exercise oversight to ensure that programs funded with scarce Federal dollars are managed well. We cannot tolerate the waste of money by inefficient management techniques, by government agencies, by contractors, or by Congress itself. A move to multi-year budgeting is a step in the right direction. It will work to provide more stable funding levels and give Congress the opportunity to exercise its much needed oversight responsibility.

Third, measurable results. We need to make sure that Government programs achieve their goals. We need to make sure that as we craft legislation that affects science and technology, it includes a process which allows us to gauge the program's effectiveness. As we undertake this, we must be careful to select the correct criteria. We cannot get caught up in the trap of measuring the effectiveness of a research and development program by passing judgment on individual research projects.

Fourth, the Government should be viewed as the funder of last resort. Government programs should not displace private investment, whether from corporations or venture capitalists. It is not the Federal Government's role to invest in technology that has matured enough to make it to the marketplace. When the Government provides funding for any technology investment program, it must take reasonable steps to ensure that the potential benefits derived from the program will accrue broadly and not, for instance, to a single company.

Accompanying the four First Principles, are four corollaries:

First, flow of technology. This year's Science, Technology and Space Subcommittee hearing have provided ample proof that the process of creating technology involves many steps. The present Federal research and development structure reinforces the increasingly artificial distinctions across the spectrum of research and development activities. The result is a set of discrete programs which each support a narrow phase of research and development and are not coordinated with one another. The Government should maximize its investment by encouraging the progression of a technology from the earliest stages of research up to commercialization, through funding agencies and vehicles appropriate for each stage. This creates a flow of technology, subject to merit at each stage, so that promising technology is not lost in a bureaucratic maze.

Second, excellence in the American research infrastructure. Federal investment in research and development programs must foster a close relationship between research and education. Investment in research at the university level creates more than simply world class research. It creates world class researchers as well. The Federal strategy must continue to reflect this commitment to a strong research infrastructure. We must find ways to extend the excellence of our university system to primary and secondary educational institutions.

Third, commitment to a broad range of research initiatives. An increasingly common theme has emerged from the Science, Technology and Space Subcommittee hearings this year: Revolutionary innovation is taking place at the overlap of research disciplines. We must continue to encourage this by providing opportunities for interdisciplinary projects and fostering collaboration across fields of research.

Fourth, partnerships among industry, universities, and Federal laboratories. Each has special talents and abilities that complement the other. Our Federal dollar is wisely spent facilitating the creation of partnerships, creating a whole that is greater than the sum of its parts.

The principles and corollaries that I have outlined form a framework that can be used to guide the creation of new, federally funded research and development programs and to validate existing ones. An objective framework derived from First Principles is a powerful method to elevate the debate on technology initiatives. It increases our ability to focus on the important issues, and decreases the likelihood that we will get sidetracked on politically charged technicalities. It also serves as a mechanism to ensure that Federal research and development programs are consistent and effective.

The four principles and four corollaries serve different purposes: The First Principles help us evaluate an implementation of a research and development program.

First, good science.

Second, fiscal accountability.

Third, measurable results.

Fourth, Government as funder of last resort.

The corollaries help us establish a consistent set of national goals—the vision of an overall research and development program.

First, creation of a flow of technology.

Second, excellence in the American research infrastructure.

Third, commitment to a broad range of research initiatives.

Fourth, partnerships among industry, university, and federal laboratories.

Mr. President, Congress continues to face a monumental budgetary challenge. Despite our accomplishment this year of passing the first balanced budget since 1969, we have yet to face the most daunting challenge: bringing entitlements under control at a time of huge demographic shifts toward increasing numbers of recipients. Even as we work toward this difficult goal, we cannot lose sight of the near-term management challenge in making the most of our limited discretionary funds. The Federal investment in research and development has paid handsome dividends in raising our standard of living. It is an investment we cannot afford to pass up.•

ARAB-AMERICAN AND CHALDEAN COUNCIL 1997 ANNUAL CIVIC AND HUMANITARIAN AWARDS BANQUET

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge an important event which is taking place in the State of Michigan. On this day, December 5, 1997, many have gathered to celebrate the Arab-American and Chaldean Council [ACC] Annual Civic and Humanitarian Awards Banquet. Each of the individuals in attendance deserve special recognition for their commitment and steadfast support of the Arab-American and Chaldean communities.

I am pleased to recognize the recipients of this evening's awards: Mr. Brian Connolly and Ms. Beverly B. Smith, Civic and Humanitarian, Mr. John Almstadt, 1997 Leadership Award, Senator Dick Posthumus, 1997 State Leadership Award, and Ms. Elham Jabiru-Shayota, Mr. Andrew Ansara, and Mr. George Ansara Entrepreneurs of the Year. Each of these recipients should take great pride in receiving these distinguished awards.

While it is important to pay special tribute to the awardees, it is also essential to honor the citizens of the Arab-American and Chaldean communities. Each of you that has worked to strengthen cultural understanding have contributed greatly to the State of Michigan. For the past 18 years, the ACC has provided tireless support and steadfast dedication to Arabic- and Chaldean-speaking immigrants and refugees. During the past fiscal year, 1996–97, ACC was able to serve over 18,000 clients and cases. This coming year will be an exciting one for ACC. Six of ACC's outreach locations will be consolidated into one location at the Woodward Avenue and Seven Mild Road Area, allowing ACC to serve an even greater client base. Through job placement programs and mental health services, ACC has significantly enhanced the lives of many in our community. As you gather this evening to honor these awardees, I challenge each of you to continue to be active participants in your respective communities.

To the Arab-American and Chaldean-American communities and to the awardees, I send my sincere best wishes. May the spirit of this evening continue to inspire each of you.•

1997 HUMAN RELATIONS AWARD OF THE GREATER DETROIT INTERFAITH ROUND TABLE OF THE NATIONAL CONFERENCE

• Mr. LEVIN. Mr. President, I rise today to honor Alex Trotman and Mandell "Bill" Berman who will receive the 1997 Human Relations Award of the Greater Detroit Interfaith Round Table of the National Conference, on November 18, 1997. This important awards ceremony will take place during the Greater Detroit Interfaith Round Table's 50th Annual Dinner.

The Greater Detroit Interfaith Round Table was established in 1940 as the local chapter of the National Conference of Christians and Jews. The Detroit community quickly supported the NCCJ's goal of providing a forum where people of varied faiths could explore and celebrate their differences. During the last 57 years, the Interfaith Round Table has promoted such understanding through its many popular programs and fora.

The Human Relations Award recognizes leaders in the community "for moving us forward in building a city, State, and Nation committed to the ideals of dignity, justice, and respect for all people." This year's recipients have displayed a strong personal commitment to promoting understanding among all races, religions, and cultures. Their great efforts are an inspiration to us all.

Alex Trotman is chairman of the board of directors and chief executive officer of Ford Motor Co. He was born in Middlesex, England, and came to the United States in 1969. Since coming to America, Mr. Trotman has used his unique vantage point to promote understanding among different people. He is currently a member of several organizations which promote international exchange, such as the Chase International Advisory Committee, the America-China Society, and the United States-Japan Business Council.

Bill Berman is a Detroit native and, like me, a product of its public school system. After a distinguished career in industry, Mr. Berman is currently a member of the board of the Dreyfus Corp. He has also been closely involved with supporting his community. He has served in leadership positions of the Skillman Foundation, JESNA, and its Berman Research and Evaluation Center, Detroit Jewish Welfare Federation, and the United Way.

Mr. President, I know my Senate colleagues join me in congratulating Alex Trotman and Mandell "Bill" Berman on receiving the 1997 Human Relations Award of the Greater Detroit Interfaith Round Table.•

THE CURRENT CRISIS INVOLVING IRAQ

• Mr. MCCAIN. Mr. President, last week I submitted a statement for the record discussing my views on the situation in Iraq and the need for the United States to remain resolute in its dealings with the regime of Saddam Hussein.

Today, I would like to submit a paper on the subject written by Tony Cordesman, currently at the Center for Strategic and International Studies and formerly a member of my staff. Tony's paper offers an excellent summation of Iraqi intentions and capabilities as well as providing expert analysis of what is at stake for the United States and its interests in the Middle East as a result of this most recent crisis involving Iraq and the United Nations Special Commission.

I urge all of my colleagues in the Senate and the House to read this paper carefully. It offers insightful commentary on the potential ramifications of various policy alternatives that the United States and the United Nations may select in responding to Saddam's latest provocation. Toward that end, I respectfully request that Dr. Cordesman's paper be included in the RECORD, as well as this statement.

The paper follows:

WHAT IS AT STAKE IN THE CRISIS WITH IRAQ—THE THREAT OF IRAQI WEAPONS OF MASS DESTRUCTION AND U.S. MILITARY OPTIONS

(By Anthony H. Cordesman)

Iraq's process of proliferation is so complex that it is sometimes difficult to determine just how serious the violations that UNSCOM has discovered really are, or to put these violations in perspective relative to what UNSCOM has already accomplished. Attachment One provides a short summary of UNSCOM's most recent conclusions relating to Iraq's efforts to cheat the UN. Attachment Two describes Iraq programs before and during the Gulf War, what UNSCOM has accomplished in the seven years that have followed, and what remains unknown.

IRAQ'S CLANDESTINE BREAKOUT CAPABILITY

These attachments show that the issue is not one of sweeping up the details, but rather one of dealing with massive violations, some of which occurred as recently as August, 1997. At the same time, it is important to understand that many UNSCOM and US experts believe Iran has started completely separate new programs since the Gulf War, which are so secret and dispersed that they are almost impossible to detect. These programs may be largely at the research and development level, but they may give Iraq a major "break out" capability to rapidly produce and redeploy weapons of mass destruction the moment that sanctions are lifted.

Major possibilities that could be accomplished in small research facilities and which could be rapidly moved or dispersed include:

UNSCOM and the IAEA's success have created new priorities for Iraqi proliferation. The UN's success in destroying the large facilities Iraq needs to produce fissile materials already may well have led Iraq to focus on covert cell-like activities to manufacture highly lethal biological weapons as a substitute for nuclear weapons.

All of the biological agents Iraq had at the time of the Gulf War seem to have been "wet" agents with limited storage life and limited operational lethality. Iraq may have clandestinely carried out all of the research necessarily to develop a production capability for dry, storage micro-power weapons which would be far easier to clandestinely stockpile, and have much more operational lethality.

Iraq did not have advanced binary chemical weapons and most of its chemical weapons used unstable ingredients. Iraq has illegally imported specialized glassware since the Gulf War, and may well have developed advanced binary weapons and tested them in small numbers. It may be able to use a wider range of precursors and have developed plans to produce precursors in Iraq. It may have improved its technology for the production of VX gas.

Iraq is likely to covertly exploit Western analyses and critiques of its pre-war proliferation efforts to correct many of the problems in the organization of its proliferation efforts, its weapons design, and its organization for their use.

Iraq bombs and warheads were relatively crude designs which did not store chemical and biological agents well and which did a poor job of dispersing them. Fusing and detonation systems did a poor job of ensuring detonation at the right height and Iraq made little use of remote sensors and weather models for long-range targeting and strike planning. Iraq could clandestinely design and test greatly improve shells, bombs, and warheads. The key tests could be conducted using towers, simulated agents, and even indoors. Improved targeting, weather sensors, and other aids to strike planning are dual-use or civil technologies that are not controlled by UNSCOM. The net impact would be weapons that could be 5–10 times more effective than the relatively crude designs Iraq had rushed into service under the pressure of the Iran-Iraq War.

UNSCOM and the IAEA's success give Iraq an equally high priority to explore ways of obtaining fissile material from the FSU or other potential supplier country and prepare for a major purchase effort the moment sanctions and inspections are lifted and Iraq has the hard currency to buy its way into the nuclear club. Iraq could probably clandestinely assemble all of the components of a large nuclear device except the fissile material, hoping to find some illegal source of such material.

The components for cruise missiles are becoming steadily more available on the commercial market, and Iraq has every incentive to create a covert program to examine the possibility of manufacturing or assembling cruise missiles in Iraq.

UN inspections and sanctions may also drive Iraq to adopt new delivery methods ranging from clandestine delivery and the use of proxies to sheltered launch-on-warning capabilities designed to counter the U.S. advantage in airpower.

Iraq can legally maintain and test missiles with ranges up to 150 kilometers. This allows for exoatmospheric reentry testing and some testing of improved guidance systems. Computer simulation, wind tunnel models, and production engineering tests can all be carried out clandestinely under the present inspection regime. It is possible that Iraq could develop dummy or operational high explosive warheads with shapes and weight distribution of a kind that would allow it to test concepts for improving its warheads for weapons of mass destruction. The testing of improved bombs using simulated agents would be almost impossible to detect as would the testing of improved spray systems for biological warfare.

Iraq has had half a decade in which to improve its decoys, dispersal concepts, dedicated command and control links, targeting methods, and strike plans. This kind of passive warfare planning is impossible to forbid and monitor, but ultimately is as important and lethal as any improvement in hardware.

There is no evidence that Iraq made an effort to develop specialized chemical and biological devices for covert operations, proxy warfare, or terrorist use. It would be simple to do so clandestinely and they would be simple to manufacture.

The key point is that only effective UNSCOM operations can deter Iraq from rapidly rebuilding its wartime capabilities, and sparking a new arms race that is certain to lead Iran to reply in kind and present major new problems for U.S. forces in the region and our Southern Gulf allies.

U.S. MILITARY OPTIONS

The U.S. must be careful to try to preserve as much international consensus as it can in support of the UNSCOM effort. It must be careful to avoid using threat or force in a way that could further split the U.N. Security Council, or win this round and lose the war. We need to be sensitive to humanitarian concerns about punishing the Iraqi people in ways that do not really punish Saddam. We also need to be careful about the kind of threats and token strikes that have no real effect on what Saddam holds vital, and which end in convincing him that he can win a war of sanctions against the U.S., and allowing Saddam to show that he can defy the U.N. and U.S. with impunity.

We also need to understand that UNSCOM and sanctions are not a failure. Iraq imported over $80 billion worth of arms during the Iran-Iraq War. It was importing around $3 billion worth of arms a year at the time of the Gulf War. It needs a minimum of about $1.5 billion a year worth of imports simply to keep its military machine alive. Iraq, however, has had no significant military imports since 1990, and has had no successes in mass producing a single advanced weapon in Iraq. It has a $20 billion deficit in arms imports, and it has not been able to import a single new weapon or technology to react to the devastating lessons of the Gulf War. It has less than half the tanks and half the combat aircraft it did at the time of the Gulf War.

UNSCOM is not perfect, but it is the most successful arms control regime in history. It has destroyed virtually all of Iraq major facilities for producing missiles, and chemical, biological, and nuclear weapons. Virtually all of these facilities survived the Gulf War. It has supervised the destruction of nearly 100,000 chemical and biological weapons and/or major components and manufacturing devices for such weapons, and thousands of tons of precursors for making chemical weapons.

It was UNSCOM that discovered Iraq's massive biological weapons and VX nerve gas programs, and it did so in 1995, four years after the war was over. In the six years since the cease-fire, there has never been a six month reporting period in which UNSCOM has not made another major discovery, including the period between April and October, 1997. It is UNSCOM intrusive monitoring program which limits Iraq's unceasing clandestine efforts and prevents Iraq from rapidly manufacturing large numbers of advanced biological and chemical weapons.

Keeping UNSCOM alive and effective is far more important than forcing a military showdown with Saddam. If threats and negotiation can work, they should be allowed to do so. Unilateral U.S. military action, or action with a limited or forced international consensus, should be a last resort because making Saddam back down this time might come at the cost of undermining or ending support for sanctions.

At the same time, force and no inaction must be the last resort. Preventing Iraq from proliferating and a new and totally destabilizing arms race between Iran and Iraq is a vital national security interest. So is the defense of our Arab allies and Israel, and the protection of our own power projection forces. Our economy is dependent on the global price and availability of oil, and the Persian Gulf is the key to energy security.

Fortunately, the US does have military options that it can execute with and without allied support. They also go far beyond the kind of pointlessly expensive slap on the wrist that the US has used in firing cruise missiles against targets Saddam does not really value like an intelligence headquarters, or military targets with cruise missiles could not destroy.

Some of these options do not require immediate US military action. The US can shift the burden of triggering military action to Saddam. These include "halt or shoot" options like forbidding all Iraqi military flights. This could include only combat fixed wing aircraft, or all aircraft including helicopters and transports. A nation-wide no-fly zone would paralyze and weaken critical Iraqi military capabilities. Another step would be a demand for a nation-wide halt to all armored movements larger than battalion sized units. This would destroy the Iraqi army's ability to train and exercise. A third such option would be to attack and destroy any facility where UNSCOM is denied timely access. A fourth option would be to destroy any military facility or production plant where new construction or manufacturing activity began. A fifth option would be to destroy any facility where Iraq has interfered with the UN monitoring equipment or tags. None of these options would hurt the Iraq people. All would threaten the "crown jewels" of Saddam's regime.

There are other "crown jewels" that the US could attack without waiting and which would not hurt the Iraqi people. These include the airbases with Saddam's remaining MiG–29s, Su–24s, and Mirage F–1s: The only aircraft he has left that really matter. The US does not have to destroy the entire Iraqi Air Force. Few in Iraq would mourn the destruction of the Special Republican Guards, and this force is critical to Saddam's security. The US could expand these attacks to cover all critical Iraqi security facilities, and this time the attacks should be designed to kill as many occupants as possible and should be sustained until Saddam completely backs down. Destroying Iraq's remaining military production facilities on a step-by-step basis would confront Saddam with the risk of losing his conventional military capabilities. Ordinary Iraqis are also

unlikely to mourn the destruction of Saddam's new palaces, and this gives us at least 17 targets that were built or rebuilt after UN sanctions began.

In short, we do have good options if we are forced to use them and if we have the will to escalate beyond military tokenism. Further, these options will exist long after the current crisis is over. They can be made part of a clear declaratory doctrine regarding Iraq, and such a doctrine is clearly needed. It should be made unambiguously clear to the world that the US will enforce the terms of the UN Cease-fire until Iraq's capabilities to produce weapons of mass destruction are destroyed and will not allow Iraqi to rebuild. The US should not telegraph its punches by specifying a given action for a given violation, but it should make it clear to the world as well as Saddam that the US will always act. The US should also make it clear that it will raise the cost to Saddam each time he provokes another crisis and that he will force escalation if other incidents follow. We should not be trigger happy, but we must not let "sanctions fatigue" lead to "proliferation fatigue" and a horrifying new arms race in the Gulf.

IRAQ'S "CLANDESTINE BREAK OUT CAPABILITY:" COVERT PROGRAMS IRAQ COULD HAVE UNDERTAKEN SINCE THE CEASE-FIRE THAT UNSCOM MIGHT NOT DETECT OR PREVENT

(By Anthony H. Cordesman)

UNSCOM and IAEA's success have created new priorities for Iraqi proliferation. The UN's success in destroying the large facilities Iraq needs to produce fissile materials already may well have led Iraq to focus on covert cell-like activities to manufacture highly lethal biological weapons as a substitute for nuclear weapons.

All of the biological agents Iraq had at the time of the Gulf War seem to have been "wet" agents with limited storage life and limited operational lethality. Iraq may have clandestinely carried out all of the research necessarily to develop a production capacity for dry, storage micro-power weapons which would be far easier to clandestinely stockpile, and have much more operational lethality.

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Iraq is likely to covertly exploit Western analyses and critiques of its pre-war proliferation efforts to correct many of the problems in the organization of its proliferation efforts, its weapons design, and its organization of their use.

Iraq bombs and warheads were relatively crude designs which did not store chemical and biological agents well and which did a poor job of dispersing them. Fusing and detonation systems did a poor job of ensuring detonation at the right height and Iraq made little use of remote sensors and weather models for long-range targeting and strike planning. Iraq could clandestinely design and test greatly improve shells, bombs, and warheads. The key tests could be conducted using towers, simulated agents, and even indoors. Improved targeting, weather senors, and other aids to strike planning are dual-use or civil technologies that are not controlled by UNSCOM. The net impact would be weapons that could be 5–10 times more effective than the relatively crude designs Iraq had rushed into service under the pressure of the Iran-Iraq War.

UNSCOM and the IAEA's success give Iraq an equally high priority to explore ways of obtaining fissile material from the FSU or other potential supplier country and prepare for a major purchase effort the moment sanctions and inspections are lifted and Iraq has the hard currency to buy its way into the nuclear club. Iraq could probably clandestinely assemble all of the components of a large nuclear device except that fissile material, hoping to find some illegal source of such material.

The components for cruise missiles are becoming steadily more available on the commercial market, and Iraq has every incentive to create a covert program to examine the possibility of manufacturing or assembling cruise missiles in Iraq.

UN inspections and sanctions may also drive Iraq to adopt new delivery methods ranging from clandestine delivery and the use of proxies to sheltered launch-on-warning capabilities designed to counter the US advantage in airpower.

Iraq can legally maintain and test missiles with ranges up to 150 kilometers. This allows for exoatmospheric reentry testing and some testing of improved guidance systems. Computer simulation, wind tunnel models, and production engineering tests can all be carried out clandestinely under the present inspection regime. It is possible that Iraq could develop dummy or operational high explosive warheads with shapes and weight distribution of a kind that would allow it to test concepts for improving its warheads for weapons of mass destruction. The testing of improved bombs using simulated agents would be almost impossible to detect as would be testing of improved spray systems for biological warfare.

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THE NEXT GENERATION INTERNET

• Mr. INOUYE. Mr. President, the Internet is transforming every aspect of how a university performs research, teaches its students and reaches out to the public. In Hawaii and Alaska, the importance of the Internet is multiplied even more by the vast distances that separates us from the other 48 states, as well as the unique internal geography of our states which separate our citizens from each other by water, mountains or long distances.

In October 1996, the Clinton Administration unveiled its Next Generation Internet (NGI) initiative, emphasizing that the Internet is the biggest change in human communication since the printing press. The initiative proposed a $100 million per year federal program to create the foundation for the networks of the 21st century. Approximately $95 million is being appropriated this year for the NGI.

One of the initial NGI project goals is to connect at least 100 universities and national labs at speeds 100 to 1,000 times faster than today's Internet. The University of Hawaii and University of Alaska, along with many other institutions, have joined the Internet2 initiative which shares this objective.

Unfortunately, high-speed connectivity comparable to what the NGI project is bringing to research universities throughout the country is not even available, much less affordable, for the universities of our most remote states of Alaska and Hawaii. These are the states where telecommunications is most needed to counteract the isolation that is imposed by our remoteness.

It must be noted first and foremost that our public universities in Alaska and Hawaii have already dug deep to pay their own fair share to obtain Internet connectivity. These two institutions already allocate more internal funding for Internet connections than any other university, yet they receive far less capacity for their dollars importance on the Internet, these universities are faced with urgent needs that cannot be reasonably accommodated through the commercial marketplace or federal grant mechanisms currently in place.

For example, as part of the Internet2 project, major research universities are now planning increases in speed from 45 Mbps (million bits per second) to 150 Mbps and even 600 Mbps. According to the founding project director for Internet2, the expected cost for a 150 Mbps connection will average about $300,000 per year for mainland research universities.

The University of Hawaii already pays much more than this—$448,000 per year—and this buys only a 6 Mbps connection from Hawaii to the mainland. The University of Alaska now pays $324,000 per year for a 4.5 Mbps connection. In other words, compared to the average that other universities are expected to pay for their NGI-capable connections, Hawaii is already paying 50 percent more for 1/25 of the capacity, and Alaska is paying nearly 10 percent more for 1/33 of the capacity.

The rural states on the mainland found that their connection costs were higher than in urban areas and appealed for assistance. The National Science Foundation (NSF) recognized that the maximum $350,000 3-year grant to assist in establishing connections to its Very High Speed Backbone Network Service was not adequate to meet the costs in these rural states. In response, the NSF agreed to make 18 rural states, not including Alaska and Hawaii, eligible for special supplements of up to $200,000 over and above the $350,000 maximum grant.

These rural mainland universities can obtain 45 Mbps connections for prices in the range of $150,000 to $360,000 per year. In comparison, the quoted prices for these connections to Alaska and Hawaii are $2.8 million and $2.5 million respectively, escalating to $6 million or more a year to meet future requirements. Further, even if funds were available within the states to pay these costs on an ongoing basis, the capacity is not readily available or even in place on an ongoing basis, the capacity is not readily available or even in place on the existing saturated fiber optic systems that connect Hawaii and Alaska to the rest of the country.

Our research universities in Alaska and Hawaii need the same level of connectivity as their counterparts in California, Massachusetts, North Dakota and Colorado. Our remote universities are already paying much more and getting much less for their limited internal funding.

This is not just a problem for our universities, but is fundamental to the overall economic development of our states. Ensuring high-speed Internet access to the only public institutions of higher education in Hawaii and Alaska also supports K–12 education, state government, and many other education, research and public sector organizations to which our universities provide technological leadership, support and services as the intellectual cornerstones of our communities.

It is imperative that the federal government ensure fair access across the nation to the Internet and to our own federal initiatives such as the NGI. Just as a 32-cent stamp provides the same service anywhere in the country, so too must we consider ways to equalize access to the information superhighway. Further, we must solve this structural problem not just for the short term, but on a permanent basis.

We urge the federal agencies which are receiving $95 million for the NGI this year, and which are planning on additional funding in the years to come, to take upon themselves the responsibility to ensure that the NGI reaches not just to those places that can be reached cheaply and easily, but to all fifty states. Technical staff at each university have been working long and hard to identify any possible means of achieving affordable high speed connectivity for their state. We ask that, as a nation, we reach out to find a stable and lasting solution to this urgent problem.

Mr. STEVENS. Mr. President, I concur with Senator INOUYE that this is a critical problem for Alaska and Hawaii. I would suggest that it is in the interest of all States to ensure that no State is left behind as we enter the digital age.

Researchers in Alaska and Hawaii must have the same access to resources that their colleagues in other areas of the country have—without compatible access our universities will be left behind in the race to secure research funding and they will not be able to compete when it comes to attracting top researchers and professors.

There is another side to the problem. Just as our universities will be cut off from their colleagues—universities in the continental United States will be cut off from the expertise and resources that are housed in the universities of Alaska and Hawaii.

Senator INOUYE laid out our concerns with respect to participation in the next generation Internet project, I would like to take what he said one step further.

The technology—the high speed access to the Internet that is the goal of the next generation Internet project—is currently being slated to be developed on top of the existing Internet infrastructure.

The existing Internet infrastructure can be visualized as a series of pipes, of varying capacity. The main conduit of the pipe system connects the West Coast to the East Coast—essentially through the middle of the United States.

Those States that host the main conduit are fortunate—they have low cost access to relatively high capacity. Those States that are not close to the main conduit face increasing costs the further they are from the main conduits.

The NGI project has agreed to include some States—like Montana that face challenges connecting to the main conduits. However, our States—Alaska and Hawaii—have been essentially written off.

This isn't just a question of our universities being left behind. It is a question of our entire states being left behind as we enter the new millennium when high speed connectivity will be essential to every aspect of life.

We are already witnessing mass scale technological convergence. From my computer here in the Senate I can make telephone calls, I can listen to the radio, I can watch television—all over the Internet. This is not possible from most of Alaska and Hawaii—the connections are simply too poor.

Currently data traffic is growing at a much faster pace than telephone traffic—if this continues, early in the next century data traffic will surpass telephone traffic. Where will that leave Alaska and Hawaii if we don't have the infrastructure in place to send data?

Right now many villages in rural Alaska can only access the Internet by dialing a 1–800 number which connects them to an Internet service provider in Anchorage. They are connected to the Internet at speeds of around 1200 BAUD. Not only is this access slow—considering that most Americans now normally connect at at least 28,800 BAUD—but it is also costly.

I join Senator INOUYE in asking that those universities and agencies who receive part of the $95 million that we have provided for the next generation Internet project use the funds in a manner that will advance the interests of our country as a whole.

I also ask for the assistance of private industry in helping us to solve the technical problems that our States face in obtaining connectivity levels that are comparable to the rest of the country. As one of the witnesses said earlier this week at the NGI hearing before the Science, Technology, and Transportation Subcommittee, it will take an innovative solution to provide Alaska with good connectivity.

Conventional solutions, such as laying high capacity fiber to every village are simply not feasible economically at this time.

I am committed to finding a solution to these problems—I know that Senator INOUYE is too—I hope that our colleagues will join us and that this will be viewed as a national problem and not just as a competition for Federal research funds.•

J. GARY MATTSON

• Mr. GRASSLEY. Mr. President, I would like to acknowledge the accomplishments of J. Gary Mattson, of Waterloo, IA. Gary is an individual who has shown a great dedication to supporting people with disabilities, strengthening families, and serving his community.

Gary is a leader in the field of helping people with disabilities, especially during his 29 years of service with Exceptional Persons, Inc. Exceptional Persons is a private, nonprofit organization in Waterloo, IA that provides a wide range of services to those with disabilities including residential and family services, as well as child care. For the last 14 years, Gary has served as its executive director.

Gary brings a deep passion to his work, reflected by the fact that the people served by Exceptional Persons always come first.

Black Hawk County and its communities and people, especially those who have disabilities and their families, have benefited from his caring commitment. I salute the work Gary has done on behalf of disabled individuals and his community. I wish him the best and I encourage those who know Gary to use his years of dedication as a role model for public service.•

TRIBUTE TO GARY SAUTER

• Mr. KENNEDY. Mr. President, December 6 marks the 50th birthday of one of the Nation's finest labor leaders. Gary Sauter has been a member of the United Food and Commercial Workers and its predecessor, the Retail Clerks International Association, for over 30

years, and he has done an outstanding job.

Gary comes from a hard-working union family. His father and mother were both members of the Retail Clerks Union in Baltimore. In fact, they became engaged after a labor dispute.

Following in their footsteps, Gary joined the Retail Clerks in 1965, as a cashier for Safeway Stores while he was attending the Baltimore College of Commerce. The union quickly recognized his ability and, in 1969, Gary became a department store organizer. He worked effectively to organize workers at the Hoschschilds Kohn department store in Baltimore, and went on to become regional coordinator for the Retail Clerks' Southeastern Division.

Later, Gary became organizing director for Local 400 of the Retail Clerks in Landover, MD. In large part because of Gary's efforts, the local grew to one of the largest and most effective local unions in the Washington, DC area.

In 1988, after the Retail Clerks merged with the Amalgamated Meat Cutters to form the United Food and Commercial Workers' Union, Gary joined the new international as special assistant to the president. He continued to be a leader and, in 1994, was elected international vice president of the union. Later that year he was chosen to serve as director of the union's Legislative and Political Affairs Department, a position he holds today.

Throughout his distinguished career Gary has done a brilliant job for the workers he represents. He has never lost sight of the importance of their needs, and he has worked skillfully and tirelessly to improve the wages and working conditions of all Americans.

It is an honor to pay tribute to this impressive leader. I extend my best wishes to Gary, his wife Pat, and his children, Christopher and Amy, on this auspicious milestone. Well done, Gary, and keep up the great work.•

WOODROW WOODY

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge an important event in the life of one of my dearest friends. On Saturday, November 15, 1997, Woodrow Woody will celebrate his 90th birthday. I am pleased and honored to send my heartfelt best wishes to him on this important day.

Woodrow Woody is someone that I truly admire. Not only is Woodrow a successful businessman in Detroit, MI, he is a man who is deeply committed to his wife, Anne and his community. Through his tireless dedication to his community and the many organizations to which he gives much of his time, he has and continues to touch the lives of many in the State of Michigan.

On this momentous day, I say thank you to Woodrow. He has inspired me and served as a second father to me throughout the years. His wisdom and integrity continue to motivate me and countless others. Again, I am honored to recognize Woodrow on the occasion of his 90th birthday in the U.S. Senate.•

OECD SHIPBUILDING AGREEMENT

• Mr. BREAUX. Mr. President, I strongly support passage of S. 1216, legislation to implement the OECD Shipbuilding Agreement. S. 1216 was favorably reported out of both the Senate Finance and Commerce Committees.

The issue of unfair foreign shipbuilding practices is very important to my State. Louisiana is one of the premier shipbuilding states in the country. Over 27,000 Louisiana jobs are impacted by constructing or repairing ships. We have almost every conceivable type and size shipyard, from a huge primarily defense oriented yard to smaller and medium sized strictly commercial yards. My interest in this issue spans the entire range of shipbuilding.

I believe it's important to state again for the record the historical context that surrounds the OECD Shipbuilding agreement and this implementing legislation. If nothing else, we should learn from history. 1974–1987, saw worldwide overall demand for ocean going vessels decline 71%. United States merchant vessel construction went from an average of 72 ships/year in the 1970's to an average of 21 ships/year in the 1980's. During this period, governments in all the shipbuilding nations, with the exception of the United States, dramatically stepped up aid to their shipyards with massive levels of subsidies in virtually every form.

In 1981, the U.S. government unilaterally terminated commercial construction subsidies to U.S. yards. At the same time, U.S. defense shipbuilding increased in an effort to reach a 600 ship Navy. U.S. defense shipbuilding construction went from an average of 79 ships/year in the 1970's to an average of 95 ships/year in the 1980's. U.S. international commercial shipbuilding, on the other hand, was virtually abandoned to subsidized foreign yards.

The end of the 1980's and the end of the "Cold War" saw a Department of Defense reevaluation of the need for a 600 ship Navy. The U.S. shipbuilding industry was consequently forced to reevaluate its need to secure commercial ship construction orders in order to stay in business. In June of 1989, the U.S. shipbuilding industry, represented at that time by the "Shipbuilders Council of America", filed a section 301 claim against the major shipbuilding countries of the world for unfair subsidies and practices that were injuring the U.S. industry.

Later that year, however, U.S. Trade Ambassador Carla Hills, convinced the industry that a better, more effective way to eliminate the unfair foreign subsidies and practices was through multilateral negotiations. The industry decided to give international negotiations a chance and therefore withdrew its Section 301 claim. The U.S. then encouraged the responsible trading partners to enter into negotiations and the five year OECD quest to negotiate the elimination of trade distorting shipbuilding practices had begun.

From late 1989 to late 1994, the OECD negotiations were on and off again. During 1993, when the talks had seemingly collapsed, I introduced a bill in the Senate (S. 990) and then Congressman Sam Gibbons introduced a bill in the House (H.R. 1402), that would have unilaterally triggered significant sanctions against ships constructed in foreign subsidized yards when those ships called upon the United States. Despite prompting a flood of domestic opposition from those fearing the bills would start a trade war, the introduction of these bills did help re-ignite the stalled OECD talks.

From June 1989 until the present agreement was signed on December 21, 1994, the U.S. objective and the U.S. industry's urgent request appeared to be simple: "Eliminate subsidies and we can compete." When the Clinton administration came into office, to its credit, it proposed a "Shipyard Revitalization Plan." A main feature of this plan was new Title XI financing for commercial export orders.

In a Senate Finance Committee, Trade Subcommittee hearing on November 18, 1993, a year before the agreement was signed, Assistant U.S.T.R. Don Phillips described the plan and its relationship to the OECD Agreement as follows:

> Finally, this five-point program is a transitional program, consistent with federal assistance to other industries seeking to convert from defense to civilian markets. In addition, it seeks to support, not undercut, the negotiations that are currently underway in the OECD. *In this regard, we have made clear our intention to modify this program, as appropriate, so that it would be consistent with the provision of a multilateral agreement—if and when such an agreement enters into force.* (emphasis added).

In all the comments I have heard to date about this agreement, I have yet to hear of a scenario whereby U.S. industry is better off fighting unfair shipbuilding practices without the agreement than it is with the agreement. The "loopholes" referred to by opponents will become the rule rather than limited and temporary exceptions. The Congress is not prepared in this time of fiscal restraint to match their subsidies with ours.

Concerns about the agreement putting the Jones Act domestic build requirement at risk are contradicted by the fact that the largest "Jones Act" carriers in the country, who avidly

support this agreement. They say this implementing bill strengthens the Jones Act. If that protection were not enough, we added language providing for an expedited procedure for U.S. withdrawal from the agreement if the Jones Act were perceived to be undermined.

Opponents argue that new export orders associated with the current U.S. title XI export financing program will be lost under the agreement. These orders exist, however, because a title XI financing advantage is in place due to the standstill clause in the OECD agreement. If we reject the agreement, we lose the standstill clause, and consequently we lose our current title XI advantage. Considering the European Union routinely provides billions of dollars of direct shipyard aid each year and absent this agreement will soon redirect and increase this aid, matching our U.S. financing program will require minimal EU effort and change.

If this debate is really about competing for international export orders, and unless we are prepared to enter into a subsidies race with our competitors, I don't see how we can reject this agreement. Not only is Congress continually faced with dire budgetary decisions, such as cutting Medicare and Medicaid, but the Department of Defense has indicated that it is reluctant and unwilling to fund commercial shipbuilding subsidies through its DOD accounts.

Greater competition from our trading partners due to increasing world shipbuilding capacity and the inevitable decrease in demand for new oceangoing vessels, will lead us to the same untenable situation that confronted our industry in 1981 if we do not approve this agreement. We won't have adequate trade laws to protect our industry and we won't have enough subsidies to successfully compete for international orders.

Last year, the full House of Representatives considered implementing legislation for the OECD Shipbuilding Agreement. A substitute amendment offered by Congressman HERB BATEMAN passed the Chamber, but was inconsistent with the agreement. The Senate failed to consider an implementing bill before adjournment though we made relentless efforts to address the concerns of opponents and engage them in constructive dialog.

Every time opponents have raised an objection, we have tried to address it in a manner consistent with the agreement.

First, when they said they needed explicit clarification that the United States would not under any circumstances change its Jones Act, we did it and more.

Second, when they said they needed explicit clarification that our national security interests would be protected and that the definitions of "defense features" and "military reserve vessels" would be decided by the Secretary of Defense, we did it and more.

Third, when they said they needed 30 additional months of current title XI financing terms to cover projects close to having their applications in, we did it and more.

In fact, S. 1216, as amended by Senator LOTT and myself, meets every legitimate concern raised by opponents. I am including a detailed comparison of this bill with the issues raised in the Bateman amendment.

This agreement is not perfect because there is no such thing as a perfect agreement. To overlook its significant features, such as elimination of foreign subsidies while ensuring that the U.S. is the only country of all the signatories able to reserve its domestic market from foreign competition, provides an inaccurate view at best.

In conclusion, Mr. Chairman, there are no opponents to the U.S. shipbuilding and broader maritime industry in this debate today. We simply have different members with different constituencies and different priorities. We must decide as a Senate, however, if we want to provide our own U.S. commercial shipyards the right and ability to compete on a level playing field for international work.

I join Senator LOTT in promoting the entire U.S. shipbuilding industry. America needs both a competitive U.S. commercial shipbuilding industry as well as a strong defense shipbuilding industry. We can have both if we enact the OECD Shipbuilding Agreement legislation. I look forward to a vote on this agreement in the U.S. Senate before March 1, 1998.

The material follows:

HOW S. 1216 (AS AMENDED BY SENATE FINANCE AND COMMERCE COMMITTEES) COMPARES TO H.R. 2754 (AS AMENDED BY CONGRESSMAN BATEMAN)

TITLE XI

S. 1216 includes Title XI transition language more favorable than the Bateman Amendment. Under S. 1216, the U.S. would be able to keep its current (25-year/87.5% of the project cost) Title XI financing through January 1, 2001. The Bateman Amendment extended such terms through January 1, 1999.

S. 1216, like the Bateman Amendment, provides a full three-year delivery "grace period" for ships that receive 25-year Title XI financing. Therefore under S. 1216, such ships would have to be delivered no later than January 1, 2004. S. 1216, like the Bateman Amendment, allows for further extending the delivery date in the case of "unusual circumstances" (defined the same as the Bateman Amendment).

S. 1216 includes a provision not in the Bateman Amendment that allows the U.S. to make the current favorable terms of the Title XI program available to U.S. shipyards when competing against bids of subsidized yards in countries that are not signatories to the OECD Agreement. This provision: (1) provides an incentive for such nations to join the OECD Shipbuilding Agreement and, (2) protects U.S. shipyards from unfair competition from subsidized yards in nations that fail to join the Agreement.

JONES ACT

S. 1216 provides extraordinary protections for the Jones Act that fully meet the objectives of the Bateman Amendment.

S. 1216 states unequivocally that US coastwise laws are completely unaffected by this Agreement. This provision is virtually identical to the Bateman Amendment.

S. 1216 states that nothing in this Agreement shall undermine "the operation or administration of our coastwise laws". This provision provides a stronger statement of protection for the Jones Act than the Bateman Amendment.

S. 1216 provides a legislative procedure (Joint Resolution) for Congress to initiate U.S. withdrawal from the Agreement if, "responsive measures" to U.S. Jones Act construction are taken. This process provides an equivalent alternative to the Bateman Amendment prohibition against countermeasures being filed against the U.S. and which is consistent with the agreement.

Responsive countermeasures against the Jones Act are a highly theoretical event. Under the agreement, responsive countermeasures are authorized only when relevant Jones Act construction "significantly upsets the balance of rights and obligations of the agreement." Even the most optimistic projections indicate that relevant U.S. Jones Act construction will represent only a fraction of 1% of the global shipbuilding market. Furthermore, the withdrawal provision in S. 1216 provides a disincentive for a nation to pursue a countermeasure against the U.S. since a successful action would result in U.S. withdrawal from the Agreement. U.S. withdrawal from the Agreement would not only moot the countermeasure, it would terminate the Agreement altogether.

Finally in a worst case scenario, even if a Jones Act countermeasure were to be authorized and for some reason the U.S. did not withdraw from the agreement, there would still be no real consequence to the U.S. Jones Act shipbuilding industry. Under the agreement, the only countermeasure allowable without the consent of the U.S. would be to offset an equivalent portion of the complaining party's "Jones Act" market from U.S. bidding. Because the global market is so vast (2000 commercial ship starts annually), providing so many alternative contracts to U.S. yards, the relatively tiny number of contracts that might be restricted by a countermeasure would not significantly affect U.S. yards. Additionally, the bill would prevent any countermeasures from being taken against other WTO sectors.

PROTECTION OF NATIONAL SECURITY INTERESTS

S. 1216 provides virtually identical language to that in the Bateman Amendment for the purposes of protecting our essential security interests.

S. 1216 preserves the prerogatives of the Secretary of Defense to exempt from the Agreement—"military vessels", "military reserve vessels" and anything he deems to be in the "essential security interests" of the United States.

S. 1216 allows the Secretary of Defense to exempt all or part of a ship on which National Defense Features are installed, on a case by case basis.

The bill would not enable other OECD party nations to question U.S. authority to protect its essential security interests.

In a May 29, 1996, letter to the Chairman of the House Committee on National Security, the Department of Defense stated definitively; "The Agreement will not adversely effect our national security."

OTHER PROVISIONS

S. 1216 includes the same conditions for U.S. withdrawal from the Agreement, and the same provisions for the snap-back of U.S. laws changed by this legislation, as the Bateman Amendment.

Just like the Bateman Amendment, S. 1216 provides an effective mechanism for "third party" dumping petitions. The provision in S. 1216 conforms to the existing U.S. antidumping code. S. 1216 requires that antidumping actions be "consistent with the terms of the Shipbuilding Agreement".

S. 1216 includes several provisions that would substantially strengthen our monitoring and enforcement capabilities under the Agreement. USTR would be directed to establish a comprehensive interagency compliance monitoring program in conjunction with the U.S. shipbuilding industry and the maritime labor community, and to report to Congress annually.

S. 1216 further directs the U.S. Government to vigorously pursue enforcement against noncompliance by other nations. These improvements are beyond the scope of the Bateman Amendment.

S. 1216 includes provisions that substantially enhance our ability to secure the accession to the Agreement of other shipbuilding countries including, specifically, Australia, Brazil, India, the Peoples Republic of China, Poland, Romania, Singapore, the Russian Federation, and Ukraine. This improvement goes beyond the scope of the Bateman Amendment.•

CONFERENCE REPORT ACCOMPANYING H.R. 2107, THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998

• Mr. DOMENICI. Mr. President, I rise to address the conference report accompanying H.R. 2107, the fiscal year 1998 Interior and Related Agencies appropriations bill.

The conference report was adopted by the Senate on October 28. At the time the bill was called up, the Budget Committee had not received CBO's scoring of the final bill. This was due to the significant changes to the bill made by the conferees. I have received CBO's information and now address the budgetary scoring of the bill.

Mr. President, the conference agreement provides $13.8 billion in new budget authority and $9.1 billion in new outlays to fund the programs of the Department of Interior, the Forest Service of the Department of Agriculture, the Energy Conservation and Fossil Energy Research and Development Programs of the Department of Energy, the Indian Health Service, and arts-related agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill provides a total of $13.9 billion in budget authority and $13.8 billion in outlays for these programs for fiscal year 1998.

Mr. President, final action on the conference agreement necessitated a reallocation of funding authority for this bill. I regret that this reallocation was necessary because it was avoidable.

Section 205 of the fiscal year 1998 budget resolution provided for the allocation of $700 million in budget authority for Federal land acquisition and to finalize priority land exchanges upon the reporting of a bill that included such funding.

The distinguished chairman of the Senate Interior Subcommittee included these funds in title V of the bill as originally reported. As Chairman of the Budget Committee, I allocated these funds to the Appropriations Committee, which in turn provided them to the Interior Subcommittee.

If the conferees had adopted the Senate language, I would not have been in the position of withdrawing this funding allocation. However, the conferees modified the Senate language to provide only $699 million for land acquisition, and to expand the use of these funds for additional purposes: Critical maintenance activities are added as an allowable activity under this title V funding; $10 million is provided for a payment to Humboldt County, CA, as part of the headwaters land acquisition; and $12 million is provided for the repair and maintenance of the Beartooth Highway as part of the Crown Butte/New World Mine Land acquisition.

I was a conferee on the bill. The Senate Budget Committee provided clarifying language to the conferees on the Interior appropriations bill during their meeting on September 30. This language simply restated that moneys provided in title V, when combined with moneys provided by other titles of the bill for Federal land acquisition, shall provide at least $700 million for Federal land acquisition and to finalize priority land exchanges.

This language, which I urged be included throughout the 2-week period when final language was drafted, would have ensured that the section 205 allocation remained in place for this bill.

However, the Chairman decided not to incorporate the Senate language, and in fact, included language which attempts to trigger the additional $700 million by amending the budget resolution. The language in the conference report is directed scorekeeping, which causes a violation under section 306 of the Budget Act because it affects matters within the jurisdiction of the Budge Committee that were not reported by the Budget Committee.

Mr. President, I object to the inclusion of this directed scorekeeping language in this bill, or any other bill. If the Senate took language amending the budget resolution into account for determining budgetary levels, the budget resolution levels and our efforts to enforce a balanced budget plan would become meaningless.

Instead of making the choices necessary to live within the budget resolution levels, committees could simply rely on a precedent to assert, or "Deem," that they had complied with the budgetary limits, even though they hadn't.

Such action would undermine the budget discipline of the Senate.

Since the directed scorekeeping language will not become effective until the bill is signed into law, and the conferees did not clarify that $700 million is included in the bill for land acquisition and priority land exchanges, I had no choice but to withdraw the additional allocation of funding provided in section 205 of the budget resolution for land acquisition and exchanges.

Mr. President, I ask that a table displaying the Budget Committee's scoring of the conference agreement accompanying the Interior and Related Agencies appropriations bill for fiscal year 1998 be placed in the RECORD at this point.

The Senate Appropriations Committee has filed a revised 302(b) allocation to reduce the Interior Subcommittee by the amounts withdrawn.

The final bill is therefore $698 million in budget authority and $235 million in outlays above the subcommittee's revised 302(b) allocation as filed by the Appropriations Committee.

The table follows:

H.R. 2107, INTERIOR APPROPRIATIONS, 1998—SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 1998, in millions of dollars]

	Defense	Non-defense	Crime	Mandatory	Total
Conference report:					
Budget authority	.....	13,798	.....	55	13,853
Outlays	.....	13,707	.....	50	13,757
Senate 302(b) allocation:					
Budget authority	.....	13,100	.....	55	13,155
Outlays	.....	13,472	.....	50	13,522
President's request:					
Budget authority	.....	13,747	.....	55	13,802
Outlays	.....	13,771	.....	50	13,821
House-passed bill:					
Budget authority	.....	12,980	.....	55	13,035
Outlays	.....	13,382	.....	50	13,432
Senate-passed bill:					
Budget authority	.....	13,699	.....	55	13,754
Outlays	.....	13,687	.....	50	13,737
CONFERENCE REPORT COMPARED TO:					
Senate 302(b) allocation:					
Budget authority	.....	698	.....	.....	698
Outlays	.....	235	.....	.....	235
President's request:					
Budget authority	.....	51	.....	.....	51
Outlays	.....	−64	.....	.....	−64
House-passed bill:					
Budget authority	.....	818	.....	.....	818
Outlays	.....	325	.....	.....	325
Senate-passed bill:					
Budget authority	.....	99	.....	.....	99
Outlays	.....	20	.....	.....	20

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.•

DENNIS AND PHYLLIS WASHINGTON

• Mr. BAUCUS. Mr. President, I rise today to recognize the achievements and accomplishments of my fellow Montanans and good friends, Dennis and Phyllis Washington.

Dennis was born July 27, 1934, in Missoula, MT. As a young boy, he moved to Bremerton, WA, where he shined shoes and sold newspapers to supplement the family income. At the tender age of 8, he was diagnosed with polio

and given little chance of survival. Miraculously, he survived and went back to Missoula to recover and live with his grandmother. From this point on in his life, Dennis has fought and struggled against all odds to survive and succeed. Years later, this struggle and dedication has become Washington Corp., which, according to a recent article in USA Today, "consists of 15 businesses, employs 14,000, and generates $2.5 billion a year in revenue."

However, Dennis has never forgotten where he came from. Dennis and Phyllis have strived to make Montana a better place. They have been instrumental in ensuring that the university of Montana maintains its "tradition of excellence." In her position as chairperson of the university's capital campaign, Phyllis led the 5-year effort to a record level of $71 million, over $7 million of which came from her own pocket. That will mean a higher quality of education for our students helping more of our children to find good jobs in Montana.

From his humble beginnings in a house next to the railroad tracks to his present good fortune, the drive to help others has characterized Dennis Washington's life. He is a model for America, personifying the American dream that someone with big dreams can make those dreams a reality with a little intelligence and a lot of hard work.

I have great respect and admiration for Dennis. He is a Montana original whose story provides inspiration to me and many other Montanans. He has overcome tremendous adversity to become one of the most successful businessmen in America. However, the one thing surpassing his business acumen is his generosity to his fellow man. Dennis and Phyllis Washington are true philanthropists that are deserving of our recognition.•

TRIBUTE TO BRIG. GEN. RICHARD AUGUSTUS EDWARDS, JR.

• Mr. WARNER. Mr. President, this week our Nation bowed in humble appreciation and respect to all who have worn the uniforms of the U.S. military in recognition of Veterans' Day.

Today, family and friends gathered in Arlington Cemetery to give our final salute to one of those veterans—Brig. Gen. Richard Augustus Edwards, Jr.

Brigadier General Edwards was born in Smithfield, VA, and graduated from the Virginia Military Institute in 1939. He joined the Army in 1940 and during World War II served in Burma, India and China with a mule-drawn artillery unit. He became an expert horseman, and competed for the Army in stadium jumping and polo.

After the war, he attended the Field Artillery School, the Command and General Staff College, and the National War College. He served in various assignments in Japan, Southeast Asia, Europe and the Middle East. His final combat command was the First Field Force Artillery in Vietnam in 1968 and 1969. He retired from military service in 1972 after serving in the Pentagon as head of officer assignments in the Army's Office of Personnel Operations.

His honors included the Distinguished Service Medal, three Legion of Merit awards and the Bronze Star. I was honored to call him my friend.

At the Virginia Military Institute, which he loved as dearly as his family, there is an archway through which he passed daily in his formative years as a cadet. It bears this quote attributed to Gen. Stonewall Jackson, C.S.A.: "You may be whatever you resolve to be."

Gen. Gus Edwards resolved to be his very best for his country, and his life showed that he achieved that goal. How proud the general would have been today of his son Richard Augustus Edwards, III as he was at his very best and delivered these stirring, heartfelt remarks at his father's funeral.

"I confess I was taken aback when Dad asked me to say a few words at his funeral. His funeral wasn't something we talked about very much. He wasn't particularly enthused by the topic. But I think his request had something to do with the fact that he was unable to attend his own father's funeral. At the time my grandfather died, we were steaming across the Atlantic to an assignment in Europe. Dad felt he never really got to say goodbye, and I believe it was something that haunted him; something that he didn't want me to experience. But for my part, I was—and am—daunted by his request, especially in this company. What can I possibly say that will be adequate to encompass or define our 52-year relationship? How can a son try to impart, in any consequential way, the meaning of a father's lifetime of lessons and love in just a few short minutes?

I've concluded that, for now, the best thing is to be brief. I will say that my father was a man of many parts; like all of us, simple and complex at once. I think he showed us his simple side most of the time. By simple, I mean unfettered, unaffected and straightforward.

He had a simple faith. He believed deeply and unequivocally in his God.

He maintained a strong and simple belief in the rightness of truth and honor.

He placed a premium on fidelity, and insisted that loyalty is a two-way street.

He lived always by the VMI Honor Code, never to lie, cheat, or steal nor countenance those who do.

He despised expedience and had no patience with the cynicism of modern deconstructionists.

There were not many gray areas in his life.

He loved his country. He loved his home state of Virginia and he took reasonable pride in his roots, which reached back to Jamestown.

And most of all, he loved his family. Family was everything to him. He adored and revered his parents. His brothers, their wives and children; my mother's sisters, their husbands and children, all were sources of endless interest, enjoyment and satisfaction to him. He shared forty-eight years with my mother, and they were totally devoted to one another.

And how he loved his girls: Augusta, who he was so proud to have bear his name; Christine, in whom he took such delight as his first grandchild; Annie, the only woman I know who he genuinely didn't mind losing arguments to, and Babs, who gave so much of herself to him, especially over the last few months. He was one lucky guy. And now he's come full circle. As a newly minted second lieutenant in 1940, he arrived here at Fort Myer, his first duty station. He lived just a few steps away from this chapel at Quarters 201–A, and he buried old soldiers. Now the time has come to return the honor.

God bless you, Old Soldier.

TRIBUTE TO WASHINGTON STATE CITIZEN DOUG SCOTT, 1997 RECIPIENT OF THE SIERRA CLUB JOHN MUIR AWARD

• Mrs. MURRAY. Mr. President, I rise to pay tribute to a distinguished citizen of the great state of Washington, Mr. Doug Scott. Doug was recently recognized by the Sierra Club with the 105-year-old organization's highest award, the John Muir Award. The Sierra Club presents this award to honor individuals with a "distinguished record of leadership—such as to continue John Muir's work of preservation and establishment of parks and wilderness."

Doug Scott has certainly perpetuated the vision and leadership of John Muir throughout his years of commitment to the environment. Beginning his career of dedication to the environment in 1967 by joining the Sierra Club, Doug moved from his first involvement in the public policy process to be one of the original founders of Earth Day. From 1973 to 1977 Doug was the Sierra Club's Northwest field representative. In 1980, Doug became the National Conservation Director of the Sierra Club and in 1988, the organization's Associate Executive Director. In 1990, Doug left the Sierra Club for the beautiful San Juan Islands in my state of Washington to direct the San Juan Community Theater in Friday Harbor. Doug is now the Executive Director of a local, grass-roots environmental organization, Friends of the San Juans.

It is in this most recent capacity that I have come to most appreciate Doug's skills and abilities. Doug is an essential member of the Northwest Straits Citizen's Advisory Commission

that I convened with Congressman METCALF. This local citizen's advisory commission is designed to assess the resource protections needs and values of the Northwest Straits marine environment and to explore the best ways to provide protections for this exquisite natural area. Doug's participation in this process has been invaluable. His deep commitment to protection of the marine environment combined with his thoughtful, innovative, and pragmatic approach has provided real progress for the Commission as it works through its mandate. Doug's ability to work with individuals with differing idealogies and perspectives in a cooperative and productive manner is a true asset to the Commission, and to the Northwest Straits as well.

In Doug's remarks at the Annual Awards Dinner, he said:

Much as this award is personally gratifying. I prefer to think of it as recognition for an era in the growth and growing effectiveness of the Sierra Club and the citizen environmental movement. Each achievement during that era was the work of many hands. This award is for all of the Sierra Club volunteers and other activists that have proven that in this democracy, working together, an engaged citizenry can make a tremendous difference. I discovered the power of citizen activism over 25 years ago in the Sierra Club and now I see its impact every day in my work in the San Juan Islands.

The Sierra Club has chosen well in awarding Doug Scott the John Muir Award. I applaud their decision and I applaud Doug Scott. I thank him for his commitment to the environment of the San Juan Islands, the Northwest Straits, Washington state, and the United States. Great work, Doug. Congratulations.

Mr. President, I ask that the nominating statement for Doug Scott by Bruce Hamilton, Conservation Director of the Sierra Club be printed in the RECORD.

The statement follows:

DOUG SCOTT RECEIVES THE SIERRA CLUB'S JOHN MUIR AWARD

NOMINATING STATEMENT BY BRUCE HAMILTON, CONSERVATION DIRECTOR, SIERRA CLUB

Doug has been a mentor and an inspiration to an entire generation of environmental leaders, myself included. I feel so lucky to have learned my skills at the side of this master.

Doug had a way of turning dreams and visions into reality. Ed Wayburn had the vision for an Alaska Lands Act, but it was Doug Scott who pulled together and directed the 8 year campaign that passed the largest land protection bill in history. Rupert Cutler may have conceived of the RARE II wilderness review, but it was Doug Scott who marshalled the resources and provided the leadership to steer dozens of RARE II wilderness bills through the Congress. When states like Utah couldn't even boast a single wilderness area in the entire state, Doug packaged a group of areas together into the Endangered American Wilderness Act and mobilized a national campaign to pass it. Doug also developed the strategy that enabled us to pass the Superfund (remember the Superactivist we mailed out of SF every Friday?), the Clean Air Act Amendments (remember the Vento-Green medals?), and other anti-pollution campaigns. He was the inspiration and strategist for the California Desert Protection Act even though it did not pass until after he had left the Club.

Doug was also the most inspirational and motivational speaker within the Club, flying tens of thousands of miles every year to appear at Chapter annual meetings and retreats to preach about the power of the grassroots and the importance of combating apathy and cynicism. He was also one of the funniest leaders the Club has known, the source and subject of jokes and follies songs. He was the spark behind the national conservation work of the Club for 15 years.

The Club has been blessed with a series of powerful, inspirational, smart, and articulate leaders that exemplify the best traits of our founder, John Muir. From the late 1970's to the early 1990's Doug Scott lead the Club in the spirit of John Muir. He deserves the Club's highest conservation honor for his service, accomplishments, and inspiration.●

PERFORMANCE GOALS FOR THE PRESCRIPTION DRUG USER FEE ACT OF 1997

● Mr. JEFFORDS. Mr. President, on November 9 the Senate adopted Conference Report 105–399, that accompanied S. 830, the Food and Drug Administration Modernization Act of 1997. This legislation puts into place long-needed reforms in FDA's regulatory procedures and also reauthorizes the Prescription Drug User Fee Act of 1992 [PDUFA] for an additional 5 years.

The original PDUFA has brought faster reviews of drug applications. By all accounts the success is due to the underlying collaboration and partnership between FDA and the developers of innovative new medicines in using the fees paid by industry to bring the necessary review resources to bear on applications for new drugs. The 1992 act did not set the performance goals for activities funded by user fees into the law. Rather, these performance goals were set forth in a side-letter from the administration to the chairs and ranking members of the House Commerce and Senate Labor and Human Resources committees. These performance goals in the side-letter have stood the test of time—FDA has honored and met these goals as if they were in statute. Based on that experience, the Congress has agreed to use this approach again in establishing the performance goals for drug reviews funded by user fees over the next 5 years.

Today, I am submitting for the RECORD a letter addressed to me and signed by Secretary of Health and Human Services, Donna E. Shalala, dated November 12, 1997. This letter specifies the performance goals for the use of PDUFA fees for fiscal years 1998 through 2002. These goals, which were agreed to at the conclusion of negotiations between FDA officials and pharmaceutical and biotechnology industry representatives, are those referred to in section 101(4) of the Food and Drug Administration Modernization Act of 1997.

Mr. President, it is my hope that the next 5 years will see reductions in the drug development time, as well as further reductions in the time taken to actual review of applications.

The letter follows:

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, DC, November 12, 1997.

Hon. JAMES M. JEFFORDS,
Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you are aware, the Prescription Drug User Fee Act of 1992 (PDUFA) expired at the end of Fiscal Year 1997. Under PDUFA, the additional revenues generated from fees paid by the pharmaceutical and biological prescription drug industries have been used to expedite the prescription drug review and approval process, in accordance with performance goals that were developed by the Food and Drug Administration (FDA) in consultation with the industries. To date, FDA has met or exceeded the review performance goals agreed to in 1992, and is reviewing over 90 percent of priority drug applications in 6 months and standard drug applications in 12 months.

FDA has worked with representatives of the pharmaceutical and biological prescription drug industries, and the staff of your Committee, to develop a reauthorization proposal for PDUFA that would build upon and enhance the success of the original program. Title I, Subtitle A of the Food and Drug Administration Modernization Act of 1997, S. 830, as passed by the House and Senate on November 9, 1997, reflects the fee mechanisms developed in these discussions. The performance goals referenced in Section 101(4) are specified in the enclosure of this letter, entitled "PDUFA Reauthorization Performance Goals and Procedures." I believe they represent a realistic projection of what FDA can accomplish with industry cooperation and the additional resources identified in the bill.

This letter and the enclosed goals document pertain only to Title I, Subtitle A (Fees Related to Drugs) of S. 830, the Food and Drug Administration Modernization Act of 1997.

OMB has advised that there is no objection to the presentation of these views from the standpoint of the Administration's program.

We appreciate the support of you and your staff, the assistance of other Members of the Committee, and that of the Appropriations Committees, in the reauthorization of this vital program.

Sincerely,

DONNA E. SHALALA.

Enclosure.

PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the reauthorization of the prescription drug user fee program in the "Food and Drug Administration Modernization Act of 1997," are summarized as follows:

I. FIVE-YEAR REVIEW PERFORMANCE GOALS

Fiscal year 1998

1. Review and act on 90 percent of standard original New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 1998 within 12 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1998 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 1998 within 12 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 1998 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 1998 within 6 months of receipt.

6. Review and act on 90 percent of all resubmitted original applications filed during the fiscal year 1998 within 6 months of receipt, and review and act on 30 percent of Class 1 resubmitted original applications within 2 months of receipt.

Fiscal year 1999

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 1999 within 12 months of receipt and review and act on 30 percent within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1999 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 1999 within 12 months of receipt and review and act on 30 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 1999 within 6 months of receipt.

5. Review and Act on 90 percent of manufacturing supplements filed during fiscal year 1999 within 6 months of receipt and review and act on 30 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 1999 within 4 months of receipt and review and act on 50 percent within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year 1999 within 6 months of receipt.

Fiscal year 2000

1. Review and Act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2000 within 12 months of receipt and review and act on 50 percent within 10 months of receipt.

2. Review and Act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2000 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2000 within 12 months of receipt and review and act on 50 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2000 within 6 months of receipt.

5. Review and Act on 90 percent of manufacturing supplements filed during fiscal year 2000 within 6 months of receipt and review and act on 50 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 2000 within 4 months of receipt and review and act on 50 percent within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year 2000 within 6 months of receipt.

Fiscal year 2001

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2001 within 12 months and review and act on 70 percent within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2001 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2001 within 12 months and review and act on 70 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2001 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 2001 within 6 months of receipt and review and act on 70 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 2001 within 4 months of receipt and review and act on 70 percent within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

Fiscal year 2002

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2002 within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2002 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2002 within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2002 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 2002 within 6 months of receipt and review and act on 90 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 2002 within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

These review goals are summarized in the following tables:

ORIGINAL NDAs/BLAs/PLAs AND EFFICACY SUPPLEMENTS

Submission cohort	Standard	Priority
Fiscal year:		
1998	90 pct. in 12 mos	90 pct. in 6 mos.
1999	30 pct. in 10 mos 90 pct. in 12 mos	90 pct. in 6 mos.
2000	50 pct. in 10 mos 90 pct. in 12 mos	90 pct. in 6 mos.
2001	70 pct. in 10 mos 90 pct. in 12 mos	90 pct. in 6 mos.
2002	90 pct. in 10 mos	90 pct. in 6 mos.

MANUFACTURING SUPPLEMENTS

Submission cohort	Manufacturing supplements that—	
	Do not require prior approval[1]	Do require prior approval
Fiscal year:		
1998	90 pct. in 6 mos	90 pct. in 6 mos.

MANUFACTURING SUPPLEMENTS—Continued

Submission cohort	Manufacturing supplements that—	
	Do not require prior approval[1]	Do require prior approval
1999	90 pct. in 6 mos	30 pct. in 4 mos. 90 pct. in 6 mos.
2000	90 pct. in 6 mos	50 pct. in 4 mos. 90 pct. in 6 mos.
2001	90 pct. in 6 mos	70 pct. in 4 mos. 90 pct. in 6 mos.

[1] Changes being effected or 30-day supplements.

RESUBMISSION OF ORIGINAL NDAs/BLAs/PLAs

Submission cohort	Class 1	Class 2
Fiscal years:		
1998	90 pct. in 6 mos 30 pct. in 2 mos	90 pct. in 6 mos.
1999	90 pct. in 4 mos 50 pct. in 2 mos	90 pct. in 6 mos.
2000	90 pct. in 4 mos 70 pct. in 2 mos	90 pct. in 6 mos.
2001	90 pct. in 2 mos	90 pct. in 6 mos.
2002	90 pct. in 2 mos	90 pct. in 6 mos.

II. NEW MOLECULAR ENTITY (NME) PERFORMANCE GOALS

The performance goals for standard and priority original NMEs in each submission cohort will be the same as for all of he original NDAs (including NMEs) in each submission cohort but shall be reported separately.

For biological products, for purposes of this performance goal, all original BLAs/PLAs will be considered to be NMEs.

III. MEETING MANAGEMENT GOALS

A. Responses to Meeting Requests

1. Procedure: Within 14 calendar days of the Agency's receipt of a request from industry for a formal meeting (i.e., a scheduled face-to-face, teleconference, or video conference) CBER and CDER should notify the requester in writing (letter or fax) of the date, time, and place for the meeting, as well as expected Center participants.

2. Performance Goal: FDA will provide this notification within 14 days for 70% of requests (based on request receipt cohort year) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

B. Scheduling meetings

1. Procedure: The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested. If the requested date for any of these types of meetings is greater than 30, 60, or 75 calendar days (as appropriate) from the date the request is received by the Agency, the meeting date should be within 14 calendar days of the date requested.

Type A Meetings should occur within 30 calendar days of the Agency receipt of the meeting request.

Type B Meetings should occur within 60 calendar days of the Agency receipt of the meeting request.

Type C Meetings should occur within 75 calendar days of the Agency receipt of the meeting request.

2. Performance goal: 70% of meetings are held within the time frame (based on cohort year of request) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

C. Meeting minutes

1. Procedure: The Agency will prepare minutes which will be available to the sponsor 30 calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the

meeting in bulleted form and need not be in great detail.

2. Performance goal: 70% of minutes are issued within 30 calendar days of date of meeting (based on cohort year of meeting) starting in FY 1999; 89% in FY 2000; and 90% in subsequent fiscal years.

D. Conditions

For a meeting to qualify for these performance goals:

1. A written request (letter or fax) should be submitted to the review division; and

2. The letter should provide: a. A brief statement of the purpose of the meeting; b. a listing of the specific objectives/outcomes the requester expects from the meeting; c. a proposed agenda, including estimated times needed for each agenda item; d. a listing of planned external attendees; e. a listing of requested participants/disciplines representative(s) from the Center; f. the approximate time that supporting documentation (i.e., the "backgrounder") for the meeting will be sent to the Center (i.e., "x" weeks prior to the meeting, but should be received by the Center at least 2 weeks in advance of the scheduled meeting for Type A or C meetings and at least 1 month in advance of the scheduled meeting for Type B meetings); and

3. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for a "Type B" meeting will be honored except in the most unusual circumstances.

IV. CLINICAL HOLDS

A. Procedure

The Center should respond to a sponsor's complete response to a clinical hold within 30 days of the Agency's receipt of the submission of such sponsor response.

B. Performance goal

75% of such responses are provided within 30 calendar days of the Agency's receipt of the sponsor's response starting in FY 98 (cohort of date of receipt) and 90% in subsequent fiscal years.

V. MAJOR DISPUTE RESOLUTION

A. Procedure

For procedural or scientific matters involving the review of human drug applications and supplements (as defined in PDUFA) that cannot be resolved at the divisional level (including a request for reconsideration by the Division after reviewing any materials that are planned to be forwarded with an appeal to the next level), the response to appeals of decisions will occur within 30 calendar days of the Center's receipt of the written appeal.

B. Performance goal

70% of such answers are provided within 30 calendar days of the Center's receipt of the written appeal starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

C. Conditions

1. Sponsors should first try to resolve the procedural or scientific issue at the Division level. If it cannot be resolved at that level, it should be appealed to the Office Director level (with a copy to the Division Director) and then, if necessary, to the Deputy Center Director or Center Director (with a copy to the Office Director).

2. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either deny or grant the appeal.

3. If the decision is to deny the appeal, the response should include reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

4. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cases, the "response" should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

5. In these cases, once the required information is received by the Agency (including any advice from an advisory committee), the person to whom the appeal was made, again has 30 calendar days from the receipt of the required information in which to either deny or grant the appeal.

6. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

7. N.B. If the Agency decides to present the issue to any advisory committee and there are not 30 days before the next scheduled advisory committee, the issue will be presented at the following scheduled committee meeting in order to allow conformance with advisory committee administrative procedures.

VI. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

A. Procedure

Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the agency will evaluate certain protocols and issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

1. The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., is the dose range in the carcinogenicity study adequate, considering the intended clinical dosage; are the clinical endpoints adequate to support a specific efficacy claim).

2. Within 45 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the agency does not agree that the protocol design, execution plans, data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

3. Protocols that qualify for this program include: carcinogenicity protocols, stability protocols, and Phase 3 protocols for clinical trials that will form the primary basis of an efficacy claim. (For such Phase 3 protocols to qualify for this comprehensive protocol assessment, the sponsor must have had an end of Phase 2/pre-Phase 3 meeting with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being answered.)

4. N.B. For products that will be using Subpart E or Subpart H development schemes, the Phase 3 protocols mentioned in this paragraph should be construed to mean those protocols for trails that will form the primary basis of an efficacy claim no matter what phase of drug development in which they happen to be conducted.

5. If a protocol is reviewed under the process outline above and agreement with the Agency is reached on design, execution, and analyses and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process the Agency will not later alter its perspective on the issues of design, execution, or analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

B. Performance goal

60% of special protocols assessments and agreement requests completed and returned to sponsor within time frames (based on cohort year of request) starting in FY 1999; 70% in FY 2000; 80% in FY 2001; and 90% in FY 2002.

VII. ELECTRONIC APPLICATIONS AND SUBMISSIONS

The Agency shall develop and update its information management infrastructure to allow, by fiscal year 2002, the paperless receipt and processing of INDs and human drug applications, as defined in PDUFA, and related submissions.

VIII. ADDITIONAL PROCEDURES

A. Simplification of action letters

To simplify regulatory procedures, the CBER and CDER intend to amend their regulations and processes to provide for the issuance of either an "approval" (AP) or a "complete response" (CR) action letter at the completion of a review cycle for a marketing application.

B. Timing of sponsor notification of deficiencies in applications

To help expedite the development of drug and biologic products, CBER and CDER intend to submit deficiencies to sponsors in form of an "information request" (IR) letter when each discipline has finished its initial review of its section of the pending application.

IX. DEFINITIONS AND EXPLANATION OF TERMS

A. The term "review and act on" is understood to mean the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. A major amendment to an original application submitted within three months of the goal date extends the goal date by three months.

C. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

D. Class 1 resubmitted applications are applications resubmitted after a complete response letter (or a not approvable or approvable letter) that include the following items only (or combinations of these items):

1. Final printed labeling;

2. Draft labeling;

3. Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission);

4. Stability updates to support provisional or final dating periods;

5. Commitments to perform Phase 4 studies, including proposals for such studies;

6. Assay validation data;

7. Final release testing on the last 1–2 lots to support approval;

8. A minor reanalysis of data previously submitted to the application (determined by the agency as fitting the Class 1 category);

9. Other minor clarifying information (determined by the Agency as fitting the Class 1 category); and

10. Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry.

E. Class 2 resubmissions are resubmissions that include any other items, including any item that would require presentation to an advisory committee.

F. A Type A Meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (a ''critical path'' meeting).

G. A Type B Meeting is a (1) pre-IND, (2) end of Phase 1 (for Subpart E or Subpart H or similar products) or end of Phase 2/pre-Phase 3, or (3) a pre-NDA/PLA/BLA meeting. Each requestor should usually only request 1 each of these Type B meetings for each potential application (NDA/PLA/BLA) (or combination of closely related products, i.e., same active ingredient but different dosage forms being developed concurrently).

H. A Type C Meeting is any other type of meeting.

I. The performance goals and procedures also apply to original applications and supplements for human drugs initially marketed on an over-the-counter (OTC) basis through an NDA or switched from prescription to OTC status through an NDA or supplement.•

TRIBUTE TO WILLIAM D. MOORE

• Mr. DODD. Mr. President, I want to take a moment to recognize the work of one of my constituents—William D. Moore of Old Saybrook, Connecticut. Bill left his post as Executive Director of the Southeastern Connecticut Chamber of Commerce this month and his work in that post deserves special recognition.

Bill has been at the helm of so many economic and development initiatives in the Southern portion of our state that it is hard to list all of them in this brief statement. But without a doubt, it is Bill's leadership through some of the most difficult economic times in our state that really stand out in my mind.

When the very first round of base closures were being proposed in the Pentagon in 1989, it was Bill Moore who literally marshaled the forces in Southern Connecticut. He recruited some of the most dynamic and brilliant minds in our state to come together and review every single document, every single calculation, and even the very computer model used to analyze the various Groton-New London regional facilities under the Defense Department's review. Bill created one of the most cohesive and effective team strategies ever presented to address the economic impact issues which clearly were not being assessed by the Pentagon.

Although not all of our efforts were successful, it was Bill's foresight and commanding presence that eventually led our team to victory in the fight to remove the New London Submarine Base from the Base Closure list in 1993. As a measure of credit, the Base Closure Commission belatedly admitted that the Navy's assumptions used to evaluate New London were flawed. Bill Moore was the man who first presented that information to the commission.

However, Bill's efforts have gone far beyond that monumental task. He has been the usher at the door of an entire new economic era for Southeastern Connecticut. Just as the defense downsizing efforts were taking their ravenous toll on our state and New London County in particular, Bill encouraged and fostered new development for our state and helped bring about a more level-headed transition for our heavily defense weighted economy. For example, he assisted in the appropriation of funds to rebuild the Connecticut State Pier and helped with the private-public partnerships that have rebuilt downtown New London. That was no small task.

During Bill's tenure, the membership of the Southeastern Chamber has more than doubled. Clearly, the contributions of those members have made New London County what it is today.

Finally, I would be remiss if I did not mention Bill's contributions during the creation and expansion of two of the most successful Indian gaming facilities in the hemisphere. Bill's unique skills and perseverence made this transition for our region a positive and inclusive process.

In closing, let me just add my personal thanks and congratulations to Bill and his family. I wish Bill and Maureen every success in their new endeavors.•

NATIONAL ACADEMY OF SCIENCES STUDY ON IMMIGRATION

• Mr. ABRAHAM. Mr. President, I rise today to discuss the National Academy of Sciences study on immigration that has received so much attention in the past year. This is a study the Senate Immigration Subcommittee held a hearing on this September featuring two of the principal authors of the report.

In releasing the study, the Academy stated quite clearly that ''Immigration benefits the U.S. economy overall and has little negative effect on the income and job opportunities of most native-born Americans.'' Moreover, the recent hearing showed that the study's findings were actually more positive than the initial press reports indicated.

Ronald Lee, a professor of demography and economics at the University of California at Berkeley who performed the key fiscal analysis for the Academy study, testified at the hearing that ''[The NAS] Panel asked how the arrival of an additional immigrant today would affect U.S. taxpayers. According to the report, over the long run an additional immigrant and all descendants would actually save the taxpayers $80,000.'' Lee notes that immigrant taxes ''help pay for government activities such as defense for which they impose no additional costs.'' Immigrants also ''contribute to servicing the national debt'' and are big net contributors to Social Security.

Critics of immigration cite only the study's figures on the annual costs immigrant households are said to impose on natives. However, Lee testified that ''These numbers do not best represent the Panel's findings, and should not be used for assessing the consequences of immigration policies.'' This is a pretty clear statement that citing the household cost figures to urge cuts in legal immigration is an improper use of the study's data.

The problem, Lee found, was that calculating annual numbers requires using an older model that counts the native-born children of immigrants as ''costs'' created by immigrant households when those children are in school, but fails to include the taxes paid by those children of immigrants once they complete their schooling, enter the work force, and become big tax contributors. The key fiscal analysis in the report, performed in Chapter 7, corrects the flaws in the annual figures by using a dynamic model that factors in the descendants of immigrants.

In response to a question from the subcommittee, Ronald Lee noted that, with the necessary assumptions, a dynamic analysis would likely show at least 49 of the 50 States come out ahead fiscally from legal immigration, with California a close call.

Jim Smith, chairman of the NAS study, testified that ''Due to the immigrants who arrived since 1980, total Gross National Product is about $200 billion higher each year.'' In other words, recent immigrants will add approximately $2 trillion to the nation's GNP over the course of the 1990s.

I ask to have printed in the RECORD a recent Wall Street Journal article that goes into greater detail on the Academy study.

The article follows:

[The Wall Street Journal, Tuesday, Nov. 11, 1997]

IMMIGRANTS BRING PROSPERITY

(By Spencer Abraham)

Critics of America's immigration policy are attempting to reignite the heated debate that almost produced laws severely restricting legal immigration. Ironically, they are using as their vehicle a National Academy of Sciences study, released earlier this year, that was highly favorable toward immigration. Anti-immigrant writers and advocacy groups have engaged in a concerted effort to put a negative spin on the report. ''The study highlights significant problems with regard

to immigration," crows the Center for Immigration Studies.

That just won't wash. A recent hearing before the Senate Subcommittee on Immigration found that the study's findings were even more positive than initial press reports indicated.

The most important finding of the NAS report is that an additional immigrant to the U.S. and all his descendants would actually save taxpayers $80,000 over the long run. Ronald Lee of the University of California, who was the report's key fiscal analyst, notes that immigrant taxes "help pay for government activities such as defense for which they impose no additional costs." Immigrants also "contribute to servicing the national debt" and are big net contributors to Social Security.

Critics of immigration cite only the study's figures on the annual costs immigrant households are said to impose on natives. However, Mr. Lee testified that "these numbers do not best represent the panel's findings, and should not be used for assessing the consequences of immigration policies." The problem, Mr. Lee found, was that calculating annual numbers requires using an older model that counts the native-born children of immigrants as "costs" created by immigrant households when those children are in school, but fails to include the taxes those children pay once they enter the work force. The $80,000 figure was arrived at using a dynamic model that factors in the descendants of immigrants. As for the fiscal impact on states of legal immigration. Mr. Lee said, with the necessary assumptions, a dynamic analysis would likely show 49 of them coming out ahead, with California a close call.

The benefits of legal immigration don't end there. Mr. Lee said that the net present value to the nation of the immigrants who will enter the U.S. during the 1990s is over $500 billion. Jim Smith, chairman of the NAS study and a RAND economist, testified that "due to the immigrants who arrived since 1980, total gross national product is about $200 billion higher each year." In other words, recent immigrants will add approximately $2 trillion to the nation's GNP over the course of the 1990s.

Opponents of immigration also would like Americans to believe that nearly everyone's wages are significantly lower because of competition from immigrants. That is far from the truth. The NAS study estimates that only two groups have seen their wages affected by immigration: those who immigrated a few years earlier, and native-born Americans who did not finish high school. Wages for these groups are about 5% lower than they would have been without immigration—a figure that drops to 3% if only legal immigrants are counted, according to Mr. Smith. Cutting legal immigration would have a "quite limited" effect even on this group's wages, he said. "Fortunately," he noted, "90% of Americans are not high school dropouts, an the percent of high school dropouts has been declining rapidly." Indeed, Mr. Smith added that competition from immigrants sends wage signals that encourage native-born Americans to stay in school.

"The competition from immigration for even some native-born workers can be easily exaggerated," testified Mr. Smith. "To the extent immigrants do work different than that of native-born workers, immigration benefits all native-Americans who gain in their other role as consumers of these now less-expensive goods and services."

In short, the NAS study confirms what most Americans have known all along: Our tradition of welcoming immigrants pays off—for the immigrants and for the rest of us.●

EXTENDING CERTAIN PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

● Mr. BINGAMAN. Mr. President, the situation in which we find ourselves on this bill is a disgrace. The daily newspapers have been filled recently with stories of our developing political confrontation with Saddam Hussein. Just today, Saddam Hussein has ordered all American arms inspectors to leave Iraq immediately, escalating Iraq's crisis with the United Nations and heightening the possibility of a military confrontation. We may well see military action in the Persian Gulf before Congress convenes next year. We all know what that could do to oil markets. Prices might well spike up, right in the middle of the winter heating season. The most effective antidote to such damaging price fluctuations is close communication among the major oil consumption nations, and joint action to calm oil markets through the International Energy Agency [IEA]. Yet the bill before us, once again, fails to make the legal changes that are needed for the United States to continue to participate meaningfully in the IEA.

The United States took the lead in forming the IEA after the Arab oil embargo of 1973, so that we would never again have to experience the market chaos that reigned at that time. At that time, it seemed that the best way to avoid a repeat of gas lines around the world was through mandatory allocations of world oil supplies. This was basically a command-and-control approach to the problem. This mandatory allocation mechanism was enshrined in our basic law on oil emergencies, the Energy Policy and Conservation Act of 1975 [EPCA], which also authorized the Strategic Petroleum Reserve, and which this bill would extend. But the world has changed since the 1970's. Oil markets have changed dramatically since then. And the mandatory allocation scheme contained in the original EPCA is a dinosaur.

The United States has taken the lead in designing a flexible international response mechanism to oil supply disruptions that respects market forces. Our domestic oil industry played a key role in the planning process and has endorsed it. We convinced all of the other countries in the IEA to adopt it. But without statutory changes to EPCA, the United States is placed in the absurd position of not being able to participate in the international oil emergency response system that it designed. And all indications from the Persian Gulf are that we could have another emergency sometime soon.

Why are we in such a predicament? It is not the fault of the administration. They have been pressing for the adoption of the needed legal changes for 3 years now. It is not the fault of this Body. We have passed the requisite legal changes in both the last Congress and in this Congress, and have forwarded them to the other Body. There is no good answer to the question of why the other Body continues to refuse to act on such clearly needed changes. These necessary changes have apparently been made a hostage to other, non-related issues. So we must pass the bill before us today, which is inadequate to our national security needs, or the President will also be without clear legal authorities to operate the Strategic Petroleum Reserve in case of an oil supply emergency.

I will vote for this bill, Mr. President, with extreme reluctance. But I hope that no one is under the illusion that it advances our energy security. Quite the opposite. The bill sent to us by the other Body will likely reduce our energy security, by inflicting long-term damage on the International Energy Agency. This is because failure of the bill to allow IEA to work with U.S. oil companies threatens the future of the Agency. When there are severe supply shortages or market instability, the IEA requires real-time information about the movement and location of oil stocks that only these oil companies can provide. In such a case, this information is shared at the express request of the U.S. Government. But the sharing of this information is normally forbidden under our antitrust laws, so an antitrust exemption of cover information-sharing undertaken at the U.S. Government's request is both needed and justified.

What is U.S. industry to make of our refusal, for a third time now, to make the appropriate changes to EPCA? I believe that industry will see the passage of this legislation as a signal that the changes to U.S. law needed for their continued participation in the IEA will not be forthcoming in this Congress, if ever. None of us should be surprised, then, when these companies end their cooperation with the IEA and start to reassign the personnel who previously worked on the issues of emergency preparedness and coordination.

The refusal of the other Body to act on the needed antitrust exemption places the two most important parts of the program of the IEA for 1998 in serious jeopardy. I would like to describe these planned activities in a little detail, which will illustrate how our energy security will be diminished by this bill, even if a crisis in the Persian Gulf does not occur while we are out of session. First, IEA was planning to convene a global conference next year to discuss the coordinated management of emergency oil stocks. For the first time, China, India, and other Asian countries, which will be crucial players in any international oil emergency,

would have been represented. This conference will be an important opportunity to convince them to develop their own emergency stockpiles, and will provide a venue for them to learn the practicalities involved in doing so. The U.S. Government has contributed $50,000 towards holding this conference. Without the necessary antitrust exemption, though, the conference will likely be canceled, since the key players with expertise in creating and managing emergency stocks, the oil companies that operate in the United States, are precluded from participating under current law. I don't see how that serves our national interests. Second, the IEA was also planning to hold, in 1998, the first drill in 5 years to exercise its emergency mechanisms. This is important to the smooth functioning of IEA's mechanisms in an actual emergency. In the last 5 years, most of the personnel with knowledge of what actually transpired during the Persian Gulf war on world oil markets have left the scene. It is past time that we have held an exercise to test our present capabilities to handle an emergency. Next year's exercise would also have been the first full test of the revised procedures put in place since the Persian Gulf war. Without the antitrust exemption, this exercise either cannot be held, or it must be limited to exercising only the obsolete IEA procedures for mandatory supply allocation. Industry interest in doing the latter is minimal, so the exercise will in all likelihood be canceled. Such an avoidable development is also not in our national interest.

If there were legitimate issues being raised by the other Body with respect to the broader legislation that is needed, that would be one thing. Such issues could be worked out in conference. But the only action from the other Body to our requests for the legal changes needed to maintain our energy security, for the past 3 years now, has been to wait until the end of session, to pass a short bill extending the expiration dates in current law, and to leave town. I believe that our country has been poorly served by this inattention to our national security interests.•

EXPLANATORY STATEMENT OF THE SENATE COMMITTEE ON APPROPRIATIONS

• Mr. FAIRCLOTH. Mr. President, on Sunday, November 10, 1997, the Senate passed H.R. 2607, making Appropriations for the District of Columbia for fiscal year 1998. On November 10, 1997, under a unanimous-consent agreement, Senators STEVENS and BYRD were directed to file an explanatory statement on the District of Columbia Appropriations Act, 1998.

Earlier today, the Senate passed the appropriations bill for the District of Columbia. Senators STEVENS, BYRD, BOXER and I submit the attached bipartisan statement to accompany H.R. 2607, making appropriations for the District of Columbia for fiscal year 1998.

The statement follows:

EXPLANATORY STATEMENT OF THE SENATE COMMITTEE ON APPROPRIATIONS

The Senate Committee on Appropriations submits the following statement in explanation of the effect of the act of the House and Senate on the accompanying bill (H.R. 2607), which passed the House and the Senate.

The House- and Senate-passed bill on the District of Columbia Appropriations Act, 1998, incorporates most of the provisions of the Senate version of the bill and a number of provisions of the House version of the bill. The language and allocations set forth in Senate Report 105–75 should be complied with unless specifically addressed to the contrary in the accompanying bill and statement.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The House amended the Senate bill, which was passed by the House and Senate.

TITLE I

Management Reform—The bill provides $8,000,000 in federal funds for a program of management reform for the District of Columbia government. The Revitalization Act and the Management Reform Act, which were enacted with the Balanced Budget Act of 1997, have created an opportunity for the District of Columbia to correct years of mismanagement throughout the District government as documented by the District of Columbia Financial Responsibility and Management Assistance Authority (Authority) and numerous Congressional hearings. The District of Columbia Appropriations Act, 1998, provides $8,000,000 to fund the hiring of management consultants to conduct comprehensive reviews of nine major agencies and four major citywide functions of the District government. In addition, the appropriation funds the position of a chief management officer [CMO], who will oversee the responsibilities assigned the Authority under the Management Reform Act. The Congress will closely monitor each step of implementation of the Management Reform Act to ensure that the District continues the task of returning the District to a position of long-term financial responsibility.

Federal Contribution—The bill provides $190,000,000 for a Federal contribution to the District of Columbia towards the cost of operating the District government. The appropriation represents the amount authorized by section 11402 of the National Capital Revitalization and Self-Government Improvement Act of 1997. The District is directed to use $30,000,000 of the Federal contribution to repay the accumulated general fund deficit.

Federal Payment to the District of Columbia Criminal Justice System—The bill provides $108,000,000 for operation of the District of Columbia Courts and the pension costs of certain court employees. The bill further provides that the Office of Management and Budget shall apportion quarterly payments from this appropriation to the District government for the courts' operations. In addition, payroll and financial services are to be provided on a contractual basis with the General Services Administration, which is directed to provide monthly financial reports to the President and the designated Congressional committees. The bill provides that, of this appropriation, up to $750,000 is available for the establishment and operations of the Truth in Sentencing Commission authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997.

The bill further directs $43,000,000 for payment to the Offender Supervision Trustee for obligation by the Trustee as follows: $26,855,000 for Parole, Adult Probation and Offender Supervision; $9,000,000 to the Public Defender Service; $6,345,000 to the Pretrial Services Agency; and $800,000 to be transferred to the United States Parole Commission.

District of Columbia Public Schools—The Committee notes with concern the delay in opening the District of Columbia public schools [DCPS] for the 1997–98 academic year. In order to ensure that the District's public schools do not experience a similar delay for the 1998–99 academic year, the Committee directs the Chief Executive Officer of the DCPS to report to the Committees on Appropriations of the Senate and the House, the Governmental Affairs Committee of the Senate, and the Committee on Government Reform and Oversight of the House by April 1, 1998, on all measures necessary and all steps to be taken to ensure that the District's public schools open pursuant to the DCPS schedule. The Committee directs that the report to Congress include a description of all building repairs needed to provide safe, habitable schools, and a timetable to complete repairs prior to the beginning of the 1998–99 academic year.

District of Columbia Charter Schools—The Committee is concerned about the slow progress of public charter schools in the District of Columbia. Since enactment of the District of Columbia School Reform Act of 1995, which established public charter school authority in the District, only three public charter schools have been established to date. Public charter schools are one of two opportunities to inject competition among the educational choices available to parents in the District and to make significant improvements in the quality of education provided to children in the District of Columbia. The Committee is hopeful that the current charter school application process will produce more public charter schools in the District. It is also the hope of the Committee that the District of Columbia public charter schools and the public charter school community will work together on solutions for the capital needs of public charter schools.

The bill provides $3,376,000 from local funds, not including funds already made available for District of Columbia public schools, for public charter schools. Of this amount, $400,000 shall be available for the District of Columbia Public Charter School Board. The bill also establishes a revolving loan fund for current or new public charter schools. If any funds are not allocated by May 1, 1998, these funds shall be deposited in the revolving loan fund. In addition, the bill requires the District of Columbia public schools to report to Congress within 120 days of enactment, on the capital needs of each public charter schools.

The bill further provides that each public charter school authority may grant up to 10 charters per school year and may approve these charters before January 1 of the calendar year. The bill increases the number of members on a charter school's board of trustees from 7 to 15. The bill also allows an increase in annual payments to charter schools that provide room and board in a residential setting. Finally, the Committee

agrees to require increasing the annual payment to charter schools to take into account leases or purchases of, or improvements to, the building facility of the charter school. The charter school must make its request for an increase in its annual payment by April 1 of the fiscal year.

Deficit Reduction and Revitalization—The bill approves the plan of the Mayor, District Council and Authority to allocate $201,090,000 to the reduction of the District's accumulated general fund deficit, capital expenditures, and management and productivity improvements. The bill directs that not less than $160,000,000 be used for reduction of the accumulated general fund deficit. The Committee agrees to the deficit reduction and revitalization plan proposed by the District government and Authority in lieu of the House proposal for a District of Columbia Taxpayer's Relief Fund and Deficit Reduction Fund.

Medical Malpractice Reform—The Committee notes with concern that the District of Columbia is one of the few jurisdictions in the country that has failed to enact medical malpractice reform. The continued increase in medical litigation in the district drives up the cost and reduces the availability of health care for all District residents and others who receive health care resources. The Committee directs the authority, in consultation with the District government, to evaluate the issue of medical malpractice reform and report to Congress by March 1, 1998, recommendations on medical malpractice reform for the District.

University of the District of Columbia School of Law—The Committee is concerned that students enrolled at the University of the District of Columbia School of Law (School) are not receiving the quality education that is required to prepare them for a successful career in the legal profession. The Committee directs the Authority to report to the Committees on Appropriations of the Senate and House of Representatives, the Senate Committee on Governmental Affairs, and the House Committee on Government Reform and Oversight by March 1, 1998, on the accreditation status of the School. The Authority shall include in its report recommendations on whether or not the School should continue to: (1) operate and (2) receive funds from the District of Columbia government.

Public Space Misconduct—The Committee is concerned about the ongoing problem of loitering, panhandling, alcohol consumption, verbal harassment, littering, and other improper and illegal activities in parks and other public spaces in the District. These activities discourage visitors to the District, hamper economic and neighborhood development, and facilitate serious criminal activity. The Committee directs the Metropolitan Police Department [MPD], in consultation with the Council, the Mayor, the Authority, and relevant Federal law enforcement agencies, to develop and implement a plan to end such activities and ensure that public spaces are safe and attractive for families and others seeking legitimate recreation. The Committee further directs the MPD to adopt a zero tolerance enforcement strategy for public space misconduct during fiscal year 1998.

Performance and Financial Accountability Requirements—The bill includes the Senate provision amending the Federal Payment Reauthorization Act of 1994 relating to performance and financial accountability requirements for the District government. Section 130 shifts responsibility for preparing the performance accountability plans from the Mayor to the Authority. Responsibility for the financial accountability plan and report is shifted from the Mayor to the Chief Financial Officer. In addition, the bill amends the dates for submission of the plans and report to Congress.

Section 138. This section contains a new provision that requires the Authority to submit to the Congressional committees of jurisdiction quarterly reports that include an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter.

United States Park Police—The Committee agrees to the House recommendation for a $12,000,000 appropriation for the United States Park Police. The Committee intends that the appropriation in section 141 is new Federal funding authority and is not to be an offset against any existing appropriations. The Committee intends this appropriation as a separate appropriation to be available only for the United States Park Police operations in the District of Columbia.

District of Columbia Homeless Services—Section 142 provides that the District government maintain for fiscal year 1998 the same funding levels for the District's homeless services as were provided in fiscal year 1997.

Sections 144 and 145.—The bill includes two provisions related to alcohol abuse, with a special emphasis on youth alcohol use, in the District of Columbia. The Committee recognizes that this is a serious problem in the District of Columbia, as it is throughout the nation. The first provision would increase the number of Alcoholic Beverage Commission inspectors in the District to sixteen and increase the emphasis placed on enforcement of laws prohibiting the sale of alcoholic beverages to minors. Currently, the D.C. Alcoholic Beverage Commission has just three inspectors in the field in addition to their chief, who also performs inspections of alcohol outlets. These four inspectors are responsible for monitoring over 1,600 alcoholic beverage outlets. In contrast, Baltimore employs 18 regular inspectors in addition to a number of part-time inspectors. It is illegal for persons under the age of twenty-one to purchase, possess, or consume alcoholic beverages in the District. In addition, the sale of alcoholic beverages to minors is prohibited. The Committee is concerned that these laws are not being adequately enforced.

The second provision calls for the General Accounting Office to conduct a study of the District's alcoholic beverage excise taxes. The study should examine whether increasing alcoholic beverage excise taxes would be useful in reducing alcohol-related crime, violence, deaths, and youth alcohol use. The study will also explore whether alcohol is being sold in close proximity to schools and other areas where children are likely to be and whether the creation of alcohol free zones in areas frequented by children would be useful in deterring underage alcohol consumption.

District of Columbia Day-care and Home-care Operation.—The Committee is concerned that a significant number of District of Columbia day-care and home-care operations have been allowed to operate without proper licenses. The Committee is also concerned that the District government is failing in its mission to monitor effectively overall safety and quality standards at these facilities. These problems have reached crisis proportions, undermining welfare reform implementation and resulting in an unacceptable risk of harm to the children of the District. For these reasons, section 146 of the bill allows the District to expend such funds as may be necessary to hire additional monitors and inspectors at the appropriate City agencies to promote quality child care in the District. The Committee also expects this issue to be addressed in the development and implementation of the management reforms authorized by the District of Columbia Management Reform Act of 1997.

Section 159. The bill includes a technical amendment to a provision concerning the pay of officers and members of the United States Secret Service Uniformed Division, recently enacted in section 118 of Public Law 105–61, the Treasury and General Government Appropriations Act, 1998. Due to a drafting error, the world "locality" was substituted for "longevity". The amendment is retroactive to the date of enactment of Public Law 105–61.

Section 160. The bill provides $3,000,000 for a Medicare Coordinated Care Demonstration Project in the District of Columbia. This pilot program was authorized in the Balanced Budget Act of 1997, Public Law 105–33, section (e)(1)(A)(ii), for the purpose of reducing Medicare costs. The pilot program will establish specific Clinical Pathways for more cost-effective treatment of patients in the high-volume, high-cost Disease Related Group [DRG]. It is expected that this pilot project will help develop improved diagnostic and therapeutic procedures for treating the District's Medicare patients at reduced costs and provide the basis for more cost-effective national standards.

Section 161. This section provides that the Authority shall have the responsibility for approving both reorganization plans and any authorization for programs or functions for which a reorganization plan is required.

Section 162. The bill includes a technical amendment to correct drafting errors and to clarify statutory language to reflect the intent of the conferees of the Balanced Budget Act of 1997 with respect to the State Children's Health Insurance Program.

Section 163. This section provides the General Service Administration with the authority to amend the use restrictions which accompanied the conveyance of a land parcel in 1956. The amended use restrict will allow the construction of a previously approved veterans nursing home on the grounds adjacent to an existing veterans family.

Section 165. This section directs the Authority to appropriate $2,600,000 from local funds for a pay raise for uniformed fire fighters of the District's Fire and Emergency Medical Services Department. The purpose of the pay raise is to make the District's compensation for fire fighters comparable to fire fighters in surrounding jurisdictions. The Committee intends that the Authority use its discretion determine the source of the funds for the pay raise.

Section 166. This section provides a technical change to allow the Office of Personnel Management to waive the retirement annuity offset requirement for the Trustee for Offender Supervision consistent with a similar provision included in the National Capital Revitalization and Self-Government Improvement Act of 1997 for the Trustee for Corrections.

TITLE II

Section 201 sets out the short title of the Act.

Section 202 establishes a mechanism for certain Nicaraguans and Cubans who have been present in the United States since 1995 to adjust to the status of lawful permanent resident.

Section 203 modifies certain transition rules established by IIRIRA with regard to

suspension of deportation and cancellation of removal. The changes state that the "stop time" rule established by that Act in section 240A of the INA shall apply generally to individuals in deportation proceedings before April 1, 1997, with certain exceptions. They also state that the rule shall not apply to certain applicants for suspension of deportation. The exception includes certain Salvadorans and Guatemalans who were members of the ABC class or applied for asylum by April 1, 1990 and derivatives as specified in the statute, as well as applicants from the former Soviet Union and Eastern Europe who came here by December 31, 1990 and applied for asylum by December 31, 1991 and derivatives as specified in the statute. Section 203 also makes clear that in order to obtain cancellation these individuals have to meet the standards laid out in that section, rather than the ones laid out in section 240A of the INA. Finally, the section provides for temporary reductions in visas available under the "diversity" and "other workers" immigration categories, with the reduction in the latter to take effect after those in the backlog have received visas.

Section 204 makes technical and clarifying changes to certain provisions in section 240A(e) of the INA.•

HISTORIC TOWN HALL MEETING IN BILLINGS, MONTANA

• Mr. BAUCUS. Mr. President, I rise today to recognize the accomplishments of one city in Montana in addressing the issues of gangs, violence and kids.

On September 29, 1997, a historic town hall meeting took place in Billings, Montana. This cooperative and coordinated effort involved the media, school officials, and community leaders. It also involved a critical component: experts in addressing gang activity from Los Angeles. Together this effort created an hour-long video conference called "Gangs, Violence and Kids" and aired it on every major media outlet in the Billings area.

This presentation incorporated a panel and studio audience format which brought in a cross-section of the population, including teenagers, represented in the region. Concerns were raised, perceptions were addressed, and issues were confronted in an honest and straightforward manner.

By no means an end to itself, this town hall meeting has launched a series of follow-up gatherings, a foundation, a mentoring connection and a pipeline of support for ongoing programs like the U.S. Department of Justice's Weed and Seed program for Billings and surrounding communities has been established.

Beginning last week, a series of 30-second public service announcements were aired to address the issues raised in the town hall meeting. This campaign will contribute to the community's understanding of how these important issues affect all our neighborhoods. I especially appreciate the significant commitment by those who have agreed to continue in their role as advocates for change.

I am extremely proud of what Billings has accomplished and how its residents strive to respond to important issues. I hope my colleagues will agree that this successful effort in Billings is a model that can be duplicated in their community.•

FUNDING FOR THE UNITED NATIONS

• Mr. FEINGOLD. Mr. President, I want to express my disappointment that—due to compromises made during negotiations over three separate conference reports, the Foreign Operations Appropriations bill for FY 1998, the Commerce, Justice, State Appropriations bill for FY 1998, and the State Department Authorization Act for FY 1998–99—conferees were forced to trade away authorization and appropriations that would have cleared existing U.S. debt to the United Nations. As the Senate adjourns for the holiday recess, only a fraction of the $900 million in arrears payments that was originally proposed by the Senate Committee on Foreign Relations on which I serve was included in the CJS appropriations bill.

Mr. President, what this means is that we will still be in substantial debt to the United Nations.

Mr. President, the United Nations is not a perfect organization. I certainly have some real concerns about the size and extent of the U.N. bureaucracy, for example. Just as with any organization this big, we must be on guard against possible mismanagement or abuse, and certainly the U.N. system has had its share of both.

But at the same time, I think that U.S. participation in the United Nations—with all the benefits and costs that membership implies—is an indispensable tool in this country's foreign policy bag. When it operates effectively, the United Nations provides a framework to serve U.S. interests at the same time that it achieves economies of scale.

Just this week, Mr. President, the United States is working within the U.N. structure to assert a united front against the flagrant abuses of international law exercised by Iraq in recent weeks. Mr. President, if nothing else, the crisis in Iraq aptly demonstrates the value of the United Nations to our country.

I would make a similar point about the role the United Nations plays in peacekeeping operations. U.N. forces have participated in more than 40 peacekeeping operations around the world since 1948. Members of this body may have disagreements over whether or not each and every one of those was necessary, but when you look at places where the U.N. has been instrumental in maintaining cease-fires or providing humanitarian relief, it is clear that the United States can achieve its national interest goals at a lower cost to U.S. taxpayers than would be possible if the United States tried to do it alone.

Mr. President, during the listening sessions that I conduct in the 72 counties in the state of Wisconsin, I hear sympathetic words from my constituents about the need for the involvement of the international community in times of crisis. But they also express hesitation about sending their sons and daughters to fight in far-away conflicts.

The United Nations provides a mechanism through which the United States can contribute to international security without having to send our own troops every time there is a problem.

The U.N. reform and funding package that was agreed to in the Foreign Relations Committee was a carefully crafted compromise between those that would limit or eliminate U.S. participation in the United Nations and those that would like to see a fully funded and active United Nations.

But, Mr. President, due to the intransigence of some of our colleagues in the other body, it appears that the moral and legal obligations of the United States to pay its debts to the United Nations have been sacrificed to serve an unrelated domestic interest.

The compromise package worked out in our Committee would have gradually decreased the amount of our assessed contribution to the United Nations from the current level of 25 percent, to 20 percent by fiscal year 2001. Assuming the budget for the United Nations remained constant, the time line set forth in this package could have saved the U.S. taxpayer at least $375 million over the next four years from a combination of savings from the assessments and from budget discipline. It would have allowed us to continue our participation in the United Nations, which I think is important, while at the same time achieving some real cost savings for the taxpayer.

Now, with authorization of repayment of these arrears in jeopardy, it remains unclear how the United States will manage to clean the slate with the United Nations.

Mr. President, I hope we will be able to resolve this issue when the Senate returns for the 2d session of the 105th Congress.•

NATIONAL D-DAY MEMORIAL

• Mr. WARNER. Mr. President, on Tuesday, I was privileged to attend the dedication of the National D-Day memorial. Located in Bedford, VA, among the grandeur of the Blue Ridge Mountains, this memorial truly dignifies those who participated in the historic military operation of June 6, 1944.

As many of my colleagues may recall, there had not been a national memorial honoring those who served in the D-Day operation. Last year, I offered legislation to establish the National D-Day Memorial and, again, I

thank my colleagues for supporting that legislation.

Gov. George Allen of Virginia, Col. Robert Doughty, and Col. William McIntosh each spoke eloquently on the D-Day operation and the importance of the National D-Day Memorial. I am submitting the text of their remarks and the schedule of the ceremony for the RECORD.

I invite my colleagues to review these remarks.

The remarks follow:

GROUNDBREAKING FOR THE NATIONAL D-DAY MEMORIAL, TEN O'CLOCK, TUESDAY, NOVEMBER ELEVENTH, NINETEEN HUNDRED AND NINETY-SEVEN

March Slav, Tchaikovsky—Jefferson Forest High School Band; Forest, Virginia; David A. Heim, Director.

Invocation—Rabbi Tom Gutherz, Agudath Sholom Synagogue, Lynchburg, Virginia.

Presentation of the Colors—US Marine Corps Color Guard, Company B, 4th CEB; Roanoke, Virginia.

The Star Spangled Banner—Harmony Choral Group, Liberty High School; Bedford, Virginia; Terry P. Arnold, Director; Jefferson Forest High School Band.

Posting of the Colors—Color Guard.

Preamble—COL William A. McIntosh, USA (Ret.), Director of Education, National D-Day Memorial Foundation.

Welcome—John R. Slaughter, Chairman, National D-Day Memorial Foundation.

Greetings from Abroad—Josh Honan, President, D-Day Association, Ireland.

D-Day Then, Now, and Tomorrow—COL Robert A. Doughty, Head, Department of History, US Military Academy.

Congressional Salutations—Honorable Virgil H. Goode, Jr., House of Representatives, Washington, DC, Honorable Bob Goodlatte, House of Representatives, Washington, DC, Honorable Charles S. Robb, The United States Senate, Washington, DC, Honorable John Warner, The United States Senate, Washington, DC.

The Virginia Commonwealth's Welcome—The Honorable the Governor of Virginia George Allen, Jr.

Groundbreaking—Richard B. Burrow, Executive Director, National D-Day Memorial Foundation.

Retrieval and Retirement of the Colors—Color Guard.

Benefiction—The Rev. J. Douglas Wigner, Jr., Rector, St. Paul's Episcopal Church; Lynchburg, Virginia.

The Stars and Stripes Forever, Sousa—Jefferson Forest High School Band.

STATEMENT OF PURPOSE

By Col. William A. McIntosh, USA (Ret.)

The National D-Day Memorial Foundation's strength, both institutionally and operationally, is closely tied to a conscious and deliberate commitment to its mission, a statement that bears repeating here: The purpose of the National D-Day Memorial Foundation is to memorialize the valor, fidelity, and sacrifices of the Allied Armed Forces on D-Day, June 6, 1944. Its specific mission is to establish in Bedford, Virginia, and maintain for the nation, a memorial complex, consisting of a monument and education center, that celebrates and preserves the legacy of D-Day. Its operational objectives are to ensure the operation, integrity, and security of the D-Day Memorial Complex; to sponsor innovative commemorations, educational programs, projects, and exhibits, that foster an awareness of D-Day's historical significance; and to seek and provide educational opportunities that will preserve, for present and future generations, the meaning and lessons of D-Day.

Our immediate focus, to which today's ceremony bears witness, is on construction of a monument. And so it should be. But, as the mission statement explicitly indicates, the long-term focus of this enterprise is education. It is through education—ultimately, only through education—that a memorial sustains its meaning, to say nothing whatever of its immediacy.

The older generations know why they are here; those less old feel they should be here but are perhaps less sure why; most of the youngsters are here because someone brought or compelled them. A few of those children will participate with the assembled dignitaries in the actual groundbreaking. That intergenerational participation, symbolic on one level, will have been real enough by ceremony's end. And no one will leave this place without knowing why this event has taken place or, finally, why he or she came.

In warranting the National D-Day Memorial to rise up outside Washington—to take root on the same heartland soil that once held seed that flowered on D-Day and came to harvest in a liberated Europe—the Congress of the United States acted with noteworthy courage and vision. It will, through its ongoing educational and interpretative programs, memorialize, for present and future generations, the valor, fidelity, and sacrifices of the Allied Forces on D-Day. Such is its national duty—and its particular privilege.

THE MEANING OF D-DAY

(By Col. Robert A. Doughty, USA)

During the twentieth century, American armed forces have often used the generic term "D-Day" to indicate the date a military operation would begin. By using the term D-Day commanders and planners could orchestrate the logical, sequential arrival of units and equipment. Planners could anticipate, for example, on D+1 certain actions occurring or specific units arriving. Using the term D-Day also permitted military commanders to change the date of operations easily without causing confusion or disrupting preparations. General Dwight D. Eisenhower, for example, changed the date of the landings in Normandy because of bad weather. Thus, American planners in World War II often used the term D-Day to assist in the planning and conduct of operations in the Pacific and European theaters.

After June 6, 1944, however, the term D-Day became synonymous with the landings on the Normandy beaches and the beginning of what President Franklin D. Roosevelt called the "mighty endeavor." The day marked the decisive coming to grips with the Germans for which the Allies had been preparing since the fall of France and the withdrawal of the British from Dunkirk. D-Day marked a major step in winning a victory over the Axis powers in Europe.

Many years after the invasion General Omar N. Bradley, who commanded the American First Army in the operation, said, "Even now it brings pain to recall what happened there on June 6, 1944. I have returned many times to honor the valiant men who died on that beach. They should never be forgotten. Nor should those who lived to carry the day by the slimmest of margins." Bradley noted that every man who set foot on those beaches that day was a "hero." He later wrote, "Freedom is not a gift, and * * * democracy can extract both stern and unequal payment from those who share its bounty. Freedom is neither achieved nor retained without sacrifice by individuals, often in unequal measure."

A tragic part of that "unequal measure" was paid by the people of Bedford, Virginia. On the morning of June 6, 1944, D-Day, about sixty percent of A Company, 116th Regiment, 29th Infantry Division, had come from Bedford. As part of the first wave in the landings on Omaha Beach, A Company confronted some of the strongest enemy resistance Allied forces encountered that fateful day. In the short space of only a few minutes, A Company lost 96% of its effective strength. War always has been and always will be a terrible thing, and it indeed was a terrible thing that morning for the men of A Company, 116th Regiment.

To me, the final meaning—and perhaps the most important meaning—of D-Day comes from the memory of those men who died on the Normandy beaches or who sacrificed their health and their futures in those desperate moments. Gathered from across America, these young men knew the price of liberty was high and willingly risked their lives to defend freedom. Their sacrifice ensured that the term D-Day will always be associated with only one day, the day the Allies landed at Normandy, and will always represent a noble cause, a courageous effort, and a gallant commitment to the highest ideals of this nation.

Today, this memorial to D-Day commemorates the achievements of June 6, 1944, but it also reminds us of the challenges of defending liberty and the costs of remaining free. Let us remember the importance of the landings on the coast of France but let us never forget the young men who made that operation a success, who charged forward despite fearful losses. As the inscription in the Normandy memorial suggests, let us always remember the glory of their spirit.

REMARKS BY GOVERNOR GEORGE ALLEN AT THE NATIONAL D-DAY MEMORIAL GROUNDBREAKING IN FUTURE MEMORIAL SITE, BEDFORD, VIRGINIA, NOVEMBER 11, 1997

This certainly is an invigorating morning! It is good to see United States Senators John Warner and Chuck Robb; Representatives Bob Goodlatte and Virgil Goode; Members of the General Assembly; Chairperson Lucille Boggess; Mayor Michael Shelton; Josh Honan, President of the D-Day Association of Ireland; John Slaughter, Chairman, and Members of the National D-Day Memorial Foundation; Colonel Robert Doughty; Colonel Smith; honored guests all; and most especially veterans and their families. On behalf of the people of Virginia, welcome!

Your presence honors our Commonwealth. We are grateful to have you here to help break ground for the National D-Day Memorial in Bedford County, Virginia.

This is an historically significant, commemorative occasion for all Americans, indeed, for all freedom-loving people on earth and in the heavens.

Veteran's Day is a time for respectful reflection as we honor and remember all those brave men and women of the United States Armed Forces who have served us to secure and protect our nation's interests, including our God-given rights and freedoms, as well as those rights and freedoms for our fellow human beings everywhere.

From the cold, snow-covered fields at Valley Forge to the hot, desert storms of the Persian Gulf and Kuwait, and even today in Bosnia, Virginians and Americans have

served nobly, and with great distinction, whenever and wherever Duty's clarion call has sounded.

We salute all of our veterans and their families who have stood against tyranny in defense of liberty in times of war and peace. And on this Veteran's Day, we honor those especially courageous patriots who—on that gray, windy and fateful morning on the coast of Normandy—valiantly began the eradication from Europe of the hateful plague of Nazism, fascism and totalitarian dictatorship.

It is highly appropriate that this National D-Day Memorial should find its home here in Bedford, Virginia.

As vividly described by Colonel Doughty, United States and Allied soldiers stormed Omaha Beach at dawn June 6, 1944. And brave men from Bedford County spearheaded the first wave in one of the greatest military feats in the annals of world history.

Virginia remembers with pride the noble legacy of the 29th Division, especially the citizen-soldiers of the imperishable "Stonewall Brigade" who waded, scrambled, fought and overcame entrenched forces on high, formidable bluffs.

While Time has washed away the blood of our fallen heroes from the beaches and cliffs of Normandy, Time has not washed away, and must not dim, our memories of those horrific and heroic events—how they fought; how they died; and how they won freedom for the people of Europe and the world.

Whether by hard-fought victory or through steadfast vigilance, each generation passes on to the next lessons: lessons in the sometimes high price of freedom.

This Memorial will be a thoughtful, magnificent tribute to the Americans and Allies who began the liberation of the European continent during that "Longest Day."

Right here in Bedford, Virginia, people from around the world can—and will—come to visit, learn and pay their respects to heroes of unselfish character and undaunted courage.

This Memorial will add meaning to the strong, silent testimony of those men who lost their own future in making secure for others the responsibilities and opportunities that come from freedom.

By breaking ground for this National D-Day Memorial, each of us is helping to ensure that the eternal flame of freedom will never be extinguished by force from without or by neglect from within.

Through the hard work of so many, we are bequeathing to our children a greater appreciation and respect for the many blessings of liberty, and a better understanding of their responsibility to nurture and protect it.

In closing, I pray God will continue to bless Virginia and the United States with people of such honor and character as those we remember this Veteran's Day, so that our United States will always be a beacon of hope, opportunity and freedom.

Veterans: we gratefully salute you in our minds and in our hearts!•

100TH ANNIVERSARY OF THE FRANCISCAN FRIARS AND SISTERS OF THE ATONEMENT

• Mr. MOYNIHAN. Mr. President, December 15, 1997 will mark the 100th anniversary of the Order of the Franciscan Friars and Sisters of the Atonement. The Order was founded by Father Lewis T. Watson and Mother Lurana White in Garrison, New York with the goal of promoting Christian unity. The Friars and Sisters continue their mission work through the promotion of the Week of Christian Unity and the operation of ecumenical centers and libraries.

Through the years, the Friars and Sisters of the Atonement have remained in Garrison where they now operate the Graymoor Ecumenical and Religious Institute. At Graymoor they publish a monthly magazine, Ecumenical Trends, and operate St. Christopher's Inn, a temporary shelter for homeless men, whom they refer to as "Brothers Christopher" or Christ Bearers.

The influence and the good work of the Friars and Sisters extends well beyond the Hudson Highlands region of New York, reaching throughout the United States, Canada, Europe and Asia. They operate day care centers, Retreat Houses, Head Start programs, and shelters for battered wives and children. They minister to the poor, feed the hungry, and embrace the marginalized worldwide. Not only do they seek unity of the Christian community, but also unity of the human spirit and unity of the human community.

True to their cause of Christian unity, they have dedicated their lives to the hope "that all may be one . . . that the world may believe." I commend their single-heartedness and congratulate them on the occasion of their 100th anniversary.•

CHILD EXPLOITATION SENTENCING ENHANCEMENT ACT OF 1997

• Mr. FEINGOLD. Mr. President, I rise today to voice my disappointment that in the final hours of this legislative session, a piece of legislation sponsored by my colleague, Senator DEWINE and I, S. 900 has apparently been stopped from passing the Senate because of an objection from the other side of the aisle.

S. 900 is a bi-partisan effort to address the growing problem of criminals using the Internet to contact and target young children that they ultimately sexually abuse and exploit. This bill requires the United States Sentencing Commission to create a sentencing enhancement for criminals who use the Internet to facilitate sexual crimes against young people. The legislation also increases penalties for repeat sexual offenders.

S. 900 has, on two occasions, received the unanimous support of the Senate Judiciary Committee. It has passed the Committee as a free-standing measure and was adopted as an amendment to juvenile justice legislation considered by the Committee earlier this year. Yet, we are now told that the bill has been held. I find it troubling that someone would object to legislation designed to help protect young children from being sexual abused and molested and that such objection would be made, without providing Senator DEWINE or myself an opportunity to address whatever concerns might exist.

Mr. President, the misuse of the Internet is a growing problem. FBI Director Freeh has testified to this fact and the National Center for Missing and Exploited Children—which supports the DeWine/Feingold legislation—agrees that the situation is a growing concern. S. 900 is a straightforward, bipartisan effort to send the message that pedophiles and child molesters will not be allowed to exploit the Internet to commit their illicit crimes against children. While I regret that someone has chosen to slow this effort to protect children, I fully intend to return to this issue next year and will continue to push for the adoption of this legislation.•

UNANIMOUS CONSENT AGREEMENT—H.R. 2267

Mr. GREGG. Mr. President, I ask unanimous consent that when the conference report to accompany H.R. 2267, the appropriations bill for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies is received, if it is identical to the document filed earlier today, it be deemed agreed to and the motion to reconsider be laid upon the table, all without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS BILL

Mr. GREGG. Mr. President, I would like to take a few minutes at this time to especially thank my staff, headed by Jim Morhard, and so many other members of the staff on both the Democratic and Republican side, who have spent literally hours, including all the hours of last night and many other evenings, but the entire night, getting this bill into a position where it could be passed. It is, as it appears to be, the last appropriations bill to be passed by the Senate and the House and, as such, it has had more than its fair share of issues attached to it. But as a result of the diligent and extraordinary work of the staff, both the Democratic and Republican staff, it is now, I believe, close to successful conclusion, and I anticipate that the House will soon be passing it, and it will be, as we have just agreed to here in the Senate, deemed passed.

The bill itself is a very strong piece of legislation. It makes an extraordinarily aggressive commitment to supporting and expanding our efforts in the area of law enforcement, in the area of trying to stop the drugs that

are flowing into this country, in protecting our borders and expanding our efforts to make sure that people who are convicted, especially of violent crimes, are incarcerated and kept in prison.

It has a very strong commitment also to prevention activities in the area of our justice system. Special emphasis has been put on the violence-against-women initiatives, which are funded at $270.7 million in this bill, an increase of almost 55 percent in this category since I became chairman in 1995.

Also, we have put a special emphasis on attempting to address the problems of the Internet relative to child pornography and, unfortunately, the fact that many pedophiles—people who wish to harm our children—are using the Internet for purposes of stalking children. We have continued, supported, and expanded the FBI's initiatives in things like "Innocent Images" which is a sting program to try to catch pedophiles and child pornographers. We expanded it so that local and State law enforcement communities will have experience in this area and can take advantage of the protocols set up by the FBI.

Further, we recognize that juvenile crime is one of the greatest problems in the country today, and we have attempted to address that through the expansion of the juvenile justice programs, especially the preventive programs. I see Senator COATS here on the floor, who has been a force of immense energy in the area of trying to address juvenile prevention programs, such as Big Sister/Big Brother, and Boys and Girls Clubs, which is funded under this program. We have also created a new block grant, the purpose of which will be to help local communities in the area of juvenile justice. This block grant is aggressively funded with $250 million.

There is, in addition, a comprehensive effort—it is a continuing effort—to address terrorism activities and to pursue an aggressive policy of counterterrorism. We all recognize, especially with the events of the last few days that have occurred in Pakistan, that Americans are at risk overseas. They are also, regrettably, at risk in our own country. We have seen two trials just recently completed, one involving the New York Trade Center, the other involving a shooting outside the CIA. Counterterrorism requires that we have a coordinated effort and that we have a strong law enforcement element in that coordinated effort, and this bill pursues both those activities.

Senators who represent States along our border, our southern border especially, have found very serious problems in the area of drug enforcement and in the area of illegal immigrants coming across the border, so we are dramatically expanding the number of INS border patrols in this bill, increasing them by 1,000; including $250 million in new initiatives to try to restore the integrity of the naturalization process, which unfortunately has fallen on hard times, to say the least. That may not be the best description of it, in fact, because the system has so collapsed. This bill puts the dollars necessary to give adequate support to the INS, and also it dramatically expands the Border Patrol efforts so that States like, especially, Texas and Arizona, which need additional border patrols, will be able to obtain them.

It significantly expands our efforts in the area of NOAA activities. This is one of our premier national treasures in the area of research and technology, the National Oceanic and Atmospheric Administration. It is an organization which has cutting-edge knowledge in a variety of areas, but especially in the prediction of our weather. We aggressively pursue the expansion of our efforts in weather research and information areas.

We give our judges a cost-of-living increase, something they deserve. This bill covers a lot of different jurisdictions, as is known by most of the Senators. One that doesn't get too much attention is the fact that it covers the judicial branch of our Government. We are going to try to help the Supreme Court out and renovate the Supreme Court building, but at the same time we are going to give our judges a reasonable cost-of-living adjustment.

In the area of the State Department, we concentrate aggressively in trying to get their physical house in order. It is really a national disgrace, the type of equipment that some of our overseas personnel are asked to use. We still have dial phones in some embassies that we fund around the world. Many of our facilities are simply decrepit and rundown. We have made a major commitment to rehabilitate our facilities and to expand the communication and technology attributes of the State Department.

In addition, we are making a major commitment to the personnel of the State Department. I believe they and their families deserve our support, especially in the area of giving them adequate security. We aggressively pursued that.

Other agencies, the Small Business Administration, FCC, FTC, all of which are covered by this bill, are also aggressively addressed. We do all this in the context of a bill that, although it spends a considerable amount of money, over $31 billion, spends less than what the President requested and is clearly within the budget, which is a balanced budget, I would note, as a result of the budget passed by this Congress.

So, again, I thank the staff for their extraordinary work in this area. I appreciate especially the assistance of the leader in allowing us to get this bill finally resolved. Without his intervention at a number of critical stages, it would not have been pulled together. I very much thank him for his assistance in this effort.

I also especially want to thank my ranking member, Senator HOLLINGS, who is really a great fellow to work with. He has a tremendous institutional history of how this committee works, and where the funding comes from, and what has happened in the past. His counsel has always been extraordinarily useful to me.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I extend my congratulations to the Senator from New Hampshire for his work on this very important appropriations bill. I should note it is the 13th and final appropriations conference report, the last one across the line, but a big one and an important one—Commerce, State, and Justice and related agencies. It also became a vehicle for a number of Senators to attempt to address problems, as it was the last conference report to go through the Congress. It was quite a struggle, but an important one. I commend the Senator from New Hampshire for his good work. I should also note the cooperation he received from the ranking member, the Senator from South Carolina. I thank the Senator for his work. I am glad we had our colleagues from the other side of the Capitol also work with us on this effort, which was a very interesting experience.

Mr. BIDEN. Mr. President, I come to floor today to discuss the new juvenile justice grant program contained in the appropriations bill for the Commerce, Justice, and State Departments. Of course, I would have preferred the appropriators to defer to the Judiciary Committee, which considered juvenile crime legislation for over a month and reported a bill to the Senate floor, so we could have a full debate and develop effective, comprehensive juvenile crime legislation.

That said, I am pleased that the conference report addresses one of my primary concerns by relaxing the mandates contained in earlier proposals that would have required States to try more juveniles as adults to qualify for federal funding.

Recall that the juvenile crime bill passed by the House of Representatives last spring would have disqualified States from receiving federal funds unless prosecutors had complete discretion to try certain 15-year-olds as adults. Similarly, as originally introduced, the Senate Republican's youth crime bill —S. 10—would have required States to give prosecutors unfettered discretion to try 14-year-olds as adults, even for minor crimes, to qualify for

funding. S. 10 as passed by the Committee loosened this restriction substantially, by enabling States to qualify for funding so long as 14-year-olds were eligible to be tried as adults for serious violent crimes, which they already are in almost every State.

Similarly, the new program contained in the appropriations bill passed by Congress today does not require States to change their laws on trying juveniles as adults. All a State must do to participate in the new program is to certify that it is "actively considering" such changes in policy. So, a State can say, "we're going to think about it," introduce legislation but not enact it, or even reject legislative changes and still qualify for the new federal youth crime fighting funds.

I support this relaxation from the earlier proposals because trying more juveniles as adults is likely to be counterproductive. The research shows that juveniles tried in the adult system are more likely to be released on bail, less likely to be convicted, punished more slowly, and incarcerated less frequently than in the juvenile justice system. If we want to get tough on juvenile crime, trying kids as adults is the wrong answer.

What is more, placing juveniles in adult jails—where they have exposure to hardened criminals—will only make them more likely to commit crimes once they get out. So despite popular opinion, trying more kids as adults may make our crime problem worse, not better.

Instead of imposing unproven, Washington-based solutions on the States, the best thing the federal government can do is provide local law enforcement, prosecutors, juvenile courts, and community based organizations additional funds to develop creative, comprehensive strategies to address juvenile crime. Such strategies are beginning to bear fruit across the country as juvenile crime has fallen significantly in the past two years.

The new juvenile crime block grant takes a partial step in the right direction by providing $250 million for juvenile justice system improvements. But this new program is deeply flawed by failing to permit State and localities to use any of these funds for juvenile crime prevention programs. Police chiefs and prosecutors around the country are emphatic that to be effective in combating juvenile crime, we have to combine tough enforcement with effective prevention programs. The new block grant sends the wrong message to our States and localities by requiring that all the funds be spent on enforcement and juvenile justice system improvements.

I am also concerned that the new program will not result in sufficient funding for juvenile prosecutors. Past experience has shown that block grants that flow through local governments do not result in very much funding for prosecutors' offices. In the Senate youth crime bill, we have established a grant program—albeit an underfunded one—that would provide federal funding directly to prosecutors specifically for juvenile crime fighting efforts. I will work to fix these and other flaws in the new program when we consider youth violence legislation next year.

Mr. LEAHY. Mr. President, I want to let my colleagues know that tucked in the hundreds of pages of provisions on appropriating federal funds on existing programs in this conference report is legislative language to create a new $250 million grant program, called the "Juvenile Accountability Incentive Block Grant." This newly authorized program is based on the block grant program in H.R. 3, the "Juvenile Crime Control Act of 1997," although that bill has not passed or even been considered by the Senate.

This new program sounds great until you look at the proverbial fine print. Because of all the new requirements on the States this is just a tease—many States won't qualify for a penny of this money under H.R. 3 as passed by the House of Representatives on May 8, 1997.

For instance, H.R. 3 mandates that a state must set up a new system of record keeping relating to juveniles that is equivalent to the record keeping system for adults for similar conduct under state and Federal law to be eligible for this block grant. Many states would be forced to make considerable changes to their laws to comply with this mandate. And the cost of complying with this mandate, which would require capturing records for minor juvenile offenses too, is totally unknown.

My home state of Vermont, for example, would not qualify for the block grant in H.R. 3, even though my State has some of the toughest juvenile crime laws in the country, and has the lowest juvenile violent crime rates in the country. Massachusetts will not qualify either, even though that State has made enormous progress in reducing its violent crime problem. Our two States must be doing something right.

I ask why we are being forced to take up the ill-considered H.R. 3 block grant on an appropriations bill. The answer is because the Republican leadership says so. Otherwise, they might miss out on claiming credit in connection with fighting juvenile crime before Congress adjourns. I guess in their minds nothing happens that does not involve their political agenda. Fighting juvenile crime should not be about politics. Unfortunately, this heavy-handed effort is purely partisan. For a group that preaches states' rights, the Republican Leadership has no trouble trampling the hard work and insight of 50 state legislatures who have enacted juvenile crime legislation. H.R. 3 is a presumptuous attempt to have the heavy hand of the federal government dictate state criminal justice policy. This is the wrong way to craft serious legislation.

The Senate Judiciary Committee spent eight mark-ups over two months earlier this year in crafting its juvenile crime bill, the "Violent and Repeat Juvenile Offender Act of 1997," S. 10. Why did Chairman HATCH and the other members of the Judiciary Committee work so hard to try to craft a bill if the Republican leadership is just going to slip parts of the House bill into a spending bill at the last minute before Congress adjourns for the year? Every Member of the Judiciary Committee worked many hours to revise S. 10 before it was reported by the Committee to the full Senate. This bill still has major problems, but is much improved because of that deliberative legislative process and much better than its House companion, H.R. 3. I am hopeful that S. 10 can be further improved on the Senate floor.

This juvenile block grant approach is flawed and would benefit from attention through the normal legislative process of hearing, public comment, review, Committee consideration, amendment and report, Senate action and House-Senate conference. Instead, the Republican leadership is trying to force this flawed block grant through the Senate.

Fortunately, we in the Senate have been able to modify the flawed block grant program in H.R. 3 to make it tolerable before it was included in this appropriations bill. I want to thank the Ranking Member of the Senate Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, Senator HOLLINGS, and the Subcommittee's Chairman, Senator GREGG, for working with me, Senator BIDEN, and other Members of the Senate Judiciary Committee.

Our modifications make it clear that every state is eligible for the juvenile crime block grant program in this conference report. To qualify for the block grant program in this conference report, the Governor of a State may certify to the Attorney General that the State will consider legislation, policies and practices which if enacted would qualify the State for a grant under H.R. 3. Governor Dean of my home State has indicated to me that he is willing to make such a certification for Vermont to be eligible for this block grant. We have also limited this program to the 1998 Fiscal Year and made it subject to future authorization legislation.

Mr. President, I stand ready to work with my colleagues on both sides of the aisle and in both Houses of Congress to enact carefully considered legislation to reduce and prevent juvenile crime. But this hastily conceived block grant approach as part of this appropriations

bill is the wrong way to achieve those goals.

Mr. HOLLINGS. Mr. President, I'm pleased to join our Subcommittee Chairman, Senator GREGG, in presenting this Fiscal Year 1998 Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Conference Agreement to the Senate. This is a good agreement that has been worked out in a bipartisan fashion. It has taken us over six weeks of negotiations with the House to reach consensus. I should note that the Senate passed our version of the bill back on July 29 by a vote of 99 to 0.

In the Commerce, Justice, and State appropriations bill we fund programs ranging from the FBI to our State Department embassies overseas, to fisheries research and the National Weather Service, to the Supreme Court and the Federal Communications Commission. It requires a balancing act of the priorities of the Nation, of the sometimes shared and, as we have seen in this conference, more often competing interests of our colleagues here in the Congress, and the priorities of the Administration—all within the confines of our 302(b) allocation. I think Chairman GREGG and his able staff—Jim Morhard, Kevin Linskey, Paddy Link, Dana Quam, Carl Truscott and Vasiliki Alexopoulos—have done an outstanding job in balancing these interests in their work with our counterparts on the House Appropriations Committee. In the face of a very involved House Republican leadership and an administration that tried to give away the store in an effort to buy fast-track votes, we have held our own—and I fully support the agreement that we are considering today.

In total, this bill provides $31.777 billion in budget authority, $158 million more than the Senate-passed bill. We have $1.881 billion more than was appropriated last year, and the bill is $275 million below the President's request.

Once again, the CJS appropriations bill makes it clear that Congress is intent on funding Justice and law enforcement as a top priority. This bill provides appropriations totaling $17.5 billion for Justice—an increase of $1 billion above last year for the Justice Department. Including fees we provide the Department through appropriations action, the total Justice Department budget is $19.5 billion.

Within the Justice Department, the FBI is provided $2.9 billion. Included in this is a large increase of $143 million for the FBI to enhance its counterterrorism activities. This amount includes $54 million to acquire counterterrorism readiness capabilities for responding to and managing incidents involving improvised explosive devices, chemical and biological agents, and cyber attacks. Also, $10 million is provided to stop child exploitation on the Internet, a new issue affecting our youth that this Committee held a special hearing on earlier this year. We have provided enhanced funding to reinvigorate our battle against organized crime and to combat the La Cosa Nostra's efforts to penetrate the securities industry. Finally, we have provided $44.5 million which will complete the new FBI laboratory at Quantico, Virginia.

The Drug Enforcement Administration is funded at $1.1 billion. Included in this amount is $34 million for 60 new agents, $30 million for counter-drug efforts along the Southwest border, $11 million targeted for methamphetamine production and trafficking, and $10 million and 120 positions for efforts to reduce heroin trafficking—all priorities of the Senate.

Also in Justice, the bill enhances INS border control by recommending 1,000 new Border Patrol agents, restoring the integrity of the naturalization process, and expanding revocation, incarcerations, and deportation activities. The INS is funded at $3.8 billion. A program that most members have been hearing about from their constituents is the extension of 245(i). The conferees have adopted a "grandfathering" clause that would allow 245(i) processing for anyone who has filed with the Attorney General or for labor certification with the Department of Labor by January 14, 1998.

The CJS bill also provides funds to accelerate and expand efforts by U.S. Attorneys to collect the estimated $34 billion in unpaid child support. I'm especially pleased to note that an increase of $8.3 million is provided to activate the new National Advocacy Center in my home state. This center will provide training in litigation and advocacy to our Assistant U.S. Attorneys and State and Local Prosecutors. It will be to the U.S. Attorneys what Quanitco is to the FBI and DEA. Finally, we have included $1 million for our U.S. Attorney Rene Josey to continue his outstanding violent crime task force efforts with our state and local law enforcement personnel.

The conference agreement provides $1.4 billion for the Community Policy program and continues our commitment to put 100,000 cops on the beat. I'm especially pleased to note that we have included $100 million for an innovative program that addresses COPS retention issues in smaller communities with populations below 50,000. In these small rural communities the COPS program has been especially effective. I've seen it first hand in communities across South Carolina, and I'm pleased that the House and Senate conferees were willing to support my initiative.

Additional programs to note with Justice include: $25 million for the Regional Information Sharing System [RISS]; $505 million for the Edward Byrne Memorial Formula Grant Program and $523 for the Local Law Enforcement Block Grant Program; $30 million for Drug Courts; $238.6 million for juvenile justice prevention programs including $25 million to combat underage drinking of alcoholic beverages. This last program was offered as an amendment to the bill by Senator BYRD, Senator HATCH and myself last summer. $271 million provided for Violence Against Women Programs. $556 million is provided for State Prison or "Truth in Sentencing" grants and $585 million is provided for the State Criminal Alien Assistance Program.

Finally, let me point out that this agreement includes $250 million for a new Juvenile Accountability Incentive Block Grant. I know that there is some controversy among my colleagues because we have provided this funding even though the House and Senate have not collectively completed action on an authorization bill. This program provides for such programs as: building, expanding or operating juvenile detention and corrections facilities; hiring additional juvenile judges, probation officers and court appointed defenders; drug courts; and hiring prosecutors. We have provided that these funds are available to states and local governments that consider the reforms provided for the House-passed bill. We have also provided that no state receive less than .5 percent. Everyone should be clear, that we are providing this as a stop-gap measure until the Senate is able to pass a juvenile justice bill. The bill language in this conference agreement makes it clear that these conditions are only for fiscal year 1998, and will cease upon enactment of a new Juvenile Justice authorization bill.

In funding the Commerce Department, our bill provides $4.3 billion, an increase of $422 million over this year's enacted amounts. There are a number of accounts in Commerce that are worth noting.

The International Trade Administration has been allocated $283 million this year, and it's four program activities are funded at the following levels: Trade Development is at $59 million; Market Access and Compliance has a total of $17.3 million, which is an increase from last year; the Import Administration ends up at $28.7 million; and the U.S. and Foreign Commercial Service is given $171 million, an increase of almost $8 million from last year.

The Bureau of Export Administration is given $43.9 million this year. Our agreement on BXA has some components that should be of no surprise to those familiar with this program. We've funded BXA to continue their counterterrorism activities, to address their new export control responsibilities that were transferred to them from the Department of State, and to

begin activities related to their responsibilities under the Chemical weapons Convention Treaty.

The Economic Development Administration, a favorite of many of my colleagues, is at the higher house level of $340 million, including $178 million for Title I Public Works program, $30 million for Title IX Economic Adjustment Assistance, $9.1 million for technical assistance, and $9.5 million for trade adjustment assistance.

The bill funded the largest account in the Department of Commerce, NOAA, at $2 billion, slightly below the higher Senate number. This includes $241 million for the National Ocean Service, $346 million for the National Marine Fisheries Service, $277 million for Oceanic and Atmospheric Research activities, and $520 million for the National Weather Service. One thing NOAA isn't lacking is in the number of programs it funds. To mention a few, it should be noted that we've provided NOAA with $3.5 million for pfiesteria and algal bloom research, a new problem that we became all to aware of over the last few months here on the East Coast. We also gave the National Ocean Service $44 million for mapping and charting so it can meet its long-term mission requirements to examine ocean activities. The popular Sea Grant program has been continued at $56 million, funds have been allocated to study that omnipresent El Nino, and continued support is given to our National Weather satellites.

I am especially pleased that we have included $1 million for our new Ocean Policy Commission, the first serious look at our ocean policy and NOAA since the Stratton Commission in the late 1960's. I've talked with Dr. Baker at NOAA, Admiral Watkins, and Dr. Ballard—and we all believe that it is time to reinvigorate our ocean programs and put the "O back in NOAA." You know, we all spend so much time looking to space and a little mechanical robot on Mars, Yet 75% of our planet is ocean, and our exploration of it is woefully lacking.

The hot topic of the Commerce Department this year and the political issue that consumed our bill, the Census Bureau, is provided with $550 million, which is an increase of $326 million. But funding wasn't the issue of controversy. Rather, we had a sticky situation to work out regarding the fate of the 2000 Decennial Census in terms of whether statistical sampling could be used for the last 10 percent of the population. The Census language that was finally agreed upon over the last few days is a compromise agreement between the White House and GOP leadership in the House which allows the Commerce Department to move forward with its efforts to plan for and conduct the year 2000 decennial census. The agreement seeks to ensure that the Federal Courts will rule on the constitutionality of using statistical sampling prior to the next census by creating expedited judicial review proceedings, and it establishes a Census Monitoring Board that will observe and monitor all aspects of the preparation of the 2000 census, including dress rehearsals.

Now for the remaining programs in Commerce—the Patent and Trademark Office was provided with $716 million, including fees; we have been hearing from the Inspector General of Commerce about poor management over there and we are going to take a close look at PTO programs next fiscal year. With respect to the National Institute of Standards and Technology, NIST, it is funded at $677 million, slightly lower than enacted levels; I'm pleased that Manufacturing Extension Centers are funded at $113 million and the Advanced Technology Program [ATP] is funded at $193 million. I'm pleased that we seem to finally be getting to a sane policy on our Commerce technology programs. They are out lead edge in the trade war. This year the rhetoric subsided, and we started to get back to normalcy and "adult supervision" around here, as Senator Dole would say. No one is seriously considering unilaterally disarming in the trade war and disestablishing the Department of Commerce and our technology programs.

Now to discuss the Judiciary—the total Judiciary account is funded at $3.463 billion, $200 million above enacted levels. We have provided the Federal Judges with a cost of living adjustment. And, with respect to the Ninth Circuit Court of Appeals, we have agreed on a Commission to study judicial organization. So we have avoided a veto issue and will look to the Chief Justice of the Supreme Court to pick qualified, fair experts to review the situation.

In the State Department and international programs title, we have included $4 billion for the Department of State and have supported the consolidation of our international affairs agencies. Within this amount we've provided $91 million to State and USIA to accelerate the replacement of obsolete computers and communications gear, and $19.6 million to renovate projects worldwide such as our facilities in Beijing, China. $9.5 million is provided for architectural and engineering work necessary to move our Embassy to Jerusalem, the capital of Israel. I can't think of any other nation where we refuse to recognize its capital. It is time for us to put our Embassy in the capital of Israel.

The bill has funded Contributions to International Organizations at $955 million to pay the costs assessed to the United States for membership in international organizations. Within this amount, $54 million is for payment of United Nations arrerages. Additionally, Contributions of International Peacekeeping Activities is funded at $256 million, including $46 million for payment of arrerages. So we have met our commitments under the budget agreement. I only hope that Chairman HELMS and Senator BIDEN can get a State Department Authorization bill through the Congress so we can make meaningful changes in New York, and we can reorganize our international affairs into a more rational structure.

I'm especially pleased that the conference adopted language that I proposed that requests the State Department to send a reprogramming to ensure that the United States maintains its vote in international organizations. With respect to organizations like the International Rubber Organization [INRO] we are hurting U.S. business and prestige by maintaining shortfalls. We are letting other third world nations dominate and have put the creditworthiness of the United States in a position along with the Ivory Coast and Nigeria. We need to keep current and keep our seat at the table.

Other programs to note within this Title of the bill include $1.1 billion for United States Information Administration [USIA]. Under the USIA account, the National Endowment for Democracy is funded at $30 million, the East-West Center is provided with $12 million, the North-South Center is $1.5 million, International Broadcasting is $364 million, and Educational and Cultural Exchange programs are $198 million without the Senate-passed overhead certification requirements. Additionally, $41.5 million is provided for Arms Control and Disarmament Agency [ACDA].

Finally, in the Related Agencies Title of our bill, it should be noted that the Maritime Administration was funded at $138 million, with a level of $35.5 million for the Maritime Security Program; the Small Business Administration is funded at $705 million and for its non-credit programs, the bill provides $500,000 minimum level for all Small Business Development Centers; the Federal Trade Commission is funded at $106.5 million; and Legal Services Corporation is at $283 million, including Senator WELLSTONE's floor amendment which ensure that income eligibility determinations in cases of domestic violence are made only on the basis of the assets and income of the individual.

Finally, on a separate but related note, I would like to take a moment to address a matter of importance regarding the Federal Communications Commission, which is provided for this Commerce, Justice, State appropriations bill. On July 1, the interstate access fees paid by long distance companies to connect their customers to the local telephone companies' networks were reduced by over $1.5 billion annually. AT&T and MCI responded to these

reductions by announcing plans to pass these savings to their customers.

AT&T committed to reduce its day and evening rates by 5 and 15 percent, respectively, on July 15. One of the news services reported that AT&T's residential customers would save $600 million and business customers would save $300 million annually. Similarly, MCI announced it will pass along these savings to customers as well.

In the past, AT&T was regulated as a dominant carrier and regularly filed its tariffs with the Federal Communications Commission thereby providing the necessary verification of these types of savings for consumers. With AT&T now being a non-dominant carrier, it no longer has to file data with the Commission to justify its rates. There is some concern that the tariffs that AT&T and MCI have filed with the Commission do not contain a sufficient analysis to demonstrate the amount of the long distance price reductions have been passed on to consumers. At a minimum, the Commission should verify that amount of access charge reductions pledged by these carriers are passed on to consumers.

The Commission should take whatever steps it deems necessary to ensure that these carriers furnish sufficient data to verify that consumers have indeed benefited from access charge reductions. The Commission should also monitor long distance rates to insure that the benefits of these reductions are not reversed by subsequent increases.

Ensuring that the long distance carriers make good on their commitment to flow through access charge reductions to consumers in the form of lower long distance rates is an important issue that should not be overlooked by the Commission.

Mr. President, this is a good bill and I support it. We have had to make some tough decisions, but under the able leadership of Chairman GREGG and his able staff, I think we have made the right decisions. Senator GREGG has really taken hold of this bill this year. And, of course, I want to thank my good friends in the other body, Chairman HAL ROGERS and Mr. ALAN MOLLOHAN of West Virginia. They are true professionals. They have outstanding staff, first rate professional staff in Jim Kulikowski, Therese McAuliffe, Jennifer Miller, Mike Ringler, Jane Wiseman, Pat Schleuter, Mark Murray, David Reich, Sally Gaines and Liz White.

I encourage my colleagues to support the FY 1998 Commerce, Justice, State, the Judiciary, and Related Agencies appropriations bill.

Mr. LAUTENBERG. Mr. President, I rise today to commend the work of Straight and Narrow, a non-profit organization headquartered in Paterson, New Jersey, which has been a pioneer in the field of substance abuse treatment with impressive results.

Straight and Narrow serves more than 750 people a day, almost all of them poor. Its services cover the whole spectrum of the substance abuse field, from effective prevention services for young people to treatment of the chemically dependent. Straight and Narrow's programs have been proven to deliver effective treatment at a significantly lower cost per patient than most treatment programs. National studies of Straight and Narrow's work have concluded that its results have far exceeded those of other approaches to substance abuse treatment.

Straight and Narrow is currently working in conjunction with the New Jersey Department of Corrections and the National Development and Research Institutes [NDRI] on a research and demonstration proposal to develop a national model of Straight and Narrow's approach to substance abuse treatment. This proposal includes clinical trials of the use of patient work combined with psychological counseling, family therapy, education, job training, and after care for treatment of substance abusers from disadvantaged backgrounds, including non violent prisoners.

Mr. President, I am proud of Straight and Narrow's accomplishments in New Jersey, and I believe that it would be most advantageous for the Federal Government to assist in the development of a model for the implementation of Straight and Narrow's programs on the national level. I believe that Straight and Narrow's proposal is one that the Department of Justice should seriously consider supporting, and I hope the Department will give this proposal serious consideration.

Mr. LOTT. Mr. President, before I proceed to some closing bills and Executive Calendar, I would like to consult with the Democratic leader. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEADBEAT PARENTS PUNISHMENT ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 271, S. 1371.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1371) to establish felony violations for the failure to pay legal child support obligations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KOHL. Mr. President, let me take a moment to explain the Deadbeat Parents Punishment Act of 1997, which I introduced with Senator DEWINE and which I drafted with the help of the administration. This measure toughens the criminal penalties we created in the Child Support Recovery Act of 1992 and creates new gradations of offenders to target and punish the most egregious child support evaders. It ensures that more serious crimes receive the more serious punishments they clearly deserve. And, Mr. President, this measure sends a clear message to deadbeat dads and moms: ignore the law, ignore your responsibilities, and you will pay a high price. In other words, pay up or go to jail.

When Senator SHELBY and I introduced the original Child Support Recovery Act, we knew that Federal prosecutors had a role to play to keep these parents from shirking their legal, and I would argue moral, responsibilities. It has been estimated that if delinquent parents fully paid up their child support, approximately 800,000 women and children could be taken off the welfare rolls. In fact, Mr. President, since that legislation was signed into law in 1992, over 386 cases have been filed, resulting in at least 165 convictions to date. And not only has that law brought about punishment, but it has also brought about payment. Collections have increased by nearly 50 percent, from $8 billion to $11.8 billion, and a new national database has helped identify 60,000 delinquent fathers—over half of whom owed money to women on welfare. Although we should be proud of that increase, we can not merely rest on our laurels. More can be done—and today the Senate's passage of the Deadbeat Parents Punishment Act is a step in the right direction.

Mr. President, as you know, current law already makes it a Federal offense to willfully fail to pay child support obligations to a child in another State if the obligation has remained unpaid for longer than a year or is greater than $5,000. However, the current law, by providing for a maximum punishment of just 6 months in prison for a first offense, makes violations only a misdemeanor. A first offense—no matter how egregious—is not a felony under current law.

Police officers and prosecutors have used the current law effectively, but they have found that current misdemeanor penalties do not have the teeth to adequately deal with more serious cases—those cases in which parents move from State to State, or internationally, to intentionally evade child support penalties. Those are serious cases that deserve serious felony punishment and, under this new measure, that serious punishment will be available.

Mr. President, I believe that making the Deadbeat Parents Punishment Act law will make a difference in the lives of families across the country. I thank my friend from Ohio, and this bill's original cosponsor, Senator DEWINE for his efforts on behalf of children and families, and I commend my colleagues in the Senate for passing this important message. I look forward to this measure quickly passing the House and being signed into law by the President.

Mr. President, I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF S. 1371, THE DEADBEAT PARENTS PUNISHMENT ACT OF 1997

The "Deadbeat Parents Punishment Act of 1997" amends the current criminal statute regarding the failure to pay legal child support obligations, 18 U.S.C. 228, to create felony violations for aggravated offenses. Current law makes it a federal offense to willfully fail to pay a child support obligation with respect to a child who lives in another state if the obligation has remained unpaid for longer than a year or is greater than $5,000. A first offense is subject to a maximum of six months of imprisonment, and a second or subsequent offense to a maximum of two years.

The bill addresses the law enforcement and prosecutorial concern that the current statute does not adequately address more serious instances of nonpayment of support obligations. For such offenses a maximum term of imprisonment of just six months does not meet the sentencing goals of punishment and deterrence. Aggravated offenses, such as those involving parents who move from state to state to evade child support payments, require more severe penalties.

Section 2 of the bill creates two new categories of felony offenses, subject to a two-year maximum prison term. These are: (1) traveling in interstate or foreign commerce with the intent to evade a support obligation if the obligation has remained unpaid for a period longer than one year or is greater than $5,000; and (2) willfully failing to pay a support obligation regarding a child residing in another state if the obligation has remained unpaid for a period longer than two years or is greater than $10,000. These offenses, proposed 18 U.S.C. 228(a) (2) and (3), indicate a level of culpability greater than that reflected by the current six-month maximum prison term for a first offense. The level of culpability demonstrated by offenders who commit the offenses described in these provisions is akin to that demonstrated by repeat offenders under current law, who are subject to a maximum two-year prison term.

Proposed section 228(b) of title 18, United States Code, states that the existence of a support obligation in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that period. Although "ability to pay" is not an element of the offense, a demonstration of the obligor's ability to pay contributes to a showing of willful failure to pay the known obligation. The presumption in favor of ability to pay is needed because proof that the obligor is earning or acquiring income or assets is difficult. Child support offenders are notorious for hiding assets and failing to document earnings. A presumption of ability to pay, based on the existence of a support obligation determined under state law, is useful in the jury's determination of whether the nonpayment was willful. An offender who lacks the ability to pay a support obligation due to legitimate, changed circumstances occurring after the issuance of a support order has state civil means available to reduce the support obligation and thereby avoid violation of the federal criminal statue in the first instance. In addition, the presumption of ability to pay set forth in the bill is rebuttable, a defendant can put forth evidence of his or her inability to pay.

The reference to mandatory restitution in proposed section 228(d) of title 18, United States Code, amends the current restitution requirement in section 228(c). The amendment conforms the restitution citation to the new mandatory restitution provision of federal law, 18 U.S.C. 3663A, enacted as part of the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104-132, section 204. This change simply clarifies the applicability of that statute to the offense of failure to pay legal child support obligations.

Proposed subsection (e) clarifies that prosecutions for violations of this section may be brought either in the district where the child resided or the obligor resided during a period of nonpayment. Inclusion of this language is necessary in light of a recent case, *Murphy* v. *United States*, 934 F.Supp. 736 (W.D. Va. 1966), which held that a prosecution had been improperly brought in the Western District of Virginia, where the child resided, because the obligor was required, by court order, to send his child support payments to the state of Texas. Proposed subsection (e) is not meant to exclude other venue statutes, such as section 3237 of title 18, United States Code, which applies to offenses begun in one district and completed in another.

For all of the violations set forth in proposed subsection (a) of section 228, the government must show the existence of a determination regarding the support obligation, as under current law. Under proposed subsection (f)(3) the government must show, for example, that the support obligation is an amount determined under a court order or an order of an administrative process pursuant to the law of a State to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living. Proposed subsection (f)(3), however, expands the scope of covered support obligations to include amounts determined under a court order or an order of an administrative process pursuant to the law of an Indian tribe. Subsection (f)(1) defines the term "Indian tribe" to mean an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe pursuant to section 102 of the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. The expanded definition permits enforcement of the statute for all children for whom child support was ordered by either a state or tribal court or through a state or tribal administrative process.

Proposed subsection (f)(2) of section 228 amends the definition of "state," currently in subsection (d)(2), to clarify that prosecutions may be brought under this statute in a commonwealth, such as Puerto Rico. The current definition of "state" in section 228, which includes possessions and territories of the United States, does not expressly include commonwealths.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1371) was read the third time and passed, as follows:

S. 1371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deadbeat Parents Punishment Act of 1997".

SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.

Section 228 of title 18, United States Code, is amended to read as follows:

"§ 228. Failure to pay legal child support obligations

"(a) OFFENSE.—Any person who—

"(1) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 1 year, or is greater than $5,000;

"(2) travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than 1 year, or is greater than $5,000; or

"(3) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 2 years, or is greater than $10,000;

shall be punished as provided in subsection (c).

"(b) PRESUMPTION.—The existence of a support obligation that was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

"(c) PUNISHMENT.—The punishment for an offense under this section is—

"(1) in the case of a first offense under subsection (a)(1), a fine under this title, imprisonment for not more than 6 months, or both; and

"(2) in the case of an offense under paragraph (2) or (3) of subsection (a), or a second or subsequent offense under subsection (a)(1), a fine under this title, imprisonment for not more than 2 years, or both.

"(d) MANDATORY RESTITUTION.—Upon a conviction under this section, the court shall order restitution under section 3663A in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.

"(e) VENUE.—With respect to an offense under this section, an action may be inquired of and prosecuted in a district court of the United States for—

"(1) the district in which the child who is the subject of the support obligation involved resided during a period during which a person described in subsection (a) (referred to in this subsection as an 'obliger') failed to meet that support obligation;

"(2) the district in which the obliger resided during a period described in paragraph (1); or

"(3) any other district with jurisdiction otherwise provided for by law.

"(f) DEFINITIONS.—As used in this section—

"(1) the term 'Indian tribe' has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a);

"(2) the term 'State' includes any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

"(3) the term 'support obligation' means any amount determined under a court order or an order of an administrative process pursuant to the law of a State or of an Indian tribe to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living.".

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE NOMINATIONS TO REMAIN IN STATUS QUO, WITH EXCEPTIONS

Mr. LOTT. Mr. President, I ask unanimous consent, as in executive session, that all nominations received in the Senate during the 105th Congress, 1st session, remain in status quo, notwithstanding the sine die adjournment of the Senate, with the following exceptions: Bill Lann Lee and Executive Calendar No. 370.

I further ask unanimous consent that all provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate remain in effect, notwithstanding the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.J. RES. 106

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate receives House Joint Resolution 106, the continuing resolution, that it be considered read three times and passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADOPTION AND SAFE FAMILIES ACT OF 1997

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 867) to promote the adoption of children in foster care.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

Mr. DEWINE. Mr. President, H.R. 867, the Adoption and Safe Families Act of 1997, is an extremely important piece of legislation. Let me begin by thanking Senators CRAIG, CHAFEE, ROCKEFELLER, JEFFORDS, COATS, GRASSLEY, MOYNIHAN, LANDRIEU, Chairman ROTH, and Senator LOTT, the majority leader, who has made this bill a priority. I thank all of them and I thank their staffs for all the hard work they have done. I also want to thank our distinguished House colleagues Representatives DAVE CAMP and BARBARA KENNELLY, as well as Chairman SHAW, and their staffs, for their hard work in moving the bill through the House of Representatives.

This is a significant bill for a number of reasons.

It will require reasonable efforts to be made to find adoptive homes for children.

It requires concurrent case planning, which will reduce the amount of time that a child has to wait to be adopted. It would do this by permitting States to develop an alternative permanency plan in case a child's reunification with his family doesn't work out.

The bill shortens the time line for children in foster care.

And it reduces interstate geographic barriers to adoption.

But there is one element of this bill that is especially important—a provision I have been working to enact for over 2 years now. This one provision will save the lives of many children—and ensure that many others get to live in safe, loving, and permanent adoptive homes.

My staff and I have been involved in the discussion, drafting, negotiation, and adoption of just about every provision in this bill. But I have been working for the passage of this one particular provision for a very long time—and I believe it merits extended discussion in detail.

This provision is a clarification of the so-called reasonable efforts law, that was first passed in 1980. I introduced this provision as S. 1974 in the 104th Congress, and again as S. 178 in the 105th Congress.

I have given at least nine speeches on the floor discussing the need for this legislation; chaired one hearing on it; and testified at several others.

Anyone who is seeking to understand the need for this legislation—and our legislative purpose in passing this bill today—would do well to review my remarks in the RECORD on those occasions. I will detail—in these remarks today—both the dates of these speeches, and their page citations in the RECORD for easy reference.

On May 23, 1996, I held my first press conference to call for a change in the reasonable efforts law.

On June 4, 1996, I discussed this problem here on the Senate floor. That speech will be found in the RECORD at page S5710.

On June 27, 1996, I testified before our colleagues over in the House Ways and Means Subcommittee on Human Resources, at a hearing on how P.L. 96–272, the Adoption Assistance and Child Welfare Act is a barrier to adoption.

On July 18, 1996, I introduced S. 1974, a bill to clarify what Congress means by reasonable efforts. I offered the bill the very same day as an amendment to the Senate's welfare reform legislation, but withdrew the amendment because it was not germane. Nevertheless, I continued to talk about this problem, in an effort to create momentum to bring this kind of legislation to the floor.

My remarks on that occasion will be found at page S8142 of the RECORD.

On November 20, 1996, we held a hearing in the Labor and Human Resources Subcommittee on improving the well-being of abused and neglected children.

When the new Congress reconvened in January of this year, I reintroduced my bill to clarify reasonable efforts, as S. 178. It was my very first order of business in the new Congress.

On January 21, 1997, I spoke about this on the Senate floor. That can be found in the CONGRESSIONAL RECORD, page S551.

On February 14, President Clinton endorsed my reasonable efforts bill.

On February 24, I spoke about this on the Senate floor—page S1431.

On March 20, Senators CHAFEE and ROCKEFELLER introduced another bill to help us build momentum. That bill was titled S. 511, the Safe Adoptions and Family Environments Act.

On April 8, I testified again in the House Ways and Means Committee on this topic.

On April 30, H.R. 867, the Adoption Promotion Act of 1997, overwhelmingly passed the House of Representatives by a vote of 416 to 5. This bill, sponsored by Representatives DAVE CAMP and BARBARA KENNELLY, included my language to clarify reasonable efforts. I talked about that bill, on the same day that it passed in the House, on the floor of the Senate. Those remarks can be found at S3841.

Mr. President, I addressed this issue again on the Senate floor on May 1. Those remarks can be found at page S3898, and yet again, on May 5, I spoke about the issue, and those remarks can be found at S3947.

On May 21, I testified on this issue at a hearing in the Senate Finance Committee.

On October 1, I addressed this issue on the Senate floor again. Those remarks can be found at page S10262. On October 8, I testified yet again in a hearing before the Finance Committee on the Promotion of Adoption, Safety and Support of Abused and Neglected Children Act, the PASS Act, as it is commonly known.

Finally, on October 24 of this year, I addressed this issue again on the Senate floor, and those remarks can be found on page S11175.

The legislation that we will take up in a moment and that I hope we pass today is the culmination of that effort. I have taken the time of the Senate today to outline that history, as I stated a moment ago, because I want to make it very clear what the legislative history is and what the intent was behind that provision of the bill.

Let me turn now to the need for this provision.

Let me explain why this provision was the focus of so much attention and why we need this provision.

We need it, Mr. President, because of an unintended consequence of a bill that was passed by this Congress in 1980. The Adoption Assistance and Child Welfare Act of 1980 included a provision saying that for a State to be eligible for Federal funds for foster care spending, that State must have a child welfare services plan approved by the Secretary of Health and Human Services and that plan must be in effect.

The State plan must provide, and I quote now from the 1980 law, it must provide "that, in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home and (B) to make it possible for the child to return to his home."

Mr. President, over the last 17 years, since this law went into effect and since this provision became part of our Federal law, this law, tragically, has often been seriously misinterpreted by those responsible for administering our foster care system.

Too often, reasonable efforts, as outlined in the statute, have come to mean unreasonable efforts. It has come to mean efforts to reunite families which are families in name only. I am speaking now of dangerous, abusive adults who represent a threat to the health and safety and even the lives of these children.

This law has been misinterpreted in such a way that no matter what the particular circumstances of a household may be, it is argued that the State must make reasonable efforts to keep that family together and to put it back together if it falls apart. I have traveled across the State of Ohio, talking with child service representatives, with judges, other social welfare professionals who have told me about this problem. I have held hearings with experts from other parts of the United States, and we have discovered that this is a truly national problem.

There can be no doubt that this problem did, in fact, arise because of the 1980 law, and it arose because this 1980 law was and has been for 17 years misinterpreted. Clearly, the Congress of the United States in 1980 did not intend that children should be forced back into the custody of adults who are known to be dangerous and known to be abusive.

My purpose in making these comments today is to make absolutely certain that this legislation that I believe we are about to pass, H.R. 867, is not misinterpreted. My purpose today is to make sure the bill we are about to pass is not misinterpreted. I intend, therefore, to explain in some detail our purpose in passing this legislation.

Let me begin, if I can, Mr. President, by reading clause A of H.R. 867, and this is the bill we are about to take up.

Clause A of this bill says:

(A) in determining reasonable efforts to be made with respect to a child, as described in this section, and in making such reasonable efforts, the child's health and safety shall be the paramount concern.

Let me read it again. Clause A of H.R. 867 that we are about to take up says:

In determining reasonable efforts to be made with respect to a child, as described in this section, and in making such reasonable efforts, the child's health and safety shall be the paramount concern.

The purpose of clause A, Mr. President, is to make it clear to everyone involved in caring for our young people, not just judges, but also caseworkers, prosecutors, magistrates, court-appointed attorneys, and child advocates—all of them—that reasonable efforts to reunify families must be governed by one overriding principle, and that overriding principle is that the health and safety of the child must always, always, always come first.

In determining what efforts are required, in determining what efforts are reasonable, we must give priority to this clause.

Second, clause A also makes clear that there are some cases in which reasonable efforts do not need to be made to reunify children with dangerous adults. In some cases, no efforts are reasonable efforts. In some cases, any efforts are unreasonable efforts.

All the rest of this section of this bill, which will become law, must be read in the light of clause A which I just read. Clause A governs the law of reasonable efforts. Clause A defines, once and for all, the overriding principle, that the health and safety of the child must always, always, always come first.

This bill that we are about to take up also includes a list of certain very specific cases in which reasonable efforts are not required, very specific cases laid out in the statute. They include the crimes set forth already in the Child Abuse Prevention and Treatment Act, or CAPTA. They also include aggravated circumstances that will have to be defined by each individual State, and they include also cases in which the parental rights have been involuntarily terminated as to the sibling of the child in question.

Mr. President, let me point out now very carefully so there is no risk of misinterpretation on this floor, this list that I have just read is not meant to be an exclusive list. The authors of this legislation do not—do not—intend these specified items to constitute an exclusive definition of which cases do not require reasonable efforts to be made.

Rather, these are examples—these are just examples—of the kind of adult behavior that makes it unnecessary, that makes it unwise, makes it simply wrong for the Government to make continued efforts to send children back to their care. This is not meant to be an exclusive list. We make this clear in the text of the bill.

Let me read the rule of construction from the bill H.R. 867:

(c) Rule of Construction—Nothing in this part shall be construed as precluding State courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in section 471(a)(15)(D).

"Nothing in this part shall be construed as precluding State courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in section 471(a)(15)(D)."

This leaves absolutely no room for doubt. Whether the case comes under the previously listed examples or not, the health and safety of the child must—must—come first.

The passage of this bill will cause a momentous change in how we look out for the interests of the most vulnerable children in this country. I thank a number of individuals who have helped us build a consensus for making this change. I must say that is what had to happen before we could pass this bill. We had to get a consensus, not just in the Senate, not just in the House, but, frankly, among caring people across this country. It had to become a public issue.

Let me thank some of the people who helped change that and build that consensus.

Dr. Richard Gelles, whose pathbreaking book called "The Book of David," did so much to educate me and the rest of America on this issue. He deserves a great deal of thanks.

Peter Digre, director of the department of children and family services of the county of Los Angeles, was also instrumental and testified about the need for our bill.

Mrs. Sharon Aulton, the grandmother of Christina Lambert and Natalie Aulton, two children who lost their lives to child abuse. I think Mrs. Aulton was very brave when she came before us to share her heartbreaking story. She helped us bring the point home really as no one else could about the need for change.

Mary McGrory of the Washington Post, a tireless advocate for children, who wrote at least two very compelling columns about the need for change in our reasonable efforts law.

Dave Thomas of Ohio, a man who has devoted an incredible amount of effort to promote adoption as a way to provide a better future for America's endangered children.

All the caseworkers, the CASA volunteers, prosecutors and other concerned citizens throughout Ohio and across this country who took the time to help me and my staff learn about this issue and craft the beginnings of a solution.

Mr. President, speaking of my staff, I also thank my senior counsel, Karla

Carpenter, who has worked so tirelessly on behalf of getting this bill passed. She has spent literally thousands of hours, both in the State of Ohio and here in Washington, working on this triumph today. The bill that is about to be passed today is a great credit to her fine work.

I thank all these individuals. They all deserve the gratitude of anyone who cares about our children.

Mr. President, you will notice and Members of the Senate will notice I said a moment ago we have crafted the beginnings of a solution. It is that, it is the beginnings. It is, I think, precisely what we have started today, the beginnings of a solution to this problem.

The sad truth is, some children will continue to spend too much time waiting to be adopted. But without this bill, more children would have to wait, and they would have to wait longer. It is also true, Mr. President, that it is a tragic fact that children will continue to die in this country of child abuse. But without this bill, more children would have died.

Mr. President, we should make no mistake about the challenges ahead. We stand only at the very beginning of a long struggle to save America's children. I do not think it is enough, as we do in this bill, to get more children adopted, although we are doing that, nor it is enough to make sure that fewer children are killed.

It is our responsibility as a Congress, as citizens, as a people to do all we can to build an America, to build a country where children do not die of child abuse. I see an America and I want America, Mr. President, where every child has the opportunity to live in a safe, a stable, a loving, and a permanent home.

That is why, Mr. President, I intend to return to this issue next year. There is a great deal we can still do. There is a great deal we must do, and there is a great deal we must do soon.

We need, for example, to provide better training for caseworkers who look out for our children. We need to make sure that they have smaller case loads. We need to do more to emphasize adoption as the solution and provide greater resources and more emphasis on adoption so we can increase adoptions.

We need, Mr. President, to provide better training for the courts that deal with our children. We need to make sure that the families who are in trouble, but who can be saved, do get help, and that they get good help, and that they get it before it is too late.

That is quite an extensive agenda, Mr. President, for this country, but I believe it is necessary, and I believe we are up to it.

If we want to continue to think of ourselves as a good country, we cannot afford to continue allowing so many of our children to be abused and so many to be killed, nor, Mr. President, can we allow so many of our children to languish in an unadoptable situation where they are sometimes shuttled, many times from home to home to home, without getting what every child deserves, needs, and should have—and that is a loving home and someone to love that child.

I think we can and we must do better. With the bill we pass today, we say plainly and simply that there are cases in which reasonable efforts are not required to reunite innocent children with dangerous adults. With the bill we pass today, we will truly save lives.

This historic change took a great deal of effort and consensus building. It is a good day's work and a good start at fixing America's No. 1 challenge—protecting and rescuing our young people.

Mr. President, I thank the Chair and thank the Members of the Senate.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I am proud and pleased to be part of the successful effort to pass the Adoption and Safe Families Act of 1997. Having worked to achieve the objectives of this bill for many years, I am very grateful to everyone involved in reaching today's result—the final passage of a significant bill that will help children and families in true need across the country for many years to come.

This legislation is the culmination of extensive bipartisan negotiations between the House and Senate over the course of this year to enact the most effective ways to ensure the health, safety, and stability of America's most vulnerable population: abused and neglected children. The product of intense debate and sometimes difficult concessions on all sides, this bill has emerged as a positive first step in fixing our Nation's broken child welfare system. At the same time this process has demonstrated the undeniable benefits of bipartisan cooperation and compromise, it has also highlighted the mountain of work still left to be done on behalf of abused and neglected children. In that regard, I hope the Adoption and Safe Families Act of 1997 will be a cornerstone for future efforts on behalf of abused and neglected children, especially those children whose special needs present formidable barriers to their safe adoptive placement.

The Adoption and Safe Families Act of 1997 is most significant in its focus on moving children out of foster care and into adoptive and other positive, permanent placements. If American child welfare policy does not succeed in providing a real sense of belonging and identity to children living in the foster care system, we will be denying these young people the fundamental supports they need to become satisfied and caring adults. It would be a tragedy to write these children off as a lost generation, just another group of children from broken homes and a broken system who just didn't get enough support to make a difference.

In my role as chairman of the National Commission on Children, I had the unique opportunity to travel across the country and speak with hundreds of children, parents, and caregivers about how to effectively address their most basic needs and about how the Government can help to foster their most fundamental aspirations. Because of that commission, I spent a day in LA juvenile court and saw the system at its worst, overwhelmed and ineffectively serving children. But I also met a dedicated advocate, Nancy Daly, and she introduced me to the Independent Living Program and other efforts that can work to serve children. We've stayed in touch, working on these issues together ever since.

At the heart of the recent debate about the best policy for adoption and child welfare, dozens of complex questions have been raised about how Federal taxpayer dollars should be spent and who is worthy of receiving them. As we struggle with these difficult issues, which often pit social against fiscal responsibility, I keep returning to the same fundamental lesson I have learned from the families with whom I have spoken over the years: If we cannot build social policy that effectively protects our children, we have failed to do our job as a government and a society.

I would like to take this opportunity to thank my friends and colleagues, JOHN CHAFEE and LARRY CRAIG for their unflagging leadership in bringing the legislation this far. My partnership with Senator CHAFEE on children's issues is one of the most fulfilling aspects of my legislative work, and I thank him for his leadership. Senator CRAIG also provided tremendous help and fortitude in achieving the final consensus and action needed to produce results. There have been a series of premature reports about the collapse of negotiations. Without their efforts and the rest of our bipartisan coalition, the naysayers might have triumphed over the needs of almost a half a million children in foster care.

I would also like to share my sincere appreciation with the other Members of the Senate adoption working group who have worked so hard to create a solid bipartisan package: Senators JEFFORDS, DEWINE, COATS, BOND, LANDRIEU, LEVIN, MOYNIHAN, KERREY, and DORGAN. I would also like to acknowledge the work of Finance chairman, Senator ROTH, who has made it possible for the Adoption and Safe Families Act of 1997 to become a reality.

I also want to pay special tribute to the First Lady, Mrs. Clinton, for her longstanding and intense dedication to the goals pursued in this legislation. She has told me of the public's deep concern for children who are barred

from becoming part of permanent, loving families. Her interest and encouragement have been invaluable to me and to others involved in this effort, and I know she will help ensure the administration's commitment to turning this new law into reality.

The Adoption and Safe Families Act of 1997 will fundamentally shift the focus of the foster care system by insisting that health and safety should be the paramount considerations when a State makes any decision concerning the well-being of an abused and neglected child. This legislation is designed to move children out of foster care and into adoptive and other permanent homes more quickly and more safely than ever before. For the first time, this legislation requires States to use reasonable efforts to move eligible foster children toward adoption by introducing a new fast-track provision for children who have been subjected to severe abuse and other crimes by their parents. In such severe cases, this bill would require that a permanency hearing be held within 30 days. In the case of an abandoned infant where reasonable efforts have been waived to reunite the family, that child could be moved into a safe and permanent home in a month's time.

While this legislation appropriately preserves current Federal requirements to reunify families when that is best for the child, it does not require the States to use reasonable efforts to reunify families that have been irreparably broken by abandonment, torture, physical abuse, murder, manslaughter, and sexual assault. In cases where children should not be reunited with their biological families, the Adoption and Safe Families Act of 1997 requires that the States use the same reasonable efforts to move children toward adoption or another permanent placement consistent with a well thought-out and well-mentioned permanency plan.

In addition, the act encourages adoptions by rewarding States that increase adoptions with bonuses for foster care and special-needs children who are placed in adoptive homes. Most significantly, the legislation takes the essential first step of ensuring ongoing health coverage for all special-needs children who are adopted. Without this essential health coverage, many families who want to adopt children with a range of physical and mental health issues, would be unable to do so. I am delighted to see that medical coverage, which has always been a vital part of any program that substantively helps children, is also a key component of this bipartisan package.

Ensuring safety for abused and neglected children is another significant goal of this legislation. The Adoption and Safe Families Act of 1997 seeks to accomplish this goal by ensuring that the safety of the child is considered at every stage of the child's case plan and review process. Moreover, the bill requires criminal background checks for all potential foster and adoptive parents.

The legislation also substantially cuts the time a child must wait to be legally available for adoption into a permanent home by requiring States to file a petition for termination of parental rights for a child who has been waiting too long in a foster care placement. At the same time that it speeds adoptions where appropriate, it also gives States the discretion to choose not to initiate legal proceedings when a child is safely placed with a relative, where there is a compelling reason not to go forward, or where appropriate services have not been provided in accordance with the child's permanency plan.

At the same time that this bill imposes tough but effective measures to decrease a child's unnecessary wait in foster care, it reauthorizes and provides $60 million in increased funding for community-based family support and court improvements over the next 3 years, collectively referred to as the "Promoting Safe and Stable Families Program." As part of a balanced bipartisan package, these programs will support a range of fundamental State services to help children and families and to provide necessary services to adoptive families. This legislation also takes care to assure that children who have gone through adoptions that have been disrupted or whose adoptive parents die will remain eligible for Federal support.

For West Virginia, and every State, this legislation means positive change. Our State currently has about 3,000 children in foster care. Under this new legislation, the emphasis will shift the primary focus to their health and safety and to finding them a stable, permanent home. Throughout these debates, I have listened to West Virginia leaders, including Chief Justice Margaret Workman, who testified before the Senate Finance Committee, and Joan Ohl, our West Virginia Secretary of Health and Human Resources. I have visited agencies in my State that provide the full range of services from family supports to adoption, and I have been in touch with social workers and families. I know that the provisions of this legislation will challenge my State, but I am equally confident that its leaders are ready to make the necessary changes to do more for the thousands of children in West Virginia who are depending upon us.

I am pleased to have been a part of this tremendous effort on behalf of abused and neglected children, and am hopeful that the Adoption and Safe Families Act of 1997 will bring about real and positive improvements in the lives of the half a million American children living in foster care.

Mr. GRASSLEY. Mr. President, since the Senator from Indiana is in the chair, I want to compliment Senator COATS for his involvement in this legislation. He had a very important role in this adoption and foster care legislation. I know the bill contains key parts in which he was interested. Senator COATS was very much a part of this being a successful product.

Confronting the issues for children in foster care, is uncomfortable, almost painful. But the foster care system is in crisis and children are suffering. We are compelled to confront these problems.

Foster care is a complicated entitlement program. While the issues are complex, so are the solutions. Today we are getting what we are paying for. It is not such a good situation, because what we are getting is long-term foster care—not permanency for these kids.

Foster care was set up to be a temporary emergency situation for kids. The foster care system now is a lifestyle for so many of them. The Federal Government continues to pour billions of dollars into a system that lacks genuine accountability. Instead of encouraging States to increase adoptions, the current system rewards long-term foster care arrangements.

Jennifer Toth described in her book "Orphans of the Living," that children are "consigned to the substitute child care system, a chaotic prison-like system intended to raise children whose parents and relatives cannot or will not care for them." She also wrote, "The children in substitute child care today have all suffered trauma. They are all at greater risk than the general child population. Yet they are given less care, when they need more care."

In Iowa, we have an organization called the Iowa Citizens Foster Care Review Board. They had a project of asking children in foster care and kids who were waiting to be adopted what they would like to tell us and the rest of the world. I could give lots of quotes, but these are examples from two of the children. "Don't leave us in foster care so long." "Check on us frequently while we're in foster care to ask us how we're doing and make sure we are safe." "Tell us what's going on so we don't have to guess. Tell us how long it will be before we're adopted and why things seem to take so long."

Children need to know that they have permanency, which means successful, healthy reunification with their birth families or permanency in an adoptive home.

A happy, permanent home life provides more than just a safe haven for kids; it gives kids confidence to grow into positive contributors to our society.

In the United States, at least a half million children are not living in permanent homes. While waiting for adoption or a safe return to their natural

families, too many kids live out their entire childhoods in the foster care system.

Sadly, it often turns into an lonely, even futile transition. There is a short window of opportunity to do something about this with each and every kid, and each and every kid is a little different in this regard. If this window of opportunity is missed, a child can leave the foster care system a legal orphan—as an adult—having gone through their entire childhood never having permanency—never having a place that they can call home.

More needs to be done to dispel the myth that some kids are unadoptable. I have had people right here in Washington, DC, tell me that some kids are not adoptable. No kid is unadoptable. The only problem is that we just haven't found a home for them yet.

I support the Adoption and Safe Families Act because it takes the initial, necessary steps toward real reform. For the first time in 17 years, this body has strived to address the pain and suffering of these children. A cornerstone has been laid upon which future adjustments can be made and reforms can be built.

The bill will ensure health care coverage for adopted special needs children, break down geographic restrictions facing adoptive families, and encourage creative adoptive efforts and outreach.

One of the problems we as legislators have experienced has been that inadequate statistics are not kept; we don't have good enough statistics to understand how States are performing with their child care system. The data is too sparse and States can't tell us how many children they actually have in their care, or how long they have been there. When the situation is that way, Mr. President, some children can be lost in the system. So our bill is requiring States to report critical statistics. Children will be identified and their lives will be personalized to those responsible for them. The status quo will not be able to hide behind the lack of information excuse. We have run into that when dealing with this legislation.

Currently, the Federal Government does not require that States actively seek adoptive homes for all "free-to-be-adopted" children, who often are assigned to long-term foster care. This bill, however, compels States to make reasonable efforts to place a child in a permanent adoptive home. Long-term foster care should never be a solution for any kid.

In most States, children are being denied permanency because of the artificial barrier of geography. This bill will break down the geographic barriers to adoption—prohibiting discrimination against out-of-State adoptive families—allowing more children to find permanent families.

There is a mismatch between the location of children free to be adopted and families willing to adopt. Above all, these children need loving homes, and no State line should get in the way of their well-being.

The bill establishes for foster and pre-adoptive parents the right to be given notice of hearings and the right to testify on behalf of the children in their care. How could anyone ever want to leave these people out of the process?

These parents have been in charge of the children 24 hours a day, 7 days a week. They are the ones in the best position to know the problems that these children might have and can represent the children's concerns. It is an important change to make as we seek to better represent the children's best interests.

The Federal Government plays a significant role in child welfare by providing funds to States and attaching conditions to those funds. The single largest category of Federal expenditure under the child welfare programs is for maintaining low-income foster care children. To receive Federal funds, States must comply with the requirements of this bill, and States will be penalized for noncompliance. We are sick and tired of kids being kept in the foster care system because there is money that comes from the Federal Government for those kids. There is an incentive—a monetary incentive—not to move these children toward permanency.

I am pleased with the provisions in this bill which emphasizes adoption promotion and support services in the Family Preservation and Support Services Act.

To help ensure that new adoptive families are healthy and stay together, the bill provides post-adoptive services and respite care. It is a proven approach.

In States where post-adoption services are offered, the number of adoptive families that have trouble staying together is significantly lower.

I congratulate the Members for their efforts on this issue and commend the authors of this monumental piece of legislation. One person that hasn't gotten much attention—and he played a very important role in this process—is Senator ROTH, the chairman of the Senate Finance Committee. He was instrumental in forging an agreement with members so that this bill could pass, as it will tonight. His guidance and insight were critical to the bill's success.

Today, we begin to dramatically change the culture surrounding adoption. We begin the education process. We begin by dismissing the dehumanizing myth surrounding special-needs children. These children deserve permanent homes, too. These children are precious, and all children in need of permanent homes are adoptable.

I have been impressed by the compassion of those who adopt these special children. They are gifted and they ought to inspire all of us to be more concerned about kids in need. We know that more families are willing to adopt children, including those with the most challenging of circumstances.

Let's build upon the cornerstone of this monumental bill. Even though we will have passed this legislation, some children will still remain hostages in an inefficient system. More reform is needed to help place more children in a safe, permanent home.

I am looking toward future years to do more in the following areas. People should know that CHUCK GRASSLEY, the Senator from Iowa, is not done with changes in foster care and adoption at the Federal level.

First, we need to dramatically limit the time a child can legally spend in foster care. The national average length of stay in foster care is 3 years. That is three birthdays, three Christmases, and that is going through the first, second, and third grades, without having a mom and dad.

Second, we need to remove financial incentives to keep children in foster care, and provide incentives for success, not just for attempts to adopt. Currently, the system pays the same rate per child per month without limitation. The Federal Government must pay for performance.

These children are the most vulnerable of all; their lives begin with abuse and neglect by their own parents and, for many, they experience systemic abuse by languishing in long-term foster care.

The Congressional Research Service stated, "Children are vulnerable, and their well-being is affected by conditions beyond their control." But their well-being is not beyond our control. These children depend on sound Federal policy that promotes permanency. Together with those on the front lines, we can make this policy work.

Congress has said that long-term foster care should never be a solution for a child who needs a home. It takes the critical first steps toward complete reform of a broken-down system, and it lays the cornerstone for continued improvement on behalf of tens of thousand of children left in limbo each year in the foster care system.

Foster care is a poor parent. A loving, committed family is the best gift that we can give to any child.

I yield the floor.

Mr. CRAIG. Mr. President, with the Senate's vote today on "The Adoption and Safe Families Act," we are sending the President a landmark reform of the nation's foster care system and a bill that will make an enormous difference in the lives of many children in America.

Every child deserves a safe, loving, permanent family. For a lot of us, it's inconceivable that this most basic need is out of reach for hundreds of thousands of children across the nation. Although we've tried to provide a safety

net to protect children at risk of abuse or neglect, that safety net is failing all too many children. The problem does not lie with the vast majority of foster parents, relatives and caseworkers who work valiantly to provide the care needed by these children. Rather, the problem is the system itself, and incentives built into it. On one end, it's allowing children to slip back into abusive homes; on the other end, it's trapping them in what was supposed to be "temporary" foster care, instead of moving them into permanent homes.

The Adoption and Safe Families Act of 1997 will bring more children home—to safe, permanent homes—and it will bring them home faster. It will change the culture of foster care with a number of fundamental reforms:

Currently, to obtain federal funds, states are required to use "reasonable efforts" to keep families together. While that sounds like a goal we all can support, this requirement has resulted in states using extraordinary efforts to keep children in what may actually be abusive or unsafe situations. Tragically, it's the children who ultimately pay for mistakes when this happens—sometimes with their very lives.

Our bill will change this. It requires that the child's health and safety must be the paramount concerns in any decisions made by the state on behalf of that child. While the reforms in the bill respect the rights of others—such as birth parents, relatives, foster families and adoptive parents—it makes clear that the focus must always be on the child's health and safety.

In addition to this general rule, the bill provides that the "reasonable efforts" requirement does not apply where there are aggravated circumstances such as abandonment, torture, chronic abuse or sexual abuse. This is not a comprehensive list; we've tried to make clear that states have the power to suspend the requirement for other aggravated circumstances that jeopardize the health and safety of the child.

Mr. President, these critical reforms will help save the lives of children. That's probably the most important goal of the Adoption and Safe Families Act. But it's not the only goal; other reforms in the bill are aimed at encouraging adoption and helping to move children through the foster care system and into permanent, loving homes.

For instance, for the first time, steps will have to be taken to free a child for adoption or other permanent placement once the child has been in foster care for fifteen months or more. In cases of severe abuse, when "reasonable efforts" are not appropriate, this bill establishes a new expedited process, requiring a permanency planning hearing to be held within 30 days. For the first time, states will be required to use "reasonable efforts" to place a child for adoption, if returning the child to the family is not an option. For the first time, those efforts must be documented.

We were particularly concerned about helping make adoption more likely for foster children with "special needs." These are children who, by definition, are hard to place, perhaps because they require special medical help or mental health services, or the like. This bill requires health insurance coverage for children with special needs, which will make it more possible for families of all incomes to give these children a home.

This bill also provides states with financial rewards based on their success in increasing adoptions. An even higher reward is provided for increasing the adoptions of special needs children. The bill authorizes the Department of Health and Human Services to provide technical assistance to states and localities to promote adoption of foster children. We've also highlighted adoption promotion and support as services funded by the Family Preservation Program, which we have reauthorized for three years and renamed the "Promoting Adoptive, Safe and Stable Families" program.

We also attempted to address what many in the field have told us is a major hindrance to adoption: geographic barriers. It's my understanding that states are working independently to resolve this problem. Our bill gives them an additional push toward resolution, by providing that states risk losing their federal payments if they deny or delay the placement of a child when an approved family is available outside their jurisdiction. We've also required a study and report to Congress on interjurisdictional adoption issues, so that we can take additional actions in the future in this area, if necessary.

This bill makes a number of system reforms aimed both at helping to advance our goals and providing a foundation for additional reforms in the future.

For instance, we're requiring the Secretary of Health and Human Services to work with state and local officials, child advocates and others in developing performance measures and publishing a report evaluating the effectiveness of our child welfare programs. This bill also requires HHS to develop and recommend to Congress a system for basing federal assistance payments on performance. It allows child welfare agencies to use the Federal Parent Locator Service to assist in locating absent parents. It allows agencies to use concurrent planning—that is, providing services to reunite or preserve the family while simultaneously recruiting adoptive parents, so that if the family cannot be preserved or reunited, the child will not have to wait such a long time before moving into a permanent home.

Before concluding, let me acknowledge the hard work of a number of members in both the House and the Senate, without which we wouldn't have a bill today. Although we may have started with fundamentally different views as to how best to change the system, we were united—and driven to resolve our differences—by the strong belief that reform is urgently needed now. I am pleased to have had a part in the bipartisan Senate coalition that worked and re-worked this legislation: Senator DEWINE, Senator CHAFEE, Senator ROCKEFELLER, Senator MOYNIHAN, Senator JEFFORDS, Senator COATS, Senator BOND, Senator LEVIN, Senator NICKLES, and Senator GRASSLEY. Special thanks must go to Chairman ROTH of the Senate Finance Committee, and his staff, who helped navigate the Senate bill to the floor and through the House. The Senate coalition appreciated having excellent technical assistance from Karen Spar of the Congressional Research Service. I'd like to thank the other cosponsors of the Senate PASS Act for their support: Senator DORGAN, Senator LANDRIEU, Senator JOHNSON, Senator KERREY and Senator MOSELEY-BRAUN. I also appreciate the efforts on the House side, led by Congressmen CAMP and KENNELLY, and Chairman SHAW.

Mr. President, these reforms will save lives and help move children out of foster care, faster, and into safe, permanent, loving homes. It's the hope of all who support this legislation that President Clinton will sign it into law before the end of November—which, appropriately enough, is National Adoption Month. Let's bring these children home.

Mr. DOMENICI. Mr. President, I would like to thank Senators ROTH, CHAFEE, CRAIG, and ROCKEFELLER for bringing this foster care and adoption assistance bill to the floor.

This bill contains a number of long overdue programmatic changes to strengthen the foster care system.

In addition, the bill provides more funds to reward states that increase adoptions. These adoptions will preclude children from having long, or even worse, permanent stays in state foster care systems.

To achieve this additional funding, the bill contains a discretionary spending cap adjustment of $20 million per year for the years 1999 to 2002.

One could argue that this cap adjustment would result in an increase in the deficit. However, the Congressional Budget Office estimates that spending from this incentive payment will reduce mandatory foster care spending by $25 million over the next 5 years.

The bill also contains additional mandatory spending for family preservation services. The Family Preservation Program attempts to provide intensive services to families at risk of having children removed from the home and put into foster care.

This additional money would raise total funding for family preservation services to $1.435 billion over the next 5 years or $80 million above the President's request.

I want to raise a couple concerns. First, there are a number of minor Budget Act violations, like the cap adjustment.

Second, and of greater concern, is an offset for the additional Family Preservation spending. The offset was conceived of and added at the last minute. I do not believe the policy was thought out and the effects certainly are not well known to this body.

The offset would tap into the Temporary Assistance for Needy Families [TANF] contingency fund and could unfairly target small, poor states with volatile unemployment rates. Moreover, the offset would, perversely, take away funds from states when they are needed the most.

The contingency fund was a vital part of making welfare reform work by increasing funds to states experiencing increased unemployment or rising food stamp caseloads.

The offset allows states to receive a contingency grant payment in one year, but then require that state to pay back at least a portion in the next year.

The repayment would be prorated among the states that qualify in any given year. For example if five states qualify for payments in the year 2000, those states would split the $16 million required repayment in the year 2001.

However, the risk is that one state or a handful of very small states will qualify for contingency grant payments and will be forced to pay back the full amount.

This risk is justified. In 1997 only one state, New Mexico, qualified for contingency payments. Had this bill been in effect this year, New Mexico would have had to pay back almost all of their contingency grant.

The economy in New Mexico is currently doing better, unemployment is down to 6.4 percent and the state does not currently qualify for the contingency fund. But my state and many other similar states are always vulnerable. One plant closing can mean a substantial increase in unemployment and need.

While $16 million with respect to the Federal Budget does not sound like a lot to many people, this is a substantial sum to New Mexico. $16 million represents over ten percent of New Mexico's entire TANF grant.

In fact this offset would represent over a ten percent reduction in the TANF grant for 31 states and a cut of over fifty percent for 6 states.

Further this grant reduction would come at time when a state needs it the most, when state coffers are under pressure from an increase in unemployment.

I understand that this bill enjoys broad support and that the bill on net contains important, necessary changes. I do not intend to hold it up today.

I wish to enter into a colloquy with Senator ROTH to formalize my understanding that next year the Finance Committee will address this problem and restore full funding to the contingency grant.

Mr. DOMENICI. Mr. President, I would like to congratulate Senator ROTH for bringing this foster care and adoption assistance bill to the floor. The bill contains a number of long overdue changes to the foster care system. However, the bill contains an offset for new spending that would take money out of the temporary assistance for needy families [TANF] contingency fund. It is my understanding that only those states that qualify for contingency payments would be affected by this offset.

Mr. ROTH. Yes. That is true. States that qualify for payments in one year would pay back a prorated share in the next.

Mr. DOMENICI. I am concerned that this repayment would target states that need the funding most: states with rising unemployment.

Mr. ROTH. The Finance Committee is aware of that potential situation. We will monitor the situation and work with you and the Administration to make adjustments in the operation of the contingency fund if necessary.

Mr. DOMENICI. I thank the Senator very much. I look forward to an equitable resolution in this matter.

Mr. JEFFORDS. Mr. President, the bill before us is a remarkable achievement. It not only represents a true bipartisan effort to change a system that too often becomes mired in bureaucracy, but it also represents a significant change in the way that system works and what its goals should be. I am very proud to have played a part in negotiating a good bill, and I want to commend, in particular, my colleagues Senator CHAFEE, Senator ROCKEFELLER, Senator COATS, and Senator CRAIG for their hard work on this bill. I also want to thank Senator ROTH for his efforts in negotiating this legislation with our House counterparts.

This legislation will lead to an improvement in the services we provide to nearly 100,000 children in the foster care system who are unable to return to their biological families because of threats to their health and safety. This bill guarantee as never before that their health and safety will be the "paramount concern" at every step of their stay in foster care, including in the development of their permanency plan. It also assures that every effort will be made to move children into safe, permanent homes as quickly as possible.

Why is this important? Too often, children languish in foster care for years—years—before they find a safe, loving family. Many children, especially those with special needs, often never are placed with an adoptive family. Those children grow up in the foster care system, never knowing the security and warmth that a loving family provides.

To help ensure that the child's safety remains the paramount concern, this bill changes the focus on the way states define the term "reasonable effort." Too often, states have placed too much emphasis on returning a child to his or her biological family, even when doing so may mean endangering the child. This bill provides that states should still make every attempt to keep families intact, but—and this is a significant change in the current law—it also makes it very clear that there are a number of circumstances in which a state does NOT have to make a reasonable effort to reunite a child with the biological family. For example, if a parent has been found to have murdered another child in the family, or has subjected a child to chronic abuse, it is unreasonable—and irrational—to insist that the state return that child to the family. That seems like common sense, but, as we all know, the law doesn't always lead to common sense conclusion. This legislation clarifies this.

I also want to point out that this bill requires, for the first time, states to implement procedures by which they will perform criminal background checks on potential foster and adoptive parents. I think the average citizen would be very surprised to learn that we do not currently require states to do such checks. While some states check prospective adoptive parents for evidence of past criminal activity which might indicate that it would be dangerous to place a child in their care, most states do not. This bill would change that situation. The original House bill did not contain this provision, and I want to commend the Senate conferees, especially Senator COATS, for insisting the Senate's language remain intact. It makes good sense.

Another hard-fought provision that the Senate can be very proud of provides that when a special needs child is adopted—that is, one who is hard to place because of a physical or mental disability—then the state must ensure that the child will have health insurance coverage. Too many of these special needs children have found that when they are adopted, their access to health care disappears and the adoptive family must shoulder the entire financial responsibility for the child. That can create a huge disincentive for an otherwise loving family to adopt a child with a physical disability. Our bill says that when a child is adopted, he or she will have the health insurance needed to meet his or her needs.

That is a significant step, and, again, I am pleased the Senate remained steadfast in its insistence on this provision.

Mr. President, this bill is a victory for children and adoptive parents nationwide. There are more than 100,000 children awaiting adoption or other permanent placements, and this bill is a good step toward moving many of them into safe, loving, permanent homes.

Again, I extend my deepest thanks to Senators CHAFEE, ROCKEFELLER, CRAIG, COATS, DEWINE, KERREY, and ROTH for their hard work on this bill. We have been working to come to this agreement for months, and this bill is the hard-fought result of those efforts. I urge all my colleagues to give their support to this legislation.

Mr. MOYNIHAN. Mr. President, I rise today in support of H.R. 867, the Adoption and Safe Families Act of 1997. This legislation promotes adoption and makes important reforms in foster care. It includes provisions drawn from two bills I co-sponsored earlier this year, S. 511 [the "SAFE" Act] and S. 1195 [the "PASS" Act]. We have been able to work out bipartisan legislation with two goals we all share—ensuring the safety of children in the child welfare system, and finding permanent homes for as many children in foster care as possible.

Children in the child welfare system, victims of abuse and neglect, are among the most vulnerable in our society. Just this week, in my own state, we learned of another tragic death, that of little Sabrina Green. Sabrina, nine years old, lived in the Bronx. After both her mother and her latest foster mother died, Sabrina went to live with her oldest sister, Yvette Green. After what appears to have been months of abuse—such as burning Sabrina's hand over a stove as punishment for taking food out of the refrigerator—she was found beaten to death. Her sister and her sister's boyfriend have been accused of this crime.

We owe it to these abused and neglected children to do our best on their behalf. And I am encouraged that a group of our colleagues has worked together—on a bipartisan basis—to develop this legislation. I thank Senators CHAFEE, ROCKEFELLER, ROTH, CRAIG, JEFFORDS, KERREY, COATS, DEWINE, LANDRIEU, and the others who have played important roles in this effort.

This bill clarifies that the health and safety of the child are to be the "paramount" concern when making the difficult decisions involved in the child welfare system and it contains several other "safety first" provisions, such as requiring criminal records checks for prospective adoptive and foster parents. The bill accelerates the process for determining the permanent placement for a child in foster care, so that children do not spend years bouncing among foster homes. H.R. 867 also promotes adoption by providing states with financial incentives to get children in foster care adopted, and by breaking down health insurance and geographic barriers to adoption.

This legislation is an important step forward in our efforts to help abused and neglected children. I am proud to support it.

Mr. LOTT. I do want to say, Mr. President, for the RECORD, and I note Senator DASCHLE is also very interested in this, that I am very pleased we were able to get this legislation through the whole process. There was a lot of work by Senators on both sides of the aisle. I believe this will be one of the two or three important bills we passed this year, because it will help with foster care and adoption. I commend all Senators.

Mr. DASCHLE. Mr. President, I concur in what the majority leader just said. This is an important issue to the administration. They called again this afternoon to confirm it was going to pass.

Mr. LOTT. Mr. President, I move that the Senate concur in the amendment of the House to the Senate amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

AUTHORITY TO WAIVE CERTAIN ENROLLMENT REQUIREMENTS

Mr. LOTT. Mr. President, I call up House Joint Resolution 103, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 103) waiving certain enrollment requirements with respect to certain specified bills of the 105th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be considered agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 103) was agreed to.

AUTHORITY TO MAKE CERTAIN APPOINTMENTS AFTER SINE DIE ADJOURNMENT

Mr. LOTT. Mr. President, I now call up Senate Resolution 156, which is at the desk.

The legislative clerk read as follows:

A resolution (S. Res. 156) authorizing the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders to make certain appointments after sine die adjournment.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 156) was agreed to, as follows:

S. RES. 156

Resolved, That notwithstanding the sine die adjournment of the present session of the Congress, the President of the Senate, the President of the Senate pro tempore, the Majority Leader of the Senate, and the Minority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT ON THE STATE OF THE UNION

Mr. LOTT. Mr. President, I now call up House Concurrent Resolution 194 which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 194) providing for a joint session of Congress to receive a message from the President on the State of the Union.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 194) was agreed to.

PROVIDING FOR THE CONVENING OF THE 2d SESSION OF THE 105th CONGRESS

Mr. LOTT. Mr. President, I now call up Senate joint resolution 39, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 39) to provide for the convening of the second session of the One Hundred Fifth Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the joint resolution be considered read the third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 39) considered read the third time and passed, as follows:

S.J. RES. 39

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the second regular session of the One Hundred Fifth Congress shall begin at noon on Tuesday, January 27, 1998.

SEC. 2. Prior to the convening of the second regular session of the One Hundred Fifth Congress on January 27, 1998, as provided in the first section of this joint resolution, Congress shall reassemble at noon on the second day after its Members are notified in accordance with section 3 of this joint resolution.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to assemble whenever, in their opinion, the public interest shall warrant it.

THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to Senate Resolution 157 introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 157) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 157) was agreed to, as follows:

S. RES. 157

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the first session of the One Hundred Fifth Congress.

Mr. LOTT. Mr. President, I would like to note at this point in the RECORD that on occasion we do make use of the Vice President's office across the hall. He is unfailingly cooperative in making it available to Senators on both sides of the aisle. And it has been a pleasure working with the Vice President in his role in presiding over the Senate this year.

TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to Senate resolution 158, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 158) tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 158) was agreed to, as follows:

S. RES. 158

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the first session of the One Hundred Fifth Congress.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I just want to call attention to this resolution. I think the President pro tempore deserves the accolades, the attention that this resolution provides. Many of us have watched with great admiration as he has conducted his responsibilities as President pro tempore. He has been doing it now for over 100 years.

(Laughter.)

And we are just grateful that he continues to do it with such aplomb. We thank him and we appreciate, as the resolution notes, his "courteous, dignified, and [extraordinarily] impartial" approaches to his responsibilities. And we thank him for that.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I want to thank Senator DASCHLE for his comments and the accuracy of the years of service. I note that the President pro tempore is working now as we are commending him. He is diligently tending to his duties as the real leader of the Senate.

I want to note also that throughout the year, whether we have come in early or the middle of the day, whatever it might be, he was unfailingly waiting at the door, ready to call the Senate to order, and a couple times instructed the younger Member—the majority leader—that I was cutting it mighty close and we needed to start right on time. We were supposed to start at 9 or 9:30, and he expected me to be present and accounted for.

But I want to join Senator DASCHLE in expressing my admiration and great appreciation to Senator THURMOND, for the tremendous job he does for his people in South Carolina and what a credit he is to the Senate and what a great job he does for our country.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I want to express my deep appreciation to the majority leader and the minority leader. In a few minutes, I will have a few words to say about them.

COMMENDING THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to Senate Resolution 159, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 159) to commend the exemplary leadership of the Democratic leader.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I will take a moment here to say I do enjoy and appreciate the relationship that I have with the Democratic leader. We have developed a relationship that is based on trust. Our word has been good to each other. While on occasion we disagree on substance and sometimes we are a bit testy in our remarks, I think overall over the past year and a half since I have had the honor of serving as a majority leader our relationship has been a healthy one and good for the overall atmosphere in the Senate and I hope we can continue that relationship as we go into the second session of the 105th Congress.

Mr. DASCHLE. I thank the majority leader.

Mr. LOTT. I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table, if there is not objection by the Democratic leader

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res 159) was agreed to.

The resolution is as follows:

S. RES. 159

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of the Senate business during the first session of the 105th Congress.

COMMENDING THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. DASCHLE. I ask unanimous consent the Senate now proceed to the Senate Resolution 160, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 160) to commend the exemplary leadership of the majority leader.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, I am very grateful for the generous remarks of the distinguished majority leader. I, too, have enjoyed this relationship, and I believe over the long run this has been a very productive one. We have been able to do a number of things that I look back on with great satisfaction and great pride. I think there are more opportunities like that, and I know the majority leader shares our view that in the end we have to govern.

There is a time for politics and there is a time for leadership. I believe he has demonstrated very able leadership on many occasions; some courage, as well. He has addressed the many responsibilities that he holds. I look forward to working with him in the second session of the 105th Congress and appreciate very much his friendship and the relationship we have had.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his comments.

Mr. DASCHLE. I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S.Res. 160) was agreed to.

The resolution is as follows:

S. RES. 160

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the first session of the 105th Congress.

MEASURE READ THE FIRST TIME—S. 1530

Mr. LOTT. Mr. President, I understand S. 1530, which was introduced early today by Senator HATCH, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1530) to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans.

Mr. LOTT. I now ask for its second reading, and I would object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR COMMITTEES TO FILE REPORTED ITEMS

Mr. LOTT. I ask unanimous consent committees have from the hours of 10 a.m. to 2 p.m. in order to file legislative or executive reported items on the following dates: December 3, January 6, and January 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. I ask unanimous consent the Senate go into executive session and immediately proceed en bloc to the following nominations on the Executive Calendar: No. 327, No. 350, No. 386 and No. 465. I further ask unanimous consent that the Senate proceed en bloc to the consideration of two nominations reported by the Armed Services Committee today.

I ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid on the table, and any statements appear in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Raymond C. Fisher, of California, to be Associate Attorney General.

EXECUTIVE OFFICE OF THE PRESIDENT

Rita D. Hayes, of South Carolina, to be Deputy United States Trade Representative, with the rank of Ambassador.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Gail W. Laster, of New York, to be General Counsel of the Department of Housing and Urban Development.

THE JUDICIARY

Lynn S. Adelman, of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.

DEPARTMENT OF DEFENSE

William J. Lynn, III, of the District of Columbia, to be Under Secretary of Defense (Comptroller).

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Henry G. Ulrich, III, 2552.

STATEMENT ON THE NOMINATION OF LYNN ADELMAN TO U.S. DISTRICT COURT

Mr. KOHL. Mr. President, let me take this opportunity to tell you why Lynn Adelman, the President's nominee for the U.S. District Court for the Eastern District of Wisconsin, is such a fine choice to fill the vacancy created when Judge Curran took senior status.

First, Lynn Adelman has a record of unquestioned skill and unequaled experience in his 30 years of practice. His dedication, hard work and intelligence has been displayed in both civil and criminal cases, before the Wisconsin Supreme Court and before the Supreme Court of the United States.

Second, Lynn Adelman has spent a life devoted to public service. He has dedicated a great deal of his professional time to disadvantaged clients. And, rather than pursue his private practice full-time, he has simultaneously served in public office. As a State senator for 20 years, much of the time serving as chairman of the Judiciary Committee, he has championed the causes of families, crime victims and government accountability.

Based on this outstanding record, Lynn Adelman received high marks from the nonpartisan commission that Senator FEINGOLD and I established with the State Bar. And his nomination has bipartisan support, including the endorsement of Wisconsin's Republican Governor, Tommy Thompson. Although they have not always seen eye to eye, Governor Thompson wrote that Lynn is "thoughtful, fair and open-minded" as well as someone who "is sensitive to and has respect for the principle of the separation of powers."

Finally, let me conclude on a personal note. My family has known the Adelman family for over 30 years, and I have known Lynn personally for more than 20. I know that he has the compassion, integrity and skill that will make him a valuable addition to the bench.

Mr. FEINGOLD. Mr. President, I am pleased that the U.S. Senate took action today to confirm Lynn Adelman to the Federal District Court. Lynn's entire career, both in the State legislature and his private legal practice, has been marked by his dedication to serving the people of our State and makes him particularly well suited for a position on the federal bench. I have no

doubt that he will continue his career of public service in this new capacity and will be an excellent jurist for the people of Wisconsin.

President Clinton choose Lynn Adelman's name from the three forwarded to him by the nominations committee that Senator KOHL and I established to review potential nominees for Wisconsin's federal bench. I am pleased that the full Senate, having had an opportunity to review Lynn Adelman's record and to hear from him directly when he testified before the Senate Committee on the Judiciary, has reached the same conclusion that Senator KOHL, President Clinton, Governor Thompson, people all across Wisconsin and I have reached. That being that Lynn Adelman will be an exemplary federal judge.

Lynn Adelman was born in Milwaukee and is a graduate of Princeton University and Columbia Law School. He graduated cum laude from both of these excellent institutions. After a brief period working in New York, Lynn returned his native Wisconsin and began what to this day has been a career of dedicated public service to the people of our State. Lynn worked in private practice in Wisconsin beginning in 1972 and continues to do so today.

In 1977, Lynn was elected to the Wisconsin State Senate for the 28th District. In the twenty years that he has represented the 28th District, he has been a leading voice in the Wisconsin Legislature. I had the distinct honor of serving with Lynn for ten years while I was a Wisconsin State Senator and worked with him on the Judiciary Committee, which he has chaired on two occasions.

Lynn Adelman's legislative record and commitment to the people of his district and the State of Wisconsin has earned him bi-partisan praise. In fact, Republican Governor Tommy Thompson, writing in support of this nominee, characterized Lynn Adelman as ". . .thoughtful, fair and open-minded. . ." The Governor has also noted how he and Lynn have worked hand in hand to ensure the passage of important legislation ranging from anti-crime and anti-drug legislation to welfare reform. This bi-partisan praise is a significant statement about the character and ability of Lynn Adelman.

At the same time he has served in the Wisconsin Legislature, Lynn Adelman has continued his practice as a successfully attorney. He has appeared in both criminal and civil cases, before both State and Federal courts. Lynn's considerable legal skills also resulted in him arguing before the United States Supreme Court in 1993.

There can be little doubt that Lynn Adelman's career makes him well suited to serve on the federal judiciary. His knowledge of the law is undeniable. He has a unique perspective on our legal system, born of his service in the legislature and as a practicing attorney, He understands the fundamental principle of separation of powers and has the temperament necessary to treat everyone who comes before him with the respect and dignity they deserve. In short, he has all the tools necessary to serve the people of Wisconsin with distinction. I am pleased the Senate has chosen to confirm him today.

Mr. LOTT. Mr. President, I note—while I don't have the exact numbers here before me, I will insert in the RECORD later the numbers that are involved—during the first session of the 105th Congress we have now confirmed over 3,500 civilian nominations, both judicial and other executive branch nominations. That does not include military nominations. The total number, I think, comes to over 20,000 nominations that we have confirmed during the first year of the 105th session of Congress.

Mr. DASCHLE. Mr. President, if I could just comment on that, as well.

I want to thank the majority leader for his virtually tireless effort, over the last couple of days in particular, to clear the Executive Calendar. We had at one point well over 100 nominations pending on the calendar and we have it down now to just a handful. That would not have happened without his effort. None of these are easy. Some are easier than others. I wish we could have done them all. In some cases it is a responsibility of those on this side for not having been able to address some of these nominations.

I appreciate very much the effort made by the majority leader in the last couple of days to successfully complete the work of Executive Calendar. I think, by and large because of his efforts, we have done so.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, there are a couple of matters yet to be completed tonight, including the Amtrak reform package that should be coming momentarily from the House. Senator DASCHLE and I want to notify the President we are moving toward completion of our work tonight.

Later on, when we have the final announcement, we will advise the Senate that it would reconvene, the 105th Congress, second session, following a live quorum the morning of January 27, and there would be a live quorum which would proceed morning business until 2 p.m. on that day, and on Tuesday night, January 27, at 9 p.m., we would have the President's State of the Union Address. So the Senate will convene, then, that night at 8:30 in order to proceed to the body of the Hall of the House of Representatives to hear the address.

There will be no legislative business on Tuesday, January 27 except for those actions that may be cleared for unanimous consent. Therefore, no votes will occur during the session on that Tuesday.

Senators should be aware that the following items are expected to be considered during the early days of the second session of the 105th Congress: The ISTEA transportation infrastructure bill; juvenile justice; the nomination of Margaret Morrow of California to a judgeship; and the nomination of Ann Aiken, prior to the end of the first week.

I do want to thank my colleagues for their cooperation throughout this session of Congress, and especially on the Executive Calendar. I know there has been a lot of effort made there on both sides of the aisle and we leave just a very few on that calendar. I note we have confirmed this year 36 judges. I believe we will act on at least four or five others very quickly in the beginning of the next session. We had three reported today by the Judiciary Committee, all of which I understand were noncontroversial, but it was late in the afternoon and we did not have the time to give Senators proper notice that we would proceed. So I expect that we will do those the first week back, also.

Mr. President, I yield the floor.

COMMENDING THE MAJORITY AND MINORITY LEADERS

Mr. NICKLES. Mr. President, I want to compliment my colleague, the majority leader, for doing an outstanding job, as well as the minority leader, Senator DASCHLE. They have worked very well together this session. We had some real trials and tribulations, but I think, together, they were an outstanding combination. They were able to pass the Nation's important business, such as the budget and historic tax relief.

I think this was a productive Congress. Again, I wish to compliment the majority and minority leaders for their effort and leadership.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina, the President pro tempore of the Senate, Mr. THURMOND, is recognized.

COMMENDING THE LEADERSHIP AND STAFF OF THE SENATE

Mr. THURMOND. Mr. President, as we come to the end of the session, I want to say that the Senate could not run without competent people. We have been fortunate to have an outstanding majority leader in Senator LOTT, who is a man of integrity, ability, and dedication, and an outstanding man in the

minority leader, too, Senator DASCHLE. Both of them have performed outstanding service to their country and this body. I predict that, someday, Senator LOTT may become our President. I also want to thank our leadership, including Senators NICKLES, CRAIG, MACK, COVERDELL, and MCCONNELL, all who have cooperated and worked together to bring about the results that we have obtained.

Now, Mr. President, I want to compliment some other people, too, and I will read their names: Elizabeth Greene, David Schiappa, Greer Amburn, of the Republican floor staff; the Democratic floor staff, Lula Davis and Marty Paone; the cloakroom staff, Brad Holsclaw, Laura Martin, Tripp Baird, and Mike Smythers.

I also want to thank the Secretary of the Senate, Gary Sisco; the Sergeant at Arms, Greg Casey; the Senate Chaplain, Lloyd J. Ogilvie; the clerks of the Senate; the Senate Parliamentarians, the Official Reporters of the Senate, and the Senate Pages, who have all contributed to make this a successful session. We are very proud to commend them for their outstanding work.

At the close of the session, I want to say that a lot has been done here. In years to come, people can look back and say that the 105th session of Congress accomplished a great deal. It is because of these leaders here and their staffs who worked hard. We could not run this place without these competent staff members. I am very proud of all of them.

Mr. President, in closing, I want to say that it has been a pleasure to work with all these people, the Senators and the staffs. As the holiday season approaches, I wish them all a happy Thanksgiving and a merry Christmas.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE CONGRESS

Mr. LOTT. Mr. President, I send an adjournment resolution to the desk calling for a conditional adjournment of the first session of the 105th Congress until Tuesday, January 27, 1998. I ask unanimous consent that the current resolution be agreed to and the motion to reconsider be laid upon the table, all without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution was agreed to.

The concurrent resolution (S. Con. Res. 68) is as follows:

S. CON. RES. 68

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on the legislative day of Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. The Congress declares that clause 5 of rule III of the Rules of the House of Representatives and the order of the Senate of January 7, 1997, authorize for the duration of the One Hundred Fifth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively; to receive messages from the President during periods when the House and Senate are not in session and thereby preserve until adjournment sine die of the final regular session of the One Hundred Fifth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

SEC. 4. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

Mr. LOTT. Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

COMMENDING THE MINORITY LEADER

Mr. FORD. Mr. President, this will be next to my last end-of-session period, and at the end of next year and the 105th Congress I will be joining my family back in Kentucky.

But let me say that in all of my 23 years so far here I have never enjoyed so much the friendship and watched the work of the Democratic leader to be any more outstanding or any more caring, developed with integrity and character. He is one individual who I think, when you look back at his theme of "families first"—that was the view of all of the 100 Senators—that not only would this Chamber be covered with accolades for the job he has done, but we would see this country progress in a much better and finer fashion.

So to the Democratic leader, I pay my respect, and my everlasting thanks for his courtesy in working with me during the year.

Having said that, I want to say that he has developed one of the finest staffs not only on the floor but in his office that anyone could work with. All of us are anxious to do good. All of us are anxious to say the right things. But we have to have the right kind of support.

So as we observe the Senate floor and see who is doing the work and putting the package together, we all understand that we have chosen well in the staff on both sides.

So, Mr. President, I didn't want to leave here without saying to my friend from South Dakota when he reached out to help all families that he reached out to my family and to my family's family. And I see what good will come from his efforts and his desire and his hope and vision for the future.

Also, I want to say that I think he has worked very well with the majority leader. The majority leader has had some tremendous stress and strain. But had it not been for the cooperation and effort of the Democratic leader, the first session of the 105th Congress would not be ending on the high note that I believe it is.

I thank the Chair.

I suggest the absence of a quorum.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

THANKS TO SENATOR WENDELL FORD

Mr. DASCHLE. Mr. President, let me thank the Senator from Kentucky for his very generous comments. I am not worthy of his remarks. I appreciate very much the kindness that he has shown me in all the years that we have worked together but in particular the last three. I couldn't be a luckier leader than I am to have the ability to work as closely as I can and do with the distinguished minority whip. It has been a real joy for me.

This has not been an easy year for him. As the ranking member of the Rules Committee, he had to deal with a very, very contentious issue with the seating of Senator LANDRIEU.

He has had an array of challenges presented to him, and each and every time I had the confidence and the good fortune to know that he was going to successfully work through those challenges and difficulties with the kind of ability and tenacity and extraordinary work that he does so routinely.

So I thank him for his work. I thank him for his friendship and the tremendous effort that he has put forward in making our caucus what it is today. I truly believe that any leader is only as good as the team he has to work with.

I have the good fortune to have, in my view, one of the best teams the Democratic caucus has ever had in leadership. And he is the preeminent example of what I am referring to. He is respected so widely and so enthusiastically that it goes without saying that when it comes to respect and when it comes to the extraordinary admiration that his colleagues have for him, Wendell Ford is in a class by himself.

THANKING THE STAFF

Mr. DASCHLE. Mr. President, let me also commend, as Senator FORD did, our floor staffs on both sides. The Senator has expressed his gratitude to my staff in the leader's office. I do so as well. They have just been remarkable all year long. But whether it is in the leader's office or here on the floor, it has made my job one that has been so much easier as a result of their efforts and their knowledge of the way our process works. They bring to work each day an extensive experience but, more than experience, an attitude that I think epitomizes the kind of quality of people that we have.

So I thank our staff. I thank our leadership team. I thank the caucus. I am very grateful once more to celebrate what I consider to be good teamwork all the way around.

I yield the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEMOCRATIC LEADERSHIP

Mr. DURBIN. Mr. President, I am completing my first year in the Senate. I will be the first to confess I have a lot to learn, but it has certainly been a rewarding experience serving in this great body. Having had the opportunity to serve 14 years in the House, I was no stranger to Capitol Hill, but this is a much different institution. The dynamic of 100 men and women working together as opposed to 435 is substantially different. I have been impressed with the volume of work that each Senator is asked to shoulder. I have also been very impressed with the leadership, and I join my colleague from Kentucky, Senator FORD, in noting the fine work of Senator DASCHLE as the Democratic minority leader. It is a tough job. He is lucky to have a good staff to have the energy and talent he brings to it. We are fortunate on the Democratic side to have him.

NOMINATION OF BILL LANN LEE

Mr. DURBIN. Mr. President, at this moment I would like to make reference to what happened in the Senate Judiciary Committee today relative to the nomination of Bill Lann Lee.

Bill Lann Lee is a Chinese-American who was designated by President Clinton to head the Civil Rights Division in the Department of Justice. It is probably one of the more controversial jobs in the Federal Government.

Civil rights, of course, throughout our history has evoked great emotion. Bill Lann Lee is a person, the son of Chinese immigrants, who came up the hard way, faced challenges which many of us have never faced, overcame them, and then devoted 23 years of his life serving with the NAACP Legal Defense Fund. It is interesting; he filed some 200 different civil rights lawsuits in his public career, settled all but six of them—settled all but six of them.

As the mayor of Los Angeles, a Republican, Richard Riordan, said, Bill Lann Lee is the mainstream of civil rights law. He is a person who looks for practical and pragmatic solutions to civil rights challenges.

Mr. President, in my estimation, he is exactly the right person for this job, and I am glad the President nominated him. What happened to Bill Lann Lee today in the Judiciary Committee was a very sad situation for Bill Lann Lee. Unfortunately, he did not have the votes and had his name been called, he would not have been approved by the Senate Judiciary Committee and sent to the floor of the Senate for confirmation. So as a result, there was a parliamentary tangle, and when all was said and done very little was done after 2 or 3 hours of speeches.

It strikes me as sad that we have now reached a point in this debate over race and civil rights in this country where we are headed in the wrong direction. It is sad that the leaders of both political parties do not look for opportunities to bind the wounds of this country, wounds of several centuries over the issue of race, but instead continue to look for flash points, buzz words, bringing up issues like quotas and preferences and such.

Bill Lann Lee was asked directly, what is his position on quotas. He said, unequivocally, decisively, "I am against them." Bill Lann Lee said, "I am against quotas." But if you would listen to his critics in the Judiciary Committee today, you would think his answer was exactly the opposite. They won't accept yes for an answer. Bill Lann Lee said, "Yes, I am opposed to quotas," and yet they continue to badger him and say, oh, that isn't what he really means.

It is ironic, too, when they quizzed him about the important Supreme Court decisions in the area of civil rights, he gave what I thought were very cogent, thoughtful answers and complete to the best of his ability. In fact, his answers, as the New York Times reported this morning, were virtually identical to the answers of Seth Waxman, a man who sought the position of Solicitor General, who was well qualified for the job, and was approved by the Judiciary Committee and by the Senate without much of any kind of resistance. But along comes Bill Lann Lee, and for some reason, giving the same answers to the same questions, he is being rejected.

I said today in the Judiciary Committee that I wasn't certain that if Thurgood Marshall's name had been submitted today to head the Civil Rights Division, he could have made it through that committee. In fact, I will go beyond that; he could not have made it through that committee because, you see, Thurgood Marshall, who distinguished himself in the field of civil rights throughout his lifetime and went on to serve this country with distinction on the Supreme Court, was an activist, a man who actively pursued the cause of equal rights in America. And I have to tell you that the political sentiment in the Senate Judiciary Committee is not open to that sort of individual.

So now President Clinton faces a dilemma, what to do. After the Senate Judiciary Committee action today, or failure to act, should the President walk away from Bill Lann Lee and try to find some other for the job? I hope he doesn't. I hope he doesn't. I hope the President will appoint Bill Lann Lee, as he has the right to do, as a recess appointment to this job that will at least give him 1 year to serve in this position. He deserves it. And in that service he will prove to a lot of his detractors that he is up to the job.

In addition, I might add, if Bill Lann Lee won't make it in this position, if Republicans are opposed to him, I am afraid there isn't a person the President could send that they would approve because, you see, they are not looking for someone who represents the philosophy of the administration, the philosophy of the Department of Justice or the philosophy of the President. They are looking for someone who represents their Republican philosophy. But if I understand the Constitution in its basic form, the people of America spoke last November and said that Bill Clinton was to be the President. They endorsed his philosophy over Bob Dole and other candidates, and now when he tries to appoint people to positions to carry out that philosophy, they say, no, we are not going to let that happen.

That is a sad situation, sadder still when you think about how this has developed to a point where what was a bipartisan consensus on the issue of civil rights is starting to deteriorate very dramatically. Today in the committee only one Republican Senator, ARLEN

SPECTER, of Pennsylvania, said he would vote for Bill Lann Lee. We needed one more out of the remaining nine, and we could not find them. So Bill Lann Lee's nomination languished.

What is sadder still is that this fine man and his beautiful family are now left with uncertainty about their future. When he could have been preparing to serve this Nation in an important capacity and make life better for so many people, his future is in doubt.

Those who argued that this is just a question of race looked beyond the issue of civil rights in its entirety.

The issue of civil rights goes beyond racial questions into questions involving gender, questions involving people with personal physical disabilities, questions of ethnic background. The Civil Rights Division makes us feel uncomfortable as Americans because time and again it forces us to focus our view on things we don't want to talk about. We don't want to talk about discrimination at a major corporation against African Americans. We don't want to talk about discrimination at a major city's police department against women. We don't want to talk about meetings of Federal law enforcement officials, as happened several years ago, where there were outright racist comments being made time and again. Yet we must. Because if this Nation really stands for what we believe it does, if it is truly committed to equal rights, we have to face the reality that there are times when we have strayed from our goal.

Bill Lann Lee, I hope, will ultimately be confirmed by this Senate, I hope not only because he would be the highest ranking Asian American in the history of this country but also because, with his life, he has set out to prove that having been the son of Chinese immigrants, having been someone who is a recipient of an affirmative action program at Yale University and also at Colombia Law School, that he could prove himself to be up to the task.

I had a moment this evening, so I took out a card in my desk and wrote a personal note to him because I have been thinking about him a lot recently. I still remember his wife, his family. I especially remember his mother, his mother who is I am sure up in years but I won't even try to guess what her age might be. She was a woman who worked in a hand laundry in New York for years, and there she sat at a confirmation hearing seeing her son who used to run around this little hand laundry in New York now being nominated for one of the highest positions in the Federal Government. I am glad she got to see that nomination, but I am sorry that she had to witness what has happened since. She came to this country as an immigrant with hope. Her husband, who Bill Lee identified as his greatest inspiration in life, was a man who was totally committed to this country.

During World War II, at the age of 36 when he could have escaped the draft, he volunteered, went into the Army Air Corps and served with real distinction. When he came out he said to his sons, "It was the right thing to do. They treated me like I was an American—not a Chinaman living in America."

That lesson was not lost on Bill Lann Lee. It hasn't been lost on any of us. I sincerely hope that when we return, some of the rancor and some of the negative feelings have abated and that people will consider once again the need to look at this important nomination. If there needs to be a national debate on affirmative action, the debate should take place right here on the floor of this Chamber. Democrats and Republicans can argue the merits or demerits. They can talk about changes, as we should in any law. But to make this one man the focal point of this debate and to literally say that he cannot have an opportunity to serve because we as a nation are divided on the question, I think is fundamentally unfair.

So, as we adjourn and go off for another 10 or 11 weeks back in our districts and other places, back in our home States, I hope we will not forget that we have a responsibility when we return, a responsibility not just to Bill Lann Lee but to many others who hope that in a bipartisan fashion we can continue to address the issue of civil rights in a civil manner.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAL ESTATE SETTLEMENT PROCEDURES ACT AMENDMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 607, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 607) to amend the Real Estate Settlement Procedures Act of 1974 to require notice of cancellation rights with respect to private mortgage insurance which is required as a condition of entering into certain federally related mortgage loans and to provide for cancellation of such insurance, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1637

(Purpose: To provide for a substitute and to amend the title.)

Mr. LOTT. Mr. President, Senator D'AMATO has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. D'AMATO, proposes an amendment numbered 1637.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1637) was agreed to.

The bill (H.R. 607), as amended, was read the third time and passed.

BOYS AND GIRLS CLUBS OF AMERICA FACILITIES ESTABLISHMENT ACT

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 476) to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 476) entitled "An Act to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. 2,500 BOYS AND GIRLS CLUBS BEFORE 2000.

(a) IN GENERAL.—Section 401(a) of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking paragraph (2) and inserting the following:

"(2) PURPOSE.—The purpose of this section is to provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,000 additional local clubs where needed, with particular emphasis placed on establishing clubs in public housing projects and distressed areas, and to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation not later than December 31, 1999.".

(b) ACCELERATED GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended—

(1) in subsection (b)(2), by striking "or rural" and all that follows through the end and inserting the following: "rural area, or Indian reservation with a population of high risk youth as defined in section 517 of the Public Health Service Act (42 U.S.C. 290bb–23) of sufficient size to warrant the establishment of a Boys and Girls Club."; and

(2) by striking subsection (c) and inserting the following:

"(c) ESTABLISHMENT.—

"(1) IN GENERAL.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall make a grant to the Boys and Girls Clubs of America for the purpose of establishing and extending Boys and Girls Clubs facilities where needed, with particular emphasis placed on establishing clubs in and extending services to public housing projects and distressed areas.

"(2) APPLICATIONS.—The Attorney General shall accept an application for a grant under this subsection if submitted by the Boys and Girls Clubs of America, and approve or deny the grant not later than 90 days after the date on which the application is submitted, if the application—

"(A) includes a long-term strategy to establish 1,000 additional Boys and Girls Clubs and detailed summary of those areas in which new facilities will be established, or in which existing facilities will be expanded to serve additional youths, during the next fiscal year;

"(B) includes a plan to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation before January 1, 2000;

"(C) certifies that there will be appropriate coordination with those communities where clubs will be located; and

"(D) explains the manner in which new facilities will operate without additional, direct Federal financial assistance to the Boys and Girls Clubs once assistance under this subsection is discontinued.".

(c) ROLE MODEL GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by adding at the end the following:

"(f) ROLE MODEL GRANTS.—Of amounts made available under subsection (e) for any fiscal year—

"(1) not more than 5 percent may be used to provide a grant to the Boys and Girls Clubs of America for administrative, travel, and other costs associated with a national role-model speaking tour program; and

"(2) no amount may be used to compensate speakers other than to reimburse speakers for reasonable travel and accommodation costs associated with the program described in paragraph (1).".

Mr. LEAHY. Mr. President, I am delighted that the Senate today has accepted the House amendment to S. 476 to ensure Indian reservations and rural areas are eligible for the funding authorized under this bill to expand Boys & Girls Clubs across the country. I am also pleased that this legislation will be sent to the President this evening for his signature.

When this bill was under discussion in the Senate last spring, I made sure that rural areas, including many areas of my home State of Vermont, would be eligible for grants to establish some of the targeted 2,500 new Boys & Girls Clubs of America. Representative BUYER's amendment will now ensure that Indian reservations will qualify under this bill. The original language in this bill was more restrictive, requiring the grants to be used only for the purpose of establishing Boys & Girls Clubs in public housing projects and other distressed areas. I have worked with the Boys & Girls and know that they understand that rural areas as well as urban can qualify as "distressed areas".

The bill is now more expansive and will give girls and boys in rural areas and on reservations greater opportunities to share in Boys & Girls Clubs and their programs. The revised statute will authorize grants for establishing and extending facilities "where needed". Particular emphasis continues to be given to housing projects, where Boys & Girls Clubs have proven effective in preventing youth crime, and to distressed areas, rural or urban. But the "where needed" language should help make expansion into rural areas a greater priority.

The changes made to that program by this bill also permit up to 5 percent of the grant funds to be used to establish a role model speakers' program. Anyone who has seen Boys & Girls Clubs of America commercial with Denzel Washington and his coach will know the kinds of outstanding role models that we are seeking to promote to encourage and motivate young people to be involved, productive citizens.

I have seen the outstanding results at the Boys & Girls Clubs in Burlington, VT. The role models they provide include the outstanding instructors and volunteers who work in the Club's many programs. I have also witnessed the outstanding result of the Kids 'N Kops Program at the University of Vermont with the cooperation of local law enforcement.

Expansions are proceeding and over 200 new clubs serving 180,000 youth were opened as a result of last year's appropriation. I know that the Burlington Boys & Girls Clubs received $100,000 to help enhance that Club's outreach efforts. I am also pleased to report that a new club will soon be established in Rutland, VT. I would like to thank Robbie Callaway and the many others at the Boys & Girls Clubs of America who have worked so hard to establish these important programs throughout the United States. I applaud your dedication and commitment to ensuring that our Nation's youth have solid alternatives to hanging out in the streets.

I know that the national headquarters is also researching the feasibility of a club in Essex Junction. I hope that with the continuation of this initiative they will look for opportunities to serve young people in Montpelier, Brattleboro, St. Johnsbury and other Vermont locations, as well. I would be delighted for a sizable portion of the 1,000,000 additional young people who we hope will be served by the end of this century to come from the 145,000 young people in Vermont and those in other rural areas.

In supporting this bill, I encourage the Boys & Girls Clubs as one example of a successful youth-oriented program that can help make a difference in young people's lives and prevent crime and delinquency. I also support the work of others who are effective with young people, including our outstanding 4-H programs.

This measure should not become an excuse for anyone not to join with us to bolster comprehensive drug education and prevention for all elementary and high school students. As I have urged in the Judiciary Committee discussions of S. 10, the Violent and Repeat Juvenile Offender Act, we should proceed to help create after school "safe havens" where children are protected from drugs, gangs and crime with activities including drug prevention education, academic tutoring, mentoring, and abstinence training. This bill is a step but should not be the end of our efforts to support programs that help prevent juvenile delinquency, crime, and drug abuse.

Mr. LOTT. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

AMENDING SENATE RESOLUTION 48

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 161, submitted earlier today by Senator LOTT.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 161) to amend Senate Resolution 48.

The Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 161

Resolved, That Senate Resolution 48, 105th Congress, agreed to February 4, 1997, is amended—

(1) in section 1(e), by striking "$5,000" and inserting "$10,000"; and

(2) in sections 1(e) and 1(g), by striking "September 30, 1997" and inserting "September 30, 1998".

GRANTING CONSENT OF CONGRESS TO CHICKASAW TRAIL ECONOMIC DEVELOPMENT COMPACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 95, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 95) granting the consent of Congress to the Chickasaw Trail Economic Development Compact.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. THOMPSON. Mr. President, I would like to take this opportunity to make a few brief comments with my colleague, Senator LOTT, in support of H. J. Res. 95, a resolution passed by the House of Representatives which gives the consent of Congress to the Chickasaw Trail Economic Development Compact. As the U.S. Constitution requires all State compacts to be approved by Congress, Representatives ED BRYANT of Tennessee and ROGER WICKER of Mississippi recently introduced this legislation in the House.

This Compact will allow the States of Tennessee and Mississippi to determine the feasibility of establishing an industrial park which would straddle the border between the two States. This proposed Industrial Park would lie in both Fayette County, TN. and Marshall County, MS. Governors Sundquist and Fordice have each expressed their support for this initiative, as they believe this type of industrial park will be strengthened by taking a regional approach to industrial recruitment and development.

I believe that Tennessee will benefit from this initiative by combining the competitive assets of southwest Tennessee and Northern Mississippi to create an attractive and viable business park.

I ask my friend from Mississippi, Senator LOTT, if he agrees that this initiative will be of significant benefit to our two States and, indeed, to much of the Southeast region?

Mr. LOTT. I thank the Senator for his comments. This area of our two States is growing rapidly and I agree that a new, bistate industrial park would be of great benefit to both Mississippi and Tennessee. It is my hope that this proposed economic development project will mean a major increase in the number of jobs and level of prosperity for this region of the country.

I have been working on this proposal for an industrial park for a number of years and I am pleased that this essential, in fact critical, next step of the process is taking place now. I know that both you and I will keep a close watch on the progress of this proposed industrial park and I thank you for bringing it up on the floor.

Mr. FRIST. Mr. President, I rise today in support of House Joint Resolution 95, a measure introduced by my friend, Representative ED BRYANT of the Seventh District of Tennessee. This legislation gives congressional approval to the Chickasaw Trail Economic Development Compact. This partnership is an interstate compact created by agreement of the Mississippi and Tennessee State Legislatures to promote joint economic development and interstate cooperation in a rural, undeveloped area of Fayette County, TN, and Marshall County, MS.

The plan creates the Chickasaw Authority, which will conduct a study of the feasibility of establishing an industrial park in the area. If this study produces a positive recommendation, Mississippi and Tennessee would then negotiate a new compact implementing the details to establish a 4,000- to 5,000-acre industrial park. Such a facility would capitalize on the strengths that lie on both sides of the State line and attract new investment and employment opportunities. The proximity of the park to metro Memphis would build on the already strong commercial activity in Southwest Tennessee and North Mississippi. To my knowledge, this type of cooperation between States has never been attempted.

Mr. President, I am proud to add my name to the unanimous support of the members of the Tennessee and Mississippi congressional delegations. it is my hope that this project will bring economic development and jobs by attracting new sophisticated high-technology industries to the area. I would like to thank the majority leader, Senator LOTT, for his assistance in bringing this measure before the Senate, and I would also like to thank Senator THOMPSON and Senator COCHRAN for their support for this initiative. I yield the floor.

Mr. LOTT. Mr. President, I ask unanimous consent that the joint resolution be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 95) was read the third time and passed.

GRANTING CONSENT AND APPROVAL OF CONGRESS TO AMEND WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 96, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 96) granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact.

The Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the joint resolution be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 96) was read the third time and passed.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

The preamble was agreed to.

AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 738) entitled "An Act to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Amtrak Reform and Accountability Act of 1997".

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of sections.
Sec. 2. Findings.

TITLE I—REFORMS

SUBTITLE A—OPERATIONAL REFORMS

Sec. 101. Basic system.
Sec. 102. Mail, express, and auto-ferry transportation.
Sec. 103. Route and service criteria.
Sec. 104. Additional qualifying routes.
Sec. 105. Transportation requested by States, authorities, and other persons.
Sec. 106. Amtrak commuter.

Sec. 107. Through service in conjunction with intercity bus operations.
Sec. 108. Rail and motor carrier passenger service.
Sec. 109. Passenger choice.
Sec. 110. Application of certain laws.
SUBTITLE B—PROCUREMENT
Sec. 121. Contracting out.
SUBTITLE C—EMPLOYEE PROTECTION REFORMS
Sec. 141. Railway Labor Act Procedures.
Sec. 142. Service discontinuance.
SUBTITLE D—USE OF RAILROAD FACILITIES
Sec. 161. Liability limitation.
Sec. 162. Retention of facilities.
TITLE II—FISCAL ACCOUNTABILITY
Sec. 201. Amtrak financial goals.
Sec. 202. Independent assessment.
Sec. 203. Amtrak Reform Council.
Sec. 204. Sunset trigger.
Sec. 205. Senate procedure for consideration of restructuring and liquidation plans.
Sec. 206. Access to records and accounts.
Sec. 207. Officers' pay.
Sec. 208. Exemption from taxes.
Sec. 209. Limitation on use of tax refund.
TITLE III—AUTHORIZATION OF APPROPRIATIONS
Sec. 301. Authorization of appropriations.
TITLE IV—MISCELLANEOUS
Sec. 401. Status and applicable laws.
Sec. 402. Waste disposal.
Sec. 403. Assistance for upgrading facilities.
Sec. 404. Demonstration of new technology.
Sec. 405. Program master plan for Boston-New York main line.
Sec. 406. Americans with Disabilities Act of 1990.
Sec. 407. Definitions.
Sec. 408. Northeast Corridor cost dispute.
Sec. 409. Inspector General Act of 1978 amendment.
Sec. 410. Interstate rail compacts.
Sec. 411. Board of Directors.
Sec. 412. Educational participation.
Sec. 413. Report to Congress on Amtrak bankruptcy.
Sec. 414. Amtrak to notify Congress of lobbying relationships.
Sec. 415. Financial powers.

SEC. 2. FINDINGS.

The Congress finds that—

(1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;

(2) Amtrak is facing a financial crisis, with growing and substantial debt obligations severely limiting its ability to cover operating costs and jeopardizing its long-term viability;

(3) immediate action is required to improve Amtrak's financial condition if Amtrak is to survive;

(4) all of Amtrak's stakeholders, including labor, management, and the Federal government, must participate in efforts to reduce Amtrak's costs and increase its revenues;

(5) additional flexibility is needed to allow Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;

(6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;

(7) Amtrak's management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak;

(8) Amtrak and its employees should proceed quickly with proposals to modify collective bargaining agreements to make more efficient use of manpower and to realize cost savings which are necessary to reduce Federal financial assistance;

(9) Amtrak and intercity bus service providers should work cooperatively and develop coordinated intermodal relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies;

(10) Amtrak's Strategic Business Plan calls for the establishment of a dedicated source of capital funding for Amtrak in order to ensure that Amtrak will be able to fulfill the goals of maintaining—

(A) a national passenger rail system; and

(B) that system without Federal operating assistance; and

(11) Federal financial assistance to cover operating losses incurred by Amtrak should be eliminated by the year 2002.

TITLE I—REFORMS

Subtitle A—Operational Reforms

SEC. 101. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—(1) Section 24701 is amended to read as follows:

"§ 24701. National rail passenger transportation system

"Amtrak shall operate a national rail passenger transportation system which ties together existing and emergent regional rail passenger service and other intermodal passenger service.".

(2) The item relating to section 24701 in the table of sections of chapter 247 is amended to read as follows:

"24701. National rail passenger transportation system.".

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 and the item relating thereto in the table of sections for chapter 247 are repealed.

(c) DISCONTINUANCE.—Section 24706 is amended—

(1) by striking "90 days" and inserting "180 days" in subsection (a)(1);

(2) by striking "24707(a) or (b) of this title," in subsection (a)(1) and inserting "or discontinuing service over a route,";

(3) by inserting "or assume" after "agree to share" in subsection (a)(1);

(4) by striking "section 24707(a) or (b) of this title" in subsection (a)(2) and inserting "paragraph (1)"; and

(5) by striking "section 24707(a) or (b) of this title" in subsection (b)(1) and inserting "subsection (a)(1)".

(d) COST AND PERFORMANCE REVIEW.—Section 24707 and the item relating thereto in the table of sections for chapter 247 are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 and the item relating thereto in the table of sections for chapter 247 are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) is amended by striking ", 24701(a),".

SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) REPEAL.—Section 24306 is amended—

(1) by striking the last sentence of subsection (a); and

(2) by striking subsection (b) and inserting the following:

"(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.—State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.".

SEC. 103. ROUTE AND SERVICE CRITERIA.

Section 24703 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 104. ADDITIONAL QUALIFYING ROUTES.

Section 24705 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 105. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

(a) REPEAL.—Section 24704 and the item relating thereto in the table of sections of chapter 247 are repealed.

(b) STATE, REGIONAL, AND LOCAL COOPERATION.—Section 24101(c)(2) is amended by inserting ", separately or in combination," after "and the private sector".

(c) CONFORMING AMENDMENT.—Section 24312(a)(1) is amended by striking "or 24704(b)(2)".

SEC. 106. AMTRAK COMMUTER.

(a) REPEAL OF CHAPTER 245.—Chapter 245 and the item relating thereto in the table of chapters for subtitle V of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24301(f) is amended to read as follows:

"(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.".

(c) TRACKAGE RIGHTS NOT AFFECTED.—The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities.

SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.

(a) IN GENERAL.—Section 24305(a) is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

"(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;

"(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

"(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

"(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.".

(b) POLICY STATEMENT.—Section 24305(d) is amended by adding at the end the following new paragraph:

"(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in sections 11322 and 14302 of this title for the purpose of providing improved service to the public and economy of operation.".

SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.

(a) IN GENERAL.—Notwithstanding any other provision of law (other than section 24305(a)(3) of title 49, United States Code), Amtrak and motor carriers of passengers are authorized—

(1) to combine or package their respective services and facilities to the public as a means of increasing revenues; and

(2) to coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

(b) REVIEW.—The authority granted by subsection (a) is subject to review by the Surface Transportation Board and may be modified or revoked by the Board if modification or revocation is in the public interest.

SEC. 109. PASSENGER CHOICE.

Federal employees are authorized to travel on Amtrak for official business where total travel cost from office to office is competitive on a total trip or time basis.

SEC. 110. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION OF FOIA.—Section 24301(e) is amended by adding at the end thereof the following: "Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.".

(b) APPLICATION OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT.—Section 303B(m) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(m)) applies to a proposal in the possession or control of Amtrak.

Subtitle B—Procurement

SEC. 121. CONTRACTING OUT.

(a) REPEAL OF BAN ON CONTRACTING OUT.—Section 24312 is amended—

(1) by striking subsection (b);

(2) by striking "(1)" in subsection (a); and

(3) by striking "(2) Wage" in subsection (a) and inserting "(b) WAGE RATES.—Wage".

(b) AMENDMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENT.—

(1) CONTRACTING OUT.—Any collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees before the date of enactment of this Act is deemed amended to include the language of section 24312(b) of title 49, United States Code, as that section existed on the day before the effective date of the amendments made by subsection (a).

(2) ENFORCEABILITY OF AMENDMENT.—The amendment to any such collective bargaining agreement deemed to be made by paragraph (1) of this subsection is binding on all parties to the agreement and has the same effect as if arrived at by agreement of the parties under the Railway Labor Act.

(c) CONTRACTING-OUT ISSUES TO BE INCLUDED IN NEGOTIATIONS.—Proposals on the subject matter of contracting out work, other than work related to food and beverage service, which results in the layoff of an Amtrak employee—

(1) shall be included in negotiations under section 6 of the Railway Labor Act (45 U.S.C. 156) between Amtrak and an organization representing Amtrak employees, which shall be commenced by—

(A) the date on which labor agreements under negotiation on the date of enactment of this Act may be re-opened; or

(B) November 1, 1999,

whichever is earlier;

(2) may, at the mutual election of Amtrak and an organization representing Amtrak employees, be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act; and

(3) may not be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act, unless both Amtrak and the organization representing Amtrak employees agree to include it in the negotiation.

No contract between Amtrak and an organization representing Amtrak employees, that is under negotiation on the date of enactment of this Act, may contain a moratorium that extends more than 5 years from the date of expiration of the last moratorium.

(d) NO INFERENCE.—The amendment made by subsection (a)(1) is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.

Subtitle C—Employee Protection Reforms

SEC. 141. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to employee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.

(d) DISPUTE RESOLUTION.—(1) With respect to the dispute described in subsection (a) which—

(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c),

Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board shall immediately select such individual.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad.

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

(e) NO PRECEDENT FOR FREIGHT.—Nothing in this Act, or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees and mass transportation employees as it existed on the day before the date of enactment of this Act.

SEC. 142. SERVICE DISCONTINUANCE.

(a) REPEAL.—Section 24706(c) is repealed.

(b) EXISTING CONTRACTS.—Any provision of a contract entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

(c) SPECIAL EFFECTIVE DATE.—Subsections (a) and (b) of this section shall take effect 180 days after the date of the enactment of this Act.

(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

Subtitle D—Use of Railroad Facilities

SEC. 161. LIABILITY LIMITATION.

(a) IN GENERAL.—Chapter 281 is amended by adding at the end the following new section:

"§ 28103. Limitations on rail passenger transportation liability

"(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury to a passenger, death of a passenger, or damage to property of a passenger arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State, punitive damages, to the extent permitted by applicable State law, may be awarded in connection with any such claim only if the plaintiff establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct carried out by the defendant with a conscious, flagrant indifference to the rights or safety of others. If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, this paragraph shall not apply.

"(2) The aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident, shall not exceed $200,000,000.

"(b) CONTRACTUAL OBLIGATIONS.—A provider of rail passenger transportation may enter into contracts that allocate financial responsibility for claims.

"(c) MANDATORY COVERAGE.—Amtrak shall maintain a total minimum liability coverage for claims through insurance and self-insurance of at least $200,000,000 per accident or incident.

"(d) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as the 'Federal Employers' Liability Act') or under any workers compensation Act.

"(e) DEFINITION.—For purposes of this section—

"(1) the term 'claim' means a claim made—

"(A) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State; or

"(B) against an officer, employee, affiliate engaged in railroad operations, or agent, of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;

"(2) the term 'punitive damages' means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future; and

"(3) the term 'rail carrier' includes a person providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 281 is amended by adding at the end the following new item:

"28103. Limitations on rail passenger transportation liability.".

SEC. 162. RETENTION OF FACILITIES.

Section 24309(b) is amended by inserting "or on January 1, 1997," after "1979,".

TITLE II—FISCAL ACCOUNTABILITY

SEC. 201. AMTRAK FINANCIAL GOALS.

Section 24101(d) is amended by adding at the end thereof the following: "Amtrak shall prepare a financial plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002. Commencing no later than the fiscal year following the fifth anniversary of the Amtrak Reform and Accountability Act of 1997, Amtrak shall operate without Federal operating grant funds appropriated for its benefit.".

SEC. 202. INDEPENDENT ASSESSMENT.

(a) INITIATION.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak and not in any contractual relationship with Amtrak, and independent of the Department of Transportation, to conduct a complete independent assessment of the financial requirements of Amtrak through fiscal year 2002. The entity shall have demonstrated knowledge about railroad industry accounting requirements, including the uniqueness of the industry and of Surface Transportation Board accounting requirements. The Department of Transportation, Office of Inspector General, shall approve the entity's statement of work and the award and shall oversee the contract. In carrying out its responsibilities under the preceding sentence, the Inspector General's Office shall perform such overview and validation or verification of data as may be necessary to assure that the assessment conducted under this subsection meets the requirements of this section.

(b) ASSESSMENT CRITERIA.—The Secretary and Amtrak shall provide to the independent entity estimates of the financial requirements of Amtrak for the period described in subsection (a), using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak's funding needs.

(c) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including Amtrak's—

(1) cost allocation process and procedures;

(2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides;

(3) Strategic Business Plan, including Amtrak's projected expenses, capital needs, ridership, and revenue forecasts; and

(4) assets and liabilities.

For purposes of paragraph (3), in the capital needs part of its Strategic Business Plan Amtrak shall distinguish between that portion of the capital required for the Northeast Corridor and that required outside the Northeast Corridor, and shall include rolling stock requirements, including capital leases, "state of good repair" requirements, and infrastructure improvements.

(d) BIDDING PRACTICES.—

(1) STUDY.—The independent assessment also shall determine whether, and to what extent, Amtrak has performed each year during the period from 1992 through 1996 services under contract at amounts less than the cost to Amtrak of performing such services with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation. For purposes of this clause, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting. If identified, such contracts shall be detailed in the report of the independent assessment, as well as the methodology for preparation of bids to reflect Amtrak's actual cost of performance.

(2) REFORM.—If the independent assessment performed under this subparagraph reveals that Amtrak has performed services under contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation, then Amtrak shall revise its methodology for preparation of bids to reflect its cost of performance.

(e) DEADLINE.—The independent assessment shall be completed not later than 180 days after the contract is awarded, and shall be submitted to the Council established under section 203, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

SEC. 203. AMTRAK REFORM COUNCIL.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Amtrak Reform Council.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of 11 members, as follows:

(A) The Secretary of Transportation.

(B) Two individuals appointed by the President, of which—

(i) one shall be a representative of a rail labor organization; and

(ii) one shall be a representative of rail management.

(C) Three individuals appointed by the Majority Leader of the United States Senate.

(D) One individual appointed by the Minority Leader of the United States Senate.

(E) Three individuals appointed by the Speaker of the United States House of Representatives.

(F) One individual appointed by the Minority Leader of the United States House of Representatives.

(2) APPOINTMENT CRITERIA.—

(A) TIME FOR INITIAL APPOINTMENTS.—Appointments under paragraph (1) shall be made within 30 days after the date of enactment of this Act.

(B) EXPERTISE.—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—

(i) may not be employees of the United States;

(ii) may not be board members or employees of Amtrak;

(iii) may not be representatives of rail labor organizations or rail management; and

(iv) shall have technical qualifications, professional standing, and demonstrated expertise in the field of corporate management, finance, rail or other transportation operations, labor, economics, or the law, or other areas of expertise relevant to the Council.

(3) TERM.—Members shall serve for terms of 5 years. If a vacancy occurs other than by the expiration of a term, the individual appointed to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual's predecessor was appointed.

(4) CHAIRMAN.—The Council shall elect a chairman from among its membership within 15 days after the earlier of—

(A) the date on which all members of the Council have been appointed under paragraph (2)(A); or

(B) 45 days after the date of enactment of this Act.

(5) MAJORITY REQUIRED FOR ACTION.—A majority of the members of the Council present and voting is required for the Council to take action. No person shall be elected chairman of the Council who receives fewer than 5 votes.

(c) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to carry out its duties under this section.

(d) TRAVEL EXPENSES.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

(e) MEETINGS.—Each meeting of the Council, other than a meeting at which proprietary information is to be discussed, shall be open to the public.

(f) ACCESS TO INFORMATION.—Amtrak shall make available to the Council all information the Council requires to carry out its duties under this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection that is a trade secret or commercial or financial information that is privileged or confidential.

(g) DUTIES.—

(1) EVALUATION AND RECOMMENDATION.—The Council shall—

(A) evaluate Amtrak's performance; and

(B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms.

(2) SPECIFIC CONSIDERATIONS.—In making its evaluation and recommendations under paragraph (1), the Council shall consider all relevant performance factors, including—

(A) Amtrak's operation as a national passenger rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

(B) appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles; and

(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.

(3) MONITOR WORK-RULE SAVINGS.—If, after January 1, 1997, Amtrak enters into an agreement involving work-rules intended to achieve savings with an organization representing Amtrak employees, then Amtrak shall report quarterly to the Council—

(A) the savings realized as a result of the agreement; and

(B) how the savings are allocated.

(h) ANNUAL REPORT.—Each year before the fifth anniversary of the date of enactment of this Act, the Council shall submit to the Congress a report that includes an assessment of—

(1) Amtrak's progress on the resolution of productivity issues; or

(2) the status of those productivity issues,

and makes recommendations for improvements and for any changes in law it believes to be necessary or appropriate.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to enable the Council to carry out its duties.

SEC. 204. SUNSET TRIGGER.

(a) IN GENERAL.—If at any time more than 2 years after the date of enactment of this Act and implementation of the financial plan referred to in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act, the Amtrak Reform Council finds that—

(1) Amtrak's business performance will prevent it from meeting the financial goals set forth in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act; or

(2) Amtrak will require operating grant funds after the fifth anniversary of the date of enactment of this Act,

then the Council shall immediately notify the President, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(b) FACTORS CONSIDERED.—In making a finding under subsection (a), the Council shall take into account—

(1) Amtrak's performance;

(2) the findings of the independent assessment conducted under section 202;

(3) the level of Federal funds made available for carrying out the financial plan referred to in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act; and

(4) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

(c) ACTION PLAN.—Within 90 days after the Council makes a finding under subsection (a)—

(1) it shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system; and

(2) Amtrak shall develop and submit to the Congress an action plan for the complete liquidation of Amtrak, after having the plan reviewed by the Inspector General of the Department of Transportation and the General Accounting Office for accuracy and reasonableness.

SEC. 205. SENATE PROCEDURE FOR CONSIDERATION OF RESTRUCTURING AND LIQUIDATION PLANS.

(a) IN GENERAL.—If, within 90 days (not counting any day on which either House is not in session) after a restructuring plan is submitted to the House of Representatives and the Senate by the Amtrak Reform Council under section 204 of this Act, an implementing Act with respect to a restructuring plan (without regard to whether it is the plan submitted) has not been passed by the Congress, then a liquidation disapproval resolution shall be introduced in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. The liquidation disapproval resolution shall be held at the desk at the request of the Presiding Officer.

(b) CONSIDERATION IN THE SENATE.—

(1) REFERRAL AND REPORTING.—A liquidation disapproval resolution introduced in the Senate shall be placed directly and immediately on the Calendar.

(2) IMPLEMENTING RESOLUTION FROM HOUSE.—When the Senate receives from the House of Representatives a liquidation disapproval resolution, the resolution shall not be referred to committee and shall be placed on the Calendar.

(3) CONSIDERATION OF SINGLE LIQUIDATION DISAPPROVAL RESOLUTION.—After the Senate has proceeded to the consideration of a liquidation disapproval resolution under this subsection, then no other liquidation disapproval resolution originating in that same House shall be subject to the procedures set forth in this section.

(4) AMENDMENTS.—No amendment to the resolution is in order except an amendment that is relevant to liquidation of Amtrak. Consideration of the resolution for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except for perfecting amendments.

(5) MOTION NONDEBATABLE.—A motion to proceed to consideration of a liquidation disapproval resolution under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

(6) LIMIT ON CONSIDERATION.—

(A) After no more than 20 hours of consideration of a liquidation disapproval resolution, the Senate shall proceed, without intervening action or debate (except as permitted under paragraph (9)), to vote on the final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or table.

(B) The time for debate on the liquidation disapproval resolution shall be equally divided between the Majority Leader and the Minority Leader or their designees.

(7) DEBATE OF AMENDMENTS.—Debate on any amendment to a liquidation disapproval resolution shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

(8) NO MOTION TO RECOMMIT.—A motion to recommit a liquidation disapproval resolution shall not be in order.

(9) DISPOSITION OF SENATE RESOLUTION.—If the Senate has read for the third time a liquidation disapproval resolution that originated in the Senate, then it shall be in order at any time thereafter to move to proceed to the consideration of a liquidation disapproval resolution for the same special message received from the House of Representatives and placed on the Calendar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the Senate liquidation disapproval resolution, agree to the Senate amendment, and vote on final disposition of the House liquidation disapproval resolution, all without any intervening action or debate.

(10) CONSIDERATION OF HOUSE MESSAGE.—Consideration in the Senate of all motions, amendments, or appeals necessary to dispose of a message from the House of Representatives on a liquidation disapproval resolution shall be limited to not more than 4 hours. Debate on each motion or amendment shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, amendment, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

(c) CONSIDERATION IN CONFERENCE.—

(1) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to a liquidation disapproval resolution passed by both Houses, conferees should be promptly appointed and a conference promptly convened, if necessary.

(2) SENATE CONSIDERATION.—Consideration in the Senate of the conference report and any amendments in disagreement on a liquidation disapproval resolution shall be limited to not more than 4 hours equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit the conference report is not in order.

(d) DEFINITIONS.—For purposes of this section—

(1) LIQUIDATION DISAPPROVAL RESOLUTION.—The term "liquidation disapproval resolution" means only a resolution of either House of Congress which is introduced as provided in subsection (a) with respect to the liquidation of Amtrak.

(2) RESTRUCTURING PLAN.—The term "restructuring plan" means a plan to provide for a restructured and rationalized national intercity rail passenger transportation system.

(e) RULES OF SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a liquidation disapproval resolution; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 206. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 is amended by adding at the end the following new subsection:

"(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.".

SEC. 207. OFFICERS' PAY.

Section 24303(b) is amended by adding at the end the following: "The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak.".

SEC. 208. EXEMPTION FROM TAXES.

Section 24301(l)(1) is amended—

(1) by striking so much as precedes "exempt from a tax" and inserting the following:

"(1) IN GENERAL.—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are";

(2) by striking "tax or fee imposed" and all that follows through "levied on it" and inserting "tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom"; and

(3) by amending the last sentence thereof to read as follows: "In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.".

SEC. 209. LIMITATION ON USE OF TAX REFUND.

(a) IN GENERAL.—Amtrak may not use any amount received under section 977 of the Taxpayer Relief Act of 1997—

(1) for any purpose other than making payments to non-Amtrak States (pursuant to section 977(c) of that Act), or the financing of qualified expenses (as that term is defined in section 977(e)(1) of that Act); or

(2) to offset other amounts used for any purpose other than the financing of such expenses.

(b) REPORT BY ARC.—The Amtrak Reform Council shall report quarterly to the Congress on the use of amounts received by Amtrak under section 977 of the Taxpayer Relief Act of 1997.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) AMENDMENT.—Section 24104(a) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation—

"(1) $1,138,000,000 for fiscal year 1998;

"(2) $1,058,000,000 for fiscal year 1999;

"(3) $1,023,000,000 for fiscal year 2000;

"(4) $989,000,000 for fiscal year 2001; and

"(5) $955,000,000 for fiscal year 2002,

for the benefit of Amtrak for capital expenditures under chapters 243, 247, and 249 of this title, operating expenses, and payments described in subsection (c)(1)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabilities under section 3221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their beneficiaries.".

(b) AMTRAK REFORM LEGISLATION.—This Act constitutes Amtrak reform legislation within the meaning of section 977(f)(1) of the Taxpayer Relief Act of 1997.

TITLE IV—MISCELLANEOUS

SEC. 401. STATUS AND APPLICABLE LAWS.

Section 24301 is amended—

(1) by striking "rail carrier under section 10102" in subsection (a)(1) and inserting "railroad carrier under section 20102(2) and chapters 261 and 281"; and

(2) by amending subsection (c) to read as follows:

"(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.".

SEC. 402. WASTE DISPOSAL.

Section 24301(m)(1)(A) is amended by striking "1996" and inserting "2001".

SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) REPEAL.—Section 24903 is repealed and the table of sections for chapter 249 is amended by striking the item relating to that section.

(b) CONFORMING AMENDMENTS.—

(1) Section 24902 is amended—

(A) by striking subsections (a), (c), and (d) and redesignating subsection (b) as subsection (a) and subsections (e) through (m) as subsections (b) through (j), respectively; and

(B) in subsection (j), as so redesignated by subparagraph (A) of this paragraph, by striking "(m)".

(2) Section 24904(a) is amended—

(A) by inserting "and" at the end of paragraph (6);

(B) by striking "; and" at the end of paragraph (7) and inserting a period; and

(C) by striking paragraph (8).

SEC. 406. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—

(1) ACCESS IMPROVEMENTS AT CERTAIN SHARED STATIONS.—Amtrak is responsible for its share, if any, of the costs of accessibility improvements required by the Americans With Disabilities Act of 1990 at any station jointly used by Amtrak and a commuter authority.

(2) CERTAIN REQUIREMENTS NOT TO APPLY UNTIL 1998.—Amtrak shall not be subject to any requirement under subsection (a)(1), (a)(3), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1998.

(b) CONFORMING AMENDMENT.—Section 24307 is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 407. DEFINITIONS.

Section 24102 is amended—

(1) by striking paragraphs (2) and (11);

(2) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively; and

(3) by inserting ", including a unit of State or local government," after "means a person" in paragraph (7), as so redesignated.

SEC. 408. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

SEC. 409. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) AMENDMENT.—

(1) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "Amtrak,".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect at the beginning of the first fiscal year after a fiscal year for which Amtrak receives no Federal subsidy.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978. The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

(c) FEDERAL SUBSIDY.—

(1) ASSESSMENT.—In any fiscal year for which Amtrak requests Federal assistance, the Inspector General of the Department of Transportation shall review Amtrak's operations and conduct an assessment similar to the assessment required by section 202(a). The Inspector General shall report the results of the review and assessment to—

(A) the President of Amtrak;

(B) the Secretary of Transportation;

(C) the United States Senate Committee on Appropriations;

(D) the United States Senate Committee on Commerce, Science, and Transportation;

(E) the United States House of Representatives Committee on Appropriations; and

(F) the United States House of Representatives Committee on Transportation and Infrastructure.

(2) REPORT.—The report shall be submitted, to the extent practicable, before any such committee reports legislation authorizing or appropriating funds for Amtrak for capital acquisition, development, or operating expenses.

(3) SPECIAL EFFECTIVE DATE.—This subsection takes effect 1 year after the date of enactment of this Act.

SEC. 410. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(1) retaining an existing service or commencing a new service;

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities;

(B) the purchase of locomotives; and

(C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for Amtrak);

(3) on such terms and conditions as the States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law.

SEC. 411. BOARD OF DIRECTORS.

(a) AMENDMENT.—Section 24302 is amended to read as follows:

"§ 24302. Board of Directors

"(a) REFORM BOARD.—

"(1) ESTABLISHMENT AND DUTIES.—The Reform Board described in paragraph (2) shall assume the responsibilities of the Board of Directors of Amtrak by March 31, 1998, or as soon thereafter as at least 4 members have been appointed and qualified. The Board appointed under prior law shall be abolished when the Reform Board assumes such responsibilities.

"(2) MEMBERSHIP.—(A)(i) The Reform Board shall consist of 7 voting members appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years.

"(ii) Notwithstanding clause (i), if the Secretary of Transportation is appointed to the Reform Board, such appointment shall not be subject to the advice and consent of the Senate. If appointed, the Secretary may be represented at Board meetings by his designee.

"(B) In selecting the individuals described in subparagraph (A) for nominations for appointments to the Reform Board, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.

"(C) Appointments under subparagraph (A) shall be made from among individuals who—

"(i) have technical qualification, professional standing, and demonstrated expertise in the fields of transportation or corporate or financial management;

"(ii) are not representatives of rail labor or rail management; and

"(iii) in the case of 6 of the 7 individuals selected, are not employees of Amtrak or of the United States.

"(D) The President of Amtrak shall serve as an ex officio, nonvoting member of the Reform Board.

"(3) CONFIRMATION PROCEDURE IN SENATE.—

"(A) This paragraph is enacted by the Congress—

"(i) as an exercise of the rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a motion to discharge; and it supersedes other rules only to the extent that it is inconsistent therewith; and

"(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

"(B) If, by the first day of June on which the Senate is in session after a nomination is submitted to the Senate under this section, the committee to which the nomination was referred has

not reported the nomination, then it shall be discharged from further consideration of the nomination and the nomination shall be placed on the Executive Calendar.

''(C) It shall be in order at any time thereafter to move to proceed to the consideration of the nomination without any intervening action or debate.

''(D) After no more than 10 hours of debate on the nomination, which shall be evenly divided between, and controlled by, the Majority Leader and the Minority Leader, the Senate shall proceed without intervening action to vote on the nomination.

''(b) BOARD OF DIRECTORS.—Five years after the establishment of the Reform Board under subsection (a), a Board of Directors shall be selected—

''(1) if Amtrak has, during the then current fiscal year, received Federal assistance, in accordance with the procedures set forth in subsection (a)(2); or

''(2) if Amtrak has not, during the then current fiscal year, received Federal assistance, pursuant to bylaws adopted by the Reform Board (which shall provide for employee representation), and the Reform Board shall be dissolved.

''(c) AUTHORITY TO RECOMMEND PLAN.—The Reform Board shall have the authority to recommend to the Congress a plan to implement the recommendations of the 1997 Working Group on Inter-City Rail regarding the transfer of Amtrak's infrastructure assets and responsibilities to a new separately governed corporation.''.

(b) EFFECT ON AUTHORIZATIONS.—If the Reform Board has not assumed the responsibilities of the Board of Directors of Amtrak before July 1, 1998, all provisions authorizing appropriations under the amendments made by section 301(a) of this Act for a fiscal year after fiscal year 1998 shall cease to be effective. The preceding sentence shall have no effect on funds provided to Amtrak pursuant to section 977 of the Taxpayer Relief Act of 1997.

SEC. 412. EDUCATIONAL PARTICIPATION.

Amtrak shall participate in educational efforts with elementary and secondary schools to inform students on the advantages of rail travel and the need for rail safety.

SEC. 413. REPORT TO CONGRESS ON AMTRAK BANKRUPTCY.

Within 120 days after the date of enactment of this Act, the Comptroller General shall submit a report identifying financial and other issues associated with an Amtrak bankruptcy to the United States Senate Committee on Commerce, Science, and Transportation and to the United States House of Representatives Committee on Transportation and Infrastructure. The report shall include an analysis of the implications of such a bankruptcy on the Federal government, Amtrak's creditors, and the Railroad Retirement System.

SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RELATIONSHIPS.

If, at any time, during a fiscal year in which Amtrak receives Federal assistance, Amtrak enters into a consulting contract or similar arrangement, or a contract for lobbying, with a lobbying firm, an individual who is a lobbyist, or who is affiliated with a lobbying firm, as those terms are defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), Amtrak shall notify the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Transportation and Infrastructure of—

(1) the name of the individual or firm involved;

(2) the purpose of the contract or arrangement; and

(3) the amount and nature of Amtrak's financial obligation under the contract.

This section applies only to contracts, renewals or extensions of contracts, or arrangements entered into after the date of the enactment of this Act.

SEC. 415. FINANCIAL POWERS.

(a) CAPITALIZATION.—(1) Section 24304 is amended to read as follows:

''§24304. Employee stock ownership plans

''In issuing stock pursuant to applicable corporate law, Amtrak is encouraged to include employee stock ownership plans.''.

(2) The item relating to section 24304 in the table of sections of chapter 243 is amended to read as follows:

''24304. Employee stock ownership plans.''.

(b) REDEMPTION OF COMMON STOCK.—Amtrak shall, before October 1, 2002, redeem all common stock previously issued, for the fair market value of such stock.

(c) ELIMINATION OF LIQUIDATION PREFERENCE AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no liquidation preference.

(B) Subparagraph (A) shall take effect 90 days after the date of the enactment of this Act.

(2)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no voting rights.

(B) Subparagraph (A) shall take effect 60 days after the date of the enactment of this Act.

(d) STATUS AND APPLICABLE LAWS.—(1) Section 24301(a)(3) is amended by inserting '', and shall not be subject to title 31'' after ''United States Government''.

(2) Section 9101(2) of title 31, United States Code, relating to Government corporations, is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (L) as subparagraphs (A) through (K), respectively.

Mr. LOTT. I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

NO ELECTRONIC THEFT (NET) ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2265 and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2265) to amend the provisions of title 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I rise in support of passage of H.R. 2265, The No Electronic Theft [NET] Act. This bill plugs the ''LaMacchia Loophole'' in criminal copyright enforcement.

Current sec. 506(a) of the Copyright Act contains criminal penalties for willful copyright infringement for ''commercial advantage or private financial gain.'' In U.S. versus LaMacchia, 871 F. Supp. 535 (D. Mass. 1994), defendant, a graduate student attending MIT, encouraged lawful purchasers of copyrighted computer games and other software to upload these works via a special password to an electronic bulletin board on the Internet. The defendant then transferred the works to another electronic address and urged other persons with access to a second password to download the materials for personal use without authorization by or compensation to the copyright owners. Because the defendant never benefited financially from any of these transactions, the current criminal copyright infringement could not be used. Furthermore, the court held that neither could the federal wire fraud statute, since Congress never envisioned protecting copyrights under that statute. For persons with few assets, civil liability is not an adequate deterrent.

It is obvious that great harm could be done to copyright owners if this practice were to become widespread. Significant losses to copyright holders would undermine the monetary incentive to create which is recognized in our Constitution. Mr. President, I believe that willful, commercial-scale pirating of copyrighted works, even when the pirate receives no monetary reward, ought to be nipped in the bud. This bill does that.

I will admit, Mr. President, that I initially had concerns about this bill. I was afraid that the language was so broad that the net could be cast too widely—pardon the pun—so that minor offenders or persons who honestly believed that they had a legitimate right to engage in the behavior prohibited by the bill would be swept in. What of the educator who feels that his or her action is a fair use of the copyrighted work? Although the bill is not failsafe, because of the severity of the potential losses to copyright owners from widespread LaMacchia-like behavior and the little time remaining in this session, on balance I was persuaded to support the bill.

I place great store by the ''willfulness'' requirement in the bill. Although there is on-going debate about what precisely is the ''willfulness'' standard in the Copyright Act—as the House Report records—I submit that in the LaMacchia context ''willful'' ought to mean the intent to violate a known legal duty. The Supreme Court has given the term ''willful'' that construction in numerous cases in the past 25 years, for example: U.S. versus Bishop, 412, U.S. 346 (1973); U.S. versus Pomponio, 429 U.S. 987 (1976); Cheek versus U.S., 498 U.S. 192 (1991); and Ratzlaf versus U.S., 510 U.S. 135 (1994). As Chairman of the Judiciary Committee, that is the interpretation that I give to this term. Otherwise, I would have objected and not allowed this bill to pass by unanimous consent. Under this standard, then, an educator who in

good faith believes that he or she is engaging in a fair use of copyrighted material could not be prosecuted under the bill.

I am also relying upon the good sense of prosecutors and judges. Again, the purpose of the bill is to prosecute commercial-scale pirates who do not have commercial advantage or private financial gain from their illegal activities. But if an over-zealous prosecutor should bring and win a case against a college prankster, I am confident that the judge would exercise the discretion that he or she may have under the Sentencing Guidelines to be lenient. If the practical effect of the bill turns out to be draconian, we may have to revisit the issue.

In addition to my concern that the bill's scope might be too broad, I wanted to make sure that the language of the bill would not prejudice in any way the debate about the copyright liability of on-line and Internet service providers. Mr. President, there are good arguments on both sides of the issue, and I will shortly begin the process of bringing the parties together to try to obtain a mutually agree-upon solution to this problem. It is my understanding that representatives of the OSP/ISP community and the fair use community were consulted during the passage of the bill in the House. This tends to confirm my judgment that the bill was not intended to affect the OSP/ISP liability debate.

Finally, Mr. President, I would like to point out two areas that are susceptible to interpretation mischief. First, the bill amends the term "financial gain" as used in the Copyright Act to include "receipt, or expectation of receipt, of anything of value, including receipt of other copyrighted works." The intent of the change is to hold criminally liable those who do not receive or expect to receive money but who receive tangible value. It would be contrary to the intent of the provision, according to my understanding, if "anything of value" would be so broadly read as to include enhancement of reputation or value remote from the criminal act, such as a job promotion.

Second, I am concerned about the interplay between criminal liability for "reproduction" in the bill and the commonly-held view that the loading of a computer program into random access memory [RAM] is a reproduction for purposes of the Copyright Act. Because most shrink-wrap licenses purport to make the purchaser of computer software a licensee and not an owner of his or her copy of the software, the ordinary purchaser of software may not be able to take advantage of the exemption provided by sec. 117, allowing the "owner" of a copy to reproduce the work in order to use it in his or her computer.

Many shrink-wrap licenses limit the purchaser to making only a single backup copy of his or her software. Thus, under a literal reading of the bill, the ordinary purchaser of computer software who loaded the software enough times in the 180-day period to reach the more-than-$1,000 threshold may be a criminal. This is, of course, not the intent of the bill. Clearly, this kind of copying was not intended to be criminalized.

Additionally, Congress has long recognized that it is necessary to make incidental copies of digital works in order to use them on computers. Programs or data must be transferred from a floppy disk to a hard disk or from a hard disk into RAM as a necessary step in their use. Modern operating systems swap data between RAM and hard disk to use the computer memory more efficiently. Given its purpose, it is not the intent of this bill to have the incidental copies made by the user of digital work be counted more than once in computing the total retail value of the infringing reproductions.

As you can see, Mr. President, I do not believe this is the perfect bill, but it is a good bill that addresses a serious problem that has the potential of very soon undermining copyright in many works, not just computer software. I am confident that prosecutors and the courts will make their decisions with the purpose of the bill in mind—the elimination of willful, commercial-scale pirating of copyrighted works.

Mr. LEAHY. Mr. President, America's founders recognized and valued the creativity of this Nation's citizens such that intellectual property rights are rooted in the Constitution. Article I, section 8, clause 8 of the Constitution states that "The Congress shall have power * * * [t]o promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." The Continental Congress proclaimed, "Nothing is more properly a man's own than the fruit of his study."

Protecting intellectual property rights is just as important today as it was when America was a fledgling nation.

It is for this reason I am pleased that the Senate is considering H.R. 2265, the "No Electronic Theft [NET] Act of 1997." I introduced the first legislation on this subject in 1995. The bill was the "Criminal Copyright Improvement Act of 1995," and it stood as the only legislation on this issue in the 104th Congress. I then made some changes to that bill and introduced it this session as the "Criminal Copyright Improvement Act of 1997," S. 1044. Senator KYL is an original cosponsor of S. 1044 and I thank him for his support.

Like the Criminal Copyright Improvement Act of 1997, the NET Act of 1997 would close a significant loophole in our copyright law and enhance the Government's ability to bring criminal charges in certain cases of willful copyright infringement. By insuring better protection of the creative works available online, this bill will also encourage the continued growth of the Internet and our National Information Infrastructure. It will encourage the ingenuity of the American people, and will send a powerful message to intellectual property pirates and thieves that we will not tolerate theft.

For a criminal prosecution under current copyright law, a defendant's willful copyright infringement must be "for purposes of commercial advantage or private financial gain." Not-for-profit or noncommercial copyright infringement is not subject to criminal law enforcement, no matter how egregious the infringement or how great the loss to the copyright holder. This presents an enormous loophole in criminal liability for willful infringers who can use digital technology to make exact copies of copyrighted software and other digitally encoded works, and then use computer networks for quick, inexpensive and mass distribution of pirated, infringing works. The NET Act would close this legal loophole.

United States versus LaMacchia, 871 F. Supp. 535 (D. Mass. 1994), is an example of the problem this criminal copyright bill would fix. In that case, the defendant had set up computer bulletin board systems on the Internet. Users posted and downloaded copyrighted software programs. This resulted in an estimated loss to the copyright holders of over $1 million over a 6-week period. Since the defendant apparently did not profit from the software piracy, the Government could not prosecute him under criminal copyright law and instead charged him with wire fraud. The District Court described the student's conduct "at best * * * as irresponsible, and at worst as nihilistic, self-indulgent, and lacking in any fundamental sense of values."

Nevertheless, the Court dismissed the indictment in LaMacchia because it viewed copyright law as the exclusive authority for prosecuting criminal copyright infringement. The Court expressly invited Congress to revisit the copyright law and make any necessary adjustments, stating:

> Criminal as well as civil penalties should probably attach to willful, multiple infringements of copyrighted software even absent a commercial motive on the part of the infringer. One can envision ways that the copyright law could be modified to permit such prosecution. But, "[i]t is the legislature, not the Court which is to define a crime, and ordain its punishment."

I introduced the Criminal Copyright Improvement Act of 1995 on August 4, 1995 in response to this problem. The NET Act is the result of our efforts. It would ensure redress in the future for flagrant, willful copyright infringements in the following ways: First, it amends the term "financial gain" as

used in the Copyright Act to include "receipt, or expectation of receipt, or anything of value, including the receipt of other copyrighted works." This revision would make clear that "financial gain" includes bartering for, and the trading of, pirated software.

Second, it amends Section 506(a) of the Copyright Act to provide that any person who infringes a copyright willfully by the reproduction or distribution, including by electronic means, during any 180-day period, of one or more copies or phonorecords of one or more copyrighted works with a total retail value of more than $1,000, shall be subject to criminal liability.

A misdemeanor offense under the bill is defined as an offense in which an individual reproduces or distributes one or more copies or phonorecords of one or more copyrighted works with a total value of more than $1,000.

The felony threshold under the bill is defined as an offense in which an individual reproduces or distributes 10 or more copies of phonorecords of 1 or more copyrighted works with a total retail value of $2,500 or more.

Section (2)(b) of the bill clarifies that for purposes of subsection 506(a) of the Copyright Act only, "willful infringement" requires more than just evidence of making an unauthorized copy of a work. This clarification was included to address the concerns expressed by libraries and Internet access to services because the standard of "willfulness" for criminal copyright infringement is not statutorily defined and the court's interpretation have varied somewhat among the Federal circuits.

This clarification does not change the current interpretation of the word "willful" as developed by case law and as applied by the Department of Justice, nor does it change the definition of "willful" as it is used elsewhere in the Copyright Act.

Third, the bill requires that any criminal proceeding brought under the Copyright Act must commence within 5 years from the time the cause of action arose. The current limit, as contained in section 507(a) of the Copyright Act, is 3 years. This brings copyright crimes into conformance with the statute of limitations for other criminal acts under title 18 of the United States Code.

Fourth, the bill would insert new subsections in title 18 of the United States Code requiring that victims of offenses concerning unauthorized fixation and trafficking of live musical performances and victims of offenses concerning trafficking in counterfeit goods or services be given the opportunity to provide a victim impact statement to the probation officer preparing the presentence report. The bill directs that the statement identify the victim of the offense and the extent and scope of the injury and loss suffered, including the estimated economic impact of the offense on that victim.

The NET Act reflects the recommendations and hard work of the Department of Justice and the Copyright Office. Specifically, Scott Charney and David Green of the Department of Justice and Marybeth Peters, Shira Perlmutter, and Jule Sigall of the Copyright Office helped me on this legislation. The Department of Justice and the Copyright Office provided valuable input as far back as 3 years ago, when I introduced the first legislation on this subject, and they have worked with me through the drafting of this year's Senate bill and with me and all the interested parties on this year's House version to ensure that the final product was one that could be widely accepted. In fact, just today the Senate received a letter from the Department of Justice providing its views on the NET Act and strongly supporting the enactment of this legislation.

I also want to thank Mr. HYDE, Mr. CONYERS, Mr. COBLE, Mr. FRANK, and Mr. GOODLATTE for their fine work on this matter.

By passing this legislation, we send a strong message that we value intellectual property, as abstract and arcane as it may be, in the same way that we value the real and personal property of our citizens. Just as we will not tolerate the theft of software, CD's, books, or movie cassettes from a store, so will we not permit the stealing of intellectual property over the Internet.

I urge my colleagues to support H.R. 2265, and I ask unanimous consent that a letter from the U.S. Department of Justice dated November 7, 1997, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, November 7, 1997.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, This provides the views of the Department of Justice on H.R. 2265, the "No Electronic Theft (NET) Act," which was passed by the House of Representatives on November 4, 1997, and which we understand may shortly be considered in the Senate. We strongly support enactment of this legislation.

As introduced, H.R. 2265 built upon, and closely resembled, S. 1044 and its predecessor bill that was introduced in the 104th Congress. The Department of Justice testified in support of H.R. 2265 while the bill was being considered by the House Judiciary Committee. We worked extensively with the bill's sponsors to ensure that it would meet the concerns of interested parties, including the Department of Justice, the copyright community, and those non-profit organizations and Internet Service Providers concerned about the possibility that the new legislation might sweep too broadly. The result, in our view, is an excellent bill that protects copyrights in the digital age in a careful and balanced manner. The House-passed bill accomplishes several important goals, including:

Permitting the Department to prosecute large-scale illegal reproduction or distribution of copyrighted works where the infringers act without a discernible profit motive, while making clear that small-scale noncommercial copying (copyrighted works with a total retail value of less than $1,000) is not prosecutable under federal law;

Clarifying that "willful" infringement must consist of evidence of more that the mere intentional reproduction or distribution of copyrighted products;

Defining "financial gain" to include the "receipt, or expectation of receipt, of anything of value, including the receipt of other copyrighted works," to ensure that persons who illegally traffic in copyrighted works by using barter rather than cash are covered by the statute;

Clarifying that "reproduction or distribution" includes electronic as well as tangible means;

Extending the statute of limitations from three to five years, bringing the criminal copyright statute into line with most other criminal statutes;

Establishing a recidivist provision that raises penalties for second or subsequent felony copyright offenses;

Recognizing victims' rights by allowing the producers of pirated works to provide a victim impact statement to the sentencing court; and

Enhancing the deterrent power of the copyright criminal laws by directing the Sentencing Commission to amend the Sentencing guideline for copyright and trademark infringement to allow courts to impose sentence based on the retail value of the good infringed upon, rather than the often lower value of the infringing good.

The Department of Justice believes that the differences between S. 1044, as introduced, and H.R. 2265, as passed by the House of Representatives, are not significant. We therefore recommend that the Senate expedite final passage of this important piece of legislation by adopting the House-passed bill before the end of the first session of the 105th Congress.

Please do not hesitate to contact us if we may be of additional assistance in connection with this or any other matter. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Mr. KYL. Mr. President, I am proud to support H.R. 2265, the No Electronic Theft [NET] Act which is the companion bill to S. 1044, the Criminal Copyright Improvement Act of 1997, introduced by Senator LEAHY and myself.

H.R. 2265 passed the House of Representatives earlier this week and now has the opportunity to obtain Senate approval and be sent to the President before we adjourn for the session. The bill is supported by the Department of Justice, the U.S. Copyright Office, and the Software Publishers Association, which is the leading trade association of the computer software industry, representing over 1,200 companies that develop and market software for entertainment, business, education, and the Internet.

H.R. 2265 will help combat software piracy by closing a major loophole in federal law, which was highlighted by the case of *United States* v. *LaMacchia*, 871 F.Supp. 535 (D. Mass. 1994). Under current law, a showing of financial gain is required to prove criminal copyright infringement. In LaMacchia, the defendant maliciously pirated software which resulted in an estimated loss to the copyright holders of over $1 million in just over 6 weeks. Because LaMacchia did not profit from the software piracy, he could not be prosecuted under criminal copyright law.

Because much software piracy on the Internet apparently occurs without the exchange of money, the so-called "LaMacchia loophole" discourages law enforcement from taking action against willful, commercial-scale software pirates out to gain notoriety, not money.

In sum, this bill extends criminal infringement of copyright to include any person—not just those who act for purposes of commercial advantage or private financial gain—who willfully infringe a copyright. Specifically, the bill: (1) expands the definition of "financial gain" to include the expectation of receipt of anything of value—including the receipt of other copyrighted works; (2) sets penalties for willfully infringing a copyright by reproducing or distributing (including electronically), during any 180-day period, one or more copies of one or more copyrighted works with a total retail value of more than $1,000; (3) extends the statute of limitations for criminal copyright infringement from three to five years; (4) punishes recidivists more severely; (5) extends victims' rights with regard to criminal copyright infringement; and (6) directs the Sentencing Commission to determine sufficiently stringent guidelines to deter these types of crimes.

H.R. 2265 is needed to help protect the interests of the entire software industry by protecting against the unauthorized copying and distribution of computer programs. In 1996, piracy cost the software industry over $2 billion in the United States and over $11 billion around the world.

Mr. President, the United States is the world's leader in intellectual property. We export billions of dollars of copyrighted works every year. Our creative community is a bulwark of our national economy. By addressing the flaw in our copyright law that LaMacchia has brought to light, H.R. 2265 sends the strong message that we value the contributions of writers, artists, and other creators, and will not tolerate the theft of their intellectual endeavors.

I urge my colleagues to join me in supporting this important piece of legislation.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The bill (H.R. 2265) was read the third time and passed.

OTTAWA AND CHIPPEWA JUDGMENT FUNDS DISTRIBUTION ACT OF 1997

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 19–E, 58, 368, and 18–R before the Indian Claims Commission.

Resolved, That the House agree to the amendments of the Senate numbered 1–60, 62 and 63 to the bill (H.R. 1604) entitled "An Act to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission.".

Resolved, That the House disagree to the amendment of Senate numbered 61 to the above-entitled bill.

Mr. LOTT. Mr. President, I move that the Senate recede from its amendment No. 61.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

RELIEF OF SYLVESTER FLIS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1172.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1172) for the relief of Sylvester Flis.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1172) was read the third time and passed, as follows:

S. 1172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT OF NATURALIZATION TO SYLVESTER FLIS.

(a) IN GENERAL.—Notwithstanding any other provision of law, Sylvester Flis shall be naturalized as a citizen of the United States upon the filing of the appropriate application and upon being administered the oath of renunciation and allegiance in an appropriate ceremony pursuant to section 337 of the Immigration and Nationality Act.

(b) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply if the application for naturalization is filed with appropriate fees within 1 year after the date of the enactment of this Act.

AMENDING THE FEDERAL CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3025, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3025) to amend the Federal charter for Group Hospitalization and Medical Services, Inc., and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3025) was read a third time and passed.

LOBBYING DISCLOSURE TECHNICAL AMENDMENTS ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 283, S. 758.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 758) to make certain technical corrections to the Lobbying Disclosure Act of 1995.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 758) was read a third time and passed, as follows:

S. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Lobbying Disclosure Technical Amendments Act of 1997".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Lobbying Disclosure Act of 1995.

SEC. 2. DEFINITION OF COVERED EXECUTIVE BRANCH OFFICIAL.

Section 3(3)(F) (2 U.S.C. 1602(3)(F)) is amended by striking "7511(b)(2)" and inserting "7511(b)(2)(B)".

SEC. 3. CLARIFICATION OF EXCEPTION TO LOBBYING CONTACT.

(a) CERTAIN COMMUNICATIONS.—Section 3(8)(B)(ix) (2 U.S.C. 1602(8)(B)(ix)) is amended by inserting before the semicolon the following: ", including any communication compelled by a Federal contract grant, loan, permit, or license".

(b) DEFINITION OF "PUBLIC OFFICIAL".—Section 3(15)(F) (2 U.S.C. 1602(15)(F)) is amended by inserting ", or a group of governments acting together as an international organization" before the period.

SEC. 4. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) SECTION 15(a).—Section 15(a) (2 U.S.C. 1610(a)) is amended—

(1) by striking "A registrant" and inserting "A person, other than a lobbying firm,"; and

(2) by amending paragraph (2) to read as follows:

"(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that such activities are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.".

(b) SECTION 15(b).—Section 15(b) (2 U.S.C. 1610(b)) is amended—

(1) by striking "A registrant that is subject to" and inserting "A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to"; and

(2) by amending paragraph (2) to read as follows:

"(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that amounts paid or costs incurred in connection with such activities are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.".

(c) SECTION 5(c).—Section 5(c) (2 U.S.C. 1604(c)) is amended by striking paragraph (3).

SEC. 5. EXEMPTION BASED ON REGISTRATION UNDER LOBBYING ACT.

Section 3(h) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(h)) is amended by striking "is required to register and does register" and inserting "has engaged in lobbying activities and has registered".

ACTION ON MEASURE VITIATED AND MEASURE INDEFINITELY POSTPONED—S. 1292

Mr. LOTT. Mr. President, I ask unanimous consent that passage of S. 1292 be vitiated and the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1271.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "FAA Research, Engineering, and Development Authorization Act of 1997".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2)(J);

(2) by striking the period at the end of paragraph (3)(J) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(4) for fiscal year 1998, $229,673,000, including—

"(A) $16,379,000 for system development and infrastructure projects and activities;

"(B) $27,089,000 for capacity and air traffic management technology projects and activities;

"(C) $23,362,000 for communications, navigation, and surveillance projects and activities;

"(D) $16,600,000 for weather projects and activities;

"(E) $7,854,000 for airport technology projects and activities;

"(F) $49,202,000 for aircraft safety technology projects and activities;

"(G) $56,045,000 for system security technology projects and activities;

"(H) $27,137,000 for human factors and aviation medicine projects and activities;

"(I) $2,891,000 for environment and energy projects and activities; and

"(J) $3,114,000 for innovative/cooperative research projects and activities.".

SEC. 3. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) PROGRAM.—Section 48102 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(h) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—

"(1) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities and Hispanic Serving Institutions, in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

"(A) research projects to be carried out at primarily undergraduate institutions and technical colleges;

"(B) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration; or

"(C) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees.

"(2) NOTICE OF CRITERIA.—Within 6 months after the date of the enactment of the FAA Research, Engineering, and Development Authorization Act of 1997, the Administrator of the Federal Aviation Administration shall establish and publish in the Federal Register criteria for the submittal of proposals for a grant under this subsection, and for the awarding of such grants.

"(3) PRINCIPAL CRITERIA.—The principal criteria for the awarding of grants under this subsection shall be—

"(A) the relevance of the proposed research to technical research needs identified by the Federal Aviation Administration;

"(B) the scientific and technical merit of the proposed research; and

"(C) the potential for participation by undergraduate students in the proposed research.

"(4) COMPETITIVE, MERIT-BASED EVALUATION.—Grants shall be awarded under this subsection on the basis of evaluation of proposals through a competitive, merit-based process.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 48102(a) of title 49, United States Code, as amended by this Act, is further amended by inserting ", of which $750,000 shall be for carrying out the grant program established under subsection (h)" after "projects and activities" in paragraph (4)(J).

SEC. 4. LIMITATION ON APPROPRIATIONS.

No sums are authorized to be appropriated to the Administrator of the Federal Aviation Administration for fiscal year 1998 for the Federal Aviation Administration Research, Engineering, and Development account, unless such sums are specifically authorized to be appropriated by the amendments made by this Act.

SEC. 5. NOTICE OF REPROGRAMMING.

If any funds authorized by the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 6. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the Federal Aviation Administration should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Federal Aviation Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Federal Aviation Administration is unable to correct in time.

Mr. LOTT. Mr. President, Senators MCCAIN and HOLLINGS have a technical amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. MCCAIN, for himself and Mr. HOLLINGS, proposes an amendment numbered 1638.

Mr. LOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 10, strike "$229,673,000," and insert "$226,800,000,".

On page 12, line 25, strike "$56,045,000" and insert "$53,759,000".

On page 13, line 1, strike "$27,137,000" and insert "$26,550,000".

On page 13, line 6, strike "activities.'." and insert "activities; and"

On page 13, between lines 6 and 7, insert the following:

"(5) for fiscal year 1999, $229,673,000.".

On page 13, line 17, strike "leges" and insert "leges, including Historically Black Colleges and Universities and Hispanic Serving Institutions,".

On page 15, strike lines 11 through 17.

On page 15, line 18, strike "**SEC. 5. NOTICE OF REPROGRAMMING.**" and insert "**SEC. 4. NOTICES.**".

On page 15, line 19, insert "(a) REPROGRAMMING.—" before "If".

On page 16, between lines 2 and 3, insert the following:

(b) NOTICE OF REORGANIZATION.—The Administrator of the Federal Aviation Administration shall provide notice to the Committees on Science, Transportation and Infrastructure, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization (as determined by the Administrator) of any program of the Federal Aviation Administration for which funds are authorized by this Act.

On page 16, line 3, strike "**SEC. 6.**" and insert "**SEC. 5.**".

Amend the title so as to read "A Bill to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999, and for other purposes.".

Mr. MCCAIN. Mr. President, I am pleased to join with my distinguished colleagues, Senators GORTON, HOLLINGS and FORD, in approving this amendment to authorize the Federal Aviation Administration [FAA] Research, Engineering, and Development [RE&D] account for fiscal years 1998 and 1999. The FAA's RE&D account is used to finance projects to improve the safety, security, capacity, and efficiency of the U.S. aviation system.

FAA research and development activities help to provide the advancements and innovations that are needed to keep the U.S. aviation system the best in the world. Our nation's ability to have a strong aviation-related research and development program directly impacts our success in the global market and our standard of living.

This legislation authorizes the funding needed for ongoing or planned FAA RE&D projects that will provide important benefits for the U.S. aviation system and its users. The FAA RE&D program will fund projects to determine how limited airport and airspace capacity can meet ever increasing demands, how aviation security can be improved, and how flight safety concerns can be addressed.

As my colleagues know, I have been particularly concerned about ensuring that the FAA has an adequate level of funding for security research and development. The threat of terrorism against the United States has increased and aviation is, and will remain, an attractive terrorist target. That is why this legislation provides $54 million for security technology research and development. This figure represents almost one-fourth of the total authorized funding level, and is $10 million above the appropriations level.

Mr. President, Senator HOLLINGS, Aviation Subcommittee Chairman Senator GORTON, Senator FORD, and I have worked hard with the FAA and our colleagues in the House to craft legislation that can provide the FAA with the funding it needs for critical research and development projects, while also being mindful of our tight federal budget. I urge my colleagues to approve this legislation by unanimous consent.

Mr. HOLLINGS. Mr. President, when TWA flight 800 exploded over the coast of Long Island on July 17, 1997, 230 people perished. They left behind people who loved and cared about them. They left a void in many people's lives. When a USAirways jet crashed in Charlotte in July 1994, 37 people died, including many from my State. The pain and suffering those families suffered is heartbreaking.

H.R. 1271, the FAA Research, Engineering, and Development Authorization Act of 1997, authorizes more than 4450 million to conduct basic aviation safety research, with one primary goal—to reduce the likelihood that another family will lose a loved one in an aviation accident.

When we talk about safety, it all begins with two factors—leadership and research. The U.S. today is the world's leader in aviation safety. However, that is not enough. We must maintain that leadership and continue to pursue the best means to avoid aviation disasters.

Over the last several years, we have stressed the need to improve security. New machines continue to be tested and improved. This bill furthers that process. We also must remain vigilant about other areas to improve safety, like controlled flight into terrain and human factors. All too often an accident is a function of a human error. The error can be the result of technology design or human judgment. Research remains the key to making adjustments so that our families do not have to experience what the families of TWA flight 800 or the USAirways Charlotte flight had to endure.

The bill also recognizes that we must work with our colleges and technical schools to develop programs to meet challenges of the future. Our Nation's aircraft maintenance program will be changing. Our air traffic control workforce and maintenance workforce will be changing with the new equipment scheduled to be installed over the next 5 years. We must remain ahead of the technological curve—working with the schools will facilitate our preparation for change. The administration knows this and has worked with me to address that issue.

We worked hard with the administration on this bill, and it is my understanding that they support the bill. In the area of security, for example, the fiscal year 1998 Transportation Appropriations Act provided $44.225 million. The authorization in H.R. 1271 is more than $11 million more, an amount which will give the FAA flexibility to move funds from one account to another, should it be necessary.

I understand that the FAA may request additional funding for fiscal year 1999 to further its modernization efforts. In addition, more funding for security may be requested, and we will need to consider those requests, if made.

I urge my colleagues to support the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the technical amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1638) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee substitute, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1271), as amended, was read a third time and passed.

The title was amended so as to read:

A Bill to authorize the Federal Aviation Administration's research, engineering, and

development programs for fiscal years 1998 and 1999, and for other purposes.

JOHN N. GRIESEMER POST OFFICE BUILDING

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 1254, and further that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1254) to designate the United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, as the "John N. Griesemer Post Office Building."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1254) was read a third time and passed.

ACQUISITION OF CERTAIN REAL PROPERTY FOR THE LIBRARY OF CONGRESS

Mr. LOTT. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2979, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the report.

The legislative clerk read as follows:

A bill (H.R. 2979) to authorize acquisition of certain real property for the Library of Congress, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. FORD. Mr. President, the legislation before us would authorize the Architect of the Capitol to accept a gift of approximately 41 acres of property and buildings in Culpeper, Virginia for use by the Library of Congress as a national audiovisual conservation center. The purchase price of this facility is $5.5 million. The private foundation which has offered to purchase this property and donate it for the Library's use has also agreed to provide the Library with an additional $4.5 million for the renovation of this property, making a total gift of $10 million. The renovations to the property will be made by the Architect of the Capitol, as approved by the appropriate oversight and appropriations committees.

The Library's film collection is currently stored in several Library or government-leased sites. With this gift, the Library intends to consolidate the storage of its audio-visual collection, specifically its acetate film collection. However, the facility at Culpeper cannot currently house the nitrate-based film collection. While I will not object to passage of this legislation, I am concerned by both the manner in which the Library presented this issue to Congress and by a number of precedent-setting issues this gift raises which have not been fully aired.

It is my understanding that the Library first identified the Culpeper property as a potential site for storage of a portion of its film collection several years ago. And yet, this legislation before us today was shared with my office only last week, and was introduced in the House and Senate over the weekend. While it is not unusual this time of year to see legislation flying past the Congress on its way to the White House for signature, this measure raises a number of concerns that should, and could, have been fully debated by those who ultimately will be responsible to the taxpayer for the cost of its maintenance and upkeep in the years to come.

First, and most importantly, is the issue of whether the government, particularly the Library, should be in the business of acquiring real estate. It is rather ironic that this is being proposed at a time when the leadership in the Congress is calling for privatization of many legislative branch functions and the sale of certain legislative branch properties. It is particularly true of this property which includes about 41 acres, but insufficient buildings and improvements to house all of the Library's audiovisual collection. I don't want to assume what the Library plans to do with all this property, but I got a pretty good idea by reading the study the Library commissioned from Abacus Technology Corporation.

The current buildings on the Culpeper property can house only the acetate film collection. In order to consolidate the nitrate film collection at the Culpeper site, the Abacus study recommends constructing new buildings to house the nitrate collection. And how much would such facilities cost? Over $16 million over the next 4 years. But a hefty building and expansion program is not all that is planned for these 41 acres. The Abacus study describes the Library's vision with regard to this audiovisual center as offering, subject to the approval of Congress, a cost-effective conservation service for other libraries and archives. Whether this will require additional buildings or is included in the Abacus cost estimates already is not disclosed.

A second concern that this issue raises is the ultimate cost to the taxpayer of accepting this gift. According to the Abacus study, the total cost for renovating, maintaining and expanding the Culpeper property over the 25 year life cycle of the facility is $47 million. Other alternatives identified by Abacus and the Library range from about $54 million to $86 million. However, the Abacus study does not include cost estimates for the Architect of the Capitol for the on-going maintenance and repair of the 41 acres of grounds and buildings that would now be owned by the government.

Thirdly, as currently structured, it is not clear how this property and facilities will be managed. By statute, the Architect of the Capitol is responsible for only the structural work on buildings and grounds of Library property, including the maintenance and care of the grounds and certain mechanical equipment. Since this site is over 70 miles away from Washington, it may require that the Architect physically locate maintenance personnel there. But the Architect will not manage these 41 acres and buildings—that will now be the responsibility of the Library—hardly a task they have much experience with. Moreover, as my colleagues know, the Library has its own security force. Presumably, this facility will also need to be secure. However, in recent years, there have been discussions about the possibility of transferring certain exterior security functions of the Library security force to the Capitol Police. I'm not sure I want our Capitol police responsible for taking care of the security of 41 acres in Culpeper.

I appreciate the pressure the Librarian feels to raise private funds to provide core Library functions. However, any gift that the Librarian solicits ultimately becomes the responsibility of the American taxpayers. Before we saddle them with the maintenance, upkeep, and overhead of additional federal buildings and prime real estate, there should an opportunity to fully air these issues. Changes I sought in this legislation will do that, even if after the fact.

Being from Kentucky, I know better than to look a gift horse in the mouth. But being from west Kentucky, which is hog country, I also know a pig-in-a-poke when I see it. The Library may not be asking the American taxpayers to accept a pig-in-a-poke, but with all the unanswered questions, this Culpeper property is pretty darn close to it. I'll be sticking close to the farm over the next year, and as provided by this legislation, will be looking for answers to these questions before approving improvements and expansions on this gift.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements be

placed at the appropriate place in the RECORD.

The bill (H.R. 2979) was read the third time, and passed.

EXPRESSING THE SENSE OF CONGRESS RELATIVE TO GERMAN REPARATIONS TO HOLOCAUST SURVIVORS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 138, S. Con. Res. 39.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 39) expressing the sense of the Congress that the German government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MOYNIHAN. Mr. President, the German Government has long recognized its moral obligation to assist the survivors of the Holocaust. The landmark reparations agreements of the early 1950's between the West German Government and Jewish groups were predicated on this simple premise. Yet, as years go by, it has become increasingly apparent that a large number of survivors, particularly those living in Eastern and Central Europe, were excluded from these agreements and are now being denied assistance on the flimsiest of technical grounds. As a result, in July Senators GRAHAM, HATCH, and DODD joined me in introducing Senate Concurrent Resolution 39. I am pleased that the Senate will take up this important issue today.

The need for such legislation was reinforced only last week. On November 5, Judge Heinz Sonnenberger in Germany upheld just 1 of 22 claims made by a group of Jewish women seeking payment for their work as slave laborers at Auschwitz. The other claims were dismissed by the judge on the grounds that the women had already received compensation under Germany's Federal Compensation Law. This decision represents the German Government's intractable attitude toward survivors of Nazi slave labor, however, it also presents a small window of hope for the survivors of slave labor who until now have been denied compensation by the German Government.

The German Government has continually dealt with the survivors of Nazi persecution in a heartless, bureaucratic manner, basing its decisions on technical questions and eschewing a moral obligation to aid all survivors regardless of past compensation, current financial status, or amount of pain suffered. This practice stands in sharp contrast to the generous disability pensions paid by the German Government to former members of the Waffen-SS and their families. Until last year, when the German Supreme Court ruled that cases of compensation for slave labor could be taken up by the German courts, survivors of slave labor had been told that they should address their claims to the companies that used slave labor and not the German Government. Often companies had already paid a lump sum toward compensation and refused to hear further claims, while other companies, which had never paid claims, refused to pay them altogether. After 50 years of avoidance, it is time for the German Government to take the opportunity this ruling provides and address the issue of compensation to slave laborers head on.

Judge Sonnenberger's ruling is the first time that a German court has awarded compensation to a survivor of slave labor to be paid by the German Government. The possibility that this ruling is a precedent may be a bright spot in this otherwise regrettable decision. Perhaps other survivors of slave labor, who have never received compensation from the German Government, will be emboldened by this ruling and bring their own cases forward. This progress is tempered by the rejection of the other 21 claims. In this regard, Judge Sonnenberger's decision carries on the German Government's practice of overlooking humanitarian considerations when judging compensation claims made by the survivors of Nazi persecution.

In order to encourage a change in the German Government's position, Senate Concurrent Resolution 39 urges the German Government to expand and simplify its reparations system, to provide reparations to survivors in Eastern and Central Europe, and to set up a fund to help cover the medical expenses of Holocaust survivors. Although half a century has passed since the end of World War II, it is important to remember how many chapters opened by the devastating war remain unfinished. I hope this action will help bring the issue of reparations for survivors of Nazi persecution the fore, and encourage the German Government to make appropriate changes so that the elderly survivors of the Holocaust receive appropriate reparations.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 39) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 39

Whereas the annihilation of 6,000,000 European Jews during the Holocaust and the murder of millions of others by the Nazi German state constitutes one of the most tragic episodes in the history of man's inhumanity to man;

Whereas there are more than 125,000 Holocaust survivors living in the United States and approximately 500,000 living around the world;

Whereas aging Holocaust survivors throughout the world are still suffering from permanent injuries suffered at the hands of the Nazis, and many are unable to afford critically needed medical care;

Whereas, while the German Government has attempted to address the needs of Holocaust survivors, many are excluded from reparations because of onerous eligibility requirements imposed by the German Government;

Whereas the German Government often rejects Holocaust survivors' claims on the grounds that the survivor did not present the claim correctly or in a timely manner, that the survivor cannot demonstrate to the Government's satisfaction that a particular illness or medical condition is the direct consequence of persecution in a Nazi-created ghetto or concentration camp, or that the survivor is not considered sufficiently destitute;

Whereas tens of thousands of Holocaust survivors in the former Soviet Union and other formerly Communist countries in Eastern and Central Europe have never received reparations from Germany and a smaller number has received a token amount;

Whereas, after more than 50 years, hundreds of thousands of Holocaust survivors continue to be denied justice and compensation from the German Government;

Whereas the German Government pays generous disability pensions to veterans of the Nazi armed forces, including non-German veterans of the Waffen-SS;

Whereas in 1996 the German Government paid $7,700,000,000 in such pensions to 1,100,000 veterans, including 3,000 veterans and their dependents now living in the United States;

Whereas such pensions are a veteran's benefit provided over and above the full health coverage that all German citizens, including veterans of the Waffen-SS, receive from their government; and

Whereas it is abhorrent that Holocaust survivors should live out their remaining years in conditions worse than those enjoyed by the surviving former Nazis who persecuted them: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the German Government should expand and simplify its system of reparations so that all Holocaust survivors can receive reparations, regardless of their nationality, length or place of internment, or current financial situation;

(2) the German Government should provide reparations to Holocaust survivors in the former Soviet Union and other former Communist countries in Eastern and Central Europe;

(3) the German Government should fulfill its responsibilities to victims of the Holocaust and immediately set up a comprehensive medical fund to cover the medical expenses of all Holocaust survivors worldwide; and

(4) the German Government should help restore the dignity of Holocaust survivors by paying them sufficient reparations to ensure that no Holocaust survivor be forced by poverty to live in conditions worse than those generally enjoyed by the surviving former Nazis who persecuted them.

PROVIDING FOR A CENTER FOR HISTORICALLY BLACK HERITAGE WITHIN FLORIDA A&M UNIVERSITY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1559, introduced earlier today by Senators MACK and GRAHAM.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1559) to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAHAM. Mr. President, I rise today on behalf of myself and my friend Senator MACK to introduce legislation authorizing the expansion of the Black Archives Research Center and Museum at the Florida Agricultural and Mechanical University in Tallahassee, Florida.

This legislation is significant not only to the Florida A&M but to national heritage. Since 1977, the Black Archives at FAMU has been charged with collecting all materials reflecting the African-American presence and participation regionally, nationally and internationally.

The Black Archives Research Center and Museum is the largest repository of African-American history in the Southeast.

In 1997, Time magazine and Princeton Review chose Florida A&M University as the college of the year. This recognition is well deserved. Since 1992, Florida A&M University has vied with Harvard in enrolling the most National Achievement Scholars. (Florida A&M leading in 1992 and 1995 and Harvard in 1993 and 1994.)

The Black Archives includes over 500,000 artifacts, manuscripts, art works and oral history tapes pre-dating the Civil War, through the early days of the civil rights movement to today.

Unfortunately, this fine center finds itself in disrepair.

The bill Senator MACK and I introduce today would authorize the design, and construction of a facility to better house these priceless documents for future generations.

Our bill would stipulate that the State of Florida match the Federal investment dollar for dollar, making it truly a Federal-State partnership.

Specifically, our bill would make the Black Archives Research Center and Museum eligible for up to $3.8 million in Federal funding beginning in 1998 and any succeeding years.

I ask unanimous consent that material relating to the Black Archives Research Center and Museum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The BARCM is located in the oldest building on the campus of Florida A&M University. The building was completed in 1907, with the assistance of a $10,000 grant from Andrew Carnegie. This building is still standing and has been placed on the National Register of Historic Places.

The purpose of the Black Archives was set forth in 1971 in an act of the Florida legislature that mandated the establishment of a repository to "serve the state by collecting and preserving source materials on or about Black Americans from the earliest beginnings to the present."

The BARCM was formally dedicated and officially opened in 1977. Part of its scholarly and cultural responsibility is the collection of any materials reflecting the Black presence and participation in local, regional, national and international history. The BARCM has the largest repository of African American history and artifacts in the southeast including over 500,000 artifacts, manuscripts, art work, and oral history tapes, as well as meeting and research rooms and a mobile touring museum.

The Black Archives Research Center and Museum (BARCM) is presently 3000 square feet. It is planned that the interior of the present building be restored to its original appearance. True to the Carnegie-style architectural design, the building can easily be divided into four wings; two on the first floor and two on the second floor. The building which was originally the campus library and post office, would be used solely as museum space and would house permanent collections as well as traveling or touring exhibits. As such, there would only be a need for one staff person on site, a tour guide or docent. There is also potential for housing a museum store and gift shop at this location. This enterprise could possibly generate revenues toward the ongoing support and maintenance of the building. The basement of the Carnegie building would be used for an educational "Underground Railroad" for grades K–12.

With proper funding, the Carnegie building would be "connected" (via catwalk or breezeway) to the larger 33,000 square foot space that is proposed to be built directly behind it. The larger 33,000 square foot space would be used as a research library, an archives, and as much-needed storage space. In addition, work space and preservation laboratory would be housed on the sub-level. While the Carnegie building would be used for major exhibitions and educational programs, the larger and newer space would be designated almost solely for serious study and analysis of the various collections. Tours would be prohibited in the larger space.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1559) was deemed read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSTRUCTION OF A CENTER FOR REGIONAL BLACK CULTURE.

(a) FINDINGS.—Congress makes the following findings:

(1) Currently 500,000 historically important artifacts of the Civil War era and the early days of the civil rights movement in the Southeast region of the United States are housed at Florida A&M University.

(2) To preserve this large repository of African-American history and artifacts it is appropriate that the Federal Government share in the cost of construction of this national repository for culture and history.

(b) DEFINITION.—In this section:

(1) CENTER.—The term "Center" means the Center for Historically Black Heritage at Florida A&M University.

(2) SECRETARY.—The term "Secretary" means the Secretary of Interior acting through the Director of the National Park Service.

(c) CONSTRUCTION OF CENTER.—The Secretary may award a grant to the State of Florida to pay for the Federal share of the cost, design, construction, furnishing, and equipping of the Center at Florida A&M University.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), Florida A&M University, shall submit to the Secretary a proposal.

(2) FEDERAL SHARE.—The Federal share described in subsection (c) shall be 50 percent.

(e) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary of Interior to carry out this section a total of $3,800,000 for fiscal year 1998 and any succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended.

OCEANS ACT OF 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 288, S. 1213.

The PRESIDING OFFICER. The clerk will report.

A bill (S. 1213) to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to omit the part struck through and insert the part printed in italic:

So as to make the bill read:

S. 1213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oceans Act of 1997".

SEC. 2. CONGRESSIONAL FINDINGS; PURPOSE AND OBJECTIVES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Covering more than two-thirds of the Earth's surface, the oceans and Great Lakes play a critical role in the global water cycle and in regulating climate, sustain a large part of Earth's biodiversity, provide an important source of food and a wealth of other natural products, act as a frontier to scientific exploration, are critical to national security, and provide a vital means of transportation. The coasts, transition between land and open ocean, are regions of remarkably high biological productivity, contribute more than 30 percent of the Gross Domestic Product, and are of considerable importance for recreation, waste disposal, and mineral exploration.

(2) Ocean and coastal resources are susceptible to change as a direct and indirect result of human activities, and such changes can significantly impact the ability of the oceans and Great Lakes to provide the benefits upon which the Nation depends. Changes in ocean and coastal processes could affect global climate patterns, marine productivity and biodiversity, environmental quality, national security, economic competitiveness, availability of energy, vulnerability to natural hazards, and transportation safety and efficiency.

(3) Ocean and coastal resources are not infinite, and human pressure on them is increasing. One half of the Nation's population lives within 50 miles of the coast, ocean and coastal resources once considered inexhaustible are now threatened with depletion, and if population trends continue as expected, pressure on and conflicting demands for ocean and coastal resources will increase further as will vulnerability to coastal hazards.

(4) Marine technologies hold tremendous promise for expanding the range and increasing the utility of products from the oceans and Great Lakes, improving the stewardship of ocean and coastal resources, and contributing to business and manufacturing innovations and the creation of new jobs.

(5) Marine research has uncovered the link between oceanic and atmospheric processes and improved understanding of world climate patterns and forecasts. Important new advances, including availability of military technology, have made feasible the exploration of large areas of the ocean which were inaccessible several years ago. In designating 1998 as "The Year of the Ocean", the United Nations highlights the value of increasing our knowledge of the oceans.

(6) It has been 30 years since the Commission on Marine Science, Engineering, and Resources (known as the Stratton Commission) conducted a comprehensive examination of ocean and coastal activities that led to enactment of major legislation and the establishment of key oceanic and atmospheric institutions.

(7) A review of existing activities is essential to respond to the changes that have occurred over the past three decades and to develop an effective new policy for the twenty-first century to conserve and use sustainable ocean and coastal resources, protect the marine environment, explore ocean frontiers, protect human safety, and create marine technologies and economic opportunities.

(8) While significant Federal ocean and coastal programs are underway, those programs would benefit from a coherent national ocean and coastal policy that reflects the need for cost-effective allocation of fiscal resources, improved interagency coordination, and strengthened partnerships with State, private, and international entities engaged in ocean and coastal activities.

(b) PURPOSE AND OBJECTIVES.—The purpose of this Act is to develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities that will assist the Nation in meeting the following objectives:

(1) The protection of life and property against natural and manmade hazards.

(2) Responsible stewardship, including use, of fishery resources and other ocean and coastal resources.

(3) The protection of the marine environment and prevention of marine pollution.

(4) The enhancement of marine-related commerce, transportation, and national security, and the resolution of conflicts among users of the marine environment.

(5) The expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities.

(6) The continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities.

(7) Close cooperation among all government agencies and departments to ensure—

(A) coherent regulation of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities; and

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities.

(8) The preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The term "Commission" means the Commission on Ocean Policy.

(2) The term "Council" means the National Ocean Council.

(3) The term "marine research" means scientific exploration, including basic science, engineering, mapping, surveying, monitoring, assessment, and information management, of the oceans, coasts, and Great Lakes—

(A) to describe and advance understanding of—

(i) the role of the oceans, coasts and Great Lakes in weather and climate, natural hazards, and the processes that regulate the marine environment; and

(ii) the manner in which such role, processes, and environment are affected by human actions;

(B) for the conservation, management and sustainable use of living and nonliving resources; and

(C) to develop and implement new technologies related to sustainable use of the marine environment.

(4) The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters and the adjacent shore lands;

(B) the continental shelf;

(C) the Great Lakes; and

(D) the ocean and coastal resources thereof.

(5) The term "ocean and coastal activities" includes activities related to marine research, fisheries and other ocean and coastal resource stewardship and use, marine aquaculture, energy and mineral resource extraction, national security, marine transportation, recreation and tourism, waste management, pollution mitigation and prevention, and natural hazard reduction.

(6) The term "ocean and coastal resource" means, with respect to the oceans, coasts, and Great Lakes, any living or non-living natural resource (including all forms of animal and plant life found in the marine environment, habitat, biodiversity, water quality, minerals, oil, and gas) and any significant historic, cultural or aesthetic resource.

SEC. 4. NATIONAL OCEAN AND COASTAL POLICY.

(a) EXECUTIVE RESPONSIBILITIES.—The President, with the assistance of the Council and the advice of the Commission, shall—

(1) develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities; and

(2) with regard to Federal agencies and departments—

(A) review significant ocean and coastal activities, including plans, priorities, accomplishments, and infrastructure requirements;

(B) plan and implement an integrated and cost-effective program of ocean and coastal activities including, but not limited to, marine research, stewardship of ocean and coastal resources, protection of the marine environment, maritime transportation safety and efficiency, the marine aspects of national security, marine recreation and tourism, and marine aspects of weather, climate, and natural hazards;

(C) designate responsibility for funding and conducting ocean and coastal activities; and

(D) ensure cooperation and resolve differences arising from laws and regulations applicable to ocean and coastal activities which result in conflicts among participants in such activities.

(b) COOPERATION AND CONSULTATION.—In carrying out responsibilities under this Act, the President and the Council may use such staff, interagency, and advisory arrangements as they find necessary and appropriate and shall consult with non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. NATIONAL OCEAN COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a National Ocean Council which shall consist of—

(1) the Secretary of Commerce, who shall be Chairman of the Council;

(2) the Secretary of the Navy;

(3) the Secretary of State;

(4) the Secretary of Transportation;

(5) the Secretary of the Interior;

(6) the Administrator of the Environmental Protection Agency;

(7) the Director of the National Science Foundation;

(8) the Director of the Office of Science and Technology Policy;

(9) the Chairman of the Council on Environmental Quality;

(10) the Chairman of the National Economic Council;

(11) the Director of the Office of Management and Budget; and

(12) such other Federal officers and officials as the President considers appropriate.

(b) ADMINISTRATION.—

(1) The President or the Chairman of the Council may from time to time designate one of the members of the Council to preside over meetings of the Council during the absence or unavailability of such Chairman.

(2) Each member of the Council may designate an officer of his or her agency or department appointed with the advice and consent of the Senate to serve on the Council as an alternate in the event of the unavoidable absence of such member.

(3) An executive secretary shall be appointed by the Chairman of the Council, with the approval of the Council. The executive secretary shall be a permanent employee of one of the agencies or departments represented on the Council and shall remain in the employ of such agency or department.

(4) For the purpose of carrying out the functions of the Council, each Federal agency or department represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

(A) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

(B) undertaking, upon request of the Chairman of the Council, such special studies for the Council as are necessary to carry out its functions.

(5) The Chairman of the Council shall have the authority to make personnel decisions regarding any employees detailed to the Council.

(c) FUNCTIONS.—The Council shall—

(1) serve as the forum for developing an ocean and coastal policy and program, taking into consideration the Commission report, and for overseeing implementation of such policy and program;

(2) improve coordination and cooperation, and eliminate duplication, among Federal agencies and departments with respect to ocean and coastal activities;

(3) work with academic, State, industry, public interest, and other groups involved in ocean and coastal activities to provide for periodic review of the Nation's ocean and coastal policy;

(4) cooperate with the Secretary of State in—

(A) providing representation at international meetings and conferences on ocean and coastal activities in which the United States participates; and

(B) coordinating the Federal activities of the United States with programs of other nations; and

(5) report at least biennially on Federal ocean and coastal programs, priorities, and accomplishments and provide budgetary advice as specified in section 7.

SEC. 6. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—

[(1) The President shall, within 90 days of the enactment of this Act, establish a Commission on Ocean Policy. The Commission shall be composed of 15 members including individuals drawn from Federal and State governments, industry, academic and technical institutions, and public interest organizations involved with ocean and coastal activities. Members shall be appointed for the life of the Commission as follows:

(A) 7 shall be appointed by the President of the United States, no more than 3 of whom may be from the executive branch of the Government.]

[(B) 2 shall be appointed by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(C) 2 shall be appointed by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(D) 2 shall be appointed by the Speaker of the House of Representatives in consultation with the Chairman of the House Committee on Resources and the Chairman of the House Committee on Science.

(E) 2 shall be appointed by the Minority Leader of the House of Representatives in consultation with the Ranking Member of the House Committee on Resources and the Ranking Member of the House Committee on Science.]

(1) The President shall, within 90 days after the enactment of this Act, establish a Commission on Ocean Policy. The Commission shall be composed of 16 members including individuals drawn from State and local governments, industry, academic and technical institutions, and public interest organizations involved with ocean and coastal activities. Members shall be appointed for the life of the Commission as follows:

(A) 4 shall be appointed by the President of the United States.

(B) 4 shall be appointed by the President chosen from a list of 8 proposed members submitted by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(C) 4 shall be appointed by the President chosen from a list of 8 proposed members submitted by the Speaker of the House of Representatives in consultation with the Chairman of the House Committee on Resources and the Chairman of the House Committee on Science.

(D) 2 shall be appointed by the President chosen from a list of 4 proposed members submitted by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(E) 2 shall be appointed by the President chosen from a list of 4 proposed members submitted by the Minority Leader of the House in consultation with the Ranking Member of the House Committee on Resources and the Ranking Member of the House Committee on Science.

(2) CHAIRMAN.—The President shall select a Chairman and Vice Chairman from among such 15 members.

(3) ADVISORY MEMBERS TO THE COMMISSION.—The President shall appoint 4 advisory members from among the Members of the Senate and House of Representatives as follows:

(A) Two Members, one from each party, selected from the Senate.

(B) Two Members, one from each party, selected from the House of Representatives.

(b) FINDINGS AND RECOMMENDATIONS.—The Commission shall report to the President and the Congress on a comprehensive national ocean and coastal policy to carry out the purpose and objectives of this Act. In developing the findings and recommendations of the report, the Commission shall—

(1) review and suggest any necessary modifications to United States laws, regulations, and practices necessary to define and implement such policy;

(2) assess the condition and adequacy of investment in existing and planned facilities and equipment associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate technologies and platforms;

(3) review existing and planned ocean and coastal activities of Federal agencies and departments, assess the contribution of such activities to development of an integrated long-range program for marine research, ocean and coastal resource management, and protection of the marine environment, and identify any such activities in need of reform to improve efficiency and effectiveness;

(4) examine and suggest mechanisms to address the interrelationships among ocean and coastal activities, the legal and regulatory framework in which they occur, and their inter-connected and cumulative effects on the marine environment, ocean and coastal resources, and marine productivity and biodiversity;

(5) review the known and anticipated demands for ocean and coastal resources, including an examination of opportunities and limitations with respect to the use of ocean and coastal resources within the exclusive economic zone, projected impacts in coastal areas, and the adequacy of existing efforts to manage such use and minimize user conflicts;

(6) evaluate relationships among Federal, State, and local governments and the private sector for planning and carrying out ocean and coastal activities and address the most appropriate division of responsibility for such activities;

(7) identify opportunities for the development of or investment in new products, technologies, or markets that could contribute to the objectives of this Act;

(8) consider the relationship of the ocean and coastal policy of the United States to the United Nations Convention on the Law of the Sea and other international agreements, and actions available to the United States to effect collaborations between the United States and other nations, including the development of cooperative international programs for marine research, protection of the marine environment, and ocean and coastal resource management; and

(9) engage in any other preparatory work deemed necessary to carry out the duties of the Commission pursuant to this Act.

(c) DUTIES OF CHAIRMAN.—In carrying out the provisions of this subsection, the Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

(d) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government, or whose compensation is not precluded by a State, local, or Native American tribal government position, shall be compensated at a rate equal to the daily equivalent of the annual rate payable for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(e) STAFF.—

(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director who is knowledgeable in administrative management and ocean and coastal policy and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and

termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) The executive director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for GS–15, step 7, of the General Schedule under section 5332 of such title.

(3) Upon request of the Chairman of the Commission, the head of any Federal Agency shall detail appropriate personnel of the agency to the Commission to assist the Commission in carrying out its functions under this Act. Federal Government employees detailed to the Commission shall serve without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) The Commission may accept and use the services of volunteers serving without compensation, and to reimburse volunteers for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, a volunteer under this section may not be considered to be an employee of the United States for any purpose.

(5) The Commission is authorized to procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate payable for GS–15, step 7, of the General Schedule under section 5332 of title 5, United States Code.

(f) ADMINISTRATION.—

(1) All meetings of the Commission shall be open to the public, except when the Chairman of the Commission or a majority of the members of the Commission determine that the meeting or any portion of it may be closed to the public. Interested persons shall be permitted to appear at open meetings and present oral or written statement on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(3) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(4) The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

(g) COOPERATION WITH OTHER AGENCIES.—

(1) The Commission is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act. Each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon the request of the Chairman of the Commission.

(2) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(3) The General Services Administration shall provide to the Commission on a reimbursable basis the administrative support services that the Commission may request.

(4) The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to sections 303 of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 253), section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416), and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(h) REPORT.—The Commission shall submit to the President, via the Council, and to the Congress not later than 18 months after the establishment of the Commission, a final report of its findings and recommendations. The Commission shall cease to exist 30 days after it has submitted its final report.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to support the activities of the Commission a total of $6,000,000 for fiscal years 1998 and 1999. Any sums appropriated shall remain available remain available without fiscal year limitation until expended.

SEC. 7. REPORT AND BUDGET COORDINATION.

(a) BIENNIAL REPORT.—Beginning in January, 1999, the President, through the Council, shall transmit to the Congress biennially a report, which shall include—

(1) a comprehensive description of the ocean and coastal activities and related accomplishments of all agencies and departments of the United States during the preceding two fiscal years; and

(2) an evaluation of such activities and accomplishments in terms of the purpose and objectives of this Act. Reports made under this section shall contain such recommendations for legislation as the President may consider necessary or desirable.

(b) BUDGET COORDINATION.—

(1) Each year the Council shall provide general guidance to each Federal agency or department involved in ocean or coastal activities with respect to the preparation of requests for appropriations.

(2) Working in conjunction with the Council, each agency or department involved in such activities shall include with its annual request for appropriations a report which—

(A) identifies significant elements of the proposed agency or department budget relating to ocean and coastal activities; and

(B) specifies how each such element contributes to the implementation of a national ocean and coastal policy.

(3) Each agency or department that submits a report under paragraph (1) shall submit such report simultaneously to the Council.

(4) The President shall, in a timely fashion, provide the Council with an opportunity to review and comment on the budget estimate of each such agency or department.

(5) The President shall identify in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, those elements of each agency or department budget that contribute to the implementation of a national ocean and coastal policy.

SEC. 8. REPEAL OF 1966 STATUTE.

The Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1101 et seq.) is repealed.

AMENDMENT NO. 1639

(Purpose: To modify the bill as reported)

Mr. NICKLES. Mr. President, I send an amendment to the desk on behalf of Ms. SNOWE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Ms. SNOWE and Mr. HOLLINGS, proposes an amendment numbered 1639.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CHAFEE. Mr. President, I rise today in support of S. 1213, the Oceans Act of 1997 and to thank the bill's principal sponsors for addressing my concerns. This legislation has broad, bipartisan support and as the senior Senator from the Ocean State, I am glad the United States Senate will be on the record on ocean and coastal policy as we enter 1998, which the United Nation has designated as the "Year of the Ocean."

The Oceans Act of 1997 is a significant bill. Its 1966 predecessor, the Marine Resources and Engineering Development Act, was one of the seminal developments in environmental law. The act created the Commission on Marine Science, Engineering, and Resources, better known as the Stratton Commission. The Stratton Commission's report, "Our Nation and the Sea" was delivered in 1969 and, among its many important recommendations, led directly to the creation of National Oceanographic and Atmospheric Administration in 1970.

I would note that two distinguished Rhode Islanders played leading roles in the Stratton Commission. University of Rhode Island Professor Emeritus John A. Knauss, then the Dean of the University of Rhode Island's Graduate School of Oceanography, was a Commission member and chaired the panel on Environmental Monitoring and on Management and Development of the Coastal Zone. Professor Emeritus Lewis Alexander of the University of Rhode Island, who has had a distinguished career in government and academia, was the Commission's Deputy Director. I expect that the Rhode Islanders will play key roles in the new Stratton Commission.

The value of our oceans and coastal areas cannot be underestimated. More

than half of the United States population lives in or near a coastal area. The commercial fishing industry alone, which depends on these areas, contributes $111 billion dollars per year to the national economy. Moreover, oceans are the lifeblood of the world. The health of our marine resources is intertwined with that of ecosystems throughout the world.

The purpose of the bill before us is to develop and maintain a comprehensive national policy for our oceans and coastal areas. A national ocean policy includes a broad range of issues from commerce, environmental protection, scientific research, to national security. To that end, the bill establishes a 16-member National Ocean Commission, which will be assisted by an interagency National Ocean Council, in developing and making recommendations to Congress for a national oceans policy.

As originally reported by the Committee on Commerce, Science and Technology, the creation of the National Ocean Council, raised two concerns. First, how would the National Ocean Council affect the execution of existing environmental laws? Second, is it timely now to create a permanent Council prior to the report of the independent National Ocean Commission created in the bill?

The manager's amendment that is before us to day answers both of these questions. Any possible ambiguity regarding the National Ocean Council's role is resolved. Existing responsibilities under federal law are unaffected.

I was concerned creation of a permanent Council now would unduly constrain the Commission's recommendations. The manager's amendment makes it clear, however, that the National Ocean Council's function is to assist the independent National Ocean Commission in the preparation of its report. After the Commission completes its report, the Council will take the Commission report into account in developing an implementation plan for a national ocean and coastal policy. the National Ocean Council will also cease to exist one year after the Commission submits its report.

Before closing, I want to commend Senators HOLLINGS for his persistence with respect to oceans and coastal policy. I also want to thank him, as well as Senators SNOWE and MCCAIN, for addressing my concerns in the manager's amendment.

Mr. HOLLINGS. Mr. President, I rise in support of Senate passage of S. 1213, the Oceans Act of 1997. The bill calls for an action plan for the twenty-first century to explore, protect, and make better use of our oceans and coasts. Its passage is, quite simply, the most important step we can take today to ensure the future of our oceans and coasts.

I thank my colleagues for their support, in particular, the leadership of the Commerce Committee, Senators MCCAIN and SNOWE, for their cosponsorship and their efforts over the last several weeks to bring this bill to the floor. Following in the Commerce Committee tradition with respect to ocean issues, this has been a bipartisan process. I also thank the other cosponsors of the legislation, Senators STEVENS, KERRY, BREAUX, INOUYE, KENNEDY, BOXER, BIDEN, LAUTENBERG, AKAKA, MURKOWSKI, THURMOND, and MURRAY for their continued support. Finally, I want to express my appreciation to the numerous academic, environmental, and industry groups who agree that the time has come for this bill.

The legislation that is before the Senate today is a substitute by Senator SNOWE and myself, that reflects the comments received from the administration and concerns expressed by Senator CHAFEE and others. The essential elements of the bill remain the same as the committee-reported version and would establish two new entities. First is a 16-member Commission on Ocean Policy (Commission) to provide recommendations for a national ocean and coastal policy. Second is the National Ocean Council (Council), a high-level Federal interagency working group to advise the President and the Commission, assist in policy development and implementation, and coordinate Federal programs relating to ocean and coastal activities.

The changes made by the Snowe-Hollings substitute focus primarily on addressing concerns expressed regarding the establishment of the Council. Over the past two weeks, the National Security Council and the Department of Commerce have worked under Secretary Daley's able leadership to pull together the views of the numerous Federal entities involved in ocean and coastal activities. The results of that effort are reflected in the amendment, and I am including a letter from Secretary Daley expressing the administration's support for S. 1213 following my statement. At Senator CHAFEE's request, we also have agreed to sunset the Council one year after the Commission completes its report. As we have discussed with both the administration and Senator CHAFEE, the purpose of the Council is to ensure coordinated input by Federal agencies and departments in the development and implementation of a national ocean and coastal policy. The Council is intended to provide an important forum for administration ocean policy discussions, not to supersede other ongoing coordination mechanisms like the interagency working group on international ocean policy, nor to interfere with ongoing Federal activities under existing law. The changes made by the substitute should clarify that intent, and if, based on experience and the Commission recommendations, the Council proves to be an effective long-term mechanism for coordinating Federal ocean activities, it could be extended either administratively or legislatively.

In 1966, Congress enacted the Marine Resources and Engineering Development Act (1966 Act). This bill would update and replace that legislation. The 1966 Act established the Stratton Commission whose report, "Our Nation and the Sea," defined national objectives and programs with respect to the oceans and in conjunction with the 1966 Act laid the foundation for U.S. ocean and coastal policy and programs, guiding their development for three decades.

While the Stratton Commission displayed broad vision, the world has changed in numerous ways since 1966. The U.S. legal and bureaucratic framework related to the oceans has grown enormously in the past 30 years. In 1966, there was no NOAA, no Environmental Protection Agency, and no laws like the Clean Water Act, Endangered Species Act, the Marine Mammal Protection Act, the Marine Protection, Research, and Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, or the Oil Pollution Act. Today people who work and live on the water face a patchwork of confusing and sometimes contradictory federal and state regulations. Fishermen tell me they need a law degree to go fishing. This bill will allow us to reduce conflicts while maintaining environmental and health safeguards.

Oceans and coasts face pressures today that the authors of the 1966 Act could not have foreseen. Today, over 50 percent of the U.S. population lives in coastal areas which account for less than 10 percent of our land area. By the year 2010, 127 million people, an estimated 60 percent of Americans, will live along the coast. Greater understanding of ocean and coastal ecosystems and improved management are essential to maintain healthy coasts and to prepare for and protect communities from natural hazards like hurricanes.

We need to do a better job of managing and using marine resources as demonstrated by fish kills, oil spills, the invasion of zebra mussels, and the death of thousands of marine animals from marine plastic debris. We have fallen short in defending our shores and waters. In recent years, New England has struggled with the collapse of their traditional cod, haddock, and flounder. In other regions, overfished stocks include sharks, swordfish, bluefin tuna, salmon, red snapper, grouper, and weakfish. Restoring fisheries could add an estimated $2.9 billion to the economy each year. However, we are allowing about 20,000 acres of coastal wetlands, important fish habitat, to disappear each year. Louisiana alone has lost half a million acres of wetlands since the mid 1950's.

Environmental threats to the oceans are growing increasingly complex. This

past summer, local newspapers reported daily on *Pfiesteria*, the tiny killer cell wreaking havoc in the Chesapeake Bay and North Carolina. Thousands of fish were killed—literally eaten alive by this toxic organism—and some fishermen, swimmers, boaters, and scientists exposed to the cell experienced memory loss, skin lesions, and other troubling symptoms. Scientists suspect everything from inadequate city sewage plants to farm manure and fertilizer runoff. The technical, legal, and management tools to address *Pfiesteria* may exist collectively within a variety of federal and state agencies. However, we currently lack a structured and effective means to bring this expertise to bear on the problem.

Another challenge is El Niño, the cyclical warming of ocean waters off the western coast of South America. The warming results in significant shifts in weather patterns, including rainfall and temperatures in the United States and elsewhere. Experts estimate that an additional 150 Americans die in storms and flooding in El Niño years. While El Niño is a natural phenomenon, human effects on the oceans and atmosphere may increase its magnitude and frequency. Advanced forecasts could reduce by up to $1 billion the agricultural, economic, and social impacts resulting from El Niño. In addition, action to reduce global warming and other changes to the oceans and atmosphere may reduce the severity of future El Niño events.

We have an opportunity to take economic and scientific advantage of recent technological advances related to the oceans. Today, we still have explored only a tiny fraction of the sea, but with the use of new technologies what we have found is truly incredible. For example, hydrothermal vents, hot water geysers on the deep ocean floor, were discovered just 20 years ago by oceanographers trying to understand the formation of the earth's crust. Now this discovery has led to the identification of nearly 300 new types of marine animals with untold pharmaceutical and biomedical potential.

A re-examination of national policies is also essential to maintain U.S. leadership on international ocean issues. On November 16, 1994, the U.N. Convention on the Law of the Sea entered into force for most countries of the world. Although the United States has accepted most provisions of the treaty as customary international law and 120 other nations are party, U.S. ratification remains in question. At issue is whether changes made to the treaty in 1994 adequately correct the seabed mining provisions that the United States has opposed for twelve years.

The last 31 years have brought great changes to our oceans and coast. Our nation needs to reexamine our policies and programs so that we can continue to explore, protect, and sustainably use ocean resources now and throughout the twenty-first century. The Oceans Act of 1997 will guide us through that process with the vision it demands. I urge the Senate to pass S. 1213.

I ask unanimous consent a letter dated November 9, 1997 from the Secretary of Commerce be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, DC, November 9, 1997.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to provide the Administration's views on the Oceans Act of 1997 (S. 1213) as reported by the Senate Committee on Commerce, Science and Transportation. As you prepare to bring the bill to the Senate floor, your consideration of the Administration's views would be appreciated.

The Committee has developed a bill that supports and furthers the Administration's ocean policy goals. The Administration has in place robust interagency mechanisms for coordinating ocean policy issues. We believe that the bill, as modified by the Manager's Amendment that was recently provided to us, would be consistent with, and assist in achieving, the Administration's domestic ocean policy objectives. Accordingly, the Administration supports Senate passage of S. 1213, as modified by the Manager's Amendment.

We have been advised by the Office of Management and Budget that there is no objection to the submission of this letter to the Congress from the standpoint of the program of the President.

Sincerely,

WILLIAM M. DALEY.

Mr. NICKLES. Mr. President, I ask unanimous consent that the amendment be agreed to, that the bill be considered read the third time, and passed, as amended, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1639) was agreed to.

The bill (S. 1213) was considered read the third time, and passed, as amended, as follows:

S. 1213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oceans Act of 1997".

SEC. 2. CONGRESSIONAL FINDINGS; PURPOSE AND OBJECTIVES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Covering more than two-thirds of the Earth's surface, the oceans and Great Lakes play a critical role in the global water cycle and in regulating climate, sustain a large part of Earth's biodiversity, provide an important source of food and a wealth of other natural products, act as a frontier to scientific exploration, are critical to national security, and provide a vital means of transportation. The coasts, transition between land and open ocean, are regions of remarkably high biological productivity, contribute more than 30 percent of the Gross Domestic Product, and are of considerable importance for recreation, waste disposal, and mineral exploration.

(2) Ocean and coastal resources are susceptible to change as a direct and indirect result of human activities, and such changes can significantly impact the ability of the oceans and Great Lakes to provide the benefits upon which the Nation depends. Changes in ocean and coastal processes could affect global climate patterns, marine productivity and biodiversity, environmental quality, national security, economic competitiveness, availability of energy, vulnerability to natural hazards, and transportation safety and efficiency.

(3) Ocean and coastal resources are not infinite, and human pressure on them is increasing. One half of the Nation's population lives within 50 miles of the coast, ocean and coastal resources once considered inexhaustible are now threatened with depletion, and if population trends continue as expected, pressure on and conflicting demands for ocean and coastal resources will increase further as will vulnerability to coastal hazards.

(4) Marine transportation is key to United States participation in the global economy and to the wide range of activities carried out in ocean and coastal regions. Inland waterway and ports are the link between marine activities in ocean and coastal regions and the supporting transportation infrastructure ashore. International trade is expected to triple by 2020. The increase has the potential to outgrow—

(A) the capabilities of the marine transportation system to ensure safety; and

(B) the existing capacity of ports and waterways.

(5) Marine technologies hold tremendous promise for expanding the range and increasing the utility of products from the oceans and Great Lakes, improving the stewardship of ocean and coastal resources, and contributing to business and manufacturing innovations and the creation of new jobs.

(6) Research has uncovered the link between oceanic and atmospheric processes and improved understanding of world climate patterns and forecasts. Important new advances, including availability of military technology, have made feasible the exploration of large areas of the ocean which were inaccessible several years ago. In designating 1998 as "The Year of the Ocean", the United Nations highlights the value of increasing our knowledge of the oceans.

(7) It has been 30 years since the Commission on Marine Science, Engineering, and Resources (known as the Stratton Commission) conducted a comprehensive examination of ocean and coastal activities that led to enactment of major legislation and the establishment of key oceanic and atmospheric institutions.

(8) A review of existing activities is essential to respond to the changes that have occurred over the past three decades and to develop an effective new policy for the twenty-first century to conserve and use, in a sustainable manner, ocean and coastal resources, protect the marine environment, explore ocean frontiers, protect human safety, and create marine technologies and economic opportunities.

(9) Changes in United States laws and policies since the Stratton Commission, such as the enactment of the Coastal Zone Management Act, have increased the role of the

States in the management of ocean and coastal resources.

(10) While significant Federal and State ocean and coastal programs are underway, those Federal programs would benefit from a coherent national ocean and coastal policy that reflects the need for cost-effective allocation of fiscal resources, improved interagency coordination, and strengthened partnerships with State, private, and international entities engaged in ocean and coastal activities.

(b) PURPOSE AND OBJECTIVES.—The purpose of this Act is to develop and maintain, consistent with the obligations of the United States under international law, a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities that will assist the Nation in meeting the following objectives:

(1) The protection of life and property against natural and manmade hazards.

(2) Responsible stewardship, including use, of fishery resources and other ocean and coastal resources.

(3) The protection of the marine environment and prevention of marine pollution.

(4) The enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of marine resources.

(5) The expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities.

(6) The continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities.

(7) Close cooperation among all government agencies and departments to ensure—

(A) coherent regulation of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities; and

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities.

(8) The enhancement of partnerships with State and local governments with respect to oceans and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at the State and local level.

(9) The preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The term "Commission" means the Commission on Ocean Policy.

(2) The term "Council" means the National Ocean Council.

(3) The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters and the adjacent shore lands;

(B) the continental shelf;

(C) the Great Lakes; and

(D) the ocean and coastal resources thereof.

(4) The term "ocean and coastal activities" includes activities related to oceanography, fisheries and other ocean and coastal resource stewardship and use, marine aquaculture, energy and mineral resource extraction, marine transportation, recreation and tourism, waste management, pollution mitigation and prevention, and natural hazard reduction.

(5) The term "ocean and coastal resource" means, with respect to the oceans, coasts, and Great Lakes, any living or non-living natural resource (including all forms of animal and plant life found in the marine environment, habitat, biodiversity, water quality, minerals, oil, and gas) and any significant historic, cultural or aesthetic resource.

(6) The term "oceanography" means scientific exploration, including marine scientific research, engineering, mapping, surveying, monitoring, assessment, and information management, of the oceans, coasts, and Great Lakes—

(A) to describe and advance understanding of—

(i) the role of the oceans, coasts and Great Lakes in weather and climate, natural hazards, and the processes that regulate the marine environment; and

(ii) the manner in which such role, processes, and environment are affected by human actions;

(B) for the conservation, management and sustainable use of living and nonliving resources; and

(C) to develop and implement new technologies related to sustainable use of the marine environment.

SEC. 4. NATIONAL OCEAN AND COASTAL POLICY.

(a) EXECUTIVE RESPONSIBILITIES.—The President, with the assistance of the Council and the advice of the Commission, shall—

(1) develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities consistent with obligations of the United States under international law; and

(2) with regard to Federal agencies and departments—

(A) review significant ocean and coastal activities, including plans, priorities, accomplishments, and infrastructure requirements;

(B) plan and implement an integrated and cost-effective program of ocean and coastal activities including, but not limited to, oceanography, stewardship of ocean and coastal resources, protection of the marine environment, maritime transportation safety and efficiency, marine recreation and tourism, and marine aspects of weather, climate, and natural hazards;

(C) designate responsibility for funding and conducting ocean and coastal activities; and

(D) ensure cooperation and resolve differences arising from laws and regulations applicable to ocean and coastal activities which result in conflicts among participants in such activities.

(b) COOPERATION AND CONSULTATION.—In carrying out responsibilities under this Act, the President may use such staff, interagency, and advisory arrangements as the President finds necessary and appropriate and shall consult with non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. NATIONAL OCEAN COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a National Ocean Council and appoint a Chairman from among its members. The Council shall consist of—

(1) the Secretary of Commerce;

(2) the Secretary of Defense;

(3) the Secretary of State;

(4) the Secretary of Transportation;

(5) the Secretary of the Interior;

(6) the Attorney General;

(7) the Administrator of the Environmental Protection Agency;

(8) the Director of the National Science Foundation;

(9) the Director of the Office of Science and Technology Policy;

(10) the Chairman of the Council on Environmental Quality;

(11) the Chairman of the National Economic Council;

(12) the Director of the Office of Management and Budget; and

(13) such other Federal officers and officials as the President considers appropriate.

(b) ADMINISTRATION.—

(1) The President or the Chairman of the Council may from time to time designate one of the members of the Council to preside over meetings of the Council during the absence or unavailability of such Chairman.

(2) Each member of the Council may designate an officer of his or her agency or department appointed with the advice and consent of the Senate to serve on the Council as an alternate in the event of the unavoidable absence of such member.

(3) An executive secretary shall be appointed by the Chairman of the Council, with the approval of the Council. The executive secretary shall be a permanent employee of one of the agencies or departments represented on the Council and shall remain in the employ of such agency or department.

(4) For the purpose of carrying out the functions of the Council, each Federal agency or department represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

(A) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

(B) undertaking, upon request of the Chairman of the Council, such special studies for the Council as are necessary to carry out its functions.

(5) The Chairman of the Council shall have the authority to make personnel decisions regarding any employees detailed to the Council.

(c) FUNCTIONS.—The Council shall—

(1) assist the Commission in completing its report under section 6;

(2) serve as the forum for developing an implementation plan for a national ocean and coastal policy and program, taking into consideration the Commission report;

(3) improve coordination and cooperation, and eliminate duplication, among Federal agencies and departments with respect to ocean and coastal activities; and

(4) assist the President in the preparation of the first report required by section 7(a).

(d) SUNSET.—The Council shall cease to exist one year after the Commission has submitted its final report under section 6(h).

(e) SAVINGS PROVISION.—

(1) Council activities are not intended to supersede or interfere with other Executive Branch mechanisms and responsibilities.

(2) Nothing in this Act has any effect on the authority or responsibility of any Federal officer or agency under any other Federal law.

SEC. 6. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The President shall, within 90 days after the enactment of this Act, establish a Commission on Ocean Policy. The Commission shall be composed of 16 members including individuals drawn from State and local governments, industry, academic and technical institutions, and public interest organizations involved with ocean and

coastal activities. Members shall be appointed for the life of the Commission as follows:

(A) 4 shall be appointed by the President of the United States.

(B) 4 shall be appointed by the President chosen from a list of 8 proposed members submitted by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(C) 4 shall be appointed by the President chosen from a list of 8 proposed members submitted by the Speaker of the House of Representatives in consultation with the Chairman of the House Committee on Resources.

(D) 2 shall be appointed by the President chosen from a list of 4 proposed members submitted by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(E) 2 shall be appointed by the President chosen from a list of 4 proposed members submitted by the Minority Leader of the House in consultation with the Ranking Member of the House Committee on Resources.

(2) FIRST MEETING.—The Commission shall hold its first meeting within 30 days after it is established.

(3) CHAIRMAN.—The President shall select a Chairman from among such 16 members. Before selecting the Chairman, the President is requested to consult with the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

(4) ADVISORY MEMBERS.—In addition, the Commission shall have 4 Members of Congress, who shall serve as advisory members. One of the advisory members shall be appointed by the Speaker of the House of Representatives. One of the advisory members shall be appointed by the minority leader of the House of Representatives. One of the advisory members shall be appointed by the majority leader of the Senate. One of the advisory members shall be appointed by the minority leader of the Senate. The advisory members shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission.

(b) FINDINGS AND RECOMMENDATIONS.—The Commission shall report to the President and the Congress on a comprehensive national ocean and coastal policy to carry out the purpose and objectives of this Act. In developing the findings and recommendations of the report, the Commission shall—

(1) review and suggest any necessary modifications to United States laws, regulations, and practices necessary to define and implement such policy, consistent with the obligations of the United States under international law;

(2) assess the condition and adequacy of investment in existing and planned facilities and equipment associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate technologies and platforms;

(3) review existing and planned ocean and coastal activities of Federal agencies and departments, assess the contribution of such activities to development of an integrated long-range program for oceanography, ocean and coastal resource management, and protection of the marine environment, and identify any such activities in need of reform to improve efficiency and effectiveness;

(4) examine and suggest mechanisms to address the interrelationships among ocean and coastal activities, the legal and regulatory framework in which they occur, and their inter-connected and cumulative effects on the marine environment, ocean and coastal resources, and marine productivity and biodiversity;

(5) review the known and anticipated demands for ocean and coastal resources, including an examination of opportunities and limitations with respect to the use of ocean and coastal resources within the exclusive economic zone, projected impacts in coastal areas, and the adequacy of existing efforts to manage such use and minimize user conflicts;

(6) evaluate relationships among Federal, State, and local governments and the private sector for planning and carrying out ocean and coastal activities and address the most appropriate division of responsibility for such activities;

(7) identify opportunities for the development of or investment in new products, technologies, or markets that could contribute to the objectives of this Act;

(8) consider the relationship of the ocean and coastal policy of the United States to the United Nations Convention on the Law of the Sea and other international agreements, and actions available to the United States to effect collaborations between the United States and other nations, including the development of cooperative international programs for oceanography, protection of the marine environment, and ocean and coastal resource management; and

(9) engage in any other preparatory work deemed necessary to carry out the duties of the Commission pursuant to this Act.

(c) DUTIES OF CHAIRMAN.—In carrying out the provisions of this subsection, the Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

(d) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government, or whose compensation is not precluded by a State, local, or Native American tribal government position, shall be compensated at a rate equal to the daily equivalent of the annual rate payable for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(e) STAFF.—

(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director who is knowledgeable in administrative management and ocean and coastal policy and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) The executive director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for GS–15, step 7, of the General Schedule under section 5332 of such title.

(3) Upon request of the Chairman of the Commission, after consulting with the head of the Federal agency concerned, the head of any Federal Agency shall detail appropriate personnel of the agency to the Commission to assist the Commission in carrying out its functions under this Act. Federal Government employees detailed to the Commission shall serve without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) The Commission may accept and use the services of volunteers serving without compensation, and to reimburse volunteers for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, a volunteer under this section may not be considered to be an employee of the United States for any purpose.

(5) To the extent that funds are available, and subject to such rules as may be prescribed by the Commission, the executive director of the Commission may procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate payable for GS–15, step 7, of the General Schedule under section 5332 of title 5, United States Code.

(f) ADMINISTRATION.—

(1) All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statement on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(3) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(4) The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

(g) COOPERATION WITH OTHER FEDERAL ENTITIES.—

(1) The Commission is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act. Each such agency or department is authorized to cooperate with the Commission and, to the

extent permitted by law, to furnish such information to the Commission, upon the request of the Chairman of the Commission.

(2) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(3) The General Services Administration shall provide to the Commission on a reimbursable basis the administrative support services that the Commission may request.

(4) The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to section 303 of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 253), section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416), and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(h) REPORT.—The Commission shall submit to the President, via the Council, and to the Congress not later than 18 months after the establishment of the Commission, a final report of its findings and recommendations. The Commission shall cease to exist 30 days after it has submitted its final report.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to support the activities of the Commission a total of up to $6,000,000 for fiscal years 1998 and 1999. Any sums appropriated shall remain available without fiscal year limitation until the Commission ceases to exist.

SEC. 7. REPORT AND BUDGET COORDINATION.

(a) BIENNIAL REPORT.—Beginning in January, 1999, the President shall transmit to the Congress biennially a report, which shall include—

(1) a comprehensive description of the ocean and coastal activities (and budgets) and related accomplishments of all agencies and departments of the United States during the preceding two fiscal years; and

(2) an evaluation of such activities (and budgets) and accomplishments in terms of the purpose and objectives of this Act. Reports made under this section shall contain such recommendations for legislation as the President may consider necessary or desirable.

(b) BUDGET COORDINATION.—

(1) Each year the President shall provide general guidance to each Federal agency or department involved in ocean or coastal activities with respect to the preparation of requests for appropriations.

(2) Each agency or department involved in such activities shall include with its annual request for appropriations a report which—

(A) identifies significant elements of the proposed agency or department budget relating to ocean and coastal activities; and

(B) specifies how each such element contributes to the implementation of a national ocean and coastal policy.

SEC. 8. REPEAL OF 1966 STATUTE.

The Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1101 et seq.) is repealed.

AMENDING TITLE 49, UNITED STATES CODE, REGARDING THE NATIONAL TRANSPORTATION SAFETY BOARD

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2476, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

A bill (H.R. 2476) to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I am pleased that the Senate has turned to H.R. 2476, the Foreign Air Carrier Family Support Act. I urge its immediate adoption. H.R. 2476 is virtually identical to legislation that I introduced earlier in the year, and that the Commerce Committee approved in September. I commend my committee colleagues—especially Senators GORTON, HOLLINGS, and FORD—for working with me on this issue. In particular, I want to recognize Representative UNDERWOOD, who spearheaded this effort in the House.

It was the tragic crash of Korean Air Flight 801 in Guam that brought the need for this legislation into focus. The bill would require a foreign air carrier that wants permission to operate in the United States to develop a family assistance plan, in the event of an accident on U.S. soil.

Specifically, the foreign air carrier would be required to provide the Secretary of Transportation and the chairman of the National Transportation Safety Board [NTSB] with a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves an aircraft under the control of that foreign air carrier, and that involves a significant loss of life. The Secretary could not grant permission for the foreign air carrier to operate in the United States unless the Secretary had received a sufficient family assistance plan.

The requisite family assistance plan would include a reliable, staffed toll-free number for the passengers' families, and a process for expedient family notification prior to public notice of the passengers' identities. An NTSB employee would serve as director of family support services, with the assistance of an independent nonprofit organization with experience in disasters and post-trauma communication with families. The foreign air carrier would provide these family liaisons with updated passenger lists following the crash. The legislation would require that the carrier consult and coordinate with the families on the disposition of remains and personal effects.

The legislation would build on the family assistance provisions that Congress enacted last year as part of the Federal Aviation Reauthorization Act of 1996. Domestic air carriers are already operating under the same legislative requirements set out in the legislation before us.

Again, it was the unfortunate confusion and heartache surrounding the tragic airline crash in Guam that demonstrated the need for this bill. I urge immediate adoption of the Foreign Air Carrier Family Support Act.

Mr. HOLLINGS. Mr. President, I want to thank Congressman UNDERWOOD of Guam for pursuing H.R. 2476. The bill, virtually identical to a bill reported by the Commerce Committee, S. 1196, puts the same burden on foreign air carriers serving the United States as those now imposed on U.S. carriers when dealing with the families affected by aviation disasters. Under existing law, U.S. carriers must develop and submit plans to the Department of Transportation and the National Transportation Safety Board on how they will address the needs of the families of victims of disasters. The law today does not include foreign air carriers, and thus, H.R. 2476 is needed.

The bill is supported by the Administration, and I support its adoption. What we are asking all of the carriers to do is treat people fairly. The U.S. carriers have already been asked to do it, and now we are asking the foreign air carriers to do it. All carriers, foreign or U.S., should be prepared to deal with the families and to provide them with the kinds of assistance they have every reason to expect. H.R. 2476 ensures that this will happen. I urge the Senate to pass this bill.

Mr. GORTON. Mr. President, I rise to join Senator MCCAIN, Senator HOLLINGS, and Senator FORD in urging that we immediately adopt H.R. 2476, the Foreign Air Carrier Family Support Act. I also recognize Representative Underwood's efforts to facilitate this legislation following the recent crash of Korean Air Flight 801 in Guam, which killed more than 200 people.

As Senator MCCAIN stated, last year the Congress approved almost identical legislation that required domestic air carriers to establish a disaster support plan for the families of aviation accident victims. The legislation we are now considering would extend this requirement to foreign air carriers if they have an accident on American soil.

I would note that the Family Assistance Task Force strongly supports this legislation. The task force, which Congress established to find new ways to assist family members and others devastated by an airline crash, recently

voted unanimously to endorse this act. The task force also asked that Congress pass this legislation as expeditiously as possible.

It is unfortunate that airline accidents often provide the impetus to make improvements. The Flight 801 tragedy clearly showed the need to improve planning to assist family members when a foreign airline crashes on American soil. Despite the best efforts of the National Transportation Safety Board and others, the family members of Flight 801 accident victims would have been better served if a plan had been in place.

As we all know, the news of an air disaster spreads quickly. The media is often reporting about a crash as soon as, if not before, the rescue teams reach the scene. This legislation provides a framework to ensure that family members receive proper assistance. Among other things, foreign airlines would be required to have a plan to publicize a toll-free number, have staff available to take calls, have an up-to-date list of passengers, and have a process to notify families—in person if possible—before any public notification that a family member was onboard a crashed aircraft. These are basic services that anyone should receive.

Hopefully, it will never be necessary for any foreign airline to use the plans required under this act. In the event of an accident, however, family members of victims are due the consideration and compassion that this legislation provides.

Again, I want to thank Senator MCCAIN for moving this legislation quickly, and I would urge that we now adopt the Foreign Air Carrier Family Support Act.

Mr. FORD. Mr. President, on August 5, 1997, Korean Air flight 801 crashed into a hillside on Guam, killing 228. We worked with Chairman MCCAIN and our House colleagues last year to enact legislation requiring U.S. air carriers to develop plans to address the needs of families following an aviation disaster. The 1996 Federal Aviation Administration [FAA] Reauthorization Act (P.L. 104-264), however, did not impose a similar requirement on foreign carriers serving the United States.

Section 703 of the FAA Reauthorization Act specifically requires that the air carrier submit disaster plans to the Secretary of Transportation and the National Transportation Safety Board. The plans must include items such as a means to publicize toll-free telephone numbers for the families, a process for notifying families, an assurance that the families be consulted on the disposition of remains and personal effects, and a requirement that the carrier work with other organizations in dealing with the disaster.

Congressman UNDERWOOD of Guam originally introduced H.R. 2834 on the House side, and a corresponding bill, S. 1196, was introduced in the Senate to subject foreign carriers serving the United States to the requirements mentioned above. The Senate bill was considered and reported by the Commerce Committee.

I urge my colleagues to support the passage of H.R. 2834 so the President can sign this bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2476) was considered, read the third time, and passed.

MAKING CLARIFICATION TO THE PILOT RECORDS IMPROVEMENT ACT OF 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2626, which was received in the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2626) to make clarifications to the Pilot Records Improvement Act of 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, last year, as part of the Federal Aviation Administration Reauthorization Act of 1996, we imposed a series of new requirements before an "air carrier" could hire a pilot. When the bill as originally crafted was being developed, we worked with the pilots' unions and with the Air Transport Association to develop a workable approach that is fair to pilots and airlines and advances aviation safety.

H.R. 2626 clears up a number of technical problems, but continues the spirit of the original legislation—to make sure that pilots operating commercial aircraft are qualified. For many smaller carriers, such as on-demand carriers like Bankair in South Carolina, the new law created a number of logistical problems. I added a provision to the fiscal year 1998 Transportation Appropriations law to ensure that the FAA, as holder of some pilot records, is able to supply those records expeditiously.

H.R. 2626 will allow air carriers to hire, but not use, a pilot until his or her records had been checked. Smaller carriers operating non-scheduled flights also are given additional flexibility. I support the changes, and urge the passage of H.R. 2626.

Mr. FORD. Mr. President, I want to explain to my colleagues the need for H.R. 2626, a bill to make clarifications to the Pilot Records Improvement Act of 1996. Last year, we worked diligently with the airlines, ALPA and the Independent Pilots Association, to craft a bill that requires air carriers to share pilot records before a pilot could be employed. The change in law was necessitated by a safety recommendation by the National Transportation Safety Board.

H.R. 2626 modifies the law to let the air carriers hire a pilot prior to final check of the records, but the pilot can not operate a commercial flight until the records are checked. Thus, the carriers can begin training new employees, and when the records are cleared, put the pilot to work. Because there have been problems in expeditiously providing records, the hiring process will not be impeded.

For small aircraft that are not used in scheduled service, for example, an on-demand cargo charter aircraft with a maximum payload capacity of less than 7,500 pounds, a fully certified pilot can operate such aircraft for a limited period while the records are being reviewed. The requirement on the cargo operator is not changed—the records must be obtained and checked, but the pilot can fly for a 90-day period. Finally, the bill provides a narrow good faith exception for a carrier seeking the records of a pilot from another carrier that has ceased to exist. All other requirements for the pilot—licenses, medical tests, for example—are unchanged.

I urge my colleagues to support the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2626) was considered read the third time, and passed.

AUTHORIZING TESTIMONY AND SENATE LEGAL COUNSEL REPRESENTATION

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 162 submitted earlier in the day by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 162) to authorize testimony and representation of Senate employees in United States v. Blackley.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a criminal prosecution brought against Ronald Blackley, the former chief of staff of former Secretary of Agriculture Mike Espy. The Independent Counsel, who is bringing this prosecution, seeks evidence from the Committee on Agriculture, Nutrition, and Forestry concerning representations made to the Committee about Mr. Blackley during the Committee's consideration of the nomination of Secretary Espy in January 1993. This resolution would authorize the testimony of employees and former employees of the Committee from whom testimony may be required, with representation by the Senate Legal Counsel.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 162), with its preamble, is as follows:

S. RES. 162

Whereas, in the case of *United States* v. *Blackley*, Criminal Case No. 97-0166, pending in the United States District Court for the District of Columbia, testimony has been requested from Brent Baglien, a former employee on the staff of the Committee on Agriculture, Nutrition, and Forestry;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Brent Baglien, and any other present or former employee from whom testimony may be required, are authorized to testify in the case of *United States* v. *Blackley*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Brent Baglien and any present or former employee of the Senate in connection with testimony in *United States* v. *Blackley*.

HOLOCAUST VICTIMS REDRESS ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate bill 1564 introduced earlier today by Senator D'AMATO.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1564) to provide redress of inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1564) was deemed read a third time, and passed, as follows:

S. 1564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Holocaust Victims Redress Act".

TITLE I—HEIRLESS ASSETS

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) Among the $198,000,000 in German assets located in the United States and seized by the United States Government in World War II were believed to be bank accounts, trusts, securities, or other assets belonging to Jewish victims of the Holocaust.

(2) Among an estimated $1,200,000,000 in assets of Swiss nationals and institutions which were frozen by the United States Government during World War II (including over $400,000,000 in bank deposits) were assets whose beneficial owners were believed to include victims of the Holocaust.

(3) In the aftermath of the war, the Congress recognized that some of the victims of the Holocaust whose assets were among those seized or frozen during the war might not have any legal heirs, and legislation was enacted to authorize the transfer of up to $3,000,000 of such assets to organizations dedicated to providing relief and rehabilitation for survivors of the Holocaust.

(4) Although the Congress and the Administration authorized the transfer of such amount to the relief organizations referred to in paragraph (3), the enormous administrative difficulties and cost involved in proving legal ownership of such assets, directly or beneficially, by victims of the Holocaust, and proving the existence or absence of heirs of such victims, led the Congress in 1962 to agree to a lump-sum settlement and to provide $500,000 for the Jewish Restitution Successor Organization of New York, such sum amounting to 1/6th of the authorized maximum level of "heirless" assets to be transferred.

(5) In June of 1997, a representative of the Secretary of State, in testimony before the Congress, urged the reconsideration of the limited $500,000 settlement.

(6) While a precisely accurate accounting of "heirless" assets may be impossible, good conscience warrants the recognition that the victims of the Holocaust have a compelling moral claim to the unrestituted portion of assets referred to in paragraph (3).

(7) Furthermore, leadership by the United States in meeting obligations to Holocaust victims would strengthen—

(A) the efforts of the United States to press for the speedy distribution of the remaining nearly 6 metric tons of gold still held by the Tripartite Commission for the Restitution of Monetary Gold (the body established by France, Great Britain, and the United States at the end of World War II to return gold looted by Nazi Germany to the central banks of countries occupied by Germany during the war); and

(B) the appeals by the United States to the 15 nations claiming a portion of such gold to contribute a substantial portion of any such distribution to Holocaust survivors in recognition of the recently documented fact that the gold held by the Commission includes gold stolen from individual victims of the Holocaust.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide a measure of justice to survivors of the Holocaust all around the world while they are still alive.

(2) To authorize the appropriation of an amount which is at least equal to the present value of the difference between the amount which was authorized to be transferred to successor organizations to compensate for assets in the United States of heirless victims of the Holocaust and the amount actually paid in 1962 to the Jewish Restitution Successor Organization of New York for that purpose.

(3) To facilitate efforts by the United States to seek an agreement whereby nations with claims against gold held by the Tripartite Commission for the Restitution of Monetary Gold would contribute all, or a substantial portion, of that gold to charitable organizations to assist survivors of the Holocaust.

SEC. 102. DISTRIBUTIONS BY THE TRIPARTITE GOLD COMMISSION.

(a) DIRECTIONS TO THE PRESIDENT.—The President shall direct the commissioner representing the United States on the Tripartite Commission for the Restitution of Monetary Gold, established pursuant to Part III of the Paris Agreement on Reparation, to seek and vote for a timely agreement under which all signatories to the Paris Agreement on Reparation, with claims against the monetary gold pool in the jurisdiction of such Commission, contribute all, or a substantial portion, of such gold to charitable organizations to assist survivors of the Holocaust.

(b) AUTHORITY TO OBLIGATE THE UNITED STATES.—

(1) IN GENERAL.—From funds otherwise unobligated in the Treasury of the United States, the President is authorized to obligate subject to subsection (2) an amount not to exceed $30,000,000 for distribution in accordance with subsections (a) and (b).

(2) CONFORMANCE WITH BUDGET ACT REQUIREMENT.—Any budget authority contained in paragraph (1) shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

SEC. 103. FULFILLMENT OF OBLIGATION OF THE UNITED STATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President such sums as may be necessary for fiscal years 1998, 1999, and 2000, not to exceed a total of $25,000,000 for all such fiscal

years, for distribution to organizations as may be specified in any agreement concluded pursuant to section 102.

(b) ARCHIVAL RESEARCH.—There are authorized to be appropriated to the President $5,000,000 for archival research and translation services to assist in the restitution of assets looted or extorted from victims of the Holocaust and such other activities that would further Holocaust remembrance and education.

TITLE II—WORKS OF ART

SEC. 201. FINDINGS.

Congress finds as follows:

(1) Established pre-World War II principles of international law, as enunciated in Articles 47 and 56 of the Regulations annexed to the 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land, prohibited pillage and the seizure of works of art.

(2) In the years since World War II, international sanctions against confiscation of works of art have been amplified through such conventions as the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which forbids the illegal export of art work and calls for its earliest possible restitution to its rightful owner.

(3) In defiance of the 1907 Hague Convention, the Nazis extorted and looted art from individuals and institutions in countries it occupied during World War II and used such booty to help finance their war of aggression.

(4) The Nazis' policy of looting art was a critical element and incentive in their campaign of genocide against individuals of Jewish and other religious and cultural heritage and, in this context, the Holocaust, while standing as a civil war against defined individuals and civilized values, must be considered a fundamental aspect of the world war unleashed on the continent.

(5) Hence, the same international legal principles applied among states should be applied to art and other assets stolen from victims of the Holocaust.

(6) In the aftermath of the war, art and other assets were transferred from territory previously controlled by the Nazis to the Union of Soviet Socialist Republics, much of which has not been returned to rightful owners.

SEC. 202. SENSE OF THE CONGRESS REGARDING RESTITUTION OF PRIVATE PROPERTY, SUCH AS WORKS OF ART.

It is the sense of the Congress that consistent with the 1907 Hague Convention, all governments should undertake good faith efforts to facilitate the return of private and public property, such as works of art, to the rightful owners in cases where assets were confiscated from the claimant during the period of Nazi rule and there is reasonable proof that the claimant is the rightful owner.

NATIONAL WEEK OF RECOGNITION FOR DOROTHY DAY AND THOSE WHOM SHE SERVED

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 163 introduced earlier today by Senator MOYNIHAN, D'AMATO, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 163) expressing the sense of the Senate on the 100th anniversary of the birth of Dorothy Day, and designating the week of November 8 through November 14, 1997 as "National Week of Recognition for Dorothy Day and those whom she served."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MOYNIHAN. Mr. President, I rise today to introduce a sense of the Senate resolution commemorating the 100th anniversary of the birth of Dorothy Day, a woman who embodies the very idea of service to others. I am pleased to be joined by Senators D'AMATO, WELLSTONE, LEVIN, DODD, TORRICELLI, REED, DURBIN, MIKULSKI, and KENNEDY in paying tribute to her life.

The life of Dorothy Day is central to modern Catholic social thought. Hers was a radical brand of discipleship, akin to what the German theologian Dietrich Bonhoeffer described as "costly grace" in The Cost of Discipleship. She lived a life of voluntary poverty and hardship, forsaking material comfort and opting to live among the poor whom she served. Just as Jesus befriended the tax collector and the prostitute, Dorothy Day embraced the drug addicted and the disenfranchised. She saw Christ in everyone—especially in the poor and the oppressed—and treated people accordingly. In short, she lived the Gospel.

In 1933, Dorothy Day and Peter Maurin joined to found the Catholic Worker Movement and the Catholic Worker newspaper "to realize in the individual and society the express and implied teachings of Christ." That same year, they opened the first Catholic Worker Hospitality house, St. Joseph's House, in Manhattan's Lower East Side. The country was, by then, in the throes of the Great Depression, a period of suffering unknown to this country before or since. Dorothy Day ministered to the physical and spiritual needs of the legions of poor who arrived on the doorstep at St. Joseph House. Today, some 64 years after its creation, the Catholic Worker Movement remains a vibrant legacy to her life. There are now more than 125 Catholic Worker "Houses of Hospitality" in the United States and around the world.

Perhaps Dorothy Day's life was summed up best by those at the University of Notre Dame who bestowed the Laetare Medal upon her in 1972 for "comforting the afflicted and afflicting the comfortable virtually all of her life." Indeed she did and we are all the better for it.

I ask unanimous consent that the text of a tribute by Patrick Jordan, who knew Dorothy Day from his days living at the Catholic Worker, from Commonweal and the text of the Resolution be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Commonweal, Oct. 24, 1997]

AN APPETITE FOR GOD

(By Patrick Jordan)

Dorothy Day was born on Pineapple Street in Brooklyn Heights on November 8, 1897. On the hundredth anniversary of her birth, her spirit is alive in the Catholic Worker movement she and Peter Maurin founded in 1933. The movements is still building, a rather remarkable feat in the history of American religious communities, now with over 125 houses and farming communes in the United States and in seven other countries. There are a variety of Catholic Worker publications that display strong writing and intellectual vitality: critical voices in the midst of the capitalist state, and lively antidotes to the spirit of bourgeois Christianity. Day and Maurin would be pleased.

In a real sense, Day was an Augustinian figure. She was a captivating, commanding presence, full of personal paradoxes (vulnerable and yet like steel) and inconsistencies (patient but fretful), who nonetheless cohered and remained consistently stalwart. She had been around (as she attests in her classic spiritual autobiography. The Long Loneliness), knew the full joys and sorrows of life from her harsh experience, and had gone through a life-searing conversion. She possessed marvelous observational skills and wrote with uncommon beauty and alacrity about her times: describing the challenge of living good, and yes, holy lives in an era of warring empires. She loved heroic figures, and aspired to be one. She hoped that her books would be read by millions and would lead to nonviolent, revolutionary change. She had a sense of humor about herself and her work, and told the story of having been asked to speak at a college on the topic "Saints and Heroes." She was greatly surprised (and delighted) when she found the lecture hall packed. Only later did she discover the reason: her talk had been mistakenly billed "Saints and Eros."

For me, Dorothy Day was the most engaging and engaged person I have ever met. Even now, seventeen years after her death in 1980, I think of her almost daily, with deep affection. What would she have thought of this moral dilemma, this political situation, this church teaching? How would she have approached a certain crisis, dealt with that obnoxious persons? If the problem happens to be several-sided and particularly dicey, I can be sure her response would be challenging, distinct, and unpredictable. Not that it would necessarily come as a surprise (she used to love to repeat the phrase, based on her sense of the Gospels. "There are always answers; they are just not calculated to soothe"). Her principles were doggedly clear: The admonitions of the Gospels, the Psalms, and Saint Paul. These ran so deeply in her that they seemed to issue from her marrow. When TV newsman Mike Wallace asked her, "Does God love murderers, does he love a Hitler, a Stalin?" she responded reflexively: "God loves all men, and all men are brothers".

In person, even in her seventies, Day was physically striking: tall, lean, her pale blue eyes keen but not intrusive. In the ideal movie of Dorothy's life, Jessica Lange would be cast in the part. Dorothy was one of those individuals whose presence can affect the tone of whole gatherings. When she entered a

crowded room, people with their backs to the door would turn spontaneously. Yet she was unfailingly modest, and almost painfully shy in public.

Dorothy's mind, while not that of a trained intellectual, was one of the most acute and supple I have seen at work; she was highly intuitive, shrewd when it came to money, morally rugged. She seemed to know herself with perfect clarify, the fruit of a lifetime of self-examination: "Cleanse us of our unknown faults," she would repeat often. Lecturing about the Catholic Worker, she would say of herself: "There is always a subtle self-aggrandizement. One may not intend it, yet there it crops out to humiliate one. Perhaps it is good to have this come out in the open." Both spiritually and personally, she was the genuine article.

If you went to talk to Dorothy in her small room on the third floor of the East First Street house, where she lived from 1968–76, you might be ensnared for hours. She would regale you with stories. In her early years as a reporter she had interviewed everyone from Trotsky to Jack Dempsey. She knew Eugene O'Neill and Dos Passos, and had inspired Auden. She had testified before Congress on conscientious objection, and while in Moscow in 1971, had defended Solzhenitsyn before the Soviet writers' group, breaking up their meeting. She had been shot at for her civil rights protests, been thrown into solitary confinement; she had taken on both church and state, loved both the opera and folk singer Joan Baez, was a doting mother, grandmother, great-grandmother, received Communion from the hands of the pope, and was a voracious reader. Yet for all that, when you were with her you felt perfectly at home; so much so you wanted to stay, maybe forever—at least I wanted to.

Even after over forty years of the hard Catholic Worker life, Dorothy's voice was young and there was merriment in her laughter. Vivian Gornick, the feminist writer, did a perspective on Day for the Village Voice in November 1969. At one point during their four-hour conversation, Gornick sensed that Dorothy had read her thoughts—a not uncommon experience if you spent time with her. While Day had not been critical of Gornick, the experience had raised questions for the latter. According to Martin Buber, the zaddik (or righteous teacher) responds to people's needs but first elevates them. Sitting there in the soup kitchen at 36 First Street, Gornick observed in Day "a love that categorically refuses to deny the irreducible humanity" of each person. "I felt in her a woman who has done many things she would wish not to have done; . . . been alone a long, long time in a curious, exalted, exhausting manner; and more important, that all of this was not a comfortable matter of the past; all of this was an ongoing affair . . . [in which Day's] faith is put through the fires daily." What comes through in Gornick's article is the journalist's keen respect for the older woman.

Dorothy once told Robert Coles—in a different context—"I have never wanted to lecture people; I have hoped to act in such a way that I will be reaching out to many others who will never be part of the Catholic Worker movement." It seems to have worked with Gornick and countless others.

I recently asked Tom Sullivan and Nina Polcyn Moore, both old friends and Catholic Workers, what made Day tick.

Sullivan, now in his eighties and in poor health in New York City, told me "her spirituality is basic. She started with the saints, and was oriented to the early Christians." For Moore, who now lives in Illinois, it was a matter of "love, divine and human." Dorothy "was not content with anything but the best," Moore told me. "She loved God with all her heart."

But it was Day's constancy in the hard vocation she had chosen that most amazed Moore: "Her availability to people and events, her fidelity to the Gospels, and her embracing the precariousness of the Worker life are keys to her greatness." According to Moore, who traveled with her here and abroad, Day evolved from a young radical to a person of international significance "because she was on fire with the love of God."

In *From Union Square to Rome*, Dorothy's first book about her conversion, she defines a mystic as someone in live with God: "Not one who loves God, but who is *in love with* God." Years later, she quoted with relish Sonya's last line in *Uncle Vanya*: "I have faith Uncle, I have fervent, passionate faith."

That faith was evident in every aspect of Day's life, I suppose it is what attracted so many of us to her: In seeing her faith we experienced our own hoped-for faith being validated and strengthened. "Every act of faith increases your faith," she instructed me over and over. But her faith was not a cold series of propositions or legalisms. It was rather a vital relationship. "More and more I see [that] prayer is the answer," she wrote in 1970. "It is the clasp of the hand, the joy and keen delight in the consciousness of the Other. Indeed, it is like falling in love." Not many people can write or speak of prayer that way because we don't practice it. C.S. Lewis advised that we develop not simply a spirituality, but an "appetite for God."

To see Dorothy at prayer was to observe someone completely engrossed. I can vividly picture her praying, off to the left side in one of the pews at Nativity Church in Manhattan. Coupled with this memory is another of my walking into her room one Saturday afternoon as she was listening to the opera. It was Wagner and Dorothy's face was transfixed. She didn't know I was there, and I retreated hastily, almost embarrassed to have intruded at such a private moment. But from those instances I learned something about the intercourse between prayer and ecstasy, and how they relate to beauty and love, human and divine.

For Nina Moore, it was Day's constancy in prayer, study, and reading that explained what could be explained about her continued spiritual growth. Lacking the structure of a formal monastic regimen (she was a Benedictine oblate and attached to the Jesu Caritas fellowship), Day had to steal the early morning hours for her spiritual exercises. She did this almost daily, year in and out: "My strength . . . returns to me with my cup of coffee and the reading of the psalms," she said.

Dorothy's take on life of the soul was anything but "spiritualized." It was sacramental and sensual, but it was not romantic. "I can't bear the romantics," she told Gornick. "I want a religious realist. I want one who prays to see things as they are and do something about it." Her own faith had required a terrible price: the end of her marriage and the breakup of her family: "For me, Christ was not bought for thirty pieces of silver," she wrote forty years after her conversion, "but with my heart's blood. We buy not cheap in this market."

What was essential for Dorothy—and what a popular mid-century retreated movement and the Catholic Workers fostered (see box)—was the serious attention and self-discipline required for growth in the life of the spirit. In this matter, I believe, Dorothy's mentor was Friedrich von Hügel, who wrote, in Victorian style, of the "costingness" of such growth. "Plant yourself," von Hügel counseled," on foundations that are secure: God, Christ, suffering, the Cross." I often saw Dorothy with his short classic, The Life of Prayer.

But the life of the spirit has to be cultivated, not merely for the sake of one's own self-improvement, but for the well-being of the whole church. As Dorothy prayed in Rome in 1965: "Give us, O Lord, peace, strength, and joy, so that we in turn may give them to others."

Theologically, Dorothy Day's chief contributions have to do with the issues of freedom, poverty, and violence.

Freedom. Perhaps her deepest personal, intuitive insight. Without freedom, there can be neither faith nor love.

When Dorothy first met Peter Maurin in 1932, she was impressed that he was carrying two books in his building pockets: Saint Francis and Peter Kropotkin. Kropotkin known as the anarchist prince, was, like Charles de Foucauld, a soldier and scientist. He had forsaken his title and had been jailed and exiled for agitating for reform in Czarist Russia. Even before meeting Maurin, Day held nonviolent anarchist views (she was a decentralist who felt more at home with the Wobblies than the Communists). The theoretical value Day saw in anarchism was its emphasis on personal freedom and responsibility, and on developing social patterns that foster them.

On the spiritual level, the highest rung of being, God gives freedom so that men and women can become human; thus the story of Adam and Eve. Charles Péguy, poet and essayist, and an influence on both Maurin and Day, has God address the issue this way: "But what kind of salvation would it be that was not free?" And then God validates "man's" power "to decide" by declaring: "And that freedom of his is my creation" (and therefore good).

Along with freedom comes the possibility—the inevitability—of sin. On this point Day would refer to Augustine and Julian of Norwich: God has already repaired the worst possible catastrophe the Fall) by taking on our human flesh, suffering our fate, and redeeming us.

Unlike many birthright Catholics, Day did not feel constrained by the institution. She took as her own Saint Paul's phrase—"You are no longer foreigners and aliens, but fellow citizens with the saints" (Ephesians 2:19)—and placed her trust in the church, which she loved and which is itself held accountable to the Gospels. For encouragement, Day looked to the lives of the saints, whom she found to be anything but toadies. Partiarchy? When it came to "this business of 'asking Father' what to do about something," she said, it "never occurred to us."

At Vatican II, she noted her admiration for John Courtney Murray. She felt grateful for the church's clear but long overdue statement on religious freedom and the primacy of conscience.

Poverty. As noted above, Maurin brought with him Kropotkin and Francis. For the Christian, poverty is not only a matter of the soul—it is a social concern. It entails not only personal spiritual obligations, but matters of strict justice and compassion.

We begin by looking at our own lives. When asked to address the relations between individuals, Day said, Jesus always emphasized the problems of wealth and poverty.

Looking at society this way, Day was explicit: "It is impossible, save by heroic charity, to live in the present social order and be a Christian." After reading Abbie Hoffman's Revolution for the Hell of It in 1968, she commented: "A terrifying book; bitterness, hatred, hell unleashed. The fruits of war, materialism, prosperity. . . . God help our children."

Dorothy Day's own approach was twofold. First, there was a line she repeated often from Saint John of the Cross: "Where there is no love, put love, and you will find love." And second, cultivate a life of detachment and share the plight of the poor: "We [Catholic Workers] believe in an economy based on human needs, rather than the profit motive. . . .We are not judging [wealthy] individuals, but are trying to make a judgment on the system . . . which we try to withdraw from as much as possible. . . . What is worst of all is *using* God and religion to bolster up our own greed, our own attachment to property, and putting God and country on an equality." Finally, she pointed out, "we are not going to win the masses to Christianity until we live it," and that included having a willingness to embrace poverty.

For Day, to live poorly meant to *share the life of the poor:* "Let us love to live with the poor because they are especially loved by Christ." Each person who presents himself or herself to us—rich, middle class, or poor—must be given love, "not because it might be Christ . . . but because they *are* Christ." How did she know for sure? "Because we have seen his hands and his feet in the poor around us. . . . We start by loving them for him, and soon we love them for themselves, each one a unique person, most special. . . . It is through such exercises that we grow, and the joy of our vocation assures us we are on the right path." According to Kate Hennessy, Day's granddaughter, "she turned the life of poverty into something dynamic, full of richly simple moments for those who have nothing."

How Dorothy Day managed to keep her psychological wholeness over the years in the disorder, disease, mental confusion, and violence that mark Catholic Worker houses was a practical miracle to me. "Pray and endure," she would repeat. Some of her stamina came from knowing the critical distinction between love and pity. "The law of love is reciprocity," Georges Bernanos had written, "and reciprocity is not possible where there is pity." Martin Buber explained it more eloquently: "Help is no virtue, but an artery of existence." To really help someone, however, "the helper must live with the other; only help that arises out of living with the other can stand before the eyes of God." Day insisted that she "would not dare write or speak or follow the vocation God has given me to work with the poor and for peace if I did not have the constant reassurance of the Mass."

Violence I need not recount at length Day's work for justice, peace, and nonviolence. Historically, she had a critical if indirect bearing on Vatican II's condemnation of nuclear war and its endorsement of the right to conscientious objection. Her pacifist stand in World War II was intensely controversial, not only among Americans in general but even among Catholic Workers; Mike Wallace's question indicates that it still is today. Day's repeated stints in jail for protesting war preparation and the war economy—including her challenge that people withdraw from participating in both—achieved modest success, symbolically—by helping to end the air-raid drills in New York City during the fifties and sixties—and practically in the lives of not a few individuals who refused induction, changed their jobs, or resisted paying war taxes.

Day's staunch views on pacifism drew a deep line between just-war teaching and gospel nonviolence. She shared with Saint James the view that the roots of violence are fear, lack of forgiveness, and greed. Fear leads us to strike out at enemies; it may even help to create them. Day believed the Catholic Worker must be a school of nonviolence. The young volunteers who came in search of their vocation, she wrote, "learn not only to love with compassion, but to overcome fear, that dangerous emotion that precipitates violence. They may go on feeling fear, but they know the means [the 'spiritual weapons,' as she called them, of self-discipline, willingness to take up the cross, forgiving 'seventy times seven,' and readiness to lay down one's life for one's fellows] to overcome it." Here, prayer and daily Mass were the best offense. From her own testimony of sitting through nights of threatened violence in the racially divided South in the 1960s, it is prayer that "gives courage."

Was she critical of her own track record? Always. Repeatedly I heard her say of herself and her co-workers, quoting the Letter to the Hebrews: "We have not yet resisted unto blood." She felt she might yet prove to be as avenging as any potential adversary.

One of Day's most notable achievements for peace took place quietly behind the scenes. In Rome in 1965 for the last session of the council, she joined a small group of women at a convent to fast for ten days, on water only, as the conciliar debate raged over what would be the church's official teaching on modern war.

Dorothy did not like to fast (she said her besetting sins were gluttony and sloth), and made sure she had filled her senses by going to the opera (Cavalleria Rusticana) before the fast. Her report in the November 1995 Catholic Worker included the daily schedule of the group and concluded as follows:

As for me, I did not suffer at all from the hunger or headache or nausea which usually accompanied the first few days of a fast, but I had offered my fast in part for the victims of famine all over the world, and it seemed to me that I had very special pains. They were certainly of a kind I have never had before, and they seemed to pierce the very marrow of my bones . . . They were not like the arthritic pains, which, aggravated by tension and fatigue, are part of my life now that I am sixty-eight. One accepts them as part of age, and also part and parcel of the life or work, which is the lot of the poor. So often I see grandmothers in Puerto Rican families bearing the burden of children, the home, cooking, sewing, and contributing to the work of mother and father, who are trying to make a better life for their children. I am glad to share their fatigue with them.

But these pains . . . seemed to reach into my very bones, and I could only feel that I had been given some little intimation of the hunger of the world. God help us, living as we do, in the richest country in the world, and so far from approaching the voluntary poverty we esteem and reach toward. . . May we try harder to do more in the future.

This is vintage Dorothy Day: the immediacy of concerns; the challenge, complexity, and interrelation of the big issues (war and poverty); the incorporation of her personal experience; the self-criticism and pledge to do better; and the radical, foundational nature of her Christian perspective.

No retrospect of Dorothy Day's spirituality would be complete without mentioning her tremendous personal struggles. These centered, in her late years, on two related areas: discouragement and perseverance. From her earliest Catholic Worker writings, Day speaks of discouragement in the work (see, House of Hospitality). The utter hopelessness of the situation of some of the people with whom she lived ("we are a community of need, not an international community") included physical violence, broken families, addiction, suicides, evictions, fires, poor food, attrition of co-workers. All of these could be overwhelming. Dorothy was sometimes so jangled by them—and by family concerns, overwork, travel, writing, speechmaking, and innumerable obligations—that she would break into tears. "Don't let yourself get into this state!" she would tell me, better escaping for a reprieve to her sister's or daughter's.

Dorothy also told me that twice in her life she had overcome serious bouts of depression by reading herself out of them (she recommended Dickens), but said that if she ever were to experience such depression again, she would consider shock treatment.

Another line of cure—which she had learned from her mother—was to clean the house. And then there were the theater and music: "Saw My Fair Lady. A very good cure for melancholy. Theme: Man's capacity to change." Again, "I am now listening to a concert, Brahms's Second Symphony, joyful music to heal my sadness. All day I have felt sad. I am oppressed by a sense of failure, of sin."

On the conjunction between what Dorothy called "the dark night of the senses and the dark night of the soul," she reflected: "It seems to me that they often intermingle." this led her to prescribe Ruskin's "Duty of Delight": "I found a copy of Ruskin, The True and the Beautiful," she wrote while visiting her daughter in Vermont, and "the beautiful quotation on the duty of delight. Making cucumber pickles, chili sauce, and grape juice. Delightful smells." And the "duty" must be taken seriously, not only for oneself but "for the sake of others who are on the verge of desperation."

And then there was use of the other serious spiritual weapons: prayer, Scripture, community, the sacraments. The ancient Christian writers had long been concerned with acedia, spiritual sloth, which is associated with a failure against hope. Depression, a modern manifestation, is, in part, a constricting of that virtue, and of the power of the will to act. Day often prayed to Saint Ephraim, one of the desert fathers. He seemed to have struggled with the problem of discouragement, and spoke of the distress caused by his own procrastination. The best practical remedy for such a condition, Day noted, was "faithfulness to the means to overcome it: recitation of the psalms each day, prayer and solitude, and by these means arriving—or hoping to arrive—at a state of well-being." The psalms she found particularly helpful in this regard: "I have stilled and quieted my soul" (Ps. 131), and "Relieve the troubles of my heart" (Ps. 25). She would also quote Saint Paul's Letter to the Romans, chapter 8—"Nothing can separate us from the love of Christ"—and his advice not to judge others or even oneself, for Christ understands our failures: he was, after all, the world's greatest failure.

Among contemporary spiritual writings, she recommended in this regard Dom Hubert van Zeller's Approach to Calvary: "Awoke at 5:30," she penned in 1965. "Usual depression over failures, inefficiency, incapacity to cope. Van Zeller's book invaluable, teaching

on how to accept all this discouragement, which he says will increase with age. . . . One must just keep going."

And that connects with the matter of perseverance, a subject on which she corresponded sporadically with Thomas Merton: "I am often full of fear about my final perseverance," she told him in 1960. But then, during his own long struggles with the problem, she advised: Your work "is the work God wants of you, no matter how much you want to run away from it."

She eventually came to terms with the fact that her difficulties were not going to end in this life. In the last book she gave me, Spiritual Autobiography of Charles de Foucauld (she was always giving gifts and books, prayer books and Bibles especially), she had underlined the following passage from de Foucauld: "Our difficulties are not a transitory state of affairs. . . . No, they are the normal state of affairs and we should reckon on being in angustia temporum ['in straightness of times,' Dan. 9:21] all our lives, so far as the good we want to do is concerned."

In 1960, Dorothy Day commented favorably on a then-current appraisal of the state of the American Catholic church, rendered by the Jesuit theologian, Gustave Weigel. Three things were most needed in the U.S. church, said Weigel: Austerity, preached and lived; a deeper awareness of the reality of God; and a truer and more effective love for all people, including those who are our enemies. One could not find a more succinct summary of Day's own views. In 1968, she complained that the Catholic press in the United States was too much concerned with the problems of authority, birth control, and celibacy, whereas the real problems were "war, race, poverty and wealth, violence, sex, and drugs." Some things change slowly. Or not at all.

Without the saints, Bernanos said fifty years ago, the church is only dead stones: Without them, the very grace lying within the church's institutional and sacramental forms remains fallow. Despite the unparalleled upheavals of our times, grace has not remained hidden. We have been its appealing power.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 163) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 163

Whereas November 8, 1997, marks the 100th anniversary of the birth of Dorothy Day on Pineapple Street in Brooklyn, New York;

Whereas Dorothy Day was a woman who lived a life of voluntary poverty, guided by the principles of social justice and solidarity with the poor;

Whereas in 1933 Dorothy Day and Peter Maurin founded the Catholic Worker Movement and the Catholic Worker newspaper "to realize in the individual and society the express and implied teachings of Christ";

Whereas the Catholic Worker "Houses of Hospitality" founded by Dorothy Day have ministered to the physical and spiritual needs of the poor for over 60 years;

Whereas there are now more than 125 Catholic Worker "Houses of Hospitality" in the United States and throughout the world;

Whereas in 1972 Dorothy Day was awarded the Laetare Medal by the University of Notre Dame for "comforting the afflicted and afflicting the comfortable virtually all of her life";

Whereas upon the death of Dorothy Day in 1980, noted Catholic historian David O'Brien called her "the most significant, interesting, and influential person in the history of American Catholicism";

Whereas His Emminence John Cardinal O'Connor has stated that he is considering recommending Dorothy Day to the Pope for Cannonization; and

Whereas Dorothy Day serves as inspiration for those who strive to live their faith: Now, therefore, be it

Resolved, That the Senate—

(1) expresses deep admiration and respect for the life and work of Dorothy Day;

(2) recognizes that the work of Dorothy Day improved the lives of countless people and that her example has inspired others to follow her in a life of solidarity with the poor;

(3) encourages all Americans to reflect on how they might learn from Dorothy Day's example and continue her work of ministering to the needy; and

(4) designates the week of November 8, 1997, through November 14, 1997, as the "National Week of Recognition for Dorothy Day and Those Whom She Served".

SEC. 2. TRANSMITTAL.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to—

(1) Maryhouse, 55 East Third Street, New York City, New York;

(2) St. Joseph House, 36 East First Street, New York City, New York; and

(3) His Emminence John Cardinal O'Connor of the Archdiocese of New York, New York City, New York.

CORRECTING THE ENROLLMENT OF S. 830

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Concurrent Resolution 69 submitted earlier by Senator JEFFORDS.

I further ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 69) was agreed to.

The concurrent resolution is as follows:

S. CON. RES. 69

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 119(b) of the bill:

(A) Strike paragraph (2) (relating to conforming amendments).

(B) Strike "(b) SECTION 505(j).—" and all that follows through "'(3)(A) The Secretary shall" and insert the following:

"(b) SECTION 505(j).—Section 505(j) (21 U.S.C. 355(j)) is amended by adding at the end the following paragraph:

"'(9)(A) The Secretary shall".

(2) In section 125(d)(2) of the bill, in the matter preceding subparagraph (A), insert after "antibiotic drug" the second place such term appears the following: "(including any salt or ester of the antibiotic drug)".

(3) In section 127(a) of the bill: In section 503A of the Federal Food, Drug, and Cosmetic Act (as proposed to be inserted by such section 127(a)), in the second sentence of subsection (d)(2), strike "or other criteria" and insert "and other criteria".

(4) In section 412(c) of the bill:

(A) In subparagraph (1) of section 502(e) of the Federal Food, Drug, and Cosmetic Act (as proposed to be amended by such section 412(c)), in subclause (iii) of clause (A), insert before the period the following: "or to prescription drugs".

(B) Strike "(c) MISBRANDING.—Subparagraph (1) of section 502(e)" and insert the following:

"(c) MISBRANDING.—

"(1) IN GENERAL.—Subparagraph (1) of section 502(e)".

(C) Add at the end the following:

"(2) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, shall affect the question of the authority of the Secretary of Health and Human Services regarding inactive ingredient labeling for prescription drugs under sections of the Federal Food, Drug, and Cosmetic Act other than section 502(e)(1)(A)(iii).".

(5) Strike section 501 of the bill and insert the following:

"SEC. 501. EFFECTIVE DATE.

"(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

"(b) IMMEDIATE EFFECT.—Notwithstanding subsection (a), the provisions of and the amendments made by sections 111, 121, 125, and 307 of this Act, and the provisions of section 510(m) of the Federal Food, Drug, and Cosmetic Act (as added by section 206(a)(2)), shall take effect on the date of enactment of this Act.".

CORRECTING OF TECHNICAL ERROR IN ENROLLMENT OF S. 1026

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Concurrent Resolution 70 submitted earlier by Senator D'AMATO. I further ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 70) was agreed to.

The concurrent resolution is as follows:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1026) to reauthorize the Export-Import Bank of the United States, the Secretary of the Senate shall strike subsection (a) of section 2 and insert the following:

"(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking 'until' and all that follows through 'but' and inserting 'until the

close of business on September 30, 2001, but'.".

AMENDMING SECTION 13031 OF THE OMNIBUS RECONCILIATION ACT OF 1985

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3034, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3034) to amend section 13031 of the Omnibus Reconciliation Act of 1985, Relating to Customs User Fees, to allow the use of such fees to provide for Customs inspectional personnel in connection with the arrival of passengers in Florida, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3034) was deemed read a third time, and passed.

MAKING TECHNICAL CORRECTIONS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate bill 1565 introduced earlier today by Senator ABRAHAM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1565) to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1565) was considered, read a third time, and passed, as follows:

S. 1565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) ADJUSTMENT OF STATUS.—Section 202(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking "Notwithstanding section 245(c) of the Immigration and Nationality Act, the" and inserting "The"; and

(2) in subparagraph (B)—

(A) by striking "is otherwise eligible to receive an immigrant visa and"; and

(B) by striking "(6)(A), and (7)(A)" and inserting "(6)(A), (7)(A), and (9)(B)".

(b) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking "Notwithstanding section 245(c) of the Immigration and Nationality Act, the" and inserting "The"; and

(2) in subparagraph (D)—

(A) by striking "is otherwise eligible to receive an immigrant visa and";

(B) by striking "exclusion" and inserting "inadmissibility"; and

(C) by striking "(6)(A), and (7)(A)" and inserting "(6)(A), (7)(A), and (9)(B)".

(c) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as added by section 203(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in clause (i), in the matter preceding subclause (I), by inserting "of this paragraph" after "subparagraph (A)";

(2) in clause (ii), by striking "this clause (i)" and inserting "clause (i)".

(d) TEMPORARY REDUCTION IN DIVERSITY VISAS.—Section 203(d) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in paragraph (1) by inserting "otherwise" before "available under that section"; and

(2) in paragraph (2)(A)—

(A) by striking "309(c)(5)(C)" and inserting "309(c)(5)(C)(i)"; and

(B) by striking "year exceeds—" and inserting "year; exceeds".

(e) TEMPORARY REDUCTION IN OTHER WORKERS' VISAS.—Section 203(e)(2)(A) of the Nicaraguan Adjustment and Central American Relief Act is amended by striking "(d)(2)(A), exceeds—" and inserting "(d)(2)(A); exceeds".

(f) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect upon the enactment of the Nicaraguan Adjustment and Central American Relief Act (as contained in the District of Columbia Appropriations Act, 1998); and

(2) shall be effective as if included in the enactment of such Act.

REIMBURSEMENT OF MEMBERS OF THE ARMY DEPLOYED IN EUROPE

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2796, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2796) to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning on October 1, 1996 and ending on May 31, 1997.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2796) was read a third time, and passed.

REQUIRING THE ATTORNEY GENERAL TO ESTABLISH A PROGRAM IN LOCAL PRISONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1493, and further that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1493) to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1493) was read a third time, and passed.

THE GUN ACT OF 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 266, Senate bill 191.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 191) to throttle criminal use of guns.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause

and inserting in lieu thereof the following:

S. 191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) by striking "(c)" and all that follows through "(2)" and inserting the following:

"(c) POSSESSION OF FIREARM DURING COMMISSION OF CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—

"(1) TERM OF IMPRISONMENT.—

"(A) IN GENERAL.—Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(i) be sentenced to a term of imprisonment of not less than 5 years; and

"(ii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

"(B) EXCEPTION FOR CERTAIN OFFENSES.—If the firearm possessed by a person convicted of a violation of this subsection—

"(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; and

"(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

"(C) EXCEPTION FOR CERTAIN OFFENDERS.—In the case of a second or subsequent conviction under this subsection, a person shall—

"(i) be sentenced to a term of imprisonment of not less than 25 years; and

"(ii) if the firearm at issue is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to a term of imprisonment for life.

"(D) PROBATION AND CONCURRENT SENTENCES.—Notwithstanding any other provision of law—

"(i) a court shall not place on probation any person convicted of a violation of this subsection; and

"(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed.

"(2) DEFINITION OF 'DRUG TRAFFICKING CRIME'.—"; and

(2) in paragraph (3)—

(A) by striking "(3) For" and inserting the following:

"(3) DEFINITION OF 'CRIME OF VIOLENCE'.—For"; and

(B) by indenting each of subparagraphs (A) and (B) 2 ems to the right.

(b) CONFORMING AMENDMENT.—Section 3559(c)(2)(F)(i) of title 18, United States Code, is amended by inserting "firearms possession (as described in section 924(c));" after "firearms use;".

Mr. NICKLES. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be considered a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

The bill, S. 191, as amended, was considered read for a third time, and passed.

S. 191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) by striking "(c)" and all that follows through "(2)" and inserting the following:

"(c) POSSESSION OF FIREARM DURING COMMISSION OF CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—

"(1) TERM OF IMPRISONMENT.—

"(A) IN GENERAL.—Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(i) be sentenced to a term of imprisonment of not less than 5 years; and

"(ii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

"(B) EXCEPTION FOR CERTAIN OFFENSES.—If the firearm possessed by a person convicted of a violation of this subsection—

"(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; and

"(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

"(C) EXCEPTION FOR CERTAIN OFFENDERS.—In the case of a second or subsequent conviction under this subsection, a person shall—

"(i) be sentenced to a term of imprisonment of not less than 25 years; and

"(ii) if the firearm at issue is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to a term of imprisonment for life.

"(D) PROBATION AND CONCURRENT SENTENCES.—Notwithstanding any other provision of law—

"(i) a court shall not place on probation any person convicted of a violation of this subsection; and

"(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed.

"(2) DEFINITION OF 'DRUG TRAFFICKING CRIME'.—"; and

(2) in paragraph (3)—

(A) by striking "(3) For" and inserting the following:

"(3) DEFINITION OF 'CRIME OF VIOLENCE'.—For"; and

(B) by indenting each of subparagraphs (A) and (B) 2 ems to the right.

(b) CONFORMING AMENDMENT.—Section 3559(c)(2)(F)(i) of title 18, United States Code, is amended by inserting "firearms possession (as described in section 924(c));" after "firearms use;".

UNANIMOUS-CONSENT REQUEST—S. 900

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar 204, S. 900.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

COMMENDING THE ASSISTANT LEADERS

Mr. LOTT. Mr. President, I would like to take just a moment to thank the two assistant leaders for their work. A lot of nights they are here and bring everything to a conclusion. I really enjoy working with the Senator from Oklahoma. He has been a great assistant majority leader, and he has done yeoman work today in making it possible for us to bring this session to a conclusion. Also, the Senator from Kentucky. I appreciate very much the way he pitches in late at night and covers for the Democratic leader and does it always with a smile. We appreciate that very much.

ORDERS FOR TUESDAY, JANUARY 27, 1998

Mr. LOTT. With that, Mr. President, when the Senate completes its business today, it will stand in adjournment sine die under the provisions of Senate Concurrent Resolution 68. The Senate will reconvene under provisions of Senate Joint Resolution 39 at the hour of 12 noon on Tuesday, January 27.

I ask unanimous consent that on Tuesday, January 27, immediately following the prayer, the routine requests through the morning hour be granted and that I immediately be recognized to suggest the absence of a quorum for the Senate to ascertain that a quorum is present and the Members are prepared to begin the 2d session of the 105th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that following the ascertaining

of a quorum, the Senate proceed to a period of morning business not to extend beyond of hour of 2 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, on Tuesday, January 27, when the Senate reconvenes the 105th Congress, second session, following a live quorum, the Senate will proceed to morning business then until 2 p.m.

Tuesday night at 9 p.m. is the President's State of the Union Address. Therefore, the Senate will reconvene Tuesday evening at approximately 8:30 p.m. in order to proceed as a body to the Hall of the House of Representatives to hear the address of the President. There will be no legislative business on the 27th except for those items that may be cleared for action by unanimous consent. Therefore, no votes will occur during the session of the Senate on Tuesday, January 27.

Senators should be aware that following that day, on the 28th and after, we will be expected to call up early in the session the ISTEA transportation bill, juvenile justice, the nomination of Margaret Morrow, and the nomination of Ann Aiken, both to be considered for judicial positions, and the nomination of Ann Aiken will be taken up prior to the end of the first week.

Again, I thank my colleagues for their cooperation during this session of Congress.

MILITARY VOTING RIGHTS ACT OF 1997

Mr. LOTT. Before we conclude then, I ask unanimous consent that the Senate now proceed to the consideration of S. 1566 introduced earlier today by Senator THURMOND.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1566) to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to protect the voting rights of military personnel, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1566) was read the third time and passed, as follows:

S. 1566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Voting Rights Act of 1997".

SEC. 2. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

SEC. 3. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out "**FOR FEDERAL OFFICE**".

MEASURE READ THE FIRST TIME—H.R. 2709

Mr. LOTT. I understand H.R. 2709 has arrived from the House, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read.

The assistant legislative clerk read as follows.

A bill (H.R. 2709) to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

Mr. LOTT. I would now ask for its second reading, and I object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

CONDITIONAL ADJOURNMENT SINE DIE

Mr. LOTT. Now, Mr. President, before any other bills come to our attention, I ask unanimous consent that the Senate stand in adjournment sine die of the 1st session of the 105th Congress under the provisions of S. Con Res. 68 and S.J. Res. 39 until Tuesday, January 27, 1998, provided that the House adopts S. Con. Res. 68 and does not alter the text of the State-Justice-Commerce Appropriations Conference Report.

If either action occurs, I ask unanimous consent that the Senate reconvene on Friday, November 14, 1997, at 10 a.m.

There being no objection, at 7:56 p.m., the Senate adjourned sine die.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 13, 1997:

EXECUTIVE OFFICE OF THE PRESIDENT

RITA D. HAYES, OF SOUTH CAROLINA, TO BE DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GAIL W. LASTER, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF DEFENSE

WILLIAM J. LYNN, III, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER).

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

RAYMOND C. FISHER, OF CALIFORNIA, TO BE ASSOCIATE ATTORNEY GENERAL.

THE JUDICIARY

LYNN S. ADELMAN, OF WISCONSIN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN.

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be rear admiral (lower half)

CAPT. HENRY G. ULRICH, III, [illegible]

HOUSE OF REPRESENTATIVES—*Thursday, November 13, 1997*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we approach this Thanksgiving season with the joy and happiness of reunion with family and friends, we offer our prayer of thanksgiving to You, oh God, for the wonder and beauty and splendor of the gifts that you have given us.

For family who support us, for friends who share their affection, for the opportunities of work and service, for the gifts of faith and hope and love, we offer these words of praise. May Your benediction be ever with us, may Your blessing never depart from us, and may Your words of grace remain with us always. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from North Carolina [Mrs. CLAYTON] come forward and lead the House in the Pledge of Allegiance.

Mrs. CLAYTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize fifteen 1-minutes on each side.

GAMING INDUSTRY EMPLOYEE IMPACT SURVEY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, sometimes even through the fog of Washington the truth shines through.

Last week, I distributed to all my colleagues a study completed by the accounting firm of Coopers & Lybrand that indicated the numerous positive contributions made by the gaming industry to their employers and employees and the surrounding community as well.

The goal of the survey was to receive direct feedback from the industry employees themselves, and the results are truly a positive reflection of the advantages of the casino gaming industry.

Of the 178,000 gaming employees surveyed, 8.5 percent said they had left welfare due to their casino job. A further 63 percent of those surveyed said that they had a better health care coverage now than at their previous job.

Mr. Speaker, the results of the Gaming Industry Employee Impact Survey demonstrate the significant positive impact casino gaming has had on many families and communities across the country. I urge each of my colleagues to look over this survey to learn of the positive impact that the gaming industry has had on its employees.

LEVI STRAUSS LAYS OFF 6,400 WORKERS WHILE ONE EXECUTIVE GETS $127 MILLION

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, last week Levi Strauss laid off 6,400 workers, mostly women, most of them making between $5.50 and $7.50 an hour. But last year, according to the San Francisco Chronicle, Levi Strauss gave its No. 2 executive, Thomas Tusher, $105.8 million in stock options. Then it threw in another $21.5 million as a bonus to offset taxes. Mr. Speaker, 6,400 people lose their job, one executive gets $127 million.

My colleagues have heard of golden parachutes? Well, this, Mr. Speaker, is a platinum parachute, and meanwhile 6,400 people are looking for work. This has got to stop.

TRIBUTE TO MAJ. GEN. RONDAL H. SMITH

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, I rise this morning to pay tribute to my good friend, Maj. Gen. Rondal H. Smith, who is retiring next week from his post as commander of the Warner Robins Air Logistics Center in Georgia.

As one of our country's leading experts in logistics, he assumed the command at Robins in June 1995 and has led Robins through what could probably be the most challenging 2½ years in the ALC's history.

His commitment to top quality work and community support was no more evident than when Robins Air Force Base was awarded the C–5 contract. General Smith, aided by the talented folks at Team Robins, put together an innovative bid which will save American taxpayers over $190 million while ensuring a bright and productive future for the Robins Air Logistics Center and the Warner Robins community alike.

As General Smith says goodbye next week to the Air Force he has so faithfully served, he can leave knowing that America is a safer and better place because of his distinguished career. I thank Ron for the contribution he has made to his community, his State, and above all, to his country. It has been a great honor to have worked with him over the last several years. He should know that he will be deeply missed, and I wish him and Debbie the very best as he enters the world of civilian life.

DEPENDABLE, AFFORDABLE, HIGH-QUALITY CHILD CARE NEEDED

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, as we are about to adjourn this year, we have many issues that remain to be dealt with, but one in particular I want to lift up is the whole issue of child care.

Recently, the President had a conference on child care, and certainly child care is an important, needed commodity for millions of children whose parents work outside the home. I am delighted that the President indeed focused the administration on this issue, but I am also saddened that we have not gone further here in Congress ourselves.

More than 12 million children under the age of 5, including half of the infants under the age of 1 year of age, spend at least part of their day each day away from their home. A well trained, competent child care provider is crucial to the health and the welfare of our children. There are millions of additional children under the age of 12 in the United States who are in some form of child care at the beginning or at the end of their school day. Working parents, regardless of their income, including working parents of poor and welfare-to-work, are beginning to find it far more difficult to find high quality day care.

The availability of child care that is reliable and convenient is essential if we are going to have opportunities for our children.

SUPPORT THE TERMINATION OF THE INTERNAL REVENUE CODE

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, I am proud to be able to report to the people of eastern North Carolina that when it comes to providing real relief for the American taxpayer, this Congress is finally taking steps in the right direction.

Last week, the House passed an IRS reform bill giving taxpayers new and important protection in their dealings with the IRS. This legislation represents a significant step toward providing the American people with the relief they deserve from their unfair tax burden, but it is not enough. In order to truly act in the best interests of the taxpayers, this Congress should abolish the lengthy and complicated Tax Code and create a shorter, more concise Tax Code.

I urge my colleagues to continue to work for real tax reform and to support the termination of the Internal Revenue Code. Let us give the American people a simpler and fairer tax system. The taxpayers deserve relief.

CALLING FOR INVESTIGATION, NOT COMPENSATION, OF MEXICAN GOVERNMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 80 percent of all drugs in America comes through Mexico. Heroin use by 12 to 17-year-olds is at a record level. Our border patrol agents are being shot at every day. Even the life of America's Drug Czar, General McCaffrey, has now been threatened by the Mexican drug cartel. And after all this, Mexican President Zedillo says he blames the drug problem on America and wants America to compensate Mexico for all of the garbage we are causing.

Unbelievable. Our borders are wide open, our kids are strung out, our prisons overloaded, and Mexico wants to be paid for it.

Beam me up. If this is a war on drugs, I am a fashion leader.

What is next, Mr. Speaker? Foreign aid for Saddam Hussein?

Do we have any brains left?

I say we should investigate the Mexican Government not compensate them.

TOWN MEETING TOPIC: UNFAIR ABUSE OF POWER BY IRS

(Mr. PAPPAS asked and was given permission to address the House for 1 minute.)

Mr. PAPPAS. Mr. Speaker, the American people are willing to pay taxes, they are willing to pay their fair share, but what they are not willing to do is to pay unfair taxes. And, Mr. Speaker, as one of my colleagues mentioned just a few moments ago, we passed just this past week a bill to reform the IRS.

This Saturday, I along with many of my colleagues are holding open houses or town meetings. I am holding five in the 12th District in central New Jersey, and I hope that viewers from my district that may see this may call my office to participate, talk about what they view as unfair abuse of power that the IRS may have taken, and to seek my help in trying to cut through some redtape. I would encourage people to call my office, 908–284–1138.

□ 1015

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). The Member is reminded not to address the television audience during 1-minute speeches.

CAMPAIGN FINANCE REFORM NOT ADDRESSED

(Mr. SNYDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SNYDER. Mr. Speaker, we are going to recess today probably until the end of January, and unfortunately we did nothing in this session of Congress on campaign finance reform. So I can clarify the state of the law as we are leaving it when we go home today, this check from my friend, I am a big donor, for $1 billion to the political party of her choice is still good and perfectly legal. So what does that mean to Americans out there? It means if you are a family of four making $30,000 a year, it is still legal for you to give a check for $1 billion to the political party of your choice. If you are a small business person or a farmer grossing $100,000 a year, it is still perfectly legal for you to give $1 billion in soft money donations to the political party of your choice. If you are a retiree on fixed income watching your pennies every month, it is still completely legal for you to give $1 billion to the political party of your choice.

Why is it still legal? Because of inaction in this session of Congress by the Republican leadership in this House. It is wrong, Mr. Speaker. It needs to change. We need to do something about campaign finance reform next session.

OBEY EXISTING CAMPAIGN FINANCE LAWS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. I listened with great interest, Mr. Speaker, to my colleague and friend from Arkansas, and again I would simply say to my friend, so passionate today about reforming campaigns, that first things should come first, and it is to obey existing law. Because, you see, Mr. Speaker, it is already illegal for noncitizens to come into this country and try to buy influence in our political parties, and it is already illegal for Federal office holders to use their offices, including those at the White House, to solicit donations.

You see, friends, it is really simple: If people would obey existing law, much more would be done, much more would be achieved. So even as we join in this call for meaningful campaign finance reform, let it not be lost upon this House or upon the American people that the first act of business should be to obey existing law.

ALL TALK AND NO ACTION ON CAMPAIGN FINANCE REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, how strange that so many Republicans disagree with my friend from Arizona. They are convening a press conference right now to propose their campaign finance reforms. And is it not strange that they decided to propose them as this Congress adjourns? Because they reject the hopes of the American people that we might have reform in time for the next elections.

They do not want reform, they want the same sorry system that we have right now, the same sorry system that allowed them to dump in $1 million of attack ads in a single election in Staten Island earlier this month; $1 million, in addition to all the resources the Republican candidate had, the same Republican Party that was happy to accept $1.8 million from a single family for various Republican front organizations last year.

It is outrageous that we have a campaign finance system that allows big money special interests to maintain a stranglehold on this Congress, and these Republicans will not do a thing about it. They promised to bring up campaign finance reform this fall, and they broke that promise to the American people. They are adjourning today, adjourning the hopes of the American people for reform.

TAXES STILL TOO HIGH

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, this Congress has worked hard to balance the

budget, reduce taxes on American families, and we passed the first balanced budget since 1969. We gave American families their first tax cut in 16 years. But while we have made some progress, let us face it, taxes are still too high, and the Federal Government still spends too much.

This past weekend my legislative director Kevin Fitzpatrick and his wife Pam became the proud parents of a new baby girl, Elizabeth Ann Fitzpatrick. I have been honored to be asked to be the child's godfather. I am really proud of that. I know Elizabeth is very happy to be the newest member of the Fitzpatrick family, joining brother Spike and sister Katie. But when she learns over her lifetime she is going to have to pay almost $200,000 in taxes just to pay the interest on our national debt, then she is going to be justifiably upset.

Mr. Speaker, children like Elizabeth should not be faced with this burdensome debt from the day they are born. Now that we are close to balancing the budget, this Congress should work to reduce our national debt so little kids like Elizabeth are not going to have to pay these huge amounts in taxes over their lifetime. Let's reduce taxes on our people.

STAY AND FINISH WORK

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, Democrats have spent the past 11 months fighting for legislation that would help America's working families. Democrats have worked to improve America's public schools while Republicans tried to pass a voucher program, a proposal that would siphon off taxpayer dollars, hard-earned taxpayer dollars, to fund an experiment to take kids out of public education and fund private education in this country.

Democrats have fought to reform America's political system, while Republicans have refused to even debate campaign finance reform. They do not want to reform the system, they want to talk about it.

Democrats have demanded an end to the Dornan-Sanchez investigation, while Republicans have prolonged this taxpayer-funded political witch hunt.

Now the Republicans want to pack their bags, head home, but important work is left to be done in this Congress: education reform; IRS reform, which is stuck in the other body because the Republicans do not want to move it; campaign finance reform. We should not leave until our work is complete.

EXCUSES FOR BREAKING THE LAW

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, here is a big surprise: The wife of John Huang has joined the growing legions of people under investigation for campaign finance lawbreaking who have either fled the country, taken the fifth amendment, or otherwise come up with amnesia about raising money from foreign citizens.

This is not big news to most of the major media, of course. After all, it appears that most of the time all they do is read their nightly newscast straight off DNC press releases. In fact, I have a hard time telling the difference between liberal reporting on the campaign finance hearings and what the expert "spinmeisters" at the White House are saying.

We have heard some great excuses, from "everybody does it," to "we had to cheat. Otherwise, Republicans would have won." Maybe some of the best excuses are these two: "Sure, I broke the law, but it is the system's fault, and we need to reform it." Then there is this one: "I don't care if they broke the law. The Republicans are on a witch hunt."

Right. I wonder if the reforms the other side has in mind will continue to consider taking foreign money as a crime.

DEFINING VOTE ON EDUCATION

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, last week this House took a defining vote for public schools in this country. By a vote of 228 to 191, we defeated a risky voucher scheme to take tax money out of our public schools to finance private schools. I am pleased my colleagues took this stand in defense of our school children and our Nation's public schools. Taking tax money out of our public schools and giving it to private schools and turning our backs on our public schools is wrong.

I call on my colleagues to defend, protect and strengthen our public schools. As a cochair of the Education Task Force, I know what we must do to strengthen education for all of our children. We must help set high standards of excellence in education. We must empower teachers, parents, and students to achieve these high standards. We must rebuild crumbling schools and build new schools to relieve overcrowding. We must strengthen professional development for our teachers. We must get back to the basics in core subject areas, and we must encourage character education and ensure that every child can attend a school that is safe from violence and free of drugs.

This House did the right thing in defeating vouchers, and now we must move forward to strengthen our public schools for every child in America.

BIPARTISAN SPIRIT GOOD FOR AMERICA

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, this congressional session conclusion reminds me of the wonderful changing seasons on the Illinois prairie. Each year we are amazed by the God-given change in seasons, which works so well and even survives the most intense of storms to work together for the benefit of all of us here on Earth. When this Congress works together, it is like nature in harmony. We achieve much.

While much was done in this first year of the 105th Congress, let us pledge to come back and complete the unfinished work which we will address in the next year. Let us cut down a little bit on the harsh rhetoric and the stringent remarks. Let us just work together. It is good for all of us.

MEDICAID ATTENDANT COMMUNITY SERVICES ACT

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to declare my enthusiastic support for H.R. 2020, the Medicaid Attendant Community Services Act. This bill is of vital importance, because in all of our districts and throughout America, there are hundreds and thousands of people who have been taken from their families, stripped of their assets, and deprived of their basic human rights because they have disabilities or chronic health conditions. Our current system of disbursing Medicaid funds encourages and rewards this injustice.

I recently met with a group of my constituents with disabilities that are physically challenged. Many had lived in nursing homes, not because they had wanted to, but because our system gave them no other choice. They simply want to live independently. H.R. 2020 will give them the opportunity to do just that.

OUTRAGE OVER CRITICISM OF MARINE CORPS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I rise in outrage. I may not be able to finish this 1-minute, but I am reading an article in this morning's paper which says "Top Army Woman Calls Marine Corps 'Extremist.'"

"Sara Lister, the Army's top personnel official, in a public forum called the Marines 'extremists' and 'a little dangerous.'"

"Mrs. Lister, the Assistant Secretary of the Army for Manpower and Reserve Affairs, also belittled the Marine Corps uniform."

Mrs. Lister told an October 26 seminar, "The Marines are extremists. Wherever you have extremists, you get some risk of total disconnection with society, and that is a little dangerous."

Mr. Speaker, let me just try to settle down here for a minute and just quote Gen. Charles Krulak, the Commandant of the Marine Corps, when he said in responding to this article, "Such a depiction would summarily dismiss 222 years of sacrifice and dedication to the Nation. It would dishonor the hundreds of thousands of Marines whose blood has been shed in the name of freedom. Citizens from all walks of life have donned the Marine Corps uniform and gone to war to defend this Nation, never to return. Honor, courage, and commitment are not extreme."

Mr. Speaker, this is the most outrageous thing I have ever heard. Later today I will be introducing a resolution which will come to this floor calling for this person's resignation on behalf of all marines.

MANAGED CARE REFORM NEEDED

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, as we end this session of Congress, we need to celebrate our successes, but also recognize our failures.

Many Americans are concerned about the status of their health care. They worry that in an emergency their managed care provider will not pay for the needed services. If a person has chest pains, how do they know it is indigestion instead of a heart attack? And yet, managed care may not pay for it. People are worried that nonmedical professionals are making their medical decisions instead of their doctors.

Congress should have passed a managed care reform bill that protects patients and still keeps costs low. We need to ensure that all managed care patients are covered by consumer protections and have greater choice in deciding the type of health care they receive.

If we truly believe in consumer choice, we must give workers more than the one option that their employers provide them, including greater access to specialists.

Mr. Speaker, Americans are beginning to believe they are being herded through our health care system, and they are starting to lose trust in it. We should pass legislation next year that provides needed consumer protections for health care. We should have passed it in 1997, but maybe we will do a better job next year.

U.S. MARINES, ANYTHING BUT EXTREMISTS

(Mr. GILCHREST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.).

Mr. GILCHREST. Mr. Speaker, I too would like to take a minute to address the House on the words of Sara Lister, the top personnel officer at the Pentagon for the U.S. Army, in her remarks about naming Marines as "extremists."

What I would like to say is that I am a former Marine. I enlisted when I was 18 years old because I wanted to see the world. The people that I met throughout the 4 years I served in the Marine Corps in the middle 1960's were anything but extremists. For the most part, they were gentle, young kids, who wanted to find adventure, wanted to serve their country, wanted to do something. They were curious about the world.

As they went through their service in the Marine Corps, they raised money for toys for poor children. In combat, they put their life at risk delivering babies. They found lepers in the jungles, and they dealt with the strange disease.

Mr. Speaker, the Marine Corps is made up of individuals who are like every average American.

D.C. APPROPRIATIONS BILL NOT PERFECT

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, last night's happy passage of the D.C. appropriation was marred for me and many who had helped me by the omission of relief for Haitians from an attachment to my appropriation.

□ 1030

Frankly, it looked awful. Whatever the intent, we are left with black immigrants out and other similarly situated immigrants in.

I am prepared to believe that discrimination was not intended if we quickly make good on the promise to correct this exclusion. The administration promises to use its prosecutorial authority to keep Haitians from being deported while Congress is out.

What will we do when Congress comes back? The very first week we must make good on the promise that emerged from the immigration negotiations. The leadership should come from the Hispanic caucus, where relief was most keenly felt, and from the Black caucus. But the burden is on this entire body. Discrimination or the appearance of discrimination has no place in a great legislative body. Early action to obtain equal treatment for Haitian immigrants is the way to show it.

TIME TO FOLLOW EXISTING CAMPAIGN FINANCE LAWS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, it is time for a little history lesson. This lesson is both for my liberal friends on the other side of the aisle, as well as for my unbiased, fair-minded friends in the media who are so enamored of campaign finance reform.

Every single day I see a story on the news about how we need campaign finance reform, an almost identical tale to that which is heard in this very body from the other side of the aisle.

It is obvious that our supporters of reform forget that all of the scandals of political corruption in 1974 resulted in precisely the campaign reforms that exist today, the same laws that these same reformers now want to change.

My guess is that the main problem is not that the law needs to be changed, but that we need to follow the law. Now, there is a radical idea. Imagine if the other side actually followed the law, abided by the contribution limits, and disclosed their fund-raising practices instead of having to give back millions of dollars after they have won the election.

But liberals never learn from history, and the very same reforms of today will be replaced by equally useless reforms in the face of lawbreakers tomorrow.

CAMPAIGN FINANCE REFORM

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, while we have had many accomplishments on health care, on education, on small business and individual tax credits, we still have one of our accomplishments yet to come and that is with campaign finance reform.

In the last Congress we had 32 Members who signed a discharge petition that would have forced the issue to be addressed on the House floor. In this Congress, we are making progress. There are 187 Members that have signed this discharge petition. This is very important if we are going to regain the trust of the American people in their political process. It has to be done for the public interest and not special private interest.

Also, in Maine we began the Maine Code of Ethics. The code of ethics was

signed by candidates of both parties running for office to adhere to principles that they would be discussing the issues, to be engaging the public and not to be turning the public off.

While we are reforming the process with campaign finance reform, we must also remember the product of those campaigns and also reform the product. So along with the process, we have product.

SWIFT PUNISHMENT FOR TERRORISTS IN PAKISTAN

(Mr. BRADY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY. Mr. Speaker, as my colleagues know, a terrible tragedy occurred on Tuesday in Karachi, Pakistan. A car containing four Americans from Houston, TX, and their driver was ambushed. Reportedly, a car came up from behind the vehicle in which the employees of Union Texas Petroleum were riding, fired upon the car and forced it off the road. At that point the gunmen calmly fired more than a dozen bullets through the car's windshield, killing everyone instantaneously.

This terrorist attack is an absolute outrage, and while the investigation has just begun, it is widely believed that this is in response to Monday's conviction here in America of the Mir Aimal Kasi in United States court for the 1993 shooting of two of our CIA agents in Virginia. America's justice in no way should justify this behavior in Pakistan, and unfortunately this is not the first terrorist attack on Americans in that country.

Our thoughts and our prayers go to the families of this attack. They were good people who did not deserve to die, and they will be sorely missed.

Mr. Speaker, the greatest tribute America can pay them is to find and punish those who were responsible for this attack, and do the greatest we can do to protect the lives of other innocent Americans abroad.

MAKING 1998 THE YEAR OF THE CHILD

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute.)

Mr. MCGOVERN. Mr. Speaker, today Congress is scheduled to adjourn for 1997. It is a good day to assess what we have done this year for American children and what issues we need to pursue more vigorously next year.

This year, Democrats succeeded in forcing the Republican majority to provide $24 billion in health care for uninsured children. We fought to protect public education from the majority's radical voucher experiments and anti-education block grants. My colleagues, the gentlewoman from Connecticut [Ms. DELAURO], the gentleman from Maryland [Mr. HOYER], the gentlewoman from Maryland [Mrs. MORELLA] and I succeeded in crafting legislation that gives our children the support they need during their first 3 years of life to grow up healthy and develop to their fullest potential.

But there is so much more that needs to be done. I have urged the President to make early childhood development issues the centerpiece of his State of the Union address next year. I urge my colleagues from both sides of the aisle to join Representatives DELAURO, HOYER, MORELLA and me in sending the President legislation early next year that gives our kids access to affordable, high-quality child care and early education programs. Let us agree today to make 1998 "The Year of the Child."

COFFEE MAY CAUSE CURIOUS BEHAVIOR

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, a lot of our friends on the left today and in the past several weeks have been talking about campaign finance reform. I wonder if any of them sees the great irony in the administration's sense of curiosity.

On the one hand, White House political operatives seem to have such an extraordinarily developed sense of curiosity that they miraculously ended up with 900 confidential FBI files on their political enemies. But on the other hand, the White House seems to have little curiosity about the possibility that John Huang might have seriously compromised national security while working for the Commerce Department in his capacity, apparently, as foreign fundraiser-in-chief.

What is even more remarkable that every single Democratic Senator, with one exception, investigating some of these events seems to have a lack of curiosity about exactly how much money the liberal group was able to funnel into the 1996 Presidential campaign.

Maybe all of this curiosity is entwined with some of these folks having attended some of these White House coffees. Maybe there is something in the coffee that makes them curious on the one hand, but then lose their curiosity on something else, and maybe that is something that should be investigated as well.

TRIBUTE TO REV. DR. JOSEPH LOWERY

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, I rise today to honor Rev. Dr. Joseph Lowery, who will retire in January on the anniversary of Martin Luther King Jr.'s birthday.

For over 30 years Dr. Lowery's was the voice of equality, reason and self-reliance both in this country and abroad. Dr. Lowery is best known for his leadership of SCLC, which he co-founded with Rev. Martin Luther King Jr., in 1957. Since then his life and his career have become synonymous with justice, equality, and human rights.

From the early days of the civil rights movement in Mobile, AL, to the founding of the SCLC in 1957, to the extension of the Voting Rights Act in 1982, and on to the fight against apartheid in South Africa, Dr. Lowery's views, voice, and vision have guided two generations of civil rights activism. Even in his retirement, Dr. Lowery will continue to guide and inspire us in our fight for equality, justice, and human dignity for many years to come.

Reverend Lowery, Mrs. Lowery, I wish you the best in your retirement.

SEND IN THE MARINES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, at first the Democrat leader, TOM DASCHLE, said he knew of no Americans who were overtaxed, and then the President of the United States, Bill Clinton, said he thought the people of Virginia were selfish for wanting to keep more of their own money rather than send it to expert Washington bureaucrats.

But now a top Democrat woman in the Pentagon says that the U.S. Marines are extremists. Now, think about this. Monday was the Marine Corps birthday, a great, proud, fighting outfit that has been in the battles and the wars fought for our freedom throughout the history of America, and yet here is what Democrat Sara Lister says: "The Marines are extremists. Whenever you have extremists, you have some risk that a total disconnection with society will take place, and that is very dangerous."

Well, I will say this to Ms. Lister. Although I do not know you and I was not a Marine, I would ask you this. Have you ever dug in a foxhole? Have you ever had dirt in your face? Have you ever had the blood splattered on your uniform of a buddy as he or she lies dying, and did that blood splatter make a permanent star on your emotions?

I say, Mr. Speaker, send in the Marines; send out Sara Lister. Let us have her resignation today.

IRS REFORM

(Mr. GRAHAM asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GRAHAM. Mr. Speaker, Americans who take an increasingly cynical view of politics and politicians often claim that politicians are all the same, and those who do not vote justify their passivity by saying it does not matter. Half the people in America who are eligible to vote choose not to, and there is something that we need to address.

There is an issue on the radar screen of most Americans called reforming the IRS. Hopefully we can convince folks that we are serious about changing Washington.

The Democratic Party had Washington for 40 years and there has been no major effort during that period of time to change the way we tax the American people and the way the IRS works. We have been in town for 3 years, and there are major overhauls of the IRS looming and some have come to fruition, with the help from the Democratic Party, which convinces me if we pick the right issue and drive it hard, people will come our way. Now the IRS has to prove that one has done something wrong; one does not have to prove oneself innocent.

I would ask every taxpayer in this country to watch this debate, closely follow who is leading it, and I can promise that the Republican Party is going to take our hopes and dreams for a new Tax Code for a new century and we are going to boldly go forward, and I hope our colleagues in the Democratic Party will join us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken later in the day.

ADOPTION AND SAFE FAMILIES ACT OF 1997

Mr. SHAW. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 327), providing for the consideration of the bill H.R. 867 and the Senate amendment thereto.

The Clerk read as follows:

H. RES. 327

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 867 and an amendment of the Senate thereto and to have concurred in the amendment of the Senate with an amendment as follows: in lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Adoption and Safe Families Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS
Sec. 101. Clarification of the reasonable efforts requirement.
Sec. 102. Including safety in case plan and case review system requirements.
Sec. 103. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.
Sec. 104. Notice of reviews and hearings; opportunity to be heard.
Sec. 105. Use of the Federal Parent Locator Service for child welfare services.
Sec. 106. Criminal records checks for prospective foster and adoptive parents.
Sec. 107. Documentation of efforts for adoption or location of a permanent home.
TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN
Sec. 201. Adoption incentive payments.
Sec. 202. Adoptions across State and county jurisdictions.
Sec. 203. Performance of States in protecting children.
TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS
Sec. 301. Authority to approve more child protection demonstration projects.
Sec. 302. Permanency hearings.
Sec. 303. Kinship care.
Sec. 304. Clarification of eligible population for independent living services.
Sec. 305. Reauthorization and expansion of family preservation and support services.
Sec. 306. Health insurance coverage for children with special needs.
Sec. 307. Continuation of eligibility for adoption assistance payments on behalf of children with special needs whose initial adoption has been dissolved.
Sec. 308. State standards to ensure quality services for children in foster care.
TITLE IV—MISCELLANEOUS
Sec. 401. Preservation of reasonable parenting.
Sec. 402. Reporting requirements.
Sec. 403. Sense of Congress regarding standby guardianship.
Sec. 404. Temporary adjustment of Contingency Fund for State Welfare Programs.
Sec. 405. Coordination of substance abuse and child protection services.
Sec. 406. Purchase of American-made equipment and products.
TITLE V—EFFECTIVE DATE
Sec. 501. Effective date.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

SEC. 101. CLARIFICATION OF THE REASONABLE EFFORTS REQUIREMENT.

(a) IN GENERAL.—Section 471(a)(15) of the Social Security Act (42 U.S.C. 671(a)(15)) is amended to read as follows:

"(15) provides that—

"(A) in determining reasonable efforts to be made with respect to a child, as described in this paragraph, and in making such reasonable efforts, the child's health and safety shall be the paramount concern;

"(B) except as provided in subparagraph (D), reasonable efforts shall be made to preserve and reunify families—

"(i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and

"(ii) to make it possible for a child to safely return to the child's home;

"(C) if continuation of reasonable efforts of the type described in subparagraph (B) is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child;

"(D) reasonable efforts of the type described in subparagraph (B) shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction has determined that—

"(i) the parent has subjected the child to aggravated circumstances (as defined in State law, which definition may include but need not be limited to abandonment, torture, chronic abuse, and sexual abuse);

"(ii) the parent has—

"(I) committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

"(II) committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

"(III) aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter; or

"(IV) committed a felony assault that results in serious bodily injury to the child or another child of the parent; or

"(iii) the parental rights of the parent to a sibling have been terminated involuntarily;

"(E) if reasonable efforts of the type described in subparagraph (B) are not made with respect to a child as a result of a determination made by a court of competent jurisdiction in accordance with subparagraph (D)—

"(i) a permanency hearing (as described in section 475(5)(C)) shall be held for the child within 30 days after the determination; and

"(ii) reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child; and

"(F) reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts of the type described in subparagraph (B);".

(b) DEFINITION OF LEGAL GUARDIANSHIP.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

"(7) The term 'legal guardianship' means a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making. The term 'legal guardian' means the caretaker in such a relationship.".

(c) CONFORMING AMENDMENT.—Section 472(a)(1) of such Act (42 U.S.C. 672(a)(1)) is

amended by inserting "for a child" before "have been made".

(d) RULE OF CONSTRUCTION.—Part E of title IV of such Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

"SEC. 478. RULE OF CONSTRUCTION.

"Nothing in this part shall be construed as precluding State courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in section 471(a)(15)(D).".

SEC. 102. INCLUDING SAFETY IN CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.

Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 422(b)(10)(B)—

(A) in clause (iii)(I), by inserting "safe and" after "where"; and

(B) in clause (iv), by inserting "safely" after "remain"; and

(2) in section 475—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "safety and" after "discussion of the"; and

(ii) in subparagraph (B)—

(I) by inserting "safe and" after "child receives"; and

(II) by inserting "safe" after "return of the child to his own"; and

(B) in paragraph (5)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting "a safe setting that is" after "placement in"; and

(ii) in subparagraph (B)—

(I) by inserting "the safety of the child," after "determine"; and

(II) by inserting "and safely maintained in" after "returned to".

SEC. 103. STATES REQUIRED TO INITIATE OR JOIN PROCEEDINGS TO TERMINATE PARENTAL RIGHTS FOR CERTAIN CHILDREN IN FOSTER CARE.

(a) REQUIREMENT FOR PROCEEDINGS.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following:

"(E) in the case of a child who has been in foster care under the responsibility of the State for 15 of the most recent 22 months, or, if a court of competent jurisdiction has determined a child to be an abandoned infant (as defined under State law) or has made a determination that the parent has committed murder of another child of the parent, committed voluntary manslaughter of another child of the parent, aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter, or committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, unless—

"(i) at the option of the State, the child is being cared for by a relative;

"(ii) a State agency has documented in the case plan (which shall be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the child; or

"(iii) the State has not provided to the family of the child, consistent with the time period in the State case plan, such services as the State deems necessary for the safe return of the child to the child's home, if reasonable efforts of the type described in section 471(a)(15)(B)(ii) are required to be made with respect to the child.".

(b) DETERMINATION OF BEGINNING OF FOSTER CARE.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by subsection (a), is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) a child shall be considered to have entered foster care on the earlier of—

"(i) the date of the first judicial finding that the child has been subjected to child abuse or neglect; or

"(ii) the date that is 60 days after the date on which the child is removed from the home.".

(c) TRANSITION RULES.—

(1) NEW FOSTER CHILDREN.—In the case of a child who enters foster care (within the meaning of section 475(5)(F) of the Social Security Act) under the responsibility of a State after the date of the enactment of this Act—

(A) if the State comes into compliance with the amendments made by subsection (a) of this section before the child has been in such foster care for 15 of the most recent 22 months, the State shall comply with section 475(5)(E) of the Social Security Act with respect to the child when the child has been in such foster care for 15 of the most recent 22 months; and

(B) if the State comes into such compliance after the child has been in such foster care for 15 of the most recent 22 months, the State shall comply with such section 475(5)(E) with respect to the child not later than 3 months after the end of the first regular session of the State legislature that begins after such date of enactment.

(2) CURRENT FOSTER CHILDREN.—In the case of children in foster care under the responsibility of the State on the date of the enactment of this Act, the State shall—

(A) not later than 6 months after the end of the first regular session of the State legislature that begins after such date of enactment, comply with section 475(5)(E) of the Social Security Act with respect to not less than ⅓ of such children as the State shall select, giving priority to children for whom the permanency plan (within the meaning of part E of title IV of the Social Security Act) is adoption and children who have been in foster care for the greatest length of time;

(B) not later than 12 months after the end of such first regular session, comply with such section 475(5)(E) with respect to not less than ⅔ of such children as the State shall select; and

(C) not later than 18 months after the end of such first regular session, comply with such section 475(5)(E) with respect to all of such children.

(3) TREATMENT OF 2-YEAR LEGISLATIVE SESSIONS.—For purposes of this subsection, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(4) REQUIREMENTS TREATED AS STATE PLAN REQUIREMENTS.—For purposes of part E of title IV of the Social Security Act, the requirements of this subsection shall be treated as State plan requirements imposed by section 471(a) of such Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section or in part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), as amended by this Act, shall be construed as precluding State courts or State agencies from initiating the termination of parental rights for reasons other than, or for timelines earlier than, those specified in part E of title IV of such Act, when such actions are determined to be in the best interests of the child, including cases where the child has experienced multiple foster care placements of varying durations.

SEC. 104. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY TO BE HEARD.

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by section 103, is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) the foster parents (if any) of a child and any preadoptive parent or relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to such a review or hearing solely on the basis of such notice and opportunity to be heard.".

SEC. 105. USE OF THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE SERVICES.

Section 453 of the Social Security Act (42 U.S.C. 653) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by inserting "or making or enforcing child custody or visitation orders," after "obligations,"; and

(B) in subparagraph (A)—

(i) by striking "or" at the end of clause (ii);

(ii) by striking the comma at the end of clause (iii) and inserting "; or"; and

(iii) by inserting after clause (iii) the following:

"(iv) who has or may have parental rights with respect to a child,"; and

(2) in subsection (c)—

(A) by striking the period at the end of paragraph (3) and inserting "; and"; and

(B) by adding at the end the following:

"(4) a State agency that is administering a program operated under a State plan under subpart 1 of part B, or a State plan approved under subpart 2 of part B or under part E.".

SEC. 106. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting "; and"; and

(3) by adding at the end the following:

"(20)(A) unless an election provided for in subparagraph (B) is made with respect to the State, provides procedures for criminal records checks for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

"(i) in any case in which a record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime

against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, if a State finds that a court of competent jurisdiction has determined that the felony was committed at any time, such final approval shall not be granted; and

"(ii) in any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if a State finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years, such final approval shall not be granted; and

"(B) subparagraph (A) shall not apply to a State plan if the Governor of the State has notified the Secretary in writing that the State has elected to make subparagraph (A) inapplicable to the State, or if the State legislature, by law, has elected to make subparagraph (A) inapplicable to the State.".

SEC. 107. DOCUMENTATION OF EFFORTS FOR ADOPTION OR LOCATION OF A PERMANENT HOME.

Section 475(1) of the Social Security Act (42 U.S.C. 675(1)) is amended—

(1) in the last sentence—

(A) by striking "the case plan must also include"; and

(B) by redesignating such sentence as subparagraph (D) and indenting appropriately; and

(2) by adding at the end the following:

"(E) In the case of a child with respect to whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems.".

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

SEC. 201. ADOPTION INCENTIVE PAYMENTS.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 473 the following:

"SEC. 473A. ADOPTION INCENTIVE PAYMENTS.

"(a) GRANT AUTHORITY.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts for this purpose, the Secretary shall make a grant to each State that is an incentive-eligible State for a fiscal year in an amount equal to the adoption incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

"(b) INCENTIVE-ELIGIBLE STATE.—A State is an incentive-eligible State for a fiscal year if—

"(1) the State has a plan approved under this part for the fiscal year;

"(2) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;

"(3) the State is in compliance with subsection (c) for the fiscal year;

"(4) in the case of fiscal years 2001 and 2002, the State provides health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents; and

"(5) the fiscal year is any of fiscal years 1998 through 2002.

"(c) DATA REQUIREMENTS.—

"(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2)—

"(A) for fiscal years 1995 through 1997 (or, if the 1st fiscal year for which the State seeks a grant under this section is after fiscal year 1998, the fiscal year that precedes such 1st fiscal year); and

"(B) for each succeeding fiscal year that precedes the fiscal year.

"(2) DETERMINATION OF NUMBERS OF ADOPTIONS.—

"(A) DETERMINATIONS BASED ON AFCARS DATA.—Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1995 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State and approved by the Secretary by August 1 of the succeeding fiscal year.

"(B) ALTERNATIVE DATA SOURCES PERMITTED FOR FISCAL YEARS 1995 THROUGH 1997.—For purposes of the determination described in subparagraph (A) for fiscal years 1995 through 1997, the Secretary may use data from a source or sources other than that specified in subparagraph (A) that the Secretary finds to be of equivalent completeness and reliability, as reported by a State by November 30, 1997, and approved by the Secretary by March 1, 1998.

"(3) NO WAIVER OF AFCARS REQUIREMENTS.—This section shall not be construed to alter or affect any requirement of section 479 or of any regulation prescribed under such section with respect to reporting of data by States, or to waive any penalty for failure to comply with such a requirement.

"(d) ADOPTION INCENTIVE PAYMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the adoption incentive payment payable to a State for a fiscal year under this section shall be equal to the sum of—

"(A) $4,000, multiplied by the amount (if any) by which the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; and

"(B) $2,000, multiplied by the amount (if any) by which the number of special needs adoptions in the State during the fiscal year exceeds the base number of special needs adoptions for the State for the fiscal year.

"(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—For any fiscal year, if the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds the amount appropriated pursuant to subsection (h) for the fiscal year, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be—

"(A) the amount of the adoption incentive payment that would otherwise be payable to the State under this section for the fiscal year; multiplied by

"(B) the percentage represented by the amount so appropriated for the fiscal year, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.

"(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the succeeding fiscal year.

"(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

"(g) DEFINITIONS.—As used in this section:

"(1) FOSTER CHILD ADOPTION.—The term 'foster child adoption' means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.

"(2) SPECIAL NEEDS ADOPTION.—The term 'special needs adoption' means the final adoption of a child for whom an adoption assistance agreement is in effect under section 473.

"(3) BASE NUMBER OF FOSTER CHILD ADOPTIONS.—The term 'base number of foster child adoptions for a State' means—

"(A) with respect to fiscal year 1998, the average number of foster child adoptions in the State in fiscal years 1995, 1996, and 1997; and

"(B) with respect to any subsequent fiscal year, the number of foster child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.

"(4) BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.—The term 'base number of special needs adoptions for a State' means—

"(A) with respect to fiscal year 1998, the average number of special needs adoptions in the State in fiscal years 1995, 1996, and 1997; and

"(B) with respect to any subsequent fiscal year, the number of special needs adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.

"(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For grants under subsection (a), there are authorized to be appropriated to the Secretary $20,000,000 for each of fiscal years 1999 through 2003.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended, but not after fiscal year 2003.

"(i) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may, directly or through grants or contracts, provide technical assistance to assist States and local communities to reach their targets for increased numbers of adoptions and, to the extent that adoption is not possible, alternative permanent placements, for children in foster care.

"(2) DESCRIPTION OF THE CHARACTER OF THE TECHNICAL ASSISTANCE.—The technical assistance provided under paragraph (1) may support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and may include the following:

"(A) The development of best practice guidelines for expediting termination of parental rights.

"(B) Models to encourage the use of concurrent planning.

"(C) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

"(D) The development of risk assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

"(E) Models to encourage the fast tracking of children who have not attained 1 year of age into pre-adoptive placements.

"(F) Development of programs that place children into pre-adoptive families without waiting for termination of parental rights.

"(3) TARGETING OF TECHNICAL ASSISTANCE TO THE COURTS.—Not less than 50 percent of any amount appropriated pursuant to paragraph (4) shall be used to provide technical assistance to the courts.

"(4) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary of Health and Human Services not to exceed $10,000,000 for each of fiscal years 1998 through 2000.".

(b) DISCRETIONARY CAP ADJUSTMENT FOR ADOPTION INCENTIVE PAYMENTS.—

(1) SECTION 251 AMENDMENT.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)), as amended by section 10203(a)(4) of the Balanced Budget Act of 1997, is amended by adding at the end the following new subparagraph:

"(G) ADOPTION INCENTIVE PAYMENTS.—Whenever a bill or joint resolution making appropriations for fiscal year 1999, 2000, 2001, 2002, or 2003 is enacted that specifies an amount for adoption incentive payments pursuant to this part for the Department of Health and Human Services—

"(i) the adjustments for new budget authority shall be the amounts of new budget authority provided in that measure for adoption incentive payments, but not to exceed $20,000,000; and

"(ii) the adjustment for outlays shall be the additional outlays flowing from such amount.".

(2) SECTION 314 AMENDMENT.—Section 314(b) of the Congressional Budget Act of 1974, as amended by section 10114(a) of the Balanced Budget Act of 1997, is amended—

(A) by striking "or" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; or"; and

(C) by adding at the end the following:

"(6) in the case of an amount for adoption incentive payments (as defined in section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985) for fiscal year 1999, 2000, 2001, 2002, or 2003 for the Department of Health and Human Services, an amount not to exceed $20,000,000.".

SEC. 202. ADOPTIONS ACROSS STATE AND COUNTY JURISDICTIONS.

(a) STATE PLAN FOR CHILD WELFARE SERVICES REQUIREMENT.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) contain assurances that the State shall develop plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.".

(b) CONDITION OF ASSISTANCE.—Section 474 of such Act (42 U.S.C. 674) is amended by adding at the end the following:

"(e) Notwithstanding subsection (a), a State shall not be eligible for any payment under this section if the Secretary finds that, after the date of the enactment of this subsection, the State has—

"(1) denied or delayed the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or

"(2) failed to grant an opportunity for a fair hearing, as described in section 471(a)(12), to an individual whose allegation of a violation of paragraph (1) of this subsection is denied by the State or not acted upon by the State with reasonable promptness.".

(c) STUDY OF INTERJURISDICTIONAL ADOPTION ISSUES.—

(1) IN GENERAL.—The Comptroller General of the United States shall—

(A) study and consider how to improve procedures and policies to facilitate the timely and permanent adoptions of children across State and county jurisdictions; and

(B) examine, at a minimum, interjurisdictional adoption issues—

(i) concerning the recruitment of prospective adoptive families from other States and counties;

(ii) concerning the procedures to grant reciprocity to prospective adoptive family home studies from other States and counties;

(iii) arising from a review of the comity and full faith and credit provided to adoption decrees and termination of parental rights orders from other States; and

(iv) concerning the procedures related to the administration and implementation of the Interstate Compact on the Placement of Children.

(2) REPORT TO THE CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of the Congress a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) recommendations on how to improve procedures to facilitate the interjurisdictional adoption of children, including interstate and intercounty adoptions, so that children will be assured timely and permanent placements.

SEC. 203. PERFORMANCE OF STATES IN PROTECTING CHILDREN.

(a) ANNUAL REPORT ON STATE PERFORMANCE.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

"SEC. 479A. ANNUAL REPORT.

"The Secretary, in consultation with Governors, State legislatures, State and local public officials responsible for administering child welfare programs, and child welfare advocates, shall—

"(1) develop a set of outcome measures (including length of stay in foster care, number of foster care placements, and number of adoptions) that can be used to assess the performance of States in operating child protection and child welfare programs pursuant to parts B and E to ensure the safety of children;

"(2) to the maximum extent possible, the outcome measures should be developed from data available from the Adoption and Foster Care Analysis and Reporting System;

"(3) develop a system for rating the performance of States with respect to the outcome measures, and provide to the States an explanation of the rating system and how scores are determined under the rating system;

"(4) prescribe such regulations as may be necessary to ensure that States provide to the Secretary the data necessary to determine State performance with respect to each outcome measure, as a condition of the State receiving funds under this part; and

"(5) on May 1, 1999, and annually thereafter, prepare and submit to the Congress a report on the performance of each State on each outcome measure, which shall examine the reasons for high performance and low performance and, where possible, make recommendations as to how State performance could be improved.".

(b) DEVELOPMENT OF PERFORMANCE-BASED INCENTIVE SYSTEM.—The Secretary of Health and Human Services, in consultation with State and local public officials responsible for administering child welfare programs and child welfare advocates, shall study, develop, and recommend to Congress an incentive system to provide payments under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq., 670 et seq.) to any State based on the State's performance under such a system. Such a system shall, to the extent the Secretary determines feasible and appropriate, be based on the annual report required by section 479A of the Social Security Act (as added by subsection (a) of this section) or on any proposed modifications of the annual report. Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a progress report on the feasibility, timetable, and consultation process for conducting such a study. Not later than 15 months after such date of enactment, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the final report on a performance-based incentive system. The report may include other recommendations for restructuring the program and payments under parts B and E of title IV of the Social Security Act.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

SEC. 301. EXPANSION OF CHILD WELFARE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Section 1130(a) of the Social Security Act (42 U.S.C. 1320a-9) is amended to read as follows:

"(a) AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—The Secretary may authorize States to conduct demonstration projects pursuant to this section which the Secretary finds are likely to promote the objectives of part B or E of title IV.

"(2) LIMITATION.—The Secretary may authorize not more than 10 demonstration projects under paragraph (1) in each of fiscal years 1998 through 2002.

"(3) CERTAIN TYPES OF PROPOSALS REQUIRED TO BE CONSIDERED.—

"(A) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address barriers that result in delays to adoptive placements for children in foster care.

"(B) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address parental substance abuse problems that endanger children and result in the placement of children in foster care, including through the placement of children with their parents in residential treatment facilities (including residential treatment facilities for postpartum depression) that are specifically designed to serve parents and children together in order to promote family reunification and that can ensure the health and safety of the children in such placements.

"(C) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to address kinship care.

"(4) LIMITATION ON ELIGIBILITY.—The Secretary may not authorize a State to conduct a demonstration project under this section if the State fails to provide health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents.

"(5) REQUIREMENT TO CONSIDER EFFECT OF PROJECT ON TERMS AND CONDITIONS OF CERTAIN COURT ORDERS.—In considering an application to conduct a demonstration project under this section that has been submitted by a State in which there is in effect a court order determining that the State's child welfare program has failed to comply with the provisions of part B or E of title IV, or with the Constitution of the United States, the Secretary shall take into consideration the effect of approving the proposed project on the terms and conditions of the court order related to the failure to comply.".

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall be construed as affecting the terms and conditions of any demonstration project approved under section 1130 of the Social Security Act (42 U.S.C. 1320a–9) before the date of the enactment of this Act.

(c) AUTHORITY TO EXTEND DURATION OF DEMONSTRATIONS.—Section 1130(d) of such Act (42 U.S.C. 1320a–9(d)) is amended by inserting ", unless in the judgment of the Secretary, the demonstration project should be allowed to continue" before the period.

SEC. 302. PERMANENCY HEARINGS.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by striking "dispositional" and inserting "permanency";

(2) by striking "eighteen" and inserting "12";

(3) by striking "original placement" and inserting "date the child is considered to have entered foster care (as determined under subparagraph (F))"; and

(4) by striking "future status of" and all that follows through "long term basis)" and inserting "permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, placed for adoption and the State will file a petition for termination of parental rights, or referred for legal guardianship, or (in cases where the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement".

SEC. 303. KINSHIP CARE.

(a) REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall—

(A) not later than June 1, 1998, convene the advisory panel provided for in subsection (b)(1) and prepare and submit to the advisory panel an initial report on the extent to which children in foster care are placed in the care of a relative (in this section referred to as "kinship care"); and

(B) not later than June 1, 1999, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—

(i) be based on the comments submitted by the advisory panel pursuant to subsection (b)(2) and other information and considerations; and

(ii) include the policy recommendations of the Secretary with respect to the matter.

(2) REQUIRED CONTENTS.—Each report required by paragraph (1) shall—

(A) include, to the extent available for each State, information on—

(i) the policy of the State regarding kinship care;

(ii) the characteristics of the kinship care providers (including age, income, ethnicity, and race, and the relationship of the kinship care providers to the children);

(iii) the characteristics of the household of such providers (such as number of other persons in the household and family composition);

(iv) how much access to the child is afforded to the parent from whom the child has been removed;

(v) the cost of, and source of funds for, kinship care (including any subsidies such as medicaid and cash assistance);

(vi) the permanency plan for the child and the actions being taken by the State to achieve the plan;

(vii) the services being provided to the parent from whom the child has been removed; and

(viii) the services being provided to the kinship care provider; and

(B) specifically note the circumstances or conditions under which children enter kinship care.

(b) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate, shall convene an advisory panel which shall include parents, foster parents, relative caregivers, former foster children, State and local public officials responsible for administering child welfare programs, private persons involved in the delivery of child welfare services, representatives of tribal governments and tribal courts, judges, and academic experts.

(2) DUTIES.—The advisory panel convened pursuant to paragraph (1) shall review the report prepared pursuant to subsection (a), and, not later than October 1, 1998, submit to the Secretary comments on the report.

SEC. 304. CLARIFICATION OF ELIGIBLE POPULATION FOR INDEPENDENT LIVING SERVICES.

Section 477(a)(2)(A) of the Social Security Act (42 U.S.C. 677(a)(2)(A)) is amended by inserting "(including children with respect to whom such payments are no longer being made because the child has accumulated assets, not to exceed $5,000, which are otherwise regarded as resources for purposes of determining eligibility for benefits under this part)" before the comma.

SEC. 305. REAUTHORIZATION AND EXPANSION OF FAMILY PRESERVATION AND SUPPORT SERVICES.

(a) REAUTHORIZATION OF FAMILY PRESERVATION AND SUPPORT SERVICES.—

(1) IN GENERAL.—Section 430(b) of the Social Security Act (42 U.S.C. 629(b)) is amended—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(6) for fiscal year 1999, $275,000,000;

"(7) for fiscal year 2000, $295,000,000; and

"(8) for fiscal year 2001, $305,000,000.".

(2) CONTINUATION OF RESERVATION OF CERTAIN AMOUNTS.—Paragraphs (1) and (2) of section 430(d) of the Social Security Act (42 U.S.C. 629(d)(1) and (2)) are each amended by striking "and 1998" and inserting "1998, 1999, 2000, and 2001".

(3) CONFORMING AMENDMENTS.—Section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) is amended—

(A) in subsection (c), by striking "1998" each place it appears and inserting "2001"; and

(B) in subsection (d)(2), by striking "and 1998" and inserting "1998, 1999, 2000, and 2001".

(b) EXPANSION FOR TIME-LIMITED FAMILY REUNIFICATION SERVICES AND ADOPTION PROMOTION AND SUPPORT SERVICES.—

(1) ADDITIONS TO STATE PLAN.—Section 432 of the Social Security Act (42 U.S.C. 629b) is amended—

(A) in subsection (a)—

(i) in paragraph (4), by striking "and community-based family support services" and inserting ", community-based family support services, time-limited family reunification services, and adoption promotion and support services,"; and

(ii) in paragraph (5)(A), by striking "and community-based family support services" and inserting ", community-based family support services, time-limited family reunification services, and adoption promotion and support services"; and

(B) in subsection (b)(1), by striking "and family support" and inserting ", family support, time-limited family reunification, and adoption promotion and support".

(2) DEFINITIONS OF TIME-LIMITED FAMILY REUNIFICATION SERVICES AND ADOPTION PROMOTION AND SUPPORT SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)) is amended by adding at the end the following:

"(7) TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

"(A) IN GENERAL.—The term 'time-limited family reunification services' means the services and activities described in subparagraph (B) that are provided to a child that is removed from the child's home and placed in a foster family home or a child care institution and to the parents or primary caregiver of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 15-month period that begins on the date that the child, pursuant to section 475(5)(F), is considered to have entered foster care.

"(B) SERVICES AND ACTIVITIES DESCRIBED.—The services and activities described in this subparagraph are the following:

"(i) Individual, group, and family counseling.

"(ii) Inpatient, residential, or outpatient substance abuse treatment services.

"(iii) Mental health services.

"(iv) Assistance to address domestic violence.

"(v) Services designed to provide temporary child care and therapeutic services for families, including crisis nurseries.

"(vi) Transportation to or from any of the services and activities described in this subparagraph.

"(8) ADOPTION PROMOTION AND SUPPORT SERVICES.—The term 'adoption promotion and support services' means services and activities designed to encourage more adoptions out of the foster care system, when adoptions promote the best interests of children, including such activities as pre- and

post-adoptive services and activities designed to expedite the adoption process and support adoptive families.".

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) PURPOSES.—Section 430(a) of the Social Security Act (42 U.S.C. 629(a)) is amended by striking "and community-based family support services" and inserting ", community-based family support services, time-limited family reunification services, and adoption promotion and support services".

(B) PROGRAM TITLE.—The heading of subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.) is amended to read as follows:

"Subpart 2—Promoting Safe and Stable Families".

(c) EMPHASIZING THE SAFETY OF THE CHILD.—

(1) REQUIRING ASSURANCES THAT THE SAFETY OF CHILDREN SHALL BE OF PARAMOUNT CONCERN.—Section 432(a) of the Social Security Act (42 U.S.C. 629b(a)) is amended—

(A) by striking "and" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8); and

(C) by adding at the end the following:

"(9) contains assurances that in administering and conducting service programs under the plan, the safety of the children to be served shall be of paramount concern.".

(2) DEFINITIONS OF FAMILY PRESERVATION AND FAMILY SUPPORT SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "safe and" before "appropriate" each place it appears; and

(ii) in subparagraph (B), by inserting "safely" after "remain"; and

(B) in paragraph (2)—

(i) by inserting "safety and" before "well-being"; and

(ii) by striking "stable" and inserting "safe, stable,".

(d) CLARIFICATION OF MAINTENANCE OF EFFORT REQUIREMENT.—

(1) DEFINITION OF NON-FEDERAL FUNDS.—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)), as amended by subsection (b)(2), is amended by adding at the end the following:

"(9) NON-FEDERAL FUNDS.—The term 'non-Federal funds' means State funds, or at the option of a State, State and local funds.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect as if included in the enactment of section 13711 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-33; 107 Stat. 649).

SEC. 306. HEALTH INSURANCE COVERAGE FOR CHILDREN WITH SPECIAL NEEDS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 106, is amended—

(1) in paragraph (19), by striking "and" at the end;

(2) in paragraph (20), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(21) provides for health insurance coverage (including, at State option, through the program under the State plan approved under title XIX) for any child who has been determined to be a child with special needs, for whom there is in effect an adoption assistance agreement (other than an agreement under this part) between the State and an adoptive parent or parents, and who the State has determined cannot be placed with an adoptive parent or parents without medical assistance because such child has special needs for medical, mental health, or rehabilitative care, and that with respect to the provision of such health insurance coverage—

"(A) such coverage may be provided through 1 or more State medical assistance programs;

"(B) the State, in providing such coverage, shall ensure that the medical benefits, including mental health benefits, provided are of the same type and kind as those that would be provided for children by the State under title XIX;

"(C) in the event that the State provides such coverage through a State medical assistance program other than the program under title XIX, and the State exceeds its funding for services under such other program, any such child shall be deemed to be receiving aid or assistance under the State plan under this part for purposes of section 1902(a)(10)(A)(i)(I); and

"(D) in determining cost-sharing requirements, the State shall take into consideration the circumstances of the adopting parent or parents and the needs of the child being adopted consistent, to the extent coverage is provided through a State medical assistance program, with the rules under such program.".

SEC. 307. CONTINUATION OF ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS ON BEHALF OF CHILDREN WITH SPECIAL NEEDS WHOSE INITIAL ADOPTION HAS BEEN DISSOLVED.

(a) CONTINUATION OF ELIGIBILITY.—Section 473(a)(2) of the Social Security Act (42 U.S.C. 673(a)(2)) is amended by adding at the end the following: "Any child who meets the requirements of subparagraph (C), who was determined eligible for adoption assistance payments under this part with respect to a prior adoption, who is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, and who fails to meet the requirements of subparagraphs (A) and (B) but would meet such requirements if the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under this part and the prior adoption were treated as never having occurred, shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii).".

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to children who are adopted on or after October 1, 1997.

SEC. 308. STATE STANDARDS TO ENSURE QUALITY SERVICES FOR CHILDREN IN FOSTER CARE.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 106 and 306, is amended—

(1) in paragraph (20), by striking "and" at the end;

(2) in paragraph (21), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(22) provides that, not later than January 1, 1999, the State shall develop and implement standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children.".

TITLE IV—MISCELLANEOUS

SEC. 401. PRESERVATION OF REASONABLE PARENTING.

Nothing in this Act is intended to disrupt the family unnecessarily or to intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting.

SEC. 402. REPORTING REQUIREMENTS.

Any information required to be reported under this Act shall be supplied to the Secretary of Health and Human Services through data meeting the requirements of the Adoption and Foster Care Analysis and Reporting System established pursuant to section 479 of the Social Security Act (42 U.S.C. 679), to the extent such data is available under that system. The Secretary shall make such modifications to regulations issued under section 479 of such Act with respect to the Adoption and Foster Care Analysis and Reporting System as may be necessary to allow States to obtain data that meets the requirements of such system in order to satisfy the reporting requirements of this Act.

SEC. 403. SENSE OF CONGRESS REGARDING STANDBY GUARDIANSHIP.

It is the sense of Congress that the States should have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

(1) the death of the parent;

(2) the mental incapacity of the parent; or

(3) the physical debilitation and consent of the parent.

SEC. 404. TEMPORARY ADJUSTMENT OF CONTINGENCY FUND FOR STATE WELFARE PROGRAMS.

(a) REDUCTION OF APPROPRIATION.—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by inserting ", reduced by the sum of the dollar amounts specified in paragraph (6)(C)(ii)" before the period.

(b) INCREASE IN STATE REMITTANCES.— Section 403(b)(6) of such Act (42 U.S.C. 603(b)(6)) is amended by adding at the end the following:

"(C) ADJUSTMENT OF STATE REMITTANCES.—

"(i) IN GENERAL.—The amount otherwise required by subparagraph (A) to be remitted by a State for a fiscal year shall be increased by the lesser of—

"(I) the total adjustment for the fiscal year, multiplied by the adjustment percentage for the State for the fiscal year; or

"(II) the unadjusted net payment to the State for the fiscal year.

"(ii) TOTAL ADJUSTMENT.—As used in clause (i), the term 'total adjustment' means—

"(I) in the case of fiscal year 1998, $2,000,000;

"(II) in the case of fiscal year 1999, $9,000,000;

"(III) in the case of fiscal year 2000, $16,000,000; and

"(IV) in the case of fiscal year 2001, $13,000,000.

"(iii) ADJUSTMENT PERCENTAGE.—As used in clause (i), the term 'adjustment percentage' means, with respect to a State and a fiscal year—

"(I) the unadjusted net payment to the State for the fiscal year; divided by

"(II) the sum of the unadjusted net payments to all States for the fiscal year.

"(iv) UNADJUSTED NET PAYMENT.—As used in this subparagraph, the term, 'unadjusted net payment' means with respect to a State and a fiscal year—

"(I) the total amount paid to the State under paragraph (3) in the fiscal year; minus

"(II) the amount that, in the absence of this subparagraph, would be required by subparagraph (A) or by section 409(a)(10) to be

remitted by the State in respect of the payment.''.

(c) RECOMMENDATIONS FOR IMPROVING THE OPERATION OF THE CONTINGENCY FUND.—Not later than March 1, 1998, the Secretary of Health and Human Services shall make recommendations to the Congress for improving the operation of the Contingency Fund for State Welfare Programs.

SEC. 405. COORDINATION OF SUBSTANCE ABUSE AND CHILD PROTECTION SERVICES.

Within 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families in the Department of Health of Human Services, shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report which describes the extent and scope of the problem of substance abuse in the child welfare population, the types of services provided to such population, and the outcomes resulting from the provision of such services to such population. The report shall include recommendations for any legislation that may be needed to improve coordination in providing such services to such population.

SEC. 406. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) IN GENERAL.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available under this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act take effect on the date of enactment of this Act.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. SHAW] and the gentlewoman from Connecticut [Mrs. KENNELLY] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution we are now considering is needed to resolve the differences between the House on bill H.R. 867, the Adoption and Safe Families Act of 1997. This legislation passed this House last April by a vote of 416 to 5. It was approved last week by the other body by unanimous consent.

The resolution before us provides for a House amendment to the Senate-passed amendment, with an agreed-upon compromise of the differences remaining between the two houses. We are doing this with the expectation that the Senate will agree quickly to this compromise and send the bill to the President for his anticipated signature.

I have seldom been so proud as I am today to have been involved in this most historic legislation. Let me briefly tell my colleagues why.

In 1980, the Congress enacted legislation that provided badly needed money to help the States protect abused and neglected children. Designed primarily by Democrats, the legislation was a great achievement in its time. However, we can now see that some of the technical provisions of the 1980 legislation have caused too many children to remain too long in foster care. In our highly justified efforts to help unfortunate parents and their children, we have inadvertently created a system that keeps children in the limbo of foster care, and in all too many cases, in harm's way.

This wonderful bill corrects that problem. It does so by use of three tried and true methods. First, it establishes time lines to which States must conform in getting children into permanent placement. We are talking about permanent adoptive, loving homes. The effort of these time lines is to force States to make quicker decisions about when the child should be returned to the biological parents or made available for adoption.

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Second, the bill gives the States much more flexibility in identifying cases in which no attempt to help the biological family should be made. These include cases in which a parent has murdered another child or has lost custody of another child, plus other aggravated circumstances of this type which would be identified by the States.

Third, we give States a cash incentive for increasing the number of adoptions of children in foster care. Specifically, we pay the States up to $6,000 per adoption for increasing the number of children who are adopted out of foster care.

The bill does other fine things, but this is its great achievement. That great achievement is moving children toward adoption with dispatch. As a result, we can expect adoptions to increase by many thousands of cases in the next 5 years. Think of that, thousands of additional children removed from the uncertainty of foster care and placed in warm, loving, and permanent families.

For this great achievement, two Members of the House deserve special recognition. The gentleman from Michigan, Mr. DAVE CAMP, a member of the Committee on Ways and Means, has worked for more than a year now to guide this bill to final passage. As a matter of fact, he brought a great deal of expertise from his own experience as a lawyer in this area. His tireless work on this legislation and especially his persistence in working with the U.S. Senate, which sometimes is not an easy task, has enabled us to achieve a bill that is assured of passage in both the House and Senate.

And the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, has worked closely with the gentleman from Michigan on this bill and has succeeded in representing the interests of the Democrats in a wide variety and array of advocacy groups.

I have always respected the legislative skills of the gentlewoman from Connecticut, [Mrs. KENNELLY], but sometimes working on different sides of important issues. Thus, it has been a special pleasure for me to work on the same side of an issue with her and to profit from, rather than sometimes and occasionally being the victim of, her great legislative skills.

Because of the demands of the legislative schedule, the House and Senate were not able to conduct a formal conference on this legislation. Even so, we have worked closely with the Senate at both the Member and the staff levels to achieve a bill that both Houses could accept. But because there is no conference, there is no conference report to establish and to clarify the legislative history of this important legislation.

For this reason, Mr. Speaker, I include for the RECORD an abbreviated version of the legislative history of this bill.

The material referred to is as follows:

LEGISLATIVE HISTORY OF HOUSE AMENDMENT TO ADOPTION AND SAFE FAMILIES ACT OF 1997—NOVEMBER 13, 1997

Title I. ''Reasonable Efforts'' and Child Safety Provisions

1. ''REASONABLE EFFORTS'' TO PRESERVE AND REUNIFY FAMILIES

House bill

As a component of their state Title IV–E plan, states would continue to be required to

make reasonable efforts to preserve and reunify families; however, this requirement would not apply in cases in which a court has found that: a child has been subjected to "aggravated circumstances" as defined in state law (which may include abandonment, torture, chronic abuse, and sexual abuse); a parent has assaulted the child or another of their children or has killed another of their children (as defined in the Child Abuse Prevention and Treatment Act); or a parent's rights to a sibling have been involuntarily terminated. States would not be required to make reasonable efforts on behalf of any parent who has been involved in subjecting children to these circumstances.

Reasonable efforts to preserve or reunify families could be made concurrently with efforts to place the child for adoption, with a legal guardian, or in another planned permanent arrangement (see item 3). (Section 2 of the House bill)

Senate amendment

As a component of their state Title IV–E plan, states would be required to make reasonable efforts to preserve families when the child can be cared for at home without endangering the child's health or safety or to make it possible for the child to safely return home. Such reasonable efforts would not be required on behalf of any parent: if a court has determined that the parent has killed or assaulted another of their children; or if a court has determined that returning the child home would pose a serious risk to the child's health or safety (including but not limited to cases of abandonment, torture, chronic physical abuse, sexual abuse, or a previous involuntary termination of parental rights to a sibling); or if the state has specified in legislation cases in which reasonable efforts would not be required because of serious circumstances that endanger a child's health or safety. Reasonable efforts to place a child for adoption or with a legal guardian or custodian could be made concurrently with reasonable efforts to preserve or reunify families (see item 3).

Nothing in Title IV–E, as amended by this Act, would be construed as precluding state courts from exercising their discretion to protect the health and safety of children in individual cases when such cases do not include aggravated circumstances as defined by state law. (Section 101 of the Senate amendment)

House amendment

The House Amendment follows the House bill with minor differences in wording, except the agreement: clarifies that the state law definition of "aggravated circumstances" may include, but need not be limited to, abandonment, torture, chronic abuse, and sexual abuse; adds a rule of construction specifying that nothing in this legislation would be construed as precluding state courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in this provision; and establishes new definitions, under Title IV–E, of the terms "legal guardianship" and "legal guardian." (Section 101 of the House Amendment)

2. CONSIDERATION OF CHILD HEALTH AND SAFETY

House bill

In determining and making reasonable efforts on behalf of a child, the child's health and safety must be of paramount concern. (Section 2)

Senate amendment

Same as House bill. (Section 101) In addition, the Senate amendment amends current law to include references to child safety in provisions dealing with child welfare services, case plans, and case review procedures. (Section 102)

House amendment

The House Amendment follows the Senate amendment.

3. "REASONABLE EFFORTS" TO PLACE CHILDREN FOR ADOPTION OR OTHER PERMANENT ARRANGEMENT

House bill

If reasonable efforts to preserve or reunify a family are not made because of the reasons cited in item 1 or are no longer consistent with the child's permanency plan, then states would be required to make reasonable efforts to place the child for adoption, with a legal guardian, or (if adoption or guardianship were not appropriate) in another planned, permanent arrangement. Reasonable efforts to preserve or reunify families could be made concurrently with efforts to place the child for adoption, guardianship, or in another planned, permanent arrangement. (Section 2)

Senate amendment

If reasonable efforts to preserve or reunify a family are not made because of the reasons cited in item 1 (as determined by a court), then a permanency planning hearing must be held for the child within 30 days of the court determination. In such cases, states are required to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the placement. Reasonable efforts to place a child for adoption or with a legal custodian could be made concurrently with reasonable efforts to preserve or reunify the family. (Section 101)

House amendment

The House Amendment follows the Senate amendment with minor differences in wording. (Section 101)

4. DOCUMENTATION OF EFFORTS TO ADOPT

House bill

For every child whose permanency plan is adoption or another permanent placement, states would be required to document the steps taken to find an adoptive family or permanent home; to place the child with the adoptive family, legal guardian, or other permanent home (including the custody of a fit and willing relative); and to finalize the adoption or guardianship. The documentation must cover child-specific recruitment efforts such as use of adoption information exchanges, including electronic exchange systems. (Section 7)

Senate amendment

Same as House bill, with minor differences in wording. (Section 108)

House amendment

The House Amendment follows the House bill and Senate amendment. (Section 107)

5. TERMINATION OF PARENTAL RIGHTS

House bill

In the case of a child who is younger than 10 and has been in foster care for 18 of the most recent 24 months, states would be required to initiate a petition (or join any existing petition) to terminate parental rights, unless: at the option of the state, the child is being cared for by a relative; a state court or agency has documented a compelling reason for determining that such a petition would not be in the best interests of the child; or the state has not provided the family with services deemed appropriate by the state (in cases in which reasonable efforts to preserve or reunify the family have been required).

This provision would apply only to children who enter foster care on or after October 1, 1997. (Section 3)

Senate amendment

In the case of a child who has been in foster care for 12 of the most recent 18 months, an infant who is determined by the court to have been abandoned (as defined under state law), or a court determination that a parent of a child has assaulted the child or killed or assaulted another of their children, states would be required to initiate a petition (or join any existing petition) to terminate parental rights, and concurrently, to identify, recruit, process, and approve a qualified adoptive family, unless: at the option of the state, the child is being cared for by a relative; a state agency has documented to the state court a compelling reason for determining that such a petition would not be in the best interests of the child; or the state has not provided the family of the child with services deemed necessary by the state for the child's safe return home. (Section 104(a))

A child would be considered as having entered foster care on the earlier of the date of the first judicial hearing after the child's removal from home or 30 days after the child's removal from home. (Section 104(b))

Nothing in Title IV–E, as amended by this legislation, would preclude state courts or agencies from initiating termination of parental rights for other reasons, or according to earlier timetables than those specified, if such actions are determined to be in the child's best interests. These special cases include those in which the child has experienced multiple foster care placements. (Section 104(c))

For children in foster care on or before the date of enactment, this provision would apply as though the children first entered care on the date of enactment. The effective date of this bill, providing time for state legislatures to enact necessary legislation, would apply to this provision (see item 28). (Section 104(d))

House amendment

The House Amendment follows the House bill and Senate amendment with modifications. With regard to cases taken into state custody after the date of enactment of this legislation, states are required to initiate a petition (or join any existing petition) to terminate parental rights, and concurrently, to identify, recruit, process, and approve a qualified adoptive family for groups of children: those who have been in foster care for 15 of the most recent 22 months; those who the court has determined to be abandoned infants (as defined in state law); or those for whom there has been a court determination that their parent has assaulted the child or killed or assaulted another of their children.

There are three exceptions to the requirement for terminating parental rights in these cases: at the option of the state, if the child is being cared for by a relative; if a state agency has documented in the case plan, which must be available for court review, a compelling reason for determining that filing such a petition would not be in the best interests of the child; or if the state has not provided to the family of the child, consistent with the time period in the case plan, such services as the state deems necessary for the safe return of the child (in cases in which reasonable efforts to reunify the family have been required). (Section 103(a))

For purposes of applying the 15 of 22 month rule to new cases, the clock begins on the date of the first judicial finding that the

child has been subjected to child abuse or neglect or 60 days after the childs removal from home. (Section 103(b))

With regard to children who enter foster care after the date of enactment, states would be required to comply with this provision when any such child has been in care for 15 of the most recent 22 months, but no later than 3 months after the end of the first regular session of the state's legislature that begins after the date of enactment. With regard to children who are in foster care on the date of enactment, states would be required to apply the 15 of 22 months rule to one-third of the caseload no later than 6 months after the end of the first legislative session, and would give priority to children with permanency plans of adoption and children who have been in foster care for the greatest length of time. States then would be required to apply the 15 of 22 months rule to two-thirds of the caseload no later than 12 months after the end of the first legislative session. Finally, states must apply the 15 of 22 months rule to all children who are in foster care on the date of enactment within 18 months after the end of the first legislative session that begins after the date of enactment. (Section 103(c))

Nothing in Title IV–E, as amended by this legislation, can be construed as precluding state courts or state agencies from initiating the termination of parental rights for other reasons, or according to earlier timetables, than those specified, when determined to be in the child's best interests. These exceptions include cases in which the child has experienced multiple foster care placements. (Section 103(d))

6. CHILD DEATH REVIEW TEAMS

House bill

No provision.

Senate amendment

To be eligible for payments under Title IV–E, no later than 2 years after enactment states must certify that they have established and are maintaining a state child death review team (and, if necessary, regional and local teams) to investigate child deaths. Such deaths include those in which there has been a prior report of abuse or neglect or there is reason to suspect that the death was related to abuse or neglect, or the child was a ward of the state or otherwise known to the child welfare agency. State, regional, or local teams may be existing citizen review panels, as authorized under CAPTA, or existing foster care review boards.

In addition, HHS would be required to establish a federal child death review team, with representatives from other federal agencies, to investigate deaths on federal lands, provide guidance and technical assistance to states and localities upon request, and make recommendations to prevent child deaths. (Section 103)

House amendment

The House Amendment follows the House bill.

7. CRIMINAL RECORD CHECKS

House bill

At state option, states could provide, as a component of their Title IV–E plan, procedures for criminal records checks and checks of a state's child abuse registry for any prospective foster parents or adoptive parents, and employees of child care institutions, before the parents or institutions are finally approved for a placement of a child eligible for federal subsidies under Title IV–E.

In any case of a criminal conviction of child abuse or neglect, spousal abuse, crimes against children, or crimes involving violence (including rape, sexual or other assault, or homicide), approval could not be granted. In any case of a criminal conviction for a felony or misdemeanor not involving violence, or the existence of a substantiated report of abuse or neglect, final approval could be granted only after consideration of the nature of the offense, the length of time since it occurred, the individual's life experiences since the offense occurred, and any risk to the child. (Section 17)

Senate amendment

States would be required to provide, as a component of their Title IV–E plan, procedures for federal and state criminal records checks for any prospective foster or adoptive parents and other adults living in their home. Background checks also would be required for employees of residential child care institutions. Parents and institutions must have background checks before being approved for placement of a child eligible for federal subsidies under Title IV–E.

In any case of a criminal conviction of child abuse or neglect, spousal abuse, crimes against children (including child pornography), or crimes involving violence (including rape, sexual or other physical assault, battery, or homicide), approval could not be granted. In addition, if a state finds that a court of competent jurisdiction has determined that a drug-related offense has occurred within the past 5 years, approval could not be granted. (Section 107(a))

This provision would not be construed to supercede any provision of state law regarding criminal records checks and other background checks for prospective foster and adoptive parents and employees of residential child care institutions, unless such provisions prevent the application of the requirements in this amendment. (Section 107(b))

House amendment

The House Amendment follows the Senate amendment with modifications. States would be required to provide, as a component of their Title IV–E plan, procedures for criminal records checks for any prospective foster or adoptive parents, before the parents are finally approved for placement of a child eligible for federal subsidies under Title IV–E. In any case of a felony conviction for child abuse or neglect, spousal abuse, crimes against children (including child pornography), or crimes involving violence (including rape, sexual assault, or homicide), approval could not be granted. In any case of a felony conviction for physical assault, battery, or a drug-related offense, approval could not be granted if the felony was committed within the past 5 years. States could opt out of this provision through a written notification from the Governor to the Secretary, or through state law enacted by the legislature.

8. QUALITY STANDARDS FOR OUT-OF-HOME CARE

House bill

No provision.

Senate amendment

As a component of their state Title IV–E plan, states would be required to develop and implement standards to ensure that children in foster care placements in public or private agencies receive quality services that protect the safety and health of children. The standards must be developed by January 1, 1999. (Section 308)

House amendment

The House Amendment follows the Senate amendment. (Section 308)

Title II. Adoption Promotion Provisions

9. ADOPTION INCENTIVE PAYMENTS

House bill

The Secretary of Health and Human Services (HHS) would be required to make adoption incentive payments to eligible states for any adoptions of foster children in a given fiscal year that exceed the number of such adoptions in a base year. Adoption incentive payments would equal $4,000 for each adoption of a foster child above the number in the base year, plus an additional $2,000 for each adoption of a foster child with special needs above the number in the base year (for a total of $6,000 for each special needs adoption). For these incentive payments, $15 million would be authorized for each of fiscal years 1999 through 2003. The base year is the previous year with the highest number of adoptions. Relevant budget acts would be amended to require adjustments in discretionary spending limits. (Section 4)

Senate amendment

The Senate amendment is similar to the House bill, except: the Secretary would be authorized, rather than required, to make adoption incentive payments; to be eligible to receive incentive payments, states would be required to provide health insurance coverage to any special needs child for whom there is an adoption assistance agreement between a state and the child's adoptive parents; adoption incentive payments would equal $3,000 for each adoption of a foster child above the base number, and an additional $3,000 for each adoption of a foster child with special needs (total of $6,000 for each special needs adoption); and the base number of adoptions for determining adoption incentive payments would be the average number of adoptions for the 3 most recent fiscal years. (Section 201)

Information required by this legislation would be supplied through the Adoption and Foster Care Analysis and Reporting System (AFCARS), to the extent available (see item 26).

House amendment

The House Amendment follows the House bill and the Senate amendment. The Secretary of HHS would be required to make adoption incentive payments to eligible states. An eligible state is one in which adoptions of foster children in FY 1998 exceed the average number during FY 1995–FY 1997 or, in FY 1999 and subsequent years, in which adoptions of foster children are higher than in any previous fiscal year after FY 1996. To be eligible to receive adoption incentive payments for FY 2001 or FY 2002, states would be required to provide health insurance coverage to any special needs child for whom there is an adoption assistance agreement between a state and the child's adoptive parents. Adoption incentive payments would equal $4,000 for each adoption of a foster child above the base number, and an additional $2,000 for each adoption of a foster child with special needs (for a total of $6,000 for each special needs adoption). For these incentive payments, $20 million would be authorized to be appropriated for each of FYs 1999 through 2003, and discretionary budget caps would be adjusted to accommodate this additional spending. (Section 201)

10. TECHNICAL ASSISTANCE TO PROMOTE ADOPTION

House bill

HHS would be authorized to provide technical assistance to states and localities to promote adoption for foster children, including: guidelines for expediting termination of

parental rights; encouraged use of concurrent planning; specialized units and expertise in moving children toward adoption; risk assessment tools for early identification of children who would be at risk of harm if returned home; encouraged use of fast tracking for children under age 1 into pre-adoptive placements; and programs to place children into pre-adoptive placements prior to termination of parental rights

For technical assistance, $10 million would be authorized for each of fiscal years 1998–2000. (Section 12)

Senate amendment

HHS would be required to provide technical assistance, upon request, to help states and localities reach their targets for increased numbers of adoptions. No authorization of appropriations would be included. (Section 201)

House amendment

The House Amendment follows the House bill, except HHS would be required to use half of funds appropriated for technical assistance to the courts. (Section 201)

11. ELIGIBILITY FOR ADOPTION ASSISTANCE IN CASES OF DISSOLVED ADOPTIONS

House bill

No provision.

Senate amendment

Children with special needs who had previously been eligible for federally subsidized adoption assistance under Title IV–E, and who again become available for adoption because of the dissolution of their adoption or death of their adoptive parents, would continue to be eligible for federally subsidized adoption assistance under Title IV–E in a subsequent adoption. (Section 307(a)) This provision would only apply to children who become available for adoption due to the dissolution of their previous adoption or the death of their adoptive parents, and whose subsequent adoption occurs on or after October 1, 1997. (Section 307(b))

House amendment

The House Amendment follows the Senate bill with minor differences in wording. (Section 307)

12. HEALTH CARE COVERAGE FOR SPECIAL NEEDS ADOPTED CHILDREN

House bill

No provision.

Senate amendment

As a component of their state Title IV–E plans, states would be required to provide health insurance coverage for any child determined to be a child with special needs, for whom there is an adoption assistance agreement between the state and the adoptive parents, and who the state has determined could not be placed for adoption without medical assistance because the child has special needs for medical or rehabilitative care. In addition: such health insurance coverage could be provided through one or more state medical assistance program; the state would ensure that medical benefits, including mental health benefits, would be of the same type and kind as those provided for children by the state under Medicaid; if the state provides such health insurance coverage through a program other than Medicaid, and the state exceeds its funding for services under such program, then any such child would be deemed to be Title IV–E-eligible for purposes of Medicaid; and in determining cost-sharing requirements, the state would be required to take into consideration the circumstances of the adoptive parents and the needs of the child. (Section 306)

House amendment

The House Amendment generally follows the Senate amendment. The agreement makes clear that the state may choose to comply with this provision by covering the child under Medicaid. (Section 306)

13. INTERJURISDICTIONAL ADOPTION

House bill

No provision.

Senate amendment

As a component of their state Title IV–E plan, states would be required to provide that neither the state nor any other entity in the state that receives federal funds and is involved in adoption would delay or deny the adoptive placement of a child on the basis of the geographic residence of the adoptive parent or child. (Section 202(a))

In addition, the Secretary of HHS would be required to appoint an advisory panel to study interjurisdictional adoption issues. The panel would submit a report to the Secretary within 12 months of appointment, including recommendations for improvements in interjurisdictional adoptions. The Secretary would forward the report to Congress and, if appropriate, make recommendations for legislation. (Section 202(b))

House amendment

The House Amendment generally follows the Senate amendment. As a component of their Title IV–E state plan, states would be required to assure that the state would develop plans for the effective use of cross-jurisdictional resources to facilitate timely permanent placements for waiting children. In addition, states would not be eligible for any Title IV–E payment if the Secretary found that, after the date of enactment, a state had denied or delayed the placement of a child when an approved family was available outside the jurisdiction with responsibility for handling the case of the child, or denied to grant an opportunity for a fair hearing to an individual whose allegation of a violation of this provision was denied by the state or not acted upon with reasonable promptness. (Sections 202 (a) and (b)) It is the intention of Congress that the best interests of children remain the critical consideration in adoptive placement decisions. Congress does not intend to interfere with the ability of the Interstate Compact on the Placement of Children to ensure safe and appropriate adoptive placements.

The General Accounting Office (rather than HHS through an advisory panel) would be required to study and report to Congress on interjurisdictional adoption issues. (Section 202(b))

Title III. System Accountability and Improvement Provisions

14. PERMANENCY HEARINGS

House bill

States would be required to hold a first dispositional hearing within 12 months of a childs placement, instead of the current 18, and the name of the proceeding would be changed to "permanency" hearing. The hearing's purpose would be to determine the childs permanency plan, which could include: returning home; referral for adoption and termination of parental rights; guardianship; or another planned, permanent arrangement, which could include the custody of a fit and willing relative. (Section 5)

Senate amendment

States would be required to hold a first dispositional hearing within 12 months of the date the child is considered to have entered foster care, defined as the earlier of the date of the first judicial hearing after the childs removal or 30 days after the removal. The hearing would be renamed "permanency planning" hearing, and its purpose would be to determine the childs permanency plan, which could include: returning home; being placed for adoption and the state would file a petition to terminate parental rights; being referred for legal guardianship; or in cases in which the state agency has documented to the state court a compelling reason why it would not be in the child's best interest to return home, being referred for termination of parental rights, being placed for adoption with a qualified relative or a legal guardian, or being placed in another planned, permanent living arrangement. (Section 302)

House amendment

The House Amendment follows the Senate amendment, except the name of the proceeding is changed to a "permanency" hearing rather than a "permanency planning" hearing. (Section 302)

15. PARTICIPATION IN CASE REVIEWS AND HEARINGS

House bill

Foster parents and relatives providing care for a child would be given notice and an opportunity to be heard at any review or hearing held with regard to the child. This provision, however, must not be construed to make any foster parent a party to such a review or hearing. (Section 6)

Senate amendment

Same as the House bill, except the Senate amendment: would also apply to any pre-adoptive parent or any other individual who has provided substitute care for the child; and would make explicit that relative caretakers, pre-adoptive parents, and other individuals who have cared for the child, in addition to foster parents, would not be considered parties to reviews or hearings solely on the basis of receiving notice. (Section 105)

House amendment

The House Amendment follows the House bill and Senate amendment, with minor modifications. Foster parents and preadoptive parents or relatives providing care for a child would be given notice and an opportunity to be heard at any review or hearing held with regard to the child. This provision must not be construed to make any foster parent, preadoptive parent or relative a party to such a review or hearing solely on the basis of receiving notice. (Section 104)

16. PERFORMANCE MEASURES FOR STATE CHILD WELFARE PROGRAMS

House bill

The Secretary of HHS, in conjunction with the American Public Welfare Association, the National Governors' Association, and child advocates, would be required to develop outcome measures to assess state child welfare programs and to rate state performance according to these measures. HHS would submit an annual report to Congress on state performance; the report would contain recommendations for improving state performance. The first report would be due on May 1, 1999. Outcome measures would include length of stay in foster care, number of foster care placements, and number of adoptions. To the maximum extent possible, the report would be developed from data available from the Adoption and Foster Care Analysis and Reporting System (AFCARS). (Section 10)

Senate amendment

The Secretary of HHS would be required to issue an annual report containing ratings of

state performance in protecting children. The first report would be due on May 1, 1999. In developing the performance measures, the Secretary would be required to consult with the American Public Welfare Association, the National Governors Association, the National Conference of State Legislatures, and child welfare advocates. The measures would track state performance over time in the following categories: number of placements for adoption and for foster care, and whether such placements were with a relative or a guardian; number of children who "age out" of foster care without having been adopted or placed with a guardian; length of stay in foster care; length of time between a child's availability for adoption and actual adoption; number of deaths and substantiated cases of child abuse or neglect in foster care; and specific steps taken by the state to facilitate permanence for children. (Section 203(a))

In addition, the Secretary of HHS, in consultation with state and local public child welfare officials and child welfare advocates, would be required to develop and recommend to Congress a performance-based incentive funding system for payments under Titles IV–B and IV–E. The report would be due no later than 6 months after enactment. (Section 203(b)) Information required by this legislation would be supplied through the Adoption and Foster Care Analysis and Reporting System (AFCARS) to the extent the information is available through AFCARS (see item 26).

House amendment

The House Amendment follows the House bill and the Senate amendment, with modifications. The Secretary of HHS, in conjunction with Governors, state legislatures, state and local public officials responsible for administering child welfare programs, and child advocates, would be required to develop outcome measures to assess state child welfare programs and to rate state performance according to these measures. HHS would submit an annual report to Congress on state performance, with recommendations for improving state performance; the first report would be due on May 1, 1999. Outcome measures would include length of stay in foster care, number of foster care placements, and number of adoptions, and, to the maximum extent possible, would be developed from data available from the Adoption and Foster Care Analysis and Reporting System (AFCARS). (Section 203(a))

In addition, the Secretary of HHS, in consultation with state and local public child welfare officials and child welfare advocates, would be required to develop and recommend to Congress a performance-based incentive funding system for payments under Titles IV–B and IV–E. No later than 6 months after enactment, the Secretary would submit a progress report on the feasibility, timetable, and consultation process for conducting a study, with a final report due within 15 months of enactment. The report may include other recommendations for restructuring the program and for making payments to states under Titles IV–B and IV–E. (Section 203(b))

17. CHILD WELFARE DEMONSTRATIONS

House bill

The number of child welfare demonstrations would be increased from 10 to 15. At least one of the additional demonstrations would have to address the issue of kinship care. (Section 11)

Senate amendment

The current law limitation on the number of demonstrations that HHS could approve would be eliminated. Demonstrations would have to be designed to achieve one or more of the following goals: reducing a backlog of children in long-term foster care or awaiting adoptive placement; ensuring an adoptive placement for a child no later than 1 year after the child enters foster care; identifying and addressing barriers that result in delays to adoptive placements for children in foster care; identifying and addressing parental substance abuse problems that endanger children and result in foster care placement, including placement of children and parents together in residential treatment facilities that are specifically designed to serve parents and children together to promote family reunification; overcoming barriers to the adoption of children with special needs resulting from a lack of health insurance coverage for such children; and any other goal that the Secretary has already approved on the date of enactment, or, after the date of enactment, specifies by regulation.

In considering applications for waivers from states in which there has been a court order determining a state's failure to comply with provisions of Titles IV–B or IV–E or the Constitution, the Secretary would be required to consider the effect of the waiver on the terms and conditions of the court order. (Section 301(a)) This provision would not be construed to affect the terms and conditions of any demonstrations that had been approved as of the date of enactment. (Section 301(b))

House amendment

The House Amendment follows the House bill and the Senate amendment, with modifications. The Secretary would be authorized to conduct demonstrations that the Secretary finds are likely to promote the objectives of Title IV–B or IV–E. The Secretary would be authorized to approve no more than 10 such demonstrations in each of FYs 1998 through 2002. If appropriate applications were submitted, the Secretary would be required to consider applications designed to identify and address barriers that result in delays to adoptive placements for foster children; identify and address parental substance abuse problems that endanger children and result in their placement in foster care, including through placement of children and parents together in residential treatment facilities that are specifically designed to serve parents and children together to promote family reunification; and to address kinship care. In addition, waivers could be approved only for those states which provide health insurance coverage to any child with special needs for whom there is in effect an adoption assistance agreement between a state and an adoptive parent or parents. The Secretary may waive the current law requirement that demonstrations end after 5 years. In approving demonstrations, the Secretary shall consider the effect of the demonstration on any court orders in the state for violations of federal requirements under Titles IV–B or IV–E or the U.S. Constitution. (Section 301)

Title IV. Additional Provisions

18. REAUTHORIZATION AND EXPANSION OF THE FAMILY PRESERVATION PROGRAM

House bill

No provision.

Senate amendment

The family preservation and family support program under Title IV–B, Subpart 2, would be reauthorized through FY2001, at the following levels: $275 million in FY1999; $295 million in FY2000; and $305 million in FY2001. As under current law, these are capped entitlement funding levels. Existing allocation formula provisions, including a 1 percent reserve for Indian tribes, would remain intact. Set-asides for court improvement grants and for evaluation and research would also be reauthorized. (Section 305(a))

States would be required to devote significant portions of their expenditures, after spending no more than 10 percent of their allotment for administrative costs, to each of the following four categories of services: community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support services.

Time-limited family reunification services would be defined as services and activities provided to children (and their parents) who have been removed from home and placed in foster care, for no longer than 15 months beginning on the date of their removal from home, to facilitate the child's safe and appropriate reunification with the family. Such services and activities include counseling, substance abuse treatment, mental health services, assistance to address domestic violence, and transportation. Adoption promotion and support services would be defined as services and activities designed to encourage more adoptions out of the foster care system when adoptions promote the best interests of children.

Subpart 2 of Title IV–B would be renamed "Promoting Adoptive, Safe, and Stable Families." (Section 305(b)) State plans under Subpart 2 would be required to contain assurances that in administering and conducting service programs, the safety of the children to be served would be of paramount concern. Additional references to child safety would be added to the statute. (Section 305(c)) Maintenance of effort provisions in current law would be clarified to define nonfederal funds as meaning state funds, or at the option of the state, state and local funds. This provision would take effect as if included in the Omnibus Budget Reconciliation Act of 1993. (Section 305(d))

House amendment

The House Amendment follows the Senate amendment, except specific examples of adoption promotion and support services would be deleted and time-limited family reunification services are limited to 15 months from the date the child enters foster care. The program would be renamed "Promoting Safe and Stable Families." (Section 305)

19. REPORT ON SUBSTANCE ABUSE AND CHILD PROTECTION

House bill

The Secretary of HHS would be required to submit a report to the Committees on Ways and Means and Finance on the problem of substance abuse in the child welfare population, services provided to parents who abuse substances, and the outcomes of such services. This report would be based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families within HHS, and would be due within 1 year of enactment. The report would include recommendations for legislation. (Section 13)

Senate amendment

No provision.

House amendment

The House Amendment follows the House bill. (Section 405)

20. KINSHIP CARE REPORT

House bill

The Secretary of HHS would be required to convene an advisory panel on kinship care no

later than March 1, 1998. By the same date, the Secretary would submit an initial report to the advisory panel on the extent to which foster children are placed with relatives. The advisory panel would review the Secretary's initial report and submit comments by July 1, 1998. Based on these comments and other information, the Secretary would submit a final report, by November 1, 1998, to the Committees on Ways and Means and Finance, containing recommendations. (Section 8)

Senate amendment

Same as the House bill with slight differences in data to be collected. (Section 303)

House amendment

The House Amendment follows the Senate amendment, except the dates are changed so that the Secretary would be required to convene the advisory panel and submit an initial report to the advisory panel no later than June 1, 1998. The advisory panel would submit comments to the Secretary no later than October 1, 1998, and the Secretary would report to Congress no later than June 1, 1999. (Section 303)

21. FEDERAL PARENT LOCATOR SERVICE

House bill

Child welfare agencies would be authorized to use the Federal Parent Locator Service to assist in locating absent parents. (Section 9)

Senate amendment

Same as the House bill with minor differences in wording. (Section 106)

House amendment

The House Amendment follows the Senate amendment. (Section 105)

22. ELIGIBILITY FOR INDEPENDENT LIVING SERVICES

House bill

The primary target population for independent living services would be revised to include children who are no longer eligible for foster care subsidies under Title IV–E because they have accumulated assets of up to $5,000. (Section 14)

Senate amendment

Same as the House bill. (Section 304)

House amendment

The House Amendment follows the House bill and the Senate amendment.

23. STANDBY GUARDIANSHIP

House bill

It would be the sense of Congress that states should have laws and procedures that would permit a parent who is chronically ill or near death to designate a standby guardian for their minor child without surrendering their own parental rights. The standby guardians authority would take effect upon the parents death, the onset of mental incapacity of the parent, or the physical debilitation and consent of the parent. (Section 18)

Senate amendment

Same as House bill. (Section 403)

House amendment

The House Amendment follows the House bill and the Senate amendment.

24. PURCHASE OF AMERICAN-MADE EQUIPMENT

House bill

It would be the sense of Congress that, to the greatest extent possible, all equipment and products purchased with funds provided under the Adoption Promotion Act should be American-made. (Section 16)

Senate amendment

No provision.

House amendment

The House Amendment follows the House bill with a change to reflect the name of the bill. (Section 406)

25. PRESERVATION OF REASONABLE PARENTING

House bill

No provision.

Senate amendment

Specifies that nothing in this legislation is intended to disrupt the family unnecessarily or intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting. (Section 401)

House amendment

The House Amendment follows the Senate amendment. (Section 401)

26. USE OF DATA FROM THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM (AFCARS)

House bill

No provision.

Senate amendment

Any information required to be reported by this legislation would be supplied through AFCARS to the extent such information is available in AFCARS. The Secretary would be required to modify the AFCARS regulations if necessary to allow states to obtain data required by this legislation. (Section 402)

House amendment

The House Amendment follows the Senate amendment. (Section 402)

27. TEMPORARY REDUCTION IN CONTINGENCY FUND

House bill

No provision.

Senate amendment

The federal matching rate under Medicaid for state expenditures related to skilled professional medical personnel would be reduced to 73%. (Section 405)

House amendment

Neither the House bill nor the Senate amendment was followed. Rather, the $2 billion federal Contingency Fund for the Temporary Assistance for Needy Families (TANF) program, created by the 1996 welfare reform law (P.L. 104–193), would be reduced by a total of $40 million in outlays over the period 1998–2002. (Section 404)

Title V. Effective Dates

28. EFFECTIVE DATES

House bill

October 1, 1997. If the Secretary determines that states need to enact legislation to comply with state plan requirements imposed by this legislation, a state plan would not be considered out of compliance solely because it fails to meet these requirements until the first day of the calendar quarter beginning after the close of the next regular session of the state legislature. In states with a 2-year legislative session, each year would be deemed a separate session. (Section 15)

Senate amendment

Same as House bill, except for provisions dealing with termination of parental rights (see item 5), disrupted adoptions (see item 11), and the definition of nonfederal funds under family preservation (see item 18). (Section 501)

House amendment

The House Amendment follows the House bill and Senate amendment, with a modification to change October 1, 1997, to the date of enactment. (Section 501)

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank the gentleman from Florida, Mr. CLAY SHAW, the subcommittee chair with jurisdiction over this bill, for his incredible support, his patience, and his willingness to work alongside the gentleman from Michigan, Mr. CAMP, and myself to make sure that this day came about. I really appreciate what he has done. His leadership has been outstanding. I thank him very much.

I also want to say on the floor today what a delight it has been to work with the gentleman from Michigan, Mr. DAVE CAMP. He truly intimately, personally understood what this bill was about. He personally cared about the children of America.

The past week or so as we were having the struggle to see if the Senate would in fact take up this bill, he daily went to see his Senate friends, and sometimes I wondered if they were his friends, but those that were working on this bill, trying to tell them how important it was that we pass this bill before this session ended.

The reason for that, Mr. Speaker, was this past April the House took the important step toward protecting children and promoting adoption. Today we can finish that job by sending to the President this bill, an amended version of the same legislation that we passed in April.

As I said to the Senators on the finance committee a little over a month ago, I could not understand how we could go home to our loving families for the holidays, for Thanksgiving and Christmas, and not act upon this bill, because this bill is about children of America who do not have safe, loving, and permanent homes. If we did not act upon this bill they would not have the hope of safe, loving, permanent homes.

This legislation we can all agree on is putting children on a fast track from foster care to safe and loving and permanent homes. This is what this is all about.

Before I continue I also want to thank the gentleman from Michigan [Mr. LEVIN], the ranking member, the democratic ranking member of the subcommittee, for being so supportive of this legislation. Also, one of the reasons we have reached this point is that our First Lady, Mrs. Hillary Clinton, was incredibly supportive of this effort, to the point that she went one on one on one to the various members of the Senate who really wanted this legislation, wanted it as badly, I think, as we did, but they wanted a perfect piece of legislation.

What the gentleman from Michigan, Mr. DAVID CAMP and I realized is that at this point in time we could not do a perfect piece of legislation, but what we could do was a very good piece of legislation. Mrs. Clinton understood

that we were beginning down the path of giving children safe, permanent, loving homes. She was there with us lobbying on behalf of the children of the United States of America, urging, urging and pleading that we pass this legislation now.

When we think about a child who is 3 years old, and the fact that they can spend 18 months in a foster care home and be returned to their home that is not a good home, and then returned to another foster care home, this is their life. For a child, this is something that we should not do to them. Mrs. Clinton understood it, the gentleman from Florida [Mr. SHAW] understood it, the gentleman from Michigan [Mr. CAMP] and I understood it. That is where we are today.

This legislation is very similar to that that we passed in April by 416 votes to 5. The focus remains on providing permanency and protection for foster care children. Like the original House-passed adoption bill, this legislation includes financial bonuses for States and increases the number of children leaving foster care for adoption, and requires States to expedite permanency hearings for children in foster care.

Also, like the House bill, this measure clarifies when children should not be returned home, such as, and I cannot believe I am saying these words, but the fact of the matter happens, such as when torture or sexual abuse or chronic physical abuse is occurring in that home, no child should have to remain in that home.

This might sound like common sense, but we told the States about 15 years ago to make reasonable efforts to reunify families, without telling them exactly what we meant by reasonable. Unfortunately, in practice, reasonable efforts became every effort, putting a child at risk. So we are now telling States there are times when returning a child home presents too great a risk to that child's safety, and that is not a risk that we are willing to take.

The legislation also requires States to expedite the termination of parental rights when reunifying the family is not possible. This will eliminate one more barrier to adoption. There are also a few additions to the original House-passed legislation, including the reauthorization of the family preservation program, which has been amended to place a greater emphasis on adoption services when returning children to their birth families, and when that is not possible, we are very clear in defining what we mean by reasonable efforts.

The National Governors Association has already expressed its strong support for reauthorizing this program, saying the ability of States to tailor these funds to particular needs of the community have made this particularly a valuable program. Furthermore, this legislation includes a Senate provision ensuring that special needs children with severe medical problems will have continued access to health coverage, when they are in foster care or in the process of adoption.

Mr. Speaker, this legislation will not eliminate child abuse or guarantee a permanent home for every child, but it will take a significant first step forward on the road to providing protection and permanency for our Nation's abused, neglected, and sometimes forgotten children. I urge passage of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CAMP], the coauthor of this legislation.

Mr. CAMP. Mr. Speaker, I thank the gentleman from Florida [Mr. SHAW], the chairman, for yielding time to me. Without his steadfast support, we would not be on the floor with this adoption bill today. He has been every bit a chairman, has been very much involved with this process, and I very much want to thank him for his efforts in bringing this to a reality.

I also want to thank my coauthor, the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, who has also been there every step of the way, and I believe her testimony before the Senate, where she implored them to pass a bill to help children before we go home for the holidays to our own loving families, was a turning point in the negotiation; and also the ranking member, the gentleman from Michigan, Mr. SANDER LEVIN, for his support and effort in this area as well. The administration, we worked with them as well, and this has been a bipartisan bill. I think that is one of the reasons why we are on the floor today.

I think today is a great day for our Nation's foster and adoptive children. Today is the day that Congress improves our foster care laws and eases the pathway for adoption. Since 1980, foster care children have entered a system that has often worked against them, making foster care a permanent answer instead of a temporary solution to their problems.

In 1980 Congress enacted the Adoption Assistance and Child Welfare Act, which sought to improve the foster care system. The 1980 law, while well-intended, has created a system where nearly half a million children currently reside in foster care. Many remain in the system for more than 2 years, which is a lifetime for a child. This legislation, however, is not about numbers and statistics, it is about children and families.

For a child of any age, 2 years in foster care is far too long. It is 2 years of uncertainty, 2 years of not knowing where their next home will be, or not knowing the love of a parent. This legislation makes several changes that will ensure our children grow up in the sanctuary of a permanent, loving home instead of a temporary shelter.

First, we make the health and safety of the child of paramount importance in any decision affecting our children. No child should be returned to a dangerous environment where they may face continued abuse or even death. Our bill makes sure the child's health and safety are taken into account in that decision.

We also clarify the circumstances under which States are not required to pursue reasonable efforts. Under the bill, States would not be required to pursue reasonable efforts if a child had been abandoned, tortured, chronically or sexually abused, or if the parents had murdered a sibling.

Second, we allow States to conduct what is known as concurrent planning, which allows the State to make permanency arrangements for adoption while attempts to reunite the family are made. Many children remain in foster care so long because States fail to make arrangements for the child should reunification efforts fail.

Third, we provide incentive payments to States that quickly find permanent, loving homes. States will receive incentive payments of $4,000 for each adoption and $6,000 for special needs adoptions. From the beginning, Republicans and Democrats, both House and Senate, have worked together on behalf of our Nation's children. I have no doubt that the commitment to helping those children will continue until this bill is signed into law.

We are on the brink of a significant accomplishment. It is our children who are the beneficiaries. This bill will ensure that a permanent, loving home is within the reach of every child. In the eyes of every child, we see the boundless possibilities for our future. No child should grow up without a loving home. But in those instances where changes must be made, we must have a system that works on behalf of the child, not against them.

Again, I want to thank the chairman of the subcommittee for his efforts, and my coauthor, the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, for bringing this bill to the floor.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN], the ranking member on the Subcommittee on Human Resources of the Committee on Ways and Means,

Mr. LEVIN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I offer congratulations to the gentleman from Michigan, Mr. DAVID CAMP, and the gentleman from Florida, Mr. CLAY SHAW, the chairman of the subcommittee. The gentlewoman from Connecticut [Mrs. KENNELLY] will some day in the next year or so be leaving this institution, I hope for another one. But it is interesting how her

energy has been unflagging, as has that of the gentleman from Michigan [Mr. CAMP]. Without their enterprise, this bill would not be in the process of enactment. I have enjoyed, again, working with the chairman of the committee on this important measure.

I would also like to pay tribute to the administration for all of its dedication and its energy, as well as to our staff, to all of the staff who worked so hard on this.

□ 1100

The big winners today are obviously the tens of thousands of children who are in the foster care system who need to move on into a permanent setting.

I want to, though, say just a word about other implications of this legislation. I think it reflects the fact that, indeed, in certain vital areas it is critical that there be a constructive partnership between the Federal Government and State and local government. We often here get hung up in theoretical battles about who should do what. Often the answer is working together on the Federal, State, and local levels. We have in this bill certain roles for the Federal Government, not only funding, but a scorecard. And this indicates that we need to do this together.

Second, I think this bill shows that the wild swings of the pendulum in this area are really unfortunate. In my years on the committee, we have been arguing which is better, family preservation or reunification or adoption. I think what this bill says is kind of, get on with it. Let us do what is right for the child, and what is right for the child will depend on each particular case. But do not tarry. We should make a decision.

One last point. The funding for this comes from a slight deviation from the contingency fund, or diversion. And we have discussed this. And as I have indicated to the gentleman from Florida [Mr. SHAW], it is my hope that next year we will be able to look at the contingency fund in welfare reform to be sure there is adequate funding. It was critical, though, that we move ahead this year. I am pleased to have been a small part of it.

Again, I want to pay tribute to the gentleman from Michigan [Mr. CAMP], to the gentlewoman from Connecticut [Mrs. KENNELLY] and to the gentleman from Florida [Mr. SHAW] for all of their work.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. PRYCE], who has been very active in this area of adoption on both the floor and since she has come to the Congress.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from Florida [Mr. SHAW] for yielding me the time.

I rise in strong support of the bipartisan Adoption Promotion Act. I want to thank my colleagues, especially the gentleman from Florida [Mr. SHAW], the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] for all their hard work and dedication on this issue, and also my colleague from Ohio in the other body Senator DEWINE.

Last April, the House passed this bill by an overwhelming vote of 416 to 5. Since then, we have been patiently waiting for the Senate to follow our lead. That day has come. With the passage of this bill today, we will move one step closer to giving the hope of permanency to children in need of a stable, loving home.

Mr. Speaker, every child in America deserves a family and home filled with love and security, free from abuse, free from neglect or the threat of violence. The sad truth is that many children do not enjoy that most basic human right. Of nearly half a million children in foster care, only about 17,000 have entered permanent adoptive homes. What is more astonishing is that, during each of the past 10 years, more children have entered the foster care system than have left it.

This legislation will speed the adoption process, especially for those children with the greatest need, those who have been abused or neglected. In addition, we will elevate children's rights so that a child's health and safety will be of paramount concern under the law.

Mr. Speaker, this is one of the most important changes we can make. Because too often a foster child's best interest, along with common sense, are abandoned as courts and welfare agencies work overtime to put children back in dangerous situations in the name of family reunification. This bill corrects the perverse incentives of the current system that gives States more money if they have more children in foster care. That is just crazy. Now we will provide States more money if they reduce their foster care caseload by placing kids in permanent, stable homes.

Congress and the Federal Government cannot legislate compassion and love for all the Nation's children, but through this legislation we can take reasonable steps to promote family stability and to give children, especially foster children, a fighting chance to see the loving homes that they deserve.

Mr. Speaker, in the interest of thousands of children who need a true family to love and protect them, I urge my colleagues to support this most important legislation. Let us do it for the children.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 4 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, it is very, very rare to sit as a Member of this body and to feel so strongly about the good of the legislation before us. I just want to go "yes." But that is what I feel on this legislation. And for all we get up and gasp, one Member to another, about how we have been working together and all that, this time I mean it, the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY], I will forever appreciate and never forget how good their work has been. It is just fabulous.

It is an emotional topic to me because I have adopted two children out of foster care. We got Katherine at 3½ months and Scott at 4½ months. They were babies. We could get on with the business of being a family. And we know that from that comes not just emotional dimensions of stability and security and self-esteem, but actually neurological development issues that are so critical to the ultimate opportunity and fate and lives that these little beings will have.

We face the reality today that there are tens of thousands of precious lives out there in a state of limbo, unable to know where they are going to end up, unable to attach to the loving caregivers that they are spending their days with because they do not know whether they are not going to be with that care-giver anymore.

In some instances, abused children live daily with the fear that they may be sent back by some people in some process they do not begin to understand into a home where the abuse occurred in the first place. They do not even go to bed at night with the sense of personal safety and security. This legislation offers an opportunity to change that.

We have on the books a bill that requires reasonable efforts to achieve family reunification, and that has sent a mixed signal from this body to those on the front lines trying to make this excruciatingly difficult system work. It is time we help clarify the primary objective. And the primary objective comes down to something terribly, terribly simple: Children need families. And that needs to be the overriding goal.

Now, as a parent, I can tell my colleagues that families need children as an also urgent part of this process. But it is the children's interest that is clearly before us and advanced by this legislation. It does so significantly. First of all, it addresses that safety issue. If they are from an abusive home or where there is a question in terms of their safety, they will never be sent back there again, they will never be subject to that threat again.

Second, it brings resolution to the process. For those that are on their fourth or fifth or sixth foster home, while some social worker works to try and make an adult out of a parent whose immaturity has made parenting skills impossible, we bring resolution

to that process; we put this child on track toward a permanent home so they can get on with their development within 1 year.

And finally, we provide the resources to help the States in this regard: $10 million annually over the next 3 years for technical assistance, $208 million over the next 5 years to fund the incentives for States so they might take the steps to get this done.

I thank the gentleman from Michigan [Mr. CAMP], the gentleman from Florida [Mr. SHAW]. I thank the gentleman from Michigan [Mr. LEVIN] and the gentlewoman from Connecticut [Mrs. KENNELLY]. As they leave this chamber at the end of this Congress, they will have many, many works of legislative achievement to look back upon. For my money, this one will be the hallmark. They have made a lasting contribution to the well-beings of the children of this country and foster care this morning. And again, I thank them. And on behalf of the people of this country, I thank them for this good work.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I would like to wrap up this side of the aisle, and I yield myself such time as I may consume.

Also, I want to thank the gentleman from North Dakota [Mr. POMEROY] for that statement. He has been there. He has lived it. He has done it. And I thank him very much for coming here today and telling us about it.

I also want to put on the RECORD the fact that Sister Josephine Murphy, director of St. Anne's Infant and Maternity Home in Hyattsville, MD, has been very, very helpful in bringing this piece of legislation forward. As the gentleman from North Dakota [Mr. POMEROY] spoke from a permanent position, so did Sister Josephine tell us about her day-in, day-out work with children and the facts of the matter of one child is returned to an abusive home and how, in fact, that child knows how wrong that is and the suffering that is involved.

Mr. Speaker, our foster care system is an extremely valuable safety net, and I want to emphasize that. The foster care parents across this country are doing valuable service for children who cannot stay in their own birth homes, and I salute them and thank them.

What this bill is about really, though, is to have a child in a permanent home. And where that safety net is there in a foster care home, the child knows when the home is not permanent. When they go to school, they know that the home they are in is not a permanent home. And though they are glad to be there in the safety of that foster care home, what this bill does is bring forward a safe harbor, a place of permanency and love for this child.

We have to state that the number of children in foster care has almost doubled over the last 12 years; 276,000 12 years ago, now twice that amount. And more than 40 percent of foster children stay in the system for more than 2 years. And when a child is 3 years old, obviously that is much too much. This legislation attempts to reverse this trend by placing greater emphasis on finding adoptive parents for children in foster care.

The bill provides States with a financial incentive; $4,000 a child, $6,000 if it is a hard-to-place child. This legislation requires States to remove barriers to adoptions such as parental rights to children who will never return to their birth home.

This does not mean we intend to end our Nation's policy of keeping families together. What this legislation leaves intact is a so-called reasonable effort requirement to help reunify families and reauthorize the preservation program for these families. But the bill does attempt to identify situations in which reunifying the family seems unwise or unlikely, such as when severe abuse is taking place.

Let me quote one more time the Washington Post, who summed it up best when it said the bill "puts a new and welcome emphasis on the children."

Mr. Speaker, I yield back the remainder of my time.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think there are so many people who have been working on this legislation. The gentlewoman from Connecticut [Mrs. KENNELLY] mentioned Sister Josephine Murphy, whose personal experience that she shared with us in such a dynamic way both at a press conference immediately preceding this bill coming to the floor, as well as before the committee. We had so many wonderful witnesses give testimony as to what is happening out there and the tragedy of foster care as opposed to getting people into adoption.

I want to thank a few of the staff people, too: Casey Bevan, whose experience in this area has been invaluable to the committee. Deborah Colton, the chief of staff on the Democrat side of the subcommittee, has done a tremendous job of cooperation, as, of course, her boss, the gentleman from Michigan [Mr. LEVIN] has done a tremendous job, for which I am deeply appreciative; and, of course, Ron Haskins, who is the chief of staff on the Republican side and the subcommittee. To all of them, all of my colleagues know that we cannot function with good legislation without competent staff. The competence has been tremendous in this regard, and we certainly appreciate it.

I want to close at this time, Mr. Speaker, in sharing with my colleagues an article that was in the Orlando Sentinel. I was in Orlando Monday night, spending the night, and Tuesday morning. The headline in one of the lead stories in the Orlando Sentinel was a colored picture of a baby who is designated as "Disney's darling." The reason she was is that she was found in the restroom in the Magic Kingdom, actually in a toilet, where the mother had left this poor child. They had to give the child CPR. But I am pleased to tell my colleagues that this child is doing well. She is loved by the care she is receiving now in the hospital. Her mother is unknown, as, of course, her father is, too. She has been named by the people at the hospital as Baby Jasmine.

I think the House should reflect a moment on the historic nature of what we are doing today. Baby Jasmine has a real good shot, in fact, I would say a probability at this point, partly because of this legislation, that Christmas of 1998 will find her with a real family, her permanent family, a loving family in which she will celebrate the Christmas holidays. And that is a wonderful thing to look forward to for Baby Jasmine, as well as thousands of other kids.

So when we approach the holiday season next year, we will know that this vote, this legislation, has been responsible for placing so many of these kids in a permanent loving home.

□ 1115

I want to close with the words of a 3-year-old. I stated these words when the original bill came to the House floor, but I cannot think of any words that express the meaning of what we are doing today better than these words from a 3-year-old. In meeting her adoptive family, the first family that she had ever known in her 3 years, her first comment, standing in front of them with her hands on her hips, saying, "Where have you been?" "Where have you been?"

This bill is going to expedite this entire process and it is going to bring about the joy of adoption and the bonding of a real family to so many kids.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Florida [Mr. SHAW], that the House suspend the rules and agree to the resolution, House Resolution 327.

The question was taken.

Mr. SHAW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. LINDER. Mr. Speaker, pursuant to House Resolution 314, the following

suspensions are expected to be considered today:

S. 738, Amtrak Reform and Accountability Act of 1997;

S. 562, Senior Citizen Home Equity Protection Act;

H.R. 3025, a bill to repeal the Federal charter of group hospitalization and medical services;

And the FDA reform bill.

PROVIDING FOR AN EXCEPTION FROM THE LIMITATION OF CLAUSE 6(d) OF RULE X FOR THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 326 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 326

Resolved, That upon the adoption of this resolution the Committee on Government Reform and Oversight may have not more than eight subcommittees for the duration of the One Hundred Fifth Congress, notwithstanding clause 6(d) of rule X.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule provides for an exception from the limitation of clause 6(d) of House rule X to permit the Committee on Government Reform and Oversight to temporarily establish an eighth subcommittee for the remainder of the 105th Congress.

When the House adopted the opening day rules package for the 104th Congress, it amended clause 6(d) of House rule X to require that no House committee shall have more than five subcommittees. As a result of this change, the number of subcommittees of standing committees fell from 118 in the 103d Congress to 84 in the 104th Congress.

However, the rule made an exception for the Committee on Government Reform and Oversight. The panel was authorized by the rule to have no more than seven subcommittees. The committee was granted the exception because it absorbed the functions of two standing committees, the District of Columbia Committee and the Post Office and Civil Service Committee, which the House also abolished as part of the opening day package of reforms.

The issues which were consolidated in the government reform panel are important, complex, and often contentious. This is particularly so with respect to the Census Bureau's plans for conducting the year 2000 decennial census. It is an issue that is so complex and contentious that it has held up passage of the Commerce, Justice, State appropriations bill until the very last day of this session.

The Committee on Government Reform and Oversight believes that the type of oversight that is needed over issues such as sampling, questionnaire content, and continuous measurement cannot be done effectively by the full committee or by its other subcommittees. Thus, the resolution will allow the committee to establish an eighth subcommittee to accommodate the need for extensive oversight over the census.

I share the concerns of some in the minority that we resist the temptation to expand the number of subcommittees in the House. Some will suggest that oversight of the census can be achieved by transferring that responsibility to another subcommittee, or by consolidating subcommittees to make room for a census subcommittee under the existing limit.

As I mentioned, the committee feels that effective oversight cannot be conducted under the existing subcommittee structure, and I am inclined to give the committee the benefit of the doubt.

But to protect against a permanent expansion of the committee bureaucracy, this resolution does not change the limitations of clause 6(d) of rule X. It simply provides for what will essentially be a 1-year exception for the purposes I just outlined.

I also believe that, irrespective of this temporary exemption, additional subcommittee downsizing is achievable, and that it would facilitate more integrated approaches to policymaking and oversight.

Further, it is my hope that the expenses needed to establish this temporary new subcommittee will, to the extent possible, be derived from the existing resources of the Committee on Government Reform and Oversight.

Given the unique nature of the request for this additional subcommittee and the safeguards against a permanent increase in committee bureaucracy, I urge the adoption of this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, in the 103d Congress, as the chair of the Democratic caucus committee on oversight, study, and review, I was responsible for drafting the Democratic caucus rules that implemented most of the current limitations on the number of subcommittees that any committee may have. While working on this issue, I had the opportunity to review the history of the House on the issue of the number of committees and subcommittees. I found that in each major reorganization, the number of committees and subcommittees was reduced. However, in each case soon thereafter the number of each began to creep upward again. Therefore, it is of little surprise to me that the majority is beginning to retreat from its self-proclaimed reforms. What I do find surprising is that they are making this exception with so little thought and displaying a notable lack of planning and foresight.

At last night's Committee on Rules meeting, only the chair of the subcommittee that currently has oversight over the census testified. He was unable to tell us how much the additional subcommittee would cost. He was unable to tell us where the extra funds would come from. He was unable to tell us why the committee chose not to reorganize their seven subcommittees so that the subcommittee with the census would have fewer other areas of jurisdiction. He did not tell us why the committee's leadership when organizing the subcommittee for this Congress did not take into account the increased activity on the census. The decennial census does not take any of us by surprise. As my friends in the majority often remind us, the census is mandated in article I, section 2 of the Constitution. Did the committee leadership forget the census was coming up in the year 2000 when it organized? Or do we have a multitude of new issues regarding the conduct of the census?

Mr. Speaker, I testified at a 1989 hearing on the census. My testimony centered on the problems of the census undercount and its implications for a representative government such as ours. And what was the controversial topic at that time? This is 1989. Whether sampling should be used to correct the undercount.

Mr. Speaker, as Members can see, these issues, while very important, are neither new nor unable to be anticipated when the Committee on Government Reform and Oversight organized earlier this year. Perhaps the committee is forming an eighth subcommittee to request more resources from the House. If this were the case, one would hope that they would at least know how much they would need. But last night's testimony was that they did not know. We should remember that this committee, the Committee on Government Reform and Oversight, already has the largest budget and the largest staff of any of the committees funded through the legislative appropriations bill. Surely within its more than $20 million budget, which is an increase of 47 percent over the 104th Congress, and within its more than 134 employees, it could simply reallocate resources to the effort. But, no, we are told that we must make an exemption from the subcommittee limitation rule for the Committee on Government Reform and Oversight, a

committee that already has two more subcommittees than most legislative committees. As the Member who for 4 years had the responsibility of reviewing changes in caucus and House rules, I know that sometimes flexibility is required. Exceptional, unforeseen circumstances can and do occur. However, this proposal does not meet any of the criteria that might warrant a rules exception. The census was clearly foreseeable. The committee has both the ability and the resources to reallocate jurisdiction among its current seven subcommittees to adjust for the increasing census workload. A proposal worthy of a change in House rules would include a proposed budget and staffing needs. From testimony at the Rules hearing last night, this proposed change has not been thought out even as to those basic, minimal requirements.

Mr. Speaker, this rules change itself is not that important. However, it does reveal the propensity shown by this supposedly conservative majority to simply change the House rules or, for that matter, the U.S. Constitution for convenience or for politics. A true conservative would join me in demanding a rigorous analysis of the need to change either. Certainly this proposal does not meet that test. I ask my colleagues to reject this hasty, ill-conceived exemption from the House rules.

Mr. Speaker, I urge a "no" vote on the previous question. If it is defeated, I will offer an amendment to guarantee the House a separate vote on additional funding to what already is the most expensive committee in this House. I ask that the amendment be printed immediately before the vote on the previous question.

Mr. Speaker, I ask my colleagues to live up to their promises of accountability. Do not tap the slush fund. Vote "no" on the previous question so that the House will vote on additional funding.

Mr. Speaker, I include material on ordering the previous question, as follows:

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote.

A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan.

It is a vote about what the House should be debating.

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

The text of the proposed amendment is as follows:

PREVIOUS QUESTION FOR H. RES. 326—AMENDING CLAUSE 6(D), RULE X—ADDING AN 8TH SUBCOMMITTEE

At the end of the resolution, add the following new section:

"Sec. . Any funding provided pursuant to this resolution must be approved by the House."

Mr. RANGEL. Mr. Speaker, I rise in support of H.R. 867, the Adoption and Safe Families Act of 1997 because I believe it can improve the lives of many children who find themselves in foster care. Congresswoman BARBARA KENNELLY and Congressman DAVID CAMP deserves our thanks for pulling together a bill that enjoys broad bipartisan support—and for negotiating a good compromise with our Senate colleagues.

H.R. 867 makes commonsense improvements in our child welfare and foster care laws. It makes clear that, in making a reasonable efforts to reunify a family, the child's is paramount. It reauthorizes the capped entitlement funds that we have set aside to preserve and reunify families and promote adoption. It extends health insurance to those children with special needs who cannot be adopted without such coverage. And, it creates an incentive system that will reward those States that increase the number of children who are adopted out of foster care. These are all good reforms, and long overdue.

H.R. 867 may have an even more dramatic effect on the lives of children in foster care. Its success depends, in large measure, on how the States implement the provisions of this new law. It can reduce the number of children in foster care if State's take seriously our instruction to begin proceedings to terminate parental rights sooner under certain circumstances. But, handled the wrong way, this new requirement could just as easily spell disaster.

If the end result of this requirement is to flood the courts with requests to terminate parental rights, we will have done little to help these children. And, if States make excessive use of their authority to ignore these requirements when there is a compelling reason to do so, little will have been accomplished. A delicate balancing act is required, for each and every child, to make certain that we have done all that we can to assure that these children have the happiest, healthiest home environment possible.

Let me also comment on the provision of the bill that addresses adoption of children across State lines. The folklore would have it that States hold on to children who could otherwise be adopted out of State because they don't want to give up the Federal foster care payment. More likely, they fear that they cannot adequately monitor these placements. Whatever, the reason, this bill makes clear that geographically alone should not be a barrier to adoptive placement.

This provision deliberately does not mirror the language of the Multi-Ethnic Placement Act—which calls for States to follow a first come, first served approach to adoptions, turning a blind eye to race and ethnicity. My views on that act are clear. Our paramount concern should be what is best for the child, not what is best for the adults who may be waiting to adopt that child.

H.R. 867 makes clear that we are not applying this shortsighted, first come, first served approach to adoptive placements across State lines. We leave in the hands of the professionals decisions about what the best placement is for the child and instruct States to take steps to eliminate any arbitrary barriers to adoption across State lines. This, in my view, is a far more responsible, and practical approach that was taken in the Multi Ethnic Placement Act.

Mr. Speaker, more than half a million of our children are in foster care today, twice as many as were in care in the mid 1980's. With a little support from us, most of these children will return home. For those that cannot, the adoption provisions of H.R. 867 can make a difference. A happy, healthy permanent home is our goal—for every one of these children.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 194, not voting 18, as follows:

[Roll No. 633]

YEAS—220

Aderholt	Christensen	Gibbons
Archer	Coble	Gilchrest
Armey	Coburn	Gillmor
Bachus	Collins	Gilman
Baker	Cook	Goodlatte
Ballenger	Cooksey	Goodling
Barr	Cox	Goss
Barrett (NE)	Crane	Graham
Bartlett	Crapo	Granger
Barton	Cunningham	Greenwood
Bass	Davis (VA)	Gutknecht
Bateman	Deal	Hansen
Bereuter	DeLay	Hastert
Bilbray	Diaz-Balart	Hastings (WA)
Bilirakis	Dickey	Hayworth
Bliley	Doolittle	Hefley
Blunt	Dreier	Herger
Boehlert	Duncan	Hill
Boehner	Dunn	Hilleary
Bonilla	Ehlers	Hobson
Bono	Ehrlich	Hoekstra
Brady	Emerson	Horn
Bryant	English	Hostettler
Bunning	Ensign	Hulshof
Burr	Everett	Hunter
Burton	Ewing	Hutchinson
Buyer	Fawell	Hyde
Callahan	Foley	Inglis
Calvert	Forbes	Istook
Camp	Fossella	Jenkins
Campbell	Fowler	Johnson (CT)
Canady	Fox	Johnson, Sam
Cannon	Franks (NJ)	Jones
Castle	Frelinghuysen	Kasich
Chabot	Gallegly	Kelly
Chambliss	Ganske	Kim
Chenoweth	Gekas	King (NY)

Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—18

Combest
Cubin
Flake
Gephardt
Gonzalez
Houghton
Johnson, E. B.
Matsui
Millender-McDonald
Mink
Pelosi
Riggs
Riley
Schiff
Scott
Smith (OR)
Stark
White

□ 1147

Mr. SHAYS changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair announces that this will be a 15-minute vote, and, without objection, the vote on the motion to suspend the rules and agree to House Resolution 327 will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—ayes 219, noes 195, not voting 18, as follows:

[Roll No. 634]

AYES—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Billey
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—195

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher

Taylor (MS)	Velázquez	Weygand
Thompson	Vento	Wise
Thurman	Visclosky	Woolsey
Tierney	Waters	Wynn
Torres	Watt (NC)	Yates
Towns	Waxman	
Turner	Wexler	

NOT VOTING—18

Bartlett	Houghton	Schiff
Buyer	Johnson, E. B.	Scott
Combest	Matsui	Smith (OR)
Cubin	Millender-McDonald	Stark
Flake	Mink	White
Gephardt	Riley	
Gonzalez		

□ 1205

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2977. an act to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 927. An act to reauthorize the Sea Grant Program; and

S. 1349. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes.

RESIGNATION AS MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE AND COMMITTEE ON SCIENCE

The SPEAKER pro tempore (Mr. MILLER of Florida) laid before the House the following resignation as a member of the Committee on Transportation and Infrastructure and the Committee on Science:

HOUSE OF REPRESENTATIVES,
November 7, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, the Capitol, Washington, DC.

DEAR MR. SPEAKER: Please accept my resignation from the Committee on Transportation and Infrastructure and the Committee on Science.

Sincerely,

BUD CRAMER,
Member of Congress

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a resolution (H. Res. 328) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 328

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Appropriations, Robert "Bud" Cramer of Alabama.

To the Committee on the Budget, David Price of North Carolina.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADOPTION AND SAFE FAMILIES ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 327.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. SHAW] that the House suspend the rules and agree to the resolution, House Resolution 327, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 7, not voting 19, as follows:

[Roll No. 635]

YEAS—406

Abercrombie	Brown (CA)	Davis (VA)
Ackerman	Brown (FL)	Deal
Aderholt	Brown (OH)	DeFazio
Allen	Bryant	DeGette
Andrews	Bunning	Delahunt
Archer	Burr	DeLauro
Bachus	Burton	DeLay
Baesler	Callahan	Dellums
Baker	Calvert	Deutsch
Baldacci	Camp	Diaz-Balart
Ballenger	Campbell	Dickey
Barcia	Canady	Dicks
Barr	Cardin	Dingell
Barrett (NE)	Carson	Dixon
Barrett (WI)	Castle	Doggett
Bartlett	Chabot	Dooley
Barton	Chambliss	Doolittle
Bass	Chenoweth	Doyle
Bateman	Christensen	Dreier
Becerra	Clay	Duncan
Bentsen	Clayton	Dunn
Bereuter	Clement	Edwards
Berman	Clyburn	Ehlers
Berry	Coble	Ehrlich
Bilbray	Coburn	Emerson
Bilirakis	Collins	Engel
Bishop	Condit	English
Blagojevich	Conyers	Ensign
Bliley	Cook	Eshoo
Blumenauer	Cooksey	Etheridge
Blunt	Costello	Evans
Boehlert	Cox	Everett
Boehner	Coyne	Ewing
Bonilla	Cramer	Farr
Bonior	Crane	Fattah
Bono	Crapo	Fawell
Borski	Cummings	Fazio
Boswell	Cunningham	Filner
Boucher	Danner	Foley
Boyd	Davis (FL)	Forbes
Brady	Davis (IL)	Ford
Fossella	Lewis (KY)	Rogan
Fowler	Linder	Rogers
Fox	Lipinski	Rohrabacher
Frank (MA)	Livingston	Ros-Lehtinen
Franks (NJ)	LoBiondo	Rothman
Frelinghuysen	Lofgren	Roukema
Frost	Lowey	Roybal-Allard
Furse	Lucas	Royce
Gallegly	Luther	Rush
Ganske	Maloney (NY)	Ryun
Gejdenson	Manton	Sabo
Gekas	Markey	Salmon
Gibbons	Martinez	Sanchez
Gilchrest	Mascara	Sanders
Gillmor	McCarthy (MO)	Sandlin
Gilman	McCarthy (NY)	Sanford
Goode	McCollum	Sawyer
Goodlatte	McCrery	Saxton
Goodling	McDade	Scarborough
Goss	McDermott	Schaefer, Dan
Graham	McGovern	Schaffer, Bob
Granger	McHale	Schumer
Green	McHugh	Sensenbrenner
Greenwood	McInnis	Serrano
Gutierrez	McIntosh	Sessions
Gutknecht	McIntyre	Shadegg
Hall (OH)	McKeon	Shaw
Hall (TX)	McKinney	Shays
Hamilton	McNulty	Sherman
Hansen	Meehan	Shimkus
Harman	Meek	Shuster
Hastert	Menendez	Sisisky
Hastings (FL)	Metcalf	Skaggs
Hastings (WA)	Mica	Skeen
Hayworth	Millender-McDonald	Skelton
Hefley	Miller (CA)	Slaughter
Hefner	Miller (FL)	Smith (MI)
Herger	Minge	Smith (NJ)
Hill	Moakley	Smith (TX)
Hilleary	Mollohan	Smith, Adam
Hilliard	Moran (KS)	Smith, Linda
Hinchey	Moran (VA)	Snowbarger
Hinojosa	Morella	Snyder
Hobson	Murtha	Solomon
Hoekstra	Myrick	Souder
Holden	Nadler	Spence
Hooley	Neal	Spratt
Horn	Nethercutt	Stabenow
Hostettler	Neumann	Stearns
Hoyer	Ney	Stenholm
Hulshof	Northup	Stokes
Hunter	Norwood	Strickland
Hutchinson	Nussle	Stump
Hyde	Oberstar	Stupak
Inglis	Obey	Sununu
Istook	Olver	Talent
Jackson (IL)	Ortiz	Tanner
Jackson-Lee (TX)	Owens	Tauscher
Jefferson	Oxley	Tauzin
Jenkins	Packard	Taylor (MS)
Johnson (CT)	Pallone	Taylor (NC)
Johnson (WI)	Pappas	Thomas
Johnson, Sam	Parker	Thompson
Jones	Pascrell	Thornberry
Kanjorski	Pastor	Thune
Kaptur	Paxon	Thurman
Kasich	Payne	Tiahrt
Kelly	Pease	Tierney
Kennedy (MA)	Pelosi	Torres
Kennedy (RI)	Peterson (MN)	Towns
Kennelly	Peterson (PA)	Traficant
Kildee	Petri	Turner
Kilpatrick	Pickering	Upton
Kim	Pickett	Velázquez
Kind (WI)	Pitts	Vento
King (NY)	Pombo	Visclosky
Kingston	Pomeroy	Walsh
Kleczka	Porter	Waters
Klink	Portman	Watkins
Klug	Poshard	Watt (NC)
Knollenberg	Price (NC)	Watts (OK)
Kolbe	Pryce (OH)	Waxman
Kucinich	Quinn	Weldon (FL)
LaFalce	Radanovich	Weller
Lampson	Rahall	Wexler
Lantos	Ramstad	Weygand
Largent	Rangel	Whitfield
Latham	Redmond	Wicker
LaTourette	Regula	Wise
Lazio	Reyes	Wolf
Leach	Riggs	Woolsey
Levin	Rivers	Wynn
Lewis (CA)	Rodriguez	Yates
Lewis (GA)	Roemer	Young (AK)
		Young (FL)

NAYS—7

Cannon	Manzullo	Wamp
Gordon	Mink	
LaHood	Paul	

NOT VOTING—19

Armey	Houghton	Scott
Buyer	John	Smith (OR)
Combest	Johnson, E. B.	Stark
Cubin	Maloney (CT)	Weldon (PA)
Flake	Matsui	White
Gephardt	Riley	
Gonzalez	Schiff	

□ 1217

Mr. WAMP changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, during rollcall vote nos. 633–635 on House Resolution 326 and 327 I was unavoidably detained. Had I been present I would have voted "no" on 633, "no" on 634, and "yes" on 635.

ANNOUNCEMENT OF SENATE BILL TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. MCCOLLUM. Madam Speaker, pursuant to House Resolution 314, the following suspension is expected to be considered today: S. 927, on sea grants.

ESTABLISHMENT OF 2,500 BOYS AND GIRLS CLUBS BEFORE 2000

Mr. MCCOLLUM. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1753) to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 2,500 BOYS AND GIRLS CLUBS BEFORE 2000.

(a) IN GENERAL.—Section 401(a) of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking paragraph (2) and inserting the following:

"(2) PURPOSE.—The purpose of this section is to provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,000 additional local clubs where needed, with particular emphasis placed on establishing clubs in public housing projects and distressed areas, and to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation not later than December 31, 1999.".

(b) ACCELERATED GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended—

(1) in subsection (b)(2), by striking "or rural" and all that follows through the end and inserting the following: "rural area, or Indian reservation with a population of high risk youth as defined in section 517 of the Public Health Service Act (42 U.S.C. 290bb–23) of sufficient size to warrant the establishment of a Boys and Girls Club."; and

(2) by striking subsection (c) and inserting the following:

"(c) ESTABLISHMENT.—

"(1) IN GENERAL.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall make a grant to the Boys and Girls Clubs of America for the purpose of establishing and extending Boys and Girls Clubs facilities where needed, with particular emphasis placed on establishing clubs in and extending services to public housing projects and distressed areas.

"(2) APPLICATIONS.—The Attorney General shall accept an application for a grant under this subsection if submitted by the Boys and Girls Clubs of America, and approve or deny the grant not later than 90 days after the date on which the application is submitted, if the application—

"(A) includes a long-term strategy to establish 1,000 additional Boys and Girls Clubs and detailed summary of those areas in which new facilities will be established, or in which existing facilities will be expanded to serve additional youths, during the next fiscal year;

"(B) includes a plan to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation before January 1, 2000;

"(C) certifies that there will be appropriate coordination with those communities where clubs will be located; and

"(D) explains the manner in which new facilities will operate without additional, direct Federal financial assistance to the Boys and Girls Clubs once assistance under this subsection is discontinued.".

(c) ROLE MODEL GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by adding at the end the following:

"(f) ROLE MODEL GRANTS.—Of amounts made available under subsection (e) for any fiscal year—

"(1) not more than 5 percent may be used to provide a grant to the Boys and Girls Clubs of America for administrative, travel, and other costs associated with a national role-model speaking tour program; and

"(2) no amount may be used to compensate speakers other than to reimburse speakers for reasonable travel and accommodation costs associated with the program described in paragraph (1).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from Texas [Ms. JACKSON-LEE] will each control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1753, the bill under consideration.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1753, which was introduced by the gentleman from Illinois, Chairman HYDE, would amend a provision that acted as part of the Economic Espionage Act of 1996, which authorized $100 million in Federal seed money over 5 years to establish an additional 1,000 Boys and Girls Clubs in public housing and distressed areas throughout the country.

H.R. 1753 would make several administrative changes to current law, streamlining the application process for the clubs, and permitting a small amount of the funds to be used to establish a role model speakers program to encourage and motivate young people nationwide.

The primary purpose of this program is to ensure that at least 2,500 Boys and Girls Clubs are established by the year 2000. Because the goal is expected to be realized through the existing authorization of the 1996 act, H.R. 1753 does not require new Federal spending. As of 1996, there were 1,800 Boys and Girls Clubs facilities in the United States.

Congress has been supportive of Boys and Girls Clubs of America for a number of years because it has shown itself to be an impressive private sector program that really makes a difference in the lives of young people. Boys and Girls Clubs have a fantastic reputation for establishing effective community programs that assist youth in developing into hardworking, caring, and law-abiding citizens.

Recent research at Columbia University has shown that Boys and Girls Clubs have been highly successful in reducing drug activities and juvenile crime in public housing developments. Members of Boys and Girls Clubs also do better in school and are less attracted to gangs.

The importance of Boys and Girls Clubs in fighting drug abuse, gang recruitment, and moral poverty cannot be overstated. Indeed, Federal efforts are already paying off. Using over $15 million in Federal seed money appropriated in 1996, the Boys and Girls Clubs opened 208 clubs in 1996. These clubs are providing positive places of safety, learning, and encouragement for about 180,000 more kids than the year before.

In my home State of Florida, these funds have helped open 23 new clubs and keep an additional 25,000 kids away from gangs, drugs, and crime. Two hundred more clubs are expected to be established as a result of this year's $20 million appropriation.

H.R. 1753 builds on Congress' continued efforts to ensure that, with Federal seed money, the Boys and Girls Clubs of America is able to expand to serve an additional 1 million young people through at least 2,500 clubs by the year 2000.

I want to take a moment to emphasize that this program only provides seed money for the construction and expansion, actual bricks and mortar, of Boys and Girls Clubs across the country. Once the clubs are open, they will operate without significant Federal funds. The reason Boys and Girls Clubs

have been successful and the reason Congress wants to do more for them is because they are locally run and dependent primarily on community involvement for their success.

In an era where billions are being spent on bloated, never-ending federally-run programs, support of the Boys and Girls Clubs is a short-term yet significant way that serves as a model for the proper role of the Federal Government in crime prevention.

H.R. 1753 has a companion bill, S. 476, sponsored by Senator HATCH. S. 476 passed the Senate without amendment by voice vote on May 15, 1997. If the House passes H.R. 1753, I will ask unanimous consent that the House move to strike all after the enacting clause of the Senate bill, S. 476, and insert in the text the House-passed version of H.R. 1753. This is a customary practice and would allow the House to send S. 476 back to the Senate with the text of the House-passed bill as amended.

Madam Speaker, this is a bipartisan proposal that I urge my colleagues to support.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the chairman of the subcommittee, the gentleman from Florida [Mr. MCCOLLUM], the gentleman from Wisconsin [Mr. BARRETT], and the ranking member of the subcommittee of the Committee on the Judiciary on this issue.

There is no doubt that all of us are concerned about preventative measures for taking our children off the streets. This is a very worthwhile bill. This bill will speed the distribution of funds to Boys and Girls Clubs, which are some of the most valuable nonprofit institutions in many of our communities.

On a personal note, I have served on the board of directors of the Boys and Girls Club in Houston and saw the merging of the girls and boys club to make it the Boys and Girls Club in our community.

The Boys and Girls Club of America was founded in 1906. There are now more than 1,800 Boys and Girls Clubs throughout the United States. This Federal funding will support the creation of another 1,000 clubs. This is certainly not a bill of special interests. I understand that the Justice Department appropriations bill that we will vote on later today will have $20 million for this program, and I applaud that.

I only wish, as we proceed, and I will inquire of the chairman of the subcommittee, that we can be open to funding a broader array of initiatives like this. The truth is that programs like the Boys and Girls Club have proven to be one of the most effective ways to keep young people away from drugs and gangs and on the road to a productive adulthood.

The Manhattan Institute, for example, which is a conservative think tank, recently released a report by a task force headed by Bill Bennett, also someone who is generally thought to be fairly conservative. They did an intensive study of three crime prevention programs, the Big Brothers and Big Sisters mentoring program, a church-run program in Boston, and an early intervention program in Pittsburgh.

They found that these programs dramatically reduced the level of gang and crime involvement by the young people who were fortunate enough to have access to the program. The problem, of course, is that these programs can reach only a fraction of the kids who are at risk.

So when I see the bill before us today, it certainly is a step in the right direction, but we realize that we must go further. Look, for example, at the youth recreation leagues and after-school programs that were part of the 1994 crime bill but yet have been defunded in 1995. Certainly the Rand study commits us to realizing that prevention is worth an ounce of cure.

So I commend this bill, I commend the leadership on this bill, and before I yield my time or reserve my time, Madam Speaker, I would like to inquire of the chairman of the subcommittee and raise a question with him.

Our community came together in Houston under the leadership of our present mayor and city council and recognized that not only was the Boys and Girls Club very important, but the Boy Scouts and Girl Scouts, and they also found something else that tickled the fancy of our children, recreation; recreation for the physically challenged, recreation for the inner-city youth, recreation for the suburban youth within the city limits.

We organized basketball and soccer and Little League. We committed ourselves to the Zena Garrison tennis program. Now we have about 80,000 youngsters throughout the city of Houston in all manner of recreational programs, keeping them off the streets, keeping our parks open after school into the late hours.

Madam Speaker, I would simply ask the question of the gentleman from Florida [Mr. MCCOLLUM], as we are able to discuss this very important bill and pass it today, the opportunities for reviewing and supporting programs like that throughout our Nation.

Mr. MCCOLLUM. Madam Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Madam Speaker, I thank the gentlewoman for yielding to me.

Madam Speaker, programs such as the gentlewoman describes exist in a variety of forms throughout the Nation, not just in Houston but in most cities. They are, that is the underlying word, a variety of forms to help occupy our youth and combat crime.

I fully support them, as the gentlewoman does. That is why we have the community block grant program under the crime legislation we have passed for a couple of years now, with a lot of Federal money going back to the communities, letting them decide individually what programs are best for them.

I am sure that Houston, as the other communities in our country, will decide that many of the programs such as the gentlewoman has described are worthy of support. Boys and Girls Clubs happen to be one that is universally accepted and is around the entire country. We are very pleased that we can particularly target that, because we know that it is effective in every community. Other programs are different in different communities, but the funds are there. We will continue to support them.

Ms. JACKSON-LEE of Texas. I thank the chairman. So I understand that he is saying that those particular programs with community effort and coordination could make application to the Justice Department under those crime prevention programs?

Mr. MCCOLLUM. Madam Speaker, if the gentlewoman will continue to yield, the way the block grant program works is that the money goes to the city of Houston or to the county, and I do not know the name of the gentlewoman's county, for example, and they have a board and a system, the county commissioners, city commissioners. They can decide whether to spend the money on police or on some of those prevention programs or however they want to spend it. They make those decisions, not the Justice Department.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of H.R. 1753. As a member of the Judiciary Committee and of the Subcommittee on Crime, through which this legislation passed, I was pleased to see this worthy piece of legislation receive broad bipartisan backing. I want to thank both Chairman HYDE and Chairman MCCOLLUM for their leadership in moving H.R. 1753 forward to the floor.

In 1996, Congress authorized $100 million in Federal seed money over 5 years to establish an additional 1,000 Boys and Girls clubs in public housing and distressed areas throughout the country. H.R. 1753 now makes administrative changes to current law, streamlining the application process for the clubs and ensuring that at least 2,500 clubs are established by the year 2000. At the end of 1996 there were 1,800 Boys and Girls clubs facilities in the United States.

In every community there are hundreds of boys and girls left to find their own recreation and companionship in the streets. An increasing number of children spend many hours alone with no adult care or supervision. Young people need to know that someone cares about them and that there are concerned and capable adults to whom they can turn. Boys and Girls clubs offer that and more.

Boys and Girls clubs are a tested and proven nationally recognized program that addresses today's most pressing youth issues—teaching young people the skills they need to succeed in life. Boys and Girls clubs provide young people access to programs on the education and the environment, health, the arts, careers, alcohol and drug prevention, pregnancy prevention, gang prevention, leadership development, and athletics.

The Boys and Girls clubs of America have served 2.6 million children: 71 percent live in urban/inner-city areas; 53 percent live in single-parent families; 42 percent come from families with annual incomes below $22,000; 51 percent live in families with three or more children; 56 percent are from minority families; 16 percent are 7 years and under; 34 percent are 8 to 10-years-old; 29 percent are 11 to 13-years-old; 21 percent are 14 to 18-years-old; and 62 percent are boys, 38 percent are girls.

It is a remarkable fact, and one meriting our remembrance, that it costs approximately $200 per youth per year to run a Boys and Girls club. It costs between $25,000 and $75,000 a year to keep a young adult in jail for 1 year. This is evidence that the Boys and Girls clubs—a proven delinquency prevention program—are a terrific bargain.

Madam Speaker, this is a bill that I truly believe can and should be supported by all of my colleagues. I urge each of you to vote in favor of H.R. 1753.

Madam Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER], a member of the committee.

Mr. BUYER. Madam Speaker, I appreciate the discussion from the gentlewoman from Houston, because I remember back in the 1994 crime bill discussion and the whole issue about midnight basketball and crime prevention programs. And what the dispute was about at the time was the Federal Government having a one-size-fits-all program, saying, here is the criteria and you force it down, and force all communities in America to comply with this standard that is set out here in Washington.

The Republican philosophy is that in fact we support prevention programs. What we do not appreciate is the arrogance of the Federal Government in Washington dictating to our communities what they should and should not do.

So that is why I compliment the leadership of the gentleman from Florida, Mr. BILL MCCOLLUM, basically sending that message out. I remember his debates while he was in the minority during the crime bill, and he felt as though he was a voice with no one listening, but I was listening, and I think many in America in fact were.

When we look out there, there are only so many different things that we have. We have the education, prevention, rehabilitation, retribution, restitution, deterrence, and there was this overfocus, overfocus on the rehabilitative side and prevention and education, to the point where they began to be coddling the criminal.

Then we took a step back and said, wait a minute, let us bring better balance to the judicial system. So when Republicans took over the Congress, we then tried to bring back some stability to the justice system.

When we looked at the juvenile crime issue, and compliments to the Subcommittee on Crime going out in 1996 and conducting their regional forums around the country, we learned that there is a growing escalation on juvenile crime, and that is a concern. So how do we address that?

□ 1230

Well, we can address it on many different fronts. But, in particular, let us not forget the issue on prevention. Republicans support prevention programs. That is the message here. So I have gone through those debates, and I have heard from this side of the aisle that like to bash Republicans in saying, "They do not support prevention," "They do not care." That is false.

When we are in our communities and we see the growing need, that is why I am so pleased that there is a bipartisan legislation here on the floor today to escalate the number of Boys and Girls Clubs in America. The FBI states that the trend, if it continues as we have over the past 10 years, juvenile arrests for violent crime will more than double by the year 2010. The FBI predicts that juvenile arrests for murder will increase 125 percent, forcible rape arrests will increase 66 percent, and aggravated assault arrests will increase 129 percent. Those are pretty startling numbers.

This dramatic increase in youth crime has occurred in the midst of a declining youth population, a trend soon to change. In the final years of this decade and throughout the next, America will experience a population surge made up of the children of today's aging baby-boomers. Today's enormous cohort of the 5-year-olds, in fact, become tomorrow's teenagers.

So this legislation is extremely important. It is much needed to authorize the Boys and Girls Clubs of America. This organization is providing a place for social interaction and recreation of our young people. I know that in my district, which is a predominantly rural district, in some communities many young people simply have no place to go to make constructive use of their time. And what is a proven statistic is that more than half of all crimes against teenagers occur on or near schools. Boys and Girls Clubs provide a place for positive influences to permeate a young person's life. In other words, we want a child to have a role model for whom they can identify with, hands on, not some role model that plays basketball or football or they only idolize. An actual role model that they can see within their community is what is extremely important here.

This bill also includes an amendment that I offered in the Committee on the Judiciary to ensure that rural areas are capable of qualifying to have Boys and Girls Clubs. We understand that the growing problems that we have in our urban areas to include the inner city and public housing, but we also want to make sure that in rural America we do not have a growing escalation of juvenile crime.

I have visited those juvenile detention centers in my congressional district, and it is very painful to stand there and peer through the little window and we see these 12-, 13- and 14-year-olds in jumpsuits, and we look at those big brown eyes, but what we really see behind them, though, is some anger. And they really need someone to reach out to. I sit there, and as I look through there and I see them, I think if only this community would, in fact, have had a Boys and Girls Club, how many of these children could we have changed their life and had a positive influence.

So let me compliment the gentleman from Michigan [Mr. CONYERS] and in particular the gentleman from Illinois [Mr. HYDE] and the gentleman from Utah [Mr. HATCH] in the Senate for bringing this legislation, and the gentleman from Florida [Mr. MCCOLLUM]. This is truly needed, and it is a compliment to the gentleman from Florida [Mr. MCCOLLUM] for bringing this today.

Mr. MCCOLLUM. Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, might I inquire the amount of time remaining for me and the gentleman from Florida [Mr. MCCOLLUM]?

The SPEAKER pro tempore (Mrs. EMERSON). The gentlewoman from Texas [Ms. JACKSON-LEE] has 14 minutes remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 11 minutes remaining.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself 15 seconds.

I certainly appreciate the affirmation of the previous speaker to the importance of intervention and prevention. I would like to reaffirm the fact that the major debate on this issue came in the 1994 crime bill passed by a Democratic Congress and President and the support of the Rand study that says prevention is the way we should be directed.

Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. BARRETT], who is a lead Democratic sponsor of this legislation.

Mr. BARRETT of Wisconsin. Madam Speaker, I rise today in support of House bill 1753, a bill that will continue the effort that Congress began last year to provide kids throughout America with a safe, productive, and healthy

place to go after school and on weekends.

Last year's legislation authorized Federal seed money to support the Boys and Girls Clubs of America 5-year plan to establish 1,000 new clubs by the year 2000, bringing the total number of clubs to 2,500. This bill will streamline the application process for new clubs and allow a small portion of the funds to be used to establish a role model speakers program.

I commend the gentleman from Illinois [Mr. HYDE] for his sponsorship of this legislation. It is truly a bipartisan bill and has received no opposition in committee. The Boys and Girls Clubs of America have been recognized as an efficient organization, advancing a cause that we can all support. The organization is dedicated solely to youth, with a special emphasis on those kids who are at risk. Fifty-three percent of the kids who are members of Boys and Girls Clubs come from single-parent families. Fifty-six percent are from minority families. And forty-two percent come from families with annual incomes below $22,000 a year.

The Federal commitment to Boys and Girls Clubs provides $20 million per year for 5 years to establish new clubs. Once clubs are opened, they operate without significant Federal support. Relatively speaking, this is a modest commitment when we look at the amount spent on the No. 1 enemy of our Nation's youth.

Our Nation's drug czar, General McCaffrey, earlier this week said that Americans spent an estimated $57 billion on illegal drugs. Our commitment to the Boys and Girls Clubs of America will provide millions of kids with a healthy alternative to crime and drug abuse. We know that after school hours are the most dangerous time for our children. I sure would much rather see our young kids shooting baskets than shooting each other. And I would much rather see our kids pounding keys on a computer than pushing drugs.

Madam Speaker, there is one more point that has to be made. While young people are more likely than any other group to commit crime, we must remember that they are also the most likely age group to be victimized by crime. A Columbia University study revealed the impressive impact of Boys and Girls Club located in public housing. Areas with these clubs saw a 13-percent decrease in juvenile crime and 22 percent decrease in drug activity. These numbers translate into safer streets and a generation of youth that are less likely to fall into trouble with crime and drugs.

Madam Speaker, I appreciate this opportunity to support our Nation's young people. This is a commitment that we should continue. I urge my colleagues to support this bill.

Mr. MCCOLLUM. Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Madam Speaker, I thank the gentlewoman from Texas for yielding me the time.

I rise, obviously, in strong support of this legislation. I presume there will be unanimous support for this legislation. As one who has been involved in the Boys and Girls Clubs through many years and who was himself a participant in the Miami Boys and Girls Club when I was in my very early teens, I can attest to the effectiveness of these organizations.

In recent years, I have cochaired the breakfast held annually on Capitol Hill with Senator STROM THURMOND. As we all know, the Boys and Girls Clubs are authorized under a congressional act and chartered under a congressional act; and, so, they submit annually a report to the Congress of the United States. It is one of the best breakfasts that I attend during the year, because at that point in time, they cite from four regions of the country outstanding young people. Invariably, those young people have overcome incredible obstacles to become outstanding young people, both academically, athletically, civically. They contribute mightily as young people to their peers and mightily to the strength of this Nation.

This effort, therefore, is a very worthwhile effort, which, for a relatively modest investment, will pay off incredibly large dividends. Investing in our young people clearly is the best investment that we citizens can make. Investing tax dollars in our young citizens is one of the best application of tax dollars that we can make, and, in my opinion, an investment strongly supported by the American people.

So I am very pleased to join the gentleman from Florida [Mr. MCCOLLUM], the gentlewoman from Texas [Ms. JACKSON-LEE] and the committee in putting forth this bill, which will have great positive impact on the future of our country.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman from Maryland [Mr. HOYER] for his leadership with the Boys and Girls Club of America.

Madam Speaker, I yield 3½ minutes to the gentlewoman from California [Ms. WATERS], the distinguished chairman of the Congressional Black Caucus.

Ms. WATERS. Madam Speaker, I rise to join with all of my colleagues on both sides of the aisle to support the Boys and Girls Clubs of America. Is it not wonderful to have something on the floor that we can all agree on?

I do not need to tell my colleagues about all of the advantages of the Boys and Girls Clubs of America. But I first need to stop and thank Denzel Washington. Denzel Washington is one of the finest artists-actors in Hollywood, and he is the national spokesperson for Boys and Girls Clubs of America. He is the national spokesperson because his life was changed because of the attention he received from the Boys and Girls Clubs of America in his neighborhood when he was growing up. So I get to thank him on this floor today and say to him that his leadership is what helps to bring us to this kind of movement, where we have Democrats and Republicans together to say that it is about time we pay attention to our young people.

It is a good thing that we do here today to invest in our young people. We talk about children and young people all the time, but seldom do we really put the money where our mouths are. Today, we agree on resources. We agreed that $100 million will be given to Boys and Girls Clubs back in 1996, with $20 million for 1997, $20 million for 1998, leading up to the year 2000, when we should have appropriated the entire $100 million.

I am very pleased and proud to be on the floor today not arguing against something, not fighting with somebody about something, but rather joining hands with both sides of the aisle to say, this is for the children, this is for the boys and girls of America, inner city, rural America.

Mr. HOYER. Madam Speaker, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Maryland.

Mr. HOYER. Madam Speaker, I thank the gentlewoman from California [Ms. WATERS] for yielding.

I want to join her very appropriate comments regarding Denzel Washington, who has been a really outstanding leader.

Also, we ought to mention Colin Powell. This is one of the first boards that he joined among thousands that he was requested to join. So many people understand the worth of this organization and, therefore, join in it.

And I want to congratulate the gentlewoman from California [Ms. WATERS] herself, who is a leader in this country of national renown, who herself has joined in this effort, and I thank her for her efforts.

Ms. WATERS. Madam Speaker, reclaiming my time, let me just say that in the State of California, when I was in the California State assembly, I had a piece of legislation that was signed into law that appropriated dollars for capital outlay for Boys and Girls Clubs. We discovered that the roofs were falling in, that they needed more space, that they needed air conditioning, et cetera, et cetera. And we were able to do that. We got matching grants from the private sector that helped to expand the Boys and Girls Clubs and their ability to provide the services to the young people that they are organized to do.

So this reminds me of that bill when I was in Sacramento and what we were able to do with capital outlay. This goes even further than that.

I would like to thank Members on both sides of the aisle and my Republican friends that I can call friends today, maybe not tomorrow, but today for this bill. I thank them all very much.

□ 1245

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself 1 minute to simply thank the gentleman from Illinois [Mr. HYDE], the gentleman from Florida [Mr. MCCOLLUM], the gentleman from Michigan [Mr. CONYERS], the gentleman from New York [Mr. SCHUMER] and the sponsors of this legislation that exhibits bipartisanship. I think it is important to reemphasize that the issue of intervention and prevention has to be the call of the day for preventing juvenile crime.

I am reminded of the Riggs-Scott bill, H.R. 1818, that can bring about the opportunity for individual communities to raise up programs to secure moneys to prevent juvenile crime. We want to encourage them, and we certainly appreciate the establishment or expanding of Boys and Girls Clubs. They have done such a great job. My applause to Denzel Washington and Colin Powell for all the work they have done.

Madam Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS], the esteemed ranking member of the Committee on the Judiciary.

Mr. CONYERS. Madam Speaker, this is a great moment in American legislative history. The vibes are wonderful. When the gentleman from Florida [Mr. MCCOLLUM], the gentlewoman from Texas [Ms. JACKSON-LEE], the gentlewoman from California [Ms. WATERS], the gentleman from Indiana [Mr. BUYER], the gentleman from Wisconsin [Mr. BARRETT] and the gentleman from Maryland [Mr. HOYER] all get together, we know we are doing the Lord's work.

Madam Speaker, I want to ask the gentleman from Florida [Mr. MCCOLLUM], the subcommittee chairman, is it correct that the Justice bill is being held up because there are $750 million in for adult prisons, $87 million in for juvenile prisons, $250 million in for juvenile justice grant programs, 35 percent of which is to be used for juvenile prisons?

Mr. MCCOLLUM. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. My understanding is the State-Justice-Commerce appropriations bill, if that is what the gentleman is referring to, is now in progress and is coming to the floor. I do not think it is being held up at the moment at all.

Mr. CONYERS. I feel better already. We are off to a good start. Everybody agrees Boys and Girls Clubs are great. All I want to do now is to keep us all focused in the second term of the 105th Congress and we take a little look at the police athletic leagues, at the other organizations that may be youth recreation leagues and after-school programs that might also deserve this attention for the very same reasons that the Boys and Girls Clubs are getting it. Could I ask my dear friend from Florida if he can keep his horizons open in the next year if we find other equally deserving organizations?

Mr. MCCOLLUM. I certainly support, as I indicated to the gentlewoman from Texas, many of the prevention programs and the organizations around the country. This one has a Federal charter, as the gentleman knows. I find the grant programs, both the community direct block grant program we have as well as the grant program moving through Congress now with regard to the Office of Juvenile Justice links provision, to be very good devices for this purpose.

Mr. CONYERS. So I take it the answer is yes, the gentleman will be looking with me at other deserving organizations? Some may not be chartered, but that does not make them less deserving.

Mr. MCCOLLUM. I would support and do support a lot of these programs, but I want the cities and the counties and the States to decide which ones get the money rather than the gentleman and I, unless they are an exceptional longstanding Federal charter program like this one. I do favor the prevention programs; I just do not want to make the decision here in Washington on which one gets it.

Mr. CONYERS. Madam Speaker, people like the gentleman and I are not known for dictating to the States and local governments. So if we look at it together, if we find another one, maybe even just one, and then we could kind of move it along. The gentleman gets the drift.

Let us keep the lights on and celebrate Boys and Girls Clubs, and if there is anybody else that deserves it. If they are undeserving, not a nickel do they get. If they do not have strict accounting procedures, "Sorry, you don't qualify." But if they are really good and meet all of our criteria, we might send a few nickels out to some others. Why not?

Everybody says it does many good things. It is stopping kids from going down the wrong track. There is not a man, woman or child that is against that. I too weigh in with my full, unqualified, unstinting support. I thank both of the leaders in the Committee on the Judiciary who managed this bill.

Mr. MCCOLLUM. Madam Speaker, I yield myself such time as I may consume.

I just want to point out a couple of things to my good friends and colleagues. This side of the aisle does strongly support prevention programs and particularly programs like Boys and Girls Clubs of America that work well.

As the gentleman from Indiana [Mr. BUYER] stated a few moments ago, we had quite a battle with the other side in 1994 over the crime bill because many of us felt then that the efforts being made at the Federal level to provide for applications for these prevention programs in fighting crime to the Justice Department and the Federal Government on a case-by-case, program-by-program basis, with the Federal Government having decided by name which programs would qualify for the money and which would not, we thought that was a very bad idea. We wanted to abolish and do away with that.

As most of my colleagues know, that has indeed been done since the Republicans have been a majority in Congress. We have abolished that scheme of things in the prevention program area.

Today we go with twin programs dealing with prevention. Still, there are some name programs around, but for the most part the block grants, the $500 million a year going out to the States, actually to the counties and the cities for their governments to decide how to spend the money to fight crime, some of which, depending on their choices, could be spent on prevention programs, some of which might be spent on police or prisons or no telling what, but it is their choice. And then the juvenile delinquency prevention programs in the bill that passed the House and is now pending in the Senate, and is funded in the Commerce-State-Justice appropriations bill we will have out here a little later today, this is a set of programs also designed for prevention. A very large amount of money goes for prevention in our Federal system, some $4 billion a year. We do strongly support that.

But this bill today is a special case. Boys and Girls Clubs of America has a Federal charter. We have revised that charter today by providing easier access for these clubs to be able to build the new ones they are going to, taking out a lot of the complications of bureaucracy, applications to the Housing and Urban Development Department and so on. We need to pass the bill.

I also want to remind my colleagues that not only is Denzel Washington and a couple of others named a leading spokesperson for Boys and Girls Clubs of America, he is an alumnus of it. There are many distinguished alumni in the entertainment and sports world. I could not begin to list all of them or we would be here the rest of the afternoon.

Some include George Burns, because the clubs go back to 1906, and the late

George Burns was a Boys and Girls Club member; Bill Cosby, Danny DeVito, George Lucas, Walter Matthau, Leonard Nimoy, Robin Williams, to name a few entertainers. In the sports world, in football, people like Bart Starr, Lynn Swann, Steve Young. In baseball, Jose Canseco, Joe DiMaggio, Alex Fernandez, Tom Glavine, David Justice, Fred McGriff, just to name a few. In basketball, Penny Hardaway, Michael Jordan, Shaquille O'Neal, the list goes on and on. All have been members of Boys and Girls Clubs at one time in their lives and benefited from this fine organization that has a Federal charter.

We are just making it easier today to reach the goal by the year 2000 of establishing 2,500 more of these clubs by streamlining the process. This is a procedural but a very important procedural bill. I urge my colleagues to pass it today.

Ms. JACKSON-LEE of Texas. Madam Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I do want to emphasize to the chairman of the Subcommittee on Crime that this is a bipartisan bill. I appreciate his statement and expression of the Republicans' viewpoint on prevention and intervention. I hope that we can continue to work together.

Might I just simply present for the record that maybe we will reserve judgment on how block grants will work. I understand the intentions of them, but I think we should monitor whether our local jurisdictions or States use more of those funds for prison building than prevention, especially when we all seem to have come together to realize that prevention and intervention is key and should take a high priority in the distribution of these funds.

I thank the gentleman for yielding.

Mr. MCCOLLUM. If I may reclaim my time, I might add that none of our local block grant moneys are used for prisons. They are and can be used for a variety of things beyond prevention. I certainly will monitor those programs with the gentlewoman. I do believe that for the most part local communities know best how to fight crime and should make that decision.

But, nonetheless, this bill is not about that. It came up today in debate for other reasons, and I have not discussed it so I decided to do so at the end because it had been raised. Today we are about passing a very fine bill to improve the process whereby more Boys and Girls Clubs of America can be added under their Federal charter. I urge the adoption of this bill.

Mr. HYDE. Madam Speaker, I rise today to urge my colleagues to support H.R. 1753, legislation that will further Congress' support for the expansion of Boys and Girls Clubs of America—one of the best examples of proven youth crime prevention. This legislation is part of a continuing initiative to ensure that—with Federal seed money—Boys and Girls Clubs of America can expand to serve an additional one million young people through at least 2,500 clubs by the year 2000.

We are all aware that young people need a safe, positive, environment to help them avoid the dangers of crime and violence, and Boys and Girls Clubs of America provides a safe haven for 2.6 million children. Indeed, Boys and Girls Clubs of America has received widespread recognition as one of America's most efficient charities.

Last year, Congress recognized the value of Boys and Girls Clubs when we authorized $100 million in seed money over 5 years to establish more clubs in public housing and distressed areas throughout the country. Currently, 90 percent of Boys and Girls Clubs funding comes from the private sector. The seed money provided by Congress is being used for start-up costs and program enhancements.

H.R. 1753 would make several administrative changes to current law—streamlining the application process for clubs to obtain seed money and ensuring that at least 2,500 clubs are established by the year 2000. The bill would also permit a small amount of funds to be used to establish a role-model speakers' program to encourage and motivate young people nationwide.

The Senate passed a companion bill sponsored by Senator HATCH—S. 476—without amendment by voice vote last May. On October 29, the Judiciary Committee ordered H.R. 1753 reported—with one minor amendment—by a voice vote. The amendment clarifies that clubs can be established in rural areas and Indian reservations that have significant populations of high risk youth.

Madam Speaker, this is a terrific bill that enjoys bipartisan support, and I want to compliment my colleague from Wisconsin—TOM BARRETT—for the work he has done on behalf of the Boys and Girls Clubs America. I urge the House to pass this bill so that we can foster one of the best ways of stopping crime and helping children that I know of.

Ms. SANCHEZ. Madam Speaker, I rise to commend my colleagues in the House for passing H.R. 1753, establishing not less than 2,500 Boys and Girls Clubs of America facilities by 2000. I was pleased to support this measure.

I wish to direct particular attention to the work of the Girls and Boys Club of Garden Grove, CA. Since 1956, the Garden Grove clubs have strived to improve our community with programs that meet families' needs.

The Girls and Boys Club of Garden Grove have 9 centers that serve 1,000 children every day, providing what these children need: a safe, enriching alternative to the streets, encouragement to succeed in school, and providing family support.

Each of the nine "Kids Clubs" offer daily programs that are unique in order to address the specific needs of the children and families living in specific neighborhoods. In Orange County, 70 percent of children come home to an empty house after school. Children who are home alone after school are twice as likely as other children to abuse alcohol, tobacco, and drugs.

As long as a child is actively involved in a Girls and Boys Club, they are not just staying off the streets, they are staying out of trouble. They are learning in computer labs and homework assistance programs; they are being fortified in cooking and nutrition programs, they are growing strong and confident in the gym and on the play yards, they are being enriched in craft classes and shops, and they are building character in leadership programs.

The Garden Grove Clubs are currently seeking to establish five new "Kids Clubs" Centers at schools throughout my district. There are over 10,000 children needing a safe place to go after school. As of now, Garden Grove only has the sites to serve about 2,000 kids. I strongly support H.R. 1753 and encourage the National Boys and Girls Club to distribute funds and assistance to the successful Girls and Boys Club in Garden Grove so they can continue to enrich the lives of thousands of other young Americans.

Mr. MCCOLLUM. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1753, as amended.

The question was taken.

Mr. MCCOLLUM. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

50 STATES COMMEMORATIVE COIN PROGRAM ACT

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1228) to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

The Clerk read as follows:

S. 1228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "50 States Commemorative Coin Program Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is appropriate and timely—

(A) to honor the unique Federal republic of 50 States that comprise the United States; and

(B) to promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography, and the rich diversity of the national heritage;

(2) the circulating coinage of the United States has not been modernized during the 25-year period preceding the date of enactment of this Act;

(3) a circulating commemorative 25-cent coin program could produce earnings of $110,000,000 from the sale of silver proof coins and sets over the 10-year period of issuance, and would produce indirect earnings of an estimated $2,600,000,000 to $5,100,000,000 to the United States Treasury, money that will replace borrowing to fund the national debt to at least that extent; and

(4) it is appropriate to launch a commemorative circulating coin program that encourages young people and their families to collect memorable tokens of all of the States for the face value of the coins.

SEC. 3. ISSUANCE OF REDESIGNED QUARTER DOLLARS OVER 10-YEAR PERIOD COMMEMORATING EACH OF THE 50 STATES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (k) the following new subsection:

"(l) REDESIGN AND ISSUANCE OF QUARTER DOLLAR IN COMMEMORATION OF EACH OF THE 50 STATES.—

"(1) REDESIGN BEGINNING IN 1999.—

"(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), quarter dollar coins issued during the 10-year period beginning in 1999, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the 50 States.

"(B) TRANSITION PROVISION.—Notwithstanding subparagraph (A), the Secretary may continue to mint and issue quarter dollars in 1999 which bear the design in effect before the redesign required under this subsection and an inscription of the year '1998' as required to ensure a smooth transition into the 10-year program under this subsection.

"(2) SINGLE STATE DESIGNS.—The design on the reverse side of each quarter dollar issued during the 10-year period referred to in paragraph (1) shall be emblematic of 1 of the 50 States.

"(3) ISSUANCE OF COINS COMMEMORATING 5 STATES DURING EACH OF THE 10 YEARS.—

"(A) IN GENERAL.—The designs for the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1) shall be emblematic of 5 States selected in the order in which such States ratified the Constitution of the United States or were admitted into the Union, as the case may be.

"(B) NUMBER OF EACH OF 5 COIN DESIGNS IN EACH YEAR.—Of the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1), the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the 5 designs selected for such year.

"(4) SELECTION OF DESIGN.—

"(A) IN GENERAL.—Each of the 50 designs required under this subsection for quarter dollars shall be—

"(i) selected by the Secretary after consultation with—

"(I) the Governor of the State being commemorated, or such other State officials or group as the State may designate for such purpose; and

"(II) the Commission of Fine Arts; and

"(ii) reviewed by the Citizens Commemorative Coin Advisory Committee.

"(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

"(C) PARTICIPATION.—The Secretary may include participation by State officials, artists from the States, engravers of the United States Mint, and members of the general public.

"(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

"(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

"(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(6) ISSUANCE.—

"(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

"(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

"(7) APPLICATION IN EVENT OF THE ADMISSION OF ADDITIONAL STATES.—If any additional State is admitted into the Union before the end of the 10-year period referred to in paragraph (1), the Secretary of the Treasury may issue quarter dollar coins, in accordance with this subsection, with a design which is emblematic of such State during any 1 year of such 10-year period, in addition to the quarter dollar coins issued during such year in accordance with paragraph (3)(A).".

SEC. 4. UNITED STATES DOLLAR COINS.

(a) SHORT TITLE.—This section may be cited as the "United States $1 Coin Act of 1997".

(b) WEIGHT.—Section 5112(a)(1) of title 31, United States Code, is amended by striking "and weighs 8.1 grams".

(c) COLOR AND CONTENT.—Section 5112(b) of title 31, United States Code, is amended—

(1) in the first sentence, by striking "dollar,"; and

(2) by inserting after the fourth sentence the following: "The dollar coin shall be golden in color, have a distinctive edge, have tactile and visual features that make the denomination of the coin readily discernible, be minted and fabricated in the United States, and have similar metallic, anti-counterfeiting properties as United States coinage in circulation on the date of enactment of the United States $1 Coin Act of 1997.".

(d) DESIGN.—Section 5112(d)(1) of title 31, United States Code, is amended by striking the fifth and sixth sentences and inserting the following: "The Secretary of the Treasury, in consultation with the Congress, shall select appropriate designs for the obverse and reverse sides of the dollar coin.".

(e) PRODUCTION OF NEW DOLLAR COINS.—

(1) IN GENERAL.—Upon the depletion of the Government's supply (as of the date of enactment of this Act) of $1 coins bearing the likeness of Susan B. Anthony, the Secretary of the Treasury shall place into circulation $1 coins that comply with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by this section.

(2) AUTHORITY OF SECRETARY TO CONTINUE PRODUCTION.—If the supply of $1 coins bearing the likeness of Susan B. Anthony is depleted before production has begun of $1 coins which bear a design which complies with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by this section, the Secretary of the Treasury may continue to mint and issue $1 coins bearing the likeness of Susan B. Anthony in accordance with that section 5112 (as in effect on the day before the date of enactment of this Act) until such time as production begins.

(3) NUMISMATIC SETS.—The Secretary may include such $1 coins in any numismatic set produced by the United States Mint before the date on which the $1 coins authorized by this section are placed in circulation.

(f) MARKETING PROGRAM.—

(1) IN GENERAL.—Before placing into circulation $1 coins authorized under this section, the Secretary of the Treasury shall adopt a program to promote the use of such coins by commercial enterprises, mass transit authorities, and Federal, State, and local government agencies.

(2) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study on the progress of the marketing program adopted in accordance with paragraph (1).

(3) REPORT.—Not later than March 31, 2001, the Secretary of the Treasury shall submit a report to the Congress on the results of the study conducted pursuant to paragraph (2).

SEC. 5. FIRST FLIGHT COMMEMORATIVE COINS.

(a) COIN SPECIFICATIONS.—

(1) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this section referred to as the "Secretary") shall mint and issue the following coins:

(A) $10 GOLD COINS.—Not more than 100,000 $10 coins, each of which shall—

(i) weigh 16.718 grams;

(ii) have a diameter of 1.06 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) $1 SILVER COINS.—Not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(C) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins each of which shall—

(i) weigh 11.34 grams;

(ii) have a diameter of 1.205 inches; and

(iii) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this section shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) SOURCES OF BULLION.—The Secretary shall obtain gold and silver for minting coins under this section pursuant to the authority of the Secretary under other provisions of law, including authority relating to the use of silver stockpiles established under the Strategic and Critical Materials Stockpiling Act, as applicable.

(d) DESIGN OF COINS.—

(1) DESIGN REQUIREMENTS.—

(A) IN GENERAL.—The design of the coins minted under this section shall be emblematic of the first flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

(B) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this section there shall be—

(i) a designation of the value of the coin;

(ii) an inscription of the year "2003"; and

(iii) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(2) SELECTION.—The design for the coins minted under this section shall be—

(A) selected by the Secretary after consultation with the Board of Directors of the First Flight Foundation and the Commission of Fine Arts; and

(B) reviewed by the Citizens Commemorative Coin Advisory Committee.

(e) PERIOD FOR ISSUANCE OF COINS.—The Secretary may issue coins minted under this section only during the period beginning on August 1, 2003, and ending on July 31, 2004.

(f) SALE OF COINS.—

(1) SALE PRICE.—The coins issued under this section shall be sold by the Secretary at a price equal to the sum of—

(A) the face value of the coins;

(B) the surcharge provided in paragraph (4) with respect to such coins; and

(C) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(2) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this section at a reasonable discount.

(3) PREPAID ORDERS.—

(A) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this section before the issuance of such coins.

(B) DISCOUNT.—Sale prices with respect to prepaid orders under subparagraph (A) shall be at a reasonable discount.

(4) SURCHARGES.—All sales shall include a surcharge of—

(A) $35 per coin for the $10 coin;

(B) $10 per coin for the $1 coin; and

(C) $1 per coin for the half dollar coin.

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to evidence any intention to eliminate or to limit the printing or circulation of United States currency in the $1 denomination.

(g) GENERAL WAIVER OF PROCUREMENT REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(2) EQUAL EMPLOYMENT OPPORTUNITY.—Paragraph (1) does not relieve any person entering into a contract under the authority of this section from complying with any law relating to equal employment opportunity.

(h) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this subsection shall be considered to be numismatic items.

(i) DISTRIBUTION OF SURCHARGES.—

(1) IN GENERAL.—Subject to section 5134 of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this section shall be promptly paid by the Secretary to the First Flight Foundation for the purposes of—

(A) repairing, refurbishing, and maintaining the Wright Brothers Monument on the Outer Banks of North Carolina; and

(B) expanding (or, if necessary, replacing) and maintaining the visitor center and other facilities at the Wright Brothers National Memorial Park on the Outer Banks of North Carolina, including providing educational programs and exhibits for visitors.

(2) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the First Flight Foundation as may be related to the expenditures of amounts paid under paragraph (1).

(j) FINANCIAL ASSURANCES.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this section will not result in any net cost to the United States Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from Wisconsin [Mr. BARRETT] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 1228, which includes the language of H.R. 2414, the bill to implement a program to issue quarter dollars over a 10-year period commemorating each of the 50 States. This bill has passed this House in each of the last two Congresses, most recently on September 23, 1997, where it passed on a rollcall vote of 419–6.

S. 1228 passed the Senate by unanimous consent last Sunday night, and it has been amended to include language redesigning the $1 coin. This redesign would correct the flaws of the Susan B. Anthony coin by specifying that the new coin be gold in color and have a distinctive edge to distinguish it from the quarter.

A difference from the bill that I introduced, H.R. 2637, is that S. 1228 does not specify what image will appear on the $1 coin. Instead, that decision is left to the Secretary of the Treasury. My bill would have had the Statue of Liberty as the image of the face of the coin, gold, smooth edge, Statue of Liberty on the face of the coin, but we are going to leave that decision up, as I said, to the Secretary of the Treasury.

I would also at this time like to thank Senator ALPHONSE D'AMATO, the chairman of the Senate Banking Committee, who was extremely cooperative throughout all of this and was very helpful in bringing all of this legislation to fruition.

In the other House, the word "clad" was removed from language describing that the new dollar coin should have similar properties as current coinage in circulation. There is nothing in this bill that should be construed as limiting the mint's choice of technology in determining the best, most effective coin to meet the public's need and which is not subject to counterfeiting.

There is some urgency to the dollar coin redesign, in that the mint has said that they need 30 months to test alloys and prepare production for the new coin, and there is now only a 30-month supply of the Anthony dollars remaining in storage at current rates of usage and issuance. This legislation leaves the paper $1 note unaffected, to continue to be printed and issued as public demand determines.

The legislative package also includes a commemorative coin that authorizes coins to be issued commemorating the centennial of the first flight by the Wright brothers which will be celebrated in 2003. This commemoration has already been approved by the Citizens Commemorative Coin Advisory Committee as required under our coin reform legislation passed last year. It also meets other strictures of those reforms, including mintage limits and retention of surcharge payments until all of the Government's costs are recovered from the program.

This bill will reinvigorate our circulating coinage in a responsible, affordable way, serving the best interests of the general public, the national economy and the coin collecting community as well.

□ 1300

It will be educational and fun, will promote pride among the States, and it will be a winner financially for the Government.

The Mint will earn an estimated $11 million annually, $110 million over the life of the program, from the sale of silver proof sets of the quarter, and a study by the accounting firm of Coopers & Lybrand showed that, as with the Bicentennial quarter, the 50-State quarter will be very popular with the public.

The study said that fully 75 percent of the 2,000 people surveyed would collect some or all of the coins. Coopers & Lybrand estimated that between 2.6 billion and 5.1 billion dollars' worth of quarters would be taken out of circulation by collectors.

Given that the survey excluded people under the age of 18, the entire universe of schoolchildren who might be expected to collect the coins, those figures seem very conservative. Estimates by the General Accounting Office, the Congressional Budget Office, and the Mint of the amount that would be collected are generally consistent with the estimates in the Coopers & Lybrand study.

Treasury Secretary Rubin and I are in agreement that the new State design should be dignified. To that end, the legislation authorizing the new quarters stipulates that the Secretary shall not select any frivolous or inappropriate design.

The bill also specifies that the Governors of the individual States or such other State officials or group as the State may designate will consult with the Secretary of the Treasury, who will select the final designs.

I urge the immediate adoption of S. 1228.

Madam Speaker, I reserve the balance of my time.

Mr. BARRETT of Wisconsin. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 1228 and urge all of my colleagues to support this bill which authorizes three worthy coin programs.

First we will commemorate Kitty Hawk in 2002. All Americans recognize the importance of flight and the importance of the Wright brothers' breakthrough at Kitty Hawk, NC. This coin will be a fitting tribute and is one of the first coins to abide by our new rules governing commemoratives.

I am also pleased that this bill incorporates a redesign of the Susan B. Anthony dollar coin and the circulating commemorative quarter series. As a father of three young kids, this last one, the 50–State quarter, is a personal favorite of mine, and I think that this is going to be a tremendous hit throughout this country. I think we are going to see school kids by the millions who are going to know the States in this country better than they ever have before, and they are going to do so for a quarter apiece.

So it is a tremendous program and one of the finest programs, I think, teaching programs, I have seen in awhile to really teach kids about our country.

The gentleman from Delaware [Mr. CASTLE] along with the gentleman from New York [Mr. FLAKE] have to be commended because they have brought sensible coin reform during the last 3 years. Mr. CASTLE, in particular, has worked hard to bring value and enjoyment to coin collecting, and I am proud to say that these last two measures are his ideas.

I urge the House to support this bill, and I wish to personally congratulate the gentleman from Delaware [Mr. CASTLE] on his personal accomplishments in this bill.

Looking around, I see no other speakers. So, Madam Speaker, I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I also will yield back in a moment, but I would just like to say that we of course already miss the gentleman from New York [Mr. FLAKE] who is not with us today. He has always been a stalwart over there in support of what we have done, with Sean Peterson, his staff, and others who have helped with him.

But the gentleman from Wisconsin [Mr. BARRETT] is a very worthy substitute, and there is now an opening for the ranking member of this particular subcommittee. I hope the gentleman from Wisconsin [Mr. BARRETT], who is one of our most distinguished members, will consider filling that, and we appreciate his kind words today.

We do believe this is good legislation, we do believe the interests are valid in terms of educating children as well as helping with our Treasury and in making American coinage more interesting to all citizens of the United States of America, so we would encourage passage of the legislation.

Ms. NORTON. Madam Speaker, I support the 50-State Commemorative Coin Program Act and want to call attention to Chairman CASTLE's promise to include the District of Columbia and the four insular areas in this privilege in forthcoming legislation. The Chair has agreed to cosponsor with the other delegates and me a bill that would allow us the same privilege as the 50 States, namely, the ability to choose a design for the reverse side of the quarter coin in order to commemorate each jurisdiction.

The Act provides that all quarter coins issued for the 10 years beginning in 1999 would carry designs from five States each year. The side of the 25-cent piece with George Washington's image would remain unchanged. The quarter would have to carry the existing slogans. Approval of each State's design by the Federal Government is required. Earnings from silver collectors of $110 million and indirect earnings of $2.6–$5 billion are estimated.

I supported this bill on the House floor in September when it was agreed that the District of Columbia and the four insular areas would be included in a subsequent bill. We asked to be included in the bill while it was on the floor at that time. However, the Chairman wanted to take the matter back to the Treasury Department and through the rest of the process in order to avoid objections to the bill that might inhibit fast passage of this bill in the Senate. We are writing our bill now and intend to introduce it when Congress reconvenes early next year.

Although the residents of the District and the insular areas are American citizens, there are some differences between us and the States. However, qualification to be part of a program to redesign quarters to commemorate home jurisdictions is not one of them.

As to the District, the Congress has no trouble including us when it comes to collecting Federal income taxes. The four territories or insular areas do not pay Federal incomes taxes, but they have earned the right to this privilege in many ways, among them, because of the larger numbers of their citizens who have fought or died for their country.

I look forward to supporting a bill adding the District and the other four insular areas when we return next year.

Mr. KOLBE. Madam Speaker, I rise today in reluctant opposition to S. 1228, a bill that does a number of things, including calling for the redesign of the Susan B. Anthony dollar coin.

While I enthusiastically support the portion of this legislation providing for the minting of 50 different circulating commemorative quarters, I have serious concerns about the portion dealing with the redesign of the Susan B. Anthony dollar coin.

For over a decade, I have been the principal sponsor of legislation calling for the redesign of the Anthony dollar and for the phaseout of the $1 Federal Reserve note. While S. 1228 addresses the issue of the look and feel of our Nation's $1 coin, it neglects the important issue of what to do with the $1 note.

S. 1228 recognizes one of the great myths about the Anthony dollar—that size was not the problem with the coin. It maintains the Anthony's dimensions, but changes the color to golden and calls for a distinctive edge—exactly what I've been proposing for the last decade. With the changes, the newly-designed dollar will be easier to distinguish from a quarter than a quarter from the current nickel.

Unfortunately, S. 1228 will not remove the $1 bill from circulation.

Ever since Congressman Mo Udall and I introduced the first dollar coin legislation in 1986, I have argued that the Anthony dollar failed for two reasons: it looked and felt like a quarter and the $1 bill was not taken out of circulation. So, this legislation takes a first and very important step in the effort to introduce a circulating $1 coin. However, I fear that the new dollar coin will be doomed to the fate of the Anthony dollar since the $1 note remains in circulation and no provision for its phase-out is included in the legislation.

I've been delivering this unpopular message for a decade, and it has been my experience that the general public understands the necessity of a phaseout when given the facts.

Madam Speaker, I have been raked over the coals by those who opposed the phaseout of the $1 note. My efforts have been attacked through sound bites that instill fear and tell the public that elimination of the $1 note is taking about the choice. Well, when those delivering that message introduce legislation to create paper pennies, nickels, dimes, and quarters, and $1, $2, $5, $10, $20, $50, and $100 coins, I will be convinced they truly believe in giving choice to the American public.

Sadly, the smear campaigns that have been going on for over a decade leave Congress in a situation where we can take only incremental steps to implement good currency policy. Sadly, this and prior administrations have forwarded no comprehensive policy objectives related to modernizing our currency.

I still read and hear about the stunning success of the Canadian "loon" dollar coin which was introduced in 1987. Make no mistake. The coin was extremely unpopular in concept before its introduction. And the coin did not widely circulate until late in 1989—when the $1 bill was removed from circulation. The retail industry was very reluctant to use the $1 coin, and it did not circulate widely for that reason.

I traveled to Ottawa several years ago to meet with officials of the Royal Canadian Mint, the Canadian banking industry, the Canadian Parliament, and Canadian retail executives. While they were very proud of the accomplishment, they did acknowledge one significant error in their planning. The said that the prolonged cocirculation of both the "loon" coin and the $1 bill made the transition more difficult and unpopular than it should have been.

That is my fear about S. 1228. Congress cannot idly sit back and expect the mere introduction of a redesigned dollar coin will develop it own momentum. And no amount of marketing by the Mint will make the coin succeed. As a matter of fact, heavy simultaneous circulation of both the redesigned dollar coin and $1 bills will become a major nuisance to

retailer, mass transit, and the visually impaired. I expect Congress will be hearing from them before long.

Let me finally add that unlike my legislation, H.R. 1174, there is little budgetary savings associated with legislation that only has redesignated the Anthony dollar without phasing out the $1 note. While passage of H.R. 1174 would ultimately result in about $12 billion in savings to taxpayers over 30 years, I understand that the language in S. 1228 will result in minimal budgetary savings.

I commend Chairman CASTLE for his continuing attention to coinage matters—especially the circulating commemorative quarter legislation. And frankly, I am relieved to know that the Mint will be saved from the embarrassment of having to produce more Anthony dollars. However, I remain convinced that the absence of a plan to address the necessary action of removing the $1 bill from circulation will doom us to the same embarrassment.

Mr. CASTLE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the Senate bill, S. 1228.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1997

Mr. SAXTON. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1658) to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws.

The Clerk read as follows:

Senate amendments:

Page 9, line 16, strike out "Secretary" and insert "Secretaries".

Page 9, line 21, strike out "Secretary" and insert "Secretaries".

Page 10, line 3, strike out [Secretary] and insert Secretaries

Page 11, after line 10 insert:

"(b) SOCIO-ECONOMIC STUDY.—The Secretaries, in consultation with with the Atlantic States Marine Fisheries Commission, shall conduct a study of the socio-economic benefits of the Atlantic striped bass resource. The Secretaries shall issue a report to the Congress concerning the findings of this study no later than September 30, 1998.

Page 11, line 11, strike out [(b)] and insert: *(c)*

Page 12, strike out all after line 23, over to and including line 11 on page 13 and insert:

"(a) REGULATION OF FISHING IN EXCLUSIVE ECONOMIC ZONE.—The Secretary shall promulgate regulations governing fishing for Atlantic striped bass in the exclusive economic zone that the Secretary determines—

"(1) are consistent with the national standards set forth in section 301 of the Magnuson Act (16 U.S.C. 1851);

"(2) are compatible with the Plan and each Federal moratorium in effect on fishing for Atlantic striped bass within the coastal waters of a coastal State;

"(3) ensure the effectiveness of State regulations on fishing for Atlantic striped bass within the coastal waters of a coastal State; and

"(4) are sufficient to assure the long-term conservation of Atlantic striped bass populations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am very pleased that we are on the verge of enacting H.R. 1658, the Striped Bass Conservation Act of 1997. The House passed two prior versions of this bill in the last Congress, but, regrettably, they were not acted upon by the other body. Today, however, we can complete the legislative process by voting to agree to the Senate amendments to this important legislation.

The first sentence of the Striped Bass Conservation Act of 1984 states that the Atlantic striped bass are of historic importance and of great benefit to the Nation. I would like to assure all of my colleagues of the truth of this statement. These fish are renowned for their fighting ability and have been an important part of the lives of generations of east coast fishermen from all parts of the Northeast.

When this country was settled, striped bass were one of the most abundant natural resources that staggered early explorers. Captain John Smith, exploring the Chesapeake Bay in 1608, wrote that striped bass were so abundant that he thought he could walk across the bay on the backs of stripers without wetting his feet.

Unfortunately, the striped bass population has not remained all that bountiful. In the 1970's, heavy fishing pressure on the species coincided with water pollution and other environmental changes, and the population plummeted. The thriving industry that stripped bass had supported was nearly wiped out, and it seemed that this flagship species might disappear completely.

Congress responded to the crisis by enacting the Striped Bass Conservation Act of 1984. The act put teeth in the existing interstate management plan for striped bass. It created the Federal enforcement mechanism for the plan, authorized studies of the causes of the decline, and provided for regular population assessments. This law assured that the States would adopt the tough regulations that were required to bring the species back.

Madam Speaker, the Stripped Bass Act has turned out to be a huge success. After a period of persistently low populations in the 1980's, the species has rebounded to its highest levels in the last 30 years. The sacrifices that fishermen coast-wide have made to bring the stripers back have paid off, and my constituents in New Jersey as well as all striper fishermen from North Carolina to Maine can once again count this fish among the abundant natural resources with which our region is blessed.

This bill reauthorizes the Striped Bass Act for the next 3 years. It authorizes continued funding for the population assessments and adds studies of stripers to related species. Although stripers are recovered, they are still at risk from the numerous natural and man-made factors. This bill will ensure that we remain vigilant so that we can protect the gains that we have made in recent years.

The House passed this bill on July 8; the Senate has now passed the legislation with several amendments. The amendments make small changes related to the Secretary of Interior's role in enforcement, authorize a socio-economic study on the benefits of Atlantic striped bass resource, and clarify provisions regarding striped bass regulation in Federal waters. These changes are not only acceptable, they actually enhance the bill. In fact, I wish I had thought of them myself.

Reauthorizing the Striped Bass Act has been a long process. Fortunately, as William Woods of the Massachusetts Bay Colony said in 1635, men are soon wearied with other fish, yet they never are with bass.

I strongly urge all of my colleagues to vote yes on H.R. 1658 with the improvements adopted by the other body.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

First of all, Madam Speaker, I would like to commend the gentleman from New Jersey [Mr. SAXTON] for his diligent work in this area, and I rise in strong support of this legislation.

The remarkable recovery of the striped bass fishery a little more than a decade after the passage of the original Striped Bass Conservation Act is truly a success story, demonstrating that conservation can work, and, again, I think we all are grateful to Mr. SAXTON for his deep interest and diligence in pursuing this.

Madam Speaker, I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman for his kind words. Madam Speaker, at this time I have, as far as I know, no additional speakers, and so with just one thought I am prepared to yield back the balance of my time.

I was made aware earlier today that there is a regulatory problem off the shores of Massachusetts that relates to Nantucket and the State waters there

and the Federal waters through which fishermen must pass on their way back to the mainland.

I understand that there is a regulatory issue, and I have talked with the gentleman from Massachusetts [Mr. KENNEDY] about this issue, and we both have agreed that we will try our best in the first couple of months of 1998 to deal with the National Marine Fisheries Service relative to these issues.

Mr. PALLONE. Madam Speaker, tonight I rise in strong support of H.R. 1658, the Atlantic Striped Bass Conservation Act Amendments. The remarkable recovery of the striped bass fishery, a little more than a decade after the passage of the original Striped Bass Conservation Act, is a success story, demonstrating that fish conservation can work.

For the last three decades, Atlantic striped bass stocks have been declining due to overfishing, pollution, habitat destruction and other factors. Recently, however, the Atlantic striped bass stocks have grown and are slowly returning to their previous abundance. Many Atlantic Coast states have recognized the significance of this growth and understand the pressure that commercial fishing interests may have on breeding stocks. In response, states such as New Jersey, Connecticut, Pennsylvania and Georgia, and several others, have passed gamefish laws or have prohibited the Atlantic striped bass commercial angling.

The management program established under this Act was, at the time of its inception in 1984, unique. It relies on the states to develop regulations for their waters that are consistent with the Atlantic States Marine Fisheries Commission's management plan for striped bass. If the state fails in its efforts, a federal moratorium is imposed. This plan was so successful, that last year the Commission declared the striped bass to be fully recovered. Today, the fish are being found in record numbers up and down the coast.

Mr. Speaker, as I previously stated, striped bass populations were placed in jeopardy due to severe over-harvesting. Support of this legislation would allow us to better understand striped bass stock and management plans that not only benefit the striped bass stock, but the striped bass fishing community as well. Furthermore, these amendments increase public participation in the preparation of striped bass management plans. This fishery is one of the most important fisheries for marine recreational anglers. In 1995, over a million anglers made almost seven million trips and nearly spent 160 million dollars in pursuit of this fish. We must support this legislation and ensure that over a decade striped bass conservation and restoration is not erased.

Mr. SAXTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendments to H.R. 1658.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1658.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR DIVISION, USE, AND DISTRIBUTION OF JUDGMENT FUNDS OF THE OTTAWA AND CHIPPEWA INDIANS

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments numbered 1 through 60, 62 and 63, and disagree to the Senate amendment numbered 61 to the bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364 and 18–R before the Indian Claims Commission.

The Clerk read as follows:

Senate amendments:

Page 2, before line 1 insert:

TITLE I—DIVISION, USE, AND DISTRIBUTION OF JUDGMENT FUNDS OF THE OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN

Page 2, line 1, strike out "**SECTION 1**" and insert "**SEC. 101**".

Page 2, line 2, strike out "Act" and insert "title".

Page 2, line 3, strike out "**2**" and insert "**102**".

Page 2, line 9, strike out "Tribe" and insert "Band".

Page 3, line 9, strike out "Act" and insert "title".

Page 3, line 14, strike out "**3**" and insert "**103**".

Page 3, line 15, strike out "Act" and insert "title".

Page 4, line 13, strike out "6" and insert "106".

Page 4, line 16, strike out "**4**" and insert "**104**".

Page 4, line 23, strike out "10" and insert "110".

Page 6, line 13, strike out "10" and insert "110".

Page 7, line 23, strike out "Act" and insert "title".

Page 7, line 24, strike out "10" and insert "110".

Page 8, line 3, strike out "**5**" and insert "**105**".

Page 8, line 9, strike out "4" and insert "104".

Page 8, line 13, strike out "7" and insert "107".

Page 8, line 15, strike out "4" and insert "104".

Page 8, line 20, strike out "7" and insert "107".

Page 8, line 21, strike out "8" and insert "108".

Page 8, line 23, strike out "4" and insert "104".

Page 9, line 4, strike out "8" and insert "108".

Page 9, line 5, strike out "9" and insert "109".

Page 9, line 7, strike out "4" and insert "104".

Page 9, line 12, strike out "9" and insert "109".

Page 9, line 14, strike out "Act" and insert "title".

Page 10, line 4, strike out "3(b)" and insert "103(b)".

Page 10, line 8, strike out "3(b)" and insert "103(b)".

Page 10, line 21, strike out "3(b)" and insert "103(b)".

Page 11, line 2, strike out "3(b)" and insert "103(b)".

Page 11, line 8, strike out "3(b)" and insert "103(b)".

Page 11, line 11, strike out "Act" and insert "title".

Page 11, line 13, strike out "5" and insert "105".

Page 11, line 17, strike out "3" and insert "103".

Page 11, line 17, strike out "4" and insert "104".

Page 11, line 23, strike out "Act" and insert "title".

Page 11, line 23, strike out "4" and insert "104".

Page 12, line 1, strike out "**6**" and insert "**106**".

Page 12, line 16, strike out "4" and insert "104".

Page 13, line 7, strike out "10" and insert "110".

Page 15, line 5, strike out "10" and insert "110".

Page 15, line 10, strike out "4" and insert "104".

Page 15, line 14, strike out "Act" and insert "title".

Page 15, line 17, strike out "Act" and insert "title".

Page 15, line 23, strike out "Act" and insert "title".

Page 16, line 3, strike out "**7**" and insert "**107**".

Page 16, line 10, strike out "Act" and insert "title".

Page 17, line 25, strike out "Act" and insert "title".

Page 22, line 12, strike out "**8**" and insert "**108**".

Page 25, line 14, strike out "4" and insert "104".

Page 26, line 3, strike out "**9**" and insert "**109**".

Page 26, line 10, strike out "4" and insert "104".

Page 30, line 19, strike out "**10**" and insert "**110**".

Page 31, line 21, strike out "4(a)(1)" and insert "104(a)(1)".

Page 31, line 23, strike out "4(a)(1)" and insert "104(a)(1)".

Page 32, line 7, strike out "6" and insert "106".

Page 32, line 15, strike out "Act" and insert "title".

Page 33, line 15, strike out "6" and insert "106".

Page 33, line 19, strike out "6" and insert "106".

Page 34, line 14, strike out "6" and insert "106".

Page 34, strike out all after line 14 down to and including "eligibility" in line 17 and insert:

SEC. 111. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS.

(A) APPLICABILITY OF PUBLIC LAW 93–134.—All funds distributed under this Act or any plan approved in accordance with this Act, including interest and investment income that accrues on those funds before or while

those funds are held in trust, shall be subject to section 7 of Public Law 93–134 (87 Stat. 468).

(b) TREATMENT OF FUNDS WITH RESPECT TO CERTAIN FEDERAL ASSISTANCE.—The eligibility

Page 35, line 4, strike out "12" and insert "112".

Page 35, after line 9 insert:

TITLE II—LIMITATION ON HEALTH CARE CONTRACTS AND COMPACTS FOR THE KETCHIKAN GATEWAY BOROUGH

SEC. 201. FINDINGS.

Congress finds that—

(1) the execution of more than 1 contract or compact between an Alaska native village or regional or village corporation in the Ketchikan Gateway borough and the Secretary to provide for health care services in an area with a small population leads to duplicative and wasteful administrative costs; and

(2) incurring the wasteful costs referred to in paragraph (1) leads to decrease in the quality of health care that is provided to Alaska Natives in an affected area.

SEC. 202. DEFINITIONS.

In this title:

(1) ALASKA NATIVE.—The term "Alaska Native" has the meaning given the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) ALASKA NATIVE VILLAGE OR REGIONAL OR VILLAGE CORPORATION.—The term "Alaska native village or regional or village corporation" means an Alaska native village or regional or village corporation defined in, or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)

(3) CONTRACT; COMPACT.—The terms "contract" and "compact" mean a self-determination contract and a self-governance compact as these terms are defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 203. LIMITATION.

(a) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that, in considering a renewal of a contract or compact, or signing of a new contract or compact for the provision of health care services in the Ketchikan Gateway Borough, there will be only one contract or compact in effect.

(b) CONSIDERATION.—In any case in which the Secretary, acting through the Director of the Indian Health Service, is required to select from more than 1 application for a contract or compact described in subsection (a), in awarding the contract or compact, the Secretary shall take into consideration—

(1) the ability and experience of the applicant;

(2) the potential for the applicant to acquire and develop the necessary ability; and

(3) the potential for growth in the health care needs of the covered borough.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1604 by my colleague on the Committee on Resources, the gentleman from Michigan [Mr. KILDEE], would provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to the four Indian Claims Commission dockets. These funds were appropriated by Congress years ago and have been held by the Department of the Interior for the beneficiaries.

The funds would be divided according to a formula included in H.R. 1604 which the gentleman from Michigan [Mr. KILDEE] helped work out over the course of many years, and I am very grateful to him for doing that. I am sure the native Americans are very grateful to him for doing that. The funds would be divided according to a formula included in H.R. 1604 between individuals on a judgment distribution roll of descendents, to be created by the Secretary of Interior, and five Michigan tribes.

Madam Speaker, the House passed H.R. 1604 on November 4. Since then, the other body has amended our bill and has sent it back to us for another vote. The amendments will solve a problem relative to providing certain Federal services to Alaskan Natives. The added language would limit the number of contracts and compacts for providing certain Indian services to not more than one native entity in any bureau where there are less than 50,000 people.

The intent is to ensure that there is only one Alaskan Native provider in those areas of Alaska which do not require more than one provider. It would save taxpayers money, and it makes sense from an administrative point of view.

One amendment to the bill is unacceptable and will be stricken from the bill and returned to the other body for concurrence.

I support H.R. 1604, I highly recommend its passage, and I also thank the gentleman from Michigan [Mr. KILDEE] for his diligent work over the years on this issue

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the kind words of the gentleman from Maryland [Mr. GILCHREST].

Madam Speaker, today the U.S. Congress will take a historic step in bringing about long awaited justice for the Chippewa and Ottawa Nations of Michigan. The legislation before us now will provide a monetary compensation for 12 million acres of land ceded by these tribes over 160 years ago.

My father taught me long ago about the tremendous injustice done to the Indian tribes in Michigan. For so many years, Madam Speaker, our Government ignored and broke its many treaties with the native Americans. It is part of our history that we can never erase, but it is important that we learn from it. .

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I have learned that we must respect the sovereignty of the Indian Nations and that we must treat them with respect on a government-to-government relationship. The legislation we are about to pass respects that sovereignty and upholds our treaty obligations.

I want to thank the gentleman from Alaska [Mr. YOUNG], the gentleman from California [Mr. MILLER], the gentleman from Maryland [Mr. GILCHREST] and the gentleman from New Jersey [Mr. SAXTON] for helping getting this bill passed. I also want to thank Senators INOUYE, CAMPBELL, ABRAHAM, and LEVIN for all their work as well. This is a great day for the U.S. Congress and the great Chippewa and Ottawa Indian Nations of Michigan. I urge my colleagues to support this bill.

Madam Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding me time. I thank the gentleman for his work on this legislation.

Madam Speaker, I rise today in strong support of H.R. 1604, a bill to distribute judgment funds to the Ottawa and Chippewa Indians. Over 25 years ago, the Federal Government agreed to pay $10 million as settlement for underpaying American Indians for the land which makes up most of northern Michigan, the majority of which is in my district.

After years of disagreement on how the money is to be distributed, a negotiated compromise has been reached. H.R. 1604 codifies this agreement and distributes the long-overdue money. The money that will be distributed by this bill has already been appropriated by Congress way back in 1971, so this is not a new appropriation. Instead, the bill merely releases money that has remained in an account with the Bureau of Indian Affairs for the past 25 years.

Madam Speaker, the passage of H.R. 1604 will close this chapter of what is a long record of mistreatment of American Indians by the Federal Government. This justice is long overdue, and this bill is long overdue. I urge my colleagues to pass this important legislation.

Madam Speaker, let me thank the leadership on both sides for working so closely with us, and the gentleman from Michigan [Mr. KILDEE] for his leadership in bringing this bill to the floor. It has been to the Senate, and we have reached compromise. Let us finally do this and get this over with after 25 years.

Mr. MILLER of California. Madam Speaker, this is the second time that the House has been asked to consider this bill. This time we are being asked to pass this bill because the Senate has made three amendments to what was already a good bill.

The underlying bill, which was sponsored by Congressman KILDEE, authorizes the distribution of judgment funds awarded to several Ottawa and Chippewa tribes in Michigan. This bill was necessary as congressional action is required and these tribes have been awaiting this award ever since 1971. There was some question of the fairness of the distribution scheme between the recognized and nonrecognized tribes but that situation has been amicably resolved and made part of the underlying legislation.

The Senate, however, has made three additional changes. The first changes a reference in the bill from the word "tribe" to "band". The second adds a reference to 25 U.S.C. 1407 which states that Indian judgment fund awards are not taxable. We are deleting this amendment as it falls within the jurisdiction of the Ways and Means Committee.

But it is the third amendment that is troubling. The third amendment will prevent the Indian Health Service from entering into a separate Indian Self-Determination Act contract—a 638 contract—with the Ketchikan Indian Corp. at the same time that it also has a regional 638 contract with the Southeast Alaska Regional Health Corporation, a consortium of Southeast tribes that KIC once belonged to.

The purpose of this amendment is to prevent the waste of limited IHS funds through duplicative services at a nearby clinic run by KIC. While the IHS should not waste its limited resources, I am concerned that this provision further undercuts the Indian Self-Determination Act.

Unfortunately the rights of Alaska Native villages have already been affected by the fiscal year 1998 Interior appropriations bill. Specifically, section 326 of that bill prohibited the IHS from entering into a separate 638 contract with an individual Alaska Native village when that village is located in a region already served by a regional 638 contractor.

But this provision takes away the specific right of a Native entity under the Indian Self-Determination Act, namely, the right of KIC to decide for itself whether it wants to provide health care services to its members on its own pursuant to a 638 contract. Some choose to continue to receive health care services directly from IHS, others choose to execute their own 638 contracts, and yet others still join with neighboring tribes and villages into a regional consortium that has its own 638 contract with the IHS.

I believe that there are already safeguards in the Indian Self-Determination Act that protect against wasteful or duplicative 638 contracts. The act clearly gives the Secretary of Health and Human Services the right to decline a contract request when that is the case.

In my view, Congress should not excise or restrict parts of the Indian Self-Determination Act simply because some Members do not agree with the administration on one contract. The act, which may be the most important piece of Indian legislation this Congress has passed in a generation, is simply too important to be changed in this manner. If there is a problem with the act, then let's hold hearings and respect the rights of the affected parties.

Mr. KILDEE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILCHREST. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and concur in Senate amendments 1 through 60, 62 and 63, and disagree to Senate amendment 61 to the bill, H.R. 1604.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and Senate amendments 1 through 60, 62 and 63 were concurred in, and Senate amendment 61 was disagreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1604.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

NATIONAL PEACE GARDEN MEMORIAL

Mr. JONES. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 731) to extend the legislative authority for construction of the National Peace Garden Memorial, and for other purposes, as amended.

The Clerk read as follows:

S. 731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 10(b) of Public Law 99-652 and section 1(a) of Public Law 103-321, the legislative authority for the National Peace Garden shall extend through June 30, 2002.

SEC. 2. MAINTENANCE OF WILD HORSES IN CAPE LOOKOUT NATIONAL SEASHORE.

Section 5 of the Act entitled "An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes", approved March 10, 1966 (Public Law 89-366; 16 U.S.C. 459g-4), is amended by inserting "(a)" after "SEC. 5.", and by adding at the end the following new subsection:

"(b)(1) The Secretary, in accordance with this subsection, shall allow a herd of 100 free roaming horses in Cape Lookout National Seashore (hereinafter referred to as the "seashore"): *Provided,* That nothing in this section shall be construed to preclude the Secretary from implementing or enforcing the provisions of paragraph (3).

"(2) Within 180 days after enactment of this subsection, the Secretary shall enter into an agreement with the Foundation for Shackleford Horses (a nonprofit corporation established under the laws of the State of North Carolina), or another qualified nonprofit entity, to provide for management of free roaming horses in the seashore. The agreement shall—

"(A) provide for cost-effective management of the horses while ensuring that natural resources within the seashore are not adversely impacted; and

"(B) allow the authorized entity to adopt any of those horses that the Secretary removes from the seashore.

"(3) The Secretary shall not remove, assist in, or permit the removal of any free roaming horses from Federal lands within the boundaries of the seashore—

"(A) unless the entity with whom the Secretary has entered into the agreement under paragraph (2), following notice and a 90-day response period, fails to meet the terms and conditions of the agreement; or

"(B) unless the number of free roaming horses on Federal lands within Cape Lookout National Seashore exceeds 110; or

"(C) except in the case of an emergency, or to protect public health and safety.

"(4) The Secretary shall annually monitor, assess, and make available to the public findings regarding the population, structure, and health of the free roaming horses in the national seashore.

"(5) Nothing in this subsection shall be construed to require the Secretary to replace horses or otherwise increase the number of horses within the boundaries of the seashore where the herd numbers fall below 100 as a result of natural causes, including, but not limited to, disease or natural disasters.

"(6) Nothing in this subsection shall be construed as creating liability for the United States for any damages caused by the free roaming horses to property located inside or outside the boundaries of the seashore.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. JONES] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 731 and urge its adoption. The bill grants a 5-year extension to the legislative authority for the construction of the National Peace Garden Memorial on Federal lands within the District of Columbia.

Madam Speaker, section 10(b) of the Commemorative Works Act of 1986 provides that the legislative authority to construct a memorial expires 7 years after the date the memorial was authorized by Congress. In 1994, Congress extended the legislative authority for the National Peace Garden Memorial through June 30, 1997. S. 731 would extend the legislative authority for the National Peace Garden Memorial until June 30, 2002.

Madam Speaker, S. 731 has been amended to incorporate H.R. 765, a bill I introduced to protect the Shackleford Banks Wild Horses at Cape Lookout National Seashore in North Carolina. The House passed H.R. 765 on July 22, 1997, by a vote of 416 to 6.

Since that time, the Senate has amended the House-passed bill to clarify several management issues of concern to the National Park Service. The amendment to S. 731 offered today reflects the amendments agreed to by the majority and minority members of the Senate Committee on Energy and Natural Resources.

Madam Speaker, S. 713 will assure that a healthy survival herd of wild roaming horses will remain on the Cape Lookout National Seashore, and their 400-year history will continue as a major legacy of the culture and heritage of the Outer Banks of North Carolina.

Madam Speaker, I strongly urge my colleagues to support S. 731 as amended.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 731 as passed by the Senate is an uncontroversial measure to extend the authority of the National Peace Garden Foundation to establish a commemorative work in honor of our Nation's commitment to peace. The majority has sent S. 731 to the desk with an amendment that includes the modified text of another bill, H.R. 765, that the House passed in July.

The language of H.R. 765, which deals with the wild horses at Cape Lookout National Seashore, has been worked out in the Senate, and that bill is currently pending before the full Senate.

Madam Speaker, I urge the adoption of this bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the Senate bill, S. 731, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 731, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDING COMMUNICATIONS ACT OF 1934

Mr. BLILEY. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1354) to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

The Clerk read as follows:

S. 1354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF COMMUNICATIONS ACT OF 1934.

Section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) is amended—

(1) by striking "(2) or (3)" in paragraph (1) and inserting "(2), (3), or (6)";

(2) by striking "interstate services," in paragraph (3) and inserting "interstate services or an area served by a common carrier to which paragraph (6) applies,";

(3) by inserting "(or the Commission in the case of a common carrier designated under paragraph (6))" in paragraph (4) after "State commission" each place such term appears;

(4) by inserting "(or the Commission under paragraph (6))" in paragraph (5) after "State commission"; and

(5) by inserting after paragraph (5) the following:

"(6) COMMON CARRIERS NOT SUBJECT TO STATE COMMISSION JURISDICTION.—In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Massachusetts [Mr. MARKEY] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

GENERAL LEAVE

Mr. BLILEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1354.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 1354. S. 1354 was brought to the Committee on Commerce's attention by the gentleman from Arizona [Mr. HAYWORTH]. He informed the committee that a technical amendment to the Communications Act was necessary to avoid local telephone rate increases in certain parts of the Nation. The committee has reviewed the bill and agrees that action by the House is necessary at this time.

Under the current universal service provisions of the Communications Act, only common carriers designated by the States are eligible to receive Federal universal service support. Unfortunately, this policy ignores the fact that some common carriers providing service today are not subject to the jurisdiction of a State commission; most notably, some carriers owned or controlled by Native Americans. Thus, many of these common carriers may lose Federal support on January 1, 1998, unless Congress takes action.

S. 1354 corrects this problem by permitting a common carrier that is not subject to State authority to be designated by the Federal Communications Commission as eligible to receive Federal universal service support. S. 1354 will apply to only a limited number of carriers, but to these carriers' customers, its impacts will be significant.

It should be noted that nothing in this bill is intended to restrict or expand the existing jurisdiction of State commissions over any common carrier. Such determinations are outside the scope of this legislation.

I thank the gentleman from Arizona [Mr. HAYWORTH] for his thoughtful action on this matter and for working with the gentleman from South Dakota [Mr. THUNE]. I also thank the Members of the other body for taking action on this important matter. I ask that all Members support passage of S. 1354.

Madam Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Madam Speaker, I would like to thank my colleague from Virginia, the distinguished chairman of the Committee on Commerce [Mr. BLILEY] for his consideration and cooperation in this regard.

Madam Speaker, I rise in strong support of S. 1354, and I would be remiss if I did not also take this time to thank the ranking minority member of the Committee on Commerce, the gentleman from Michigan [Mr. DINGELL], for his help as well.

Madam Speaker, it is safe to say this is a good bipartisan bill. This legislation was sponsored in the other body by my colleague from Arizona Senator MCCAIN, and I would like to publicly thank our senior Senator for his hard work on this issue.

Madam Speaker, as the chairman mentioned, this bill corrects a technical glitch in section 214(e) of the Communications Act of 1934 that has created a serious problem for certain telecom carriers, particularly some Indian tribes. The current language in section 214(e) does not account for the fact that State commissions in some States have no jurisdiction over certain carriers. Some, not all, but some States have no jurisdiction over tribal-

owned carriers, which may or may not be regulated by a tribal authority that is not a State commission per se. This is especially true in my home State of Arizona and also in South Dakota.

The failure to account for these situations means that such carriers may have no way of being designated as a carrier eligible to receive Federal universal service support which provides intercarrier support for the provision of telecommunications services in rural and high-cost areas throughout the United States.

Section 214 as currently written does not consider whether a tribal-owned carrier is a traditional incumbent local exchange carrier that provides the core universal services, whether they have previously received Federal universal support or whether they will be deemed a carrier of last resort to serve every customer in their service area.

In my home State of Arizona, there are four tribal authority telephone cooperatives that are not subject to State jurisdiction. Passing this bill would ensure that these entities can continue to serve their customers as eligible carriers.

Without this bill, Madam Speaker, customers of these carriers could face enormous rate increases. For instance, if Gila River in my district in Arizona lost its Federal universal service support, its customers could be hit with a $32 monthly charge per subscriber starting this January, so it is critical that we pass this bill now to protect these consumers.

Again, I would like to thank my esteemed colleague, the gentleman from Virginia [Mr. BLILEY] for agreeing to bring this bill forward, and I would urge a "yes" vote from all of our colleagues.

Mr. BLILEY. Madam Speaker, I reserve the balance of my time.

Mr. MARKEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this legislation represents a finetuning of provisions of the Telecommunications Act of 1996 that addresses the universal service system. The bill before us today allows a common carrier that is not subject to the jurisdiction of a State commission, including those telephone companies owned by certain federally-recognized Indian tribes, to be designated by the Federal Communications Commission as an eligible telecommunications carrier for universal service funding purposes.

The Telecommunications Act of 1996 stipulated that State commissions are authorized to designate which telephone companies are so-called eligible telecommunications carriers for purposes of universal service funding. The provisions of the Telecommunications Act, however, did not account for the fact that in a few instances, States have no jurisdiction over telephone companies owned by certain federally-recognized Indian tribes. Because States have no jurisdiction in this area, such companies would have no way of becoming designated as eligible telecommunications carriers and receive universal service support.

□ 1330

This bill is a technical correction to the statute that is entirely consistent with the Telecommunications Act of 1996. The bill ensures that telephone companies currently receiving support for universal service can continue to do so whether the designation of eligible telecommunications carrier is made by the State commission or, in the case of a company not subject to State jurisdiction, by the Federal Communications Commission.

I want to congratulate the gentleman from Virginia [Mr. BLILEY], for his work on this issue; the gentleman from South Dakota [Mr. THUNE] for his work on this issue; and the gentleman from Arizona [Mr. HAYWORTH] for his work in ensuring that we do have an equitable and universal application of a plan constructed in the 1930's which has served our Nation well.

The universal service system of telecommunications was originated as good economic policy: Let us bring the whole country together, not just the 35 or 40 percent that had telephones in the middle of the 1930's, but let us have every home in America with access to it.

It turned out to be not just good economic policy, but it turned out to be good social policy as well because it helped to knit our country together, that families could call each other wherever they were in the country, business could be conducted anywhere in the country. This amendment seeks to clarify an omission so that these particular Indian tribes are not excluded, and I want to congratulate the Members that have brought the issue to our attention.

Madam Speaker, I reserve the balance of my time.

Mr. BLILEY. Madam Speaker, I yield myself such time as I may consume.

Mr. THUNE. Madam Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from South Dakota.

Mr. THUNE. Madam Speaker, I want to credit the distinguished chairman for his hard work on this bill.

It is my understanding that the bill before us is specifically intended to provide a clear mechanism to designate eligible telecommunications carriers, pursuant to section 214(e) of the Communications Act of 1934, for common carriers not subject to the jurisdiction of State commissions, for purposes of the universal service fund. In essence, the bill would ensure such common carriers have access to universal service funds under section 214(e) of the Communications Act of 1934. Am I correct in that understanding?

Mr. BLILEY. Madam Speaker, the gentleman is correct. The Telecommunications Act of 1996 introduced a new requirement that State commissions determine which common carriers would be designated eligible for universal service funds. The act, however, did not contemplate that certain carriers may fall outside the jurisdiction of a State commission.

Mr. THUNE. Madam Speaker, I thank the gentleman. If the gentleman would yield further, I would like to ask one other question, if I might.

There are some that have expressed concerns that this bill may have implications beyond the question of determining eligibility for the universal service fund to questions of jurisdiction between States and tribal entities. Am I correct in understanding that nothing in this bill is intended to expand or restrict the existing jurisdiction of State commissions over any common carrier or provider in any particular situation?

Mr. BLILEY. Madam Speaker, the gentleman is correct, that nothing in this bill is intended to impact litigation regarding jurisdiction between State and federally recognized tribal entities. Such determinations are outside the scope of this legislation. The intent of this bill is to cover such situations where a State commission lacks jurisdiction over a carrier, in which case the FCC determines who is eligible to receive Federal universal service support.

Mr. THUNE. Madam Speaker, I thank the gentleman from Virginia [Mr. BLILEY], the chairman of the committee, and I thank the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Arizona [Mr. HAYWORTH] for working with me to clarify this issue.

Mr. MARKEY. Madam Speaker, I yield myself such time as I may consume to again congratulate all of the Members who worked on this legislation, and to add in the name of the gentleman from Arizona [Mr. PASTOR], who is also quite concerned about this issue, and the gentleman from Michigan [Mr. KILDEE], who has expressed great interest in ensuring that there is an equitable distribution of this benefit.

With that, I would hope that the Members of the House would accept this bill.

Mr. TAUZIN. Madam Speaker, I rise in support of S. 1354. This bill would clarify a provision of the Communications Act regarding universal service. A change in the existing law is necessary to ensure that local telephone rates for Native Americans, and possibly other consumers, do not rise.

Universal Service is based on the premise that all Americans should have access to telephone service at affordable rates. This longstanding principle is beneficial to all Americans: the more people that are connected to

the telephone network, the more valuable the network is to each of us.

Failure to enact S. 1354, may force rates to increase for local telephone service in many Native American communities as a result of certain carriers being excluded from the definition of an "eligible telecommunications carrier" under the Communications Act. S. 1354 makes a technical correction to the Act that will make it possible for telephone companies serving areas not subject to the jurisdiction of a State Commission, to be eligible to receive federal Universal Service support. The support will be necessary to keep local telephone rates affordable in these areas.

Supporting S. 1354 at this time is critical because federal support for many of these carriers that serve Native Americans may run out as early as January 1, 1998.

Let me take a moment to extend my appreciation to Mr. HAYWORTH of Arizona and Mr. THUNE of South Dakota for working together on this important matter. These gentleman have been champions of this issue in the House and it is with their help that we are here today.

The other body has properly passed this bill and has sent it to the House for our consideration. I am hopeful that we can pass this bill and it can be signed into law relatively shortly.

I ask that all Members support S. 1354 and I reserve the balance of my time.

Mr. MARKEY. Madam Speaker, I yield back the balance of my time.

Mr. BLILEY. Madam Speaker, I thank the gentleman from Massachusetts for his kind words, and I urge the passage of the bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). All time has expired.

The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and pass the Senate bill, S. 1354.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

MUSEUM AND LIBRARY SERVICES TECHNICAL AND CONFORMING AMENDMENTS OF 1997

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1505) to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

The Clerk read as follows:

S. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Museum and Library Services Technical and Conforming Amendments of 1997".

SEC. 2. APPOINTMENT OF EMPLOYEES.

Section 206 of the Museum and Library Services Act (20 U.S.C. 9105 et seq.) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) APPOINTMENT AND COMPENSATION OF TECHNICAL AND PROFESSIONAL EMPLOYEES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Director may appoint without regard to the provisions of title 5, United States Code, governing the appointment in the competitive service and may compensate without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title (relating to the classification and General Schedule pay rates), such technical and professional employees as the Director determines to be necessary to carry out the duties of the Institute.

"(2) NUMBER AND COMPENSATION.—The number of employees appointed and compensated under paragraph (1) shall not exceed ⅛ of the number of full-time regular or professional employees of the Institute. The rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS–15 of the General Schedule under section 5332 of title 5.".

SEC. 3. SPECIAL LIBRARIES.

Section 213(2)(E) of the Museum and Library Services Act (20 U.S.C. 9122(2)(E)) is amended—

(1) by inserting "or other special library" after "a private library"; and

(2) by inserting "or special" after "such private".

SEC. 4. RESERVATIONS.

Section 221(a)(1) of the Museum and Library Services Act (20 U.S.C. 9131(a)(1)) is amended—

(1) in subparagraph (A), by striking "1½ percent" and inserting "1.75 percent"; and

(2) in subparagraph (B), by striking "4 percent" and inserting "3.75 percent".

SEC. 5. MAINTENANCE OF EFFORT.

The second sentence of section 223(c)(1)(A)(i) of the Museum and Library Services Act (20 U.S.C. 9133(c)(1)(A)(i)) is amended to read as follows: "The amount of the reduction in the allotment for any fiscal year shall be equal to the allotment multiplied by a fraction—

"(I) the numerator of which is the result obtained by subtracting the level of such State expenditures for the fiscal year for which the determination is made, from the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made; and

"(II) the denominator of which is the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.".

SEC. 6. SERVICE TO INDIAN TRIBES.

Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended—

(1) in the section heading, by striking "**INDIAN TRIBES**" and inserting "**NATIVE AMERICANS**"; and

(2) by striking "to organizations" and all that follows through "such organizations" and inserting "to Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as the term is defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912) to enable such tribes and organizations".

SEC. 7. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.

Section 262 of the Museum and Library Services Act (20 U.S.C. 9162) is amended—

(1) in the section heading, by striking "**NATIONAL LEADERSHIP GRANTS OR CONTRACTS**" and inserting "**NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS**";

(2) in subsection (a)—

(A) by striking "program awarding national leadership grants or contracts" and inserting "program of awarding grants or entering into contracts or cooperative agreements"; and

(B) by striking "Such grants or contracts" and inserting "Such grants, contracts, and cooperative agreements";

(3) in subsection (b)—

(A) in the section heading, by striking "(b) GRANTS OR CONTRACTS" and inserting "(b) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS;" and

(B) in paragraph (1), by inserting "or cooperative agreements," after "contracts"; and

(C) in paragraph (2), by striking "Grants and contracts" and inserting "Grants, contracts, and cooperative agreements".

SEC. 8. CORRECTION OF TYPOGRAPHICAL ERROR.

Section 262(a)(3) of the Museum and Library Services Act (20 U.S.C. 9162(a)(3)) is amended by striking "preservation of digitization" and inserting "preserving or digitization".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 1505, the Museum and Library Services Technical and Conforming Amendments of 1997, and ask for their approval.

The legislation before us today will make technical and conforming amendments to the Museum and Library Services Act in order to improve the ability of the Institute of Museum and Library Services to foster and expand our Nation's access to high quality museums and libraries. Specifically, S. 1505 will give the director of the IMLS the authority to waive certain civil service hiring and pay provisions to allow the institute more flexibility in hiring museum and library professionals to oversee the programs administered by the institute.

The director needs this authority now in order to hire qualified deputy directors for the institute. However, this authority is not open-ended. This legislation specifically limits the director's ability to waive these hiring and pay provisions for not more than 20 percent of the institute's employees. In addition, the legislation as drafted limits the pay of these individuals to not more than the equivalent of a GS–15, currently $75,935 to $98,714.

In addition, this legislation will allow special libraries to receive funding under the act if the State in which they are located deems them eligible. Special libraries are those owned by institutions such as hospitals or private

corporations. It was never the intent of the authorizing legislation to exclude these libraries as eligible institutions, and this legislation simply clarifies that understanding.

These amendments will also provide for a modest increase of one-quarter of 1 percent of funds appropriated to serve native Americans, clarify that individual Indian tribes may receive library funds provided under the act, and clarify that organizations providing services to native Hawaiians qualify for funding as native Americans. To ensure that State library agencies do not receive any reduction in funding, the one-quarter of 1 percent increase in funding for native Americans is offset by a corresponding reduction in the amount available to the institute for national leadership grants.

Finally, this legislation will clarify the State maintenance of effort provisions contained in the Museum and Library Services Act so that State reductions and library funding result in proportional reductions in Federal library funds to the State. This change is in keeping with the original agreements made when the act was negotiated, and it is needed because some are interpreting the current maintenance of effort provisions as requiring a dollar-for-dollar reduction rather than a straight proportional reduction.

Madam Speaker, the Museum and Library Services Technical and Conforming Amendments of 1997 are needed now in order to improve the ability of the Institute of Museum and Library Services to foster quality museum and library programs for all Americans. This legislation is budget-neutral. It has already been passed in identical form in the other body. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I join my colleagues in urging adoption of this legislation. In the last Congress we enacted landmark legislation that created the Institute of Museum and Library Services. That legislation consolidated the museum programs under the old Institute of Museum Services and the library programs within the Department of Education into an expanded independent agency.

The legislation before us is a series of technical amendments that officials at the institute believe important in order to clarify the provisions of the new law and to provide even more effective administration of our Federal museum and library services.

Madam Speaker, we are fortunate indeed to have Ms. Diane Frankel as the director of our Institute of Museum and Library Services. She is an exceptionally strong and talented leader, and enactment of these amendments will most certainly enable her and her able staff to build upon the superb record they have compiled at this small but very important agency.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, before I yield back, I would just like to make a couple of comments, and I yield myself such time as I may consume.

First, I would like to thank and congratulate the gentleman from Michigan [Mr. KILDEE], who has been a wonderful individual to work with on the Committee on Education and the Workforce. He is knowledgeable, he is reasonable, which we are not always here, and he is a positive force for education in this country, and that is so vitally needed in this Congress, and we do thank him for all he has done.

I also thank all of the staff people. This is a committee which does not get a lot of recognition, but in my judgment has as good staffing as any committee in the entire Congress. They work extraordinarily hard on both sides of the aisle to put together what I think is legislation in the best interests of the young people of our country, and for that we should be thankful. They are the ones who helped put together this legislation, which is technical but which is needed, and for that reason we hope that all will support it.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the Senate bill, S. 1505.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HISPANIC CULTURAL CENTER ACT OF 1997

Mr. PETRI. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1417) to provide for the design, construction, furnishing, and equipping of a center for performing arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.

The Clerk read as follows:

S. 1417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hispanic Cultural Center Act of 1997".

SEC. 2. CONSTRUCTION OF A CENTER FOR PERFORMING ARTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has an enriched legacy of Hispanic influence in politics, government, economic development, and cultural expression.

(2) The Hispanic culture in what is now the United States can be traced to 1528 when a Spanish expedition from Cuba to Florida was shipwrecked on the Texas coast.

(3) The Hispanic culture in New Mexico can be traced to 1539 when a Spanish Franciscan Friar, Marcos de Niza, and his guide, Estevanico, traveled into present day New Mexico in search of the fabled city of Cibola and made contact with the people of Zuni.

(4) The Hispanic influence in New Mexico is particularly dominant and a part of daily living for all the citizens of New Mexico, who are a diverse composite of racial, ethnic, and cultural peoples. Don Juan de Onate and the first New Mexican families established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

(5) Based on the 1990 census, there are approximately 650,000 Hispanics in New Mexico, the majority having roots reaching back ten or more generations.

(6) There are an additional 200,000 Hispanics living outside of New Mexico with roots in New Mexico.

(7) The New Mexico Hispanic Cultural Center is a living tribute to the Hispanic experience and will provide all citizens of New Mexico, the Southwestern United States, the entire United States, and around the world, an opportunity to learn about, partake in, and enjoy the unique Hispanic culture, and the New Mexico Hispanic Cultural Center will assure that this 400-year old culture is preserved.

(8) The New Mexico Hispanic Cultural Center will teach, showcase, and share all facets of Hispanic culture, including literature, performing arts, visual arts, culinary arts, and language arts.

(9) The New Mexico Hispanic Cultural Center will promote a better cross-cultural understanding of the Hispanic culture and the contributions of individuals to the society in which we all live.

(10) In 1993, the legislature and Governor of New Mexico created the Hispanic Cultural Division as a division within the Office of Cultural Affairs. One of the principal responsibilities of the Hispanic Cultural Division is to oversee the planning, construction, and operation of the New Mexico Hispanic Cultural Center.

(11) The mission of the New Mexico Hispanic Cultural Center is to create a greater appreciation and understanding of Hispanic culture.

(12) The New Mexico Hispanic Cultural Center will serve as a local, regional, national, and international site for the study and advancement of Hispanic culture, expressing both the rich history and the forward-looking aspirations of Hispanics throughout the world.

(13) The New Mexico Hispanic Cultural Center will be a Hispanic arts and humanities showcase to display the works of national and international artists, and to provide a venue for educators, scholars, artists, children, elders, and the general public.

(14) The New Mexico Hispanic Cultural Center will provide a venue for presenting the historic and contemporary representations and achievements of the Hispanic culture.

(15) The New Mexico Hispanic Cultural Center will sponsor arts and humanities programs, including programs related to visual arts of all forms (including drama, dance, and traditional and contemporary music), research, literary arts, genealogy, oral history, publications, and special events such as, fiestas, culinary arts demonstrations, film video productions, storytelling presentations and education programs.

(16) Phase I of the New Mexico Hispanic Cultural Center complex is scheduled to be completed by August of 1998 and is planned to consist of an art gallery with exhibition space and a museum, administrative offices, a restaurant, a ballroom, a gift shop, an amphitheater, a research and literary arts center, and other components.

(17) Phase II of the New Mexico Hispanic Cultural Center complex is planned to include a performing arts center (containing a 700-seat theater, a stage house, and a 300-seat film/video theater), a 150-seat black box theater, an art studio building, a culinary arts building, and a research and literary arts building.

(18) It is appropriate for the Federal Government to share in the cost of constructing the New Mexico Hispanic Cultural Center because Congress recognizes that the New Mexico Hispanic Cultural Center has the potential to be a premier facility for performing arts and a national repository for Hispanic arts and culture.

(b) DEFINITIONS.—In this section:

(1) CENTER.—The term "Center" means the Center for Performing Arts, within the complex known as the New Mexico Hispanic Cultural Center, which Center for the Performing Arts is a central facility in Phase II of the New Mexico Hispanic Cultural Center complex.

(2) HISPANIC CULTURAL DIVISION.—The term "Hispanic Cultural Division" means the Hispanic Cultural Division of the Office of Cultural Affairs of the State of New Mexico.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(c) CONSTRUCTION OF CENTER.—The Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the design, construction, furnishing, and equipping of the Center for Performing Arts that will be located at a site to be determined by the Hispanic Cultural Division, within the complex known as the New Mexico Hispanic Cultural Center.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), New Mexico, acting through the Director of the Hispanic Cultural Division—

(A) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the New Mexico Hispanic Cultural Center Program document dated January 1996; and

(B) shall exercise due diligence to expeditiously execute, in a period not to exceed 90 days after the date of enactment of this section, the memorandum of understanding under paragraph (2) recognizing that time is of the essence for the construction of the Center because 1998 marks the 400th anniversary of the first permanent Spanish settlement in New Mexico.

(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding described in paragraph (1) shall provide—

(A) the date of completion of the construction of the Center;

(B) that Antoine Predock, an internationally recognized architect, shall be the supervising architect for the construction of the Center or any other architect subsequently named by the State;

(C) that the Director of the Hispanic Cultural Division shall award the contract for architectural engineering and design services in accordance with the New Mexico Procurement Code; and

(D) that the contract for the construction of the Center—

(i) shall be awarded pursuant to a competitive bidding process; and

(ii) shall be awarded not later than 3 months after the solicitation for bids for the construction of the Center.

(3) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(4) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (c) shall be in cash or in kind fairly evaluated, including plant, equipment, or services. The non-Federal share shall include any contribution received by New Mexico for the design, construction, furnishing, or equipping of Phase I or Phase II of the New Mexico Hispanic Cultural Center complex prior to the date of enactment of this section. The non-Federal share of the costs described in subsection (c) shall include the following:

(A) $16,410,000 that was appropriated by the New Mexico legislature since January 1, 1993, for the planning, property acquisition, design, construction, furnishing, and equipping of the New Mexico Hispanic Cultural Center complex.

(B) $116,000 that was appropriated by the New Mexico legislature for fiscal year 1995 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(C) $226,000 that was appropriated by the New Mexico legislature for fiscal year 1996 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(D) $442,000 that was appropriated by the New Mexico legislature for fiscal year 1997 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(E) $551,000 that was appropriated by the New Mexico legislature for fiscal year 1998 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(F) A 10.9-acre lot with a historic 22,000 square foot building donated by the Mayor and City Council of Albuquerque, New Mexico, to New Mexico for the New Mexico Hispanic Cultural Center.

(G) 12 acres of "Bosque" land adjacent to the New Mexico Hispanic Cultural Center complex for use by the New Mexico Hispanic Cultural Center.

(H) The $30,000 donation by the Sandia National Laboratories and Lockheed Martin Corporation to support the New Mexico Hispanic Cultural Center and the program activities of the New Mexico Hispanic Cultural Center.

(e) USE OF FUNDS FOR DESIGN, CONSTRUCTION, FURNISHING, AND EQUIPMENT.—The funds received under a grant awarded under subsection (c) shall be used only for the design, construction, management, inspection, furnishing, and equipment of the Center.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section a total of $17,800,000 for fiscal year 1998 and succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. PETRI] and the gentleman from California [Mr. MARTINEZ] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I rise in support of S. 1417, the Hispanic Cultural Center Act of 1997. This bill provides for the design, construction and equipping of a Center for Performing Arts with the complex of the New Mexico Hispanic Cultural Center.

Already, $5.5 million has been appropriated for the center. These funds are subject to authorization, which can be provided through the passage of the bill that is before us.

Madam Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. REDMOND].

Mr. REDMOND. Madam Speaker, I thank the gentleman from Wisconsin [Mr. PETRI] for yielding me time to speak in support of Senate bill 1417, the Hispanic Cultural Center Act.

Madam Speaker, 1998 will mark the 400th anniversary of the establishment of the Hispanic community in New Mexico. The anniversary represents a perfect time to pay tribute to the Spanish people of New Mexico, the Southwest, and the United States.

The State of New Mexico has invested over $17.7 million toward the establishment of phase 1 of the New Mexico Hispanic Cultural Center. In addition, the city of Albuquerque has donated 10.9 acres and a historic 22,000-square-foot building. Twelve acres of bosque land near the Rio Grande have also been donated by the Middle Grande Conservancy District. Private contributors are also helping to meet the Hispanic Cultural Center goals.

This bill authorizes funding to match the New Mexico contribution. This authorization is to build a critical Hispanic performing arts center at an estimated cost of $17.8 million.

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This multifaceted Hispanic Cultural Center is designed to showcase, share, archive, preserve, and enhance the rich Hispanic culture for local, regional, and national audiences. The Hispanic Cultural Center will be an Hispanic arts and humanities showcase to display the works of national and international artists and to provide for a venue of educators, scholars, artists, children, elders, and the general public.

Once built, the Hispanic Cultural Center will employ over 100 people. A whole new industry of preserving, showcasing, and enhancing the pride in Hispanic cultural roots is vital for New Mexico and for Hispanic culture.

I would like to note that New Mexico is indebted to the gentleman from New Mexico [Mr. STEVE SCHIFF], my colleague from the First District. I believe that authorizing the Federal funding for the Hispanic Performing Arts Center will be a significant step towards building a national treasure in its critical, formative stages.

I urge my colleagues to support the funding for the Hispanic Performing Arts Center in Albuquerque, New Mexico, in honor of the 40th anniversary of Spanish culture, and in hopes of seeing the preservation and enhancement of this culture flourish to its 50th year, I urge my colleagues to pass the Senate bill, S. 1417.

Mr. MARTINEZ. Madam Speaker, I rise in support of S. 1417, an act to authorize funding for the Hispanic Performing Arts Center in Albuquerque, New Mexico. This appropriation, as the gentleman who just spoke has said, will match the $17.8 million the State of New Mexico has appropriated for the project.

The construction of the center is being undertaken in preparation for the 40th anniversary of Spanish presence in New Mexico. The Hispanic Cultural Center, of which the Performing Arts Center is part, is designed to showcase, share, archive, preserve, and enhance the rich Hispanic culture for local, regional, and national audiences.

I understand this measure has bipartisan support, both here and in the Senate. I urge support for this important cultural initiative.

Madam Speaker, I yield back the balance of my time.

Mr. PETRI. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. PETRI] that the House suspend the rules and pass the Senate bill, S. 1417.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AMENDING FEDERAL CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

Mr. DAVIS of Virginia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3025) to amend the Federal charter for Group Hospitalization and Medical Services, Inc., and for other purposes.

The Clerk read as follows:

H.R. 3025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

The Act entitled "An Act providing for the incorporation of certain persons as Group Hospitalization and Medical Services, Inc.", approved August 11, 1939 (53 Stat. 1412), is amended—

(1) by inserting after section 9 the following new section:

"SEC. 10. The corporation may have 1 class of members, consisting of at least 1 member and not more than 30 members, as determined appropriate by the board of trustees. The bylaws for the corporation shall prescribe the designation of such class as well as the rights, privileges and qualifications of such class, which may include, but shall not be limited to—

"(1) the manner of election, appointment or removal of a member of the corporation;

"(2) matters on which a member of the corporation has the right to vote; and

"(3) meeting, notice, quorum, voting and proxy requirements and procedures.

If a member of the corporation is a corporation, such member shall be a nonprofit corporation.";

(2) by redesignating section 10 as section 11; and

(3) by adding at the end of section 11 (as so redesignated) the following: "The corporation may not be dissolved without approval by Congress.".

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Virginia, Mr. DAVIS and the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, will each control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill amends the Federal Charter of GHSMI, the Blue Cross/Blue Shield Plan of the National Capital Area. This bill is necessary in order to enable a letter of intent between the parties to combine to be subject to regulatory approval in Maryland and the District of Columbia.

GHMSI will continue to be subject to the District's Nonprofit Corporation Act and is under the jurisdiction of the insurance superintendent. GHMSI will continue to be bound by its existing certificates of authority and licenses and will continue to be bound by applicable laws and regulations.

H.R. 497, which passed this House in February, would have repealed the Federal charter. This bill reflects concerns which were subsequently raised. All other Blue Cross plans in the country are State-chartered corporations operating under State regulatory oversight. Due to a 1939 pre-Home Rule statute, GHMSI alone needs congressional approval to change its corporate structure.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3025, a bill which simply adds a new section to the Federal charter of Group Hospitalization and Medical Services, Inc., the organization licensed to operate as Blue Cross and Blue Shield of the National Capital Area, to permit it to enter into a business combination with Blue Cross and Blue Shield of Maryland.

This new arrangement is designed to improve both companies' service delivery and to reduce their operating costs. By combining operations, the two hospital plans will be able to offer their enrollees a larger provider network offering greater portability and broader product options. In addition, economies of scale should lead to more affordable premiums.

Should the combination go forward, a new nonprofit holding company would be established, and the two Blue Cross plans would become its subsidiaries. H.R. 3025 would give D.C. Blue the requisite legal and corporate authority to have one class of members whose rights and privileges would be set out in the plan's bylaws. Only one member will be authorized, which would be the holding company.

I wish to emphasize that H.R. 3025 does not create or mandate the plans' combination. That arrangement would first have to be approved by the District of Columbia and Maryland insurance commissioners before taking effect.

Madam Speaker, I can support H.R. 3025 because of ironclad safeguards. No conversion of tax-exempt assets will be allowed under the language of this bill. As I speak, the District and Maryland both have been holding hearings on this affiliation. There have been 4 days of hearings by the D.C. insurance commissioner.

There are three safeguards that are most important to my support.

One, for a substantial change to occur, there must be an 80 percent vote. This assures that the District of Columbia will not be overwhelmed by the larger Maryland company. This House is aware that in the District we are jealous in guarding our jurisdictional rights. The 80 percent vote is very appropriate in that regard.

Secondly, no conversion can take place without review and approval by the respective insurance commissioners. They, of course, would have every reason not to want to see the tax-exempt assets squandered, and therefore to guard against that on their own accord.

Third and perhaps most important, any conversion could have to come before this body before it could be approved.

Madam Speaker, I support this bill with these safeguards, because I want this corporation to live. I am not sure that it will do so without this combination. As recently as 1993, Blue Cross of Washington was almost out of business. The competitive landscape does not make it easy for a health care provider to remain in business.

What Blue Cross/Blue Shield is up against in this jurisdiction, for example, are combinations between Humana and Kaiser, Aetna's acquisition of U.S. Health, and to name just one more, United Health Care has bought Chesapeake Health Plan. In the face of these combinations, there is every reason for Blue Cross, which has had very severe problems, to want to consolidate to get efficiencies of scale, such as one computer center, as it begins to rebuild its computer operation, for example.

Ironically, the best shot at keeping this a nonprofit company is to allow this combination. That is why I can support it. The D.C. "Blue" can make no change in its nature, purpose, or structure without the Congress taking further action on its charter, and, again, I emphasize that.

I want to say how much I appreciate the concern of other Members who have had experiences with such combinations that have not been at all productive. Their experience and their advice have been instructive and helpful.

Congressional action on this legislation must be taken before adjournment for the year, because the agreement between the plans to pursue the combination expires at the end of next month.

Madam Speaker, I strongly support H.R. 3025 because I believe that the proposed combination between the District and Maryland Blue Cross plans will benefit the people I represent. I am pleased to point out that the bill also enjoys the support of other Members in this region whose constituents will be benefited as well. All of us are confident that our local regulators will ensure that the public interest is well protected, should they approve this combination. I ask that Members give H.R. 3025 their support.

Madam Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Madam Speaker, let me thank my friend, the gentlewoman from the District of Columbia, for yielding me this time, and join the gentlewoman from the District of Columbia [Ms. NORTON] and the gentleman from Virginia [Mr. DAVIS] in support of H.R. 3025. I think it is important to point out that this bill will not repeal the Federal charter for the D.C. Blue Cross/Blue Shield plan. It amends the charter. It makes it possible for the merger to take place. It does not mandate anything to occur.

The bill makes it clear that the benevolent and charitable status of the D.C. Blue Cross plan remains in place. As the gentlewoman from the District of Columbia [Ms. NORTON] has pointed out, by passing this bill, we ensure that the D.C. Blue Cross plan will remain a benevolent and charitable organization.

The bill allows the local regulators, and that is where the venue should be, to debate the issues of the merger. As to whether it should take place and what conditions it should be ordered to comply with, it is the local regulators who should make that judgment, not the Congress of the United States.

This bill makes it clear that the merger can move forward, but it is subject to the normal regulatory process. I think H.R. 3025 is the appropriate action for us to take. I applaud my colleagues for bringing it to the floor. I hope we can act on it today so it can be enacted before Congress adjourns for the year.

Mr. CUMMINGS. Madam Speaker, the proposal that we are considering today will help bring improved services and benefits to the many Blue Cross/Blue Shield subscribers in my district in Baltimore and to many of the constituents of representatives from suburban Maryland, Northern Virginia, and Washington, D.C.

I commend the gentleman from Virginia and the gentle lady from the District of Columbia for their leadership in this area.

A merger between the National Capital Area Blue Cross/Blue Shield and Maryland Blue Cross/Blue Shield will create a 3 billion-a-year nonprofit company—providing health care coverage to 25 percent of the 8 million residents of Maryland, the District, and the Northern Virginia suburbs and employ 5,000 people.

Just as importantly, my constituents in Baltimore that are enrolled in the Blue Cross/Blue Shield plan will receive tangible results from the merger. It will increase competition, which will result in better service, more options and access to a larger number of doctors, hospitals and pharmacies at a lower cost for its customers.

The passage of this bill is essential to giving my constituents in Baltimore, and the constituents of the members of Maryland, Virginia, and Washington, D.C. the type of comprehensive, quality health care they deserve.

I am glad to know that we in Congress are doing all that we can to give health care providers greater flexibility to meet our constituents health care needs.

Again, I congratulate the gentleman from Virginia [Mr. DAVIS] for introducing this meaningful legislation and for working with the minority in such a bipartisan fashion.

Mr. CARDIN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Virginia. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. DAVIS] that the House suspend the rules and pass the bill, H.R. 3025.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the matter just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

EXPRESSING SENSE OF HOUSE CONCERNING NEED FOR INTERNATIONAL CRIMINAL TRIBUNAL TO TRY MEMBERS OF IRAQI REGIME

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 137) expressing the sense of the House of Representatives concerning the urgent need for an international criminal tribunal to try members of the Iraqi regime for crimes against humanity.

The Clerk read as follows:

H. CON. RES. 137

Whereas the regime of Saddam Hussein has perpetrated a litany of human rights abuses against the citizens of Iraq and other peoples of the region, including summary and arbitrary executions, torture, cruel and inhumane treatment, arbitrary arrest and imprisonment, disappearances and the repression of freedom of speech, thought, expression, assembly and association;

Whereas Saddam Hussein and his associates have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, the Anfal campaigns of 1987–1988 that resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than ten million landmines in Iraqi Kurdistan, and the continued ethnic cleansing of the city of Kirkuk;

Whereas the Iraqi Government, under Saddam Hussein's leadership, has repressed the Sunni tribes in western Iraq, destroyed Assyro-Chaldean churches and villages, deported and executed Turkomen, massacred Shi-ites, and destroyed the ancient Marsh Arab civilization through a massive act of ecocide;

Whereas the status of more than six hundred Kuwaitis who were taken prisoner during the Gulf War remain unknown and the whereabouts of these persons are unaccounted for by the Iraqi Government, Kuwait continues to be plagued by unexploded landmines six years after the end of the Gulf War, and the destruction of Kuwait by departing Iraqi troops has yet to be redressed by the Iraqi Government;

Whereas the Republic of Iraq is a signatory to the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other human rights instruments, and the Geneva Convention on the Treatment of Prisoners of War of August 12, 1949, and is obligated to comply with these international agreements;

Whereas Saddam Hussein and his regime have created an environment of terror and fear within Iraq and throughout the region through a concerted policy of violations of international customary and conventional law; and

Whereas the Congress is deeply disturbed by the continuing gross violations of human rights by the Iraqi Government under the direction and control of Saddam Hussein: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the House of Representatives that—

(1) the Congress—

(A) deplores the Iraqi Government's pattern of gross violation of human rights which has resulted in a pervasive system of repression, sustained by the widespread use of terror and intimidation;

(B) condemns the Iraqi Government's repeated use of force and weapons of mass destruction against its own citizens, as well as neighboring states;

(C) denounces the refusal of the Iraqi Government to comply with international human rights instruments to which it is a party and cooperate with international monitoring bodies and compliance mechanisms, including accounting of missing Kuwaiti prisoners; and

(2) the President and the Secretary of State should—

(A) endorse the formation of an international criminal tribunal for the purpose of prosecuting Saddam Hussein and all other Iraqi officials who are responsible for crimes against humanity, including unlawful use of force, crimes against the peace, crimes committed in contravention of the Geneva Convention on POW's and the crime of genocide; and

(B) work actively and urgently within the international community for the adoption of a United Nations Security Council resolution establishing an International Criminal Court for Iraq.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1400

Mr. GILMAN. Madam Speaker, the resolution before us today, House Concurrent Resolution 137, which I introduced, along with our colleague the gentleman from Illinois [Mr. PORTER], cochairman of the Human Rights Caucus, expresses a sense of the House concerning urgent need for an international war crimes tribunal to try Saddam Hussein and members of his Iraqi regime for crimes against humanity.

I want to thank the gentleman from Illinois [Mr. PORTER] for his leadership on this important issue. The critical need for this measure is highlighted by the events taking place just as we speak. House Concurrent Resolution 137 notes that dictator Saddam Hussein has perpetrated a litany of human rights abuses against the citizens of Iraq, including arbitrary executions, torture, cruel and inhumane treatment, arbitrary arrest and imprisonment, and disappearances.

Saddam Hussein has attempted to destroy the Kurdish population in Iraq through the use of chemical weapons. He has repressed Sunni tribes in western Iraq, destroyed Assyro-Chaldean churches and villages, executed Turkomen, and massacred Shiites. Saddam Hussein has also continued to commit ecocide against the ancient Marsh Arab civilization.

Saddam Hussein's brutality is not limited only to his fellow Iraqis. We recall the dark days of the Gulf War, which witnessed Saddam's holding Kuwait and its innocent citizens hostage for so many months. The whereabouts of more than 600 Kuwaitis who were taken prisoner during the Gulf War still remains unknown and unaccounted for by the Iraqi Government.

House Concurrent Resolution 137, therefore, expresses a sense of Congress deploring the Iraqi Government's pattern of gross violations of human rights and denounces Saddam's refusal to comply with international human rights documents to which Iraqi is signatory. This bill also endorses the creation of an international criminal tribunal to prosecute Saddam Hussein and his henchmen and urges the President and Secretary of State to work actively toward the adoption of a United Nations Security Council resolution establishing an international criminal court for Iraq.

Accordingly, Mr. Speaker, I urge our colleagues' strong support for the adoption of House Concurrent Resolution 137.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the Chair and the gentleman from Illinois [Mr. PORTER] for their efforts on this timely resolution. And I know that I speak for my colleagues, particularly the ranking member, the gentleman from Indiana [Mr. HAMILTON], in indicating our feelings with reference to this particular resolution.

We do not oppose this resolution. I join the chairman at this time in condemning Iraq's gross violation of human rights. Those who commit such crimes should be brought before an international criminal court, as this resolution correctly states. I do question, however, and several of us do, whether this resolution is likely to have much impact.

The resolution calls for an international court to bring Saddam Hussein to justice. But this resolution does not tell us how we get from here to there. The chief concern that I wish to express is that this resolution will raise expectations, especially in Kuwait, that such an international court will be created. But we do not, by our actions today, create a court or make it significantly more likely that such a court will be created.

I do, however, strongly support the resolution. It urges the United States to work for a U.N. resolution creating an international criminal court for Iraq. I would hope that we would continue in a vigorous manner to urge the United Nations to do that.

Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I thank the gentleman from Florida [Mr. HASTINGS] for yielding me the time.

I rise in support of this bill. What I would like to say, though, is that every great human rights struggle has involved personal responsibility and sacrifice. Today, Mr. Speaker, a brave group of hunger strikers are highlighting the human rights issues posed by the Turkish Government against the Kurdish population, also the Kurdish population, you notice a connection with this bill, the Kurdish population and Kurdish elected officials.

I would like to quote to my colleagues from a letter which was sent to President Clinton and signed by 153 Representatives which highlights the terrible situation of a Kurdish politician who was elected by her people and who is in prison for violating Kurdish law. All she did was speak out, as any Parliamentarian does. As I today speak out for human rights, she was speaking out.

In our letter to Mr. Clinton we say, one of the charges against Mrs. Zana was her 1993 appearance, here in Washington, at the invitation of the U.S. Congress. We say, we find it outrageous that although she had been invited to participate, her activities led to her imprisonment. We actively today, Mr. Speaker, seek and call on the administration to look for the release of Leyla Zana and to look at the terrible situation of the Kurdish people in Turkey.

I got a letter just the other day from our Representative to the United Nations, former Congressman Bill Richardson; and he said, Leyla Zana's case is one of four convictions which are being appealed to the European Human Rights Commission. Four of those convictions.

Mr. Speaker, I say today that we must focus the light of the American conscience on those people who are standing today in solidarity with the Turkish citizens, whether they be in Iraq or Turkey. And especially I want to draw attention to those brave citizens who have decided to take their lives at stake, their own health, by standing with Mrs. Zana and other Kurdish officials who have been imprisoned in Turkey.

I thank the chairman for allowing me to speak on this issue. This is an issue, just as the bill is an issue, of human rights violations to the Kurdish population. It is up to us, as Members of Congress and members of the greatest democracy in the world, to speak out when we see human rights violations, whether it be our friends or our enemies who are creating these violations.

I thank the gentleman from Florida [Mr. HASTINGS] for letting me use this time, and I thank him for his great work for human rights, as also the chairman the gentleman from New York [Mr. GILMAN], who have stood for human rights in this country, in this body. And together, I think that we will all join to try and get the release

of these Turkish elected officials who are Kurdish and who are speaking for their own citizens.

So, today, I join in solidarity with those hunger strikers. And I have heard them say, "Oh, well, these are terrorists." I remember when Nelson Mandela in South Africa was termed a "terrorist." A terrorist is also a freedom fighter. These people are seeking freedom for their people.

Mr. GILMAN. Mr. Speaker, I yield 7 minutes to the gentleman from Illinois [Mr. PORTER], the distinguished cochairman of the Human Rights Caucus.

Mr. PORTER. Mr. Speaker, let me thank the able and distinguished chairman the gentleman from New York [Mr. GILMAN] for yielding me this time, but more importantly, for bringing this very significant legislation to the floor today.

In light of what is going on in Iraq at this moment, this could not be a more timely resolution. Once again, Saddam Hussein is showing his true colors as a ruthless dictator who will attempt to do anything to manipulate his way out of sanctions and weapons monitoring through whatever means he can.

Mr. Speaker, I grew up in an era characterized, unfortunately, by ruthless dictators—Hitler, Mussolini and Stalin—individuals who committed crimes of unspeakable horror against their own people, against their minorities. And the regime in Iraq is identical to the types that were run in Nazi Germany, in Fascist Italy, and in Communist Soviet Union under Stalin.

We must stop Saddam Hussein now. We must isolate him and make certain that the world understands the nature of his ruthless regime. We must make certain that Saddam Hussein and every one of his henchmen are indicted as war criminals and individuals who commit crimes against humanity.

I am pleased to be an original cosponsor of this legislation to bring him to justice for the crimes he has committed against the Iraqi people and against the citizens of other countries whom he has harmed, including our own people. The Kurdish people, the Marsh Arabs, the Assyrian minority, the members of the Iraqi National Congress, the Kuwaiti prisoners of war, these are just a few of the victims of Saddam and his ruthless regime.

Mr. Speaker, he has used chemical weapons against his own people. In 1988, 8,000 Kurds were killed in Halabja by one poison gas attack using the chemical agent sarin that he had produced. Now we are in Iraq trying to determine where he keeps those supplies and of an even worse nerve agent, VX, that just like sarin can kill people in the way he killed Iraqi Kurds in Halabja—mercilessly and indiscriminately.

He has waged ecological war against his own people, the Marsh Arabs. He has tortured, murdered, and kidnapped to maintain power. Saddam Hussein has clearly committed, in my judgment, crimes against humanity, crimes against the peace, and gross breaches of humanitarian law. If there is any individual in the world who deserves to be brought to justice today, it is Saddam Hussein.

I would commend this resolution to my colleagues and urge all of them to join me in sending a strong message to Saddam Hussein and the international community that the United States has not forgotten his crimes, that we hold him accountable for these abuses, and we demand justice for his victims.

Mr. Speaker, on the steps of the Capitol right now there are people, Kurds, who are starving themselves. They are I believe 25 days into a hunger strike to free Leyla Zana, a Turkish Parliamentarian who was elected in 1991, came to the United States in 1993 to testify about human rights abuses against the Kurdish minority in her country, testified before a standing committee of Congress and before the Congressional Human Rights Caucus, went home, was then stripped of her office by her government, placed in jail, tried for what is equivalent to treason, and given a 15-year sentence for merely speaking her mind and testifying before the United States Congress.

Turkey and Iraq together at this moment, Mr. Speaker, are attacking the Kurds in northern Iraq. Turkey has come across the line with tens of thousands of their elite troops, using napalm and cluster bombs against the Kurdish minority that has fled their country. Iraq is joining in on the other side. Both are persecuting the Kurds at this moment. Each of the countries in which the Kurds exist as a minority, in Turkey, in Iraq, in Iran, in Syria, each one of them oppresses that minority. Each one of them turns Kurd against Kurd in an effort to oppress them, and each one of them calls the Kurdish people, who would seek only basic human rights, terrorists, when they are only protecting themselves from oppression.

Mr. Speaker, the oppression must end. The Kurds are not terrorists. There may be some who believe they have no other way out, but the Kurdish people are not terrorists. They are people simply seeking their rights, their rights against the Turkish Government, their rights against the Iranian Government, their rights against the Syrian Government, and their rights also against the Iraqi regime of Saddam Hussein.

It is the governments who oppress them that are the terrorists. It is the governments who deny them their basic human rights, deny them respect and standing in their communities, kill them and their children on a daily basis, attempt to drive them out of their societies—those are the true terrorists, Mr. Speaker.

The chief among them is Saddam Hussein, whose regime responds to nothing, not to public pressure, not to resolutions from the Security Council. It is time that we isolate this regime. It is time that we declare Saddam Hussein to be what he is, a person who commits crimes against humanity that all of us abhor. It is time that we indict him and try him and remove him from power, and that we return Iraq to a State that can live in the world community at peace with its neighbors and stop this murderous, ruthless dictatorial regime from further oppressing its people and threatening its neighbors.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from California [Mr. LANTOS], a continuing champion for human rights around the world.

□ 1415

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding me this time. I want to commend the cochairman on the Republican side of the Congressional Human Rights Caucus, the gentleman from Illinois [Mr. PORTER], for his powerful and eloquent statement, and I want to commend the chairman of the Committee on International Relations, who has been indefatigable in his fight for human rights, in bringing H. Con. Res. 137 before us.

I fully concur with all previous statements made concerning Saddam Hussein and his despicable regime. It is remarkable, Mr. Speaker, that even at this late date there are apologies for Saddam Hussein and his brutal and cruel regime in the West. There are countries that can hardly wait to renew on a large scale their lucrative business deals with Iraq, despite the fact that the Saddam Hussein regime has been attempting to conceal, hide, obfuscate its continuing development of weapons of mass destruction.

Later this afternoon, this body will have an opportunity of dealing with a resolution that expresses the view of the House that if peaceful and diplomatic measures do not succeed, military action, preferably on a multinational scale, be undertaken to eliminate Hussein's chemical, biological, nuclear and missile capability. But while that is a military issue, this is a human rights issue. A regime which has poison gassed its own people, a regime which perpetrates the worst human rights violations of the 20th century against its own people, does indeed need to be hauled before an international tribunal and tried for crimes against humanity. If there was central casting's appropriate person to be hauled before the international community for crimes against humanity, it is Saddam Hussein. His brutality, his ruthlessness, his bloodthirstiness, knows no bounds.

I call on all of my colleagues across the aisle to vote to approve this important measure.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER], a member of our committee.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the Porter amendment to indict Saddam Hussein for crimes against humanity and war crimes as well. I voted for the gulf war, and I did so reluctantly but I knew that our national well-being and our national security were at stake. I then cheered the troops when they came home victorious, what seemed to be one of the greatest and most glorious victories in our country's history.

Yet the job was not finished. If President Bush has anything to regret, it should be the fact that he sent our troops by the hundreds of thousands to the Persian Gulf and we did not finish the job when our people were there.

It is clear that the enemy of the United States was not the people of Iraq. The Porter amendment today focuses on the real enemy of not only the United States but people who believe in democratic rights and human rights, Saddam Hussein and his clique of thugs that control Iraq. During the gulf war we killed hundreds of thousands, perhaps hundreds of thousands of young men, and perhaps some women and children as well, who were not enemies of the United States. Many of those people had just been drafted into the army by a tyrant named Saddam Hussein.

This amendment goes straight to the heart of the issue. Saddam Hussein is our enemy. We should indict this man. He should be brought to trial like any other war criminal, whether it was Adolf Hitler or some of the Serbian gangsters who have committed genocide more recently in Bosnia.

Again, this underscores and what has happened underscores that there is a relationship between peace and freedom and prosperity. If we go for short-term peace and we try to bring our troops home too soon or we cut deals with tyrants, it will bring us neither peace nor freedom. We cannot compromise the value of freedom because in the end it will bring us to a situation where our security is under attack.

Let us not forget, as well, that over 600 Kuwaiti POW's have yet to be accounted for. There are thousands upon thousands of Kuwaiti families who are missing a member of their family who have never been accounted for, who were killed or taken away by the Iraqis when they invaded that country and occupied it for that year. That is the equivalent of millions of Americans who would have a family member lost and unaccounted for. There must be an accounting of the Kuwaiti prisoners of war. There must be an accounting of Saddam Hussein for all of his crimes.

Let us remember that when the Soviet Union began to evolve into what is now a democratic Russia or continues to struggle to try to be a democratic Russia, the chances for peace went up. A demand for freedom in Iraq and an elimination of this tyrant, Saddam Hussein, will increase the chances for peace in that entire region and secure the United States of America as well. I strongly support the amendment of the gentleman from Illinois [Mr. PORTER] to bring Saddam Hussein to task.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. ROHRABACHER] for his eloquent words.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in very strong support of H. Con. Res. 137, which condemns the government of Iraq for its continued reign of terror against the Kurds, and that is what it has basically been for the last several years, a reign of terror that unfortunately the West has not focused on. But with this resolution and with the effort that the Kurds are now making, I think more and more people are focusing on it.

What this would do is encourage the establishment of a war crimes tribunal to try Saddam Hussein and the other Iraqi officials for their crimes against humanity. I want to commend the gentleman from Illinois [Mr. PORTER], the gentleman from New York [Mr. GILMAN], and the other Members for sponsoring this resolution. Hopefully this resolution will send a message not only through the United States, but to the Kurdish population around the world and particularly in that area, that the United States Congress, the people's House, cares very, very deeply.

Iraq is a bad actor government. Saddam Hussein is a brutal dictator who cares about nothing more than hanging onto his power. He has persecuted the people of Iraq. He is engaging in a dangerous showdown with the West. He is not afraid to murder members of his own family who threaten to tell the truth about his brutality or threaten his reign.

He is seeking to wipe out the Kurds of northern Iraq who are trapped because of their geography. The Kurds of northern Iraq have nowhere to go to escape their plight. They have been and are being murdered, imprisoned, tortured and repressed. Hopefully with this resolution, sponsored by the gentleman from Illinois [Mr. PORTER] and supported by the gentleman from New York [Mr. GILMAN] and so many other Members, it will send a message to Saddam Hussein that the West cares, and send a message to the Kurds that are going through this problem that we deeply care and that we stand with them.

Mr. GILMAN. I thank the gentleman from Virginia [Mr. WOLF] for his kind remarks in support of the resolution.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. I thank the gentleman for yielding me this time.

Mr. Speaker, I agree certainly with the sharp criticism against the government and the leaders of Iraq. I do disagree with what we are trying to do here, not because it is not well motivated, but I do not see that we have the authority to all of a sudden impose our system of justice across the entire world. I do not think it is effective. I think it drums up anti-American hostility more than it achieves justice.

But there is a bit of inconsistency here. Earlier it was mentioned that it is not only the Iraqis that abuse the Kurds, the Turks do it as well. Why are the Turks not included in this? Why do we not call them out and put them on the carpet and demand justice from the Turks? But they happen to be our allies.

At the same time, we ignore other major problems. What did we do with China? The leaders of China came here, they got the red carpet treatment and a promise of more money. But how do they treat their people at Tiananmen Square and currently throughout their whole country? They abuse civil liberties there.

But are we going to do the same thing? Do Members think we can do that? We pick and choose and pretend that we are going to perform this great system of justice on the world. Indonesia today, they are getting bailed out by the American taxpayer to the tune of tens of billions of dollars. They mistreat in a serious manner the people in East Timor. But here we decide all of a sudden that we are going to, through the United Nations, expose the American taxpayer, expose young American soldiers, because how are we going to enforce these things? Where do we get this authority to be the policeman of the world?

I do not believe we have this authority. I believe it is detrimental overall to our national security. I believe it is a threat to the American people and indirectly, in many ways, to the taxpayer. I object. I object generally to so many of these amendments, so well-intended. I do not disagree with the challenges, the charges made against Iraq and the leadership. I strongly criticize the approach to trying to solve this very serious problem.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from California.

Mr. ROHRABACHER. First, would the gentleman suggest that there is not a relationship between freedom and peace?

Mr. PAUL. Mr. Speaker, I am not sure what the gentleman is getting at. I know the most important thing for freedom and peace is for me to obey the Constitution. Where is it the authority of the Constitution for us to police the world?

Mr. ROHRABACHER. The gentleman is suggesting, then, that this body should not have condemned Adolf Hitler until he actually attacked the United States, is that what he would suggest? Is that his foreign policy?

Mr. PAUL. I think that is not the debate on the floor right now. I think when our national security is threatened, the American people have a right to vote through their Congressmen for a declaration of war.

This is the kind of thing that leads to Vietnam War-type wars and U.N. sanctions. This is the kind of thing that leads to Koreas, Vietnams and useless wars. This is why we did not win the war in the Persian Gulf and why we are still faced with this problem.

Mr. ROHRABACHER. Short of a declaration of war, the gentleman does not think the United States Government should do anything about tyranny?

Mr. PAUL. I believe in the responsibility of this U.S. Congress to assume that they are the ones that declare war in a proper manner.

Mr. Speaker, in closing, I have no criticism about those who are challenging the leadership in Iraq. I condemn them. I challenge, though, the technique that we are using, the process that we are using. I do not believe we have the authority. Long-term, it is not effective.

It is totally inconsistent when we are dealing with China. These token resolutions that we dealt with on China will have nothing to do with solving the problem. At the same time, we give them more money, we give the Turks more money, we give China more money, we give Indonesia more money, and they are all in the process of abusing civil liberties. I just think that we have conveniently picked a whipping horse and we are pretending that we are doing some good.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I just wanted to say to the gentleman who just finished speaking that I certainly respect the consistency of his ideas, but I disagree. If he had expressed those ideas as a member of the parliament in Turkey or if he expressed them in Iraq or in Indonesia, he might well find himself in the same situation as Leyla Zana and the Kurdish parliamentarians found themselves and, that is, behind bars. It seems to me that if we do not recognize that we are our brothers' and sisters' keeper, that our freedoms and theirs are in some way connected, we will invite the kind of terrorism that Saddam Hussein practices on his people and others practice on their people throughout this world.

□ 1430

Let me agree with him, however, in part. Let us stop giving money to the Turks as long as they repress their people. Let us stop giving money to the Indonesian Government that takes away the religious freedoms of the people of East Timor. Let us stop supporting dictators that deny the basic human rights of their people.

I believe that we attempt very strongly to be consistent. We passed nine bills dealing with China. Those bills do have a potential, particularly the one on Radio Free Asia that will broadcast to China and Tibet and North Korea and Burma. I think we have a potential for positively impacting their society.

Let us never give up our ideals and our beliefs in human freedom, the very foundation of this society, because we might see a little inconsistency or cannot find the exact words we want to give us authority. The authority is moral authority, and it has a great power in this world if only we will exercise it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 137.

The question was taken.

Mr. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question de novo on the motion to suspend the rules on which further proceedings were postponed earlier today.

ESTABLISHMENT OF 2,500 BOYS AND GIRLS CLUBS BEFORE 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1753, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1753, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 476) to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000, and ask for its immediate consideration in the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 2,500 BOYS AND GIRLS CLUBS BEFORE 2000.

(a) IN GENERAL.—Section 401(a) of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking paragraph (2) and inserting the following:

"(2) PURPOSE.—The purpose of this section is to provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,000 additional local clubs where needed, with particular emphasis placed on establishing clubs in public housing projects and distressed areas, and to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation not later than December 31, 1999.".

(b) ACCELERATED GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking subsection (c) and inserting the following:

"(c) ESTABLISHMENT.—

"(1) IN GENERAL.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall make a grant to the Boys and Girls Clubs of America for the purpose of establishing and extending Boys and Girls Clubs facilities where needed, with particular emphasis placed on establishing clubs in and extending services to public housing projects and distressed areas.

"(2) APPLICATIONS.—The Attorney General shall accept an application for a grant under this subsection if submitted by the Boys and Girls Clubs of America, and approve or deny the grant not later than 90 days after the date on which the application is submitted, if the application—

"(A) includes a long-term strategy to establish 1,000 additional Boys and Girls Clubs and detailed summary of those areas in which new facilities will be established, or in which existing facilities will be expanded to serve additional youths, during the next fiscal year;

"(B) includes a plan to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation before January 1, 2000;

"(C) certifies that there will be appropriate coordination with those communities where clubs will be located; and

"(D) explains the manner in which new facilities will operate without additional, direct Federal financial assistance to the Boys and Girls Clubs once assistance under this subsection is discontinued.".

(c) ROLE MODEL GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by adding at the end the following:

"(f) ROLE MODEL GRANTS.—Of amounts made available under subsection (e) for any fiscal year—

"(1) not more than 5 percent may be used to provide a grant to the Boys and Girls Clubs of America for administrative, travel, and other costs associated with a national role-model speaking tour program; and

"(2) no amount may be used to compensate speakers other than to reimburse speakers for reasonable travel and accommodation costs associated with the program described in paragraph (1).".

MOTION OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MCCOLLUM moves to strike out all after the enacting clause of Senate 476 and insert in lieu thereof the provisions of H.R. 1753, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1753) was laid on the table.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. MCCOLLUM. Mr. Speaker, pursuant to H. Res. 314, the following suspensions are expected to be considered today:

H.R. 3034, the Customs User Fees;

H.R. 3037, Children of Vietnamese Reeducation Camp Internees;

And H.R. 2796, Reimbursing Bosnian Troops For Out-Of-Pocket Expenses.

CONGRATULATING ASSOCIATION OF SOUTH EAST ASIAN NATIONS ON ITS 30TH ANNIVERSARY

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 282) congratulating the Association of South East Asian Nations [ASEAN] on the occasion of its 30th anniversary.

The Clerk read as follows:

H. RES. 282

Whereas 1997 marks the 30th anniversary of the Association of South East Asian Nations (ASEAN);

Whereas the emphasis of ASEAN on cooperation and the nonviolent settlement of disputes has helped to bring peace between the nations of the region which for decades had been characterized by instability and conflict;

Whereas the economies of the member nations of ASEAN have experienced significant economic growth benefiting the lives of many of their people;

Whereas ASEAN as a group is the 4th largest trading partner of the United States and constitutes a larger market for United States exports than the People's Republic of China, Taiwan, and Hong Kong combined;

Whereas ASEAN has successfully fostered a sense of community among its member nations despite differing interests, including the establishment of the region's only security forum, the Association of South East Asian Nations Regional Forum (ARF), and the Association of South East Asian Nations Free Trade Area (AFTA);

Whereas ASEAN has played a pivotal role in international efforts of global and regional concern, including securing the withdrawal of Vietnamese forces from Cambodia and diplomatic efforts to foster a political settlement to the civil war in Cambodia;

Whereas the United States relies on ASEAN as a partner in fostering regional stability, enhancing prosperity, and promoting peace; and

Whereas the 30th anniversary of the formation of ASEAN offers an opportunity for the United States and the nations of ASEAN to renew their commitment to international cooperation on issues of mutual interest and concern: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Association of South East Asian Nations (ASEAN) and its member nations on the occasion of its 30th anniversary;

(2) looks forward to a broadening and deepening of friendship and cooperation with ASEAN in the years ahead for the benefit of the people of the United States and the nations of ASEAN;

(3) encourages progress by ASEAN members toward the further development of democracy, respect for human rights, enhancement of the rule of law, and the expansion of market economies; and

(4) recognizes the past achievements of ASEAN and pledges its support to work closely with ASEAN as both the United States and the nations of ASEAN face current and future regional and global challenges.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to have had the opportunity to bring to the floor this measure congratulating the Association of South East Asian Nations, known as ASEAN, on the occasion of their 30th anniversary.

The ASEAN organization has a lot to be proud of. Its emphasis on cooperation and a nonviolent settlement of disputes has fostered peace among its members in a region of the world which has long been wrought with instability and conflict.

The United States has important strategic, economic, and political interests at stake in Southeast Asia. Maintaining stability remains an overriding U.S. security interest in the region. Instability would not only threaten significant U.S. economic interests but could also undermine important U.S. political relationships.

ASEAN's Regional Forum [ARF], the region's only security consultative platform, is a key partner of the United States in maintaining regional stability. The ASEAN countries provide our Nation with significant commercial opportunities. ASEAN as a group is the fourth largest trading partner of the United States and constitutes a larger market for U.S. exports than does the People's Republic of China, Taiwan, and Hong Kong combined.

The Congress rightfully has expressed its concern about the development of human rights and democracy in the nations of ASEAN but is pleased with the flourishing of democracy in Thailand and the Philippines. It is hoped these examples are going to encourage progress by the other nations of ASEAN and the furthering of democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

The Congress looks forward to a broadening and deepening of friendship and cooperation with ASEAN in the years ahead for the mutual benefit of the people of the United States and the nations of ASEAN.

In closing, I want to thank for their support the distinguished ranking minority member, the gentleman from Indiana [Mr. HAMILTON]; the distinguished chairman of the Subcommittee on Asia and the Pacific, the gentleman from Nebraska [Mr. BEREUTER]; and the subcommittee's ranking minority member, the gentleman from California [Mr. BERMAN]; as well as another gentleman who has had strong interest in this matter, the gentleman from American Samoa [Mr. FALEOMAVAEGA].

I urge all my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would echo the remarks of the chairman, the gentleman from New York [Mr. GILMAN], particularly as it pertains to the gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. BERMAN], the gentleman from American Samoa [Mr. FALEOMAVAEGA], and those of us that serve on the Subcommittee on Asia and the Pacific.

Mr. Speaker, I am one of the authors of this resolution, as is the ranking member, the gentleman from Indiana [Mr. HAMILTON], and I urge my colleagues to join the gentleman from New York [Mr. GILMAN] and those of us on the Democratic side in supporting its adoption.

Some 32 years ago, a handful of underdeveloped and not very influential Southeast Asian countries binded together to create the Association of

South East Asian Nations, or ASEAN. I dare say that at the time of ASEAN's founding in 1967, not even the most optimistic would have guessed how far the ASEAN nations would have traveled down the road of economic development.

It is true that in a number of instances political reform has lagged behind economic development, but I remain confident, as do my colleagues, that political pluralism and full-fledged democracy will one day prevail throughout the region.

Today, ASEAN has established itself as one of the premier regional groupings in the world. It has also shown itself to be a good friend of the United States. It deserves our accommodation on its 30th anniversary, and I urge adoption of this resolution as a gesture of friendship and support.

Mr. Speaker, I reserve the balance of our time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], the distinguished vice chairman of our committee.

Mr. BEREUTER. Mr. Speaker, I do rise as a cosponsor in strong support of H. Res. 282, a resolution congratulating ASEAN on the occasion of its 30th anniversary of creation.

I would, however, like to take a few minutes here or a part of a minute or so to speak extemporaneously on what took place on this floor just a minute or two ago when we were debating an Iraqi resolution. I would have requested time if I had known what was going to be said in some of the closing comments of that debate.

What we say and what we do on this floor on international relations does matter, and we ought to be careful with what we say to make sure it is accurate.

Now it was said a few minutes ago, in some hyperbole no doubt, that the U.S. taxpayer stands behind tens of billions of dollars of assistance to Indonesia. That is not factual. There is a standby allocation to assist with the financial problems and the currency exchange rates in Indonesia. The U.S. is willing to be a backup to the IMF, but it is nothing approaching that amount, and perhaps that backup will not be used.

We also heard a lot of rhetoric here about evenhandedness when it comes to Turkey and the Kurds and Iraq. Well, we also might have said we need evenhandedness when it comes to terrorist organizations like the PKK, and I think it is inappropriate for us to demonize countries unless the facts are on our side.

Now one of the gentleman here misunderstands the situation in East Timor. There are problems in East Timor, alleged human rights violations, and certainly there are human rights violations, and there has been violence on both sides on that issue. This has been a major source of contention and conflict since the Portuguese walked away from that colony of East Timor and the Indonesians came in.

But the problem is not that people cannot practice their religion in Indonesia. That is not the problem, as was suggested out here. So it is important that we not demonize countries for things that are not true. We should not be demonizing countries at all, and when we have a legitimate reason for criticism, we should exercise that criticism.

Now back to the ASEAN resolution. This Member would congratulate the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], for his leadership demonstrated on recognizing the increasing significance of this important multilateral organization. Through his authorship of the resolution as the chairman of the Subcommittee on Asia and the Pacific, I was pleased to expedite consideration of this resolution.

Over the last three decades, ASEAN has emerged into a critically important security institution in Southeast Asia. Originally created as a means to respond to the threat of Vietnamese expansionism, it is now an umbrella organization where all of Southeast Asia, including Vietnam, can eventually work together to promote their common interests, and most of the countries now are members in Southeast Asia. Cambodia is not yet because of what happened there in what can only be called legitimately a coup.

ASEAN has had an important role in promoting a peaceful resolution to the Spratly Islands crisis and has brought significant pressure to bear regarding the ongoing crisis in Cambodia.

This Member would also note that the United States, Russia, the People's Republic of China, and other countries interested in Asian security, and I could have mentioned Japan, have been able to work constructively through the ASEAN Regional Forum, or the ARF. While ASEAN certainly has a significant challenge as authoritarian governments are brought into that organization, we can also hope and push for the Vietnamese, the Laotians, the Burmese. Their association with the ASEAN will have a democratizing effect on these one-party states.

While the State Department does not, as a rule, take a position on such nonbinding resolutions like this one, this Member would note the gentleman from New York worked very closely with the State Department and the minority to ensure unanimous support for H. Res. 282.

His success in this effort has been demonstrated by the fact that the distinguished ranking Democrat on the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON], and the distinguished ranking Democrat on the Subcommittee on the Asian Pacific, the gentleman from California [Mr. BERMAN], are cosponsors of this resolution, and it was unanimously approved by the Committee on International Relations on October 31, 1997. This Member is also pleased to be a cosponsor.

Mr. Speaker, this Member once again congratulates the gentleman from New York and urges adoption of H. Res. 282.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, does the gentleman from Nebraska have additional speakers?

Mr. BEREUTER. I have one more speaker.

Mr. HASTINGS of Florida. Then, Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this amendment.

Mr. Speaker, ASEAN has proven a great example for developing countries around the world. It was not that long ago, in fact 30 years ago, when these same countries which we laud today for their 30th anniversary were the ultimate in developing countries. They were no different than the developing countries in Africa and in Latin America and elsewhere.

Yet these countries, through a strong support for the economic rights of their people, at the very least the economic rights of their people, have shown that free enterprise and a respect for property rights will indeed bring a fountain of wealth and well-being for the people of the societies that so respect those rights.

□ 1445

ASEAN as well, I might add, has been a force for democracy, although the Members of ASEAN, all of the Members are not, of course, totally democratic. But let us take a look at the fact that the Philippines today has evolved from a country that was in a dictatorship for a number of decades, and now has a strong and vibrant economic situation where they are growing at 5 and 6 percent a year, as well as a strong democracy, along with Thailand whose democracy has been put to the maximum stress, but yet has maintained a slow but, yes, steady pace toward a more open and democratic society. These two countries serve as an example for all of Southeast Asia and, yes, serve as an example for all the countries in the developing world.

Today, many countries in ASEAN, especially Thailand, are going through, but as well as the other countries of ASEAN, are going through an economic crisis, a crisis dealing with their money system. They are learning a lot

through this crisis. We would like this amendment today, our expression of good will toward the countries of ASEAN and congratulations, comes at a unique moment for the United States to let these countries know that we consider them our friends, we consider them our partners, we consider them to be people who in the future will have even stronger and closer ties to the United States of America.

So I rise in strong support and ask my colleagues to join me in support of this proposal and this amendment.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from California for his timely and cogent remarks. I urge support for House Resolution 282.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution, H.Res. 282.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SHOWING COMMITMENT OF AMERICAN PEOPLE IN SUPPORT OF DEMOCRACY AND RELIGIOUS AND ECONOMIC FREEDOM FOR PEOPLE OF SOCIALIST REPUBLIC OF VIETNAM

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 231) urging the President to make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam, as amended.

The Clerk read as follows:

H. RES. 231

Whereas the Department of State Country Reports on Human Rights Practices for 1996 notes that the Government of the Socialist Republic of Vietnam "denied citizens the right to change their government and significantly restricted freedom of speech, the press, assembly, association, privacy, and religion";

Whereas, since May 1997, non-violent demonstrations against corruption and abuse of power at the local level have occurred in Thai Binh Province and perhaps in Thanh Hoa, Hung Yen, Nghe An, and Bien Hoa provinces as well;

Whereas the criminal law of the Socialist Republic of Vietnam is used to punish individuals who are critical of the government, and on April 14, 1997, an administrative decree was signed into law granting enhanced judicial powers to the security forces to place under house arrest or subject to reeducation camps, for up to two years, any civilians expected of "endangering national security";

Whereas the leaders of the Socialist Republic of Vietnam are seeking to expand trade relations with the United States;

Whereas there is widespread discontent within the foreign business community in the Socialist Republic of Vietnam, with some companies pulling out entirely, others freezing new investments, and nearly all complaining about endemic corruption, intransigent bureaucracy, and a lack of clear commitment to legitimate economic reform;

Whereas, in August 1997, the United Nations Children's Fund (UNICEF) reported that child labor exploitation is on the rise in the Socialist Republic of Vietnam with tens of thousands of children under 15 years of age being exploited for labor; and

Whereas it is in the interest of the United States to promote political and economic freedom throughout the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the Government of the Socialist Republic of Vietnam to release immediately and unconditionally all political prisoners, including Dr. Nguyen Dan Que, Prof. Doan Viet Hoat, Venerable Thich Quang Do, Reverend Pham Minh Tri, and evangelist To Dinh Trung, with full restoration of their civil and human rights;

(2) requests the President to make clear to the leadership of the Government of the Socialist Republic of Vietnam—

(A) the firm commitment of the American people to political and religious and economic freedom for the people of the Socialist Republic of Vietnam; and

(B) the United States fully expects equal protection under the law to all Vietnamese, regardless of religious belief, political philosophy, or previous association; and

(3) urges the Government of the Socialist Republic of Vietnam—

(A) to permit all political organizations in the Socialist Republic of Vietnam to function without intimidation or harassment; and

(B) to announce a framework and timetable for free and fair elections that will allow the Vietnamese people to peacefully choose their local and national leaders.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROHRABACHER] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 231.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this past Tuesday, on our Veterans Day, Vietnamese Communist Party officials in Hanoi confirmed that in the southern province of Dong Nai, 40 miles from Saigon, several thousand people have been involved with clashes, in clashes, with police. Hundreds of women and children have been demonstrating for freedom and human rights outside of government offices, despite a heavily armed police presence in the area.

By all accounts, including a report by the Human Rights Watch organization, the clashes started when the Communist Government intensified repression against the Catholic Church and the popular bishop of the Xuan Loc Diocese. In addition, land owned by the church has been confiscated and sold by corrupt Communist Party officials.

Demonstrations against the corrupt Communist regime have also been occurring in other areas of the country. In north Vietnam, beginning in May of this year, ongoing demonstrations in the Thai Binh Province and a number of other historic Communist Party strongholds show growing public dissatisfaction with the rampant corruption of that country and the lack of freedom of the Vietnamese people.

Recently, new directives and proclamations by the Communist Politburo have tightened State control of all other forms of media and have restricted access to foreign journalists and their translators. The Human Rights Watch/Asia report states, while the Vietnamese Government pursues an open door in terms of their economic policy and continues to woo foreign investments, domestically it is strengthening Communist Party control, repressing dissent, and stifling any development of a civil society.

This resolution urges the President to "make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam."

This resolution calls attention to the proliferation of human rights violations and new policies by the Communist regime that prohibit the 70 million people of Vietnam from achieving a democratic government through free and fair elections. It expresses the strong support of the House of Representatives in support of the rights of all Vietnamese, as well as for the release of all religious and political prisoners.

The resolution requests the release from detention of Robert F. Kennedy Human Rights Award recipients Dr. Win Dan Kway and Prof. Dwon Viet Hwat, as well as other senior religious leaders who have been imprisoned by the regime.

My resolution also calls attention to the difficulties that American business people are experiencing in Vietnam, caused by epidemic corruption, and that is exactly what we must expect in a one-party State, as well as the intransigent bureaucracy and the absence of enforceable business law. Of course they are going to have corruption in that situation.

It is especially important at a time when Vietnamese leaders are seeking expanded trade relations with the United States that the President and the Congress make clear that, just as

our stock market made a strong rebound in recent days from that downturn we experienced, that the foundation of a strong, resilient economy is an open and democratic society.

It was not too long ago, Mr. Speaker, that people all over Asia were saying the next big jump in productivity, the next tiger in Southeast Asia, is going to be Vietnam. Now when you go to Southeast Asia and throughout the world and you ask people about Vietnam, they say it is never going to work, it never materialized, and it was a big nothing.

Why is this? Why that happened is because there is a relationship, I repeat again there is a relationship, between freedom and peace and between freedom, peace and prosperity.

In Vietnam, there was no freedom and there is no freedom. Thus, the prosperity that is desired by the people, and perhaps even by the Communist Party bosses themselves, is unobtainable. They cannot obtain prosperity as long as there is a lack of freedom, because without freedom of the press or an opposition party, corruption will run rampant.

Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Speaker, I would like to express my support for this resolution for which I am an original cosponsor. I would like to commend the work of my colleague, the gentleman from California [Mr. ROHRABACHER], on this resolution. This resolution has been well crafted by the Subcommittee on Asia and the Pacific, and we commend its chairman, the gentleman from Nebraska [Mr. BEREUTER], with us today, and basically this resolution enjoys the strong support of the Committee on International Relations.

It asks the administration to put pressure on Vietnam to improve its human rights record and move toward greater democracy. This is needed because while the Vietnamese Government has undertaken some economic reforms over the last few years, unfortunately it has not matched that record with political and human rights reforms.

As my colleagues have noted, too many Vietnamese suffer from political and religious persecution. Faced with that, the United States needs to take a stand. This is an important and timely resolution. It is all the more critical we keep the focus on human rights as the administration has seen fit to improve relations with Hanoi.

I believe this resolution reflects the democratic aspirations that the Vietnamese people have. It is a worthy resolution that deserves the support of this body.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mr. HAMILTON and those of us on the Democratic side support this resolution, and I certainly do, and I commend my distinguished colleague and friend from California [Mr. ROHRABACHER] who is its principal author. This resolution restates our commitment to political, religious and economic freedom in Vietnam. It urges the Government of Vietnam to announce a framework and timetable for free and fair elections. It places the Congress of the United States squarely in support of political pluralism and personal freedom for the Vietnamese people.

I urge my colleagues to show their support for these worthy aspirations by voting for this resolution.

I will take a moment of personal parochial privilege to say that when this resolution is passed, and when the position of Congress and the executive branch of government are made known, much of the message will be carried by a former colleague of ours, Pete Peterson, who is from Florida, who not only understands the dynamics of being a prisoner, not only political, but a prisoner of war, and as Ambassador to Vietnam, I am certainly glad Pete is going to be there to help state our position.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, the gentleman is understandably proud of the past performance and the current performance of our former colleague, the gentleman from Florida, Mr. Peterson, as our Ambassador, and I understand the Floridian pride in him, but I would like to also mention he received his elementary and high school education in Omaha, Nebraska.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], a hero of the Vietnam War and a hero of mine, I might add.

Mr. CUNNINGHAM. Mr. Speaker, I would make one correction: There is no such word as "hero." You do what you have to do, and try to survive.

I rise in support of this resolution. One of the most victorious things I think that has ever happened to me is we sponsor an art contest, like many of the Members. A young lady named Foo Lee, a Vietnamese refugee, won that contest. I found out that her mom had actually had to stay back while the whole family escaped in the boat, in a rickety old boat, which the picture was about. If you could see the picture, you would actually have tears in your eyes. You could see the pain in that family.

It took us 2 years to get Foo Lee's mom out of a reeducation camp in Vietnam. She stayed behind, knowing that if the rest of the family was caught, they would be put into this reeducation camp, and not many people survive.

After 2 years, on Christmas Eve, Foo Lee's mom came into San Diego. That is the kind of treatment that you can expect in Vietnam.

I commend Pete Peterson, who asked me to come over just a couple months ago and raise the American flag over Ho Chi Minh City for the first time in many years, in about 25 years. Pete and I and a delegation did so with Hal Rogers.

I want to tell you something. They are moving forward. As a matter of fact, I told the President of the Philippines this, that they are studying English. You see people on bicycles, carrying computers, they are studying economics, and they are going to move. Yet they are still repressed. It is still a Communist regime.

For example, there are over 39 Americans in prison there. Our State Department cannot even be present while they are convicted and going through court. I don't know how many of you recently saw Richard Gere in the current movie in China. That is the type of environment that they still have.

So this resolution is very, very important, I think, to send a clear message. We must engage, just like we do with China and Russia, but we need to send a loud and clear message.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], and thank the gentleman from California [Mr. CUNNINGHAM], who still remains my hero.

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Mr. BEREUTER. Mr. Speaker, I do rise in strong support of H. Res. 231. I will be brief. I want to congratulate the gentleman from California [Mr. ROHRABACHER] for his exceptional and dogged pursuit of human rights and economic freedom in Vietnam, and I am pleased to help expedite his resolution here.

The resolution correctly notes that several provinces in Vietnam have experienced anticorruption protests in recent months, a phenomenon that is quite remarkable for Vietnam. This Member would suggest that these protests should be considered to be a good sign by Americans, for it is clear that a great many Vietnamese people have had enough of corrupt local bureaucrats siphoning off the wealth of the nation.

This Member has also been informed that the protests have been sufficient to force the national government to deal with some of those corrupt officials. Certainly it will make it easier for U.S. businessmen to operate in Vietnam, and that is important, for this Member has heard several reports of numerous horror stories from U.S. business leaders about corruption in that country.

The resolution of the gentleman from California [Mr. ROHRABACHER] rightly

reaffirms U.S. support for political, religious and economic freedom in Vietnam and calls upon the government to permit free and fair elections where competing political parties are allowed to participate. These are basic freedoms that we can all support and we do support.

Mr. Speaker, I urge adoption of H. Res. 231.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute, just to summarize what this is all about.

I think if someone was paying attention to the last several resolutions that have come to the floor, one will note that there is a relationship between them, and that is, since the end of the cold war and during the cold war, our country had its divisions and they reflected themselves within the political battles that were going on throughout our country during the elections, various elections that took place. But since the end of the cold war, there has been a unanimity of opinion in the United States and a coming together of both conservatives and liberals, of Republican and Democrat, behind those traditional values that our Founding Fathers wanted to be the basis of our decisionmaking.

We are supposed to be on the side of the good guys. I mean, it is as simple as that. We should be on the side of the good guys. We should be on the side of the oppressed and those people who want more freedom and democracy and to treat people honestly and decently, and against the tyrants and the thugs of this world.

Mr. Speaker, this resolution goes to the heart of that. Whether it is Saddam Hussein or the dictatorship in Vietnam, we are on the side of democracy and human rights.

I would ask my colleagues to join me in support of this resolution.

Mr. DAVIS of Virginia. Mr. Speaker, I rise to voice my strong support for House Resolution 231, the sense of Congress regarding Vietnam, which urges the President to make clear to the Socialist Republic of Vietnam that we are committed to economic, religious, and political freedom for the people of Vietnam. As you know, the United States continues to open diplomatic relations with Vietnam. Because of the growing relationship the United States has with Vietnam, we must be concerned with its poor human rights record.

May 9, 1997 was the third anniversary of Vietnam Human Rights Day here in the United States. However, current human rights' conditions in Vietnam are poor. For example, religious leaders and political dissidents are still being arrested and jailed. Dr. Doan Viet Hoat and Dr. Nguyen Dan Que are two, among many political prisoners with serious medical conditions who are held in harsh conditions with little, if any, access to medical care.

Despite prohibitions on physical abuse, there is evidence that security officials beat detainees as well as use threats and other psychological coercion to elicit false confessions. The Vietnamese Government denies citizens the right to change their government and significantly restricts freedom of speech, the press, assembly, association, privacy, and religion. Vietnamese citizens are generally prohibited from contacting international human rights organizations.

Vietnam is currently negotiating a trade agreement with our Government to seek MFN status and privileges associated with Overseas Private Investment Corporation [OPIC]. In January 1997, the United States and Vietnam agreed on implementing the resettlement opportunity for Vietnamese returnees program allowing the United States to interview some of the Vietnamese returned from camps in Southeast Asia. However, this is not enough.

Child labor and human rights abuses are on the rise as well as the suppression of freedom of thought, speech, religion, press, and assembly. The Vietnamese-American community in my congressional district supports House Resolution 231. We believe that fair and open democratic elections, equal protection of all Vietnamese citizens, and the release of all political prisoners are basic and necessary steps beyond normalization.

Since this resolution is crucial to these objectives, I urge all of my colleagues to support House Resolution 231.

Mr. GILMAN. Mr. Speaker, I want to thank Mr. ROHRABACHER for introducing this resolution urging the President to make it clear to the Socialist Republic of Vietnam that America is committed to democracy, economic and religious freedom for the people of Vietnam.

Freedom is not bound by history or geography. Just as our forefathers said, people have certain inalienable rights. Democracy and basic civil liberties are not eastern or western—they are universal.

Regrettably, today, the people of Vietnam are not afforded these basic liberties. This Nation has a moral imperative to foster freedom and democracy and oppose tyranny wherever it appears—this legislation expresses that sentiment.

I support this resolution and call upon my colleagues to do so as well.

Mr. ROHRABACHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). All time has expired.

The question is on the motion offered by the gentleman from California [Mr. ROHRABACHER] that the House suspend the rules and agree to the resolution, House Resolution 231, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING MONGOLIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 172) expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 172

Whereas in 1990, Mongolia renounced the Communist form of government and peacefully adopted a series of changes that linked economic development with democratic political reforms;

Whereas the Mongolian people have held 2 presidential elections and 3 parliamentary elections since 1990, all featuring vigorous campaigns by candidates from multiple political parties;

Whereas these elections have been free from violence, voter intimidation, and ballot irregularities, and the peaceful transfer of power from one Mongolian government to another has been successfully completed, demonstrating Mongolia's commitment to peace, stability, and the rule of law;

Whereas every Mongolian government since the end of communism has dedicated itself to promoting and protecting individual freedoms, the rule of law, respect for human rights, freedom of the press, and the principle of self-government, demonstrating that Mongolia is consolidating democratic gains and moving to institutionalize democratic processes;

Whereas Mongolia stands apart as one of the few countries in Asia that is truly a fully functioning democracy; its efforts to promote economic development through free market economic policies, while also promoting human rights and individual liberties, building democratic institutions, and protecting the environment, serve as a beacon to freethinking people throughout the region and the world;

Whereas Mongolia's commitment to democracy makes it a critical element in efforts to foster and maintain regional stability throughout central Asia;

Whereas Mongolia has some of the most pristine environments in the world, which provide habitats to plant and animal species that have been lost elsewhere, and has shown a strong desire to protect its environment through the Biodiversity Conservation Action Plan while moving forward with economic development, thus serving as a model for developing nations in the region and throughout the world;

Whereas Mongolia has established civilian control of the military—a hallmark of democratic nations—and is now working with the Mongolian parliamentary and military leaders, through the United States International Military Education and Training program, to further develop oversight of the military;

Whereas Mongolia is seeking to develop political and military relationships with neighboring countries as a means of enhancing regional stability; and

Whereas Mongolia has demonstrated a strong commitment to the same ideals that the United States stands for as a nation, and has indicated a strong desire to deepen and strengthen its relationship with the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress—

(A) supports the efforts of the Mongolian parliament to establish "United States-Mongolian Friendship Day";

(B) strongly supports efforts by the United States and Mongolia to use the resources of their respective countries to strengthen political, economic, educational, and cultural ties between the 2 countries;

(C) confirms the support of the United States for an independent, sovereign, secure, and democratic Mongolia;

(D) applauds and encourages Mongolia's simultaneous efforts to develop its democratic and free market institutions;

(E) commends Mongolia for its foresight in environmental protection through the Biodiversity Conservation Action Plan and encourages Mongolia to obtain the goals illustrated in this plan;

(F) encourages Mongolia's efforts toward economic development that is compatible with environmental protection and supports an exchange of ideas and information between Mongolian and United States scientists;

(G) commends Mongolia's efforts to strengthen civilian control, through parliamentary oversight, over the military; and

(H) supports future contacts between the United States and Mongolia in such a manner as will benefit the parliamentary, judicial, and political institutions of Mongolia, particularly through the creation of an interparliamentary exchange between the Congress of the United States and the Mongolian parliament; and

(2) it is the sense of the Congress that the President—

(A) should, both through the vote of the United States in international financial institutions and in the administration of the bilateral assistance programs of the United States, such as the Central Asian Enterprise Fund, support Mongolia in its efforts to expand economic opportunity through free market structures and policies;

(B) should assist Mongolia in its efforts to integrate itself into international economic structures, such as the World Trade Organization; and

(C) should promote efforts to increase commercial investment in Mongolia by United States businesses and should promote policies which will increase economic cooperation and development between the United States and Mongolia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 172, now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 172 was introduced on October 22 by the distinguished gentleman from Illinois [Mr. PORTER] together with the distinguished gentleman from California [Mr. DREIER], and a second distinguished gentleman from California [Mr. LANTOS].

This resolution commends the people of Mongolia for the remarkable progress that country has made since 1990, and as chairman of the Subcommittee on Asia and the Pacific, I was pleased to expedite this resolution. This Member also authorized a congratulatory resolution on Mongolia which was approved by the previous Congress.

Mongolia has indeed made great strides from a one-party Communist country with a command economy to a multiparty, free market democracy. In the last 7 years Mongolia has also freed itself from Soviet domination. Within a year from the fall of the Berlin Wall, the popularly elected Mongolia legislature, whose election we are commemorating in this resolution, enacted a new constitution which declared Mongolia an independent, sovereign republic with guaranteed civil rights and freedoms. These changes were not only dramatic in scope and speed, they were also accomplished without firing a shot and with little concrete support from the outside world.

Mongolia's accomplishments are worthy of congressional commendation, and that is the major thrust of H. Con. Res. 172.

The Committee on International Relations, to which this resolution was referred, unanimously approved this resolution on October 31. The committee did make a number of minor alterations to the resolution, the most notable being language supporting Mongolia's membership in NATO's Partnership for Peace, which the Department of Defense indicates is not feasible.

Mr. Speaker, while the State Department does not make a habit of formally taking a position on noncontroversial resolutions such as the one before the body at this time, we have been assured that this resolution fully conforms with U.S. policy and has the administration's support.

Mr. Speaker, again I congratulate these gentlemen for bringing this to our attention. We need to take time to recognize particular successes among our friends and allies and not just focus on negative things. This Member would urge approval of this congratulatory resolution for a Nation that has taken extraordinary strides.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations for expediting this particular resolution, as he has on so many occasions on other very important legislation that has been brought before this body.

Mr. Speaker, this resolution recognizes the remarkable political evolution Mongolia has undergone over the past 7 years. The principal author of this matter, the gentleman from Illinois [Mr. PORTER] is to be commended, as well as our colleagues, the gentleman from California [Mr. DREIER], and the gentleman from California [Mr. LANTOS], who are also original cosponsors.

It clearly states, this resolution does, the desire of the United States Congress for further cooperation and friendship between our two countries. This resolution deserves our support. The gentleman from Indiana [Mr. HAMILTON], our ranking member, intends to vote "yes" on this resolution, as do I, and I urge our colleagues to do likewise.

One aside, Mr. Speaker. I would urge all of our colleagues, in consideration of matters as important as this relationship and others, that we begin as often as we can visiting these locales so that we can learn firsthand exactly what is needed for us to maintain our friendship and to make our friendships grow around the world.

Mr. PORTER. Mr. Speaker, I want to thank the chairman of the subcommittee, Mr. BEREUTER, for his assistance in reporting this resolution out of the full committee, and for his strong support of Mongolia. I would also like to thank Mr. DREIER and Mr. LANTOS for their support of this resolution as original cosponsors.

Too often, we come to the floor of the House to criticize other countries for what we see as their failure to live up to our standards in the areas of human rights, economic freedom, or environmental protection. Today, however, we are coming to the floor to celebrate a success story—the country of Mongolia. I am pleased to be a part of this positive message of affirmation that we are sending to one of the greatest, but most often overlooked success stories to come out of the end of the Soviet Empire.

The first democratic elections were only held in Mongolia in 1990, but this country has made remarkable progress in implementing democratic reforms while improving their economy, promoting human rights and protecting their vast and unique environment. In just 7 years, the people of Mongolia have rejected one-party rule, elected a new President firmly established civilian control over the military, and gained economic freedom. This transition—conducted in a peaceful manner—has proven to be a rarity, especially in this area of the world.

Mongolians are very positively disposed towards the United States and have modeled many of their democratic reforms on the United States system. This past June, the new prime minister ran on a platform titled, "the Contract with the Mongolian Voter." The Mongolian Government considers their transition to be very similar to our settling of the West. The Mongolian nomads—which make up 40 percent of the population—are not unlike the American cowboys. They cherish their freedom but are eager to benefit from the economic reforms that are gradually being implemented.

The Mongolian Government places a high priority on its relationship with the United States and is eager to be our partner in Northern and Central Asia, an area where we

democratic, free and stable partners are hard to find. Moreover, as Mongolia gains confidence in its own voice within the region, they are seeking to prove that democracy, freedom, and human rights are universal values, and that Asian countries can promote these values and economic growth at the same time. The United States could look for no better role model for the region, or no better partner in the region than a country which has committed itself to the values that we promote as a nation.

With this resolution, the United States is recognizing the Mongolian people and their government for their unparalleled achievements in establishing a democracy. We are also encouraging them to continue to follow through with many of the proposed reforms. The next 5 years will be a critical period in Mongolian as the social costs of economic and political reform begin to take a heavy toll on some segments of the population. We must help Mongolia to stay the course on democratic self-government and free market economics through the difficult times ahead.

As the Mongolian Government charges ahead with economic reforms, they have not neglected their environment. Because of their small population relative to their land mass, Mongolia consists of some of the most pristine ecosystems in the world. The Mongolian Government has recognized this tremendous asset and has approved many environmental regulations to continue to protect these ecosystems. Specifically, the previous regime pledged to preserve 30 percent of Mongolia as a national park under the Biodiversity Conservation Action Plan. While this pledge may prove difficult to keep while progressing with economic reforms, the new government has committed to adhere to this pledge. With this resolution, the United States applauds the Mongolian Government's foresight and encourages them to continue to promote economic development without sacrificing their rich environment.

Nestled between China and Russia, with a population the size of Philadelphia and a land mass one-third the size of the United States, Mongolia will continue to be an important global partner for the United States. In light of the tremendous reforms that have been achieved in the first 7 years, the United States congratulates Mongolia on its recent successes and looks forward to increasing cooperation with the Mongolian Government and people on democratic, economic, and environmental programs.

Mr. GILMAN. Mr. Speaker, Mongolia is a shining beacon of hope for those people who are still living under repressive governments around the world. Mongolia is isolated, its population is small, its resources are limited but it has enthusiastically embraced political and economic reforms that would challenge any highly industrialized nation. Its government is also aggressively trying to preserve its environment and strengthen its parliamentary and judicial system.

We need to do all we can to ensure that Mongolia is successful and I urge my colleagues to support this resolution.

I appreciate the efforts of our colleague from Illinois [Mr. PORTER] the sponsor of the bill and the distinguished cochairman of the Human Rights Caucus, and also thank the manager of the resolution, the distinguished Chairman of the Asia and the Pacific Subcommittee, the gentleman from Nebraska [Mr. BEREUTER] as well as his subcommittee's ranking member, the gentleman from California [Mr. BERMAN]. Accordingly, I again urge support for this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I urge support of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 172, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONCERNING THE SITUATION IN KENYA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 130) concerning the situation in Kenya.

The Clerk read as follows:

H. CON. RES. 130

Whereas on July 7, a large and violent confrontation occurred in Kenya when police stormed Nairobi's All-Saints Cathedral and attacked those present at a prayer meeting;

Whereas prodemocracy activists throughout Kenya have demonstrated in favor of reform of Kenya's constitution and the repeal of repressive colonial laws;

Whereas the bloody suppression of the constitutional reform rallies, the disruptive behavior of some demonstrators, and the recent ethnic confrontations in Kenya's Coast Province have jeopardized both the safety and the political rights of average Kenyans;

Whereas the Government of Kenya has continued to disrupt opposition rallies and meetings even after pledging to take a more tolerant approach to them in late July;

Whereas these events led to the consideration in early September of a package of democratic reforms by members of parliament representing the government and the opposition, but not including representatives of Kenyan civil society;

Whereas it remains unclear whether long-discussed political reforms can be effectively implemented in the time remaining before anticipated elections in 1997; and

Whereas colonial laws have given Kenyan President Daniel Arap Moi sweeping powers to suppress political opponents and thwart reform throughout his 19-year rule: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and commends those Kenyans who have demonstrated their love of peace, law, and order;

(2) condemns those who are inciting others to violence, looting, and destroying property;

(3) urges an immediate cessation to the violence in Kenya;

(4) urges the Government of Kenya to take all necessary and lawful steps to avoid more violence in the future;

(5) recognizes President Moi's response to domestic and international pressure to allow meaningful constitutional and legal electoral process reform through the current package of legislation agreed to by the ruling party and opposition party representatives;

(6) calls for the prodemocracy movement to remain unified in working toward implementing constitutional, statutory, and administrative reforms;

(7) urges rapid progress toward conducting free and fair elections; and

(8) urges the United States Government and the international community to continue to work with all parties to encourage the Government of Kenya to ensure a lasting and committed transition to democracy, including an immediate review of the propriety of the time of the next elections.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROYCE] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROYCE].

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 130, the matter now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the gentleman from Florida [Mr. HASTINGS] introduced this resolution last July, I felt it was timely and much needed, given the violence that prodemocracy demonstrators experienced at the hands of the Kenyan police. Since that time, after the Subcommittee on Asia and the Pacific held a hearing, the gentleman from Florida [Mr. HASTINGS] updated this resolution so that it is relevant for the situation existing today. This includes the recent announcement that elections will be held in Kenya on December 28.

Despite the recent actions by the Kenyan Parliament to put in place legal reforms to the electoral process, there are serious doubts about the Government's willingness to honor its commitments. Last July, President Moi promised to allow opposition political party meetings without permits. Since then, even opposition events with permits have been disrupted. This reform is supposed to allow for political parties to be registered, but the

Safina Party still has not been registered nearly 2 years after applying for approval.

In short, the Kenyan Government has shown little commitment to follow through on its promises to implement democratic reforms. This is why this resolution is so important. The U.S. Government must be on record as strongly encouraging genuine reform. We also must firmly oppose the violence threatened in advance of the December elections.

This resolution is balanced, and it will be noted in Kenya. The Kenyan Government takes notice of what the United States Government thinks about its actions. Kenya is too important to east Africa and too important to the continent for the United States to stand by without supporting true reform. If we do not stand firm in opposition to electoral violence and vote fraud, a bad election could produce chaos in what has been an island of stability in east Africa.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this resolution today in response to the ongoing violence in Kenya that has just been talked about by our distinguished Chair of the Subcommittee on Africa, the gentleman from California [Mr. ROYCE], and I want to thank the chairman of the Subcommittee on Asia and the Pacific [Mr. BEREUTER], as well as other members, not only for their expeditious handling of this matter, but their conscientious and expeditious handling of matters as they have arisen on the African Continent.

In the absence of a genuine commitment to democracy, we have seen violence be established in Kenya. This resolution calls on President Moi, the ruling party, opposition leaders, and protestors, to immediately cease all violence and pursue the constitutional and legal reforms necessary to bring Kenya from a colonial outpost to a multiparty democracy.

On Monday, November 12, 1997, President Moi dissolved parliament after they passed three reform bills which would have paved the way for general elections, as spoken about a moment ago by the gentleman from California [Mr. ROYCE]. These reforms repeal laws restricting freedom of speech and assembly, give opposition parties greater representation on the electoral commission, and establish a multiparty commission to review the constitution after the elections.

Quite frankly, I am outraged that President Moi unilaterally dissolved the parliament because it was clearly moving in a direction he had found threatening. This action is unacceptable and must not be ignored by the international community.

Mr. Speaker, I would also like to thank the ranking member of the Subcommittee on Asia and the Pacific for his continuing diligence, not only with reference to this particular matter but others that will be spoken about later today, as well as on a continuing basis.

To sum up, my resolution lets the Kenyan people know that the United States is watching and expects progress from all quarters. Please join me in sending a message to all of the citizens of Kenya, especially those who have no voice in their governance, that their aspirations for democracy are attainable.

Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, I want to thank first of all my colleague on the Subcommittee on Africa, the gentleman from Florida [Mr. HASTINGS]. He has been an articulate and thoughtful member of the committee and has added much to our debates, and I want to commend him on bringing this resolution, as well as the chairman, for all of the work we have done this year in a very bipartisan way, and to his credit, we commend him for the manner in which he has run the committee.

Mr. Speaker, Kenya is an important and strategic country in Africa, and it is unfortunate that our consideration of this resolution was prompted by the violence and political instability in Kenya. I am pleased to report that since the Subcommittee on Africa held hearings on the situation in Kenya in July, the situation has improved considerably. Just this past week President Moi made noted constitutional changes to allow more room for his political opposition, and just today the date for presidential and parliamentary elections was announced: December 29.

It is crucial at this juncture that the international community insist on continued progress on constitutional and legal reforms, on improvements in human rights, and on free, fair, and democratic elections. We cannot allow this opening for reform to close without cementing substantive changes.

President Moi needs to know that the United States and the international community will continue to watch his administration, even now that the violence has subsided, and that we will continue to press for real reforms which guarantee the Kenyan people access to and participation in their government.

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That is what we are doing in this resolution. We are sending a message to President Moi, and on behalf of the Kenyan people, we hope that he is listening. I congratulate the gentleman from Florida [Mr. HASTINGS].

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

In closing, Mr. Speaker, I ask my colleagues to support this resolution, which makes an important statement on U.S. concern about possible violence in a country that has been and remains vital to American interests. It is particularly important for this House to make this statement now, since we are about to adjourn weeks before the Kenyan election will be held.

Mr. GILMAN. Mr. Speaker, I appreciate the leadership of the gentleman from California, Mr. ROYCE, the subcommittee chairman, for managing this resolution.

I would like to thank Mr. HASTINGS for introducing this resolution and directing the House's attention to the situation in Kenya.

As we all know, Kenya is expecting to have elections later this year or early next year, and there has already been a high-level of violence in Kenya in the run-up to the election.

On a positive note, the Kenyan parliament recently adopted a number of important legal and constitutional reforms. This action was made possible by brave advocacy of human rights and democracy by activity Kenyans.

These reforms offer the promise of a significant expansion of political activity in Kenya.

It is important that the Congress continues to express solidarity with those in Kenya who advocate democratic reforms and respect for human rights and civil rights. This resolution is an appropriate method to do that. Accordingly I urge my colleagues to support it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from California [Mr. ROYCE] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 130, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING MILITARY INTERVENTION BY THE GOVERNMENT OF THE REPUBLIC OF ANGOLA INTO THE REPUBLIC OF THE CONGO

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 273) condemning the military intervention by the Government of the Republic of Angola into the Republic of the Congo, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 273

Whereas President Pascal Lissouba defeated former President Denis Sassou-Nguesso in a 1992 election in the Republic of the Congo that was determined to be free and fair;

Whereas in October 1997 troops of the Government of the Republic of Angola assisted in the capture of Pointe Noire, a city in the southern part of the Republic of the Congo;

Whereas the Government of Angola sent more than 1,000 troops into the Republic of the Congo from neighboring Cabinda, including a MiG-23 fighter and ground attack squadrons;

Whereas the Government of Angola provided military supplies and support to former President Denis Sassou-Nguesso to assist his efforts to unseat the democratically-elected President Pascal Lissouba;

Whereas the Lusaka Protocol of 1994 requires that the Government of Angola inform the United Nations Observer Mission in Angola (MONUA) of any troop movements;

Whereas the actions by Angola are a violation of Article 2 of the United Nations Charter which forbids member states from "the threat or use of force against the territorial integrity or political independence of any state";

Whereas the actions by Angola are a violation of Article III of the Organization of African Unity Charter which mandates "Respect for the sovereignty and territorial integrity of each State";

Whereas the United Nations Security Council has imposed travel and other sanctions on the National Union for the Total Independence of Angola (UNITA) for making insufficient progress in its commitments under the Lusaka Protocol, including demobilization of UNITA soldiers, the forfeiture of weapons to the United Nations, and the extension of state administration to regions under UNITA control;

Whereas this action by the United Nations Security Council comes shortly after the Government of Angola participated in the overthrow of a democratically elected government in the Republic of the Congo; and

Whereas the United Nations Security Council has failed to condemn this action by the Government of Angola: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the military intervention by the Government of the Republic of Angola into the Republic of the Congo;

(2) calls on the Government of Angola to immediately withdraw all military troops, supplies, and other assistance from the Republic of the Congo;

(3) encourages the United States Government to condemn the military intervention by the Government of Angola into the Republic of the Congo and its violation of the Lusaka Protocol, the United Nations Charter, and the Organization of African Unity Charter;

(4) urges the United States Government to withhold any military training and assistance to Angola until it ceases all military activities in the Republic of the Congo;

(5) expresses concern that the United States Government has sought to strengthen military ties with the Government of Angola in advance of the full implementation of the Lusaka Protocol and the creation of a meaningful role for former members of the National Union for the Total Independence of Angola (UNITA) in the Angolan military; and

(6) urges both the Government of Angola and UNITA to continue their commitments to the Lusaka Protocol and Angolan peace process despite the imposition of sanctions on UNITA by United Nations Security Council Resolutions 1127 (1997) and 1135 (1997).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROYCE] and the gentleman from New Jersey [Mr. MENENDEZ] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROYCE].

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution concerns the troubling situation that is made worse by Angola's armed intervention in the civil war in Congo, Brazzaville. The introduction of Angolan troops, armor, and aircraft tipped the balance of that civil war in favor of former President Dennis Sassou-Nguesso, who was inaugurated recently, despite having received no popular mandate for his return as President.

The Angolan intervention has resulted in the overthrow of the Government of President Pascal Lissouba, who was elected in that country's first multi-party election in 1992. Despite the end of the fighting, Congo-Brazzaville is no more stable today because of the Angolan intervention, and, indeed, it may be facing more turmoil in the coming weeks because of the imposition of an unpopular dictator who was overwhelmingly voted out of office 5 years ago.

Certainly the Angolan soldiers made life more difficult for the Congo by pounding Pointe Noire with heavy artillery for days, and then looting that city. These are not the actions of genuine liberators. The Angolan intervention in Congo Brazzaville following the Angolan intervention in what was then Zaire has led many observers to wonder if we are now in a newer era on the continent in which borders and democratic elections are meaningless.

The rationale by the Angolan government that Angolan forces operating in Congo Brazzaville posed a threat to their country does not justify its violation of international conventions, as cited in this resolution. President Lissouba testified last week before the Committee on International Relations that any UNITA presence in his country posed no danger whatsoever to Angola's sovereignty. However, this intervention likely will harm the peace process in Angola itself by further hardening relations between the Angolan government and UNITA.

Angolan government spokesmen talked of forcefully seizing territory that is supposed to be turned over by UNITA. Although the United Nations placed sanctions on UNITA, the U.N. acknowledged that extension of territorial administration has been moving forward over the last few months.

I support the resolution of the gentleman from New Jersey [Mr. MENENDEZ] as a timely and necessary response to this situation. I understand the Angolan government has announced its intention to withdraw its forces from Congo by November 15. This resolution lets that government know we expect them to fulfill that commitment.

Mr. Speaker, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last month Mr. Sassou-Nguesso was sworn in as the President of the Republic of Congo after seizing power from the democratically elected government with the help of the Angolan military, and with virtually no opposition from the international community.

When President Lissouba testified before the Committee on International Relations last week, he made it very clear that the Angolan intervention was a decisive factor in the deposing of his government.

This resolution addresses three important issues: First, the Angolan government military's incursion into the Republic of Congo to help unseat the democratically elected government of Pascal Lissouba; second, the lackadaisical response from the international community, including the the United States government, to Angola's actions and the overthrow of the Congolese government; and third, the imposition of sanctions upon UNITA by the U.N. Security Council, without regard or mention of the Angolan government's violations of the Lusaka Protocol.

Unlike the situation in the former Zaire, where now President Kabila unseated longtime dictator Mbutu, Angola has helped to unseat a democratically elected President in the Republic of Congo. The United States' response has been woefully inadequate. The United States should be calling for the restoration of the democratically-elected government of Pascal Lissouba, but instead it is pursuing a policy of working with former dictator Nguesso as if he had a legitimate mandate from the Congolese people.

On October 30, the United States agreed to support the imposition of sanctions on UNITA for failure to comply with its obligations under the Lusaka Protocol. This decision was made despite the fact that UNITA has made significant progress in moving towards many of the benchmarks established by earlier Security Council resolutions.

But even more disconcerting is the fact that the decision was made despite the fact that the government of Angola violated the Lusaka Protocol, that is, invading the Congolese, not to mention the United Nations and Organization of African Unity charters, by overthrowing the freely-elected government of the Congo.

Moreover, during the month of October the government took several provocative military actions against UNITA, also in violation of the Lusaka Protocol, failed to honor a commitment to meet with Dr. Savimbi, and snubbed Ambassador Richardson on his visit to Angola, the purpose of which was to move the peace process forward.

It is disingenuous to sanction UNITA for noncompliance when the government itself has violated the Lusaka Protocol. I believe the United States needs to send a strong message to Angola by withholding further IMET assistance until Angola has fully withdrawn all troops and military assistance from the Republic of Congo.

We should also give serious consideration to whether or not it is appropriate to be extending military assistance and forging military-to-military contacts with a country which is engaged in cross-border military incursions. I seriously question if it is a responsible policy to be providing Angola with such assistance in advance of the full implementation of the Lusaka Protocol and creation of a meaningful role for former UNITA members in the Angola military.

Finally, we are at a critical juncture in the Angolan peace process. The Angolan government's actions in the Republic of Congo and the U.N. Security Council's imposition of sanctions are likely to hinder rather than advance the timetable for peace in Angola. We hope that that in fact does not end up being the case, but we are seriously considering it.

I want to thank the chairman of the subcommittee for calling my resolution forward, which I believe is very timely. I want to thank my cosponsors.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I commend the gentleman from New Jersey [Mr. MENENDEZ] for bringing this resolution forward. I also commend the gentleman from New York, Chairman GILMAN, and the gentleman from California, Mr. ROYCE, the chair of the subcommittee on Africa, for their work on the bill.

We have before us a meaningful and balanced resolution. The national community must forcefully speak against the overthrow of a democratically-elected President, especially when an outside power intervenes in a critical way. The Congress in this action goes on record as condemning Angola's intervention in the Republic of the Congo. Angola's actions could set a dangerous precedent in a volatile area, and the Congress here is working to avoid this kind of precedent.

The resolution also urges both sides in Angola to implement their commitments to the peace process. I would urge, and I believe the gentleman from Indiana [Mr. HAMILTON] would, as well, adoption of the resolution. I thank again the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from California [Mr. ROYCE] and the gentleman from New York [Mr. GILMAN], and the gentleman from California and the gentleman from New Jersey especially, since we traveled to this area and we all recognize its volatility, and the likelihood that unless stability is brought there, that it will cause a continuing explosion in that area of the world.

Mr. MENENDEZ. Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to thank the chairman of the subcommittee on Africa, the distinguished gentleman from California [Mr. ROYCE] for his leadership in bringing this resolution before us, as well as the distinguished gentleman from New Jersey [Mr. MENENDEZ], who is our ranking member on the subcommittee of Africa, for introducing this important resolution.

This resolution condemns the actions by the government of Angola that contribute to the overthrow of a democratically-elected government and its neighbor, the Republic of the Congo. Our committee recently took testimony from President Pascal Lissouba of the Republic of Congo, who was ousted from his Nation last month by the Armed Forces of Angola, working in conjunction with Congolese rebel forces. President Lissouba was democratically elected by the Congolese people in 1992.

It must be made clear that the Angolan government, they must refrain from intervening in the affairs of their neighbors, and continue to honor their commitments to the Lusaka protocol, which governs Angola's internal peace process. There are reasons to begin to suspect that Angola may become a rogue state, showing no restraints in its efforts to undermine its neighbors.

With the imposition of sanctions on UNITA by the U.N. Security Council, tensions in Angola right now are as high as they have been in the last 3 years, since the signing of the Lusaka protocol. It is imperative, therefore, that the Congress remind both sides that a return to war is unacceptable. Renewed hostilities would only result in the collapse of the peace process and the total isolation of the offending party. This resolution sends that kind of a message.

Accordingly, I urge my colleagues to fully support the resolution.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I would like to say to my colleagues, within the last year I was in the Republic of the Congo. I went deep into the Ndoki forest, and saw what was going on; spent almost a full day with President Lissouba and got to know him, and know of the concern, the deep concern he had for his people and his country.

Sure, it is a fragile democracy. It was the only democracy that the Republic of the Congo has ever known. For it to be struck down in such a brutal way by not only the rebel forces from within the Republic of the Congo, but from the intervention from Angola, is inexcusable.

I think when we talk about what is our interest in that part of the world, we have to ask ourselves certain questions. Sure, there is oil there that is of great value and should be conserved. We would like for our American oil producers to have equal access to it. But there is much more than that.

In the Ndoki forest, traveling hours in dugout canoes, and going back and hiking hours through the swamp, and sleeping on the ground, we were able to actually see for the first time the silver-backed gorillas that are coming closer and closer to extinction. On the way we were able to see the results of what happens in clear-cutting the rain forest, which is going to have a lot to do with world climate.

We talked to President Lissouba and know of his concern, his cooperation with USAID and other organizations that are trying to conserve the forest, trying to conserve the rain forest elephant and the silver-backed gorilla, together with other endangered species.

If we care about this earth that we live in, if we care about the freedom of individuals, if we care about democracy, we must turn our attention to the struggling democracies in Africa, and ask ourselves exactly what course this Congress should take, what actions should the United States take, what should our relations be with nations that would destroy cities such as the leveling of Brazzaville, and actually the illegal conduct of Angola and what it has been doing.

□ 1530

I want to compliment the gentleman from California [Mr. MENENDEZ] for bringing this to the floor and the gentleman from California [Mr. ROYCE] for his good leadership in this regard. And I urge a yes vote on this important resolution.

Mr. MENENDEZ. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. PAYNE] on a related matter, since he was unavoidably detained on the Kenya resolution, but has just

come back from a trip to the whole area as one of our outstanding members in the Subcommittee on Africa.

Mr. PAYNE. Mr. Speaker, let me, first of all, commend the gentleman from New Jersey [Mr. MENENDEZ], the ranking member of the Subcommittee on Africa, for the outstanding work that he has done at the Subcommittee on Africa. I would like to stand here in support of the previous Concurrent Resolution 130, as has been indicated regarding Kenya.

As has been mentioned, I visited Kenya on a brief trip from July 4 to July 6. When I went there, it was to evaluate the situation there and to listen to what was going on. My mission had two principal objectives: First, to urge the President to meet with opposition and religious leaders to discuss opposition demands for constitutional reforms; and, second, encourage the government to create a level playing field for the upcoming election. I also delivered a letter from President Clinton.

Kenya is one of the most important countries in Africa, and I think today for many reasons we are seeing Kenya's unwavering commitment and leadership of IGAD. Starting on October 28 in Nairobi, President Moi, as chairman of IGAD, was instrumental in getting the SPLA and the National Islamic Front, NIF, to agree on a joint communique. Nelson Mandela concluded that Inter-Governmental Authority on Development remained the best forum, and President Moi was working hard to try to get those two groups together.

After much prodding, after the World Bank and the IMF suspended its loan program and the subsequent fall of the Kenya shilling, I suppose that Mr. Moi had no other option but to meet with the opposition party members in the Inter-Parties Parliamentary Group, IPPG. In all fairness, though, President Moi stated that the opposition was divided and fractionalized, and I think that was one of his reasons for ambiguity on the reform package that he presented.

I do not think that the people of Kenya can survive any more uprisings and civil unrest like they had in 1995 and Saba Saba in July of this year, when 10 people were killed.

I also had an opportunity to meet with President Moi again last month on a Presidential mission with Ambassador Richardson. Let me say that President Moi has truly been responsive to the calls for reform. He is the promoter of a bill amending the Constitution. It sailed through its third reading in the Parliament on November 4. Shouts of triumph filled the chamber as members of different parties celebrated the bill's passage.

The political and constitutional reforms of November 7 that Mr. Moi signed into law will make Kenya a multiparty democracy and will allow residents greater freedom of speech. The reforms repeal laws restricting freedom of speech and assembly, give greater representation on the Electoral Commission to opposition parties, and establish a multipartisan commission to review the Constitution after general elections.

I do feel that President Moi should allow all political parties to become a part of the elections. There is still one party that has not been registered. I think that should be done. And, also, I think we need to take a look at the fact that there has been abolition of the Parliament. But I understand that, according to the procedures, that this happens right before elections.

So I would just like to once again thank the gentleman from Florida [Mr. HASTINGS] for this resolution. I support it, and I hope that Kenya can get on the right track of its election, have them fair and transparent so that that country that was great in the past can move forward in the future for all the people of Kenya.

Mr. MENENDEZ. Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

I ask that my colleagues support this resolution, which sends an important message to the region. In 2 days, Angolan troops are supposed to be withdrawn from Congo-Brazzaville, and at this point it is unlikely that they will complete their withdrawal on time. Nevertheless, this is a key deadline. My colleagues' support of this resolution today will confirm American determination that this deadline must be kept, absent some good reason why it cannot be kept.

Since this is the last of 6 resolutions produced by the Subcommittee on Africa this session, let me take this opportunity to commend the gentleman from California [Mr. MENENDEZ], the ranking minority member, and all my subcommittee colleagues on both sides of the aisle for a very cooperative working relationship this year, including the gentleman from Florida [Mr. HASTINGS] and the gentleman from New Jersey [Mr. PAYNE], who have spoken on the last two resolutions. I look forward to a productive second session.

Mr. ROYCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYCE] that the House suspend the rules and agree to the resolution, H. Res. 273, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Condemning the military intervention by the Government of the Republic of Angola into the Republic of the Congo, urging both the Government of Angola and the National Union for the Total Independence of Angola (UNITA) to continue their commitments to the Lusaka Protocol and Angolan peace process despite the imposition of sanctions on UNITA by United Nations Security Council Resolutions 1127 (1997) and 1135 (1997), and for other purposes.".

A motion to reconsider was laid on the table.

SENIOR CITIZEN HOME EQUITY PROTECTION ACT

Mr. LAZIO of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 329) providing for the concurrence by the House with an amendment to the Senate amendment to the House amendments to S. 562.

The Clerk read as follows:

H. RES. 329

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill S. 562, together with the Senate amendment to the House amendment to the text of the bill, and to have concurred in the Senate amendment with an amendment as follows:

In the matter proposed to be inserted by the Senate amendment, at the end of section 304 add the following new subsection:

(c) APPLICABILITY.—This section shall apply only during the period beginning on October 1, 1997, and ending at the end of March 31, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the Senior Citizens Home Equity Protection Act of 1997, which I introduced on April 10 as H.R. 1297, the Senior Homeowners Mortgage Protection Act. This House originally passed this bill under suspension on September 16, with an overwhelming vote of support, 422 to 1. That is the kind of margin I like to win my bills by, Mr. Speaker.

The core legislation was also included in the manager's amendment to H.R. 2, the Housing Opportunity and Responsibility Act of 1997, which passed the House on May 14. Although the Senate did not act upon this bill until Sunday, the House believes it is critical to enact these measures before the end of the year.

In our efforts, I must commend the gentleman from Iowa [Mr. LEACH], the chairman of the Committee on Banking and Financial Services, for his support in providing greater protections for senior citizens seeking to obtain a home equity reverse mortgage. In partnership with the administration, we

have constructed the bipartisan legislation before us today to provide security and peace of mind for thousands of senior citizens across America.

Mr. Speaker, in short, the legislation ensures that senior homeowners will be protected from being charged excessive or unnecessary fees in the reverse mortgage application process.

According to a HUD investigation earlier this year, seniors applying for reverse mortgages were being charged up to 10 percent of the total loan amount for estate planning services with third-party providers. In some cases, seniors have been charged as much as $10,000 for services that should be provided at no cost.

Mr. Speaker, it is profoundly disturbing that such a valuable tool for senior citizens has been jeopardized by these predators. Our legislation will prevent these unscrupulous activities and will ensure that loan proceeds will go toward sustaining the quality of life for seniors throughout America.

Mr. Speaker, our legislation also provides a 2-year extension of certain rural housing programs and a 2-year extension of the National Flood Insurance Program. This is very important in many different parts of the country, particularly the coastal areas. While these programs may not be Senate priorities, the House included the additional authority to ensure the continuity of services to needy Americans.

Of particular significance is the extension of existing borrowing authority for the flood insurance program. Earlier this year, FEMA Director James Witt indicated that without the extension, FEMA might be forced to turn away families in the event of a significant disaster. Such a scenario is especially disturbing to families living in flood areas near rivers like the Ohio and Mississippi, as well as families living in coastal areas, particularly California, New York, and Florida.

Since the legislation passed in the House, we have worked closely with our Senate counterparts to accommodate minor changes in the original House legislation. In particular, let me express my appreciation for the cooperation of the chairman of the Senate Committee on Banking, Housing, and Urban Affairs, and the chairman of the Senate Subcommittee on Housing Opportunity and Community Development, and their sincere efforts to move this legislation forward.

I urge the Senate to pass this bill, with the minor changes we have made, without delay. The amendment before us today is generally the version that passed the House on September 16, with a few very minor changes included by the Senate. These changes include the modification of provisions dealing with public housing funding flexibility and mixed financial developments. These provisions help resolve budget scoring issues. The Senate also deleted two multifamily provisions included in the House bill in order to further study the effect of the provisions on tenant rent increases and on good owners.

Additionally, a new provision was added which clarifies the owner's right to prepay a mortgage insured by the FHA. This provision is apparently necessary because the recently enacted fiscal year 1998 VA, HUD and Independent Agencies Appropriations Act extended only a segment of the prepayment authority. Regarding this particular provision, the House believes it is appropriate to extend the necessary authority for a period of 6 months, sufficient time to allow for a more complete analysis of the impact of extending this provision on a more permanent basis.

Finally, the Senate amendment makes a series of technical and clarifying changes to the Native American Housing Assistance and Self-Determination Act of 1996. This law was enacted in the 104th Congress, and like any new major law, technical corrections are often necessary. These are appropriate.

Mr. Speaker, the legislation before us today has the support of the administration, the gentleman from Massachusetts [Mr. KENNEDY], my friend and colleague, the ranking member of the Subcommittee on Housing and Community Opportunity, and numerous senior citizen organizations. I urge my colleagues here in the House and Members of the Senate to support passage of this critical legislation.

Let me end, Mr. Speaker, by complimenting and thanking the gentleman from Massachusetts [Mr. KENNEDY], the ranking member of the Subcommittee on Housing and Community Opportunity, for working tirelessly with me to ensure that we protect seniors, ensure that we have the flood insurance protection program in full force and effect for the next few months, as a matter of fact, for the next 2 years, and extend the opportunities for housing throughout America.

Mr. Speaker, I reserve the balance of my time.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, let me rise in strong support of this extended bill. I want to congratulate the gentleman from New York [Mr. LAZIO], chairman of the Subcommittee on Housing and Community Opportunity, on his efforts to make certain that this bill came to the floor before we broke up this session of Congress. This is an important series of protections that will be provided in this legislation, first and foremost, the senior citizens protection. This bill provides important provisions that will protect senior citizens from unscrupulous practices dealing with reverse mortgages.

In recent years, scam artists have been charging seniors excessive and unnecessary fees in conjunction with HUD reverse mortgages, which allows seniors to borrow against equity in their home for needed expenses. The bill ends these scam practices by outlawing excessive fees and increasing disclosure provisions.

I want to just briefly read a letter from the Secretary of HUD, Andrew Cuomo, who writes,

> If this bill had not been moved to adjournment, thousands of senior citizens would continue to be at risk of being defrauded. Many cash-poor elderly families have significant untapped equity in their homes. And HUD's home equity conversion mortgage program allows them to tap into this resource to meet medical costs, living expenses, and other needs, without selling their longtime home.

I know that the outrages that have been perpetrated need to be fixed, and we need to stop them from being able to seek profits by charging the elderly excessive fees. This program will make HUD benefits available at no charge.

Mr. Speaker, the chairman of the committee ought to again take credit for making certain that this bill did come to the House floor in an appropriate time frame, because without this action taken on the floor today, more senior citizens would have been taken advantage of. In addition, it provides many improvements and extenders on existing housing programs.

For instance, the rural housing program. The bill extends affordable rural renting housing programs, including section 515 and 538 rental housing programs, in the underserved areas of the rural housing programs.

□ 1545

It also extends the multifamily programs. The bill extends federally assisted multifamily housing programs, including an expansion of a multifamily risk sharing program. The public housing provisions will also be extended, including the ceiling on minimum rent provisions as well as the suspension of various outdated rules.

It includes an important provision that extends greater financing flexibility for mixed income housing under the HOPE 6 program, critical for projects in cities like Baltimore and Philadelphia and Boston and others. It also extends the critical National Flood Insurance program, which I know we will be working on even more in the coming year in terms of some of the issues that have come forward regarding some of the very large and expensive and difficult flood and other natural disaster problems that are facing our country.

Third, it provides Indian housing. The bill makes technical corrections to the Native American Housing Assistance and Self-Determination Act.

Finally, the bill clarifies the rights of owners of section 8 housing to prepay their mortgage, a clarification made necessary by this year's failure

to fund the preservation program. While the House bill differs slightly from the Senate bill in its time extension, I am quite hopeful that the Senate will concur with this small change.

Mr. Speaker, the Department of Housing and Urban Development supports this legislation and has sent a letter indicating its support. The bill is also endorsed by the AARP. The legislation represents the hard work of the Committee on Banking and Financial Services which authorizes the housing programs. If we fail to take action today, many of the important provisions will be delayed for many, many months to come at the least. Therefore, I urge the adoption of this legislation.

Again, let me thank the gentleman from New York [Mr. LAZIO] for the hard work that he and his staff and the staff on the Democratic side have put into bringing this bill about today.

Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume. I would like to thank again the gentleman from Massachusetts [Mr. KENNEDY] for his hard work on this. This will be the third time actually that these provisions protecting seniors will have passed on the House floor. We have some additional provisions I think that will be helpful, in particular the flood insurance provisions which have been mentioned by both myself and by the gentleman from Massachusetts [Mr. KENNEDY].

Mr. Speaker, let me take this opportunity if I can to bid farewell to somebody who has served Congress very well, very admirably and will be missed I know on both sides of the aisle, and that is Kelsay Meek, who has been the staff director I know of the committee and has served with distinction. I know we have already had plenty of opportunity to acknowledge the contributions that the gentleman from Texas [Mr. GONZALEZ] has made to this body and to America. I want to reiterate again my respect for him, and again, my hat off to Kelsay Meek and wish him good luck in his future endeavors.

Mr. Speaker, I yield back the balance of my time.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume. I want to just let the chairman of the Subcommittee on Housing and Economic Opportunities know how much I appreciate his mentioning not only Kelsay Meek. Obviously this has come as a result of the retirement of one of the great Members and great advocates of housing policies in this country, HENRY GONZALEZ, who is going back to Texas and leaves a tremendous staff that has been dedicated to him.

Kelsay is the leader of that staff, and someone whom I have come to know and deeply appreciate in terms of his knowledge of housing issues and his deep commitment to protecting the very, very poor people of this country, but he also has many other members of his staff that are also moving on. We wish all of those the best, and are delighted that many of the members of the staff are going to be staying to do battle with others on the other side of the aisle at times in the future.

I do want to also acknowledge, while we have just a moment on the House floor, the fact that I know the gentleman from New York [Mr. LAZIO] and I will miss the gentleman from New York [Mr. FLAKE], a dear friend who is leaving the committee, another fine member of the Committee on Banking and Financial Services who did tremendous work on housing issues over the course of his career. I know he is going back to the city of New York. It is the first time I have had a chance to just acknowledge the loss of a deep personal friend here in the House who will be going back but serving a higher calling than perhaps even we in the House of Representatives.

Mr. Speaker, I thank the chairman of the committee for his actions, and I yield back the balance of my time.

The SPEAKER pro tempore [Mr. SNOWBARGER]. The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and agree to the resolution, House Resolution 329.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 562.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CORRECTING ENROLLMENT OF S. 830, FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 196) to correct the enrollment of the bill S. 830.

The Clerk read as follows:

H. CON. RES. 196

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 119(b) of the bill:

(A) Strike paragraph (2) (relating to conforming amendments).

(B) Strike "(b) SECTION 505(j).—" and all that follows through "'(3)(A) The Secretary shall" and insert the following:

"(b) SECTION 505(j).—Section 505(j) (21 U.S.C. 355(j)) is amended by adding at the end the following paragraph:

"'(9)(A) The Secretary shall".

(2) In section 123 of the bill, strike subsection (g) and insert the following:

"(g) APPLICATION OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

"(1) IN GENERAL.—Section 351 of the Public Health Service Act (42 U.S.C. 262), as amended by subsection (d), is further amended by adding at the end the following:

"'(j) The Federal Food, Drug, and Cosmetic Act applies to a biological product subject to regulation under this section, except that—

"'(1) a product for which a license has been approved under subsection (a) shall not be required to have an approved application under section 505 of such Act; and

"'(2) the amendments made to section 505 of such Act by title I of Public Law 98-417 shall not apply to a biological product for which a license has been approved under subsection (a).'".

"(2) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall affect the question of the applicability of any provision of section 505 of the Federal Food, Drug, and Cosmetic Act to a biological product for which an application has been approved under section 505 of such Act.".

(3) In section 125(d)(2) of the bill, in the matter preceding subparagraph (A), insert after "antibiotic drug" the second place such term appears the following: "(including any salt or ester of the antibiotic drug)".

(4) In section 127(a) of the bill: In section 503A of the Federal Food, Drug, and Cosmetic Act (as proposed to be inserted by such section 127(a)), in the second sentence of subsection (d)(2), strike "or other criteria" and insert "and other criteria".

(5) In section 412(c) of the bill:

(A) In subparagraph (1) of section 502(e) of the Federal Food, Drug, and Cosmetic Act (as proposed to be amended by such section 412(c)), in subclause (iii) of clause (A), insert before the period the following: "or to prescription drugs".

(B) Strike "(c) MISBRANDING.—Subparagraph (1) of section 502(e)" and insert the following:

"(c) MISBRANDING.—

"(1) IN GENERAL.—Subparagraph (1) of section 502(e)".

(C) Add at the end the following:

"(2) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall affect the question of the authority of the Secretary of Health and Human Services regarding inactive ingredient labeling for prescription drugs under sections of the Federal Food, Drug, and Cosmetic Act other than section 502(e)(1)(A)(iii).".

(6) Strike section 501 of the bill and insert the following:

"SEC. 501. EFFECTIVE DATE.

"(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

"(b) IMMEDIATE EFFECT.—Notwithstanding subsection (a), the provisions of and the amendments made by sections 111, 121, 125, and 307 of this Act, and the provisions of section 510(m) of the Federal Food, Drug, and

Cosmetic Act (as added by section 206(a)(2)), shall take effect on the date of enactment of this Act.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. BURR] and the gentleman from Ohio [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BURR].

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask support for a concurrent resolution to correct the enrollment of S. 830, the Food and Drug Administration Modernization Act of 1997. This concurrent resolution makes 6 small changes in the FDA reform act to correct technical drafting problems that have been identified since the bill was passed in the House and voice voted on Sunday. This concurrent resolution corrects section references, clarifies the definition of terms used in the bill, makes grammatical changes and corrects the effective date of the act. These corrections have the full support of the Republican and Democrat sponsors of this legislation in both the House and the Senate.

In addition, I have a letter from Health and Human Services Secretary Donna Shalala regarding the user fees authorized by this act. These fees will be dedicated toward expediting the drug development process and the review of human drug applications. The specific performance goals that FDA has agreed to which are referenced in section 101(4) of this act are specified in the letter entitled PDUFA Reauthorization Performance Goals and Procedures from Secretary Shalala.

Mr. Speaker, I hope that these corrections will be adopted by the entire House.

Mr. Speaker, the text of the letter is as follows:

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, DC, November 13, 1997.

Hon. THOMAS J. BLILEY, Jr.,
Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you are aware, the Prescription Drug User Fee Act of 1992 (PDUFA) expired at the end of Fiscal Year 1997. Under PDUFA, the additional revenues generated from fees paid by the pharmaceutical and biological prescription drug industries have been used to expedite the prescription drug review and approval process, in accordance with performance goals that were developed by the Food and Drug Administration (FDA) in consultation with the industries. To date, FDA has met or exceeded the review performance goals agreed to in 1992, and is reviewing over 90 percent of priority drug applications in 6 months and standard drug applications in 12 months.

FDA has worked with representatives of the pharmaceutical and biological prescription drug industries, and the staff of your Committee, to develop a reauthorization proposal for PDUFA that would build upon and enhance the success of the original program. Title I, Subtitle A of the Food and Drug Administration Modernization Act of 1997, S. 830, as passed by the House and Senate on November 9, 1997, reflects the fee mechanisms developed in these discussions. The performance goals referenced in Section 101(4) are specified in the enclosure to this letter, entitled "PDUFA Reauthorization Performance Goals and Procedures." I believe they represent a realistic projection of what FDA can accomplish with industry cooperation and the additional resources identified in the bill.

This letter and the enclosed goals document pertain only to Title I, Subtitle A (Fees Relating to Drugs) of S. 830, the Food and Drug Administration Modernization Act of 1997).

OMB has advised that there is no objection to the presentation of these views from the standpoint of the Administration's program.

We appreciate the support of you and your staffs, the assistance of other Members of the Committee, and that of the Appropriations Committees, in the reauthorization of this vital program.

Sincerely,

DONNA E. SHALALA.

Enclosure.

PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the reauthorization of the prescription drug user fee program in the "Food and Drug Administration Modernization Act of 1997," are summarized as follows;

I. FIVE-YEAR REVIEW PERFORMANCE GOALS

Fiscal year 1998

1. Review and act on 90 percent of standard original New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 1998 within 12 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1998 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 1998 within 12 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 1998 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 1998 within 6 months of receipt.

6. Review and act on 90 percent of all resubmitted original applications filed during fiscal year 1998 within 6 months of receipt, and review and act on 30 percent of Class 1 resubmitted original applications within 2 months of receipt.

Fiscal year 1999

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 1999 within 12 months of receipt and review and act on 30 percent within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1999 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 1999 within 12 months of receipt and review and act on 30 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 1999 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 1999 within 6 months of receipt and review and act on 30 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 1999 within 4 months of receipt and review and act on 50 percent with 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year 1999 within 6 months of receipt.

Fiscal year 2000

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2000 within 12 months of receipt and review and act on 50 percent within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2000 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2000 within 12 months of receipt and review and act on 50 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2000 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 2000 within 6 months of receipt and review and act on 50 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 2000 within 4 months and review and act of 50 percent within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year 2000 within 6 months of receipt.

Fiscal year 2001

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2001 within 12 months and review and act on 70 percent within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2001 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2001 within 12 months and review and act on 70 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2001 within 6 months of receipt.

5. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2001 within 6 months of receipt and review and act on 70 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 2001 within 4 months of receipt and review and act on 70 percent within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

Fiscal year 2002

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2001 within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2002 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2002 within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2002 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 2002 within 6 months of receipt and review and act on 90 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 2002 within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

These review goals are summarized in the following tables:

ORIGINAL NDAs/BLAs/PLAs AND EFFICACY SUPPLEMENTS

Submission cohort	Standard	Priority
Fiscal year:		
1998	90 pct. in 12 mos	90 pct. in 6 mos.
1999	30 pct. in 10 mos 90 pct. in 12 mos	90 pct. in 6 mos.
2000	50 pct. in 10 mos 90 pct. in 12 mos	90 pct. in 6 mos.
2001	70 pct. in 10 mos 90 pct. in 12 mos	90 pct. in 6 mos.
2002	90 pct. in 10 mos	90 pct. in 6 mos.

MANUFACTURING SUPPLEMENTS

Submission cohort	Manufacturing supplements that—	
	do not require prior approval [1]	Do require prior approval
Fiscal year:		
1998	90 pct. in 6 mos	90 pct. in 6 mos.
1999	90 pct. in 6 mos	30 pct. in 4 mos. 90 pct. in 6 mos.
2000	90 pct. in 6 mos	50 pct. in 4 mos. 90 pct. in 6 mos.
1901	90 pct. in 6 mos	70 pct. in 4 mos. 90 pct. in 6 mos.
1902	90 pct. in 6 mos.	90 pct. in 4 mos.

[1] Changes being effected or 30-day supplements.

RESUBMISSION OF ORIGINAL NDAs/BLAs/PLAs

Submission cohort	Class 1	Class 2
Fiscal years:		
1998	90 pct. in 6 mos 30 pct. in 2 mos	90 pct. in 6 mos.
1999	90 pct. in 4 mos 50 pct. in 2 mos	90 pct. in 6 mos.
2000	90 pct. in 4 mos 70 pct. in 2 mos	90 pct. in 6 mos.
2001	90 pct. in 2 mos	90 pct. in 6 mos.
2002	90 pct. in 2 mos	90 pct. in 6 mos.

II. NEW MOLECULAR ENTITY (NME) PERFORMANCE GOALS

The performance goals for standard and priority original NMEs in each submission cohort will be the same as for all of the original NDAs (including NMEs) in each submission cohort but shall be reported separately.

For biological products, for purposes of this performance goal, all original BLAs/PLAs will be considered to be NMEs.

III. MEETING MANAGEMENT GOALS

A. Responses to meeting requests

1. Procedure: Within 14 calendar days of the Agency's receipt of a request from industry for a formal meeting (i.e., a scheduled face-to-face, teleconference, or video conference) CBER and CDER should notify the requester in writing (letter or fax) of the date, time, and place for the meeting, as well as expected Center participants.

2. Performance Goal: FDA will provide this notification within 14 days for 70% of requests (based on request receipt cohort year) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

B. Scheduling meetings

1. Procedure: The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested. If the requested date for any of these types of meetings is greater than 30, 60, or 75 calendar days (as appropriate) from the date the request is received by the Agency, the meeting date should be within 14 calendar days of the date requested.

Type A Meetings should occur within 30 calendar days of the Agency receipt of the meeting request.

Type B Meetings should occur within 60 calendar days of the Agency receipt of the meeting request.

Type C Meetings should occur within 75 calendar days of the Agency receipt of the meeting request.

2. Performance goal: 70% of meetings are held within the time frame (based on cohort year of request) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

C. Meeting minutes

1. Procedure: The Agency will prepare minutes which will be available to the sponsor 30 calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail.

2. Performance goal: 70% of minutes are issued within 30 calendar days of date of meeting (based on cohort year of meeting) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

D. Conditions

For a meeting to qualify for these performance goals:

1. A written request (letter or fax) should be submitted to the review division; and

2. The letter should provide: a. A brief statement of the purpose of the meeting; b. a listing of the specific objectives/outcomes the requester expects from the meeting; c. a proposed agenda, including estimated times needed for each agenda item; d. a listing of planned external attendees; e. a listing of requested participants/disciplines representative(s) from the Center; f. the approximate time that supporting documentation (i.e., the "backgrounder") for the meeting will be sent to the Center (i.e., "x" weeks prior to the meeting, but should be received by the Center at least 2 weeks in advance of the scheduled meeting for Type A or C meetings and at least 1 month in advance of the scheduled meeting for Type B meetings); and

3. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for a "Type B" meeting will be honored except in the most unusual circumstances.

IV. CLINICAL HOLDS

A. Procedure

The Center should respond to a sponsor's complete response to a clinical hold within 30 days of the Agency's receipt of the submission of such sponsor response.

B. Performance goal

75% of such responses are provided within 30 calendar days of the Agency's receipt of the sponsor's response starting in FY 98 (cohort of date of receipt) and 90% in subsequent fiscal years.

V. MAJOR DISPUTE RESOLUTION

A. Procedure

For procedural or scientific matters involving the review of human drug applications and supplements (as defined in PDUFA) that cannot be resolved at the divisional level (including a request for reconsideration by the Division after reviewing any materials that are planned to be forwarded with an appeal to the next level), the response to appeals of decisions will occur within 30 calendar days of the Center's receipt of the written appeal.

B. Performance goal

70% of such answers are provided within 30 calendar days of the Center's receipt of the written appeal starting in FY 1999; 80% in FY 2000, and 90% in subsequent fiscal years.

C. Conditions

1. Sponsors should first try to resolve the procedural or scientific issue at the Division level. If it cannot be resolved at that level, it should be appealed to the Office Director level (with a copy to the Division Director) and then, if necessary, to the Deputy Center Director or Center Director (with a copy to the Office Director).

2. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either deny or grant the appeal.

3. If the decision is to deny the appeal, the response should include reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

4. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cased, the "response" should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

5. In these cased, once the required information is received by the Agency (including any advice from an advisory committee), the person to whom the appeal was made, again has 30 calendar days from the receipt of the required information in which to either deny or grant the appeal.

6. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

7. N.B. If the Agency decides to present the issue to an advisory committee and there are not 30 days before the next scheduled advisory committee, the issue will be presented at the following scheduled committee meeting in order to allow conformance with advisory committee administrative procedures.

VI. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

A. Procedure

Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the agency will evaluate certain protocols and issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

1. The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., is the dose range in the carcinogenicity study adequate, considering the intended clinical dosage; are the clinical endpoints adequate to support a specific efficacy claim).

2. Within 45 days of agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

3. Protocols that qualify for this program include: carcinogenicity protocols, stability protocols, and Phase 3 protocols for clinical trials that will form the primary basis of an efficacy claim. (For such Phase 3 protocols to qualify for this comprehensive protocol assessment, the sponsor must have had an end of Phase 2/pre-Phase 3 meeting with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being answered.)

4. N.B. For products that will be using Subpart E or Subpart H development schemes, the Phase 3 protocols mentioned in this paragraph should be construed to mean those protocols for trials that will form the primary basis of an efficacy claim no matter what phase of drug development in which they happen to be conducted.

5. If a protocol is reviewed under the process outlined above and agreement with the Agency is reached on design, execution, and analyses and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspective on the issues of design, execution, or analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

B. Performance goals

60 percent of special protocols assessments and agreement requests completed and returned to sponsor within time frames (based on cohort year of request) starting in FY 1999; 70 percent in FY 2000; 80 percent in FY 2001; and 90 percent FY 2002.

VII. ELECTRONIC APPLICATIONS AND SUBMISSIONS

The Agency shall develop and update its information management infrastructure to allow, by fiscal year 2002, the paperless receipt and processing of INDs and human drug applications, as defined in PDUFA, and related submissions.

VIII. ADDITIONAL PROCEDURES

A. Simplification of action letters

To simplify regulatory procedures, the CBER and the CDER intend to amend their regulations and processes to provide for the issuance of either an "approval" (AP) or a "complete response" (CR) action letter at the completion of a review cycle for a marketing application.

B. Timing of sponsor notification of deficiencies in applications

To help expedite the development of drug and biologic products, CBER and CDER intend to submit deficiencies to sponsors in the form of an "information request" (IR) letter when each discipline has finished its initial review of its section of the pending application.

IX. DEFINITIONS AND EXPLANATION OF TERMS

A. The term "review and act on" is understood to mean the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. A major amendment to an original application submitted within three months of the goal date extends the goal date by three months.

C. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

D. Class 1 resubmitted applications are applications resubmitted after a complete response letter (or a not approvable or approvable letter) that include the following items only (or combinations of these items):

1. Final printed labeling;
2. Draft labeling;
3. Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission);
4. Stability updates to support provisional or final dating periods;
5. Commitments to perform Phase 4 studies, including proposals for such studies;
6. Assay validation data;
7. Final release testing on the last 1-2 lots used to support approval;
8. A minor reanalysis of data previously submitted to the application (determined by the agency as fitting the Class 1 category);
9. Other minor clarifying information (determined by the Agency as fitting the Class 1 category); and
10. Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry.

E. Class 2 resubmissions are resubmissions that include any other items, including any item but would require presentation to an advisory committee.

F. A Type A Meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (a "critical path" meeting).

G. Type B Meeting is a (1) pre-IND, (2) end of Phase 1 (for Subpart E or Subpart H or similar products) or end of Phase 2/pre-Phase 3, or (3) a pre-NDA/PLA/BLA meeting. Each requestor should usually only request 1 each of these Type B meetings for each potential application (NDA/PLA/BLA) (or combination of closely related products, i.e., same active ingredient but different dosage forms being developed concurrently).

H. A Type C Meeting is any other type of meeting.

I. The performance goals and procedures also apply to original applications and supplements for human drugs initially marketed on an over-the-counter (OTC) basis through an NDA or switched from prescription to OTC status through an NDA or supplement.

Mr. BURR of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume. This is primarily a technical corrections bill to correct some provisions of the FDA reform bill that this House passed by voice on Sunday. This correction resolution does not change any of the underlying policies of the FDA legislation, nor does it make any new substantive policy changes.

Mr. Speaker, I ask for House support.

Mr. RUSH. Mr. Speaker, I am proud to speak today in support of the conference report to pass FDA reform legislation.

During the markup in the Commerce Committee of H.R. 1411, the Drug and Biological Products Modernization Act of 1997, I offered an amendment to the bill to ensure that women and members of minority and ethnic groups would be adequately represented in clinical trials of new drugs that are submitted to the Food and Drug Administration [FDA] for approval.

This amendment specifically directs the Secretary of Health and Human Services to consult with the National Institute of Health [NIH] to review and develop guidelines on the inclusion of women and minorities in clinical trials.

This important amendment was unanimously adopted by the committee by voice vote.

In passing H.R. 1411, the Committee engaged in a vigorous debate about the respective roles of government and the industry. We have heard a lot about how we must not sacrifice the public health and consumer safety by allowing faster approval of new drugs. In the same spirit, we must not lose sight of equity issues.

I congratulate Members on both sides of the aisle for working hundreds of hours to craft this bill. And staff, on both sides, are to be commended for their dedication to fine-tuning this landmark legislation.

I look forward to working with Members of Congress, the administration, and medical and consumer groups to help expand the inclusion of women and minorities in clinical trials.

I rise in strong support of the conference report and urge all Members to vote "yes" on this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. BURR of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. BURR] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 196.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985 RELATING TO CUSTOMS USER FEES

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3034) to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspectional personnel in connection with the arrival of passengers in Florida, and for other purposes.

The Clerk read as follows:

H.R. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDS FOR CUSTOMS INSPECTION PERSONNEL.

(a) ACCESS TO CUSTOMS USER FEE ACCOUNT.—Section 13031(f)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)(A)), is amended—

(1) in clause (i)(V), by striking "and" at the end;

(2) in clause (ii)—

(A) by striking "to make reimbursements" and inserting "after making reimbursements"; and

(B) by striking the period at the end and inserting ", and", and

(3) by inserting after clause (ii) the following:

"(iii) to the extent funds remain available after making reimbursements under clause (ii), in providing salaries for up to 50 full-time equivalent inspectional positions through September 30, 1998, that enhance customs services in connection with the arrival in Florida of passengers aboard commercial vessels, regardless of whether those passengers are required to pay fees under paragraphs (1) through (8) of subsection (a).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. SHAW] and the gentlewoman from Florida [Mrs. THURMAN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3034.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume. I rise today in support of H.R. 3034, a bill to preserve current funding for Customs inspections positions throughout the State of Florida. I am pleased that the bipartisan leadership of the Committee on Ways and Means has agreed to allow this time sensitive bill to come to the floor under suspension of the rules.

Mr. Speaker, this bill is needed to preserve Customs inspectional positions in Florida ports due to the fact that Customs' authority to access the Customs COBRA User Fee Account expired on September 30, 1997. The User Fee Account has a substantial surplus, and my bill would allow Customs limited access to pay the salary of Customs inspectors who process cruiseship passengers returning to Florida from the Caribbean Basin. My bill will allow Customs more than enough time to develop a long-term plan to continue processing the current level of cruiseship passengers, as well as expected future increases. As a longtime champion of the Customs Service and their fine work in south Florida, I am confident of their commitment to provide full service to the cruise ship industry which is so vital to the economy of my home State of Florida. Let me acknowledge that the Committee on Ways and Means will have to consider any extension or expansion of this temporary provision beyond September 30, 1998.

Mr. Speaker, enactment of the temporary measure in H.R. 3034 will ensure that the smooth flow of passengers at Florida's ports continue and that our State's vibrant cruise ship industry will not be damaged while a long-term solution is found. I urge my colleagues to support H.R. 3034.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS].

[Conference Report submitted by Mr. ROGERS is in Part I.]

Mrs. THURMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is going to address a critical situation for Florida's tourist industry. On September 30, the Customs Service lost authority to collect fees used to inspect cruise vessels traveling to the Caribbean island community. Customs has advised cruise ship companies in Florida that Customs will be unable to provide inspection service to vessels that will be starting cruises from Florida on or after December 1, 1997. Customs claims that the expiration of the user fee authority will require the reduction of inspectional positions in Florida. This bill prevents the loss of these positions and will ensure that tourists seeking to enjoy cruises in Florida this winter are not disappointed. Specifically the bill allows Customs to access the Customs user fee account to provide for up to 50 full-time inspectors. The account contains about $120 million, far more than the $1 million or so needed to maintain these positions.

I understand because of the expiration of the user fee authority, Customs intends to remove an additional 27 inspectors who provide similar services for cruise ships arriving at Long Beach, CA, and for the preclearance of aircraft passengers in Canada. I believe that the Committee on Ways and Means should work with the Customs Service to develop a long-term solution that ensures the continuation of inspection services for air and sea passengers and for all affected ports of entry.

I will work with the gentleman from Florida [Mr. SHAW] to correct this situation in 1998, but Congress must approve this legislation before we adjourn. If we do not, the cruise industry in Florida will be decimated this winter.

Finally, I want to thank the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means; the gentleman from New York [Mr. RANGEL], the ranking member; the gentleman from Illinois [Mr. CRANE] the chairman of the Subcommittee on Trade; and the gentleman from California [Mr. MATSUI] for their assistance, and certainly the gentleman from Florida [Mr. SHAW] for his advancement of this piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. DEUTSCH] who has many of these ports in his district.

Mr. DEUTSCH. Mr. Speaker, south Florida really is known as the cruise capital literally of the entire world. Because of the situation that we are in, unless we pass this legislation at this point in time, several ships that would be sailing from south Florida, or have plans to be sailing from south Florida during the winter season when we are in our break potentially would not be able to sail.

□ 1600

These are ships, multi-million-dollar ships. Probably more importantly, these are ships that have already advertised and collected money from hundreds of people, if not thousands of people, who are planning their vacations to go on these ships and, in fact, would have to cancel without this legislation.

It is a fair, appropriate piece of legislation in terms of funds that we need to use to have several, as was mentioned, a very few, customs officials because of the way the law is being interpreted. I talked with the customs commissioner himself about this, and again I want to thank the staff and the members of the committee for their help in this matter.

Mrs. THURMAN. Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased to rise in support of H.R. 3034 introduced by both

the gentleman from Florida [Mr. SHAW] and the gentleman from Illinois [Mr. CRANE], a measure that would allow the user fee account to be used for the Customs Service in the Florida area.

I just visited that region in Miami and was appalled to learn that 50 inspectional positions would help arriving vessels, cruise ships, in Florida which would inure some $1 million in revenue to the port, and because there is some shortsightedness here we have a limitation on customs inspectors, and I would hope that the Congress can join in this measure that would help alleviate that problem for the Florida ports so that ships could come in, so that the region could obtain that kind of revenue at a time when we are trying to enhance the economy throughout the Nation.

I think that this is an important measure, and I urge my colleagues to support it.

Mrs. THURMAN. Mr. Speaker, I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Very briefly, I would like to thank the gentleman from Texas [Mr. ARCHER] and the gentleman from Illinois [Mr. CRANE] as well as the ranking Democrat Members, the gentleman from California [Mr. MATSUI] and the gentleman from New York [Mr. RANGEL], for allowing this to come to the floor in this expedited procedure. This is a very important bill for Florida. I would also like to commend the gentlewoman from Florida [Mrs. THURMAN] and the gentleman from Florida [Mr. DEUTSCH] for their involvement in moving this bill along.

Mr. CRANE. Mr. Speaker, yesterday Mr. SHAW introduced H.R. 3034, a bill to allow the U.S. Customs Service limited and temporary access to the Customs COBRA User Fee Account to fund, through September 30, 1998, up to 50 inspectional positions for processing passengers arriving on commercial vessels—cruise ships—in Florida. As of September 30, 1997, Customs no longer collects user fees from passengers arriving from Canada, Mexico, and the Caribbean. Current law states that the funds can only be used to enhance inspectional service at ports if Customs COBRA User fees are collected. Thus, Customs may not use any money from the Customs COBRA User Fee Account to fund positions in those ports to enhance the inspection of passengers who arrive from Canada, Mexico, and the Caribbean.

As of September 30, 1997, fees are no longer collected from cruise ship passengers arriving in Florida from Caribbean countries. Therefore, Customs no longer has the authority to access the user fee account to pay for inspectional positions previously acquired in these Florida ports. Forty-three of these positions have been added in Florida ports where user fees had previously been collected from cruise ship passengers. Mr. SHAW's bill would give Customs limited access to the user fee account to fund these 43 positions, plus an additional 7 positions to account for any growth in the cruise ship industry in fiscal year 1998.

The bill has no pay-go impact because revenues to fund these inspectors would come from the Customs COBRA User Fee Account, under the current permanent, indefinite appropriation.

Mr. Speaker, I must emphasize three important points with regard to the decision of the Committee on Ways and Means to allow this bill to come to the floor under suspension of the rules. First, this is being done with the understanding that the committee will be treated without prejudice in the future as to its jurisdictional prerogatives on this or similar provisions. This bill should not be considered as precedent for consideration of matters of jurisdictional interest to the committee in the future. Second, the bill provides limited relief for the processing of cruise ship passengers in Florida only. The bill sets no precedent for providing Customs access to the Customs COBRA User Fee Account to fund inspectional positions for the processing of passengers arriving on commercial vessels arriving at any port of entry outside of Florida. Third, the committee's decision to allow the provision to be considered under suspension of the rules shall set no precedent for allowing additional access to the user fee account after fiscal year 1998. The Subcommittee on Trade intends to review several issues involving Customs user fees next year, including H.R. 2262, my bill to reform the overtime and nighttime pay reform system for Customs inspectors.

I would finally like to add that the Customs Service could fund these and other positions through its salaries and expenses account. The bill will therefore provide Customs additional time to develop a plan by which current and future cruise ship passengers can be processed as part of Customs ongoing commitment to process passengers as efficiently as possible. The bill will provide short-term relief for the cruise ship industry in Florida, the group most immediately impacted by Customs' failure to develop such a plan.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3034, a bill to allow the U.S. Customs Service limited and temporary access to the Customs COBRA User Fee Account to fund, through September 30, 1998, up to 50 inspectional positions for processing passengers arriving on commercial vessels in Florida.

Cutbacks in the U.S. Customs Service have threatened the voyages of numerous cruise ships in Florida, due to the fact that the Custom Service no longer has authority to access the user fee account to pay for inspectional positions.

H.R. 3034 will give Customs limited access to the user fee account to fund 43 positions, plus an additional 7 positions to account for any growth in the cruise ship industry in fiscal year 1998.

I applaud my colleague, the distinguished gentleman from Florida, Mr. SHAW, and commend him for his efforts to ensure the success of the cruise ship industry.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. SHAW] that the House suspend the rules and pass the bill, H.R. 3034.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JUSTICE FOR VICTIMS OF COMMUNISM ACT OF 1997

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3037) to clarify that unmarried children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program.

The Clerk read as follows:

H.R. 3037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for Victims of Communism Act of 1997".

SEC. 2. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-171) is amended—

(1) in subsection (a)—

(A) by striking 'For purposes' and inserting "Notwithstanding any other provision of law, for purposes", and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED—

"(1) IN GENERAL.—An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is or has been accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from North Carolina [Mr. WATT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Briefly, this is a bill which will extend and clarify an important State Department and Immigration and Naturalization Service authority that expired on September 30, 1997, which is

necessary to help protect the victims of communism.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH] for further explanation.

Mr. SMITH of New Jersey. Mr. Speaker, this authority was necessary for longtime reeducation camp victims who had been persecuted in Vietnam for their pro-U.S. associations to bring their unmarried children with them to the United States if these children have reached the age of 21 during their incarceration or the long wait for an exit visa from the Communist authorities. A member of these former prisoners of conscience have refused to leave Vietnam unless they can bring their children with them. These families are trapped in Vietnam until the provision is reauthorized.

I would just like to point out to the Members that extension of this authority has been endorsed by the administration, on the other side of the building Senators MCCAIN, ABRAHAM, and KENNEDY, and it has the bipartisan support of the gentleman from Illinois [Mr. HYDE], the gentleman from New York [Mr. GILMAN], and the gentleman from California [Mr. BERMAN], and I appreciate their cosponsorship of this legislation, and Mr. BERMAN and Mr. DAVIS, as a matter of fact, are additional cosponsors as well.

Mr. CANADY of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I rise in support of H.R. 3037. I do regret only that it has come up so quickly that many Members who would be here to speak in favor of it were not even aware that it was going to be brought up.

It is important that this country, who stood shoulder to shoulder, stood side by side and fighting communism in South Vietnam, stand yet again with those who have been the victims of torture and oppression subsequent to the fall of the South Vietnamese Government.

I know because of the many times that I have worked with refugees in California, trying to help their families away from the oppression, that people still face in Vietnam how important this measure is, and I commend the authors for jumping through I do not know how many legislative hoops to get it on this floor today.

I would also like to bring, because she was not aware it was going to be on the floor any more than I was before I got the call, that the gentlewoman from California [Ms. SANCHEZ] from Orange County and I recently held, with others, a human rights forum and study under the Human Rights Caucus, and the gentlewoman from California [Ms. SANCHEZ] and I learned firsthand from the testimony how important this measure is. And so I am sure I join with others, including my colleague from California, in urging support of this bill.

I thank the gentleman from North Carolina for allowing me to say these few words in support.

Mr. WATT of North Carolina. Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I have no further speakers. I do, however, ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I will be brief so as not to prolong this debate because I do not think there is anybody who opposes this bill. The bill serves a useful purpose of extending and clarifying an important State Department and INS authority that expired on September 30, 1997. This authority was necessary to allow longtime reeducation camp victims who have been persecuted in Vietnam for their pro-U.S. associations to bring their unmarried children with them to the United States if these children have reached the age of 21 during their incarceration or the long wait for an exit visa from the Communist authorities. A number of these former prisoners of conscience have refused to leave Vietnam unless they can bring their children. These families are trapped in Vietnam until this provision is reauthorized.

The extension of this authority has been endorsed by the Clinton administration, Senators MCCAIN, ABRAHAM, and KENNEDY, the gentleman from Illinois [Mr. HYDE], the gentleman from New York [Mr. GILMAN], the gentleman from California [Mr. BERMAN], and many others. As I say, there is no real objection to this bill.

I do want to raise one point, however, that I think can go unnoticed in the waning moments of a congressional session. This is a matter of immigration policy, and because this bill was just introduced, just dropped within the last minutes, the bill never has had a chance to go through the Subcommittee on Immigration and Claims of the Committee on the Judiciary, and so we continue to make somewhat haphazardly immigration policy in this country, and we yesterday on an appropriations bill made exceptions for Nicaraguans, Guatemalans, Salvadorans, other people from Communist countries, to be treated as refugees.

Under this bill, we make exceptions for some Vietnamese who obviously are very deserving, and the thing that is troubling is that we keep making these exceptions, all of which we support, but we keep leaving out the Haitians, which a number of people rose on the floor yesterday, especially Representatives from Florida, to try to see why we keep leaving out the Haitians, who really ought to be given an exception similar to the exceptions that we have given, we are giving, under this bill, that we gave under an appropriations bill to the Salvadorans, Guatemalans, and others yesterday.

Why do we keep leaving out the Haitians? And that question cries out for a response even though they are not people who oppose this particular bill. The question still is out there, why can we not find a bill and support for the Haitian people who came to this country under parole of Republican and Democratic Presidents, were given a status, and yet we are not dealing with them, we are ignoring them in the process of passing these bills?

So having expressed the procedural concern that we are haphazardly and kind of case-by-case making immigration policy without this bill having gone through the Subcommittee on Immigration and Claims or the Committee on the Judiciary, and having expressed a concern that nobody seems to be paying attention to the plight of the Haitians even though there is a bill which could just as easily be picked up and moved on the floor as this bill is being moved, I encourage my colleagues nonetheless to support this bill.

Mr. Speaker, I yield back the balance of my time.

□ 1615

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for his expression of support for the bill. I would encourage all Members to vote for this important bill, which will ensure that some people will be spared injustice if passed by the House today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CANADY] that the House suspend the rules and pass the bill, H.R. 3037.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. BATEMAN. Mr. Speaker, pursuant to H. Res. 314, I would like to announce that the following suspension is expected to be considered today:

H. Con. Res. 197, calling for the resignation or removal from office of Sara

E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs.

ARMY RESERVE-NATIONAL GUARD EQUITY REIMBURSEMENT ACT

Mr. BATEMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2796) to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning October 1, 1996, and ending on May 31, 1997, as amended.

The Clerk read as follows:

H.R. 2796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Army Reserve-National Guard Equity Reimbursement Act".

SEC. 2. REIMBURSEMENT OF MEMBERS OF THE ARMY DEPLOYED IN EUROPE IN SUPPORT OF BOSNIA OPERATIONS FOR OUT-OF-POCKET EXPENSES INCURRED TO TRANSPORT PERSONAL PROPERTY.

(a) REIMBURSEMENT AUTHORIZED.—The Secretary of the Army may reimburse an individual described in subsection (b) for expenses incurred by that individual while a member of the Army for shipment of personal property of the individual to or from Europe during the period beginning on October 1, 1996, and ending on May 31, 1997, if the shipment of the personal property, if made on June 1, 1997, would have been covered by a temporary change of station weight allowance for shipment of personal property authorized by the Department of the Army. Such reimbursement shall be made from amounts available as of the date of the enactment of this section for the payment of the temporary change of station weight allowance.

(b) COVERED INDIVIDUALS.—An individual referred to in subsection (a) is an individual who, as a member of the Army during the period beginning on October 1, 1996, and ending on May 31, 1997, was deployed from the United States to Europe in support of operations in Bosnia or reassigned from Europe to United States upon the completion of such deployment, or both, under travel orders that did not authorize a temporary change of station weight allowance for shipment of personal property of the member.

The SPEAKER pro tempore [Mr. SNOWBARGER]. Pursuant to the rule, the gentleman from Virginia [Mr. BATEMAN] and the gentleman from California [Mr. DELLUMS] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2796 would not direct, but would indeed authorize reimbursement for certain out-of-pocket expenses incurred by certain members of the United States Army who were deployed to Europe in support of the Bosnian operations in late 1996.

The bill has been amended from the introduced version to more clearly specify who in the Army is eligible for such reimbursement if the Secretary of the Army elects to exercise its authority.

The Army supports this initiative, and I am not aware of any controversy at this time associated with the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today, H.R. 2796, is an example of what I and more than 50 of our colleagues consider good governmental legislation. This bill will correct a gross inequity that impacts upon approximately 4,200 of our Army Reserve and National Guard personnel who are deployed in Europe in support of our operations in Bosnia.

It will provide the necessary statutory authority for the Army to reimburse those soldiers, who had to take money out of their pockets to pay for shipment of personnel items, which the Army has paid for in the past and has started to pay for again.

I am especially pleased that this legislation has been developed at the request of the Department, in that it demonstrates their sincere concern for the welfare of the junior grade enlisted personnel who are the intended beneficiaries of this legislation.

Further, Mr. Speaker, I am pleased to be the cosponsor of this bill, and I would like at this time to extend my congratulations to my distinguished colleague, the gentlewoman from North Carolina [Mrs. CLAYTON], for persisting in this effort. I underscore for emphasis "persisting in this effort."

Mr. Speaker, the distinguished gentlewoman brought this matter to my attention several weeks ago. We were not able to address this matter in the normal course of events in the context of the conference report that was the vehicle for our fiscal year 1998 defense authorization bill, but were able to do it in this context.

Mr. Speaker, the gentlewoman, as I said, brought this matter to my attention and worked with great diligence to bring us to this moment. I again congratulate the gentlewoman and loudly applaud her for her efforts on behalf of the 4,200 men and women of our Army Reserves and National Guard.

Mr. DELLUMS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON]

Mrs. CLAYTON. Mr. Speaker, I also want to commend both sides of the House, both the majority and the minority on this issue, for allowing this to come up. I want to pay particular attention to the care and attention and the direction that the gentleman from California [Mr. DELLUMS] gave to this issue, and thank the gentleman from Virginia [Mr. BATEMAN] for leading this effort on his side. We would not be here unless there was cooperation on both sides. I want to acknowledge that.

This issue came to me because 125 National Guardsmen in eastern North Carolina had experience going at the direction of their country, serving their country they thought well, but also having to pay for that engagement. What it meant was they had to pay for the shipment of their personal goods back to the United States.

Here before, military personnel would be reimbursed for the shipment of their personal goods. Why? Because there had been an administrative change or policy change within the administration of the Pentagon.

When we brought that to them, they said unless we actually sought legislative remedy, they could not make this correction, which we thought was an issue of fairness for the 125 military personnel in eastern North Carolina. We did it for the whole. So this particular legislation now is going to enable more than 4,200 individuals to be reimbursed, as they should be, for the transfer of their personal goods back home.

I think it is an issue of fairness; I think it is an issue of respect, the respect we have traditionally given our military, that if they incur expenses, certainly we ought to reimburse them.

Also I think it is an issue of respect for our junior personnel, because oftentimes we forget they, too, have expenses that they seem to think are big. $400 or $500 may not be big to us, but for junior personnel it is indeed an expense item that they would like to have reimbursed.

Again, Mr. Speaker, I want to thank everyone involved in this, all of the members of this committee, because 125 people in eastern North Carolina will be delighted to know now they can be reimbursed. I suspect the 4,200 personnel across the country are appreciative for this Congress correcting what was an injustice to them.

Mr. Speaker, I thank the gentleman for yielding me time, and thank the gentleman from California [Mr. DELLUMS] for his leadership.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I thank the gentleman from California for yielding me time.

Mr. Speaker, let me take this opportunity to congratulate the gentlewoman from North Carolina for a matter of paying attention to people she represents and trying to heal their financial reverses as a result of serving our Nation as Members of the National Guard. She not only helps them, but helps National Guardsmen all over the country. We thank the gentlewoman, from Missouri National Guardsmen, and, I know as well, from other Members across our country.

I have had, Mr. Speaker, the opportunity to visit with American National Guardsmen in Europe, in Germany, in Bosnia and in Hungary. They serve well, and they serve ably. In the process they are giving up a great deal. They are away from their homes, they are away from their work, they are away from their family, and they are serving as honorably as anyone in uniform.

For us not to pass this piece of legislation that makes them whole financially and on reimbursement for items they necessarily had to purchase in Europe would be a mistake. So I wholeheartedly support the effort of the gentlewoman from North Carolina [Mrs. CLAYTON], and the gentleman from California, as well as the gentleman from Virginia.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. MCHALE].

Mr. MCHALE. Mr. Speaker, I, too, thank the gentleman from California for yielding me this time.

Mr. Speaker, I want to point out this is really an extremely important effort on behalf of our Army and National Guard participating soldiers. The gentlewoman from North Carolina [Mrs. CLAYTON] has stepped forward today with a piece of legislation that will be very important to 4,206 Army Reserve and National Guard soldiers who, unfortunately, because of an administrative error, were not given the proper reimbursement on the shipment of personal goods.

This really goes beyond the shipment of personal items. The Representative from North Carolina [Mrs. CLAYTON] recognizes when these troops deploy to and from an overseas mission, they deserve to get a level of equity which, unfortunately, was not provided in this case.

There are no second-class soldiers in the United States Army. This corrects that inequity. It is, in fact, the Army Reserve-National Guard Equity Reimbursement Act, and I strongly urge my colleagues on both sides of the aisle to support the legislation.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to join the long list of people commending the gentlewoman from North Carolina [Mrs. CLAYTON] for bringing this to our attention.

Over 4,200 reservists will be affected in their pocketbooks by this. They do not make much money. Most of them volunteered to go to Bosnia. Some of them were involuntarily called up. All of them took a pay cut, in all probability, to serve their country. So it is very important that, where we can and when we can, we see to it that they incur no unnecessary expense in doing so.

Mr. Speaker, I want to commend the gentlewoman from North Carolina [Mrs. CLAYTON] for bringing this to our attention. I want to commend the gentleman from Indiana [Mr. BUYER] and the gentleman from Virginia [Mr. BATEMAN] for allowing this to come to the floor today. We are definitely doing the best thing for those people in uniform.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply like to conclude by indicating that I would have liked very much for this matter to have been dealt with in the context of the conference report that accompanied the defense authorization for fiscal year 1998. In that regard, this would, in a few short days perhaps, have been signed into law. But I am pleased we are at least taking this step.

My hope is by the House of Representatives taking this step, we will have sent the appropriate signal to the other body to act with dispatch on this matter that cries out for equity and cries out for action.

Mr. Speaker, I yield back the balance of my time.

Mr. BATEMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I thank the chairman of the Subcommittee on Military Readiness for yielding me this time.

Mr. Speaker, I rise in strong support of the legislation to correct these errors with regard to our troops. This is really basically, my colleagues, support-the-troops legislation.

This legislation corrects a problem created earlier this year when, due to an administrative change in Army policy, reservists deployed to Bosnia were forced to pay out of their own pocket to ship their personal goods home at the completion of their tour. Most of the reservists called for the second rotation to Bosnia were affected by this change.

This matter came to the attention of the authorizing Committee on National Security really too late to deal with this issue effectively in the defense bill this year.

I compliment the gentlewoman from North Carolina [Mrs. CLAYTON] for bringing this to everyone's attention. I am disappointed that the Assistant Secretary of the Army for Manpower and Reserve affairs, Ms. Sara Lister, would not have brought this immediately to the Committee on National Security's attention. I know she brought this in response to your inquiry, but I wish she had brought it right to the authorizing committee. Perhaps, if she is listening, she is going to get that warning order.

I urge my colleagues to support the legislation. The troops can be reimbursed in a timely fashion for their selfless service to their country. I agree with the ranking member that hopefully the Senate will take this up immediately.

Mr. BATEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me add in conclusion my thanks and compliments to the gentlewoman from North Carolina [Mrs. CLAYTON] for having determined that there was this problem and having brought it to our attention in order that we could address the problem, one which definitely needed to be addressed and which I am happy to have cooperated in having the House hopefully pass in the next minute.

I hope also the Senate will take action on this and the President will sign it in order that we can have the authority for these troops to be paid that which they deserve.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BATEMAN] that the House suspend the rules and pass the bill, H.R. 2796, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1630

AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, as amended.

The Clerk read as follows:

S. 738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Amtrak Reform and Accountability Act of 1997".

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of sections.
Sec. 2. Findings.
TITLE I—REFORMS
SUBTITLE A—OPERATIONAL REFORMS
Sec. 101. Basic system.
Sec. 102. Mail, express, and auto-ferry transportation.

Sec. 103. Route and service criteria.
Sec. 104. Additional qualifying routes.
Sec. 105. Transportation requested by States, authorities, and other persons.
Sec. 106. Amtrak commuter.
Sec. 107. Through service in conjunction with intercity bus operations.
Sec. 108. Rail and motor carrier passenger service.
Sec. 109. Passenger choice.
Sec. 110. Application of certain laws.
SUBTITLE B—PROCUREMENT
Sec. 121. Contracting out.
SUBTITLE C—EMPLOYEE PROTECTION REFORMS
Sec. 141. Railway Labor Act Procedures.
Sec. 142. Service discontinuance.
SUBTITLE D—USE OF RAILROAD FACILITIES
Sec. 161. Liability limitation.
Sec. 162. Retention of facilities.
TITLE II—FISCAL ACCOUNTABILITY
Sec. 201. Amtrak financial goals.
Sec. 202. Independent assessment.
Sec. 203. Amtrak Reform Council.
Sec. 204. Sunset trigger.
Sec. 205. Senate procedure for consideration of restructuring and liquidation plans.
Sec. 206. Access to records and accounts.
Sec. 207. Officers' pay.
Sec. 208. Exemption from taxes.
Sec. 209. Limitation on use of tax refund.
TITLE III—AUTHORIZATION OF APPROPRIATIONS
Sec. 301. Authorization of appropriations.
TITLE IV—MISCELLANEOUS
Sec. 401. Status and applicable laws.
Sec. 402. Waste disposal.
Sec. 403. Assistance for upgrading facilities.
Sec. 404. Demonstration of new technology.
Sec. 405. Program master plan for Boston-New York main line.
Sec. 406. Americans with Disabilities Act of 1990.
Sec. 407. Definitions.
Sec. 408. Northeast Corridor cost dispute.
Sec. 409. Inspector General Act of 1978 amendment.
Sec. 410. Interstate rail compacts.
Sec. 411. Board of Directors.
Sec. 412. Educational participation.
Sec. 413. Report to Congress on Amtrak bankruptcy.
Sec. 414. Amtrak to notify Congress of lobbying relationships.
Sec. 415. Financial powers.

SEC. 2. FINDINGS.

The Congress finds that—

(1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;

(2) Amtrak is facing a financial crisis, with growing and substantial debt obligations severely limiting its ability to cover operating costs and jeopardizing its long-term viability;

(3) immediate action is required to improve Amtrak's financial condition if Amtrak is to survive;

(4) all of Amtrak's stakeholders, including labor, management, and the Federal government, must participate in efforts to reduce Amtrak's costs and increase its revenues;

(5) additional flexibility is needed to allow Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;

(6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;

(7) Amtrak's management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak;

(8) Amtrak and its employees should proceed quickly with proposals to modify collective bargaining agreements to make more efficient use of manpower and to realize cost savings which are necessary to reduce Federal financial assistance;

(9) Amtrak and intercity bus service providers should work cooperatively and develop coordinated intermodal relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies;

(10) Amtrak's Strategic Business Plan calls for the establishment of a dedicated source of capital funding for Amtrak in order to ensure that Amtrak will be able to fulfill the goals of maintaining—

(A) a national passenger rail system; and

(B) that system without Federal operating assistance; and

(11) Federal financial assistance to cover operating losses incurred by Amtrak should be eliminated by the year 2002.

TITLE I—REFORMS

Subtitle A—Operational Reforms

SEC. 101. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—(1) Section 24701 is amended to read as follows:

"§ 24701. National rail passenger transportation system

"Amtrak shall operate a national rail passenger transportation system which ties together existing and emergent regional rail passenger service and other intermodal passenger service.".

(2) The item relating to section 24701 in the table of sections of chapter 247 is amended to read as follows:

"24701. National rail passenger transportation system.".

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 and the item relating thereto in the table of sections for chapter 247 are repealed.

(c) DISCONTINUANCE.—Section 24706 is amended—

(1) by striking "90 days" and inserting "180 days" in subsection (a)(1);

(2) by striking "24707(a) or (b) of this title," in subsection (a)(1) and inserting "or discontinuing service over a route,";

(3) by inserting "or assume" after "agree to share" in subsection (a)(1);

(4) by striking "section 24707(a) or (b) of this title" in subsection (a)(2) and inserting "paragraph (1)"; and

(5) by striking "section 24707(a) or (b) of this title" in subsection (b)(1) and inserting "subsection (a)(1)".

(d) COST AND PERFORMANCE REVIEW.—Section 24707 and the item relating thereto in the table of sections for chapter 247 are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 and the item relating thereto in the table of sections for chapter 247 are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) is amended by striking ", 24701(a),".

SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) REPEAL.—Section 24306 is amended—

(1) by striking the last sentence of subsection (a); and

(2) by striking subsection (b) and inserting the following:

"(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.—State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.".

SEC. 103. ROUTE AND SERVICE CRITERIA.

Section 24703 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 104. ADDITIONAL QUALIFYING ROUTES.

Section 24705 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 105. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

(a) REPEAL.—Section 24704 and the item relating thereto in the table of sections of chapter 247 are repealed.

(b) STATE, REGIONAL, AND LOCAL COOPERATION.—Section 24101(c)(2) is amended by inserting ", separately or in combination," after "and the private sector".

(c) CONFORMING AMENDMENT.—Section 24312(a)(1) is amended by striking "or 24704(b)(2)".

SEC. 106. AMTRAK COMMUTER.

(a) REPEAL OF CHAPTER 245.—Chapter 245 and the item relating thereto in the table of chapters for subtitle V of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24301(f) is amended to read as follows:

"(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.".

(c) TRACKAGE RIGHTS NOT AFFECTED.—The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities.

SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.

(a) IN GENERAL.—Section 24305(a) is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

"(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;

"(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

"(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

"(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.".

(b) POLICY STATEMENT.—Section 24305(d) is amended by adding at the end the following new paragraph:

"(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in sections 11322 and 14302 of this title for the purpose of providing improved service to the public and economy of operation.".

SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.

(a) IN GENERAL.—Notwithstanding any other provision of law (other than section 24305(a)(3) of title 49, United States Code), Amtrak and motor carriers of passengers are authorized—

(1) to combine or package their respective services and facilities to the public as a means of increasing revenues; and

(2) to coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

(b) REVIEW.—The authority granted by subsection (a) is subject to review by the Surface Transportation Board and may be modified or revoked by the Board if modification or revocation is in the public interest.

SEC. 109. PASSENGER CHOICE.

Federal employees are authorized to travel on Amtrak for official business where total travel cost from office to office is competitive on a total trip or time basis.

SEC. 110. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION OF FOIA.—Section 24301(e) is amended by adding at the end thereof the following: "Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.".

(b) APPLICATION OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT.—Section 303B(m) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(m)) applies to a proposal in the possession or control of Amtrak.

Subtitle B—Procurement

SEC. 121. CONTRACTING OUT.

(a) REPEAL OF BAN ON CONTRACTING OUT.—Section 24312 is amended—

(1) by striking subsection (b);

(2) by striking "(1)" in subsection (a); and

(3) by striking "(2) Wage" in subsection (a) and inserting "(b) WAGE RATES.—Wage".

(b) AMENDMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENT.—

(1) CONTRACTING OUT.—Any collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees before the date of enactment of this Act is deemed amended to include the language of section 24312(b) of title 49, United States Code, as that section existed on the day before the effective date of the amendments made by subsection (a).

(2) ENFORCEABILITY OF AMENDMENT.—The amendment to any such collective bargaining agreement deemed to be made by paragraph (1) of this subsection is binding on all parties to the agreement and has the same effect as if arrived at by agreement of the parties under the Railway Labor Act.

(c) CONTRACTING-OUT ISSUES TO BE INCLUDED IN NEGOTIATIONS.—Proposals on the subject matter of contracting out work, other than work related to food and beverage service, which results in the layoff of an Amtrak employee—

(1) shall be included in negotiations under section 6 of the Railway Labor Act (45 U.S.C. 156) between Amtrak and an organization representing Amtrak employees, which shall be commenced by—

(A) the date on which labor agreements under negotiation on the date of enactment of this Act may be re-opened; or

(B) November 1, 1999,

whichever is earlier;

(2) may, at the mutual election of Amtrak and an organization representing Amtrak employees, be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act; and

(3) may not be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act, unless both Amtrak and the organization representing Amtrak employees agree to include it in the negotiation.

No contract between Amtrak and an organization representing Amtrak employees, that is under negotiation on the date of enactment of this Act, may contain a moratorium that extends more than 5 years from the date of expiration of the last moratorium.

(d) NO INFERENCE.—The amendment made by subsection (a)(1) is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.

Subtitle C—Employee Protection Reforms

SEC. 141. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to employee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.

(d) DISPUTE RESOLUTION.—(1) With respect to the dispute described in subsection (a) which—

(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c),

Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board shall immediately select such individual.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad.

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

(e) NO PRECEDENT FOR FREIGHT.—Nothing in this Act, or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees and mass transportation employees as it existed on the day before the date of enactment of this Act.

SEC. 142. SERVICE DISCONTINUANCE.

(a) REPEAL.—Section 24706(c) is repealed.

(b) EXISTING CONTRACTS.—Any provision of a contract entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

(c) SPECIAL EFFECTIVE DATE.—Subsections (a) and (b) of this section shall take effect 180 days after the date of the enactment of this Act.

(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

Subtitle D—Use of Railroad Facilities

SEC. 161. LIABILITY LIMITATION.

(a) IN GENERAL.—Chapter 281 is amended by adding at the end the following new section:

"§ 28103. Limitations on rail passenger transportation liability

"(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury to a passenger, death of a passenger, or damage to property of a passenger arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State, punitive damages, to the extent permitted by applicable State law, may be awarded in connection with any such claim only if the plaintiff establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct carried out by the defendant with a conscious, flagrant indifference to the rights or safety of others. If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, this paragraph shall not apply.

"(2) The aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident, shall not exceed $200,000,000.

"(b) CONTRACTUAL OBLIGATIONS.—A provider of rail passenger transportation may enter into contracts that allocate financial responsibility for claims.

"(c) MANDATORY COVERAGE.—Amtrak shall maintain a total minimum liability coverage for claims through insurance and self-insurance of at least $200,000,000 per accident or incident.

"(d) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as the 'Federal Employers' Liability Act') or under any workers compensation Act.

"(e) DEFINITION.—For purposes of this section—

"(1) the term 'claim' means a claim made—

"(A) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State; or

"(B) against an officer, employee, affiliate engaged in railroad operations, or agent, of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;

"(2) the term 'punitive damages' means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future; and

"(3) the term 'rail carrier' includes a person providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 281 is amended by adding at the end the following new item:

"28103. Limitations on rail passenger transportation liability.".

SEC. 162. RETENTION OF FACILITIES.

Section 24309(b) is amended by inserting "or on January 1, 1997," after "1979,".

TITLE II—FISCAL ACCOUNTABILITY

SEC. 201. AMTRAK FINANCIAL GOALS.

Section 24101(d) is amended by adding at the end thereof the following: "Amtrak shall prepare a financial plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002. Commencing no later than the fiscal year following the fifth anniversary of the Amtrak Reform and Accountability Act of 1997, Amtrak shall operate without Federal operating grant funds appropriated for its benefit.".

SEC. 202. INDEPENDENT ASSESSMENT.

(a) INITIATION.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak and not in any contractual relationship with Amtrak, and independent of the Department of Transportation, to conduct a complete independent assessment of the financial requirements of Amtrak through fiscal year 2002. The entity shall have demonstrated knowledge about railroad industry accounting requirements, including the uniqueness of the industry and of Surface Transportation Board accounting requirements. The Department of Transportation, Office of Inspector General, shall approve the entity's statement of work and the award and shall oversee the contract. In carrying out its responsibilities under the preceding sentence, the Inspector General's Office shall perform such overview and validation or verification of data as may be necessary to assure that the assessment conducted under this subsection meets the requirements of this section.

(b) ASSESSMENT CRITERIA.—The Secretary and Amtrak shall provide to the independent entity estimates of the financial requirements of Amtrak for the period described in subsection (a), using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak's funding needs.

(c) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including Amtrak's—

(1) cost allocation process and procedures;

(2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides;

(3) Strategic Business Plan, including Amtrak's projected expenses, capital needs, ridership, and revenue forecasts; and

(4) assets and liabilities.

For purposes of paragraph (3), in the capital needs part of its Strategic Business Plan Amtrak shall distinguish between that portion of the capital required for the Northeast Corridor and that required outside the Northeast Corridor, and shall include rolling stock requirements, including capital leases, "state of good repair" requirements, and infrastructure improvements.

(d) BIDDING PRACTICES.—

(1) STUDY.—The independent assessment also shall determine whether, and to what extent, Amtrak has performed each year during the period from 1992 through 1996 services under contract at amounts less than the cost to Amtrak of performing such services with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation. For purposes of this clause, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting. If identified, such contracts shall be detailed in the report of the independent assessment, as well as the methodology for preparation of bids to reflect Amtrak's actual cost of performance.

(2) REFORM.—If the independent assessment performed under this subparagraph reveals that Amtrak has performed services under contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation, then Amtrak shall revise its methodology for preparation of bids to reflect its cost of performance.

(e) DEADLINE.—The independent assessment shall be completed not later than 180 days after the contract is awarded, and shall be submitted to the Council established under section 203, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

SEC. 203. AMTRAK REFORM COUNCIL.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Amtrak Reform Council.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of 11 members, as follows:

(A) The Secretary of Transportation.

(B) Two individuals appointed by the President, of which—

(i) one shall be a representative of a rail labor organization; and

(ii) one shall be a representative of rail management.

(C) Three individuals appointed by the Majority Leader of the United States Senate.

(D) One individual appointed by the Minority Leader of the United States Senate.

(E) Three individuals appointed by the Speaker of the United States House of Representatives.

(F) One individual appointed by the Minority Leader of the United States House of Representatives.

(2) APPOINTMENT CRITERIA.—

(A) TIME FOR INITIAL APPOINTMENTS.—Appointments under paragraph (1) shall be made within 30 days after the date of enactment of this Act.

(B) EXPERTISE.—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—

(i) may not be employees of the United States;

(ii) may not be board members or employees of Amtrak;

(iii) may not be representatives of rail labor organizations or rail management; and

(iv) shall have technical qualifications, professional standing, and demonstrated expertise in the field of corporate management, finance, rail or other transportation operations, labor, economics, or the law, or other areas of expertise relevant to the Council.

(3) TERM.—Members shall serve for terms of 5 years. If a vacancy occurs other than by the expiration of a term, the individual appointed to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual's predecessor was appointed.

(4) CHAIRMAN.—The Council shall elect a chairman from among its membership within 15 days after the earlier of—

(A) the date on which all members of the Council have been appointed under paragraph (2)(A); or

(B) 45 days after the date of enactment of this Act.

(5) MAJORITY REQUIRED FOR ACTION.—A majority of the members of the Council present and voting is required for the Council to take action. No person shall be elected chairman of the Council who receives fewer than 5 votes.

(c) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to carry out its duties under this section.

(d) TRAVEL EXPENSES.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

(e) MEETINGS.—Each meeting of the Council, other than a meeting at which proprietary information is to be discussed, shall be open to the public.

(f) ACCESS TO INFORMATION.—Amtrak shall make available to the Council all information the Council requires to carry out its duties under this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection that is a trade secret or commercial or financial information that is privileged or confidential.

(g) DUTIES.—

(1) EVALUATION AND RECOMMENDATION.—The Council shall—

(A) evaluate Amtrak's performance; and

(B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms.

(2) SPECIFIC CONSIDERATIONS.—In making its evaluation and recommendations under paragraph (1), the Council shall consider all relevant performance factors, including—

(A) Amtrak's operation as a national passenger rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

(B) appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles; and

(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.

(3) MONITOR WORK-RULE SAVINGS.—If, after January 1, 1997, Amtrak enters into an agreement involving work-rules intended to achieve savings with an organization representing Amtrak employees, then Amtrak shall report quarterly to the Council—

(A) the savings realized as a result of the agreement; and

(B) how the savings are allocated.

(h) ANNUAL REPORT.—Each year before the fifth anniversary of the date of enactment of this Act, the Council shall submit to the Congress a report that includes an assessment of—

(1) Amtrak's progress on the resolution of productivity issues; or

(2) the status of those productivity issues,

and makes recommendations for improvements and for any changes in law it believes to be necessary or appropriate.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the

Council such sums as may be necessary to enable the Council to carry out its duties.

SEC. 204. SUNSET TRIGGER.

(a) IN GENERAL.—If at any time more than 2 years after the date of enactment of this Act and implementation of the financial plan referred to in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act, the Amtrak Reform Council finds that—

(1) Amtrak's business performance will prevent it from meeting the financial goals set forth in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act; or

(2) Amtrak will require operating grant funds after the fifth anniversary of the date of enactment of this Act,

then the Council shall immediately notify the President, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(b) FACTORS CONSIDERED.—In making a finding under subsection (a), the Council shall take into account—

(1) Amtrak's performance;

(2) the findings of the independent assessment conducted under section 202;

(3) the level of Federal funds made available for carrying out the financial plan referred to in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act; and

(4) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

(c) ACTION PLAN.—Within 90 days after the Council makes a finding under subsection (a)—

(1) it shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system; and

(2) Amtrak shall develop and submit to the Congress an action plan for the complete liquidation of Amtrak, after having the plan reviewed by the Inspector General of the Department of Transportation and the General Accounting Office for accuracy and reasonableness.

SEC. 205. SENATE PROCEDURE FOR CONSIDERATION OF RESTRUCTURING AND LIQUIDATION PLANS.

(a) IN GENERAL.—If, within 90 days (not counting any day on which either House is not in session) after a restructuring plan is submitted to the House of Representatives and the Senate by the Amtrak Reform Council under section 204 of this Act, an implementing Act with respect to a restructuring plan (without regard to whether it is the plan submitted) has not been passed by the Congress, then a liquidation disapproval resolution shall be introduced in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. The liquidation disapproval resolution shall be held at the desk at the request of the Presiding Officer.

(b) CONSIDERATION IN THE SENATE.—

(1) REFERRAL AND REPORTING.—A liquidation disapproval resolution introduced in the Senate shall be placed directly and immediately on the Calendar.

(2) IMPLEMENTING RESOLUTION FROM HOUSE.—When the Senate receives from the House of Representatives a liquidation disapproval resolution, the resolution shall not be referred to committee and shall be placed on the Calendar.

(3) CONSIDERATION OF SINGLE LIQUIDATION DISAPPROVAL RESOLUTION.—After the Senate has proceeded to the consideration of a liquidation disapproval resolution under this subsection, then no other liquidation disapproval resolution originating in that same House shall be subject to the procedures set forth in this section.

(4) AMENDMENTS.—No amendment to the resolution is in order except an amendment that is relevant to liquidation of Amtrak. Consideration of the resolution for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except for perfecting amendments.

(5) MOTION NONDEBATABLE.—A motion to proceed to consideration of a liquidation disapproval resolution under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

(6) LIMIT ON CONSIDERATION.—

(A) After no more than 20 hours of consideration of a liquidation disapproval resolution, the Senate shall proceed, without intervening action or debate (except as permitted under paragraph (9)), to vote on the final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or table.

(B) The time for debate on the liquidation disapproval resolution shall be equally divided between the Majority Leader and the Minority Leader or their designees.

(7) DEBATE OF AMENDMENTS.—Debate on any amendment to a liquidation disapproval resolution shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

(8) NO MOTION TO RECOMMIT.—A motion to recommit a liquidation disapproval resolution shall not be in order.

(9) DISPOSITION OF SENATE RESOLUTION.—If the Senate has read for the third time a liquidation disapproval resolution that originated in the Senate, then it shall be in order at any time thereafter to move to proceed to the consideration of a liquidation disapproval resolution for the same special message received from the House of Representatives and placed on the Calendar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the Senate liquidation disapproval resolution, agree to the Senate amendment, and vote on final disposition of the House liquidation disapproval resolution, all without any intervening action or debate.

(10) CONSIDERATION OF HOUSE MESSAGE.—Consideration in the Senate of all motions, amendments, or appeals necessary to dispose of a message from the House of Representatives on a liquidation disapproval resolution shall be limited to not more than 4 hours. Debate on each motion or amendment shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, amendment, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

(c) CONSIDERATION IN CONFERENCE.—

(1) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to a liquidation disapproval resolution passed by both Houses, conferees should be promptly appointed and a conference promptly convened, if necessary.

(2) SENATE CONSIDERATION.—Consideration in the Senate of the conference report and any amendments in disagreement on a liquidation disapproval resolution shall be limited to not more than 4 hours equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit the conference report is not in order.

(d) DEFINITIONS.—For purposes of this section—

(1) LIQUIDATION DISAPPROVAL RESOLUTION.—The term "liquidation disapproval resolution" means only a resolution of either House of Congress which is introduced as provided in subsection (a) with respect to the liquidation of Amtrak.

(2) RESTRUCTURING PLAN.—The term "restructuring plan" means a plan to provide for a restructured and rationalized national intercity rail passenger transportation system.

(e) RULES OF SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a liquidation disapproval resolution; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 206. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 is amended by adding at the end the following new subsection:

"(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.".

SEC. 207. OFFICERS' PAY.

Section 24303(b) is amended by adding at the end the following: "The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak.".

SEC. 208. EXEMPTION FROM TAXES.

Section 24301(l)(1) is amended—

(1) by striking so much as precedes "exempt from a tax" and inserting the following:

"(1) IN GENERAL.—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are";

(2) by striking "tax or fee imposed" and all that follows through "levied on it" and inserting "tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom"; and

(3) by amending the last sentence thereof to read as follows: "In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.".

SEC. 209. LIMITATION ON USE OF TAX REFUND.

(a) IN GENERAL.—Amtrak may not use any amount received under section 977 of the Taxpayer Relief Act of 1997—

(1) for any purpose other than making payments to non-Amtrak States (pursuant to section 977(c) of that Act), or the financing of qualified expenses (as that term is defined in section 977(e)(1) of that Act); or

(2) to offset other amounts used for any purpose other than the financing of such expenses.

(b) REPORT BY ARC.—The Amtrak Reform Council shall report quarterly to the Congress on the use of amounts received by Amtrak under section 977 of the Taxpayer Relief Act of 1997.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) AMENDMENT.—Section 24104(a) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation—

"(1) $1,138,000,000 for fiscal year 1998;

"(2) $1,058,000,000 for fiscal year 1999;

"(3) $1,023,000,000 for fiscal year 2000;

"(4) $989,000,000 for fiscal year 2001; and

"(5) $955,000,000 for fiscal year 2002,

for the benefit of Amtrak for capital expenditures under chapters 243, 247, and 249 of this title, operating expenses, and payments described in subsection (c)(1)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabilities under section 3221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their beneficiaries.".

(b) AMTRAK REFORM LEGISLATION.—This Act constitutes Amtrak reform legislation within the meaning of section 977(f)(1) of the Taxpayer Relief Act of 1997.

TITLE IV—MISCELLANEOUS

SEC. 401. STATUS AND APPLICABLE LAWS.

Section 24301 is amended—

(1) by striking "rail carrier under section 10102" in subsection (a)(1) and inserting "railroad carrier under section 20102(2) and chapters 261 and 281"; and

(2) by amending subsection (c) to read as follows:

"(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.".

SEC. 402. WASTE DISPOSAL.

Section 24301(m)(1)(A) is amended by striking "1996" and inserting "2001".

SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) REPEAL.—Section 24903 is repealed and the table of sections for chapter 249 is amended by striking the item relating to that section.

(b) CONFORMING AMENDMENTS.—

(1) Section 24902 is amended—

(A) by striking subsections (a), (c), and (d) and redesignating subsection (b) as subsection (a) and subsections (e) through (m) as subsections (b) through (j), respectively; and

(B) in subsection (j), as so redesignated by subparagraph (A) of this paragraph, by striking "(m)".

(2) Section 24904(a) is amended—

(A) by inserting "and" at the end of paragraph (6);

(B) by striking "; and" at the end of paragraph (7) and inserting a period; and

(C) by striking paragraph (8).

SEC. 406. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—

(1) ACCESS IMPROVEMENTS AT CERTAIN SHARED STATIONS.—Amtrak is responsible for its share, if any, of the costs of accessibility improvements required by the Americans With Disabilities Act of 1990 at any station jointly used by Amtrak and a commuter authority.

(2) CERTAIN REQUIREMENTS NOT TO APPLY UNTIL 1998.—Amtrak shall not be subject to any requirement under subsection (a)(1), (a)(3), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1998.

(b) CONFORMING AMENDMENT.—Section 24307 is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 407. DEFINITIONS.

Section 24102 is amended—

(1) by striking paragraphs (2) and (11);

(2) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively; and

(3) by inserting ", including a unit of State or local government," after "means a person" in paragraph (7), as so redesignated.

SEC. 408. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

SEC. 409. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) AMENDMENT.—

(1) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "Amtrak,".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect at the beginning of the first fiscal year after a fiscal year for which Amtrak receives no Federal subsidy.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978. The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

(c) FEDERAL SUBSIDY.—

(1) ASSESSMENT.—In any fiscal year for which Amtrak requests Federal assistance, the Inspector General of the Department of Transportation shall review Amtrak's operations and conduct an assessment similar to the assessment required by section 202(a). The Inspector General shall report the results of the review and assessment to—

(A) the President of Amtrak;

(B) the Secretary of Transportation;

(C) the United States Senate Committee on Appropriations;

(D) the United States Senate Committee on Commerce, Science, and Transportation;

(E) the United States House of Representatives Committee on Appropriations; and

(F) the United States House of Representatives Committee on Transportation and Infrastructure.

(2) REPORT.—The report shall be submitted, to the extent practicable, before any such committee reports legislation authorizing or appropriating funds for Amtrak for capital acquisition, development, or operating expenses.

(3) SPECIAL EFFECTIVE DATE.—This subsection takes effect 1 year after the date of enactment of this Act.

SEC. 410. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(1) retaining an existing service or commencing a new service;

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities;

(B) the purchase of locomotives; and

(C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for Amtrak);

(3) on such terms and conditions as the States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law.

SEC. 411. BOARD OF DIRECTORS.

(a) AMENDMENT.—Section 24302 is amended to read as follows:

"§ 24302. Board of Directors

"(a) REFORM BOARD.—

"(1) ESTABLISHMENT AND DUTIES.—The Reform Board described in paragraph (2) shall assume the responsibilities of the Board of Directors of Amtrak by March 31, 1998, or as soon thereafter as at least 4 members have been appointed and qualified. The Board appointed under prior law shall be abolished when the Reform Board assumes such responsibilities.

"(2) MEMBERSHIP.—(A)(i) The Reform Board shall consist of 7 voting members appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years.

"(ii) Notwithstanding clause (i), if the Secretary of Transportation is appointed to the Reform Board, such appointment shall not be subject to the advice and consent of the Senate. If appointed, the Secretary may be represented at Board meetings by his designee.

"(B) In selecting the individuals described in subparagraph (A) for nominations for appointments to the Reform Board, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.

"(C) Appointments under subparagraph (A) shall be made from among individuals who—

"(i) have technical qualification, professional standing, and demonstrated expertise in the fields of transportation or corporate or financial management;

"(ii) are not representatives of rail labor or rail management; and

"(iii) in the case of 6 of the 7 individuals selected, are not employees of Amtrak or of the United States.

"(D) The President of Amtrak shall serve as an ex officio, nonvoting member of the Reform Board.

"(3) CONFIRMATION PROCEDURE IN SENATE.—

"(A) This paragraph is enacted by the Congress—

"(i) as an exercise of the rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a motion to discharge; and it supersedes other rules only to the extent that it is inconsistent therewith; and

"(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

"(B) If, by the first day of June on which the Senate is in session after a nomination is submitted to the Senate under this section, the committee to which the nomination was referred has

not reported the nomination, then it shall be discharged from further consideration of the nomination and the nomination shall be placed on the Executive Calendar.

''(C) It shall be in order at any time thereafter to move to proceed to the consideration of the nomination without any intervening action or debate.

''(D) After no more than 10 hours of debate on the nomination, which shall be evenly divided between, and controlled by, the Majority Leader and the Minority Leader, the Senate shall proceed without intervening action to vote on the nomination.

''(b) BOARD OF DIRECTORS.—Five years after the establishment of the Reform Board under subsection (a), a Board of Directors shall be selected—

''(1) if Amtrak has, during the then current fiscal year, received Federal assistance, in accordance with the procedures set forth in subsection (a)(2); or

''(2) if Amtrak has not, during the then current fiscal year, received Federal assistance, pursuant to bylaws adopted by the Reform Board (which shall provide for employee representation), and the Reform Board shall be dissolved.

''(c) AUTHORITY TO RECOMMEND PLAN.—The Reform Board shall have the authority to recommend to the Congress a plan to implement the recommendations of the 1997 Working Group on Inter-City Rail regarding the transfer of Amtrak's infrastructure assets and responsibilities to a new separately governed corporation.''.

(b) EFFECT ON AUTHORIZATIONS.—If the Reform Board has not assumed the responsibilities of the Board of Directors of Amtrak before July 1, 1998, all provisions authorizing appropriations under the amendments made by section 301(a) of this Act for a fiscal year after fiscal year 1998 shall cease to be effective. The preceding sentence shall have no effect on funds provided to Amtrak pursuant to section 977 of the Taxpayer Relief Act of 1997.

SEC. 412. EDUCATIONAL PARTICIPATION.

Amtrak shall participate in educational efforts with elementary and secondary schools to inform students on the advantages of rail travel and the need for rail safety.

SEC. 413. REPORT TO CONGRESS ON AMTRAK BANKRUPTCY.

Within 120 days after the date of enactment of this Act, the Comptroller General shall submit a report identifying financial and other issues associated with an Amtrak bankruptcy to the United States Senate Committee on Commerce, Science, and Transportation and to the United States House of Representatives Committee on Transportation and Infrastructure. The report shall include an analysis of the implications of such a bankruptcy on the Federal government, Amtrak's creditors, and the Railroad Retirement System.

SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RELATIONSHIPS.

If, at any time, during a fiscal year in which Amtrak receives Federal assistance, Amtrak enters into a consulting contract or similar arrangement, or a contract for lobbying, with a lobbying firm, an individual who is a lobbyist, or who is affiliated with a lobbying firm, as those terms are defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), Amtrak shall notify the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Transportation and Infrastructure of—

(1) the name of the individual or firm involved;

(2) the purpose of the contract or arrangement; and

(3) the amount and nature of Amtrak's financial obligation under the contract.

This section applies only to contracts, renewals or extensions of contracts, or arrangements entered into after the date of the enactment of this Act.

SEC. 415. FINANCIAL POWERS.

(a) CAPITALIZATION.—(1) Section 24304 is amended to read as follows:

''§ 24304. Employee stock ownership plans

''In issuing stock pursuant to applicable corporate law, Amtrak is encouraged to include employee stock ownership plans.''.

(2) The item relating to section 24304 in the table of sections of chapter 243 is amended to read as follows:

''24304. Employee stock ownership plans.''.

(b) REDEMPTION OF COMMON STOCK.—Amtrak shall, before October 1, 2002, redeem all common stock previously issued, for the fair market value of such stock.

(c) ELIMINATION OF LIQUIDATION PREFERENCE AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no liquidation preference.

(B) Subparagraph (A) shall take effect 90 days after the date of the enactment of this Act.

(2)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no voting rights.

(B) Subparagraph (A) shall take effect 60 days after the date of the enactment of this Act.

(d) STATUS AND APPLICABLE LAWS.—(1) Section 24301(a)(3) is amended by inserting '', and shall not be subject to title 31'' after ''United States Government''.

(2) Section 9101(2) of title 31, United States Code, relating to Government corporations, is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (L) as subparagraphs (A) through (K), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at long last we have an Amtrak reform bill here on the floor which has strong bipartisan support. It is a bill which has the reforms in it which are so necessary. It is a bill which provides for the board, which is the creation of a new board which is constitutional and which has the degree of independence necessary to make the tough decisions. It provides for the management to be able to make decisions with regard to the route configuration. Indeed, it gives Amtrak a fighting chance to succeed and survive.

Mr. Speaker, I urge all of our colleagues to support this measure.

Mr. Speaker, I move to suspend the rules and pass the bill, S. 738, as amended.

Mr. Speaker, I rise in support of S. 738, the Amtrak Reform and Accountability Act of 1997.

Mr. Speaker, I am very pleased that we have been able to reach a bipartisan agreement on an amendment to S. 738. Over the past 24 hours, we have been able to reach consensus with our colleagues on the other side of the aisle on the issue of the Amtrak board of directors. This amendment will provide Amtrak with the reforms it so badly needs, as well as release of the $2.3 billion in capital funds that were provided in the Taxpayer Relief Act.

The amendment adopts the basic principles and reforms of S. 738, the bill passed by the Senate last Friday by unanimous consent, and makes limited but important changes that will ensure successful implementation of long overdue Amtrak reforms.

This amendment contains the labor, liability, and contracting-out provisions that were included in the Senate bill with no changes.

I am pleased that the reforms in this amendment will allow Amtrak, for the first time in its 26-year History, to operate more like a business and cut costs.

On the issue of labor protection, the Senate bill contains a provision that is almost identical to reforms that were included in the House bill, H.R. 2247. The provision will repeal the statutory guarantee that Amtrak provide up to 6 years of labor protection to any employee who is laid off due to a route elimination or frequency reduction to below three times per week. This issue would be sent to collective bargaining, under a 180-day accelerated bargaining process.

The current ban on contracting out any work other than food and beverage service if it would result in the layoff of a single employee would also be repealed in the Senate bill. This issue would be sent to collective bargaining, but would not be negotiable until the next round of contract negotiations, unless the parties mutually agreed to take it up before then.

The Senate bill also provides for a global cap of $200 million on tort liability for death or injury to a passenger, or damage to property of a passenger. It also includes a requirement that Amtrak maintain insurance of at least $200 million.

Again, on these important issues . . . labor protection, liability and contracting out . . . we are accepting the Senate compromise and making no change to it.

The one significant departure from the Senate bill in this amendment relates to the board of directors. The House amendment would replace the existing board with a new, 7-member reform board to be appointed by the President in consultation with House and Senate majority and minority leadership. New members would be required to have expertise in transportation or corporate or financial management.

The purpose of this provision is to provide a fresh start for Amtrak, and to ensure that only qualified professionals are permitted to serve on the board of directors. The amendment also allows the President to select the Secretary of Transportation as a board member. It also designates the president of Amtrak as an ex-officio, non-voting member of the board.

Mr. Speaker, these changes to Amtrak's board bill are necessary to allow the Senate-passed reforms to work.

Mr. Speaker, I believe that the Senate bill as modified by this amendment provides meaningful reform of Amtrak that will go a long way toward restoring financial viability and improving rail passenger service. It will also release the $2.3 billion that was provided in the Taxpayer Relief Act, allowing Amtrak to make much-needed capital investments.

I urge a "yes" vote on S. 738, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us represents a compromise on Amtrak which I urge my colleagues on this side of the aisle to support, and which I say they can comfortably support. It is a compromise in which both sides have satisfied their most important objectives. While we have held divergent views on various aspects of this issue, we have had a common goal, that is, to ensure the survival of Amtrak. If we do not pass reform legislation before the end of the session, Amtrak's future will be in doubt.

Passage of this reform legislation is necessary for Amtrak to gain access to $2.3 billion for capital improvements made available by the tax reform bill. Equally important, in December Amtrak must go to its bankers for renewal of a line of credit which it needs to meet its daily operating expenses. If the bankers should learn that the $2.3 billion capital funding is still in doubt, they may be unwilling to renew the line of credit.

Our common goal of ensuring the survival of Amtrak could have been achieved earlier. We had differences. We have worked out those differences.

Our Republican colleagues on the committee wanted changes in the constitution of the board of Amtrak directors. We have accommodated those changes. We have worked them out. We reached agreement on a process for reforming the board of directors. Under this process, the directors will be appointed in a manner which is fair to the men and women of the Amtrak work force and which is fair to the American public which owns Amtrak through the Department of Transportation.

The manner of selecting the board preserves the constitutional authority of the President and of the Congress. In addition, we have developed a selection process that ensures that there will be an orderly transition; specifically, that the old board will not be terminated until the new board is ready to assume its responsibilities. The compromise also assures that the Secretary of Transportation who represents the public as owner of Amtrak may, I emphasize may, continue to serve on the board, and that the president of Amtrak will continue to participate in the board process, but not as a voting member.

Mr. Speaker, I want to emphasize that accepting this compromise does not mean that on my part I am dissatisfied in any way with the existing board. In my opinion, they have done an outstanding job of guiding Amtrak to make the best possible business decisions with limited resources available. I especially commend the board for their negotiations with the BMWE which produced an agreement which is fair to workers and protects Amtracks financial interests.

The bill does not prohibit the President from reappointing any member of the existing board to the new board. That possibility remains open. In fact, I believe that reappointment of some members would have the desirable effect of ensuring continuity.

Under the bill before us, Amtrak would have a board of 7 Members appointed by the President and confirmed by the Senate. In making the selections, the President would consult with the majority and minority leadership of the House and the Senate. However, neither the majority nor the minority would have the right to exclusive consultation for any specific seat or number of seats. The board Members will be individuals with technical qualifications, professional standing, and demonstrated expertise in transportation or corporate or financial management, and the president, as I said a moment ago, would be a nonvoting member of the board.

Mr. Speaker, adopting this bill will end the uncertainty that has clouded Amtrak's future for the past 3 years. Amtrak will get the capital it needs to modernize. It will be able to continue playing its vital role in our national transportation system.

Mr. Speaker, it has been a long and difficult journey, but we have reached a point where we can see the end of the journey. I want to thank my colleague, the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of our committee, for sticking with it and for working with us to achieve an acceptable outcome.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding, and I also want to thank him for helping correct a shortcoming in the Senate bill that emerged from there with respect to those States that are not currently served by Amtrak. There was a provision in the Senate bill which has been corrected over here, and I appreciate the chairman's help in correcting that, which would allow those States who are not currently served by Amtrak to also be able to access the $2.3 billion, and there has been a set-aside of 1 percent.

I would further add that we had prepared an amendment at one point that would address that and allow those States that are not served by Amtrak to find some uses for the funds that have been set aside, and I would appreciate the chairman of the Committee on Transportation and Infrastructure as well as the chairman of the House Committee on Ways and Means to work with me to find a method in which we can address that shortcoming in this particular bill. I look forward to doing that, and I thank the distinguished chairman for yielding.

Mr. SHUSTER. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a very good moment, a very good day, and there are a lot of thanks to go around, obviously to the gentleman from Pennsylvania [Mr. SHUSTER] for bringing this bill to the floor and for his efforts to reach a compromise. A lot of discussions have taken place over the last 24 hours, certainly thanks go to the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], who has steered our side and held us firm and has had his hand firmly on the throttle as we moved forward.

I also think some thanks are due to a lot of Members, too many to name, but Republican and Democrat alike, on and off the Committee on Transportation and Infrastructure, who worked very hard on this. Thanks go to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, who has made sure and stressed continually the need to do something about Amtrak.

I would also like to recognize the board of directors of Amtrak, the present board of directors, who have worked tirelessly not only in resolving labor matters prior to this, but also in working to fashion this bill and to make sure that we were aware of all of the ramifications of our decision. I would particularly like to thank our former colleague, the Governor of Delaware, Tom Carper, who has been constantly on the phone, constantly working as a member of the board, but also one very devoted to making sure Amtrak not only survives but thrives. Also, of course, the Secretary of Transportation, Rodney Slater, who has been very active as well.

Mr. Speaker, this is a compromise, and yesterday when we were here on the floor, I was perhaps most vocal in saying that if something was not done within the next 24 hours the chance was that Amtrak would not survive as we know it and that Congress had to act before Congress goes home tonight or tomorrow.

The good news is that this compromise has been achieved because of the good efforts of everyone involved, Republican and Democrat alike, as well as the administration. It deals with the previously controversial areas of legal liability for Amtrak. People came to the table and reached agreement. We have resolved issues dealing with labor, and labor has put on the

table and management has put on the table certain compromises and concessions which have been made. And it deals with the controversial area of the new board of directors.

So all of the controversial areas have been worked out: the legal liability of Amtrak, labor issues, and the new board of directors.

What does this compromise permit to happen now? Most significantly, passage of this bill means that Amtrak, in December, can go to the banks with a new authorization and able to extend their line of credit to continue operating and to become viable. More significantly than that, passage of this reform legislation means that Amtrak can begin drawing down $2.3 billion worth of capital for capital investment purposes, for instance, improving the new high-speed corridor in the Northeast and buying high-speed locomotives.

So what Amtrak can do is, A, extend its line of credit and, B, begin drawing down $2.3 billion for capital investment. Now Amtrak begins restructuring itself, and hopefully to become the viable instrument that we all want.

The good news is that whether one rides the Metroliner, the Cardinal or the Capital Limited in West Virginia, the Texas Eagle or wherever, all of these lines now have a future and have a much better promise ahead of them than what existed prior to this Congress acting. Amtrak now has a future, and it is because of the hard work of a lot of the men and women in this body on both sides of the aisle.

Mr. Speaker, I thank my colleagues for the efforts that have been made, and I urge quick passage of this bill.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to add a technical modification on page 25, line 14, before the word "(A) date" add the word "the."

The SPEAKER pro tempore. Without objection, the original motion is withdrawn, and the gentleman from Pennsylvania is recognized for a new motion.

There was no objection.

The SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. For the information of the Members, the Clerk will report the modification of the motion.

The Clerk read as follows:

Page 25, line 14 of the proposed amendment, insert "(A) the" before "date."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time.

I congratulate all who had anything to do with putting this together, particularly the gentleman from Pennsylvania [Mr. SHUSTER] Just 24 hours ago, it was very dark as far as the future of Amtrak was concerned, and a lot of us were pleading to sit down and see if this could be worked out.

A lot of individuals undertook to do that, and that is in the best interests of this country. We have resolved the problems of the labor issues, the problems of the legal liability issues, the problems of the board issues that were so important. Hopefully now, with the release of the capital improvement money as well as what we are doing in this reauthorization, Amtrak can become self-sufficient once and for all by the year 2002.

We must improve passenger rail service. We are at the heart of it in Wilmington, DE. It is of vital importance to us. Our Governor is very involved, is on this board. But I think we have an obligation to make passenger rail service in the United States of America as great as our highway system is, our air system, which is the greatest in the world. It is going to take a lot of work to do it, but we have set the stage so that that can be done. So everybody that had anything to do with the resolution of this, I thank my colleagues and the country thanks to you, and we will see the benefit that will come from it.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, let me thank my friend, the gentleman from Minnesota [Mr. OBERSTAR], for yielding me this time, and really congratulate the gentleman from Pennsylvania [Mr. SHUSTER] and the ranking member for bringing this legislation forward.

As the gentleman from Delaware [Mr. CASTLE] pointed out, this has been a tough battle. We have had differences as to what the reform should look like and what should be included in it, and at jeopardy was the life of Amtrak. It has been a pleasure to work with my colleague, the gentleman from Delaware [Mr. CASTLE] on the legislation initially to provide for the authorization for the $2.3 billion, and to work with the committee.

At stake in the passage of this bill literally is the light passenger rail service in the United States. That is important to all regions of this country. In the Northeast we are particularly concerned about the high-speed rail and the implementation of high-speed rail. This legislation provides for the necessary reform of Amtrak.

The chairman of the committee, the gentleman from Pennsylvania, [Mr. SHUSTER], and the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], have negotiated very well with the other body, with the administration, and have now brought forward legislation that can pass both bodies and be signed by the President. That is a major accomplishments and one just 24 hours ago many of us thought would not be possible.

I really want to applaud the efforts of all involved. We are now at the threshold really of providing the congressional program so that Amtrak can move into the next century, they can be an efficient passenger rail service for our Nation, providing a service that is critical to all regions of our Nation, and I urge my colleagues to support this legislation.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

□ 1645

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I just want to say, when people really put their feet to the grindstone, we get things done. I just want to commend the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from West Virginia [Mr. WISE], because had the pressure not been kept on, we would not have saved Amtrak.

Amtrak will be saved by this legislation, in my opinion. It means so much to my district in the Hudson Valley. I just truly want to thank the gentlemen, because if they had not persevered, it would not have happened. I thank the gentlemen so much.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise today to support the Amtrak authorization legislation before us. This is not the be all and end all that will save intercity passenger rail as we know it forever, but it does save Amtrak at least for the time being.

This legislation allows $2.3 billion that was previously appropriated to be invested in Amtrak. That money is vital for Amtrak's survival. I am especially pleased that a conclusion has been reached to this impasse on this legislation, since my district contains Penn Station in New York City, the largest Amtrak station in this country.

Amtrak is not only vital to intercity passengers, it is also the tracks in the Northeast corridor which carry commuter trains into New York City. These commuter trains bring millions of people into and out of New York City and Philadelphia and other cities

in the Northeast corridor every day. Without adequate funding, the daily operation and safety of these tracks could come into question.

Additionally, Amtrak employs over 20,000 people. It would have been shameful to allow these hardworking men and women to lose their jobs when $2.3 billion was waiting for them just on the other side of the tracks, or just on the other side of the impasse over this legislation. These tracks will be crossed today, and Amtrak, its employees, and, most of all, the passengers will benefit from our action.

Mr. Speaker, this is good legislation for now. But I must say, I do not approve of the fundamental direction we are heading in, in which we say Amtrak must be self-supporting or else. I do believe that fundamental infrastructure such as passenger rail may need and should get government subsidy and government operating subsidies.

That is not being done now under this legislation, and it is not in the cards politically in the near future, but I do believe that eventually we will come back to it, because we must maintain a national rail network, a national passenger rail network, not simply on corridors which can be made profitable; we must preserve service and increase service all over the country.

For now, this is good legislation. I commend those who have participated in drafting it and on reaching agreement on it. I would urge all Members of this body to support this bill today.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the kind words of the chairman of the Committee on Rules and thank him for his support in helping us move this legislation forward and in crafting rules that indeed were fair and moved the process along.

I would like to just add a footnote to the comment of my colleague, the gentleman from New York. While I respect his view, the objective of this legislation and what has moved us in this direction is a fervent hope that we will, through this legislation, move Amtrak to self-sufficiency, not dependence on public subsidy. That is, I think, an underlying element that has made possible these compromises.

Mr. Speaker, again, I want to thank the gentleman from Pennsylvania [Mr. SHUSTER] for his perseverance, for the good fellowship and cooperation, and the frankness and fairness of our discussions, and for the result that we can all celebrate this afternoon.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to congratulate and recognize my colleague, the gentleman from Minnesota [Mr. OBERSTAR], as well as the gentleman from West Virginia [Mr. Wise], and all the members of our committee who have worked so hard on this very complicated issue. The employees of Amtrak, the management of Amtrak, Secretary Slater, the administration, the other body, I think there is plenty of credit to go around for working our way through this very difficult issue.

I think we particularly should recognize the absolutely extraordinary job our staff has done, Glenn Scammel, Alice Tornquist, Jack Wells, Trinita Brown, Debby Hersman, really putting in unbelievable hours, as well as tremendous competence to make this all possible.

Mr. Speaker, today the House of Representatives and the Senate took a major step forward in ensuring that passenger rail service in this country has an opportunity to survive. By passing an amendment to S. 738, the "Amtrak Reform and Accountability Act of 1997" and forwarding it to the President, Congress is creating an atmosphere in which Amtrak, its employees and its passengers have an opportunity to make Amtrak succeed and work in a more businesslike manner.

Several questions have arisen in recent days over the impact that S. 738 would have on the $2.3 billion that was made available in the Taxpayer Relief Act of 1997 and over the effect of certain limitations that Act could have on non-Amtrak States.

My colleague on the Transportation and Infrastructure Committee, Congressman JOHN THUNE of South Dakota, has been at the forefront on the issue of potential impacts of both the Amtrak reform bill and the Taxpayer Relief Act on non-Amtrak States. For example, he has previously pointed out that the Taxpayer Relief Act, while setting aside some funds for surface transportation improvements in non-Amtrak States, does so in a way that might not give those States the flexibility they need. Mr. THUNE and Ways and Means Committee Chairman ARCHER have stated their intent to work together to address Mr. THUNE's concerns as that committee considers appropriate tax legislation in 1998.

Another issue potentially affecting the non-Amtrak States arose in the context of House deliberation on the Senate-passed version of S. 738. Section 209 of that bill included language that was intended to assure that the $2.3 billion would not be used for purposes not envisioned in the Taxpayer Relief Act. However, section 209 was inadvertently written a way that could have been interpreted as shutting off funds to non-Amtrak States. In the final stages of negotiating the House amendment to S. 738, and with the technical assistance of the Ways and Means Committee and the Senate Finance Committee, we were able to include an amendment to clarify that non-Amtrak States will indeed be able to use funds made available for them in the Taxpayer Relief Act. Once again, Congressman THUNE's effort in securing this clarification was instrumental in assuring that South Dakota and other non-Amtrak States will get their fair share of the Amtrak funds.

We have assured that the Amtrak reform bill will not jeopardize funding being made available to South Dakota and other non-Amtrak States. Furthermore, the groundwork has been laid for addressing use of the $2.3 billion in subsequent legislation. I commend Congressman THUNE's dedication and leadership in both instances in addressing the transportation concerns of non-Amtrak States.

Mr. THUNE. Mr. Speaker, I would like just a few minutes to address concerns I have as the lone representative from the State of South Dakota. South Dakota is one of six States that do not have intercity rail passenger service. As a result, I drafted an amendment to H.R. 2247, the Amtrak Reform and Privatization Act of 1997. I worked closely with the Gentleman from Pennsylvania, Mr. SHUSTER, on the legislation that would have amended a provision contained in the Taxpayer Relief Act of 1997. I worked with my colleagues from other States not served by Amtrak, including Alaska, Hawaii, Maine, Oklahoma, and Wyoming.

The amendment, though very narrow in scope, ran into jurisdictional concerns. Although it deals directly with transportation needs, the amendment actually makes a correction to the Taxpayer Relief Act of 1997 relating to tax refunds for the National Railroad Passenger Corporation [Amtrak].

Put simply, the tax provision would provide Amtrak with access to $2.3 billion, contingent upon passage of the bill before us today. In addition to money for Amtrak, the law also would set aside a portion of the fund for non-Amtrak States. Unfortunately, the law apparently allows such States to use the funds for very limited purposes, such as intercity passenger rail service and for intercity bus services.

My State, the State of South Dakota, presently does not have intercity passenger rail service and has not for some time. And while I am certain the State would find a way to put available funds to use for intercity bus service that is privately financed and privately operated, it may not make for the best use for those funds. That is why I presented an amendment to the Rules Committee on October 21, 1997, that would give non-Amtrak States more flexibility to use those funds.

The amendment specifically would provide flexibility to non-Amtrak States to use the funds for transportation priorities such as state-owned rail operations, rural transit and transit services for the elderly and disabled, and highway rail grade crossings projects.

While I appreciate the cooperation and work of the Chairman of the Committee on Ways and Means, the Gentleman from Texas, has concerns regarding authorizing jurisdiction of the amendment that could not be overcome. Those concerns and his willingness to work with me to address the non-Amtrak State issue in the context of a revenue measure were addressed in his letter to me dated October 21, 1997. I look forward to that opportunity.

For States that do not have rail passenger service, each of these transportation needs would be legitimate alternatives. The amendment represents sound, common sense policy that simply allows non-Amtrak States to make the best, most worthwhile use of the funds provided for transportation needs.

My colleagues in the House and the taxpayers of this Nation should have every assurance that the funds provided to non-Amtrak

States will address important transportation links in each state.

For instance, the State of South Dakota owns over 600 miles of rail lines. The State purchased these lines in the early 1980's in an effort to ensure our State would continue to have access to reliable freight rail services. It is absolutely vital to maintain the farm-to-market transportation system in my State and to other States.

Likewise, we have acute transit needs, particularly in the area of transit services for the disabled, and rural transit services. In South Dakota, the Section 5311 transit program, which helps fund rural transit services, connects our seniors, disabled individuals, and children, in 42 of the 66 counties from rural locations to nearby communities for day-to-day living needs. The 5310 program supplements these needs by targeting its assistance at seniors and disabled individuals.

The amendment finally addresses an important safety concern. As my colleagues know, constructing and maintaining rail grade crossings are an important but often expensive safety priority. At present, only 219 of 2025 crossings are signalized in the State of South Dakota. For the sake of the railroads and motorists alike, the State and those traveling through our State would benefit greatly from additional assistance to improve highway/rail grade safety crossing.

I should also mention that I explored aid to rural air facilities and service. unfortunately, air service to South Dakota too often hangs precariously. There is little competition for commercial service but a significant demand. This situation unfortunately leads to high ticket prices and limited service. I hope to wrap aviation needs into the context of my amendment in the future. Doing so would be consistent with the spirit of the program, which is to give non-Amtrak States more options to address interstate transportation needs.

The amendment in sum helps non-Amtrak States maintain rail safety, transit for the elderly and disabled as well as the general public, and finally important freight rail needs. At the same time, it takes nothing from Amtrak, States served by Amtrak, or non-Amtrak States that would like to attract Amtrak service in the future.

Again, I thank the Chairman of the Transportation and Infrastructure Committee and the Committee on Ways and Means for their assistance and I look forward to continuing to work with them on this matter.

Mr. SHUSTER. Mr. Speaker, I urge the passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Snowbarger). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 738, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on S. 739, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:15 p.m.

Accordingly (at 4 o'clock and 51 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1725

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BLUNT] at 5 o'clock and 25 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998.

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–406) on the resolution (H. Res. 330) waiving points of order against the conference report to accompany the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CALLING FOR RESIGNATION OR REMOVAL FROM OFFICE OF SARA LISTER, ASSISTANT SECRETARY OF THE ARMY

Mr. SOLOMON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 197) calling for the resignation or removal from office of Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs.

The Clerk read as follows:

H. CON. RES. 197

Whereas Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs, on October 26, 1997, at a public conference held in Baltimore, Maryland, stated that "The Marines are extremists.";

Whereas such a characterization denigrates 222 years of sacrifice and dedication to the Nation by the Marine Corps and dishonors the hundreds of thousands of Marines whose blood has been shed in the name of freedom;

Whereas citizens from all walks of life have donned the Marine Corps uniform and gone to war to defend the Nation, many never to return;

Whereas the young people of America join the Marine Corps to be challenged, to be held to high standards, and to be part of something bigger than themselves;

Whereas a characterization of the Marines as "extremists", especially when made by a senior military department official with responsibility for military personnel policy, has the potential to have an extraordinarily detrimental effect on morale, recruitment, and retention not just for the Marine Corps but for all branches of the Armed Forces;

Whereas Marines and Army soldiers have fought and died side by side time and again in defense of the Nation;

Whereas the values of honor, courage, and commitment embodied by the Marine Corps are not extreme: and

Whereas to describe the Marines as "extremists" violates all rules of propriety and does not reflect the views of the American people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (1) Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs, should immediately resign from office, and (2) if she does not so resign, the President should remove her from office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SOLOMON] and the gentleman from Missouri [Mr. SKELTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise to speak in support of this resolution I have brought before the House along with the gentleman from Pennsylvania [Mr. MCHALE] my very good friend and I am sorry to see retiring fellow Marine. He is a great American. He was a great Marine. He was a great Congressman.

Sadly, Mr. Speaker, this is a very grim and unfortunate situation which has raised the ire of myself and countless others from all walks of life and particularly those who have served proudly in the military of all branches but particularly the Marine Corps. I am referring to comments made by a high-ranking official of our Defense Department who has been confirmed by the other body to support and defend the Constitution of the United States in her capacity as Assistant Secretary of the Army. Her comments have greatly insulted the United States Marine Corps and they have shattered her ability to effectively do her job as someone in charge of military personnel and reservists in the U.S. Army.

Ms. Lister's comments characterizing the Marine Corps as "extremists" is beneath contempt. I ask you to ask Captain O'Grady. Do you remember him? Who rescued him? The Marines. Ask him if he thinks they were extremists.

No amount of spin and dissembling can explain her comments. They are simply arrogant, they are wrong and entirely out of line. Attempts by Ms.

Lister to try and explain away her blatant attack on this distinguished branch of the military by saying that her comments were taken out of context does not constitute an apology, Mr. Speaker. In fact, Mr. Speaker, such quibbling and backpedaling is not an apology and is just a further insult to all of us who have worn the uniform of our country, especially those of us that served in the Marine Corps. To leave someone in this position within our Defense Department at this point would be nothing more than irresponsible.

As the United States continues to face potential combat actions in places like Iraq, and it could happen tomorrow, and have troops serving in dangerous deployments all around the world, Ms. Lister does not deserve to be in a position of special trust and of confidence within the Pentagon. The fact that she would make these comments publicly to a large group is just again irresponsible. Her statements are symptomatic, I believe, of a political correctness of the worst kind that is permeating the U.S. military. They were intemperate and if allowed to stand would constitute a major step down this slippery slope towards a military that is not prepared to do its job.

Mr. Speaker, take my word for it. We are treading on very dangerous territory here. If we do not take a strong stand now and demand the removal from office of Ms. Lister and those who share her opinions, we could seriously compromise our combat readiness and effectiveness. If the battle for the soul and the fighting spirit of all members of the Armed Forces is to be won, it has to be won by dismissing from leadership anyone who would make such irresponsible statements like this.

□ 1730

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Missourian Mark Twain once said that a person should live so that if someone says something bad about him, no one would believe it. That is the way I think the U.S. Marine Corps finds themselves today. I do not think anyone can say anything bad about the Marine Corps that would be believed. It is an honorable, wonderful part of our national defense.

But I think we should pause and take a deep breath on this matter, Mr. Speaker, and I am sure that this resolution will pass, but let us take a quick gander at the letter that Sara E. Lister, assistant secretary of the Army for manpower and reserve affairs, wrote to General C.C. Krulak, the Commandant of the Marine Corps. This is a letter of apology, and I will put it in toto in the RECORD, but let me read it and share with this body some words therefrom.

"Dear General Krulak: This letter is in reference to a quotation attributed to me during a panel discussion sponsored by the U.S. Military and Post-Cold War Society Project of the John M. Olin Institute for Strategic Studies, Harvard University.

"I apologize to the Marine Corps and all current and former Marines for my remarks. It is unfortunate that my remarks were taken out of context. The issue under consideration was in relationship between civilian military segments of our society. In that context, we were asked to comment upon 14 scholarly papers discussing various aspects of that topic. I discussed several of the papers, including an interesting piece which was focused on the Marine Corps as an example of possible disconnects between society and the military. My point, ineptly put, was that all the services had different relationships with civilian society based in part on their culture, the size of their force, and their mission. My use of the word "extremism" was inappropriate and wrong.

"I regret that the use of this term during an academic discussion has generated a controversy that does not represent my views or those of the Army. I am well aware of the close and mutually supportive relationship between the Army and Marine Corps, both in war and in peace.

"Again, my remarks were not intended to denigrate the Marine Corps in any way. It is unfortunate that they were misplaced. The Marine Corps has a proud and honorable tradition of service to our country. Sincerely, Sarah E. Lister, Assistant Secretary of the Army."

I will put this in the RECORD, and I read it for the purpose to show that Sara Lister has done her best in her position as an individual to express her regret and apologize, and I feel certain, Mr. Speaker, that the Commandant of the Marine Corps will accept this apology and move on.

Mr. Speaker, I have spent a great deal of my efforts within the Armed Services Committee, now the Committee on National Security, working with the various services, urging them, through legislation and discussion, to create a joint atmosphere of working with each other so that the Marines work with the Army, the Navy works with the Air Force, and all of the different variations thereof.

This is a total force, and it is unfortunate that Ms. Lister's comments created this issue, and I hope that as a result of this discussion here on the floor we can put this behind us and be proud of our Marine Corps, be proud of our Army, be proud of our Navy, be proud of our Air Force, and urge them to continue to do the wonderful work that they do in protecting freedom and the interests of our country.

It is with this in mind that I make these comments, and hopefully we can, Mr. Speaker, put this issue behind us and let it be water going on down the river.

The letter in its entirety is as follows:

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, MANPOWER AND RESERVE AFFAIRS,
Washington, DC, November 13, 1997.

Gen. C.C. KRULAK,
Commandant of the Marine Corps,
Washington, DC.

DEAR GENERAL KRULAK: This letter is in reference to a quotation attributed to me during a panel discussion sponsored by the U.S. Military and Post-Cold War Society Project of the John M. Olin Institute for Strategic Studies (Harvard University).

I apologize to the Marine Corps and all current and former Marines for my remarks. It is unfortunate that my remarks were taken out of context. The issue under consideration was the relationship between civilian and military segments of our society; in that context, we were asked to comment upon 14 scholarly papers discussing various aspects of that topic. I discussed several of the papers, including an interesting piece which was focused on the Marine Corps as an example of possible disconnects between society and the military. My point—ineptly put—was that all the services had different relationships with civilian society, based in part on their culture, the size of their force and their mission. My use of the word "extremism" was inappropriate and wrong.

I regret that the use of this term during an academic discussion has generated a controversy that does not represent my views or those of the Army. I am well aware of the close and mutually supportive relationship between the Army and the Marine Corps, both in war and in peace.

Again, my remarks were not intended to denigrate the Marine Corps in any way. It is unfortunate that they were misinterpreted. The Marine Corps has a proud and honorable tradition of service to our country.

Sincerely,

SARA E. LISTER,
Assistant Secretary of the Army.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MCHALE].

Mr. MCHALE. Mr. Speaker, I thank the gentleman from Missouri for yielding this time to me.

I have to tell my colleagues, Mr. Speaker, that when I read the words of Assistant Secretary Lister in the Washington Times this morning, I was both stunned and dismayed. Her comments were needlessly embarrassing to one of our Nation's great military services, the United States Army.

As I read her comments, I realized that professional rivalry between the services is perhaps inevitable, even healthy. However, the comments that were attributed, I think accurately, to Assistant Secretary Lister were irresponsibly caustic. They were not taken out of context, they were not misinterpreted, they were simply wrong. Unfortunately for Assistant Secretary Lister, she was simultaneously articulate and foolish.

By contrast, Mr. Speaker, just the other day, on November 10, the United States Marine Corps celebrated its 222d birthday. At that celebration and by

his presence, showing what I believe was the kind of respect that the services owed to one another, was the Chief of Staff of the Army, General Reimer. At that memorial service, where several thousand Marines had gathered, one Army general in uniform sat quietly in tribute to a brother service.

I would certainly hope that on all occasions senior officials in uniform and in civilian clothes from the United States Marine Corps would pay equal tribute to the United States Army. Assistant Secretary Lister is entitled to her opinion, and if she were a private citizen and not the Assistant Secretary of the Army, I do not believe this issue would be brought before the House today. But she spoke in an official capacity and should be held responsible in that capacity.

In my view, Mr. Speaker, Assistant Secretary Lister should immediately and unequivocally, unlike the statement read by the gentleman from Missouri, unequivocally rescind her statements, apologizing appropriately, or she may, in the alternative, defend her judgment and then retire to private life. No senior official holding her views, absent a blunt apology, should remain in a policy-making position within the Department of Defense.

If I could deliver a bottom line, Mr. Speaker, it would be this: Contrary to the outrageous rhetoric inappropriately used by Assistant Secretary Lister, the very best people I have ever met have been called lance corporal in the United States Marine Corps. I rise therefore in strong support of the Solomon resolution.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I correct the gentleman, it is the Solomon-McHale resolution.

Just to respond, Mr. Speaker, because my very good friend, the gentleman from Missouri [Mr. SKELTON], who is one of the most distinguished and respected Members of this body, mentioned that Ms. Sara Lister was speaking as an individual. Here is the program, and she is listed as the Honorable Sara Lister, Department of the Army. She spoke in an official capacity, and I am going to get a copy of the tape, and I want every one of my colleagues to listen to that tape, and then they will share my view completely.

Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I compliment the gentleman from New York [Mr. SOLOMON] for bringing this legislation and my good friend and colleague, lieutenant colonel in the Reserves, the gentleman from Pennsylvania [Mr. MCHALE].

I also have been a very good listener of my friend, the gentleman from Missouri [Mr. SKELTON], and I agree with him, it is always moments to take a deep breath and not act on emotion, and I always follow that advice of my colleague. But this is also a comment that was made in official capacity with a tongue-in-cheek apology.

These comments were not taken out of context. As a matter of fact, I would respect Sara Lister even more if she had stood her ground and said, I said it, I mean it, that is how I have always felt. That is not what she is saying.

Now let me share something else. Over the past year, in dealing with the issues on gender and race in the United States military, my colleagues, see, I do not separate slanderous comments from one versus the other. If someone makes a slanderous comment on race, sure enough, whether it is their opinion, they will be called before immediately. Well, if someone makes a slanderous remark in gender or in reference to some other institutions, this is pretty insulting.

I strongly support this resolution and call for the immediate resignation of the Army Assistant Secretary Sara Lister. I believe it is imperative for our military leaders to fully respect and earn the respect of the men and women who are willing to make the ultimate sacrifice to protect and defend our country. How sad that, as the rest of the Department of Defense is working so diligently to advance the notion of joint operations, the Army's Assistant Secretary for Manpower and Reserve Affairs would spew such a divisive statement in a public forum with regard to her demeaning comments of the Marine Corps. These comments show a total lack of understanding for the unique mission and tremendous value system of the Marine Corps as well as that of the United States Army of which she leads.

I fail to understand how the values of honor, courage, commitment can be considered extremist and a little dangerous. Our Nation should be proud of the commitment each of our military services makes in instilling a strong sense of values into men and women who serve, something that, unfortunately, is missing in society today.

How sad, when the uniformed leadership in the Army is leading initiatives to establish joint exercise forces to optimize the synergistic abilities of the Nation's forces, that the chief personnel official of the United States Army would make such a blatant, albeit sophomoric, attack on the Army's partner in land battle.

How sad, when the rest of the Pentagon struggles in concert to address the future challenges of a largely undefined world stage, that such a key figure in the Army's hierarchy would devote her time on a stage provided by Harvard's Olin Institute of Strategic Studies to make such an unjustified, demeaning statement against the honored component of the Nation's defense.

How sad that as a panel member in the forum dedicated to civil/military relations, Ms. Lister so completely justified in growing the perception of a widening schism between the military and the liberal element of the social elite.

The saddest of all is how sad anyone is reading the Washington Times headline, quote, "Top Army Woman: Marines extremist," might think even for a moment that this was the top woman in the Army. That brings disservice upon many of the men and particularly the women who serve in the military today.

I strongly urge the President and the Secretary of Defense to fully review her comments to determine whether they are consistent with the administration's views of the contributions to the military services. More importantly, before they consider Ms. Lister as a candidate for the Secretary of the Army, the President and the Secretary of Defense must decide whether her comments reflect the proper level of respect for our military members necessary to be an effective civilian leader and to achieve the credibility of the military leadership for our country to continue to field the best fighting force.

It is critical for the service secretaries and the service chiefs to be able to work together effectively. It is also critical that the civilian leaders in the military understand and respect the unique missions and contributions of each of the military services.

I urge my colleague to support the Solomon-McHale resolution and to send a strong signal that this country's Marine Corps as well as each of the other services, that Congress does appreciate and respect their dedicated service despite Sarah Lister's demeaning remarks.

Mr. SKELTON. I yield 3 minutes to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, let me join the Members with their concern about what the Assistant Secretary said, but let me also say I just talked to her, and she says that she was taken completely out of context. I think we should give her an opportunity to appear before the committee and let her have her say.

Now she is in the process. She has already resigned. She is in the process of leaving the job. She resigned several months ago, and it just seems to me that, as terrible as what was reported that she said, she should have an opportunity to say to a committee what she said, and give her an opportunity to explain.

For instance, it was recorded in the press that she is for women in combat. She says she denies that, she is not for women in combat, and many of the things that she says have been reported are inaccurate.

□ 1745

So it just seems that for us to take precipitous action on something like this, without giving her an opportunity, is unfair to her, whether you agree with her philosophically or not. I certainly do not know enough about what she said or what her position is to be able to judge whether she is right or not, but it seems before we rush to condemnation, that we should give her an opportunity to appear before a committee and have her say about these comments she has made.

She is shattered by what has happened. She has the highest regard for the Marine Corps. She says she started her career working closely with the Marine Corps, and everything she told me personally, just a few minutes ago on the phone, was that she has the highest regard, and she feels absolutely devastated that these comments she made were, as she says, taken out of context.

Now, whether they were or not, I do not know. But I do know I think that we should give her an opportunity to come before a committee and explain what she said, what the circumstances were, and exactly what she meant by these comments.

Mr. Speaker, I would ask the Chairman, who I have such a high regard for, and he and I have served on so many committees, and he is a recipient of the Iron Mike Award, but if he would not consider allowing, perhaps allowing this go to committee, and allow the committee to take this up and discuss it with her before we rush to a vote on this very delicate situation, which could chastise the woman who is serving this position, maybe prematurely and unfairly, possibly.

I do not know. I am not judging. I am just asking that we might be able to do something here that would be a little less onerous and perhaps give her an opportunity to have her say.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have great respect for the gentleman from Pennsylvania [Mr. MURTHA]. He is one of the finest Members of this body. I want him to go and listen to the tape, and then make the same speech he just made. He will change his mind.

This is what she said: "The Marines are extremists. Wherever you have extremists, you have got some risk of total disconnection with society, and that is a little dangerous."

Then she goes on and she cites, "The Marine Corps is, you know, they have all these checkerboard fancy uniforms and stuff."

What does she mean by that "checkerboard," my good friend? You know what she means. She means the medals the Marines are wearing. It is the only checkerboard on a uniform.

Mr. MURTHA. Mr. Speaker, will the gentleman yield for a comment on the uniform?

Mr. SOLOMON. I yield 1 minute to my friend, the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. She says that she was not the one that made the comment about the uniform. She says absolutely it was the woman who was on the panel, and she did not say one word about the uniform.

That is what I am saying, there was some confusion. That is what she said. Now, I can only tell you what her comments were.

Mr. SOLOMON. Mr. Speaker, I will have a copy of the tape on the gentleman's desk tomorrow.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, there are not two more Members I respect more than the gentleman from Missouri [Mr. SKELTON] and the gentleman from Pennsylvania [Mr. MURTHA].

I have not heard the tape. I will listen to it tonight, if I can. If that is the case, then, yes, she should have her day. But the problem is the day will be 2 or 3 months from now, when all this issue is dead.

Joe Paterno, one of my favorite coaches at Penn State, told a story when I was in a football clinic. He said his dad was in the Army and hated the Marine Corps. He said they were a bunch of peacocks.

You can imagine Joe Paterno's amazement and the father's amazement and this old Italian family when his oldest brother came up and said he was going to join the Marine Corps. The father in his old way said, "Go off, my son, and become a peacock." And he did. This is a son that never spoke back to his father a day in his life in that old Italian family.

The day he came back after boot camp in his finery, his father said, "Look, here is that peacock." And a man that had never spoken an ill word to his Italian father in his life put his finger in his chest and says, "Don't you ever say anything bad about the United States Marine Corps. It can lick any 10 Army regiments." The gentleman from California [Mr. HUNTER] would disagree with that.

But his whole idea was how do you collectively take a mind and mold it into a fighting machine with respect, and he took that same esprit de corps and turned it into the Penn State football team. And he talks about tradition.

What this gentlelady has just done is violate that tradition, and we cannot accept that kind of character, or lack of character, in the leadership of the Department of Defense. We can neither accept nor tolerate it. And, in my opinion, if the allegations are true, this gentlelady has no place, because the position of leadership in the military is not just a position, it is a guidepost for men and women in all the services.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can only hope that when the dust settles out of all of this, that wonderful United States Marine Corps, that great Army that we have, as well as the outstanding Navy and the Air Force that we have, will continue to work together in a joint atmosphere without rancor, without grudges, and let this be water that goes down the river.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST], a very distinguished former Marine. He is a very quiet guy, but I think you will like what he has to say. He is a very serious Member of this body.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from New York for yielding. I would like to echo the words of my good friend and colleague, the gentleman from Missouri [Mr. SKELTON], that we need to release our feeling of anger and rancor and let this go down the stream and flow out into the gentle waters.

We are all Americans, whether it is the Army, the Navy, the Marine Corps, the Air Force, the Coast Guard, the Merchant Marine. Whoever it is, we all serve this country in a way that we feel is right.

We are reacting now to some words that we do not agree with. But the positive part of those words, which I think were ill-spoken, the positive part of those words, which I think we all should not agree with, is that we are here to discuss that we as Americans in the military that serve our country do so in the proudest condition that we can. We believe in this country and we believe in freedom, so those in the military service are going to lay down their lives, which is the best gift that they can give, for their country. We consistently give words of encouragement to those soldiers, sailors and marines in lonely areas around the country.

I would just like to relay a very short story when I was in the service as a young marine with other young Marines, to give some sense about the military service.

Whenever we would cross this rice paddy in Vietnam, we would be shot at by a sniper. So we decided one day to send across this rice paddy some decoy marines, and then some of us would go around and find out where the sniper was.

We did that. The decoys went across the rice paddy. We went around, and from the "hootch" grass hut we could see some firing. We went into the grass hut, and we found a very old man with one leg, an old woman, about in their nineties, and a little girl about 10.

Well, we started to remove the old man. We were going to take him in because we assumed he was the sniper.

The old woman sat on a little stump and started to cry. The little girl began screaming and pulling at our uniforms, desperate not to let this old man, maybe her great grandfather, go. She thought she would never see him again.

So we young marines, trained for combat, stopped. We looked into the eyes of the old man, and the woman stopped crying, in desperate fear, wondering what we were going to do next. We looked into the eyes of the old man, and I can still see his eyes. He had for an instant striking fear in his eyes, not knowing what we were going to do. And then the fear turned to curiosity, the curiosity turned to friendship, and we looked at this old man as a human being.

We simply let him go, and we walked away. We were never shot at again when we crossed that rice paddy. But we young marines, trained for desperate combat, found in this man a sense of common humanity, and that is what all the military services are about.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SAM JOHNSON], someone I think we can all certainly believe. He was a prisoner of war for 6 years and 10 months, and who in the world could ever live through that, but the gentleman from Texas did.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would say to the gentleman from Missouri [Mr. SKELTON], I appreciate his position, I really do. I just cannot believe that we as a country have sunk to this level, where we have a high-level Clinton administration official referring to a branch of our military, in this case the Marine Corps, as being "extremist" and "dangerous to society." The testimony you just heard is she does not say that. According to Mr. SOLOMON, this is all on tape. It is her words. It is not taken out of context.

These types of comments are not just unacceptable, but they are false, and a telling sign of disdain for the military by this administration. And no response, you might notice no response has been given by the Secretary of the Army, and this lady, even though it has been said she has resigned or is intending to resign, is being considered for the post of Secretary of the Army. It is unbelievable.

How many times have we seen in a country like ours bravery and ultimate sacrifice by one of our Armed Services?

I was in the Air Force, but the United States Marines showed their colors in the Pacific during World War II; in Korea, where I fought at the Chosin Reservoir; in Vietnam, where I was a POW in Khe Sahn; or the numerous evacuations of our citizens who have been endangered for no other reason than just being an American. Our Marines have been there.

The Secretary, it has been said, went on to mock the Marine uniform. "They have all got on these checkerboard fancy uniforms, but the Army is sort of muddy boots on the ground."

Do you know that the Marines are our ceremonial troops? Do you think that our Embassies around the world would love to have muddy boots guarding our Embassies in a ceremonial fashion? I do not think so.

I suggest the Secretary ask Captain Scott O'Grady what his opinion is of the Marine uniforms of those men who pulled him out of Bosnia, and what they were wearing. I think she would be enlightened, to say the least.

I am not here to enlighten the Secretary, or our Congress. I just think that that conduct is inexcusable and should result in immediate dismissal. The sacrifices that Marines, and, for that matter, all our Armed Forces, have made should not be subject to administration comments that are childish and dishonorable.

I believe Secretary Lister must go, and I hope, Mr. President, that you are listening.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Speaker, I rise in support of this resolution. I do it on behalf of not only myself, but my oldest son, who I am proud to say serves in the U.S. Marines, and his family, my other four children and their mother.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from Florida [Mr. SCARBOROUGH]. I wish I had more time to give him. We are just out of time.

Mr. SCARBOROUGH. Mr. Speaker, this is truly a very bad time for us. I wish Ms. Lister, instead of going to this Harvard symposium, would have been where I was a week ago and seen the 222nd birthday of the United States Marine Corps, and hear the commandant talk about the legend of Bella Wood in World War I, or talk about what happened at Iwo Jima in World War II, or talk about Khe Sahn or Inchon, or what the Marines did there, or look at what happened in Lebanon in 1980s.

What gets me is this same administration that has shown contempt for readiness in the name of political correctness in the 1990s may have contempt for the Marines, may be elitist and have elitist attitudes, but every time there is a problem halfway across the world, they have no problem picking up the phone and dialing their 911, and that continues to be and has always been, for 222 years, the United States Marine Corps.

□ 1800

Let us forget the spin control, let us forget the apologies. They are too late. She must resign and leave her position at once.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I am personally incensed at these comments. My father was a civilian and fought with the Marines on Wake Island and spent 4 and a half years in a Japanese prison camp with those Marines. I represent the largest Marine base in the United States, Camp Pendleton. It is in the heart of my district. Fifty-five thousand Marines are incensed at what this lady has said. Calling them dangerous, calling them extremists. That is unconscionable, Mr. Speaker, and she should be relieved of her responsibilities immediately.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HUNTER], an outstanding member of this body.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time.

I think the interesting point of this is that the very point of criticism that the Clinton administration official made about the Marine Corps is really in essence their strength. The Marine Corps is a service that did not bend to the winds of political correctness when this mixed gender training was requested by the Clinton administration. Today, my service, the U.S. Army, has representatives around the country in courts-martial trying to explain what happened to young women who were injected into basic training with young men in very close quarters, and all of the tragedies that resulted from that. The Marine Corps is one service that perhaps, more than all of the others, has kept its tradition of duty, honor and country, and Chuck Krulak, the Commandant, is one of the very, very best.

So I think we will come out of this with a stronger Marine Corps, more adherence to tradition, and a stronger America.

Mr. SOLOMON. Mr. Speaker, to close for our side, I yield the balance of our time to the distinguished gentleman from South Carolina [Mr. SPENCE], chairman of the Committee on National Security, an outstanding American.

Mr. SPENCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as a Navy veteran and the brother of a retired Marine, and on behalf of the hundreds of thousands of Marines, living and dead, who served this country over all these years, I am personally saddened to hear of the remarks attributed to Ms. Sara Lister relative to the Marine Corps.

I cannot go into detail, I do not have enough time to make a speech on behalf of the Corps and in defense of the Corps, but I would like to just submit as part of my remarks an article which appeared in the Washington Times today which this quote comes from.

Kate O'Beirne, the Washington editor of National Review magazine, appeared with Ms. Lister on the panel, and here is what she said:

"It is actually a slander at both the Marine Corps and the Army," she said in an interview. "What attributes of the Marine Corps does she disrespect? Self-discipline? Courage? Patriotism? She believes these pose a danger to society and by implication she's grateful the Army doesn't share the Marine Corps attributes. Shocking."

TOP ARMY WOMAN: MARINES "EXTREMIST"

(By Rowan Scarborough)

Sara E. Lister, the Army's top personnel official and the Pentagon's most ardent advocate of women in combat, in a public forum called the Marines "extremists" and "a little dangerous."

Mrs. Lister, the assistant secretary of the Army for manpower and reserve affairs, also belittled the Marine Corps uniform.

"I think the Army is much more connected to society than the Marines are," Mrs. Lister told an Oct. 26 seminar. "The Marines are extremists. Wherever you have extremist, you've got some risks of total disconnection with society. And that's a little dangerous."

In response to a query by The Washington Times, the Army attempted last night to dampen a growing controversy that clearly rankled top officers:

"The statement attributed to Mrs. Lister was taken out of context. Her reference to the Marines and their relationship to society would be more aptly described as 'unique.'"

Gen. Charles Krulak, the Marine Corps commandant, issued a statement last night at his quarters vigorously defending a branch he has served 34 years.

"Assistant Secretary of the Army Sara Lister has been quoted as characterizing the Marine Corps as 'extremists,'" Gen. Krulak said. "Such a depiction would summarily dismiss 222 years of sacrifice and dedication to the nation. It would dishonor the hundreds of thousands of Marines whose blood has been shed in the name of freedom.

"Citizens from all walks of life have donned the Marine Corps uniform and gone to war to defend this nation, never to return. Honor, courage and commitment are not extreme."

Mrs. Lister, a close adviser to Army Secretary Togo West, made the remarks to a group of academics and military personnel at a conference in Baltimore.

According to a tape recording of the remarks, obtained by The Times, Mrs. Lister, who was appointed by President Clinton, also mocked the uniform of the Marine Corps.

"The Marine Corps is—you know they have all these checkerboard fancy uniforms and stuff," she said. "But the Army is sort of muddy boots on the ground."

Said Gen. Krulak, "I agree with Mrs. Lister's depiction of the U.S. Army as 'sort of muddy boots on the ground.' I need not recount the times where the muddy boots of soldiers fell alongside those of Marines as we fought side by side."

Kate O'Beirne, the Washington editor of National Review magazine, appeared with Mrs. Lister on the panel, along with retired Army Lt. Gen. Theodore Stroup. Mrs. O'Beirne, according to the tape recording, told the conference, sponsored by Harvard University's Olin Institute for Strategic Studies, that she was "shocked and incredulous" by Mrs. Lister's remarks.

"It is actually a slander at both the Marine Corps and the Army," she said in an interview later. "What attributes of the Marine Corps does she disrespect? Self-discipline? Courage? Patriotism? She believes these pose a danger to society and by implication she's grateful the Army doesn't share the Marine Corps attributes. Shocking.

"I just want to say something on behalf of the Marine Corps. Unlike Secretary Lister, I don't see them as an extremist organization nor do I fear them in any way. And I find myself grateful for them most of the time."

Mrs. Lister's caustic comments are sure to revive criticism within the military and among veterans groups that the Clinton administration is staffed at the highest levels with men and women with anti-military attitudes.

Mr. Clinton was sharply criticized by veterans groups in the 1992 campaign for remarks he made as young man trying to avoid the Vietnam War draft, saying that he and his friends held a "loathing" for the military, and shortly after taking office he offended military ranks with an attempt to lift long-standing policy barring known homosexuals in the military.

Mrs. Lister has said she will leave her post sometime this year and was honored recently at a retirement party. Pentagon sources say she may be a candidate for secretary of the Army if Mr. West, as expected, is named to head the Department of Veterans Affairs.

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The Army's statement defending Mrs. Lister went on to say that "it is inappropriate try to create controversy around what was meant to be an honest, intellectual exchange of ideas. The U.S. Marines, like the Army, have served the nation with valor and fidelity since the forming of the nation. Mrs. Lister and the Army are proud to share a common heritage."

Mrs. Lister has accused others of extremism, recently in a press interview labeling military advocate Elaine Donnelly an "extremist." Mrs. Donnelly is chairman of the Center for Military Readiness, which supports women in the military and opposes combat roles for them.

"I don't like to see my name in the same sentence with that word," Mrs. Donnelly said yesterday. "It shows that this person is very much out of step with the majority of women, both civilian and military. . . . If she puts us in the same group as the Marine Corps, we're in very good shape."

Mr. EVERETT. Mr. Speaker, as a veteran, a member of the National Security Committee, and as an American, I am appalled at the callous disrespect that Sarah Lister, the Assistant Security of the Army for Manpower, displayed toward the U.S. Marine Corps when she referred to them as a "dangerous" and "extremist" group during a recent forum. This type of behavior is reprehensible from a high ranking official in the Department of Defense. This is not only an affront to the men and women serving in the Marine Corps, but it is offensive and demoralizing to the nearly 1.5 million men and women in uniform that go in harms way to defend the United States.

What type of message is sent to our young people serving in the military when they hear that a high ranking official in the Pentagon is quoted as saying that the Marines have a "disconnection with society." This administration has been less than fully supportive of Armed Forces, and comments like these will undoubtedly have a further negative impact on their morale.

While Secretary Lister has said she will be leaving her post shortly, that's not good enough. Army Secretary Togo West should fire her now—today. Doing less will disgrace those brave Americans who have served and given their lives for this country. And as far as any talk of Secretary Lister being a possible candidate for Army Secretary should Secretary West leave the post—forget it.

On behalf of the U.S. Marine Corps and the entire military, I urge the strong support of this resolution calling for Sara Lister to step down; we cannot and will not tolerate this lack of respect from civilian leaders.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of this resolution expressing the sense of Congress that the Assistant Secretary of the Army for Manpower and Reserve Affairs, Sara E. Lister, should step down from her position following her derogatory remarks yesterday about our U.S. Marine Corps.

Secretary Lister's remarks have enraged those of us who are proud of the men and women who have served as marines. However, knowing the organization as I do and the type of people who are marines, they are not going to be hurt by her words.

The 222 year history of the United States Marine Corps speaks for itself. From its first battles of the Revolutionary War, through the bloody Pacific landings during World War II, and from the campaigns in the snowy mountains of Korea, to the steamy jungles of Vietnam, and the parched deserts of Kuwait, the Marine Corps has an unquestionable tradition of serving our Nation in the finest and bravest manner.

The U.S. Army, which was not well served by Secretary Lister's comments, has its own distinguished record of valor and service to our Nation. For those of us who just returned from Veterans Day programs back home, our words are still fresh in our minds. We reminded all Americans that if it were not for the brave service of the men and women of the U.S. Marine Corps, Army, Navy, Air Force, and Coast Guard, America would not be a free nation today.

Unfortunately, the comments of Secretary Lister are another example of the lack of respect with which our armed services and those who serve in uniform receive from some within this administration. As I have said time and again, our all volunteer force deserves far better. They at least deserve the respect of those who have been appointed by the President to provide civilian leadership over our services.

This is the same administration that has demonstrated a cavalier willingness to send our troops into harms way on a moments notice to make a bold statement or accentuate its foreign policy. These deployments throughout the world and with increasing regularity are ordered with little regard for our national interest or the cost of such deployments.

Mr. Speaker, there are many ironies about Secretary Lister's comments. It is ironic that she made them just 2 days after the Marines celebrated another birthday and just 1 day after we as a nation honored those who have served our Nation in the uniform of the U.S. Marine Corps and all the services. Perhaps

most ironic, though, is that the battles the Marine Corps have fought and won have been those to protect our Nation's most treasured freedoms and liberties. And there is no more basic American freedom than the freedom of speech. Yet, the President and our civilian leadership at the Pentagon cannot allow an appointee to continue to serve after showing such grave disrespect for every marine who has ever served in uniform.

When the President gives the order to "Send in the Marines", no one questions their character then. History has established that they are the force we turn to as a nation to be first on the scene, first to fight, and first to win.

Some of our Nation's greatest Army generals, who unlike Secretary Lister have seen marines in action, have acknowledged the spirit of our marines who have fought shoulder to shoulder with their brothers in the Army. Gen. John Pershing, during World War I, Gen. Douglas MacArthur, during the Korean conflict, and Gen. Norman Schwarzkopf, during Operation Desert Storm all agreed with MacArthur's comments from the outskirts of Seoul in 1950, that "there is not a finer fighting organization in the world" than the U.S. Marines.

Mr. Speaker, the marines who stand watch tonight on lonely outposts throughout the world, and those who are in training for their next mission wherever and whenever it may be, probably have not even heard about Secretary Lister's remarks. All they know is that they have chosen to wear the uniform of a U.S. Marine to defend and protect our great Nation. May their service and sacrifice stand as the greatest testament, making all other words ring hollow.

Semper Fidelis.

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from New York [Mr. SOLOMON] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 197.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the distinguished gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule makes in order the fiscal year 1998 Commerce, Justice, and State conference report, the final appropriations bill for fiscal year 1998. This is the standard rule for conference reports, waiving points of order against the conference report and its consideration. The rule also provides that the conference report be considered as read.

That is it. Another great rule from the Committee on Rules under the leadership of the gentleman from New York [Mr. SOLOMON] to get the job done.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from Florida [Mr. GOSS] for yielding me this time.

As he has described, this resolution, House Resolution 330, is a rule that waives all points of order against the conference report on H.R. 2267. This is a bill that makes appropriations for the Departments of Commerce, Justice and State, and related agencies. It is with great relief that I address this House on this, the last of the 13 regular appropriation bills. It is the one measure standing between us and the conclusion of the session this year.

The conference report contains major increases in funding for law enforcement programs, especially those aimed at preventing juvenile and drug-related crimes. The measure provides about $4 billion for the State Department, which is an increase above the levels in the House and Senate bills, but still less than the administration's request. This money is necessary to extend America's diplomatic presence abroad and assist with vital international peacekeeping efforts.

The conference contains a compromise which does not bar using statistical sampling in the Year 2000 Census. This will permit the Census Bureau to give statistical sampling a small-scale test. A commission will report on the results of the test. Unfortunately, this compromise also includes objectionable language calling on the House general counsel to file a civil suit to block sampling.

Mr. Speaker, I do not support everything in this bill, but we are already 6 weeks into the fiscal year. We should have wrapped up this process a long time ago. I urge adoption of the rule. Let us do our job and pass the bill, and let us go home.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I have no requests for time. The rule is not controversial. We are prepared to yield back as soon as the gentleman is.

Mr. HALL of Ohio. Mr. Speaker, I have 3 or 4 speakers that I know of.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the Commerce, Justice, and State bill is fatally flawed, and because of that, later today I will urge my colleagues to vote against it.

Earlier today we changed the House rules so that the Republican leadership could create a new subcommittee to investigate the census. Is the reason that we need this new subcommittee, is it because the current one is so overburdened that it cannot get all of its work done? No. There has been only one hearing in this Congress on the census, and that hearing had only two witnesses.

This new subcommittee is the latest effort by the leadership to politicize the census and make sure that millions of minorities and poor are left out of the count. They try to hide behind the Constitution, but they do not care whether sampling is constitutional or not.

Look at this quote from one Republican leader. He admits that they do not care if sampling is constitutional, and then later he says if the court says it is constitutional, we simply will not fund it.

During the negotiations over the census language in this bill, the White House lawyers tried to improve the language to assure that the case would make it to the Supreme Court. Those improvements were rejected by the same people who claim to be worried about a constitutional census. Their concerns are not constitutional; they are political.

The scientific and professional support for sampling is overwhelming. Over 175 studies from the General Accounting Office, the Commerce Department, the National Academy of Sciences, and the Census Bureau have shown that sampling gives results that are more fair and accurate. Still, the Republican leadership opposes it. Why? They fear the political consequences of a fair and accurate census.

The opponents of sampling say they are worried about the administration using sampling to manipulate the numbers. However, when the gentleman from West Virginia [Mr. MOLLOHAN] proposed a blue ribbon commission to

guard against manipulation, they rejected it on a party-line vote.

The opponents of sampling have raised one false claim after another to try and discredit sampling because they do not want a fair and accurate census. The language in the Commerce-Justice-State bill is one more attempt to stop a fair and accurate census.

This time, their tactics are to tie the Census Bureau up in the courts, to force them to run two censuses at once, and to confuse the public by issuing four sets of numbers instead of one. This will not work and we should not let it happen. I urge my colleagues to vote against the Commerce-Justice-State conference report, but to vote for the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to reluctantly oppose this conference report. I agree with all of the good things that we have heard and will continue to hear about.

However, I have some serious concerns regarding the census component. The so-called census compromise leaves several loopholes which could seriously hamper the ability of the Census Bureau to utilize sampling as a technique to conduct the 2000 Census. In essence, this compromise allows opponents of sampling an opportunity to disrupt, discredit, and dismantle an accurate census.

The census is far too important to become so politicized. I would like to support this agreement. However, it does not ensure a fair and accurate census count. In this democracy every American must be counted in order to count. In the last census we missed over 4 million people.

This agreement bestows upon the Speaker the unprecedented power to file a lawsuit on behalf of the House to challenge sampling. If we allow this agreement to go forward, African Americans, Hispanics, Asian Americans and other minorities can expect to have significant numbers of their population undercounted. Therefore, these communities will be underrepresented, not only in the halls of Congress but throughout government. I believe that every person must count; therefore, every person must be counted.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Speaker, I have a prepared statement which I will present. Mr. Speaker, this is serious business. For a moment I would like to address the Members of the other side.

□ 1815

Every time that I have come to the well or up here, I have tried to make my comments as nonpartisan as possible. I think the RECORD will indicate that. I came here to build bridges. We are making a very, very serious mistake on the language agreed to in the conference committee on the census and sampling.

I have in my hand here the materials that go back to 1994, 1995, 1996, concerning the city that I was mayor of, in Patterson, NJ, the third largest city in New Jersey. We were one of three communities that agreed to try out the new techniques of the U.S. Census. Sampling was used. Not only was it used, but it was proven to be very effective in that the city statistics for Patterson were changed by 8,000.

I ask the other side to please listen. I have here the letter from the U.S. Census which is dated September 12, 1995. In that letter, it specifically says that because of the work that we did in the city of Patterson, the letter was sent to us by Martha Farnesworth Rich, Director of the Census, the population change had been made officially to the city of Patterson. Not only do most scientific organizations in the United States support scientific sampling, but more important than that, in the areas that this was tried, it worked.

We talk on the other side about austerity and tightening our belts. We would agree with that. Do Members know how much money we spent to do this test in 1994 and 1995? This Government, through the Congress, spent $35 million. So now we want to shift to the dress rehearsal of 1998, and regardless of what comes out in that dress rehearsal, the leadership has said they are going to kill it in 1999.

I ask Members in good conscience, how can they accept that? In 1970, in 1980, in 1990, towns went to court against the census and the Department of Commerce, spent millions of dollars, lawyers got rich. All this document is going to do, this conference report, is make lawyers richer, put more antagonism on the floor of this House, and throw in the face of science what has already been proven.

What will we have accomplished? We are already past, way past, the time when one person-one vote is a reality. It is supported by the law. There are undercounts in small towns as well as large towns. All we want is an honest count. I ask Members, this conference report, while it has many good things in it, deserves to be sent down the tubes because of this unreasonable attempt to fly in the face of the state of the art and science.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. ROHRABACHER], who has done extraordinarily good work on 245(i).

Mr. ROHRABACHER. Mr. Speaker, I rise today to bring everyone's attention to a provision in this pending bill which will eventually phase out section 245(i) of the Immigration and Nationality Act, 245(i), which is a loophole for the sole benefit of illegal aliens.

For the 3 years this provision has existed, 245(i) has allowed anyone in the world to come to the United States illegally, find a sponsor, and then pay the Immigration and Naturalization Service a $1,000 fee to have their illegal status changed to legal. Sixty-two percent, 62 percent, of those who benefited from 245(i) came to the United States by sneaking across our borders. The rest came here on temporary visas and overstayed them.

With 245 intact, we have been talking about enforcement of our laws out of one side of our mouth and, with the other side, encouraging people to break our laws. This is what George Orwell called doublespeak in his classic novel "1984."

Although I am pleased that the Commerce-Justice-State conference has drafted a bill that will end 245(i) in the future, I still have concerns about the agreement that the conferees have come up with. The new compromise still allows all those who have been living in the United States illegally or those around the world who want to come to the United States illegally to pay $1,000 to become legal. All they have to do is find a sponsor to petition the INS within 60 days of the time this bill is signed into law.

I would like to remind my colleagues that there are currently 5 million illegal aliens living in the United States. News of the 60-day grace period has already sent them the message that they must quickly find a sponsor, go to the nearest INS office, and file a petition that puts them on the 245 illegal alien amnesty list. Just last week, crowds of illegal aliens in southern California stood in line for hours at packed INS offices because they heard on television that, for a limited period of time, they can become legal permanent residents.

In addition to illegal aliens who are already here, this grace period sends a message to prospective illegal aliens around the world that the U.S. borders are wide open for the next couple of months. All that is required is a sponsor and $1,000.

Mr. Speaker, there is also a provision in this conference agreement which allows anyone to come here on a temporary visa and overstay it for up to 6 months. Even after violating the terms of their visa, these people will become permanent legal residents without having to return to their countries and go through the proper process. We are once again compromising the integrity of our immigration process for those who have broken our laws.

These provisions do not go far enough with this compromise to uphold the integrity of the Illegal Immigration Reform Act that we passed last year. Let us make sure this is the last time that we have to compromise on this measure. Let us make sure we stick to our guns, because if we ever,

ever compromise again on this issue of illegal aliens coming in here and then getting their status adjusted, no immigrant will ever trust our word again. We will have floods of illegal immigrants into our country.

Mr. HALL of Ohio. Mr. Speaker I yield 7½ minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I urge all of the Members of this House to vote against this rule today for a number of different reasons. I want to first say that a number of things that did come out of this rule are good, and there are actually many good provisions in this. One is the section 245(i) that my friend and colleague, the gentleman from California [Mr. ROHRABACHER], just railed against.

I will say to the gentleman from California [Mr. ROHRABACHER], the 230-some-odd Members, bipartisan Members in this House, who voted to preserve section 245(i) did it for a number of reasons: First, because it preserves the integrity of our families; U.S. citizens are involved in this. Also, because the business community said they did not want to see a disruption of services, and also the opportunity for people to be employed. So section 245(i), fortunately, we did something good on that.

Where we did something very wrong was on the census. I would like to concentrate my comments on the census with regard to the Commerce-Justice-State appropriations bill. As much as it involves so many other things, let me focus on the Census.

Mr. Speaker, if Members recall, back in the 1990 census, we did a dismal job of counting the people of the United States of America, dismal because some 5 million people in America were not counted, 5 million people who were absent, 5 million people who disappeared for purposes of political representation in this body and for purposes of the distribution of tax dollars which they contributed to the Federal Treasury, which never went back to their communities, because they were not counted and they were not in the formulas that determined how much money would go back to these communities.

If we take a look at what we have in the census, we find that a State like California, which probably had an undercount of some 1.2 million people, probably will suffer worse consequences if we do not act upon a system for the Bureau of Census which will allow it to have the most accurate count of the people of the United States of America.

The Bureau has said that based on what the experts have told it, statistical sampling, a methodology used by technicians and the experts in the field, and they have talked to the National Academy of Sciences that has done research on this, that the experts are saying that statistical sampling is what is needed to try to give us the most accurate count possible.

If we take a look at the language of the bill, let me read one of the findings that we are supposed to support in this legislation under the census.

Finding No. 7 says, "The Congress finds that the use of statistical sampling or statistical adjustment in conjunction with an actual enumeration to carry out the Census with respect to any segment of the population poses the risk of an inaccurate, invalid, and unconstitutional Census."

Now, this finding is just what it says, it is a finding. It is not conclusive, nor is it constitutionally binding. But what we see is a manifesto here. This is a document which is being created by the majority to construct the ability to wage a campaign. This is a document to allow the majority and those opposed to statistical sampling to wage a campaign, both in the courts and on the streets, against the use of the most accurate method to count all of America.

Why? Because there is a fear that the politics will turn against them if all Americans are counted. Why? Because most of the people who are missed are people who are poor, are people who are minorities, people who do not often have a chance to vote. There is a fear that we will empower them if we do count them.

How do we empower them in this manifesto? Well, one, we give anyone in this country the right to sue the Government of the United States, to say we are being injured by the use of statistical sampling, and we bootstrap this by saying, you can go directly to the court, and even go directly to the Supreme Court on an appeal in this matter.

Not only that, but read this. It says that the Speaker, unilaterally, without ever having taken a vote of the 435 Members of this body, can file a suit to oppose the statistical sampling. Not only can the Speaker unilaterally file a suit, but the Speaker can employ the House counsel, at our expense, and of course at the taxpayers' expense, to do this litigation. Not only that, but the Speaker unilaterally could hire outside counsel to do the work.

So we are going to be using taxpayer dollars to let the Speaker, without ever having a vote in this House, hire attorneys to do the litigation for all of us, even though we may never even be asked to vote on that issue.

What else does this do? It gives a board that will be created the power to oversee what the Census Bureau does. What is the problem there? For the first time, I believe, in the history of conducting the census, a body will be given access to private documents. For the first time, I believe, in the history of this country taking the census, and we have done it since we have become a Republic, a body that is not affiliated directly with the Census, which is under strict confidentiality requirements, will have access to every single bit of data that the census Bureau collects.

Remember, Mr. Speaker, this is the utmost of private information which we tell Americans that will not be disclosed, and not even the FBI and CIA in lawsuits have been able to obtain some of this data. Yet this board will be able to take every single piece of information that the Census Bureau collects. What is wrong with that? This board, under this legislation, must share this with congressional bodies, committees.

□ 1830

We just voted today with strong opposition from the Democrats to create another subcommittee of the Committee on Government Reform and Oversight to look into the census. What is wrong with that? Well, that committee can disclose some of this information. Even though there are privacy concerns, for the first time there will be an opportunity to disclose information, because this legislation will provide that committee, that with body of Congress, with that opportunity.

All of that is to say that we are licensing with this manifesto a campaign, if not legally, then certainly politically, on the streets against statistical sampling. And what will be done is this, I guarantee: In the next year or so after we do the dress rehearsal where we test all the statistical sampling, we will see a comparison of the actual numbers of people counted to those that we created as a result of an actual count with statistical sampling, and hundreds of thousands, if not millions, of dollars will be spent to say, look, the count was not much different between the two. Let us not go with what we speculate will be the real count through statistical sampling. Let us go with what we know will be the count.

And, of course, that message will be directed to the State that will see their population shrink or not grow, because those are States that may lose representation in this body as a result of shifts in the demographic population of this country. The result, we are going to have an uproar of people saying, "You mean to tell me that the census will use some sampling method to say that this is the number of people beyond what we actually counted, and that might cost me a representative?" No way.

And we are going to have a political fight in our land which we cannot overcome because it will be difficult to ever convince the American people that

what we have done is actually done the best job of providing an accurate census.

We heard many Members on the majority side of the aisle say we cannot let this go. I heard one Member say this is the Republican Jihad, religious war. There is a fear that if there is a count, if this is allowed to occur, if we get that accurate count, those minorities, those poor will be counted, and they may start to get engaged in the political process. Heaven forbid. That is where we are heading.

So, as much good as was done by the chairman and ranking member on this Committee on Appropriations, I must ask Members to vote against this rule.

Mr. GOSS. Mr. Speaker, in a moment of uncharacteristic optimism, I felt earlier that there was a possibility we might actually debate the rule. And since it is such a good rule and really not controversial, I thought we could dispose of it rather quickly. However, some very fine words have been uttered, and some of the provisions of the measure that the rule carries forward, and it seems that we are in a debate. So I yield 5 minutes to the distinguished gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for yielding me the time.

My colleagues, a Republican Jihad? What kind of language is that? What kind of insinuation is that? But I tell my colleagues something. If we want to take a diversion from what this country has done for over 200 years, and that is to count the men and women and children in this country one by one, in a very methodical way, and say, instead of doing that, we are going to guess how many people are in this country, we are going to make some assumptions, and we are going to put some equations in place, and then we are going to put numbers in that equation, and if that equation does not meet the assumptions that we want, then we are going to do a statistical adjustment to make sure that the numbers that did not come out the way we want will meet the assumptions we put in the first place.

My colleagues, I think that this Congress has a responsibility first of all to itself, secondly to the Constitution, third to the taxpayers of this country that when we do the census, we do it right. What this bill has done, and of course the White House has worked with this to make sure that that language is in place and is fair and serves the interest of all people, that, number one, we do a test, we do a dress rehearsal; and in that dress rehearsal there will be enumeration, and there will be statistical sampling and statistical adjustment. And when we are done with statistical sampling, we have some transparencies. So we know what the numbers are. We know what the science is. We know what the technology is. And this Congress has the responsibility to do the census, has the ability to make good judgments.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Two questions quickly. One is has the Bureau of the Census and Department of Commerce and the White House all signed off on this proposal?

Mr. HASTERT. Reclaiming my time, that is correct.

Mr. ROGERS. Mr. Speaker, if the gentleman would further yield. Number two, in the history of the United States of America, have we ever in the census done anything like they are proposing, sampling or statistical adjustment? Had we ever done that before?

Mr. HASTERT. Never in the history of this country.

Mr. PASCRELL. Mr. Speaker, will the gentleman from Illinois [Mr. HASTERT] yield?

Mr. HASTERT. Mr. Speaker, I will not yield.

What I would like to do is also say, on my time, that one of the things that the gentleman said over on the other side of the aisle is that, my gosh, the Congress wants to look at these private numbers. These are not private numbers. These are numbers that belong to the people of this country, numbers that we need to take a look at, numbers that we need to judge with.

Let me tell my colleagues, I put together a map or two in my political life, and I could tell them, when we go down to census blocks, the very most simple geographical components of map-making that we have to have, we have to have very accurate numbers.

Mr. PASCRELL. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I will not yield.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New Jersey is not recognized. All Members will show courtesy to Members who are speaking.

The gentleman from Illinois [Mr. HASTERT] has 2 minutes remaining and may proceed.

Mr. HASTERT. Mr. Speaker, when we put together these census blocks for most simple geographical areas, the test that was done on this statistical sampling, or statistical guessing, in 1995 had a plus or minus 35 percent accuracy, plus or minus 35 percent accuracy. That means, if there is a census block and it could be 100 people in it, well, it could be 65, or it could be 135. We do not know. But when we put those census blocks together and they become the building blocks for any representative district, whether it is county board, school board, city council, State representative, State Senate seat, we have to have accurate building blocks to put these together, because I tell my colleagues, when we go to the Federal court, they choose what program they are going to take on what maps are most accurate, which map has the least deviation.

In Illinois, in 1991, the Federal Court said that the map that they chose was because 19 out of the 20 districts had a zero deviation, and one district, the southernmost district in Illinois, had plus 2. That takes pretty accurate measurement. That takes pretty accurate block-building, census block by census block.

Now, if we wanted to use statistical sampling and say, guess how many people are in the United States, 277 million, we probably would get a pretty accurate number; or how many people lived in a State, 15 million people, we would probably get a pretty accurate number; or how many people are in a city, 3½ million, we probably would get a pretty accurate number.

When we get down to census block and census block, we need to put a name and address with a place and census block so that we can start to put together those legislative and representative districts that bring people to this body. The taxpayers of this country, the Constitution of this country, expects the very best, and that is what we should give them.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I would first like to thank the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from Ohio [Mr. SAWYER] and the gentlewoman from New York [Mrs. MALONEY] and all of those who have worked so hard to try and make sense out of all of this. I know it has been difficult. I know that they were trying to do everything that they possibly could to see to it that we get a better count, because we have had an undercount, almost 4.8 million people undercounted, and we all know and believe that sampling could correct that. I understand what they had to do.

But what I think most people do not understand is this: In an attempt to work out the fact that there are people who want sampling, people who do not want sampling, none of us have realized that really sampling would help us all. It would help Democrats. It would help Republicans. We would get a better count. This would inure to everybody's benefit. But because Republicans are so afraid of sampling and getting a better count, they were willing to literally go into the back room and form a deal that, in the final analysis, is not in their own best interest, and they do not even know what the deal is.

The fact of the matter is what has been agreed upon is that there will be a way by which we can do sampling in the rehearsal, and they will not interfere with that, in exchange for some

bad language that we allowed them to have that basically said that sampling is unconstitutional maybe, and that somehow it is not in the best interest of the American people. And then we gave standing to the Speaker, or his representative, to go into court and the money to go along with it to say, now they can go and fight us, and we are going to let them fight us because we believe we can beat them in the court.

Well, in my estimation, it is a bad deal for everybody. I do not like these schemes. I do not like these schemes because I think this bad language that we allow them to put in the bill could be used as intent language in the court, and they could say, "Well, they voted for something that they said you thought that it was not constitutional." I do not like this language, because I do not like the idea of giving the Speaker all the resources he would like to have in order to go in and fight us on sampling.

But let me tell my colleagues some other things I do not like. I do not like the way this board is constructed. I do not like the idea that we are about to set up and design a confrontation. We are going to give the board resources and the ability to have confidential information. We are going to kick up the arguments. And the debate and confrontation, all of the radio talk shows are going to be talking about sampling versus nonsampling. What we are going to have is a great big nasty fight in America over sampling. And we have one side, my side, who is saying, "Trust me, we could beat them in court." And we have the other side saying, "Give me standing, and we will beat them in court."

Let me tell my colleagues what I think. I think that the Supreme Court has ruled on this more than one time, and the Supreme Court said sampling is fine. But further, the Supreme Court has said that the Secretary has the right to use any statistical method he or she deems necessary in order to get a good count.

If it was left up to me, I would let my colleagues do whatever they would want to do, and I would take the findings of the court, and I would go in court and I would proceed, and I would defend my position in court, and I would enjoin any language that they would attempt to have legislatively to say that it interferes with my ability as Secretary to get the job done. I would fight them head on. I would not have this diabolical scheme where most Republicans do not know what is in the deal, most Democrats do not know what is in the deal, and we have good people who are guessing at this and saying, "Trust me, trust me, trust me."

I do not want to lose, and I think a head-up fight is a good fight. I think we take all of the schemes out of it, and we go at it in court straight up. I would ask for a no vote on this. I do not like the deals that were made in the back rooms that Republicans should be afraid of and Democrats alike.

The SPEAKER pro tempore. The Chair would advise all Members that the gentleman from Florida [Mr. GOSS] has 20½ minutes remaining, and the gentleman from Ohio [Mr. HALL] has 8 minutes remaining.

Mr. GOSS. Mr. Speaker, if that is the case, I yield such time as he may consume to the distinguished gentleman from California [Mr. CUNNINGHAM], the Duke.

Mr. CUNNINGHAM. Mr. Speaker, why not sampling? Why not sampling? My parents always told me to cut to the quick. And two times in a political environment, people dance around the issue. It is because we do not trust you. And I will be specific. We do not trust the liberal leadership of the Democrat Party. The partisanship that has existed since we have taken the majority in every single case, we do not trust you. You want to guess. We want to count. For the first time in 200 years, you want to guess.

The White House has bought off on that language. The White House. So I guess the White House is part of that Jihad that my colleague talked about. No. We want an actual count. Let us take a look at some of the issues. Anything goes to win. The end justifies the means.

□ 1845

There is a story about a turtle and a snake. The snake could not swim across a river and it was poisonous, so he jumped on the turtle's back and said, "If you take me across the river, I won't bite you." And the turtle says, "No, you're venomous. I'm not going to take you." The snake says, "I give you my word. I'm not going to bite you."

So the turtle takes the snake across. As soon as he gets on the other side, the snake bites the turtle and in his death throes the turtle says, "But you gave me your word you wouldn't bite me." The snake looks at him and says, "I don't know what your problem is. You knew I was a snake."

We do not trust you * * * all the way through since 1994 in partisanship. We do not trust you. Thirty-five percent error is allowed within sampling in each district. Where do you think that 35 percent error is going to take place? It is going to take place in Republican districts. Look at INS in San Diego. We had 2,000 new immigrants.

Mr. HEFNER. Mr. Speaker, I ask the gentleman's words be taken down.

Mr. CUNNINGHAM. I did not speak in respect to anybody specifically.

Mr. HEFNER. Snake-like tactics. That is not complimentary. That is not accurate. That is the gentleman's own opinion, and I ask that the gentleman's words be taken down when he referred to the snake-like tactics from duly elected Members of this body. I ask the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. LAHOOD). All Members will suspend.

Mr. CUNNINGHAM. I would say to the gentleman I have been very careful not to specifically mention anybody.

The SPEAKER pro tempore. The Chair would ask Members to suspend.

The Chair would ask the gentleman from California if he is withdrawing his words.

Mr. CUNNINGHAM. No, I will not withdraw. I have not spoken to anybody specifically.

The SPEAKER pro tempore. The gentleman will suspend.

The Clerk will report the words.

□ 1900

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from California seek recognition?

Mr. CUNNINGHAM. Mr. Speaker, if I may restate my words, the gentleman said it was really a deer and lion and not a snake and a turtle, and I did not mean to infer, and I was very careful not to mention, anybody's name. So I will restate it. By "snakelike tactics" I mean in general, and I will be specific, but I will not apply to anybody specifically on it, but I will point out some instances with different departments within the Government that I think have used tactics that are, like was said, we may not trust either one, sampling or counting, and if the gentleman would accept that.

The SPEAKER pro tempore. Does the gentleman ask unanimous consent to withdraw the earlier words?

Mr. CUNNINGHAM. I ask unanimous consent, Mr. Speaker, to withdraw the earlier words.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman may proceed.

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, specifically what I was speaking to:

In San Diego, for example, there were 2,000 new citizens sworn in, 2,000. The Republican Party asked if they could have tables to register, and they were told by Mr. Reed, head of the INS, no, they could not. They went down to the ceremony itself, and there were 10 Democrat tables set up inside the building ready to go to register people.

That kind of tactic we disagree with, and we think it is unfair.

I look at the INS and the Sanchez case refusing to give documents up and apply and go toward the subpoenas. We think that was unfair.

I look at the Lincoln bedroom, the Vice President with the Buddhists, and the money to the DNC.

I look to Charlie Trie, and Riady, and Lippo Bank, and the DNC and dollars

to that, Ron Brown, special deals with the buses, John Huang, the DNC illegal campaign contribution, the FBI files, the IRS attacking businesses, Secretary Babbitt up for deals with tribes to give money to the DNC, and the whole point is, if my colleagues want to guess instead of actually counting, we are not going to buy it. I think that if looking at all of the different history, if it was different, we probably would say, okay, let us take a look and let us see which one works better.

Mr. PASCRELL. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from New Jersey.

Mr. PASCRELL. Is the gentleman from California aware that in the past four censuses that we did not have a nose count, that 85 percent of the people were counted through normal means and the rest was due to an adjustment?

Mr. CUNNINGHAM. Reclaiming my time, Mr. Speaker, I am very familiar because California underwent when we picked up many seats, and I understand exactly the process. But we are saying an actual count of individual noses is much fairer and more accurate than just guessing which allows for 35 percent error in each district, and we do not feel that that will be used on the up and up, and that is the reason why we oppose sampling.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] for yielding this time to me.

I want to say a word about the census and then about the Equal Employment Opportunity Commission. I hope that youngsters and students have not been listening to this debate about statistical sampling because, if so, they have had a royal miseducation about the science of statistics and statistical techniques.

I want to suggest an alternative constitutional theory, that if this body approves a method of taking the Census that deliberately gets an undercount, that raises a constitutional question, and because we know that statistical sampling is more accurate, that is the constitutional issue before the body.

Mr. Speaker, I am a former chair of the Equal Employment Opportunity Commission. I appreciate that in conference $2.5 million was added to the EEOC's appropriation after the Women's Caucus wrote the conferees concerning stark underfunding of that agency. While this is $4 million less than the President's request, this amount does represent an increase.

I am pleased that the $7 million increase that was forthcoming from the Watt-Norton amendment last year actually helped reduce the backlog 30 percent, and we should continue to fund the agency so that it can continue to do that.

The Women's Caucus wrote the conferees in addition concerning committee report language that remains in the bill and that could have a chilling effect on EEOC's small litigation intervention program. Historically, the complaint has been that the EEOC does too little, not too much, litigation, and that is still the case.

In our letter, we express concern that the language could discourage the EEOC from intervening in cases like the notorious Mitsubishi case which protected the interests of hundreds of women who were not included in the private litigation.

The Women's Caucus has another concern as well. In 1994, the Women's Caucus supported and the Congress passed with strong bipartisan support the Violence Against Women Act. An important provision of that act allows for a suspension of deportation during a period in which an abused immigrant spouse is granted an exemption to pursue legal residency through self-petition.

Because the immigration section 245 provision in this bill does not contain that specific exemption for qualified immigrants, these battered spouses will be subject to deportation to obtain their green cards, making it harder for women and their children to leave dangerously abusive relationships with U.S. citizens. The women are often intimidated and reluctant to leave as it is. They may be subject to continuing abuse by their spouses and even to stalking if they return to their countries.

The immigration provisions of the Violence Against Women Act were written to provide a way out of violent relationships for battered immigrant women and children. We believe that it is a serious mistake not to include this exemption.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I rise in opposition to this rule for all the reasons that were mentioned in terms of the Census. But I also want to call attention to another very, very important issue, and that simply is the money that the United States owes in arrearages to the United Nations, which is not in this either and which is another reason why I oppose this.

Today our President is trying to reinvigorate the International Coalition Against Iraq so that our young men and women will not have to fight alone should the need arise. But just as we are readying the Nation for some kind of action in the coalition, Congress may take this disastrous step to undercut our ability to build a coalition of nations at the U.N. This makes no sense. If we do not begin today the effort to repay our arrearages to the U.N., our ability to forge a solid coalition against Iraq will be severely in jeopardy.

I want to be absolutely clear. I believe that in paying off our debt to the United Nations, it is in America's interest and it is justified on its own merits by the good work the U.N. does around the world. However, because of the threat emanating from the Persian Gulf, the danger of not paying our arrears is now much greater as American troops could be put at risk.

So I oppose this amendment, I oppose this rule, because of the Census and because of the U.N. arrearages.

Today, our President is trying to reinvigorate the international coalition against Iraq so that our young men and women will not have to fight alone, should the need arise.

I voted for the Gulf War and will support the President again if armed force is needed to reach Iraq a lesson.

But, just as we are readying the nation for military action, Congress may take a disastrous step to undercut our ability to build a coalition of nations at the U.N.

If we today do not begin the effort to repay our arrears to the U.N., our ability to forge a solid coalition against Iraq will be severely in jeopardy.

I want to be absolutely clear: I believe that paying off our debt to the U.N. is in America's interest and is justified on its own merits by the good work the U.N. does around the world.

However, because of the threat emanating from the Persian Gulf, the danger of not repaying our arrears is now much greater as American troops could be put at risk.

It is unfortunate that only a potential military crisis can reawaken the Congress to the need to pay what we owe to the world body.

Soon, the gentleman from Wisconsin [Mr. OBEY] will offer a motion to recommit this bill with instructions to waive the authorization requirement for the $100 million repayment of the money the U.S. owes the U.N.

I urge my colleagues to support the motion and, by doing so, support our troops in the Gulf.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not know if there could be a more crucial determination than the one we might be making today. How sad it is that on the shadow of the closing of this first session, this important decision on how the census will be taken to count every American is now being forced upon those of us who have fought to assure that those who are homeless and those who are undercounted, those who are rural, those who are urban, those who are Hispanic, those who are African-American, those who are Caucasian and Asian, and those who are others would not be counted.

It is tragic that we would have individuals of our colleagues on the other side of the aisle begin to talk about snake tactics and accusations of mistrust when it is well known that the

National Academy of Sciences has documented that sampling is the very best way to ensure that all Americans are counted, rich or poor, black or white. And this is a tragic response to the need for counting.

Might I say that there are points in this bill that I applaud, the acknowledgment of the Peer Review Justice Center on Juvenile Prevention. But yet I come to disappointment, the disappointment that under 245(I) battered women who may be immigrants will be excluded and therefore will not be allowed to stay in this country while others with less concern will be.

But let me turn my attention to this census. How false to be able to acknowledge that sampling is not an accurate count. It is, and the Republicans know that it is, and the misguided language in this bill that suggests that it is risky to suggest that this Speaker of the House could threaten the sampling process and rush to the court system, this denial of the state of the law that says that sampling is accurate, this choice of these particular cities and the possibility that they may not give us the ability to judge sampling in its accuracy.

Mr. Speaker, on the last day of this session, do we not want to say to the American people that our business is their business, that this count can count all of them, that the resources of this Nation are intended to meet all of their needs and not be falsely misrepresented by Republicans who say, oh, we do not want sampling?

Mr. Speaker, we need to vote down this rule because it is not about the American people, it is about pure politics in this body. What a disgrace, a disgrace. Vote down this rule.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, this is the way it is.

Mr. Speaker, I thank the gentleman from Florida for yielding this time to me. The argument of sampling really boils down to this very simple chart. Under the United States Census called for by the Constitution, the way it has always been done, they go house to house, door to door, and they count. Go to the first house, 3 people; the second house, 7; third house, 6; and we come up with 16 people. Pretty clear, pretty explicit, very understandable.

Now, as the last speaker said, Democrats' sample-matics is all about politics. Go to the first house, 3 people; go to the second house, 7 people; go to the third house; and, really, they do not go because they do not feel like it, it is time to knock off for lunch or do whatever people do when they work for the Government. So then they say, well, how many do we really need? We need 15 to 25 people? Well, we will just do that because we did not go to the third house.

That is what this is all about. If my colleagues like sampling, how would they like it done in their election? If my colleagues like sampling, sample their next IRS return and see how their administration backs them on that. Sample their golf score, sample their bookie; I do not know.

Mr. Speaker, this is the way to do a Census. Count it head by head, door by door.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. SAWYER].

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 2 minutes.

□ 1905

Mr. SAWYER. Mr. Speaker, I rise in deep gratitude for the passion and commitment of a number of the Members, including the gentlewoman from California [Mrs. WATERS], the gentleman from California [Mr. BECERRA], the gentleman from New Jersey [Mr. PASCRELL], the gentleman from Illinois [Mr. DAVIS], the gentlewoman from Texas [Ms. JACKSON-LEE] and others. They are absolutely right about sampling.

The gentleman from New Jersey [Mr. PASCRELL] is right when he says this is important. Several sampling techniques were evaluated in 1994 and 1995. Some were found to be woefully wanting; they were rejected. One enumeration method including sampling was selected, and now must be refined in the context of a full census-like environment known as a dress rehearsal.

This is not a reflection of a lack of confidence in sampling. It has been planned from the beginning of the decade. Like war game exercises, it is a needed step in preparing for this huge national undertaking.

When the gentleman from California [Mr. BECERRA] suggested that 5 million people were missed, I suggest that he underestimates. In fact, 10 million people were missed in 1990, 6 million were doubled, for a net undercount of 4 million, but an aggregate error of 16 million.

I am grateful for this support for sampling, and I share that support. I will vote differently on this bill. This bill is not a pretty piece of legislation. It is kind of a Rube Goldberg contraption. It is not a permanent victory for sampling; it is not a permanent defeat. The provisions regarding the census, however, reflect a clear victory for supporters of keeping sampling alive so it can be appropriately tested. There is no realistic chance for an injunction. Confidentiality is protected by current law.

I support this rule; I support going forward with sampling; I support keeping it alive until its accuracy can be verified in a census-like environment, in a dress rehearsal in 1998, and evaluated in 1999.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply say that actually this debate was supposed to be on the rule. I did not hear much objection to the rule. Actually I heard some praise for it. I think it is a fine rule, and perhaps we can get on with the debate about the census, which I know we have all been waiting for eagerly.

I would like to compliment the gentleman from Louisiana, Chairman LIVINGSTON, and the gentleman from Kentucky, Chairman ROGERS, and the ranking member, the gentleman from Wisconsin, Mr. OBEY, for the fine work they have done through the appropriations process, which we now hope is drawing to a close.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. MALONEY of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Without objection, the vote on the motion to suspend the rules and agree to House Concurrent Resolution 137 will be reduced to 5 minutes.

There was no objection.

The vote was taken by electronic device, and there were—yeas 285, nays 113, not voting 34, as follows:

[Roll No. 636]

YEAS—285

Ackerman	Burton	Dingell
Aderholt	Buyer	Dixon
Allen	Callahan	Dooley
Archer	Calvert	Doolittle
Armey	Camp	Doyle
Bachus	Campbell	Dreier
Baesler	Canady	Duncan
Ballenger	Cannon	Dunn
Barcia	Castle	Edwards
Barr	Chabot	Ehrlich
Barrett (NE)	Chambliss	Emerson
Barrett (WI)	Chenoweth	English
Bartlett	Christensen	Eshoo
Barton	Clayton	Etheridge
Bass	Clement	Everett
Bateman	Coble	Ewing
Bereuter	Coburn	Farr
Berman	Collins	Fawell
Berry	Cook	Fazio
Bilbray	Cooksey	Foley
Bilirakis	Costello	Forbes
Bliley	Cox	Fossella
Blunt	Cramer	Fox
Boehlert	Crane	Frank (MA)
Boehner	Crapo	Franks (NJ)
Bonilla	Cunningham	Frelinghuysen
Bono	Davis (FL)	Gallegly
Boswell	Davis (VA)	Ganske
Boucher	Deal	Gekas
Brady	Delahunt	Gibbons
Bryant	DeLay	Gilchrest
Bunning	Diaz-Balart	Gillmor
Burr	Dicks	Gilman

Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Manzullo
Markey
Mascara
Matsui
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—113

Abercrombie
Andrews
Baldacci
Becerra
Bentsen
Bishop
Blagojevich
Bonior
Borski
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clyburn
Condit
Conyers
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Doggett
Engel
Ensign
Evans
Fattah
Filner
Ford
Frost
Gejdenson
Gephardt
Gordon
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Klink
Kucinich
Lampson
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Mink
Nadler
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Schumer
Scott
Serrano
Stabenow
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Torres
Towns
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Woolsey
Wynn

NOT VOTING—34

Baker
Blumenauer
Combest
Cubin
Dickey
Ehlers
Flake
Fowler
Furse
Gonzalez
Green
Houghton
John
LaFalce
Lipinski
McInnis
Miller (CA)
Myrick
Nussle
Ortiz
Pickett
Pryce (OH)
Riley
Roemer
Schiff
Smith (OR)
Snyder
Stark
Taylor (NC)
Watkins
Wexler
White
Wise
Yates

□ 1931

The Clerk announced the following pair:

On this vote:

Mr. Riley for, with Mr. Yates against.

Mrs. LOWEY changed her vote from "yea" to "nay."

Mr. DELAHUNT changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT AS LAW REVISION COUNSEL FOR THE HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to the provisions of 2 U.S.C. 285c, the Chair announces the appointment of John R. Miller as law revision counsel for the House of Representatives, effective November 1, 1997.

APPOINTMENT AS GENERAL COUNSEL OF HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to the provisions of clause 11 of rule I, the Chair announces the appointment of Geraldine R. Gennet as general counsel of the U.S. House of Representatives, effective August 1, 1997.

EXPRESSING SENSE OF HOUSE CONCERNING NEED FOR INTERNATIONAL CRIMINAL TRIBUNAL TO TRY MEMBERS OF IRAQI REGIME

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H.Con.Res. 137.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, H.Con.Res. 137, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 396, nays 2, not voting 34, as follows:

[Roll No. 637]

YEAS—396

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal

Nethercutt	Rothman	Stenholm
Neumann	Roukema	Stokes
Ney	Roybal-Allard	Strickland
Northup	Royce	Stump
Norwood	Rush	Stupak
Oberstar	Ryun	Sununu
Obey	Sabo	Talent
Olver	Salmon	Tanner
Owens	Sanchez	Tauscher
Oxley	Sanders	Tauzin
Packard	Sandlin	Taylor (MS)
Pallone	Sanford	Thomas
Pappas	Sawyer	Thompson
Parker	Saxton	Thornberry
Pascrell	Scarborough	Thune
Pastor	Schaefer, Dan	Thurman
Paxon	Schaffer, Bob	Tiahrt
Payne	Schumer	Tierney
Pease	Scott	Torres
Peterson (MN)	Sensenbrenner	Towns
Peterson (PA)	Serrano	Traficant
Petri	Sessions	Turner
Pickering	Shadegg	Upton
Pitts	Shaw	Velázquez
Pombo	Shays	Vento
Pomeroy	Sherman	Visclosky
Porter	Shimkus	Walsh
Portman	Shuster	Wamp
Poshard	Sisisky	Waters
Price (NC)	Skaggs	Watt (NC)
Quinn	Skeen	Watts (OK)
Radanovich	Skelton	Waxman
Rahall	Slaughter	Weldon (FL)
Ramstad	Smith (MI)	Weldon (PA)
Rangel	Smith (NJ)	Weller
Redmond	Smith (TX)	Weygand
Regula	Smith, Adam	Whitfield
Reyes	Smith, Linda	Wicker
Riggs	Snowbarger	Wise
Rivers	Solomon	Wolf
Rodriguez	Souder	Woolsey
Rogan	Spence	Wynn
Rogers	Spratt	Young (AK)
Rohrabacher	Stabenow	Young (FL)
Ros-Lehtinen	Stearns	

NAYS—2

Paul	Snyder

NOT VOTING—34

Baker	Houghton	Riley
Blumenauer	LaFalce	Roemer
Combest	Lantos	Schiff
Cubin	Lipinski	Smith (OR)
Dellums	McInnis	Stark
Dickey	Miller (CA)	Taylor (NC)
Ehlers	Myrick	Watkins
Flake	Nussle	Wexler
Fowler	Ortiz	White
Furse	Pelosi	Yates
Gonzalez	Pickett	
Green	Pryce (OH)	

□ 1943

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

□ 1945

ADJOURNMENT SINE DIE OF FIRST SESSSION OF ONE HUNDRED FIFTH CONGRESS

The SPEAKER pro tempore (Mr. LAHOOD). The Chair lays before the House a Senate concurrent resolution (S. Con. Res. 68) to adjourn sine die the First Session of the One Hundred Fifth Congress, as a question of the privileges of the House.

The Clerk read the Senate Concurrent Resolution, as follows:

S. CON. RES. 68

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on the legislative day of Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. The Congress declares that clause 5 of rule III of the Rules of the House of Representatives and the order of the Senate of January 7, 1997, authorize for the duration of the One Hundred Fifth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively: To receive messages from the President during periods when the House and Senate are not in session and thereby preserve until adjournment sine die of the final regular session of the One Hundred Fifth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

SEC. 4. The Clerk of the House of Representatives shall inform the President of the adoption of this concurrent resolution.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEPHARDT. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 193, not voting 34, as follows:

[Roll No. 638]

YEAS—205

Aderholt	Bateman	Brady
Archer	Bereuter	Bryant
Armey	Bilbray	Bunning
Bachus	Bilirakis	Burr
Ballenger	Bliley	Burton
Barr	Blunt	Buyer
Barrett (NE)	Boehlert	Callahan
Bartlett	Boehner	Calvert
Barton	Bonilla	Camp
Bass	Bono	Campbell
Canady	Hostettler	Porter
Cannon	Hunter	Portman
Castle	Hutchinson	Quinn
Chabot	Hyde	Radanovich
Chambliss	Inglis	Ramstad
Chenoweth	Istook	Redmond
Christensen	Jenkins	Regula
Coble	Johnson (CT)	Riggs
Coburn	Johnson, Sam	Rogan
Collins	Jones	Rogers
Cook	Kasich	Rohrabacher
Cooksey	Kelly	Ros-Lehtinen
Cox	Kim	Roukema
Crane	King (NY)	Royce
Crapo	Kingston	Ryun
Cunningham	Klug	Salmon
Davis (VA)	Knollenberg	Sanford
Deal	Kolbe	Saxton
DeLay	LaHood	Scarborough
Diaz-Balart	Largent	Schaefer, Dan
Doolittle	Latham	Schaffer, Bob
Dreier	LaTourette	Sensenbrenner
Duncan	Lazio	Sessions
Dunn	Leach	Shadegg
Ehrlich	Lewis (CA)	Shaw
Emerson	Lewis (KY)	Shays
English	Linder	Shimkus
Ensign	Livingston	Shuster
Everett	LoBiondo	Skeen
Ewing	Lucas	Smith (MI)
Fawell	Manzullo	Smith (NJ)
Foley	McCollum	Smith (TX)
Forbes	McCrery	Smith, Linda
Fossella	McDade	Snowbarger
Fox	McHugh	Solomon
Franks (NJ)	McIntosh	Spence
Frelinghuysen	McKeon	Stearns
Gallegly	Metcalf	Stump
Ganske	Mica	Sununu
Gekas	Miller (FL)	Talent
Gibbons	Moran (KS)	Tauzin
Gilchrest	Morella	Thomas
Gillmor	Nethercutt	Thornberry
Goodlatte	Neumann	Thune
Goss	Ney	Tiahrt
Graham	Northup	Traficant
Granger	Norwood	Upton
Greenwood	Oxley	Walsh
Gutknecht	Packard	Watts (OK)
Hansen	Pappas	Weldon (FL)
Hastert	Parker	Weldon (PA)
Hastings (WA)	Paul	Weller
Hayworth	Paxon	Whitfield
Hefley	Pease	Wicker
Herger	Peterson (PA)	Wolf
Hilleary	Petri	Young (AK)
Hobson	Pickering	Young (FL)
Hoekstra	Pitts	
Horn	Pombo	

NAYS—193

Abercrombie	Davis (FL)	Hamilton
Allen	Davis (IL)	Harman
Andrews	DeFazio	Hastings (FL)
Baesler	DeGette	Hefner
Baldacci	Delahunt	Hill
Barcia	DeLauro	Hilliard
Barrett (WI)	Dellums	Hinchey
Becerra	Deutsch	Hinojosa
Bentsen	Dicks	Holden
Berman	Dingell	Hooley
Berry	Dixon	Hoyer
Bishop	Doggett	Hulshof
Blagojevich	Dooley	Jackson (IL)
Bonior	Doyle	Jackson-Lee (TX)
Borski	Edwards	Jefferson
Boswell	Engel	John
Boucher	Eshoo	Johnson (WI)
Boyd	Etheridge	Johnson, E. B.
Brown (CA)	Evans	Kanjorski
Brown (FL)	Farr	Kaptur
Brown (OH)	Fattah	Kennedy (MA)
Cardin	Fazio	Kennedy (RI)
Carson	Filner	Kennelly
Clay	Ford	Kildee
Clayton	Frank (MA)	Kilpatrick
Clement	Frost	Kind (WI)
Clyburn	Gejdenson	Kleczka
Condit	Gephardt	Klink
Conyers	Goode	Kucinich
Costello	Goodling	Lampson
Coyne	Gordon	Lantos
Cramer	Gutierrez	Levin
Cummings	Hall (OH)	Lewis (GA)
Danner	Hall (TX)	

Lofgren	Oberstar	Skaggs
Lowey	Obey	Skelton
Luther	Olver	Slaughter
Maloney (CT)	Owens	Smith, Adam
Maloney (NY)	Pallone	Snyder
Manton	Pascrell	Spratt
Markey	Pastor	Stabenow
Martinez	Payne	Stenholm
Mascara	Pelosi	Stokes
Matsui	Peterson (MN)	Strickland
McCarthy (MO)	Pomeroy	Stupak
McCarthy (NY)	Poshard	Tanner
McDermott	Price (NC)	Tauscher
McGovern	Rahall	Taylor (MS)
McHale	Rangel	Thompson
McIntyre	Reyes	Thurman
McKinney	Rivers	Tierney
McNulty	Rodriguez	Torres
Meehan	Rothman	Towns
Meek	Roybal-Allard	Turner
Menendez	Rush	Velázquez
Millender-McDonald	Sabo	Vento
	Sanchez	Visclosky
Minge	Sanders	Wamp
Mink	Sandlin	Waters
Moakley	Sawyer	Watt (NC)
Mollohan	Schumer	Waxman
Moran (VA)	Scott	Weygand
Murtha	Serrano	Wise
Nadler	Sherman	Woolsey
Neal	Sisisky	Wynn

NOT VOTING—34

Ackerman	Green	Roemer
Baker	Houghton	Schiff
Blumenauer	LaFalce	Smith (OR)
Combest	Lipinski	Souder
Cubin	McInnis	Stark
Dickey	Miller (CA)	Taylor (NC)
Ehlers	Myrick	Watkins
Flake	Nussle	Wexler
Fowler	Ortiz	White
Furse	Pickett	Yates
Gilman	Pryce (OH)	
Gonzalez	Riley	

□ 2004

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution and a concurrent resolution of the House of the following titles:

H.J. Res. 103. Joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress.

H. Con. Res. 194. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 867) "An Act to promote the adoption of children in foster care.".

The message also announced that the Senate had passed a bill , a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1371. An act to establish felony violations for the failure to pay legal child support obligations and for other purposes.

S.J. Res. 39. Joint resolution to provide for the convening of the Second Session of the One Hundred Fifth Congress.

S. Con. Res. 68. Concurrent resolution to adjourn sine die the First Session of the One Hundred Fifth Congress.

PROVIDING FOR CONVENING OF SECOND SESSION OF ONE HUNDRED FIFTH CONGRESS

Mr. ARMEY. Mr. Speaker, pursuant to House Resolution 311, I call up the Senate joint resolution (S.J. Res. 39) to provide for the convening of the Second Session of the One Hundred Fifth Congress, and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 311, the joint resolution is considered read.

The text of S.J. Res. 39 is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the One Hundred Fifth Congress shall begin at noon on Tuesday, January 27, 1998.

SEC. 2. Prior to the convening of the second regular session of the One Hundred Fifth Congress on January 27, 1998, as provided in the first section of this joint resolution, Congress shall reassemble at noon on the second day after its Members are notified in accordance with section 3 of this joint resolution.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to assemble whenever, in their opinion, the public interest shall warrant it.

The joint resolution was read a third time and passed.

A motion to reconsider was laid on the table.

VACATING VOTE ON HOUSE RESOLUTION 328

Mr. FAZIO of California. Mr. Speaker, I ask unanimous consent that the vote by which House Resolution 328 was passed be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Speaker, I have an amendment to that resolution at the desk.

The Clerk read as follows:

Amendment offered by Mr. FAZIO of California:

Strike the election of David Price of North Carolina to the Committee on Budget.

The text of the resolution, as amended, is as follows:

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

To the Committee on Appropriations, the following Member:

Robert "Bud" Cramer of Alabama

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

The amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform and Oversight:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 13, 1997.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR NEWT: I respectfully request that you accept my resignation from the Government Reform and Oversight Committee, effective Friday, November 14, 1997.

Thank you for your assistance in this matter.

Sincerely,

ROB PORTMAN,
Representative.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 331) and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 331

Resolved, That the following Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT: Mr. Miller of Florida.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE FIRST SESSION OF THE ONE HUNDRED FIFTH CONGRESS AND ARE READY TO ADJOURN

The SPEAKER pro tempore. The Chair appoints as Members on the part of the House to the Committee to notify the President the gentleman from Texas [Mr. ARMEY] and the gentleman from Missouri [Mr. GEPHARDT].

CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. ROGERS. Mr. Speaker, pursuant to House Resolution 330, I call up the conference report on the bill (H.R. 2267), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2267 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Speaker, I yield myself 11 minutes.

Mr. Speaker, we are honored to be the last train leaving the station of this session. I am also here to tell my colleagues that this is the last time I am going to be the last train leaving the station, for a variety of reasons.

But I am pleased to report and bring to my colleagues today the conference report on our bill. This bill provides $31.8 billion for the programs under the jurisdiction of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations. We have come a long way in addressing a number of very important issues, but we have not let up on our strong commitment to law enforcement and the fight against crime.

That is what this bill really is all about. It is not about census. It is not about 245(i). It is mainly the fight against crime. Of the total funding in this conference report, the lion's share, $17.5 billion, is for the Department of Justice programs. That is an increase of $1.04 billion over fiscal year 1997 dedicated to continuing the war on drugs, making our neighborhoods safer for children and their families, bringing our borders under control, and boosting juvenile justice efforts to get kids on the right track and away from a life of crime.

This Congress deserves credit for its leadership in reducing crime. The Nation's crime rate is lower today than in over a decade. Our commitment over the last 2 years has triggered a decline in the crime rate in each of those years.

In 1996 alone, serious reported crime in the United States declined 3 percent, including an 11 percent decline in murder rates. For State and local law enforcement assistance, our communities, our sheriffs, and our police departments, the conference report includes over $4.8 billion. That is a $658 million increase to give our communities an arsenal of programs that target violent criminals, sex offenders, domestic violence, child abuse, and juvenile crime.

And on juvenile crime, the hottest topic today in law enforcement, we hit the problem head on using both prevention and law enforcement initiatives. We provide a $489 million amount, triple the amount provided last year, for juvenile crime to build a hopeful future for America's youth. That is this Congress in action.

While overall crime is down, our kids are committing violent crimes at an alarming rate. One out of five people arrested for violent crimes is under 18 years of age, a 70 percent increase in the last 10 years. The conference report provides $239 million for juvenile crime prevention, a 36 percent increase over last year, for programs targeting dangerous precursors to crime, like teenage drug and alcohol abuse and programs that steer troubled kids away from crime. We provide $250 million for a new juvenile crime block grant to States to encourage them to adopt reforms to stop the revolving door of juvenile justice and to ensure that kids know that they will be punished if they commit a crime.

For the war on drugs, we provide another substantial increase, including an $84 million increase for the Drug Enforcement Administration, to target drug traffickers in the Southwest border and Caribbean drug corridors, and an $89 million increase to block the manufacture and distribution of heroin and methamphetamine.

To control our borders, we provide a $228 million increase for the Immigration and Naturalization Service, including 1,000 new border patrol agents, double what the administration asked of us.

□ 2015

We restore integrity to the naturalization process by ending the fingerprint scam that allowed felons by the thousands in 1996 to receive the most precious benefit this country can offer, United States citizenship. We are also requiring criminal record checks by law, no longer a policy, by law. The department did not follow their policy. They waived the policy last year and allowed felons to come into the country unchecked for their criminal records. No longer.

And we address the personal hardships of families and employers that have relied on section 245(i) by allowing people who file for permanent immigrant visas and later certifications before January 14, 1998 to continue to adjust to permanent residency under this provision without having to leave the country. At the same time, by letting this provision sunset, we require future immigrants to play by the rules and respect them.

For the Judiciary, $3.2 billion is provided, including a cost-of-living salary adjustment for justices and judges.

Regarding the 9th Circuit of the Federal Courts of Appeal, the conference agreement provides for a study of all circuits that has a timetable of 10 months from the date of quorum to conduct necessary studies plus up to an additional 2 months to submit recommendations on alternative structures for the Federal Circuit Courts.

On the Hyde provision, we have language that we believe is acceptable to all parties, that allows the recovery of attorneys' fees in criminal cases where the defendant is acquitted where the court finds that the prosecutor acted vexatiously, frivolously or in bad faith.

For the Commerce Department, the conference report provides $4.3 billion, a $450 million increase, most of which is related to the ramp-up for the year 2000 decennial census.

And on the 2000 census, we include provisions to provide for an expedited review by the courts on the legality and constitutionality of statistically adjusting the 2000 census. There is a legitimate question. I firmly and strongly believe that the Constitution requires an actual enumeration. Others in this Chamber, as honestly as me, believe to the contrary.

We will let the courts decide that, and only they can decide it. They should have decided it in my judgment long ago, as members of the subcommittee requested. The gentleman from California [Mr. DIXON] and the gentleman from Ohio [Mr. SAWYER] I think in times past have thought the same.

We also require the administration to plan for an actual head count in the 2000 census and to test that plan in the 1998 dress rehearsal. And we commission an 8-person bipartisan census monitoring board to oversee the whole process from the inside, so that everyone can be assured that it is being done in the proper way.

We also provide $390 million for the decennial census, $35 million more than the President's request, an increase of $305 million over current spending. There can be no question of our willingness to spend what it takes for the most accurate census possible.

For the international programs in the bill—State Department operations,

the U.S. Information Agency, the Arms Control and Disarmament Agency—for all practical purposes, the bill level-funds them at $5 billion. A major new initiative is $35 million to fund the 24-hour broadcasting service to China through Radio Free Asia and the Voice of America, an initiative proposed by the Speaker and endorsed by the President.

For international organizations and peacekeeping, we provide $33 million less than 1997. Within that reduced amount, $100 million is provided for United Nations arrearages, but only if an authorization bill passes and only if that authorization bill contains real and substantial reforms as a condition for release of the money.

For Legal Services, we provide $283 million, the same level as 1997. The restrictions in last year's bill are retained, and added are new public disclosure requirements for grantees of the corporation.

In summary, I want to thank the gentleman from West Virginia [Mr. MOLLOHAN], the ranking minority member. No chairman of any subcommittee has a more able ranking member than I do. The gentleman from West Virginia has provided leadership for the things he strongly believes in. He has been able to work with us in every respect in constructing a bill that is best for the Nation. I want to thank the gentleman from West Virginia personally and profusely for his hard work and loyal dedication.

I want to thank the gentleman from Louisiana [Mr. LIVINGSTON], our committee chairman, without whose help we would not be here tonight. He has been superb in helping us bring this bill through some really rocky shoals to this nice peaceful shore. And the gentleman from Wisconsin [Mr. OBEY] the ranking minority member on the full committee, who has been helpful all the way through. And all the members of the subcommittee for their help and support.

Most of all, I think I want to thank the staff, some of whom are in the room with me at this time. Others are absent from the room. But these are the people who really have stayed up all night, time and again. They were up all night last night reading this bill all the way through. The staff, we appreciate their dedication and their service beyond words. We could not do this without them. We appreciate them very much.

This conference report shows the American people our commitment to continue our fight to make our streets safer and the future brighter for our children. I urge support for this conference agreement.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	75,773,000	79,959,000	76,199,000	79,373,000	76,199,000	+426,000
Emergency appropriations	3,600,000	.....	.....	.....	.....	-3,600,000
Total, salaries and expenses	79,373,000	79,959,000	76,199,000	79,373,000	76,199,000	-3,174,000
Counterterrorism fund	9,450,000	29,450,000	20,000,000	29,450,000	52,700,000	+43,250,000
Emergency appropriations	20,000,000	.....	.....	.....	.....	-20,000,000
Total, Counterterrorism fund	29,450,000	29,450,000	20,000,000	29,450,000	52,700,000	+23,250,000
Administrative review and appeals:						
Direct appropriation	62,000,000	70,007,000	66,700,000	20,007,000	70,007,000	+8,007,000
Emergency appropriations	1,000,000	.....	.....	.....	.....	-1,000,000
Crime trust fund	48,000,000	59,251,000	59,000,000	59,251,000	59,251,000	+11,251,000
Total, Administrative review and appeals	111,000,000	129,258,000	125,700,000	79,258,000	129,258,000	+18,258,000
Office of Inspector General	31,960,000	33,211,000	35,211,000	33,211,000	33,211,000	+1,251,000
Total, General administration	251,783,000	271,878,000	257,110,000	221,292,000	291,368,000	+39,585,000
Appropriations	(179,183,000)	(212,627,000)	(198,110,000)	(162,041,000)	(232,117,000)	(+52,934,000)
Emergency appropriations	(24,600,000)	.....	.....	.....	.....	(-24,600,000)
Crime trust fund	(48,000,000)	(59,251,000)	(59,000,000)	(59,251,000)	(59,251,000)	(+11,251,000)
United States Parole Commission						
Salaries and expenses	4,845,000	4,799,000	4,799,000	5,009,000	5,009,000	+164,000
Legal Activities						
General legal activities:						
Direct appropriation	420,793,000	466,557,000	445,300,000	437,178,000	444,200,000	+23,407,000
Emergency appropriations	1,719,000	.....	.....	.....	.....	-1,719,000
Crime trust fund	7,750,000	7,969,000	7,969,000	7,969,000	7,969,000	+219,000
Total, General legal activities	430,262,000	474,526,000	453,269,000	445,147,000	452,169,000	+21,907,000
Vaccine injury compensation trust fund	4,028,000	4,028,000	4,028,000	4,028,000	4,028,000	.....
Independent counsel (permanent, indefinite)	3,000,000	9,500,000	9,500,000	9,500,000	9,500,000	+6,500,000
Antitrust Division	92,447,000	97,542,000	94,542,000	92,447,000	93,495,000	+1,048,000
Offsetting fee collections - carryover	-16,000,000	-10,000,000	-16,000,000	-10,000,000	-18,000,000	-2,000,000
Offsetting fee collections - current year	-58,905,000	-70,000,000	-70,000,000	-70,000,000	-70,000,000	-11,095,000
Direct appropriation	17,542,000	17,542,000	8,542,000	12,447,000	5,495,000	-12,047,000
United States Attorneys:						
Direct appropriation	923,340,000	1,018,617,000	973,000,000	986,404,000	972,460,000	+49,120,000
Emergency appropriations	10,900,000	.....	.....	.....	.....	-10,900,000
Crime trust fund	43,876,000	50,828,000	62,828,000	46,128,000	62,828,000	+18,952,000
Total, United States Attorneys	978,116,000	1,069,445,000	1,035,828,000	1,032,532,000	1,035,288,000	+57,172,000
United States Trustee System Fund	107,950,000	116,721,000	107,950,000	116,721,000	114,248,000	+6,298,000
Offsetting fee collections	-49,869,000	-116,721,000	-107,950,000	-116,721,000	-114,248,000	-64,379,000
Direct appropriation	58,081,000	.....	.....	.....	.....	-58,081,000
Foreign Claims Settlement Commission	953,000	1,226,000	1,226,000	1,226,000	1,226,000	+273,000
United States Marshals Service:						
Direct appropriation	457,495,000	475,244,000	462,944,000	471,786,000	467,833,000	+10,338,000
Crime trust fund	25,000,000	25,553,000	25,553,000	25,553,000	25,553,000	+553,000
Total, United States Marshals Service	482,495,000	500,797,000	488,497,000	497,339,000	493,386,000	+10,891,000
Federal Prisoner Detention	405,262,000	462,831,000	405,262,000	405,262,000	405,262,000	.....
Fees and expenses of witnesses	100,702,000	75,000,000	75,000,000	75,000,000	75,000,000	-25,702,000
Community Relations Service	5,319,000	7,500,000	5,319,000	5,319,000	5,319,000	.....
Assets forfeiture fund	23,000,000	23,000,000	23,000,000	23,000,000	23,000,000	.....
Total, Legal activities	2,508,760,000	2,645,395,000	2,509,471,000	2,510,800,000	2,509,673,000	+913,000
Appropriations	(2,419,515,000)	(2,561,045,000)	(2,413,121,000)	(2,431,150,000)	(2,413,323,000)	(-6,192,000)
Emergency appropriations	(12,619,000)	.....	.....	.....	.....	(-12,619,000)
Crime trust fund	(76,626,000)	(84,350,000)	(96,350,000)	(79,650,000)	(96,350,000)	(+19,724,000)
Radiation Exposure Compensation						
Administrative expenses	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	.....
Advance appropriation	.....	2,000,000	2,000,000	.....	.....	.....
Payment to radiation exposure compensation trust fund	13,736,000	4,381,000	4,381,000	4,381,000	4,381,000	-9,355,000
Advance appropriation	.....	29,000,000	29,000,000	.....	.....	.....
Total, Radiation Exposure Compensation	15,736,000	37,381,000	37,381,000	6,381,000	6,381,000	-9,355,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Interagency Law Enforcement						
Interagency crime and drug enforcement	359,430,000	294,967,000	294,967,000	294,967,000	294,967,000	-64,463,000
Federal Bureau of Investigation						
Salaries and expenses	2,257,880,000	2,482,267,000	2,475,463,000	2,495,267,000	2,445,471,000	+187,591,000
Anti-terrorism activities (emergency appropriations)	115,610,000					-115,610,000
Counterintelligence and national security	147,081,000	147,081,000	147,081,000	200,000,000	221,050,000	+73,969,000
Non-defense function				57,601,000		
Subtotal	147,081,000	147,081,000	147,081,000	257,601,000	221,050,000	+73,969,000
FBI Fingerprint identification	84,400,000	84,400,000	84,400,000	84,400,000	84,400,000	
Advance appropriation, FY 1999		47,800,000				
Health care fraud enforcement	-38,000,000					+38,000,000
Subtotal	2,566,971,000	2,761,548,000	2,706,944,000	2,837,268,000	2,750,921,000	+183,950,000
Crime trust fund	169,000,000	179,121,000	179,121,000	179,121,000	179,121,000	+10,121,000
Telecommunications carrier compliance fund		50,000,000				
Defense function		50,000,000	50,000,000			
Emergency appropriations	60,000,000					-60,000,000
Construction	41,639,000	49,006,000	38,506,000	59,006,000	44,506,000	+2,867,000
Total, Federal Bureau of Investigation	2,837,610,000	3,089,675,000	2,974,571,000	3,075,395,000	2,974,548,000	+136,938,000
Appropriations	(2,493,000,000)	(2,862,754,000)	(2,795,450,000)	(2,896,274,000)	(2,795,427,000)	(+302,427,000)
Advance appropriations		(47,800,000)				
Emergency appropriations	(175,610,000)					(-175,610,000)
Crime trust fund	(169,000,000)	(179,121,000)	(179,121,000)	(179,121,000)	(179,121,000)	(+10,121,000)
Drug Enforcement Administration						
Salaries and expenses	798,212,000	740,293,000	872,731,000	697,533,000	782,109,000	-16,103,000
Diversion control fund	-52,824,000	-58,268,000	-58,268,000	-58,268,000	-58,268,000	-5,444,000
Direct appropriation	745,388,000	682,025,000	814,463,000	639,265,000	723,841,000	-21,547,000
Emergency appropriations	5,000,000					-5,000,000
Crime trust fund	220,000,000	400,037,000	310,037,000	441,117,000	403,537,000	+183,537,000
Construction	30,806,000	5,500,000	5,500,000	10,500,000	8,000,000	-22,806,000
Total, Drug Enforcement Administration	1,001,194,000	1,087,562,000	1,130,000,000	1,090,882,000	1,135,378,000	+134,184,000
Appropriations	(776,194,000)	(687,525,000)	(819,963,000)	(649,765,000)	(731,841,000)	(-44,353,000)
Emergency appropriations	(5,000,000)					(-5,000,000)
Crime trust fund	(220,000,000)	(400,037,000)	(310,037,000)	(441,117,000)	(403,537,000)	(+183,537,000)
Immigration and Naturalization Service						
Salaries and expenses	1,590,159,000	1,651,463,000	1,606,441,000	1,430,199,000	1,657,886,000	+67,727,000
Emergency appropriations	15,000,000					-15,000,000
Immigration initiative (crime trust fund)	500,000,000	732,251,000	690,957,000	719,898,000	608,206,000	+108,206,000
Subtotal, Direct and crime trust fund	(2,105,159,000)	(2,383,714,000)	(2,297,398,000)	(2,150,097,000)	(2,266,092,000)	(+160,933,000)
Fee accounts:						
Immigration legalization fund	(1,893,000)	(1,259,000)	(1,259,000)	(1,259,000)	(1,259,000)	(-634,000)
Immigration user fee	(388,664,000)	(419,296,000)	(419,296,000)	(398,896,000)	(426,622,000)	(+37,958,000)
Land border inspection fund	(11,054,000)	(8,888,000)	(8,888,000)	(8,888,000)	(8,888,000)	(-2,166,000)
Immigration examinations fund	(567,550,000)	(646,916,000)	(667,477,000)	(646,916,000)	(785,342,000)	(+217,792,000)
Breached bond fund	(6,613,000)	(104,471,000)	(104,471,000)	(138,900,000)	(235,272,000)	(+228,659,000)
Immigration enforcement fines		(13,800,000)	(13,800,000)	(3,800,000)	(3,800,000)	(+3,800,000)
Subtotal, Fee accounts	(975,774,000)	(1,194,630,000)	(1,215,191,000)	(1,198,659,000)	(1,461,183,000)	(+485,409,000)
Construction	8,841,000	73,831,000	70,959,000	73,559,000	75,959,000	+67,118,000
Total, Immigration and Naturalization Service	(3,089,774,000)	(3,652,175,000)	(3,583,548,000)	(3,422,315,000)	(3,803,234,000)	(+713,460,000)
Appropriations	(1,599,000,000)	(1,725,294,000)	(1,677,400,000)	(1,503,758,000)	(1,733,845,000)	(+134,845,000)
Emergency appropriations	(15,000,000)					(-15,000,000)
Crime trust fund	(500,000,000)	(732,251,000)	(690,957,000)	(719,898,000)	(608,206,000)	(+108,206,000)
(Fee accounts)	(975,774,000)	(1,194,630,000)	(1,215,191,000)	(1,198,659,000)	(1,461,183,000)	(+485,409,000)
Federal Prison System						
Salaries and expenses	2,858,316,000	3,015,642,000	2,917,642,000	2,932,900,000	2,911,642,000	+53,326,000
Prior year carryover	-90,000,000	-50,000,000	-90,000,000		-90,000,000	
Direct appropriation	2,768,316,000	2,965,642,000	2,827,642,000	2,932,900,000	2,821,642,000	+53,326,000
Crime trust fund	25,224,000	26,135,000	26,135,000	6,135,000	26,135,000	+911,000
Total, Salaries and expenses	2,793,540,000	2,991,777,000	2,853,777,000	2,939,035,000	2,847,777,000	+54,237,000
Buildings and facilities	395,700,000	252,833,000	255,133,000	267,833,000	255,133,000	-140,567,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,042,000)	(3,930,000)	(3,490,000)	(3,042,000)	(3,266,000)	(+224,000)
Total, Federal Prison System	3,189,240,000	3,244,610,000	3,108,910,000	3,206,868,000	3,102,910,000	-86,330,000
Office of Justice Programs						
Justice assistance:						
Direct appropriation	101,429,000	166,665,000	162,500,000	183,165,000	173,600,000	+72,171,000
Emergency appropriations	17,000,000					-17,000,000
Total, Justice assistance	118,429,000	166,665,000	162,500,000	183,165,000	173,600,000	+55,171,000
State and local law enforcement assistance:						
Direct appropriations:						
Byrne grants (discretionary)	60,000,000		46,500,000	75,000,000	46,500,000	-13,500,000
Weed and seed fund (earmark)			40,000,000	(33,500,000)	33,500,000	+33,500,000
Byrne grants (formula)	301,000,000		491,500,000	376,500,000	462,500,000	+161,500,000
Subtotal, Direct appropriations	361,000,000		578,000,000	451,500,000	542,500,000	+181,500,000
Crime trust fund:						
Byrne grants (discretionary)		75,000,000				
Weed and seed fund (earmark)	(28,500,000)	(28,500,000)				(-28,500,000)
Byrne grants (formula)	199,000,000	505,000,000	13,500,000	128,500,000	42,500,000	-156,500,000
Community oriented policing services	1,400,000,000	1,400,000,000	1,400,000,000	1,400,000,000	1,400,000,000	
Police corps	20,000,000	20,000,000	20,000,000	40,000,000	30,000,000	+10,000,000
Law enforcement scholarship program		20,000,000				
Police recruitment grants program		5,000,000				
Prosecutorial initiatives targeting crime and violent juveniles program		100,000,000				
Juvenile crime block grant			300,000,000		250,000,000	+250,000,000
Local law enforcement block grant	523,000,000		523,000,000	503,000,000	523,000,000	
Underage drinking prevention				(25,000,000)		
Boys and Girls clubs (earmark)	(20,000,000)		(20,000,000)	(20,000,000)	(20,000,000)	
Domestic violence				(10,000,000)		
Child exploitation investigations				(2,400,000)		
Drug courts	30,000,000	75,000,000	30,000,000	40,000,000	30,000,000	
Upgrade criminal history records	50,000,000	45,000,000	45,000,000	45,000,000	45,000,000	-5,000,000
State prison grants	670,000,000	710,500,000	722,500,000	740,500,000	720,500,000	+50,500,000
State criminal alien assistance program	330,000,000	350,000,000	420,000,000	350,000,000	420,000,000	+90,000,000
Violence Against Women grants	196,500,000	248,750,000	305,500,000	263,750,000	270,750,000	+74,250,000
State prison drug treatment	30,000,000	63,000,000	63,000,000	61,200,000	63,000,000	+33,000,000
State courts assistance		50,000,000				
Other crime control programs	7,650,000	30,605,000	14,650,000	22,700,000	17,650,000	+10,000,000
Subtotal, Crime trust fund	3,456,150,000	3,697,855,000	3,857,150,000	3,594,650,000	3,812,400,000	+356,250,000
Total, State and local law enforcement	3,817,150,000	3,697,855,000	4,435,150,000	4,046,150,000	4,354,900,000	+537,750,000
Juvenile justice programs	174,500,000	230,422,000	238,672,000	235,422,000	238,672,000	+64,172,000
Crime trust fund				145,000,000		
Total, Juvenile Justice programs	174,500,000	230,422,000	238,672,000	380,422,000	238,672,000	+64,172,000
Public safety officers benefits program:						
Death benefits	30,126,000	31,003,000	31,003,000	31,003,000	31,003,000	+877,000
Disability benefits	2,200,000	2,264,000				-2,200,000
Federal law enforcement education assistance		2,000,000	2,000,000	2,000,000	2,000,000	+2,000,000
Total, Public safety officers benefits program	32,326,000	35,267,000	33,003,000	33,003,000	33,003,000	+677,000
Total, Office of Justice Programs	4,142,405,000	4,130,209,000	4,869,325,000	4,642,740,000	4,800,175,000	+657,770,000
Appropriations	(669,255,000)	(432,354,000)	(1,012,175,000)	(903,090,000)	(987,775,000)	(+318,520,000)
Emergency appropriations	(17,000,000)					(-17,000,000)
Crime trust fund	(3,456,150,000)	(3,697,855,000)	(3,857,150,000)	(3,739,650,000)	(3,812,400,000)	(+356,250,000)
Total, title I, Department of Justice	16,425,003,000	17,264,021,000	17,554,891,000	17,277,990,000	17,462,460,000	+1,037,457,000
Appropriations	(11,880,174,000)	(12,006,221,000)	(12,305,141,000)	(12,053,168,000)	(12,277,460,000)	(+597,286,000)
Advance appropriations		(78,800,000)	(31,000,000)			
Emergency appropriations	(249,829,000)					(-249,829,000)
Crime trust fund	(4,495,000,000)	(5,179,000,000)	(5,218,750,000)	(5,224,822,000)	(5,185,000,000)	(+690,000,000)
(Limitation on administrative expenses)	(3,042,000)	(3,930,000)	(3,490,000)	(3,042,000)	(3,266,000)	(+224,000)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	21,449,000	22,092,000	22,700,000	22,092,000	23,450,000	+2,001,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
International Trade Commission						
Salaries and expenses	40,850,000	41,980,000	41,400,000	41,000,000	41,200,000	+350,000
Total, Related agencies	62,299,000	64,072,000	64,100,000	63,092,000	64,650,000	+2,351,000
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration	270,000,000	271,636,000	279,500,000	280,736,000	283,066,000	+13,066,000
Export Administration						
Operations and administration	36,000,000	43,126,000	41,000,000	43,126,000	42,000,000	+6,000,000
CWC enforcement	.....	3,500,000	.....	.....	1,900,000	+1,900,000
Emergency appropriations	3,900,000	.....	.....	.....	.....	-3,900,000
Total, Export Administration	39,900,000	46,626,000	41,000,000	43,126,000	43,900,000	+4,000,000
Economic Development Administration						
Economic development assistance programs	328,500,000	319,000,000	340,000,000	250,000,000	340,000,000	+11,500,000
Emergency appropriations	25,000,000	.....	.....	.....	.....	-25,000,000
Emergency appropriations (1997 supplemental)	50,200,000	.....	.....	.....	.....	-50,200,000
Subtotal	403,700,000	319,000,000	340,000,000	250,000,000	340,000,000	-63,700,000
Salaries and expenses	20,036,000	24,028,000	21,000,000	22,028,000	21,028,000	+992,000
Emergency appropriations (1997 supplemental)	2,000,000	.....	.....	.....	.....	-2,000,000
Total, Economic Development Administration	425,736,000	343,028,000	361,000,000	272,028,000	361,028,000	-64,708,000
Minority Business Development Agency						
Minority business development	28,000,000	27,811,000	25,000,000	27,811,000	25,000,000	-3,000,000
Total, Trade and Infrastructure Development	825,935,000	753,173,000	770,600,000	686,793,000	777,644,000	-48,291,000
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	45,900,000	52,196,000	46,000,000	47,917,000	47,499,000	+1,599,000
Bureau of the Census						
Salaries and expenses	135,000,000	138,056,000	136,499,000	138,056,000	137,278,000	+2,278,000
Periodic censuses and programs	210,500,000	523,126,000	550,126,000	520,726,000	555,813,000	+345,313,000
Total, Bureau of the Census	345,500,000	661,182,000	686,625,000	658,782,000	693,091,000	+347,591,000
National Telecommunications and Information Administration						
Salaries and expenses	15,000,000	18,074,000	17,100,000	16,574,000	16,550,000	+1,550,000
Public telecommunications facilities, planning and construction	15,250,000	.....	16,750,000	25,000,000	21,000,000	+5,750,000
Information infrastructure grants	21,490,000	36,000,000	21,490,000	21,490,000	20,000,000	-1,490,000
Total, National Telecommunications and Information Administration	51,740,000	54,074,000	55,340,000	63,064,000	57,550,000	+5,810,000
Patent and Trademark Office						
Salaries and expenses	61,252,000	27,000,000	22,000,000	27,000,000	27,000,000	-34,252,000
Fees collected	(601,723,000)	(629,320,000)	(664,000,000)	(629,320,000)	(664,000,000)	(+62,277,000)
(Prior year carryover)	(30,000,000)	.....	(18,000,000)	(27,000,000)	(25,000,000)	(-5,000,000)
Total, Patent and Trademark Office	(692,975,000)	(656,320,000)	(704,000,000)	(683,320,000)	(716,000,000)	(+23,025,000)
Total, Economic and Information Infrastructure	504,392,000	794,452,000	809,965,000	796,763,000	825,140,000	+320,748,000
SCIENCE AND TECHNOLOGY						
Technology Administration						
Salaries and expenses	9,500,000	9,230,000	8,500,000	8,800,000	8,500,000	-1,000,000
National Institute of Standards and Technology						
Scientific and technical research and services	268,000,000	276,852,000	276,852,000	276,852,000	276,852,000	+8,852,000
Industrial technology services	313,000,000	399,000,000	298,600,000	311,040,000	306,000,000	-7,000,000
Construction of research facilities	.....	16,692,000	111,092,000	16,000,000	95,000,000	+95,000,000
Total, National Institute of Standards and Technology	581,000,000	692,544,000	686,544,000	603,892,000	677,852,000	+96,852,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
National Oceanic and Atmospheric Administration						
Operations, research and facilities	1,854,067,000	1,476,245,000	1,391,400,000	1,999,052,000	1,512,050,000	-342,017,000
Offsetting collections - fees	-3,000,000	-3,000,000	-3,000,000	-3,000,000	-3,000,000	.....
Direct appropriation	1,851,067,000	1,473,245,000	1,388,400,000	1,996,052,000	1,509,050,000	-342,017,000
(By transfer from Promote and Develop Fund)	(66,000,000)	(62,381,000)	(63,881,000)	(62,381,000)	(62,381,000)	(-3,619,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)	6,000,000	5,000,000	5,000,000	5,000,000	5,000,000	-1,000,000
(Damage assessment and restoration revolving fund)	-6,000,000	-5,000,000	-5,000,000	-5,000,000	-5,000,000	+1,000,000
Total, Operations, research and facilities	1,851,067,000	1,473,245,000	1,388,400,000	1,996,052,000	1,509,050,000	-342,017,000
Procurement, acquisition and construction	.....	503,464,000	460,600,000	.....	491,609,000	+491,609,000
Advance appropriations, FY 1999 - 2010	.....	3,485,517,000	.....	.....	.....	.....
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	.....
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	.....
Construction	58,250,000	.....	.....	88,000,000	.....	-58,250,000
Emergency appropriations (1997 supplemental)	10,800,000	.....	.....	.....	.....	-10,800,000
Fleet modernization, shipbuilding and conversion	8,000,000	.....	.....	15,823,000	.....	-8,000,000
Fishing vessel and gear damage fund	200,000	.....	.....	200,000	.....	-200,000
Fishermen's contingency fund	1,000,000	953,000	953,000	953,000	953,000	-47,000
Foreign fishing observer fund	196,000	189,000	189,000	189,000	189,000	-7,000
Fisheries finance program account	250,000	238,000	250,000	338,000	338,000	+88,000
Total, National Oceanic and Atmospheric Administration	1,929,763,000	5,463,606,000	1,850,392,000	2,101,555,000	2,002,139,000	+72,376,000
Total, Science and Technology	2,520,263,000	6,165,380,000	2,545,436,000	2,714,247,000	2,688,491,000	+168,228,000
General Administration						
Salaries and expenses	28,490,000	30,085,000	26,490,000	28,490,000	27,490,000	-1,000,000
Office of Inspector General	20,140,000	21,677,000	20,140,000	20,140,000	20,140,000	.....
Working capital fund (by transfer)	(3,000,000)	.....	.....	(3,000,000)	.....	(-3,000,000)
Total, General administration	48,630,000	51,762,000	46,630,000	48,630,000	47,630,000	-1,000,000
National Institute of Standards and Technology						
Construction of research facilities (rescission)	-16,000,000	.....	.....	.....	.....	+16,000,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities (rescission)	-20,000,000	.....	-5,000,000	.....	-20,500,000	-500,000
General reduction	.....	.....	.....	-10,490,000	.....	.....
United States Travel and Tourism Administration						
Salaries and expenses (rescission)	.....	.....	.....	.....	-3,000,000	-3,000,000
Total, Department of Commerce	3,800,921,000	7,700,695,000	4,103,531,000	4,172,851,000	4,250,755,000	+449,834,000
Total, title II, Department of Commerce and related agencies	3,863,220,000	7,764,767,000	4,167,631,000	4,235,943,000	4,315,405,000	+452,185,000
Appropriations	(3,807,320,000)	(4,279,250,000)	(4,172,631,000)	(4,235,943,000)	(4,338,905,000)	(+531,585,000)
Rescissions	(-36,000,000)	.....	(-5,000,000)	.....	(-23,500,000)	(+12,500,000)
Advance appropriations	.....	(3,485,517,000)	.....	.....	.....	.....
Emergency appropriations	(91,900,000)	.....	.....	.....	.....	(-91,900,000)
(By transfer)	(69,000,000)	(62,381,000)	(63,881,000)	(65,381,000)	(62,381,000)	(-6,619,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,704,000	1,654,000	1,654,000	1,654,000	1,654,000	-50,000
Other salaries and expenses	25,453,000	27,624,000	27,624,000	27,249,000	27,591,000	+2,138,000
Total, Salaries and expenses	27,157,000	29,278,000	29,278,000	28,903,000	29,245,000	+2,088,000
Care of the building and grounds	2,800,000	3,997,000	3,400,000	6,170,000	3,400,000	+600,000
Total, Supreme Court of the United States	29,957,000	33,275,000	32,678,000	35,073,000	32,645,000	+2,688,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,898,000	1,887,000	1,887,000	1,887,000	1,887,000	-11,000
Other salaries and expenses	13,115,000	14,269,000	13,620,000	13,909,000	13,688,000	+573,000
Total, Salaries and expenses	15,013,000	16,156,000	15,507,000	15,796,000	15,575,000	+562,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,447,000	1,483,000	1,483,000	1,483,000	1,483,000	+36,000
Other salaries and expenses	9,667,000	9,995,000	9,995,000	9,995,000	9,966,000	+299,000
Total, Salaries and expenses	11,114,000	11,478,000	11,478,000	11,478,000	11,449,000	+335,000
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	225,956,000	227,674,000	227,674,000	227,674,000	227,674,000	+1,718,000
Other salaries and expenses	2,330,044,000	2,614,166,000	2,459,395,000	2,562,103,000	2,454,726,000	+124,682,000
Emergency appropriations	10,000,000	.....	.....	.....	.....	-10,000,000
Direct appropriation	2,566,000,000	2,841,840,000	2,687,069,000	2,789,777,000	2,682,400,000	+116,400,000
Crime trust fund	30,000,000	50,000,000	40,000,000	.....	40,000,000	+10,000,000
Total, Salaries and expenses	2,596,000,000	2,891,840,000	2,727,069,000	2,789,777,000	2,722,400,000	+126,400,000
Vaccine Injury Compensation Trust Fund	2,390,000	2,450,000	2,450,000	2,450,000	2,450,000	+60,000
Defender services	308,000,000	329,529,000	329,529,000	308,000,000	329,529,000	+21,529,000
Fees of jurors and commissioners	67,000,000	69,651,000	66,196,000	68,252,000	64,438,000	-2,562,000
Court security	127,000,000	170,304,000	167,214,000	167,883,000	167,214,000	+40,214,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	3,100,390,000	3,463,774,000	3,292,458,000	3,336,362,000	3,286,031,000	+185,641,000
Administrative Office of the United States Courts						
Salaries and expenses	49,450,000	54,108,000	52,000,000	53,843,000	52,000,000	+2,550,000
Federal Judicial Center						
Salaries and expenses	17,495,000	18,425,000	17,495,000	17,495,000	17,495,000	.....
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	30,200,000	32,200,000	34,200,000	34,200,000	34,200,000	+4,000,000
United States Sentencing Commission						
Salaries and expenses	8,490,000	9,480,000	9,000,000	9,480,000	9,240,000	+750,000
General Provisions						
Judges' pay raise	.....	.....	.....	6,000,000	5,000,000	+5,000,000
Total, title III, the Judiciary	3,262,109,000	3,638,896,000	3,464,816,000	3,519,727,000	3,463,635,000	+201,526,000
Appropriations	(3,222,109,000)	(3,588,896,000)	(3,424,816,000)	(3,519,727,000)	(3,423,635,000)	(+201,526,000)
Emergency appropriations	(10,000,000)	.....	.....	.....	.....	(-10,000,000)
Crime trust fund	(30,000,000)	(50,000,000)	(40,000,000)	.....	(40,000,000)	(+10,000,000)
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	1,700,900,000	1,291,277,000	1,706,577,000	1,727,868,000	1,705,600,000	+4,700,000
Registration fees	700,000	700,000	700,000	700,000	700,000	.....
Emergency appropriations (security)	23,700,000	.....	.....	.....	.....	-23,700,000
Security	.....	.....	23,700,000	.....	23,700,000	+23,700,000
Machine-readable visa fees	.....	.....	.....	(140,000,000)	.....	.....
Fee proposal	.....	595,000,000	.....	.....	.....	.....
Total, Diplomatic and consular programs	(1,725,300,000)	(1,886,977,000)	(1,730,977,000)	(1,868,568,000)	(1,730,000,000)	(+4,700,000)
Salaries and expenses	352,300,000	363,513,000	363,513,000	363,513,000	363,513,000	+11,213,000
Capital investment fund	24,600,000	64,600,000	50,600,000	105,000,000	86,000,000	+61,400,000
Office of Inspector General	27,495,000	28,300,000	28,300,000	27,495,000	27,495,000	.....
Representation allowances	4,490,000	4,300,000	4,300,000	4,100,000	4,200,000	-290,000
Protection of foreign missions and officials	8,332,000	7,900,000	7,900,000	7,900,000	7,900,000	-432,000
Security and maintenance of United States missions	364,495,000	373,081,000	373,081,000	420,281,000	404,000,000	+39,505,000
Emergency appropriations	24,825,000	.....	.....	.....	.....	-24,825,000
Total, Security and maintenance of United States missions	389,320,000	373,081,000	373,081,000	420,281,000	404,000,000	+14,680,000
Emergencies in the diplomatic and consular service	5,800,000	5,500,000	5,500,000	5,500,000	5,500,000	-300,000
Repatriation Loans Program Account:						
Direct loans subsidy	593,000	593,000	593,000	593,000	593,000	.....
Administrative expenses	663,000	607,000	607,000	607,000	607,000	-56,000
Total, Repatriation loans program account	1,256,000	1,200,000	1,200,000	1,200,000	1,200,000	-56,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Payment to the American Institute in Taiwan	14,490,000	14,490,000	14,000,000	14,490,000	14,000,000	-490,000
Payment to the Foreign Service Retirement and Disability Fund	126,491,000	129,935,000	129,935,000	129,935,000	129,935,000	+3,444,000
Total, Administration of Foreign Affairs	2,679,874,000	2,879,796,000	2,709,306,000	2,807,982,000	2,773,743,000	+93,869,000
International Organizations and Conferences						
Contributions to international organizations, current year assessment	892,000,000	969,000,000	924,952,000	903,009,000	901,515,000	+9,515,000
Prior year assessment		54,000,000	54,000,000	54,000,000	54,000,000	+54,000,000
Subtotal	892,000,000	1,023,000,000	978,952,000	957,009,000	955,515,000	+63,515,000
Contributions for international peacekeeping activities, current year	302,400,000	240,000,000	215,000,000	154,320,000	210,000,000	-92,400,000
Prior year assessment	50,000,000	46,000,000	46,000,000	46,000,000	46,000,000	-4,000,000
Subtotal	352,400,000	286,000,000	261,000,000	200,320,000	256,000,000	-96,400,000
International conferences and contingencies		4,941,000	1,500,000			
Total, International Organizations and Conferences	1,244,400,000	1,313,941,000	1,241,452,000	1,157,329,000	1,211,515,000	-32,885,000
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	15,490,000	18,490,000	17,490,000	18,200,000	17,490,000	+2,000,000
Construction	6,463,000	6,463,000	6,463,000	6,463,000	6,463,000	
American sections, international commissions	5,490,000	5,660,000	5,490,000	5,010,000	5,490,000	
International fisheries commissions	14,549,000	14,549,000	14,490,000	14,549,000	14,549,000	
Total, International commissions	41,992,000	45,162,000	43,933,000	44,222,000	43,992,000	+2,000,000
Other						
Payment to the Asia Foundation	8,000,000	8,000,000	8,000,000	5,000,000	8,000,000	
Total, Department of State	3,974,266,000	4,246,899,000	4,002,691,000	4,014,533,000	4,037,250,000	+62,984,000
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	41,500,000	46,200,000	41,500,000	32,613,000	41,500,000	
United States Information Agency						
International information programs	440,000,000	434,097,000	430,597,000	427,097,000	427,097,000	-12,903,000
Emergency appropriations	1,375,000					-1,375,000
Total, salaries and expenses	441,375,000	434,097,000	430,597,000	427,097,000	427,097,000	-14,278,000
Technology fund	5,050,000	7,000,000	5,050,000	10,000,000	5,050,000	
Educational and cultural exchange programs	185,000,000	197,731,000	193,731,000	200,000,000	197,731,000	+12,731,000
Eisenhower Exchange Fellowship Program, trust fund	600,000	600,000	600,000	570,000	570,000	-30,000
Israeli Arab scholarship program	400,000	400,000	400,000	400,000	400,000	
International Broadcasting Operations	325,000,000	366,750,000	391,550,000	339,655,000	364,415,000	+39,415,000
Broadcasting to Cuba (direct)	25,000,000			22,095,000	22,095,000	-2,905,000
Radio construction	35,490,000	32,710,000	40,000,000	32,710,000	40,000,000	+4,510,000
East-West Center	10,000,000	7,000,000		22,000,000	12,000,000	+2,000,000
North/South Center	1,495,000	1,500,000		3,000,000	1,500,000	+5,000
National Endowment for Democracy	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000	
Total, United States Information Agency	1,059,410,000	1,077,788,000	1,091,928,000	1,087,527,000	1,100,858,000	+41,448,000
Arms Control and Disarmament Agency						
Arms control and disarmament activities (rescission)					-700,000	-700,000
Total, related agencies	1,100,910,000	1,123,988,000	1,133,428,000	1,120,140,000	1,141,658,000	+40,748,000
Total, title IV, Department of State	5,075,176,000	5,370,887,000	5,136,119,000	5,134,673,000	5,178,908,000	+103,732,000
Appropriations	(5,025,276,000)	(5,370,887,000)	(5,136,119,000)	(5,134,673,000)	(5,179,608,000)	(+154,332,000)
Emergency appropriations	(49,900,000)					(-49,900,000)
Rescissions					(-700,000)	(-700,000)
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(148,430,000)	(135,000,000)	(51,030,000)	(135,000,000)	(51,030,000)	(-97,400,000)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Maritime Security Program	54,000,000	52,400,000	35,500,000	35,000,000	35,500,000	-18,500,000
Operations and training	65,000,000	70,000,000	65,000,000	69,000,000	67,800,000	+2,800,000
Maritime Guaranteed Loan Program Account:						
Guaranteed loans subsidy	37,450,000	35,000,000	35,000,000	29,000,000	32,000,000	-5,450,000
Administrative expenses	3,450,000	4,000,000	3,450,000	4,000,000	3,725,000	+275,000
Total, Maritime guaranteed loan program account	40,900,000	39,000,000	38,450,000	33,000,000	35,725,000	-5,175,000
Total, Maritime Administration	159,900,000	161,400,000	138,950,000	137,000,000	138,825,000	-21,075,000
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	206,000	206,000	250,000	206,000	250,000	+44,000
Commission on the Advancement of Federal Law Enforcement						
Salaries and expenses	2,000,000	.....	.....	.....	.....	-2,000,000
Commission on Civil Rights						
Salaries and expenses	8,740,000	11,000,000	8,740,000	8,740,000	8,740,000	.....
Commission on Immigration Reform						
Salaries and expenses	2,196,000	500,000	496,000	459,000	459,000	-1,737,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,090,000	1,090,000	1,090,000	1,090,000	1,090,000	.....
Equal Employment Opportunity Commission						
Salaries and expenses	239,740,000	246,000,000	239,740,000	242,000,000	242,000,000	+2,260,000
Federal Communications Commission						
Salaries and expenses	188,079,000	219,079,000	177,079,000	185,949,000	186,514,000	-1,565,000
Offsetting fee collections - current year	-152,523,000	-162,523,000	-152,523,000	-162,523,000	-162,523,000	-10,000,000
Direct appropriation	35,556,000	56,556,000	24,556,000	23,426,000	23,991,000	-11,565,000
Federal Maritime Commission						
Salaries and expenses	14,000,000	14,300,000	13,500,000	14,300,000	14,000,000	.....
Federal Trade Commission						
Salaries and expenses	101,930,000	108,000,000	105,000,000	108,000,000	106,500,000	+4,570,000
Offsetting fee collections - carryover	-16,000,000	-10,000,000	-16,000,000	-10,000,000	-18,000,000	-2,000,000
Offsetting fee collections - current year	-58,905,000	-70,000,000	-70,000,000	-70,000,000	-70,000,000	-11,095,000
Direct appropriation	27,025,000	28,000,000	19,000,000	28,000,000	18,500,000	-8,525,000
Gambling Impact Study Commission						
Salaries and expenses	4,000,000	.....	.....	1,000,000	1,000,000	-3,000,000
Legal Services Corporation						
Payment to the Legal Services Corporation	283,000,000	340,000,000	250,000,000	300,000,000	283,000,000	.....
Marine Mammal Commission						
Salaries and expenses	1,189,000	1,240,000	1,000,000	1,240,000	1,185,000	-4,000
National Bankruptcy Review Commission						
Salaries and expenses	494,000	.....	.....	.....	.....	-494,000
Ounce of Prevention Council						
Direct appropriation	500,000	.....	.....	.....	.....	-500,000
Crime trust fund	.....	9,000,000	.....	.....	.....	.....
Securities and Exchange Commission						
Salaries and expenses	305,400,000	317,412,000	315,000,000	317,412,000	315,000,000	+9,600,000
Offsetting fee collections	-222,622,000	-249,523,000	-249,523,000	-249,523,000	-249,523,000	-26,901,000
Offsetting fee collections - carryover	-45,000,000	-32,000,000	-32,000,000	-32,000,000	-32,000,000	+13,000,000
Direct appropriation	37,778,000	35,889,000	33,477,000	35,889,000	33,477,000	-4,301,000
Small Business Administration						
Salaries and expenses	239,547,000	246,100,000	235,047,000	246,100,000	254,200,000	+14,653,000
Offsetting fee collections	-4,500,000	.....	.....	.....	.....	+4,500,000
Direct appropriation	235,047,000	246,100,000	235,047,000	246,100,000	254,200,000	+19,153,000
Office of Inspector General	9,000,000	10,600,000	9,490,000	10,600,000	10,000,000	+1,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Business Loans Program Account:						
Direct loans subsidy	1,691,000	.....	.....	.....	.....	-1,691,000
Guaranteed loans subsidy	179,700,000	173,235,000	187,100,000	181,232,000	181,232,000	+1,532,000
Micro loan guarantees	2,317,000	.....	.....	.....	.....	-2,317,000
Administrative expenses	94,000,000	94,000,000	94,000,000	94,000,000	94,000,000	.....
Total, Business loans program account	277,708,000	267,235,000	281,100,000	275,232,000	275,232,000	-2,476,000
Disaster Loans Program Account:						
Direct loans subsidy	.....	.....	.....	.....	23,200,000	+23,200,000
Administrative expenses	191,932,000	173,200,000	199,100,000	173,200,000	150,000,000	-41,932,000
Emergency appropriations	135,000,000	.....	.....	.....	.....	-135,000,000
Total, Disaster loans program account	326,932,000	173,200,000	199,100,000	173,200,000	173,200,000	-153,732,000
Surety bond guarantees revolving fund	3,730,000	3,500,000	3,500,000	3,500,000	3,500,000	-230,000
Total, Small Business Administration	852,417,000	700,635,000	728,237,000	708,632,000	716,132,000	-136,285,000
State Justice Institute						
Salaries and expenses 1/	6,000,000	13,550,000	3,000,000	13,550,000	6,850,000	+850,000
Total, title V, Related agencies	1,675,831,000	1,619,366,000	1,462,036,000	1,515,532,000	1,489,499,000	-186,332,000
Appropriations	(1,540,831,000)	(1,610,366,000)	(1,462,036,000)	(1,515,532,000)	(1,489,499,000)	(-51,332,000)
(Liquidation of contract authority)	(148,430,000)	(135,000,000)	(51,030,000)	(135,000,000)	(51,030,000)	(-97,400,000)
TITLE VI - GENERAL PROVISIONS						
DEPARTMENT OF JUSTICE						
Congressional legal expenses (sec. 616)	.....	.....	1,000,000	.....	.....	.....
GOVERNMENT-WIDE						
Defense function (by transfer)	.....	(34,025,000)	(34,025,000)	(34,025,000)	(33,169,000)	(+33,169,000)
International function (by transfer)	.....	(47,089,000)	(46,592,000)	(46,592,000)	(45,432,000)	(+45,432,000)
Domestic function (by transfer)	.....	(31,845,000)	(31,845,000)	(31,845,000)	(31,061,000)	(+31,061,000)
Total, title VI, general provisions	.....	.....	1,000,000	.....	.....	.....
Appropriations	.....	.....	(1,000,000)	.....	.....	.....
(By transfer)	.....	(112,959,000)	(112,462,000)	(112,462,000)	(109,662,000)	(+109,662,000)
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)	-36,400,000	.....	.....	-30,310,000	-100,000,000	-63,600,000
Immigration and Naturalization Service						
Immigration Emergency fund (rescission)	-34,779,000	.....	.....	.....	.....	+34,779,000
Total, title VII, Rescissions	-71,179,000	.....	.....	-30,310,000	-100,000,000	-28,821,000
TITLE VIII - EMERGENCY SUPPLEMENTAL APPROPRIATIONS						
National Oceanic and Atmospheric Administration						
Operations, research and facilities	.....	.....	.....	.....	7,000,000	+7,000,000
Grand total:						
New budget (obligational) authority	30,230,160,000	35,657,937,000	31,786,493,000	31,653,555,000	31,816,907,000	+1,586,747,000
Appropriations	(25,275,710,000)	(26,855,620,000)	(26,501,743,000)	(26,459,043,000)	(26,709,107,000)	(+1,433,397,000)
Advance appropriations	.....	(3,564,317,000)	(31,000,000)	.....	.....	.....
Emergency appropriations	(536,629,000)	.....	.....	.....	(7,000,000)	(-529,629,000)
Rescissions	(-107,179,000)	.....	(-5,000,000)	(-30,310,000)	(-124,200,000)	(-17,021,000)
Crime trust fund	(4,525,000,000)	(5,238,000,000)	(5,258,750,000)	(5,224,822,000)	(5,225,000,000)	(+700,000,000)
(By transfer)	(69,000,000)	(175,340,000)	(176,343,000)	(177,843,000)	(172,043,000)	(+103,043,000)
(Limitation on administrative expenses)	(3,042,000)	(3,930,000)	(3,490,000)	(3,042,000)	(3,266,000)	(+224,000)
(Liquidation of contract authority)	(148,430,000)	(135,000,000)	(51,030,000)	(135,000,000)	(51,030,000)	(-97,400,000)

1/ President's budget proposes $5,000,000 for State Justice Institute.

Mr. Speaker, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield myself 5¼ minutes.

Mr. Speaker, the gentleman is honored, I think I am more relieved to be here finally, and not any more excited about being the last vehicle out of town than he is as everybody jumps on our bill. I want to commend the gentleman for his fine management of this bill and his dealing with all the appropriation issues all year. He has been extremely capable, as always.

The gentleman from Kentucky is very gracious. He has allowed the minority to participate in the process fully, which the minority greatly appreciates. He has also been very adroit in his handling and compromising of the accounts that are under our jurisdiction as well as, particularly because we are the last vehicle out of town, as accommodating as he possibly can be to all of the authorizing requests that we have received in the last 2 weeks particularly. He has done an outstanding job, as he always does, and I am very grateful for the opportunity to cooperate with him as we move this bill forward.

Likewise, I want to express appreciation to the gentleman from Louisiana [Mr. LIVINGSTON], who has been extremely active and constructive in ensuring that our process moves forward at every step of the way.

I would also like to extend a special thanks to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member, who has been tireless in giving needed attention to the details of not only this bill but particularly this bill, but what is really impressive, the detail that he gives to all 13 of our appropriations subcommittee bills. I am very personally appreciative for his help to me and his guidance. I thank the gentleman for the attention he has given to it. I know it has been tireless.

The gentleman from Colorado [Mr. SKAGGS] and the gentleman from California [Mr. DIXON] are tremendous contributors to our subcommittee on the minority. I very much appreciate and enjoy working with these friends and colleagues.

Mr. Speaker, I want to commend the hard work of all staff involved, particularly Sally Gaines and Liz Whyte of my personal staff, and Jim Kulikowski, Therese McAuliffe, Jennifer Millier, Mike Ringler and Jane Weisman of the committee staff, along with my sincere appreciation for all of the efforts of the minority appropriations staff, Mark MURRAY, David Reich and Pat Schleuter.

Mr. Speaker, joining in much of the sentiment expressed by our chairman, my colleagues should be pleased with the core funding contained in this bill. The centerpiece of this bill, the defining characteristic of it, if you will, is law enforcement, which is robustly funded. The FBI enjoys a $136 million increase over last year in this bill; the Drug Enforcement Administration, a $134 million increase; the Immigration and Naturalization Service, a whopping $714 million increase.

The INS funding provides for 1,000 new Border Patrol and the equipment to support them. The COPS program, fully funded at $1.4 billion, keeps us on track toward the President's promise to increase Federal funding for new policemen on the beat to the 100,000 number. The crime trust fund is increased by $356 million. The popular Byrne Grant program is robustly funded at $505 million. The Violence Against Women program is increased by $74 million. Juvenile crime prevention is $489 million, of which $239 is for prevention programs, which is an increase of $64 million. Legal services is increased in conference to $283 million.

Overall, the Justice Department enjoys a $1.037 billion increase under this bill. State, USIA, Arms Control is an overall $5.17 billion, an increase of $100 million. The Judiciary enjoys a $200 million increase to $3.4 billion. The Commerce Department in this bill is increased $450 million to $4.3 billion. Of that, NOAA enjoys a $100 million increase. ATP is funded at $192 million, $82 million in new grant money.

The census, Mr. Speaker, is increased by $349 million in preparation for the very important decennial census. This report contains a very imperfect compromise admittedly regarding the inclusion of sampling in the census process. The best thing I can say is that the agreement assures that this time-sensitive process, planning for the 2000 census, can go forward incorporating the statistical technique of sampling, which all the experts say will that the 2000 census can be the most accurate in the history of the Nation.

The gentleman from Ohio [Mr. SAWYER], the gentlewoman from New York [Mrs. MALONEY], the gentleman from California [Mr. BECERRA] and the gentlewoman from California [Ms. WATERS] all deserve our gratitude for the time and attention they have given to this issue. The gentleman from Ohio [Mr. SAWYER] and the gentlewoman from New York [Mrs. MALONEY] are students of it, and they have made insightful contributions to the democratic process as this process has moved forward. I appreciate their help.

I urge my colleagues to support this conference report. It is on balance an excellent bill, while containing several difficult but, on balance, satisfactory compromises.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON] the very dynamic chairman of the full committee.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from Kentucky for yielding this time to me, and I congratulate him for doing an outstanding job on a difficult bill. The gentleman from Kentucky is one of our best negotiators. He has hung tough to the very last minute, and I think that he will not want to hang so tough until the last minute the next time, but I appreciate the great work that he has done on this bill.

I also want to pay tribute to the tremendous job by the gentleman from West Virginia, the ranking minority member of the subcommittee, and to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the full committee. They have been incredibly helpful in getting this bill through. I hope with their help that we will get it all the way through and that it will find its way through passage tonight and not at some later date.

I also want to thank the staff. As the gentleman from Kentucky [Mr. ROGERS] has pointed out, they worked all night last night, and many went without sleep for a couple of days in order to get this bill prepared for the floor. Frankly, they and all of the staff on the Committee on Appropriations have just been invaluable throughout this very difficult year. I thank them for their service.

I would like to take this opportunity to just pose a colloquy with the gentleman from Kentucky, the chairman of the subcommittee, to congratulate him for his work and just ask him what in his mind might happen to the floor schedule if in fact a motion to recommit were adopted or if in fact this bill failed to pass tonight.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Kentucky.

Mr. ROGERS. If a motion to recommit should pass, under the rules of the House, the bill would have to be reconferenced with the Senate, which means we would have to reconvene a conference with the Senate and bring the bill back at some future time.

□ 2030

Now I am told that that may be difficult to do, because I am told most of the Members of the other body are not present in town at this time, which means that we would have to, I guess, go to next week or some other time to bring the House back in session and try to pass a bill at that time.

Now, if the bill fails tonight, by the same token, we have to reconference and come back at some future time, so we would be here next week.

Mr. LIVINGSTON. Mr. Speaker, I just want to be absolutely clear. If Members think for some reason that it might be a good idea to vote for the motion to recommit and they happen to be in the majority, or, in the alternative, if they were to vote against the bill and they were to find themselves in

the majority, and the bill for any reason were to be defeated tonight, the gentleman is absolutely correct, we could not convene a conference tomorrow. We could only convene a conference when the Members of both bodies could be accumulated some time next week or some time later on this year, and we would have to go through an additional extended continuing resolution. We would risk the possibility of the closure of the State Department, the Commerce Department, the Justice Department.

I just caution Members, if in fact they are considering not supporting this bill or supporting the motion to recommit, it would be a bad idea. Let us get this bill passed, and let us put it to bed and say good night to the first session of the 105th Congress.

Mr. MOLLOHAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. DIXON], a very valuable member of the subcommittee.

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding this time to me, and I certainly would like to add my comments of congratulations to the chairman of the committee and the ranking member of the committee for the fine work that they have done. I think most Members realize that in this conference process it did not follow the traditional process, and I think under all the circumstances they have done an excellent job.

I rise in full support of the conference committee, and I certainly identify with the gentlemen and the ladies of the House who have expressed clear displeasure with the census language in this bill. If this was an up and down vote on census language, I would not be voting for it. But the truth of the matter is that no matter what we say about this reprehensible language, it does not prohibit sampling, statistical sampling, in the pilot program, nor does it prohibit it being used in the year 2000 but, rather, it leaves that fight to be fought another day.

The truth of the matter is that there are people who want an accurate count in the House and then there are people that want an accurate count. How do we count 270 million people in our country? Some would suggest it is door to door. I doubt that any of my colleagues really believe that.

If my colleagues look at the CONGRESSIONAL RECORD, if they read the newspapers and if they listen to the 1 minutes, we use statistical data to illustrate our point. Most of that comes from statistical sampling, not door-to-door searches.

But more importantly, we have to look at what this bill does do, and for those who are interested in 245(I), it extends past the signing of the bill for 60 days the opportunity for people to get the I–130 forms. For those who are interested in legal services, it has $30 million more than this House provided. It is at a figure of $283 million. For those who are interested in crime prevention programs, it has $64 million above last year's programs. And for those who are interested in the Ninth Circuit in California, it sets up a reasonable way to take an objective approach to how we divide the Ninth Circuit Court up.

Mr. Speaker, it is for all those reasons that it does not prohibit the use of statistical sampling, that it has many good programs for law enforcement as well as social programs, that I urge each Member to vote aye on the conference report.

Mr. ROGERS. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa [Mr. LATHAM], a very distinguished, hard-working member of our subcommittee who has contributed much to our cause here.

Mr. LATHAM. Mr. Speaker, I especially want to thank the chairman, the gentleman from Kentucky, for all of his very hard work, and the ranking member that did such a great job, and I think the Members should be aware that we would not have any problems on this bill if it were not for extraneous provisions that were brought in.

This committee has worked very, very hard and on a bipartisan basis to get a very good bill to the floor, and I too, would like to commend the staff for doing a tremendous job. It has been a real pleasure in my first year on the subcommittee to work with such a professional staff, and they have done a great job.

Just some of the provisions in the bill and reasons I think that all Members should strongly support this bill: When we talk about the COPS Program, it does continue the funding at $1.4 billion for the 100,000 new police officers on the street. But very important to me is the fact that it increases from 10 to 20 percent the COPS More Program.

Many of the communities in my district cannot afford the COPS Program to put additional officers on the force and then 3 years later have to take over the funding. They just simply do not have it in their budget. So the COPS More Program is extremely important, that they can buy technology and equipment that they so desperately need.

The COPS Program also establishes four innovative new programs. There is $35 million for law enforcement technology grants, $35 million for drug enforcement grants, $34 million for methamphetamine initiatives, which is a problem that has exploded in the upper Midwest and in Iowa in my district; also, $1 million for police recruitment programs.

In the Office of the Justice programs, which are increased from $118 to $173 million, it includes a very important provision. There is $25 million for a new national sex offender registry, extremely important, I think, in this day and age.

As far as the State and local law enforcement assistance, it is increased dramatically, about $500 million, the highest level ever on the Byrne grants, and the Weed & Seed programs establish a new $250 million juvenile crime block grant and increases by $75 million the Violence Against Women grants, which is up to $271 million. Again, that is increased by $75 million. There is $720 million for State prison grants; when we talked about truth-in-sentencing, very, very important.

As far as funding for the INS, that is increased from $2.1 to about $2.5 billion, and that includes funding for improved INS fingerprinting equipment, requires fingerprinting services must be conducted by INS agents or law enforcement agents. If my colleagues remember, last year, we had testimony that Pookie's Bar & Grill in California was doing fingerprinting for us, paid by the tax dollars to fingerprint potential U.S. citizens.

And it also guarantees that citizenship cannot be granted without a full and completed FBI background check, and the reason for this, my colleagues, is in the rush last year to have more citizens register to vote, especially in California, there were 186,000 people who were given citizenship last year without an FBI background check.

By any standard, when we talked about sampling, about 20 percent of those people normally are convicted felons. That means, in a conservative way, there are over 30,000 convicted felons who are given citizenship. This will put a stop to that, and I urge support of this bill.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I am going to vote for this bill, and I personally want to thank the Chair and the ranking member and the subcommittee and the House for considering a number of issues critical for California in a favorable light.

I am unhappy about the Census language, but I will still support the bill for the reasons later to be explained by the gentleman from Ohio.

But what I would like the other party to explain to me is the strange logic by which, when they do not get the language they want, the Mexico City language on family planning programs abroad, they appropriate the money for family planning, and then, to retaliate for not getting that language, they take their highest priority for the last 3 years, the reform of the international relations bureaucracy, and kill it. They take their desire to leverage lower assessments in New York at the U.N. through very well calibrated conditions on arrearages and destroy it, and then

risk all the consequences of financial instability that come from the currency fluctuations by destroying the IMF new borrowing authority. What a bizarre and strange reaction when they provide and appropriate the family planning funds which cause them to get so angry and strike out after all these things.

I support the gentleman from Wisconsin's motion to recommit, and I urge the body to do so.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY], who has provided such leadership for our caucus on this issue.

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition, but first I would like to thank the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from New Jersey [Mr. SHAYS], and the gentleman from Ohio [Mr. SAWYER], for all their help on the Census issue.

And to the rest of my colleagues, if they believe in a fair and accurate Census, they simply cannot vote for this bill. Getting a fair and accurate count is the civil rights issue of the 21st century. If my colleagues are not counted, they are not represented. If they are not counted, they are not part of the Federal funding formulas.

This deal, as many have said, funding is provided for statistical sampling through September of 1998, yet at the same time it stacks the deck against achieving it by helping to build a case for those who plan to kill it in 1999. And the Speaker has vowed to kill the sampling issue in 1999.

This legislation aids this plan by putting into place a campaign to smear it. First the deal allows opponents to file multiple lawsuits to tie the Census up in court. The deal also allows the Speaker, using the House general counsel, to sue on behalf of the House to block sampling. In other words, the Speaker, representing the viewpoint of the RNC, will be using taxpayers' funds to block sampling.

Second, it asks the bureau to run two censuses at once; and, thirdly, it confuses the public by issuing four sets of numbers instead of just one. The opposition simply does not want to count our Nation's poor in our rural and our urban areas.

If this legislation becomes law, we are sending a message that we are willing to purposefully disenfranchise millions of Americans in the name of politics; in other words, we are willing to count them out of democracy. The Republican leadership is on record over and over again in their design to kill sampling. This language gives them the tools for the execution either by a thousand cuts in the courts or through spreading confusion about the results.

We cannot allow this to happen. I urge a no vote against the Commerce-Justice-State conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

□ 2045

Ms. JACKSON-LEE of Texas. Mr. Speaker, what I really wanted to come to this floor tonight for was to show my appreciation for the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for work well done. Though my comments will criticize what we have secured with respect to census, I mean what I say with respect to the work that you gentlemen have done, and I thank you for that.

Particularly I thank you for working with me on the Prairie View A&M Justice Center, and as well working to curb pornography on the Internet for our children, developing a study by the Justice Department to find ways to prevent such horrible activities to be subjected to the Internet and for our children to see.

I need, however, to address this important and crucial issue which we hope we will find a solution for, and I thank the gentleman from Ohio [Mr. SAWYER] and certainly the gentlewoman from New York [Mrs. MALONEY] and the caucuses that worked on this issue.

But this census process will not work. This future litigation by the Speaker of the House will not work, as it proves to threaten sampling. This public relations campaign, using the monitoring board and a new House subcommittee just for census, shows us that this Congress is not serious about counting every American.

I ask my friends and colleagues to consider opposing this bill because of the concerns we have raised. I hope we can solve this problem, and have a true counting and a true census.

Mr. Speaker, I rise this evening to share my concerns regarding the Conference Report on H.R. 2267, the Commerce, Justice, State, and Judiciary Appropriations bill.

The first of these concerns involves the failure of this Conference Report to provide protection to illegal immigrants who are the victims of domestic violence. The Conference Report to H.R. 2267 provides that only those immigrants who have 245(i) applications for permanent legal status pending at the time of the bill's enactment, may stay in the United States. In refusing to permanently extend 245(i) for most immigrants, the Conference Report makes one concession—it provides permanent extension of 245(i) for those immigrants holding employment-based visas. It makes no exception for battered illegal immigrants. In so doing, the Conference Report undermines the strides to protect battered immigrants made in the Violence Against Women Act ("VAWA").

The Violence Against Women Act exempts battered immigrant women and their children from the three to ten year inadmissibility bars that apply to other illegal immigrants. These provisions were written to provide a way out of violent relationships for battered women and children abused by their U.S. citizen and lawful permanent resident spouses and parents. These provisions were included in VAWA in an effort to free battered immigrants to seek protection for themselves and their children from ongoing abuse and to allow them to cooperate in the criminal prosecution of their abusers.

The vast majority of battered immigrant women who qualify for protection under VAWA are in the United States in undocumented status because their citizen and lawful permanent resident spouses or parents have had control over their immigration status. These spouses also often control what information their abuse victims receive and with whom they associate.

Because the Conference Report does not provide permanent extension of 245(i) to battered immigrants, many of these women will be required to return to their home countries to obtain their green cards. All battered women who apply for relief under VAWA, however, must prove that their deportation will cause extreme hardship to themselves or their children. In requiring those women to return to the very country that INS agrees poses them a danger as the only means to obtain their permanent residency is dangerous and illogical.

Additionally, most battered immigrant women will have difficulty raising the funds to travel abroad to obtain their permanent residency. Many more will be required to travel to countries that cannot or will not protect them from their abusers, from their abuser's family or from the social ostracization that often accompanies women who publicly challenge abuse. Many victims will violate family court custody orders if they travel abroad or leave the jurisdiction where the court order was issued. Finally, many will be unable to make safe child care arrangements for their children if they are required to travel abroad or else they will have to take their children with them. Battered immigrant women should not have to be faced with leaving their children with an abuser or in a situation in which the children cannot be adequately protected from the abuser or possibly being charged with international kidnapping. Faced with these obstacles, many battered immigrants will choose to stay with their abusers.

It is important that both the battered immigrant and her children be able to obtain lawful permanent residency status under VAWA without interruption in the support, counseling, and legal relief they are receiving to help them and their children address the consequences of the violence. For VAWA's immigration provisions to offer victims of domestic violence the intended protection, battered women must be able to obtain their permanent residency without leaving the country regardless of when they file their self-petition.

The second area of concern that I would like to raise with respect to the Conference report on H.R. 2267, is the compromise reached on the census provisions. The revised language in the Conference Report regarding the census states that sampling poses the risk of an inaccurate census which is the very opposite of what is true.

The agreement on the Conference Report also allows the opponents of sampling to file

suit in any and all courts in the country. If any one of those courts issues an injunction against the use of sampling it would take so long to clear up that the use of sampling in any "dress rehearsal" would effectively be blocked. If there is no sampling in the dress rehearsal, there will be no sampling in the census which means that the chance for an accurate census will be lost.

The Conference language regarding the census calls for the Census Bureau to issue several sets of census counts for both the dress rehearsal and the census. This would be confusing to the public and create chaos in the redistricting process. Redistricting experts dislike having multiple numbers so much that two years ago the National Conference of State Legislators passed a resolution calling for a one-number census in 2000.

Next I would like to discuss areas of the Conference Report that I am sure have not drawn the attention of many of my colleagues, but for which I believe the Conferees deserve my congratulations.

I worked with my colleagues during the appropriations process in an effort to find funding in the Commerce-Justice-State Appropriations bill for the establishment of a National Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University, located outside of Houston, Texas. While we were not successful in getting such funding into the House version of the Commerce-Justice-State bill, the Senate included in its version of this bill, $500,000 for the establishment of the Prairie View Center. Although I was disappointed that this specific line item did not survive in the Conference report, I am pleased that the Report requires OJJDP to carefully review Prairie View's grant application.

The National Center would fill some very important functions: (1) conducting academic programs, including continuing education and training for professionals in the juvenile justice field; (2) conducting policy research; and (3) developing and assisting with community outreach programs focused on the prevention of juvenile violence, crime, drug use, and gang-related activities.

Across America, violent crime committed by and against juveniles is a national crisis that threatens the safety and security of communities, as well as the future of our children. According to a recently released FBI report on Crime in the United States, in 1995, law enforcement agencies made an estimated 2.7 million arrests of persons under 18.

Studies show that prevention is far more cost-effective than incarceration in reducing the rates of juvenile crime. A study by the Rand Corporation, titled Diverting Children from a Life of Crime, Measuring Costs and Benefits, is the most recent comprehensive study done in this area. It is clear that juvenile crime and violence can be reduced and prevented, but doing so will require a long-term vigorous investment. The Rand study determined that early intervention programs can prevent as many as 250 crimes per $1 million spent. In contrast, the report said investing the same amount in prisons would prevent only 60 crimes a year.

Children hurting children on the streets of our nation is costly for the moral fabric of our society and the burden on our government. Public safety is now becoming one of the most significant factors influencing the cost of state and local governments. We can begin to bring those costs down and make both short term and long term positive differences in the lives of our young people by targeting the prevention of juvenile crime.

In Texas, the Historically Black Colleges and Universities are forging ahead. The Juvenile Justice Center at Prairie View A&M University will be come a state and national resource. It will perform a vital collaborative role by focusing on measures that target the prevention of juvenile violence, crime delinquency and disorder. The University will provide comprehensive teaching, research and public service programs. There is no single answer to this problem, but this Center will be a start to bridging the programs that work for the state of Texas and other states.

I thank the Conferees for their support of this important Center.

Finally, I am gratified that an amendment which I offered before on the floor of the House and agreed to has been included in the Conference Report for Commerce-Justice-State. The language in the conference report states that the Department of Justice should consult with the National Academy of Sciences to review computer-based technologies and other approaches that could help to restrict the availability to children of pornographic images through the Internet and online services.

Unfortunately, this language does not go far enough; my original amendment would have provided for the identification of methods that would locate illegal pornographic images with the goal of criminally prosecuting those purveyors of such pornographic images to children. The goal of my amendment was to create a pool of understandings regarding the technological capabilities currently available for identifying digitized pornographic images stored on a computer, network, or other computer communication mediums by the use of software or other computer technologies.

The funding for this amendment would have come from funds otherwise appropriated; therefore revenue neutral to the Department of Justice, which should not exceed $750,000.

I would like strongly urge the Department of Justice to pay attention to the intent of the Amendment when implementing this section of the conference report.

I would like to also ask that Members of the House join me in support of the original intent of the amendment to help eliminate the growing threat of pornographic images that our children who use the technology must face. This is an opportunity for us to help all of our nation's children have a safer future.

Mr. MOLLOHAN. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, first I want to express my agreement with the gentleman from California on the importance of putting back in here important international financial material. But secondly, I want to congratulate the gentleman from Ohio for his work on the census and say that I plan to vote for this bill.

I try very hard to avoid cliches, but it is much too late in the session to think fresh, so I am going to have to use one. I think some of my good friends here are trying to snatch defeat from the jaws of victory. The problem I and others had with the original census language was that it said we could not go forward with the sampling process until the Supreme Court had said it was okay. That would have killed it. That is not in the bill.

We now have parallel processes. We have the sampling going forward, and we have the court process. I disagree with my friends who say, oh, allowing the court process to go forward kills sampling.

I think sampling is constitutional. I do not think the Supreme Court is going to find it unconstitutional. Indeed, I am sceptical that the Supreme Court, given its own rules on ripeness and standing, will even decide this at all.

So what we have is a situation where previously sampling could not go forward until the Supreme Court acted, and we knew the Supreme Court was not going to be able to act because of its own doctrines, and now we have a situation where it can go forward.

I do not want to argue this too strongly, because I do not want to lose you any votes on this side, but the fact is the obstacle to census sampling that existed previously has been dissolved. Now we have been told, well, there will be a subcommittee that will propagandize.

I have to be honest with you, I hope I am not being unduly modest when I say I do not think most people pay too much attention to our subcommittees. They can dance and sing and whistle, and we can still go ahead with it. Yes, it may have to face a court test, but that is to be done.

In fact, I want to congratulate the Republicans. This is one more example of their belief in judicial activism, and I want to salute the Republican conversion to the notion that when there are important decisions that are to be made, we should ask some unelected, life-tenured Federal judges to arbitrate them for us. I think that is appropriate, as long as the work is not held up until then. So I think we have the best of both worlds.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the chairman of the Subcommittee on National Security, International Affairs and Criminal Justice, the gentleman from Illinois, Mr. HASTERT.

Mr. HASTERT. Mr. Speaker, I thank the chairman. I first want to congratulate him for his hard work, and certainly the gentleman from West Virginia, the gentleman from West Virginia [Mr. MOLLOHAN], who has worked on this diligently as well. I wanted to talk a minute about the census.

There were some accusations, and I probably agree with my good friend

from Massachusetts [Mr. FRANK]. We need to go forward. We need to have transparency in the system, and if there is an issue of whether this is constitutional or not constitutional, we probably ought to let the Supreme Court decide that issue. If there is an issue whether this is statutorily legal to do or not statutorily legal to do, we probably ought to let a court decide that.

But in the meantime, let me just say a couple things about transparency. Yes, there is going to be, first, a commission that looks at numbers, and, you know, it is not terrible to have four numbers, the four numbers in counting when you actually go out and count people and find out what the number is when you get counting and what the number is when you get done adjusting, which there is not an adjustment. So the number in counting, Number 1, will be the same as number 2.

Actually, when you get into sampling, which what you have is that you have a number when you get done, and that number will be X, and then it will be X plus or X minus something else, when you get done sampling. When you do that census block by census block, people ought to be able to see what you do.

Whether you take population away from this precinct and you add population to that precinct, there ought to be a transparency about what this guessing business is all about. When the bureaucrats get done guessing what the population should be, because it meets their parameters of what they guessed it should be in the first place, there is a transparency, we can look at sampling, see if sampling is worthwhile, whether it has some value, whether it is constitutional, whether it is legal, and we will look at enumeration, which the Constitution talks about enumeration, counting, one by one. It has been going on in this country for 230-some years. It was prescribed by the forefathers of this country, and I think it is probably something we ought to continue to take a very serious look at.

I just have to tell my friends there is one government agency that basically goes door to door every day. They basically know how many people are in each house. It is called the Postal Service. If we need to do an extraordinary job of census, then maybe we could hire some people in the Postal Service on weekends on their time off. They can knock on doors. They know who lives in those houses.

Let us do the job that the Constitution says we should do. Let us move forward, let us do the census block, census block by census block, by geographical area by geographical area and put the numbers in there.

The test that was done in 1995 says there was a plus or minus 35 percent error rate when you get down to the lowest geographical area, which is usually the census block. If there is 100 people that live in a census block, we do not want to guess whether there are 65 people there or 135 people.

Let us get the numbers straight. Let us do it the way it is supposed to be done and pass this bill.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from West Virginia for yielding me this time.

Sampling will clearly be one of the most important issues that we confront in the next session of Congress that is being addressed in this bill. I am going to support this bill, and I, too, congratulate the chairman and the ranking member for accomplishing a very difficult task.

I rise briefly, however, to call the attention to what the Speaker of the House said just a few years ago. I want to read it:

I respectfully request that the census numbers for the State of Georgia be readjusted, that is after counting, I tell my friend, from door to door, to reflect the accurate population of the State so as to include the over 300,000 which were previously not included.

That is in the door-to-door count, according to the Speaker.

Based on available information, without an adjustment to compensate for the undercount, minorities in Georgia could lose two State Senate seats and four to five House seats. As a result of conversations with black legislators, it is my understanding that they have not only concurred with this request, but stated that they believe it is required under the Voting Rights Act.

Representative NEWT GINGRICH sent that to Bob Mosbacher, then Secretary of Commerce, with respect to sampling.

We are not going to argue situational ethics, I hope. If sampling was good then in this letter from Speaker NEWT GINGRICH in 1991 to Secretary Mosbacher, it is good today.

Now, my friends, let me tell you, there was a similar letter, and I will not read it, you can read it for yourself, from the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from Mississippi [Mr. PARKER], the gentleman from Virginia [Mr. BATEMAN], the gentleman from South Carolina [Mr. SPENCE], the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Florida [Mr. CLAY SHAW], in a letter to Bill Clinton in 1994.

Barbara Bryant, who was the head of the census under George Bush, clearly says, in the long run our Nation is best served by accuracy. Sample surveys to estimate those who will not or cannot be counted in the 2000 census after the Census Bureau has made every reasonable and good faith effort to voluntarily enumerate will increase the accuracy of the census.

My friends, again, let us not be into situational ethics. Let us not be into which side gains politically. The Speaker thought in 1991 perhaps it served his political interest. But I also believe he said and believed that that was the accurate way to count. Let us not deviate from that for the situational effects that it may have.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS], a very active and effective member of our subcommittee.

Mr. SKAGGS. Mr. Speaker, I want to thank my friend for the time.

I hope the Members of the House will support this conference report. It is basically a very good piece of work. In that regard, I want to thank our distinguished chairman from Kentucky and the gentleman from West Virginia [Mr. MOLLOHAN] and the absolutely tireless work of a terrific staff in putting this all together. It is a good piece of work. Many areas, it is especially commendable to the Members.

One I would like to point to in particular is the substantial funding base that is given to the Department of Commerce and its several important science and research activities under NOAA, the National Institute of Standards and Technology.

There are still some problems. I am particularly distressed at the counterproductive and, I think, very backward-looking restrictions that are included in this bill on the activities of the Legal Services Corporation and its grantees. There is some gratuitous language in here about the census. But make no mistake about that, the bottom line on the census is that it allows the sampling process to move forward, and my colleagues particularly on this side of the aisle that are concerned about that ought to welcome this breakthrough, as was so well explained by previous speakers.

Finally, I hope the Members will support the motion to recommit that Mr. OBEY intends to offer. As Mr. BERMAN earlier explained, I think it is absolutely critical that we make good on at least a modest down payment on our arrearage to the UN, especially at this crisis time when we have to count on our working relationship within that body to deal with the difficult situation in Iraq, as well, as was explained, the need for funding flexibility to the IMF to deal with currency problems.

But the basic point here is a good conference report, worthy of Members' support.

Mr. MOLLOHAN. Mr. Speaker, I yield 1¾ minutes to the distinguished gentleman from California, Mr. BECERRA, who has been extremely active on this issue and a leader of the Hispanic Caucus.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I had a chance to speak during the rule, so I will try to be somewhat brief now on the actual bill.

I think that the ranking member of the subcommittee, the ranking member of the full committee, the Chair of the subcommittee and the Chair of the full committee have done a tremendous job trying to pull together a bill that could get the majority support in this House necessary to pull this together and send it off to the President. I commend them for the work they have done. I think that those four individuals have worked sincerely to try to pull together something that could get the support of all of us.

I must say that I continue to have the greatest of concerns with regard to the work on the census. I see no reason why we could not have sent this directly to the President and said, Mr. President, tell us what the experts say we should do with regard to a count of the citizens and the residents of this country when it comes to the year 2000.

□ 2100

Let us not inject politics into this, and let us go straight with what the experts say would be best to do for this country, because we know in the past we have left many Americans uncounted.

We had an opportunity to do that, but we failed. We failed miserably because the politics got in the way, and this legislation is apparently the best we could expect. The best we could expect says that we will have lawsuit after lawsuit filed to try to stop statistical sampling, even though expert after expert has said that is the only way to get an accurate count of America.

Yet we stand here saying, this is what the President must sign. But in 16 or 17 minutes we will have to revisit this, because we do not have funding for a full dress rehearsal as sampling in the end to take place in the census. That is wrong, and that is why people should vote against this bill.

Mr. ROGERS. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. REGULA], the chairman of the Appropriations Subcommittee on Interior, but a very able, hard-working member of this subcommittee.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. I want to commend the chairman, the staff and the ranking minority member for doing a good job. I strongly urge support of this bill.

We have heard a lot of speeches about the big picture tonight; I want to talk about the little picture with a big potential.

1998 is the International Year of the Ocean, and we have not paid enough attention to the ocean in terms of its impact on human life. One of the exciting things provided for in here, subsidies, $1.5 million for the Jason Foundation for Education. What the Jason Foundation will do is translate underwater research into the Internet, which means that school students and adults around the world will be able to interact with these researchers and learn more about our oceans and about what is being produced by the research that is taking place, in large part because it is the Year of the Ocean.

This is an exciting concept. I think we barely scratch the surface. What it means is that when it comes to fruition, that students will be able to interact with people at the National Gallery, at the Smithsonian, at the Kennedy Center, at colleges throughout the United States.

I saw this in action in my district where the Jason Foundation had a biologist at Yosemite talking about terminals, and the students in Wooster, OH could ask questions of this biologist and he could respond. It really worked out well, and it is an exciting concept. It is part of this bill.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me this time.

Mr. Speaker, I just want to say very briefly in response to my good friend, the gentleman from California [Mr. BERMAN], we were engaged in a very difficult negotiation with the White House over the last several days, and in the end we gave half a loaf on the Mexico City policy which separates abortion from family planning. We said that foreign nongovernmental organizations would be precluded, those that are subsidized by the U.S. Government, would no longer be able to lobby in foreign capitals to topple their pro-life laws. It seems to me this was a very modest proposal. This was rejected.

The good news for the pro-life said that the Speaker of the House and the majority leader have given their solemn word that the IMF issue and arrearages payments, and those arrearages payments are in dispute, there are all different, conflicting numbers as to what they should be, that those three issues are intertwined and they will move forward together or they will not move forward at all.

We have offered the White House a true compromise; they have rejected it at this point. My hope is that in the spirit of comity, I would hope that we could move to a real compromise on this, and then we could work in partnership on all three of these issues.

Mr. MOLLOHAN. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], who has worked tirelessly on all of our 13 appropriations bill.

Mr. OBEY. Mr. Speaker, I have absolutely no objection to the job done by the gentleman from Ohio [Mr. SAWYER] or the gentleman from West Virginia [Mr. MOLLOHAN]. I think they have been imminently reasonable. I think they have produced a good product in what is in the bill. I certainly do not have any objections to the job done by the gentleman from Louisiana [Mr. LIVINGSTON]. I think he has done a very fine job. But I have to say my concern is what is not in the bill.

As my colleagues know, an agreement was made by the Republican Party, just referred to by the previous speaker to, for the moment, concede on their views on Mexico City and family planning issues on the fast track bill. In retaliation for that, for that concession, the decision was made to strike the State Department reauthorization language, to strike the currency stabilization fund, and to strike the U.N. arrearage authority.

I believe that is an extremely shortsighted and irresponsible decision, and I believe that decision significantly damages United States interests in two ways: It does not punish Bill Clinton, it punishes the country. It damages us in two ways because, first of all, it weakens our ability to develop consensus within the United Nations in building a proactive foreign policy against Saddam Hussein. It also undercuts the resources necessary to deal with the currency fluctuations and instability which we have seen throughout Asia and Latin America that could very well have incredibly serious effects on our own economy.

Now, the response of the House leadership on this matter I find most troubling. The Speaker sent a letter to the President today which says, "With the challenge of Iraqi defiance against the world community and the importance of the United Nations Security Council in responding to that challenge, the U.S. must continue to play a central role in the U.N." It says, "With the turmoil in international markets, it is clearly prudent for the Secretary of the Treasury to seek additional resources."

And yet, this bill tonight withholds those resources until the President capitulates on a totally unrelated matter.

The letter then goes on to say, "We do not believe that our disagreement over abortion should block action on national security issues." But then my colleagues proceed to block them anyway.

I have infinite respect for the gentleman from New Jersey [Mr. SMITH] and others who share his view on abortion policy; I share some of those same views. But the Constitution defines how one is supposed to win. In order to win on an issue, one needs to have a majority in both Houses or the signature of the President. If one does not have the signature of the President, then one needs two-thirds in both Houses. With all due respect, the only

majority that the gentleman has at this moment is the majority in one House.

Now, what he is trying to do is to exercise leverage in order to expand that majority by holding other proposals hostage. Individual Members have a right to try that, but it is an obligation of leadership to say no when that puts in jeopardy severe and important interests of the United States. It is reckless for the leadership of this House to do otherwise.

Secretary Albright just called me. She was about to step on a plane going to the Middle East to try to build a tighter alliance to deal with Saddam Hussein. She said, "I need those extra resources."

I am going to be offering a motion to recommit, a straight motion to recommit, in order to give this committee an opportunity to put back into this bill the authority that they need for the $100 million in U.N. arrearages for the first year of the 3-year plan, and to also put into the bill the authority we need for currency stabilization. There is no problem in the Senate with that. The only group that seems to have any real problem with it is the House leadership.

It seems to me that the only way to meet our responsibilities, unless we want to walk out of here for three months and risk seeing a further unraveling of the currency markets and the security markets around the world, unless we want to risk seeing that, it seems to me we have an obligation tonight to provide those resources. That is what I will attempt to do by offering the motion to recommit, and I urge every single Member to support that motion. Without it, Congress will be committing one of the most remarkably irresponsible abdications of responsibility that I have seen in all of the years that I have served in Congress.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the full committee.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding me this time.

I just want to point out that in two separate packages we tried to put together an opportunity to pay the U.N. arrearages, for the IMF funding, for the State Department reauthorization, and yes, coupled with the promise that the President would not continue to use taxpayers' funds to lobby to use abortion as a family planning tool. It was a simple proposal. They did not want that.

So then we offered to put these together with all of the three appropriations bills that have just passed the House in the last two days. The President said he would veto it, the Senate said that they would filibuster it, and the Members of the other side in the minority said they were against it.

Now, look, this place is a place of compromise. Let us not say that we have held anybody hostage. The gentleman from New Jersey was very reasonable. He reduced his demands to simply say that he will not use taxpayers' funds to advocate abortion abroad as a family planning tool. That is not radical. The President refused it, and he refused to go along with this offer.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I want to congratulate the Chairman and the ranking member for their yeoman's work in crafting this conference report and bringing this legislation to the floor. This bill has a number of important provisions which will advance and promote the national interests. I am going to cite just some of them briefly.

First of all, I want to thank the gentleman from Kentucky [Mr. ROGERS], chairman of the subcommittee, for his work to fund the programs of the National Institute of Standards and Technology. NIST is the Nation's oldest Federal laboratory, established by Congress in 1901, and its mission is to promote economic growth by working with industry to develop and apply technology, measurements and standards.

NIST currently has the need for repair and replacement of some of the critical laboratories. It has a maintenance backlog of over $300 million, and in addition, NIST requires new laboratory space. It must construct an advanced measurement laboratory. It is part of the funding appropriated for NIST. This bill includes $95 million for construction, renovation and maintenance for NIST laboratories. I applaud that.

In addition, it includes money for the core programs at NIST known as Scientific and Technical Research and Services programs, which include very important research conducted in its laboratories. The total is equivalent to the Senate-passed bill, $6 million below the amount originally authorized by the Committee on Science and appropriated by the House, but I applaud it.

Also, the bill includes $192.5 million for the advanced technology program; $113.5 million for the manufacturing extension program; $150 million for the National Oceanic and Atmospheric Administration, which actually is $150 million more than what the House had asked for.

Let me comment just briefly on the compromise on 245(i) of the Immigration Act. I think it is very important. I am glad it was done. It should include the opportunity for victims of domestic violence to be accorded that treatment.

Mr. Speaker, I want to congratulate the Chairman and ranking member for their yeoman's work in crafting this conference report and bringing this legislation to the floor. The conference report on H.R. 2267, the Commerce-Justice-State appropriations bill, contains a number of important provisions which will advance and promote the national interest.

First, I thank Chairman ROGERS for his work to fund the programs of National Institute of Standards and Technology [NIST].

NIST is the Nation's oldest Federal laboratory. It was established by Congress in 1901, as the National Bureau of Standards [NBS], and subsequently renamed NIST. As part of the Department of Commerce, NIST's mission is to promote economic growth by working with industry to develop and apply technology, measurements, and standards. As the Nation's arbiter of standards, NIST enables our Nation's businesses to engage each other in commerce and participate in the global marketplace.

The precise measurements required for establishing standards associated with today's increasingly complex technologies require NIST laboratories to maintain the most sophisticated equipment and most talented scientists in the world. NIST's infrastructure, however, is failing and in need of repair and replacement.

NIST currently has a maintenance backlog of over $300 million. In addition, NIST requires new laboratory space that includes a higher level of environmental control (control of both vibration and air quality) than can be achieved through the retrofitting of any of its existing facilities. In order to meet this pressing need, NIST must construct an Advanced Measurement Laboratory [AML].

As part of the funding appropriated for NIST, H.R. 2267 includes $95 million for construction, renovation and maintenance for NIST's laboratories. This funding level is slightly below the $111 million appropriated by the House, but well above the $16 million recommended by the Senate. The total should be sufficient to begin funding the construction of the AML, while at the same time allowing NIST to address some of its critical maintenance needs.

In addition, H.R. 2267 includes $276.9 million for NIST core programs, known as the Scientific and Technical Research and Services [STRS] programs, which include the important research conducted by its laboratories. This total is equivalent to the Senate passed bill and $6 million below the amount originally authorized by the Science Committee and appropriated by the House. While I would have preferred the House funding level, I understand the funding constraints under which the House and Senate Conferees had to operate.

The bill also includes $192.5 million for the Advanced Technology Program [ATP] and $113.5 million for the Manufacturing Extention Partnership [MEP] program. This level splits the difference between the House authorization and appropriation levels and the Senate appropriation for ATP. It seems to be a good compromise, and I applaud the House and Senate conferees for coming to an equitable conclusion on ATP and including the higher total for MEP.

I am pleased with the increase in funding for the National Oceanic and Atmosphere Administration—about $150 million more than the House bill.

I also want to recognize the compromise which was reached on section 245i of the immigration act. The expiration of this provision

would have adversely and unfairly affected a number of families and businesses in my district. However, I am sorely disappointed that the conferees did not include the battered women immigrants provisions of the Violence Against Women Act in this compromise. The conferees demonstrated great compassion in extending the provisions of 245i until the beginning of next year; immigrants who are victims of domestic violence should be accorded the same compassionate treatment.

I am also disappointed that we have not yet found a way to repay our arrearages to the United Nations. Especially at a time when we are counting on the U.N. to maintain our position on Iraqi weapons inspections, continued delay of our debt repayment is, to say the least, embarassing.

I want to congratulate the conferees for the funding levels which were agreed to on the Legal Services Corporation. This funding is critical to assisting vulnerable people in our society. Women and children are among the vulnerable who without assistance often find themselves in abusive situations that they cannot control. The impact of these situations is significant and may result in homelessness and the loss of necessary financial resources for food, maintenance, and health care. In addition, LSC has been invaluable in allowing impoverished people to access the judicial system in support of their just claims. Much of their caseload, and almost half of the caseload in Maryland, deals with such issues as divorce, child custody, and domestic violence.

As with many eleventh hour compromises, this bill's Census provisions aren't perfect, but they have significantly improved thanks to the diligent work of many of my colleagues and the Administration.

While I am concerned that this compromise delays the decision of whether to use sampling in Census 2000 until 1999, I am pleased that, unlike the original bill, it does not significantly hinder the Bureau's critical work in preparation for Census 2000.

The failure of the 1990 Census, the GAO report on sampling, and the National Academy of Science's support of sampling should be more than enough evidence that we need to use sampling to get the most accurate count possible in 2000, but a majority of my colleagues are not convinced. This decision allows for expedited court review of the constitutionality of sampling and it sets up a balanced monitoring board to carefully review the Census Bureau's plans.

This compromise allows the Census Bureau to test sampling in one of the three Spring dress rehearsal sites, the urban site in Sacramento, CA. Furthermore, this decision will not hinder the necessary preparation of the Long Form, the only reliable source of national data about who we are as a nation.

Finally, the agreement includes a $74 million increase for Violence Against Women Grants. While this bill's funding is $35 million less than the House bill, it is still $22 million more than the administration request and $7 million more than the Senate level of funding. This program provides funding to law enforcement agencies to encourage arrests in domestic violence cases and to train local prosecutors in the handling of crimes of domestic violence.

Again, I congratulate the Chairman and the ranking member for their work on this very contentious bill.

Mr. ROGERS. Mr. Speaker, I yield one-half minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to support this bipartisan legislation, and I thank the gentleman from Kentucky [Mr. ROGERS], chairman of the subcommittee, and the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member, for the outstanding job they have done, especially with regard to the legislation and its development of National Sex Offender Registries, the Violence Against Women's programs, Missing and Exploited Children's programs, and the State and local law enforcement programs such as the COPS on the Beat initiative. I know, as a former assistant DA, these programs will help our local communities improve our local public safety.

I ask my colleagues to please support the legislation.

Mr. MOLLOHAN. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Ohio [Mr. SAWYER] who has provided such leadership for our caucus on this issue.

□ 2115

Mr. SAWYER. Mr. Speaker, I rise in support of the conference report before us and intend to vote for it, not because I am so terribly satisfied with all of its provisions concerning preparations for the next Census, but because I believe it preserves the opportunity to continue down a path that will lead toward the most accurate and fair Census possible in 2000.

There are provisions of the agreement over the Census funding and design that I do not agree with. I wish they were not in this bill. I do not believe that the use of sampling and statistical methods, however, poses the risk of an inaccurate and unconstitutional Census. To the contrary, those methods, in combination with enhanced traditional accounting, hold the only real hope of overcoming the persistent high undercount of rural and urban poor and people of color and children that continues to plague every Census, and every court that has reviewed the question of whether sampling to supplement a good-faith traditional accounting effort is constitutional and legal has concluded that it is.

I do not think it is wise to ask taxpayers to foot the bill for a lawsuit by the Speaker of the House in an effort to prevent the use of sampling in the Census. In essence, the Speaker is asking taxpayers to help him ensure that millions of people will not be included in 2000. Shame on the Speaker, who supported the use of sampling in 1990, for insisting on this provision. Fortunately, I have every confidence that a lawsuit will not be successful, but it will be a waste of taxpayers' dollars, nonetheless.

The fact is that there is no realistic chance for an injunction to stop the dress rehearsal or the Census. Anyone challenging sampling would have to show an irreparable injury from the dress rehearsal going forward. There simply is no injury caused by a rehearsal. As with any litigation, suits can be brought in a number of courts. However, the bill allows for consolidation and requires expedited judicial review by the Supreme Court.

What the agreement does that is most important, however, is that it allows the Bureau to prepare for the kind of Census that it believes will be most accurate and cost effective. The Bureau will be able to carry out and evaluate a Census that uses sampling methods in the 1998 dress rehearsal.

I am confident that the dress rehearsal will demonstrate that the limited use of sampling and statistical techniques to supplement and improve direct counting methods will produce Census numbers that are far more accurate and inclusive at all levels of geography than a Census that relies only on methods that have not worked well in the past.

When that happens, my colleagues who oppose sampling ought to think twice about forcing an inaccurate Census on the American people through legislative fiat once again, as they tried to do on the disaster relief bill earlier this year. They ought to think twice about preventing the Census Bureau from eliminating the inevitable undercount of the poor and minorities through threats to deprive the Bureau of adequate funding 1 year before this historic undertaking begins.

All of us will be watching their oversight activities during the next year very closely. We will be using every opportunity to reach out to the American people, to build their confidence in the Census Bureau's work, and for the promise that it holds for a fair count. I urge the President to do the same. We will do whatever it takes to ensure that we can freely and objectively proceed to demonstrate that the use of sampling is wise and sound and, above all, necessary to achieving an accurate count in 2000.

If there is unwarranted interference with the process of preparing and implementing for the best Census possible, the American people will know it and this administration will fight back, because in the end, any effort to cause an incomplete count in some communities will guarantee an inaccurate count in all communities. Every State, county, city, and neighborhood will suffer.

So I urge my colleagues to refrain from causing the kind of chaos and confusion and misunderstanding about the Census process that some provisions in this bill may be designed to

foster. If that is the purpose, then they ultimately will end up hurting the very people we claim to serve.

Mr. Speaker, I recognize the work of the gentleman from Kentucky [Mr. ROGERS] in crafting the bill, and the work of the gentleman from West Virginia [Mr. MOLLOHAN] in making sure it is sound.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, will the gentleman be voting for the bill?

Mr. SAWYER. Indeed I will, Mr. Speaker.

Mr. ROGERS. I thank the gentleman very much.

Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Kentucky [Mr. ROGERS] is recognized for 3 minutes.

Mr. ROGERS. Mr. Speaker, on the point of the United Nations payments, let us clear this up. The bill has in it $100 million to pay our arrearage at the United Nations. That is an amount that we owe. However, that is subject to passage of an authorization law by the Congress. Of course, that law has not yet been passed, but we have plenty of time early next year to do that, in which case the $100 million will be freed up to pay on the arrearage at the United Nations.

But there is a much bigger issue than that. If Members are concerned that at this time especially, we need to be supportive of the United Nations, then Members need to vote for this bill because in this bill are the funds to pay our annual assessment at the United Nations, which is $320 million. That is in this bill. If Members vote no, they are harming the United Nations at a very critical time.

This $320 million, if this bill does not pass, will not be paid by the United States. So if Members are worried about our standing at the United Nations, if they are worried about us not paying our bills at a time of international crisis, then imagine what the effect will be if this conference report is defeated.

If Members are worried about Iraq and whether the United Nations can stand up for our interests, Members need to vote for this bill, because it contains the funding to pay our dues in 1998 in full. That $320 million is at stake. That is one reason why Members need to support this bill.

In closing, Mr. Speaker, there is going to be a motion to recommit. If Members vote for the motion to recommit, we will be here at least next week, because the other body is not in session. We have to reconference this bill. I do not know when we will get to it. So if Members are worried about the schedule, then they need to vote no on the motion to recommit and yes on final passage.

Mr. GEPHARDT. Mr. Speaker, I reluctantly rise today to oppose the Commerce, Justice, State and the Judiciary Appropriations bill for FY 1998 which I believe poses a serious danger to the use of statistical sampling in the 2000 Census. By insisting on the language included in this legislation, Republicans continue in their opposition to sampling which has been universally accepted by the scientific community as the best way to ensure a fair and accurate census in 2000.

The census language in this legislation is problematic in several important ways. First, the bill states that the use of statistical sampling "poses the risk of an inaccurate, invalid and unconstitutional census." This partisan language wrongly presumes the unconstitutionality of sampling when every federal court that has addressed the issue has held that the Constitution and federal statutes support the use of sampling. Second, the bill sets the stage for a legal assault on sampling by allowing opponents to file suit in federal courts across the country and seek injunctive relief that would halt the use of sampling in preparation for the 2000 Census. Third, this language gives unprecedented power to the Speaker of the House to sue on behalf of the House to block sampling and to use the resources of the House Counsel or outside counsel to pursue such litigation. While the Speaker is entitled to express his views on sampling wherever and whenever he chooses—as he has done frequently in voicing his strong opposition to sampling—I cannot support giving him my proxy or that of other Members of the House who share my belief that he is dead wrong on this issue.

Sampling is not an exotic or controversial theory. It is a scientific principle endorsed by the American Statistical Association, the General Accounting Office, and the National Academy of Science. And, it is non-partisan. In fact, the Republican-appointed director of the last census, Barbara E. Bryant.

Why do we need sampling to conduct an accurate census? The answer is simply that our history of conducting the decennial census clearly illustrates that the traditional method of enumeration, relying on a door to door count for each and every person in this country, is neither the most efficient nor the most cost-effective way to conduct the census. In fact, in 1990, the Census Bureau reported an undercount of 4 million people using the traditional method of enumeration or 1.6% of the total population. The Census Bureau estimates that nearly 5 million people will go uncounted if sampling is not implemented in the 2000 census.

The Republican leadership has a singular purpose for the 2000 Census and that is to make every effort possible to block the use of sampling. Unfortunately, I believe the language in this bill is representative of that purpose; therefore, I must oppose this bill.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today in opposition to the Census language in the Commerce, Justice, State Appropriations bill because all Americans must be counted in this nation's census.

Republican attempts to make sure that the 2000 census does not represent all Americans flies in the face of democracy. We now have the opportunity to accurately collect data from all sectors of society through the methodology of sampling. If we accept the language in this bill, we will direct the Census Bureau to separate planning and implementation activities for these "dress rehearsal" sites when the Census Bureau can barely support one—that is a set up for failure. If we accept this language, we will create an entire new subcommittee exclusively on the census issue—this not only wastes taxpayers' money on a method which all national organizations in the field of statistical analysis agree is the most accurate tool for determining the census, but also runs contrary to what the Republicans boast as one of their greatest accomplishments of the 104th Congress, eliminating subcommittees. Finally, if we accept this language, we will permit opponents of sampling to file suits in any court in the country, and they will file suits until they find a court to issue an injunction against the use of sampling. Such an injunction could be the death knell for sampling and with no sampling in the "dress rehearsal", there can be no sampling in the census and no way to avoid the inaccuracies of the 1990 census.

In 1990, four million Americans were not counted and several million were counted twice. Between 1940 and 1980 the net undercount of all Americans and legal immigrants decreased from 5.4 to 1.2 percent. However, the difference between black and non-black undercount increased from 3.4 percent in 1940 to 4.3 percent in 1970. In 1980, this undercount improved slightly to 3.7 percent, but this is still a significant miscalculation of the actual number and kind of people who make up this country. In 1990, the difference between Black and non-Black census undercount was the largest differential in the entire history of the census.

As a representative of California's 37th Congressional District, I am particularly concerned about the disproportionately high number of the California residents who were not included in the 1990 census. In 1990, 800,000 people were undercounted in California alone. The entire state represented 20% of the 1990 undercount. Because of these errors, my state was denied a Congressional seat that rightfully belonged to Californians.

My constituents deserve to be included and counted in the 2000 census and in all future census counts.

The census not only determines how the seats of the House are apportioned among the states, but is a significant force in shaping private and public sectors across the country. The census is used to allocate hundreds of billions of dollars to state and local governments. It is used to enforce the Voting Rights Act. It is used by businesses to locate specific work force populations. It is used to determine the kinds of services to provide to certain demographic areas. It is used to allocate resources for the construction of highways and the maintenance of adequate water supplies for communities.

This census is too important for it to not be accurate. Leading experts, including the National Academy of Sciences, have clearly stated the need for statistical sampling. Scientists admit that it is impossible to physically count every American citizen and legal immigrant in

this nation. But it is not impossible to produce an accurate assessment of the American population.

The Census Bureau has made and continues to make tremendous strides in trying to accurately calculate census tracts throughout the country. With all of these improvements in distribution, collecting and analyzing the census surveys and the use of statistical sampling, the 2000 count could be the most accurate census yet. It could include all of the constituents of the 37th Congressional District, of the state of California, and of the entire nation. But if we let the current language remain in the Commerce, Justice, State bill, we will make the realization of this possibility impossible.

It is illogical, unscientific and wrong to endorse a proposal that we know would produce incomplete information about the people who make up this nation. We do not have the right to waste taxpayers' money on an old methodology that we know is not accurate. And we do not have the right to tie up a scientific methodology that is proven effective in the hands of adversarial politicians.

Mr. COBLE. Mr. Speaker, regrettably, I must rise in opposition to this Conference Report, because I fear that the provisions pertaining to the availability of funds to the United States Patent and Trademark Office set a terrible precedent and could have the effect of stifling long-term innovation in this country.

The House version of the Commerce-Justice-State appropriations bill included a provision, contained in every appropriations bill to date, which allows the U.S. Patent and Trademark Office, which does not receive any taxpayer funding, to spend all that it collects from its base user fees for its operations by stating that such funds "shall remain available until expended."

Unfortunately, the Senate version of the bill, for the first time since the PTO became self-sufficient, capped the amount of its user fees that the PTO may spend, diverting the rest to the general treasury to be used for other purposes.

I appreciate the efforts of the Chairman of the House CJS Appropriations Subcommittee, the gentleman from Kentucky [Mr. ROGERS], in trying to reconcile the differences between the House and the Senate versions of the bill. I know he did the best he could to keep the House version. However, a "cap" on the fees still exists in the compromise bill and I am dismayed to see, for the first time in history, that the PTO will not be able to spend appropriately all of its base fees which are set by the Congress.

We should not sanction a new tax on American innovation by holding back funds which come directly from the pockets of applicants for PTO services. In my opinion, all these fees are necessary for the efficient operation of our Patent and Trademark Office. Remember, not one tax dollar goes to the PTO. All the money they spend comes from applicants and should be available for processing applications quickly and efficiently.

Any other result will stifle the engine of our growing economy in the information age.

I therefore will regrettably vote "no" on this Conference Report. We must stand up for inventors and trademark applicants in America.

Mr. BARR of Georgia. Mr. Speaker, for nearly three years almost since the day the Communications Assistance for Law Enforcement Act of 1994 or CALEA was enacted, its journey has been problematic. CALEA is now more than three years old and is expected to be fully implemented on October 25, 1998. It now appears that this may not be the case. Conflicts between the FBI and the telecommunications industry over capability standards, capacity notices, and cost reimbursements, have become commonplace and serious. I have become very concerned that delays in putting standards in place have created major handicaps in fulfilling the Act. I have also concluded that law enforcement has been using CALEA to overreach, and that the FBI is looking to use CALEA for the perfect solution to their wiretapping wishes. Indeed, many of the so-called "punch-list" items clearly are beyond the scope of the Act.

These and other critical matters were raised during an October 23d oversight hearing on CALEA held by the Crime Subcommittee of the Judiciary Committee. Chairman MCCOLLUM and our colleagues both sides of the aisle expressed the need for adjustments to ensure the workability of CALEA within the parameters of the Act.

As we attempt to bring this matter to a head, four issues must be dealt with as major areas of contention between industry and law enforcement: cost reimbursements, capability standards (through which the FBI has been seeking to use imposition of these standards to expand the government's wiretap capabilities; which is prohibited by CALEA's provisions), capacity notices, and compliance dates. They must all be resolved in order to put CALEA back on track.

Finally, a plan must be developed in which the government will pay to retrofit network facilities with no more than the $500 million available in the Act without shifting additional costs to industry. If we are successful, we will achieve the balance we seek between law enforcement security needs and protection of privacy concerns of individuals and industry.

Mr. ROGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the conference report on H.R. 2267 to the committee on conference.

The SPEAKER pro tempore. The motion to recommit is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 171, nays 216, not voting 45, as follows:

[Roll No. 639]

YEAS—171

Abercrombie	Gordon	Obey
Allen	Gutierrez	Olver
Andrews	Hall (OH)	Owens
Baldacci	Hall (TX)	Pallone
Barcia	Hamilton	Pascrell
Barrett (WI)	Harman	Pastor
Becerra	Hastings (FL)	Payne
Bentsen	Hefner	Pelosi
Berman	Hilliard	Peterson (MN)
Berry	Hinchey	Pomeroy
Bishop	Hinojosa	Price (NC)
Bonior	Hooley	Rangel
Borski	Hoyer	Reyes
Boswell	Jackson (IL)	Rivers
Boyd	Jackson-Lee (TX)	Rodriguez
Brown (CA)	Jefferson	Rothman
Brown (FL)	Johnson (WI)	Roukema
Brown (OH)	Johnson, E. B.	Roybal-Allard
Cardin	Kaptur	Rush
Carson	Kennedy (MA)	Sabo
Clay	Kennedy (RI)	Sanchez
Clayton	Kennelly	Sanders
Clement	Kildee	Sandlin
Clyburn	Kilpatrick	Sawyer
Coble	Kind (WI)	Schumer
Condit	Kleczka	Scott
Conyers	Lampson	Serrano
Coyne	Lantos	Sherman
Cramer	Leach	Sisisky
Cummings	Levin	Skaggs
Danner	Lewis (GA)	Skelton
Davis (FL)	Lofgren	Slaughter
Davis (IL)	Lowey	Smith, Adam
DeFazio	Luther	Snyder
DeGette	Maloney (CT)	Spratt
Delahunt	Maloney (NY)	Stabenow
DeLauro	Manton	Stenholm
Dellums	Markey	Stokes
Deutsch	Martinez	Strickland
Dicks	Matsui	Stupak
Dingell	McCarthy (MO)	Tanner
Dixon	McCarthy (NY)	Tauscher
Dooley	McDermott	Thompson
Edwards	McGovern	Thurman
Engel	McHale	Tierney
Eshoo	McNulty	Torres
Etheridge	Meehan	Towns
Evans	Meek	Turner
Farr	Menendez	Velázquez
Fattah	Millender-McDonald	Vento
Fazio	Minge	Visclosky
Filner	Mink	Waters
Ford	Moakley	Watt (NC)
Frank (MA)	Moran (VA)	Weygand
Frost	Nadler	Wise
Furse	Oberstar	Woolsey
Gejdenson		Wynn
Gephardt		

NAYS—216

Aderholt	Bliley	Camp
Archer	Blunt	Campbell
Armey	Boehlert	Canady
Bachus	Boehner	Cannon
Ballenger	Bonilla	Castle
Barr	Bono	Chabot
Barrett (NE)	Brady	Chambliss
Bartlett	Bryant	Chenoweth
Barton	Bunning	Christensen
Bass	Burr	Coburn
Bateman	Burton	Collins
Bereuter	Buyer	Cook
Bilbray	Callahan	Cooksey
Bilirakis	Calvert	Costello

Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—45

Ackerman
Baesler
Baker
Blagojevich
Blumenauer
Boucher
Combest
Cubin
Dickey
Doggett
Ehlers
Ewing
Flake
Fowler
Gonzalez
Green
Houghton
King (NY)
LaFalce
Lipinski
McInnis
McIntosh
McKinney
Miller (CA)
Myrick
Neal
Nussle
Ortiz
Pickett
Pryce (OH)
Riley
Roemer
Salmon
Scarborough
Schiff
Shuster
Smith (OR)
Stark
Taylor (NC)
Watkins
Waxman
Wexler
White
Whitfield
Yates

□ 2141

Messrs. SNOWBARGER, GUTKNECHT, HOLDEN, KLINK, and KANJORSKI changed their vote from "yea" to "nay."

Messrs. FORD, OWENS, BARCIA, SCHUMER and Mrs. MCCARTHY of New York changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 282, nays 110, not voting 40, as follows:

[Roll No. 640]

YEAS—282

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Carson
Castle
Chambliss
Clement
Collins
Condit
Cook
Cooksey
Costello
Cramer
Cunningham
Danner
Davis (FL)
Davis (VA)
Delahunt
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fawell
Fazio
Foley
Forbes
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Kanjorski
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer, Bob
Schumer
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Tierney
Torres
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—110

Barr
Bartlett
Becerra
Blunt
Bonior
Brown (FL)
Brown (OH)
Bryant
Campbell
Chabot
Chenoweth
Christensen
Clay
Clayton
Clyburn
Coble
Coburn
Conyers
Cox
Coyne
Crane
Crapo
Cummings
Davis (IL)
Deal
DeFazio
DeGette
DeLauro
Dellums
Doolittle
Duncan
Engel
Ensign
Fattah
Filner
Ford
Frost
Furse
Gejdenson
Gephardt
Gibbons
Hastings (FL)
Hefley
Herger
Hilleary
Hilliard
Hinchey
Hostettler
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kucinich
Largent
Levin
Lewis (GA)
Lucas
Maloney (NY)
Manzullo
McDermott
McKinney
Meehan
Meek
Millender-McDonald
Moran (KS)
Nadler
Neumann
Olver
Owens
Paul
Payne
Pease
Petri
Pombo
Rangel
Rivers
Rodriguez
Rohrabacher
Royce
Rush
Ryun
Salmon
Sanders
Sanford
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Smith, Linda
Stearns
Stokes
Stump
Stupak
Taylor (MS)
Thompson
Thurman
Towns
Traficant
Velázquez
Waters
Watt (NC)
Watts (OK)

NOT VOTING—40

Ackerman
Baesler
Baker
Blagojevich
Blumenauer
Boucher
Combest
Cubin
Dickey
Ehlers
Ewing
Flake
Fowler
Gonzalez
Green
Houghton
King (NY)
LaFalce
Lipinski
McInnis
McIntosh
Miller (CA)
Myrick
Neal
Nussle
Ortiz
Pickett
Pryce (OH)
Riley
Roemer
Schiff
Shuster
Smith (OR)
Stark
Taylor (NC)
Watkins
Waxman
Wexler
White
Yates

□ 2210

The clerk announced the following pairs:

On this vote:

Mr. Ortiz for, with Mr. Roemer against.

Mr. Riley for, with Mr. Yates against.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 1564. An act to provide redress for inadequate restitution of assets seized by the

United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

S. 1565. An act to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act.

S. Con. Res. 69. Concurrent resolution to correct the enrollment of the bill S. 830.

S. Con. Res. 70. Concurrent resolution to correct a technical error in the enrollment of the bill S. 1026.

FURTHER CONTINUING APPROPRIATIONS, 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J.Res. 106) making further continuing appropriations for the fiscal year 1998, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Reserving the right to object, Mr. Speaker, I would ask the gentleman from Louisiana if he would explain what the effect of this new continuing resolution is.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would be happy to explain.

The continuing resolution offers a 12-day continuing resolution so that the President may act on the bills that have been passed. In the meantime, I am happy to announce that we have concluded all action on the fiscal year 1998 appropriations bills, and this is the first time in 3 years that we will present to the President 13 individual appropriations bills, and I might add that they are all within the congressional budget.

The continuing resolution again represents a 10-day extension, but 12 when we consider Sundays, of the existing CR for those remaining bills so that they can be enrolled by a clerk and presented to the President. Ten days is the time span specified by the Constitution, and although I have every indication that the President will sign the bills that are on his desk, we should pass the simple extension out of comity.

I urge the adoption of the resolution.

Mr. OBEY. Mr. Speaker, further reserving the right to object, let me simply say that with respect to some of the priorities in the bills that we passed, I am reminded of the question asked by Peggy Lee, "Is that all there is?" But, nonetheless, I guess at this point we cannot do anything to change those priorities. This simply extends the date, as I understand it, to the 26th of November, and we have no objection on this side of the aisle.

Mr. LIVINGSTON. Mr. Speaker, will gentleman yield for a question?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Is that Peggy Lee or Pinky Lee?

Mr. OBEY. Peggy. Pinky is more the gentleman's type.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 106

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(3) of Public Law 105-46 is further amended by striking "November 14, 1997" and inserting in lieu thereof "November 26, 1997", and each provision amended by sections 122 and 123 of such public law shall be applied as if "November 26, 1997" was substituted for "October 23, 1997".

The SPEAKER pro tempore. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

□ 2215

ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the bill (H.R. 3042) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Mr. PASTOR. Mr. Speaker, reserving the right to object, we have cleared this bipartisan bill through our side of the aisle. I would like to thank the gentleman from Alaska, Chairman YOUNG, the gentleman from California, Mr. MILLER, and my colleague, the gentleman from Arizona, Mr. KOLBE, for helping us with this legislation.

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. PASTOR. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I would also like to thank the chairman of the Committee on Resources, the gentleman from Alaska [Mr. YOUNG] for his cooperation on this. This fulfills a commitment that this body made several years ago when we created the Udall Foundation, to provide for them an authorization for them to do mediation on environmental disputes between Federal agencies and other Federal agencies, State or local agencies, as well as private businesses.

Mr. Speaker, I think this is a step in the right direction to get litigation out of the courtroom and into mediation. I think it can serve us very well in our goals of trying to protect the environment, and also provide for economic growth in this country. I strongly support this.

Mr. PASTOR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Policy and Conflict Resolution Act of 1997".

SEC. 2. DEFINITIONS.

Section 4 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5602) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (9), (7), and (8), respectively;

(2) by inserting after paragraph (3) the following:

"(4) the term 'environmental dispute' means a dispute or conflict relating to the environment, public lands, or natural resources;";

(3) by inserting after paragraph (5) (as redesignated by paragraph (1)) the following:

"(6) the term 'Institute' means the United States Institute for Environmental Conflict Resolution established pursuant to section 7(a)(1)(D);";

(4) in paragraph (7) (as redesignated by paragraph (1)), by striking "and" at the end;

(5) in paragraph (8) (as redesignated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(6) in paragraph (9) (as redesignated by paragraph (1))

(A) by striking "fund" and inserting "Trust Fund"; and

(B) by striking the semicolon at the end and inserting a period.

SEC. 3. BOARD OF TRUSTEES.

Section 5(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5603(b)) is amended—

(1) in the matter preceding paragraph (1) of the second sentence, by striking "twelve" and inserting "thirteen"; and

(2) by adding at the end the following:

"(7) the chairperson of the President's Council on Environmental Quality, who shall serve as a nonvoting, ex officio member and shall not be eligible to serve as chairperson.".

SEC. 4. PURPOSE.

Section 6 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604) is amended—

(1) in paragraph (4), by striking "an Environmental Conflict Resolution" and inserting "Environmental Conflict Resolution and Training";

(2) in paragraph (6), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(8) establish as part of the Foundation the United States Institute for Environmental Conflict Resolution to assist the Federal Government in implementing section 101 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331) by providing assessment, mediation, and other related services to resolve environmental disputes involving agencies and instrumentalities of the United States; and

"(9) complement the direction established by the President in Executive Order 12988 (61 Fed. Reg. 4729; relating to civil justice reform).".

SEC. 5. AUTHORITY.

Section 7(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

"(D) INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION.—

"(i) IN GENERAL.—The Foundation shall—

"(I) establish the United States Institute for Environmental Conflict Resolution as part of the Foundation; and

"(II) identify and conduct such programs, activities, and services as the Foundation determines appropriate to permit the Foundation to provide assessment, mediation, training, and other related services to resolve environmental disputes.

"(ii) GEOGRAPHIC PROXIMITY OF CONFLICT RESOLUTION PROVISION.—In providing assessment, mediation, training, and other related services under clause (i) (II) to resolve environmental disputes, the Foundation shall consider, to the maximum extent practicable, conflict resolution providers within the geographic proximity of the conflict."; and

(2) in paragraph (7), by inserting "and Training" after "Conflict Resolution".

SEC. 6. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

(a) REDESIGNATION.—Sections 10 and 11 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608, 5609) are redesignated as sections 12 and 13 of that Act, respectively.

(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by subsection (a)) is amended by inserting after section 9 the following:

"SEC. 10. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States an Environmental Dispute Resolution Fund to be administered by the Foundation. The fund shall consist of amounts appropriated to the Fund under section 13(b) and amounts paid into the Fund under section 11.

"(b) EXPENDITURES.—The Foundation shall expend from the Fund such sums as the Board determines are necessary to establish and operate the Institute, including such amounts as are necessary for salaries, administration, the provision of mediation and other services, and such other expenses as the Board determines are necessary.

"(c) DISTINCTION FROM TRUST FUND.—The Fund shall be maintained separately from the Trust Fund established under section 8.

"(d) INVESTMENT OF AMOUNTS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

"(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

"(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

"(A) on original issue at the issue price; or

"(B) by purchase of outstanding obligations at the market price.

"(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

"(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.".

SEC. 7. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by section 6) is amended by inserting after section 10 the following:

"SEC. 11. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

"(a) AUTHORIZATION.—A Federal agency may use the Foundation and the Institute to provide assessment, medication, or other related services in connection with a dispute or conflict related to the environment, public lands, or natural resources.

"(b) PAYMENT.—

"(1) IN GENERAL.—A Federal agency may enter into a contract and expend funds to obtain the services of the Institute.

"(2) PAYMENT INTO ENVIRONMENTAL DISPUTE RESOLUTION FUND.—A payment from an executive agency on a contract entered into under paragraph (1) shall be paid into the Environmental Dispute Resolution Fund established under section 10.

"(c) NOTIFICATION AND CONCURRENCE.—

"(1) NOTIFICATION.—An agency or instrumentality of the Federal Government shall notify the chairperson of the President's Council on Environmental Quality when using the Foundation or the Institute to provide the services described in subsection (a).

"(2) NOTIFICATION DESCRIPTIONS.—In a matter involving 2 or more agencies or instrumentalities of the Federal Government, notification under paragraph (1) shall include a written description of—

"(A) the issues and parties involved;

"(B) prior efforts, if any, undertaken by the agency to resolve or address the issue or issues;

"(C) all Federal agencies or instrumentalities with a direct interest or involvement in the matter and a statement that all Federal agencies or instrumentalities agree to dispute resolution; and

"(D) other relevant information.

"(3) CONCURRENCE.—

"(A) IN GENERAL.—In a matter that involves 2 or more agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality), the agencies or instrumentalities of the Federal Government shall obtain the concurrence of the chairperson of the President's Council on Environmental Quality before using the Foundation or Institute to provide the services described in subsection (a).

"(B) INDICATION OF CONCURRENCE OR NONCONCURRENCE.—The chairperson of the President's Council on Environmental Quality shall indicate concurrence or nonconcurrence under subparagraph (A) not later than 20 days after receiving notice under paragraph (2).

"(d) EXCEPTIONS.—

"(1) LEGAL ISSUES AND ENFORCEMENT.—

"(A) IN GENERAL.—A dispute or conflict involving agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality) that concern purely legal issues or matters, interpretation or determination of law, or enforcement of law by 1 agency against another agency shall not be submitted to the Foundation or Institute.

"(B) APPLICABILITY.—Subparagraph (A) does not apply to a dispute or conflict concerning—

"(ii) agency implementation of a program or project;

"(ii) a matter involving 2 or more agencies with parallel authority requiring facilitation and coordination of the various government agencies; or

"(iii) a nonlegal policy or decisionmaking matter that involves 2 or more agencies that are jointly operating a project.

"(2) OTHER MANDATED MECHANISMS OR AVENUES.—A dispute or conflict involving agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality) for which Congress by law has mandated another dispute resolution mechanism or avenue to address or resolve shall not be submitted to the Foundation or Institute.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (as redesignated by section 6(a)) is amended—

"(1) by striking "There are authorized to be appropriated to the Fund" and inserting the following:

"(a) TRUST FUND.—There is authorized to be appropriated to the Trust Fund"; and

(2) by adding at the end the following:

"(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 10—

"(1) $4,250,000, for fiscal year 1998, of which—

"(A) $3,000,000 shall be for capitalization; and

"(B) $1,250,000 shall be for operation costs; and

"(2) $1,250,000 for each of fiscal years 1999 through 2002 for operation costs."

SEC. 9. CONFORMING AMENDMENTS.

(a) The second sentence of section 8(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5606) is amended—

(1) by striking "fund" and inserting "Trust Fund"; and

(2) by striking "section 11" and inserting "section 13(a)".

(b) Sections 7(a)(6), 8(b), and 9(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)(6), 5606(b), 5607(a)) are each amended by striking "Fund" and inserting "Trust Fund" each place it appears.

The bill was ordered to be engrossed and read a third time, was read the

third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 187 AND H.R. 2697

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H. Con. Res. 187 and H.R. 2697.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2497

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2497.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3000

Mr. RUSH. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 3000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONSIDERING MEMBER AS FIRST SPONSOR H. CON. RES. 47

Mr. JOHNSON of Wisconsin. Mr. Speaker, I ask unanimous consent I might hereafter be considered as first sponsor of House Concurrent Resolution 47, a bill originally represented by the gentleman from Pennsylvania [Mr. FOGLIETTA] of Pennsylvania, for the purpose of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DISAPPROVING CANCELLATIONS TRANSMITTED BY PRESIDENT ON OCTOBER 6, 1997—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–172)

The Speaker pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2631, "An Act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45."

Under the authority of the Line Item Veto Act, on October 6, 1997, I canceled 38 military construction projects to save the taxpayers $287 million. The bill would restore all of the 38 projects.

The projects in this bill would not substantially improve the quality of life of military service members and their families, and most of them would not likely use funds for construction in FY 1998. While the bill does restore funding for projects that were canceled based on outdated information provided by the Department of Defense, I do not endorse restoration of all 38 projects.

The Administration remains committed to working with the Congress to restore funding for those projects that were canceled as a result of data provided by the Department of Defense that was out of date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 13, 1997.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the message, together with the accompanying bill, be referred to the Committee on Appropriations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

HOLOCAUST VICTIMS REDRESS ACT

(Mr. LEACH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEACH. Mr. Speaker, the bill would authorize up to $25 million as a U.S. contribution to organizations serving survivors of the Holocaust living in the United States and an additional $5 million for archival research by the U.S. Holocaust Museum to assist in the restitution of assets looted or extorted from Holocaust victims. It would also declare that it is the sense of Congress that all governments take appropriate action to ensure that artworks confiscated by the Nazis—or in the aftermath of World War II by the Soviets—be returned to their original owners or their heirs.

The genesis for this proposal dates back to hearings which the Committee on Banking and Financial Services held over the past year, chronicling how the Nazis looted gold from the central banks of Europe, as well as from individual Holocaust victims.

Following World War II, the Tripartite Gold Commission, consisting of the United States, the United Kingdom and France, was created to oversee the recovery and return of Nazi-looted gold to the countries from which it was stolen. Most of the gold recovered during that period was long ago returned to claimant countries. However, a small portion of that gold remains to be distributed. The amount of gold in TGC custody, amount to six metric tons, is worth anywhere from $50 million to $70 million depending on the price of gold at a given time. Fifteen nations hold claim to some portion of that gold.

The case for speedy final distribution of the remaining gold pool to Holocaust survivors is compelling. The moral case for such a distribution has been increased by the horrific revelation in the recently released report from Under-Secretary of State Stuart Eizenstat that Nazi Germany co-mingled victim gold, taken from the personal property of Holocaust victims, including their dental fillings, with monetary gold, resmelting it into gold bars which the Nazis traded for hard currency to finance the war effort.

This bill would put the Congress on record in strong support of the State Department's appeal to claimant nations to contribute their TGC gold to Holocaust survivors and strengthen the Department's hand in seeking this goal by authorizing the President to commit the United States to a voluntary donation of up to $25 million for this purpose. A voluntary contribution on our part would go a long way in facilitating a similar gesture of generosity from others who may be claimants of the gold pool or who may have reason to provide redress for actions taken during the dark night of the human soul we call the Holocaust.

A contribution of this nature by the United States would also serve as an act of conscience on the part of this nation. As the bill indicates in the findings, there was an unknown quantity of heirless assets of Holocaust victims in the United States after World War II. A 1941 census of foreign assets in the United States identified $198 million in German-owned assets in the United States as well as another $1.2 billion in Swiss assets. Assets inventoried in the census included bank accounts, securities, trusts, and other items. In the years following World War II, Congress recognized that some of these assets held in the United States may have in fact belonged to Jewish victims of the Holocaust who had sent their assets abroad for safekeeping.

Given this circumstance, Congress authorized up to $3 million in claims for such heirless assets to be awarded to a successor organization to provide relief and rehabilitation for needy survivors. However, the political difficulties associated with such a commitment led Congress ultimately to settle on a $500,000 contribution. Although the documentary record on asset ownership remains sparse, it is likely that heirless assets in the U.S. were worth much more than the 1962 settlement figure.

A precise accounting of claims will remain unknowable, but the fact that the United States committed itself to such a modest amount in settlement for victim claims provides justification for the United States to make an inflation-adjusted contribution today for victim funds mingled with Nazi assets located in and seized by the United States during the war.

In testimony before our Committee, Under Secretary Eizenstat urged that a better accounting be made for the fate of heirless assets in banks in the United States, and that the issue of World War II-era insurance policies, securities and art work also be examined. To help answer these questions, the legislation would direct $5 million to the United

States Holocaust Museum for archival research to assist in the restitution of assets of all types looted or extorted from Holocaust victims, and activities that would support Holocaust remembrance and education activities.

The second title of the bill deals with Nazi-looted art. A witness at our hearings noted that, 'The twelve years of the Nazi era mark the greatest displacement of art in history.' Under international legal principles dating back to the Hague Convention of 1907, pillaging during war is forbidden as is the seizure of works of art. In defiance of international standards, the Nazis looted valuable works of art from their own citizens and institutions as well as from people and institutions in France and Holland and other occupied countries. This grand theft of art helped the Nazis finance their war. Avarice served as an incentive to genocide with the ultimate in governmental censorship being reflected in the Aryan supremacist notion that certain modern art was degenerate and thus disposable.

The Nazis purged state museums of impressionist, abstract, expressionist, and religious art as well as art they deemed to be politically or racially incorrect. Private Jewish art collections in Germany and Nazi-occupied countries are confiscated while others were extorted from their owners. Still others were exchanged by their owners for exit permits to flee the country. As the Nazis sold works of art for hard currency to finance the war, many artworks disappeared into the international marketplace. Efforts following the war to return the looted art to original owners were successful to a degree, but to this day many items remain lost to their original owners and heirs.

It is interesting to note that when the French Vichy government tried to object on international legal grounds to Nazi confiscation of art owned by Jewish citizens in France, the Germans responded that such individuals (including those who were sent to concentration camps) had been declared by French authorities no longer to be citizens. Hence, the Nazis claimed that the 1907 Hague Convention, which prohibits the confiscation of assets from citizens in occupied countries, did not apply.

This reasoning cannot be tolerated by civilized people and one purpose of the legislation before us today is to underline that the restitution of these works of art to their rightful owners is required by international law, as spelled out in the 1907 Hague Convention. The return of war booty ought to be a goal of civilized nations even at this late date, long after the end of World War II. For that reason, I have included in the legislation a sense of Congress urging all governments to take appropriate actions to achieve this end.

The Holocaust may have been a war within a war—one fought against defined individuals and civilized values—but it was an integral part of the larger world war among states. Hence, the international principles prohibiting the theft of art and private property during wartime should be applied with equal rigor in instances of genocidal war within a country's borders or conquered territory.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

S. 1559. An act to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes.

CONSIDERING AS ADOPTED REMAINING MOTIONS TO SUSPEND THE RULES CONSIDERED ON MONDAY, SEPTEMBER 29, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the House be considered to have adopted a motion to suspend the rules and pass each of the following measures in the form considered by the House on Monday, September 29th, 1997:

S. 1161, to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20608.)

H.R. 2233, to assist in the conservation of coral reefs;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20613.)

H.R. 2007, to amend the Act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20615.)

H.R. 1476, to settle certain Miccosukee Indian land takings claims within the State of Florida;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20616.)

H.R. 1262, to authorize appropriations for the Securities and Exchange Commission for fiscal years 1998 and 1999, and for other purposes;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20632.)

H.R. 2165, to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20635.)

H.R. 2207, to amend the Federal Water Pollution Control Act concerning a proposal to construct a deep ocean outfall off the coast of Mayaguez, Puerto Rico;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20636.)

S. 819, to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the "Martin V.B. Bostetter, Jr. United States Courthouse";

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20638.)

S. 833, to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the "Howard M. Metzenbaum United States Courthouse";

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20638.)

H.R. 548, to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the "Ted Weiss United States Courthouse";

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20639); and

H.R. 595, to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse".

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20643), and that in each case a motion to reconsider be considered as laid on the table.

Mr. DUNCAN. Mr. Speaker, this bill is similar to legislation, H.R. 2036 which the House considered, but did not vote, on September 29.

S. 1193 reauthorizes the War Risk Insurance Program until December 31, 1998 and supersedes language in the Department of Defense Authorization bill regarding this program.

This shorter extension of the program is a compromise worked out with the other body and with the administration in order to develop an alternative to a borrowing authority provision that was in the original House reported bill.

The Administration has agreed to develop in the coming months an alternative to the borrowing authority that would ensure that air carrier insurance claims could be paid in a timely manner.

And we look forward to working with them on that.

Mr. Speaker, the war risk insurance program was first authorized in 1951, and, over the years, has been improved upon during the reauthorization process.

On May 1 of this year, the Aviation Subcommittee held a hearing to review this very important program, which expired on September 30 of this year.

Of course, we rarely hear about this program until a conflict arises, like Vietnam, the gulf war, or Bosnia. This insurance program was an integral part of our Nation's military response in those cases.

The Reauthorization of this program is also very essential for a viable Civil Reserve Air Fleet program which meets the Nation's security needs.

The Department of Defense depends on the CRAF program for over 90% of its passengers, 40% of its cargo, and nearly 100% of its air medical evacuation capability in wartime. These flights could not be operated without the insurance provided by this bill.

So it is very important that we reauthorize this program as soon as possible.

Mr. Speaker, this legislation authorizes the Secretary of Transportation to be guided by reasonable business practices of the commercial aviation insurance industry when determining the amount for which an aircraft should be insured.

This change is intended to recognize that there may be instances in which an aircraft's market value is not the appropriate basis for determining the amount of insurance.

The bill also states that the President's signature of the indemnification agreement between the DOT Secretary and the head of another U.S. government agency will constitute the required finding under current law that the flight is necessary to carry out the foreign policy of the United States.

Section 4 of the bill permits a war risk insurance policy to provide for binding arbitration of a dispute between the FAA and the commercial insurer over what part of a loss each is responsible.

And finally, the bill includes a very simple provision designed to fix a problem experienced by defense contractors who lease back their planes from the military in order to fly them in air shows or other similar demonstrations.

Although this practice has been going on for many years, some in the FAA have interpreted the law in a way that would prevent this from occurring.

This bill would allow these flight demonstrations, which are important to product development and company sales, to take place.

I strongly urge the House to support this legislation so that we can reauthorize this very essential program.

CONSIDERING AS PASSED H. CON. RES. 131, SENSE OF CONGRESS REGARDING THE OCEAN, AS AMENDED

Mr. ARMEY. Mr. Speaker, I ask further unanimous consent that the amendment to H. Con. Res. 131 placed at the desk be considered as adopted and the resolution H.Con.Res. 131 be considered as adopted, and a motion to reconsider be laid on the table.

The text of H.Con.Res. 131 is as follows:

H. CON. RES. 131

Whereas the ocean comprises nearly three quarters of the surface of the Earth;

Whereas the ocean contains diverse species of fish and other living organisms which form the largest ecosystem on Earth;

Whereas these living marine resources provide important food resources to the United States and the world, and unsustainable use of these resources has unacceptable economic, environmental, and cultural consequences;

Whereas the ocean and sea floor contain vast energy and mineral resources which are critical to the economy of the United States and the world;

Whereas the ocean largely controls global weather and climate, and is the ultimate source of all water resources;

Whereas the vast majority of the deep ocean is unexplored and unknown, and the ocean is truly the last frontier on Earth for science and civilization;

Whereas the ocean is the common means of transportation between coastal nations and carries the majority of the United States foreign trade;

Whereas any nation's use or misuse of ocean resources has effects far beyond that nation's borders; and

Whereas the United Nations has declared 1998 to be the International Year of the Ocean, and in order to observe such celebration, the National Oceanic and Atmospheric Administration and other Federal agencies, in cooperation with organizations concerned with ocean science and marine resources, have resolved to promote exploration, utilization, conservation, and public awareness of the ocean: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the ocean is of paramount importance to the economic future, environmental quality, and national security of the United States;

(2) the United States has a responsibility to exercise and promote comprehensive stewardship of the ocean and the living marine resources it contains; and

(3) the agencies of the United States Government, and all other public and private organizations, are encouraged to strive toward a better understanding of the ocean, communicate this understanding to the people of the United States, and thereby promote the exploration of the ocean, the sustainable use of ocean resources, and the conservation of these resources for future generations.

The text of House Concurrent Resolution 131, as amended, is as follows:

H. CON. RES. 131

Whereas the ocean, which comprises nearly three-quarters of the Earth's surface, sustains a large part of the Earth's biodiversity, provides an important source of food, and interacts with and affects global weather and climate;

Whereas the ocean is critical to national security, is the common means of transportation among coastal nations, and carries 95 percent of the United States foreign trade;

Whereas the ocean and sea floor contain vast energy and mineral resources that are critical to the economy of the United States and the world;

Whereas ocean resources are limited and susceptible to change as a direct and indirect result of human activities, and such changes can impact the ability of the ocean to provide the benefits upon which the Nation depends;

Whereas the vast majority of the deep ocean is unexplored and unknown, and the ocean is truly the last frontier on Earth for science and civilization;

Whereas there exists significant promise for the development of new ocean technologies for stewardship of ocean resources that will contribute to the economy through business and manufacturing innovations and the creation of new jobs;

Whereas any nation's use or misuse of ocean resources has effects far beyond that nation's borders;

Whereas it has been 30 years since the Commission on Marine Science, Engineering, and Resources (popularly known as the Stratton Commission) met to examine the state of United States ocean policy and issued recommendations that led to the present Federal structure for oceanography and marine resource management; and

Whereas 1998 has been declared the International Year of the Ocean, and in order to observe such celebration, the National Oceanic and Atmospheric Administration and other Federal agencies, in cooperation with organizations concerned with ocean science and marine resource,s have resolved to promote exploration, utilization, conservation, and public awareness of the ocean: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the ocean is of paramount importance to the economic future, environmental quality, and national security of the United States;

(2) the United States has a responsibility to exercise and promote comprehensive stewardship of the ocean and the living marine resources it contains; and

(3) Federal agencies are encouraged to take advantage of the United States and international focus on the oceans in 1998, to—

(A) review United States oceanography and marine resource management policies and programs;

(B) identify opportunities to streamline, better direct, and increase interagency cooperation in oceanographic research and marine resource management policies and programs; and

(C) develop scientific, educational, and resource management programs which will advance the exploration of the ocean and the sustainable use of ocean resources.

Amend the title so as to read: "Concurrent resolution acknowledging 1998 as the International Year of the Ocean and expressing the sense of Congress regarding the ocean.".

CONSIDERING AS ADOPTED S. 1193, AND H.R. 2036, AVIATION INSURANCE REAUTHORIZATION ACT OF 1997

Mr. ARMEY. Mr. Speaker, I ask further unanimous consent that the Senate bill (S. 1193) to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes, the counterpart of H.R. 2036, considered by the House on Monday, September 29, 1997, be considered as adopted, and the motion to reconsider be laid on the table.

The text of S. 1193 is as follows:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Insurance Reauthorization Act of 1997".

SEC. 2. VALUATION OF AIRCRAFT.

(a) GENERAL AUTHORITY FOR INSURANCE AND REINSURANCE.—Section 44302(a)(2) of title 49, United States Code, is amended by striking "as determined by the Secretary." and inserting "as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry.".

(b) LIMITATION ON MAXIMUM INSURED AMOUNT.—Section 44306(c) of title 49, United States Code, is amended by striking "as determined by the Secretary." and inserting "as determined by the Secretary in accordance with reasonable business practices in

the commercial aviation insurance industry.".

SEC. 3. EFFECT OF INDEMNITY AGREEMENTS.

Section 44305(b) of title 49, United States Code, is amended by adding at the end the following: "If such an agreement is countersigned by the President or the President's designee, the agreement shall constitute, for purposes of section 44302(b), a determination that continuation of the aircraft operations to which the agreement applies is necessary to carry out the foreign policy of the United States.".

SEC. 4. ARBITRATION AUTHORITY.

(a) AUTHORIZATION OF BINDING ARBITRATION.—Section 44308(b)(1) of title 49, United States Code, is amended by inserting after the second sentence the following: "Any such policy may authorize the binding arbitration of claims made thereunder in such manner as may be agreed to by the Secretary and any commercial insurer that may be responsible for any part of a loss to which such policy relates.".

(b) AUTHORITY TO PAY ARBITRATION AWARD.—Section 44308(b)(2) of such title is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) pay the amount of a binding arbitration award made under paragraph (1); and".

SEC. 5. EXTENSION OF PROGRAM.

(a) IN GENERAL.—Section 44310 of title 49, United States Code, is amended by striking "September 30, 2002" and inserting "December 31, 1998".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 1997.

SEC. 6. USE OF AIRCRAFT FOR DEMONSTRATION.

Section 40102(a)(37)(A) of title 49, United States Code, is amended—

(1) by striking "or" in clause (i);

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

"(ii) owned by the United States Government and operated by any person for purposes related to crew training, equipment development, or demonstration; or".

(For text of H.R. 2036, see proceedings of the House of Monday, September 29, 1997, at page 20640.)

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the bill, H.R. 2036, be laid on the table.

The SPEAKER pro tempore. Is there objection to the combined requests of the gentleman from Texas?

There was no objection.

Mr. SHUSTER. Mr. Speaker, the War Risk Insurance Program has been a relatively noncontroversial program. It was first authorized in 1951 and last reauthorized in 1992.

Since 1975, it has been used to insure more than 5,000 flights to trouble spots such as the Middle East, Haiti, and Bosnia. It was used to insure airlines ferrying troops and supplies to the Middle East during Operation Desert Storm. The program expired on September 30, 1997. The reauthorization of this program is relatively straightforward.

Several technical changes suggested by GAO, the administration, or the affected airlines have been included in the bill. These changes would do the following: First, authorize the Secretary to be guided by the reasonable business practices of the commercial aviation insurance industry when determining the amount for which an aircraft should be insured. This change is intended to recognize that there may be instances in which an aircraft's market value is not the appropriate basis for determining the amount of insurance. For example, this occurs in the case of leased or mortgaged aircraft when the lessor or mortgagor require a specified amount of insurance in the lease or mortgage agreement. As the market values of aircraft fluctuate, the specified amount may sometimes be different than the market value of the aircraft. Second, state that the President's signature of the indemnification agreement between the DOT Secretary and the head of another U.S. Government agency will coinstitute the required finding that the flight is necessary to carry out the foreign policy of the United States. Third, permit war risk insurance policy to provide for binding arbitration of a dispute between FAA and the commercial insurer over what part of a loss each is responsible for. And fourth, extend the program for 1 year.

There are three changes from the bill that was reported by our committee, Report 105–244. They are: Elimination of the provision on borrowing authority; shortening of the authorization period; and a very limited provision on public aircraft.

The elimination of the borrowing authority and the shortening of the reauthorization period are closely related.

We have dropped the borrowing authority at the request of the administration. However, FAA officials have committed to us that in return for eliminating this provision, they would work with us to develop an alternative to ensure that airline insurance claims can be paid in a timely fashion. We look forward to working with the FAA, DOD, and the airlines on this.

The reauthorization period has been shortened to 1 year to ensure that FAA addresses this matter in the next year. It is our intent that the 1-year reauthorization period in this bill would supersede the longer period in section 1088 of the DOD reauthorization bill.

The new provision on public aircraft is a response to a problem recently experienced by Boeing, McDonnell-Douglas, and other defense contractors. The problem arises because these companies will sometimes lease back from the military aircraft that they had previously sold them. The do this in order to fly them in air shows, flight demonstrations, research, development, test, evaluation, or aircrew qualification. When they do this, FAA now believes that they lose their status as public aircraft and become subject to FAA regulations. However, as military aircraft, they cannot comply with civil regulations.

In order to allow aircraft manufacturers to once again fly their aircraft in air shows and demonstrate them for customers, this bill will make clear that these aircraft retain their status as public aircraft when leased back to the manufacturer from the Government for these limited purposes. This provision will certainly not allow anyone to lease a plane from the military and use it to carry passengers or for similar commercial purposes.

This bill is essentially the same as H.R. 2036 that the House debated on September 29, 1997. I urge support for this legislation.

TRIBUTE TO ED NICHOLS UPON HIS RETIREMENT

(Mr. KLECZKA asked and was given permission to address the House for 1 minute.)

Mr. KLECZKA. Mr. Speaker, I rise today to dispel a myth. Most of us who frequent this Chamber, if we ever stop to consider it, probably think the mace just magically appears and disappears at the start and conclusion of each session. The truth is much harder to believe. For the past 21 years, without missing a single day, a gentleman named Ed Nichols has faithfully carried out the ceremonial duties associated with the mace. An historic symbol of the duty of the Sergeant at Arms to keep order in the House of Representatives, the mace, right behind me, lets us know at a glance when we are meeting in the full session.

Ed has decided to retire at the end of the 105th Congress, and that end has come tonight. His career on Capitol Hill began in 1976 with the office of Sergeant at Arms. Previous to that, he spent several years in the Navy living for a time in Japan with his wife Joan. As assistant to the Sergeant at Arms, Ed's duties extended beyond the care and feeding of the mace, to include accompanying delegations of Members for a variety of activities, most recently to the funeral services for our late colleague Walter Capps.

Members new to the institution found Ed a willing and friendly source of information as they struggled to get a handle on the legislative process. Perhaps this is where we will miss Ed most of all.

The sense of loss we feel in Ed's retirement is tempered by the knowledge that a long-cherished dream is about to become a reality. Ed and his beloved wife Joan recently purchased a beautiful home on Maryland's Eastern Shore. Their two sons, Ron and Bobby, and their daughter Susan, along with their four grandchildren, are blocking off vacation time at this home as this tribute is being delivered tonight.

Ed leaves behind a career of dedication to this institution that will not be forgotten or easily duplicated. We join together today to wish him the very best, which is what he gave to us every day.

Ed, good fishing, good golfing, good luck, and, good God, please don't write a book.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, Ed Nichols, I remember, if I may, watching the House of Representatives back in 1982 and 1983, before I even thought of being

a Member. I was always so impressed with the opening of the House, even as a citizen, having never in my life having been to Washington or in this Chamber, the ceremony, the seriousness of the matter, the professionalism by which the House is opened each day. Some days it seems like the last moment of professionalism for the House that day, as it gets to be a raucus-caucus place on occasion. But always when Ed Nichols would open that door and bring that mace before us, we knew something important was going to happen in the Nation's business that day.

Ed has done this for 21 years as a service to his country, to this Chamber, and I believe to his family and to each Member here. If I might join the gentleman in wishing my best for you in retirement, may your home never be large enough to hold all your friends, and may you outlive all your enemies.

Ms. DUNN of Washington. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentlewoman from Washington.

Ms. DUNN. Mr. Speaker, I, too, am one of the admirers of Ed Nichols. There are many people in this body who walk through your life and leave no imprint, but there are others like Ed Nichols, whom you remember forever. Ed is a person to me who epitomizes everything good about the institution of the House, and that is probably because he is dedicated to it and committed to it and loves this place. You can tell that when you talk to the other people who work around this body and how much they are going to miss Ed Nichols as he leaves to go to his chosen retreat on the Eastern Shore to fish and enjoy time with his family.

I came here 5 years ago, and he was the first person I noticed as I walked in for my first vote. He was the epitome of the dignity that I expected to find after having been honored by my constituents as they chose me to come and represent them. He is the person we looked toward as we walked onto the floor of the House for votes, who personified the traditions of this great place, the seriousness of this great institution, and the love that those of us who are committed to this House now feel for it.

So for the time I have been here, Ed has been a fixture, and he has made an imprint on my life. He is not somebody that I will soon forget, and it is for this reason, Ed, that I am honored to be able to say thank you for the good things that you have done for those of us who cherish this experience. We know you cherish it along with us. It is my great honor to say thank you on behalf of all of us. We will miss you.

Mr. PASTOR. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Arizona.

Mr. PASTOR. Mr. Speaker, in October 1991 when I first came to this House, one of the persons in this House, after I was sworn in, who came to me and said, if I can be of any help, please call on me, and I have to tell you that from that day and even today, I sometimes seek his counsel, and I cherish his friendship.

So, Ed, I want to thank you form the friendship you have given me. I want to thank you for the 21 years of service you have given this country, and I wish you the best and many years of retirement.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I rise because I am really somewhat shocked this evening, having heard the remarks of my friend from Arizona, my friend from Washington, my friend from Texas. I had been up to this moment convinced I was the only person in this Chamber that Ed Nichols had came to and said, you know, I will do anything for you that I possibly can to help you.

But I find that he was more evenhanded than any of us could have possibly thought. He did a great deal, not only ceremonially, but in providing assistance to many of us, and I have to say that I had the great opportunity to get to know Ed and his wife Joan when we used to have those wonderful trips that would go in a bipartisan way every other year to New York City, and I remember those many visits. My friend from New York City, Mr. GILMAN, is applauding once again, hoping we can once again have those sorts of bipartisan quarters. Ed will not be here for those, but he clearly did play a role in facilitating those, making them a very, very enjoyable experience for every one of us.

Obviously, here in this Chamber, as I said, he obviously has helped many, many others, and I appreciate his friendship, and I am very gratified by the directive that has come from my friend from Wisconsin that Mr. Nichols not write a book.

Thank you very much.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding.

I rise, Ed, on behalf of myself, but also on behalf of the Minority Leader, DICK GEPHARDT; our Whip, DAVID BONIOR; the Chairman of our Caucus, VIC FAZIO, and the Vice Chairman of our Caucus, BARBARA KENNELLY, and all the other leadership and Members on our side of the aisle.

Ed Nichols has chosen well for the Eastern Shore. Now, I represent the Western Shore, and WAYNE GILCHREST is not here, but I am sure that WAYNE would swell with pride and be delighted, Ed, that you are going to spend many years of full enjoyment of not only the Shore, but of the many recreational opportunities it has. As the gentleman from Wisconsin has said, and the majority leader said, a house full of relatives and friends.

□ 2330

Far too often, as I have said so many times on this floor, the public turns on C-Span and they see confrontation. Sometimes they even see vitriol directed at one another.

What they do not see often enough is the human relationships of which the gentlewoman from Washington [Ms. DUNN] spoke. What they do not see is the commitment and dedication of the folks who sit at the desk and stand on the floor to ensure that in the context of the confrontation of philosophies and ideas, that there is a semblance of order which allows us to do the people's business, which allows this people's House to act in the finest traditions of democracy. It is people who, as has been said before, like Ed Nichols, dedicated to his country, dedicated to this institution.

Ed Nichols has served under 5 Speakers of the House: Speaker Albert, Speaker O'Neill, Speaker Wright, Speaker Foley, and now Speaker GINGRICH. He has served, as my colleagues can tell from listening to the comments made by both sides of the aisle, by Members more liberal, by Members more conservative, he has dealt with each of us in an evenhanded, positive fashion, reaching out to us to assist us in representing to the very best of our abilities the people of our constituencies. And in so doing, he has made a very significant and lasting contribution to the strength of this country and the strength of this institution.

Ed, we will miss you from this floor. We will not forget you. We hope you will return often for that smile and the warm word, the handshake, the nod of encouragement. It meant a great deal to all of us. God bless and Godspeed.

Mrs. MORELLA. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding to me, because I am pleased, and yet I am mournful of the fact that Ed Nichols is leaving us in this Chamber.

Mr. Speaker, I have had people say to me, when they have watched C-Span, they have called and said, who is that good-looking, gray-haired man who brings in the mace? And I think to myself, Ed Nichols, of course.

In fact, somebody even asked me where you lived, Ed. I really wanted to say he is my constituent. He lives in Montgomery County, Maryland. But unfortunately for me, he is moving to the Eastern Shore, to another part of Maryland, but for me he will always be

not only my constituent, but my very good friend.

He has seen a lot of things happen in his 20-plus years, his 2 decades plus 1 here on this House floor, and he also has a great sense of humor, and I often think that as we enter the Chamber, there is a statue of Will Rogers there and he is kind of looking down, sort of smiling.

I remember something that Will Rogers said, not because I was there, but I remember reading about Will Rogers making the statement that Congress is a place where somebody speaks and says nothing, nobody listens, and everybody disagrees.

Well, I do not know. I think we have our man here who could give testimony to the fact that a lot of good things do happen in this Chamber. I know that we will always remember the fact that he was there, as has been mentioned, ready to help us, ready to smile, to say everything is going to be fine, this is the way it is done, and very professional, very professional and dignified in all that he did. He made this station be exactly what it should be: One where all of us can look up to what he has done.

So Ed, we appreciate your sense of humor, your professionalism, your dignity, your fairness. On both sides of the aisle we can see tremendous testimony given to you. I will be very careful about those speed bumps in your neighborhood. I do not know whether they have them on the Eastern Shore or not, probably not.

But quite candidly, I will miss you, my colleagues will miss you, and we hope that you have a grand time. As Emerson said to Thoreau, "I meet you at the beginning of a new adventure." May you enjoy your adventure, because you certainly left an impact here. Thank you. Godspeed.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

I began my service in this body as a member of the staff, and I have great respect and particular appreciation for those who serve to support this institution and support the Members and guide them, point them in the right path, and that is what Ed Nichols has been for all of us. He has been a safe haven in a storm, and when things were swirling about and there was confusion on the floor, many is the Member who sought the quiet refuge and the steady hand of Ed Nichols off in the corner, explaining what had happened, predicting what was about to happen, and apologizing when it did not happen that way.

He understands the institutions, he understood each of us and our specific needs, and he responded in a very special and unique way. But the treasure, for all of the kind and wonderful things that others have said about Ed Nichols, the treasure I will carry with me is the treasure of his friendship, the warmth and the caring of a very special person.

I recall when my wife Jo passed away and Ed was there to help with the arrangements for the Mass of Resurrection. For all those who came to pay their respects, he made it all happen in a very orderly and respectful manner, as he has conducted himself in this office that he holds and which he is about to leave.

Adlai STEVENSON, addressing a graduating class, said, "As you leave, remember why you came." Ed will never forget why he came. He came to serve. We thank you for that service.

Mr. KLECZKA. So Ed, on behalf of all of your friends here in the House of Representatives, let me thank you for your 21 years of dedicated service. May you enjoy your retirement in good health and with God's blessing, and know that when I have the annual get-together in Milwaukee, Wisconsin with kielbasa, you are always invited.

LIST OF REPUBLICAN MEMBERS SELECTED TO SERVE AS "POOL" FOR PURPOSES RELATING TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 6 of rule X, the Chair announces the Speaker's appointment of the following Members to serve as need on investigative subcommittees as prescribed by the recently enacted ethics reforms:

Mr. BATEMAN of Virginia.
Mr. BRYANT of Tennessee.
Mr. DEAL of Georgia.
Mr. HASTINGS of Washington.
Mr. MCCRERY of Louisiana.
Mr. MCKEON of California.
Mr. MILLER of Florida.
Mr. PORTMAN of Ohio.
Mr. TALENT of Missouri.
Mr. THORNBERRY of Texas.

LIST OF DEMOCRATIC MEMBERS SELECTED TO SERVE AS "POOL" FOR PURPOSES RELATING TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Pursuant to clause 6 of rule X, the Chair lays before the House the following communication:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, November 13, 1997.

Speaker NEWT GINGRICH,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Following is the list of Members I have selected to serve as the "pool" for purposes relating to the Committee on Standards:

Mr. Clyburn of South Carolina.
Mr. Doyle of Pennsylvania.
Mr. Edwards of Texas.
Mr. Klink of Pennsylvania.
Mr. Lewis of Georgia.
Ms. Meek of Florida.
Mr. Scott of Virginia.
Mr. Stupak of Michigan.
Mr. Tanner of Tennessee.

Sincerely.

RICHARD A. GEPHARDT.

CONSIDERING AS PASSED AND ADOPTED S. 1565, TECHNICAL CORRECTIONS TO NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT; S. 1559, CENTER FOR HISTORICALLY BLACK HERITAGE; S. CON. RES. 70, CORRECTING TECHNICAL ERROR IN ENROLLMENT OF S. 1026

Mr. THUNE. Mr. Speaker, I ask unanimous consent that the following measures be taken from the Speaker's desk and be considered as passed or adopted respectively:

S. 1565, to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act; S. 1559, to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University; and S. Con. Res. 70, to correct a technical error in the enrollment of the bill S. 1026.

The text of S. 1565 is as follows:

S. 1565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) ADJUSTMENT OF STATUS.—Section 202(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking "Notwithstanding section 245(c) of the Immigration and Nationality Act, the" and inserting "The"; and

(2) in subparagraph (B)—

(A) by striking "is otherwise eligible to receive an immigrant visa and"; and

(B) by striking "(6)(A), and (7)(A)" and inserting "(6)(A), (7)(A), and (9)(B)".

(b) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking "Notwithstanding section 245(c) of the Immigration and Nationality Act, the" and inserting "The"; and

(2) in subparagraph (D)—

(A) by striking "is otherwise eligible to receive an immigrant visa and";

(B) by striking "exclusion" and inserting "inadmissibility"; and

(C) by striking "(6)(A), and (7)(A)" and inserting "(6)(A), (7)(A), and (9)(B)".

(c) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as added by section 203(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended (1) in clause (i),in the matter preceding subclause (I), by inserting "of this paragraph" after "subparagraph (A)"; (2) in clause (ii), by striking "this clause (i)," and inserting "clause (i)".

(d) TEMPORARY REDUCTION IN DIVERSITY VISAS.—Section 203(d) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in paragraph (1) by inserting "otherwise" before "available under that section"; and

(2) in paragraph (2)(A)—

(A) by striking "309(c)(5)(C)" and inserting "309(c)(5)(C)(i)"; and

(B) by striking "year exceeds—" and inserting "year; exceeds".

(e) TEMPORARY REDUCTION IN OTHER WORKERS' VISAS.—Section 203(e)(2)(A) of the Nicaraguan Adjustment and Central American Relief Act is amended by striking "(d)(2)(A), exceeds—" and inserting "(d)(2)(A); exceeds".

(f) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect upon the enactment of the Nicaraguan Adjustment and Central American Relief Act (as contained in the District of Columbia Appropriations Act, 1998); and

(2) shall be effective as if included in the enactment of such Act.

The text of S. 1559 is as follows:

S. 1559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSTRUCTION OF A CENTER FOR REGIONAL BLACK CULTURE.

(a) FINDINGS.—Congress makes the following findings:

(1) Currently 500,000 historically important artifacts of the Civil War era and the early days of the civil rights movement in the Southeast region of the United States are housed at Florida A&M University.

(2) To preserve this large repository of African-American history and artifacts it is appropriate that the Federal Government share in the cost of construction of this national repository for culture and history.

(b) DEFINITION.—In this section:

(1) CENTER.—The term "Center" means the Center for Historically Black Heritage at Florida A&M University.

(2) SECRETARY.—The term "Secretary" means the Secretary of Interior acting through the Director of the National Park Service.

(c) CONSTRUCTION OF CENTER.—The Secretary may award a grant to the State of Florida to pay for the Federal share of the cost, design, construction, furnishing, and equipping of the Center at Florida A&M University.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), Florida A&M University, shall submit to the Secretary a proposal.

(2) FEDERAL SHARE.—The Federal share described in subsection (c) shall be 50 percent.

(e) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary of Interior to carry out this section a total of $3,800,000 for fiscal year 1998 and any succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expanded.

The text of Senate Concurrent Resolution 70 is as follows:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1026) to reauthorize the Export-Import Bank of the United States, the Secretary of the Senate shall strike subsection (a) of section 2 and insert the following:

"(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking 'until' and all that follows through 'but' and inserting 'until the close of business on September 30, 2001, but'.".

LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND ACT

Mr. THUNE. Mr. Speaker, I ask further unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 156), to provide certain benefits of the Pick-Sloan Missouri River Basin Program to the Lower Brule Sioux Tribe, and for other purposes, and that the bill be considered as passed.

The text of S. 156 is as follows:

S. 156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) under the Act of December 22, 1944, commonly known as the "Flood Control Act of 1944" (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Fort Randall and Big Bend projects are major components of the Pick-Sloan Missouri River Basin program, and contribute to the national economy by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(3) the Fort Randall and Big Bend projects overlie the eastern boundary of the Lower Brule Indian Reservation, having inundated the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Lower Brule Sioux Tribe and the homeland of the members of the Tribe;

(4) Public Law 85–923 (72 Stat. 1773 et seq.) authorized the acquisition of 7,997 acres of Indian land on the Lower Brule Indian Reservation for the Fort Randall project and Public Law 87–734 (76 Stat. 698 et seq.) authorized the acquisition of 14,299 acres of Indian land on the Lower Brule Indian Reservation for the Big Bend project;

(5) Public Law 87–734 (76 Stat. 698 et seq.) provided for the mitigation of the effects of the Fort Randall and Big Bend projects on the Lower Brule Indian Reservation, by directing the Secretary of the Army to—

(A) as necessary, by reason of the Big Bend project, protect, replace, relocate, or reconstruct—

(i) any essential governmental and agency facilities on the reservation, including schools, hospitals, offices of the Public Health Service and the Bureau of Indian Affairs, service buildings, and employee quarters existing at the time that the projects were carried out; and

(ii) roads, bridges, and incidental matters or facilities in connection with those facilities;

(B) provide for a townsite adequate for 50 homes, including streets and utilities (including water, sewage, and electricity), taking into account the reasonable future growth of the townsite; and

(C) provide for a community center containing space and facilities for community gatherings, tribal offices, tribal council chamber, offices of the Bureau of Indian Affairs, offices and quarters of the Public Health Service, and a combination gymnasium and auditorium;

(6) the requirements under Public Law 87–734 (76 Stat. 698 et seq.) with respect to the mitigation of the effects of the Fort Randall and Big Bend projects on the Lower Brule Indian Reservation have not been fulfilled;

(7) although the national economy has benefited from the Fort Randall and Big Bend projects, the economy on the Lower Brule Indian Reservation remains underdeveloped, in part as a consequence of the failure of the Federal Government to fulfill the obligations of the Federal Government under the laws referred to in paragraph (4);

(8) the economic and social development and cultural preservation of the Lower Brule Sioux Tribe will be enhanced by increased tribal participation in the benefits of the Fort Randall and Big Bend components of the Pick-Sloan Missouri River Basin program; and

(9) the Lower Brule Sioux Tribe is entitled to additional benefits of the Pick-Sloan Missouri River Basin program.

SEC. 3. DEFINITIONS.

In this Act:

(1) FUND.—The term "Fund" means the Lower Brule Sioux Tribe Infrastructure Development Trust Fund established under section 4(a).

(2) PLAN.—The term "plan" means the plan for socioeconomic recovery and cultural preservation prepared under section 5.

(3) PROGRAM.—The term "Program" means the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) TRIBE.—The term "Tribe" means the Lower Brule Sioux Tribe of Indians, a band of the Great Sioux Nation recognized by the United States of America.

SEC. 4. ESTABLISHMENT OF LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.

(a) LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the "Lower Brule Sioux Tribe Infrastructure Development Trust Fund".

(b) FUNDING.—Beginning with fiscal year 1998, and for each fiscal year thereafter, until such time as the aggregate of the amounts deposited in the Fund is equal to $39,300,000, the Secretary of the Treasury shall deposit into the Fund an amount equal to 25 percent of the receipts from the deposits to the Treasury of the United States for the preceding fiscal year from the Program.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) ESTABLISHMENT OF ACCOUNT AND TRANSFER OF INTEREST.—The Secretary of the Treasury shall, in accordance with this subsection, transfer any interest that accrues on amounts deposited under subsection (b)

into a separate account established by the Secretary of the Treasury in the Treasury of the United States.

(2) PAYMENTS.—

(A) IN GENERAL.—Beginning with the fiscal year immediately following the fiscal year during which the aggregate of the amounts deposited in the Fund is equal to the amount specified in subsection (b), and for each fiscal year thereafter, all amounts transferred under paragraph (1) shall be available, without fiscal year limitation, to the Secretary of the Interior for use in accordance with subparagraph (C).

(B) WITHDRAWAL AND TRANSFER OF FUNDS.—For each fiscal year specified in subparagraph (A), the Secretary of the Treasury shall withdraw amounts from the account established under paragraph (1) and transfer such amounts to the Secretary of the Interior for use in accordance with subparagraph (C). The Secretary of the Treasury may only withdraw funds from the account for the purpose specified in this paragraph.

(C) PAYMENTS TO TRIBE.—The Secretary of the Interior shall use the amounts transferred under subparagraph (B) only for the purpose of making payments to the Tribe.

(D) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (C) only for carrying out projects and programs pursuant to the plan prepared under section 5.

(3) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this subsection may be distributed to any member of the Tribe on a per capita basis.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CULTURAL PRESERVATION.

(a) PLAN.—

(1) IN GENERAL.—The Tribe shall, not later than 2 years after the date of enactment of this Act, prepare a plan for the use of the payments made to the Tribe under section 4(d)(2). In developing the plan, the Tribe shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(2) REQUIREMENTS FOR PLAN COMPONENTS.—The plan shall, with respect to each component of the plan—

(A) identify the costs and benefits of that component; and

(B) provide plans for that component.

(b) CONTENT OF PLAN.—The plan shall include the following programs and components:

(1) EDUCATIONAL FACILITY.—The plan shall provide for an educational facility to be located on the Lower Brule Indian Reservation.

(2) COMPREHENSIVE INPATIENT AND OUTPATIENT HEALTH CARE FACILITY.—The plan shall provide for a comprehensive inpatient and outpatient health care facility to provide essential services that the Secretary of Health and Human Services, in consultation with the individuals and entities referred to in subsection (a)(1), determines to be—

(A) needed; and

(B) unavailable through facilities of the Indian Health Service on the Lower Brule Indian Reservation in existence at the time of the determination.

(3) WATER SYSTEM.—The plan shall provide for the construction, operation, and maintenance of a municipal, rural, and industrial water system for the Lower Brule Indian Reservation.

(4) RECREATIONAL FACILITIES.—The plan shall provide for recreational facilities suitable for high-density recreation at Lake Sharpe at Big Bend Dam and at other locations on the Lower Brule Indian Reservation in South Dakota.

(5) OTHER PROJECTS AND PROGRAMS.—The plan shall provide for such other projects and programs for the educational, social welfare, economic development, and cultural preservation of the Tribe as the Tribe considers to be appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act, including such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 7. EFFECT OF PAYMENTS TO TRIBE.

(a) IN GENERAL.—No payment made to the Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

(b) EXEMPTIONS; STATUTORY CONSTRUCTION.—

(1) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin power rates.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed as diminishing or affecting—

(A) any right of the Tribe that is not otherwise addressed in this Act; or

(B) any treaty obligation of the United States.

SENSE OF HOUSE REGARDING IRAQ

Mr. THUNE. Mr. Speaker, I ask further unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 322), expressing the sense of the House that the United States should act to resolve the crisis with Iraq in a manner that assures full Iraqi compliance with United Nations Security Council resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction, and that peaceful and diplomatic efforts should be pursued, but that if such efforts fail, multilateral military action or unilateral United States military action should be taken; the amendment to the text that I have placed at the desk be considered as adopted; the resolution be considered as adopted; and the amendment to the preamble that I have placed at the desk be considered as adopted.

The text of H. Res. 322, as amended, is as follows:

H. RES. 322

Whereas at the conclusion of the Gulf War the United States and the United Nations acting through the Security Council determined to find and destroy all of Iraq's capability to produce chemical, biological, and nuclear weapons and its ability to produce missiles capable of delivering such weapons of mass destruction;

Whereas in pursuit of this goal, the United Nations set up a special multinational commission of experts to oversee the completion of this task (the United Nations Special Commission—UNSCOM), and that task could and should have been accomplished within a matter of months if Iraq had cooperated with the United Nations officials;

Whereas sanctions were imposed upon Iraq to insure its compliance with United Nations directives to eliminate its capability to produce weapons of mass destruction, with the provision that the sanctions would be lifted when UNSCOM certified that Iraq's capability to produce weapons of mass destruction had been eliminated;

Whereas for six and a half years Iraq has pursued a policy of deception, lies, concealment, harassment and intimidation in a deliberate effort to hamper the work of UNSCOM in eliminating Iraq's ability to produce and deliver weapons of mass destruction; and

Whereas recently the government of Iraq has escalated its policy of non-compliance with United Nations Security Council resolutions by refusing to permit United States citizens who are recognized specialists from participating as members of UNSCOM teams in carrying out in Iraq actions to implement Security Council resolutions: Now, therefore, be it

Resolved, That it is the sense of the United States House of Representatives

(1) that the current crisis regarding Iraq should be resolved peacefully through diplomatic means but in a manner which assures full Iraqi compliance with United Nations Security Council resolutions, regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction;

(2) that in the event that military means are necessary to compel Iraqi compliance with United Nations Security Council resolutions, such military action should be undertaken with the broadest feasible multi-national support, preferably pursuant to a resolution of the United Nations Security Council;

(3) but that if it is necessary, the United States should take military action unilaterally to compel Iraqi compliance with United Nations Security Council resolutions.

Strike all after the resolved clause and insert the following:

That it is the sense of the House of Representatives that—

(1) the current crisis regarding Iraq should be resolved peacefully through diplomatic means but in a manner which assures full Iraqi compliance with United Nations Security Council resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction;

(2) in the event that military means are necessary to compel Iraqi compliance with United Nations Security Council resolutions, such military action should be undertaken with the broadest feasible multinational support, preferably pursuant to a decision of the United Nations Security Council; and

(3) if it is necessary, however, the United States should take military action unilaterally to compel Iraqi compliance with United Nations Security Council resolutions.

Strike all that precedes the resolved clause and insert the following:

Whereas at the conclusion of the Gulf War the United States and the United Nations, acting through the Security Council, determined to find and destroy all of Iraq's capability to produce chemical, biological, and nuclear weapons and its ability to produce missiles capable of delivering such weapons of mass destruction;

Whereas in pursuit of this goal, the United Nations set up a special multinational commission of experts to oversee the completion of this task (the United Nations Special Commission—UNSCOM), and that task could and should have accomplished within a matter of months if Iraq had cooperated with United Nations officials;

Whereas sanctions were imposed upon Iraq to insure its compliance with United Nations directives to eliminate its capability to produce weapons of mass destruction;

Whereas for 6½ years Iraq has pursued a policy of deception, lies, concealment, harassment, and intimidation in a deliberate effort to hamper the work of UNSCOM in eliminating Iraq's ability to produce and deliver weapons of mass destruction; and

Whereas recently the Government of Iraq has escalated its policy of noncompliance and continues to breach in a material way United Nations Security Council resolutions by refusing to permit United States citizens who are recognized specialists as members of UNSCOM teams in carrying out in Iraq actions to implement Security Council resolutions: Now, therefore, be it

Mr. GILMAN. Mr. Speaker, I want to express my support for the resolution that our colleague, Mr. LANTOS, has introduced, and to commend him for his forthrightness on the issue of Saddam Hussein. I am pleased to cosponsor this bill. The current crisis with Iraq is, at its core, yet another effort by Saddam to evade sanctions and to isolate the United States from its allies.

It was decided by the member states of the United Nations, under the auspices of the U.N. Security Council, over 6 years ago, that the civilized world would no longer countenance Saddam's efforts to threaten the region and the world through chemical, biological, and nuclear means. Accordingly, UNSCOM was created to uncover and destroy Iraq's weapons of mass destruction.

The sanctions which followed were imposed upon Iraq to ensure its compliance, and were to remain in place until that capability no longer existed. However, the Iraqi regime has evaded UNSCOM's efforts at every turn, and UNSCOM inspectors have been harassed, intimidated, and deceived on a regular basis. It is testament to UNSCOM's persistence that progress in eliminating Iraq's capabilities has been made over the years. But Saddam's capabilities have not been completely eliminated.

It has become clear that Saddam Hussein's repeated refusal to permit American inspectors from participating in UNSCOM inspections cannot be allowed to stand. While all of us support resolving this latest crisis through diplomatic means, Saddam must know that force will be used, if necessary, to ensure that the U.N. Security Council resolutions are complied with.

The bill expresses the sense of the house supporting the use of force as a last resort to assure the destruction of Iraq's capability to produce and deliver weapons of mass destruction—preferably through a multilateral effort. However, the bill advocates unilateral action by the United States if necessary.

Saddam must know that our resolve is greater than his, and that we will not be swayed by our collective determination to eliminate his capability to create and inflict weapons of mass destruction upon his neighbors and the world. Accordingly, I urge our colleagues' support for this bill.

PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO FILE REPORT ON H.R. 217 NO LATER THAN DECEMBER 19, 1997.

Mr. THUNE. Mr. Speaker, I ask further unanimous consent that the Committee on Banking and Financial Services be permitted to file a report on the bill H.R. 217 no later than December 19, 1997.

The SPEAKER pro tempore. Is there objection to the combined requests of the gentleman from South Dakota?

There was no objection.

The SPEAKER pro tempore. The various motions to reconsider are laid on the table.

OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, NOVEMBER 12, 1997

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

HOUSE OF REPRESENTATIVES,
Washington, DC, November 11, 1997.

Hon. TOM RIDGE,
Governor, Commonwealth of Pennsylvania, Harrisburg, PA.

DEAR MR. GOVERNOR: This letter is to officially notify you of my resignation as United States Representative to the First District of Pennsylvania. President Clinton has given me the opportunity to continue my lifetime of public service by nominating me to be Ambassador to Italy, the nation of my heritage.

I thank the people of the First District for the opportunity to serve them, this country and this institution. It has been a great honor.

Thank you.

Sincerely,

THOMAS M. FOGLIETTA.

OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, NOVEMBER 12, 1997, DURING CONSIDERATION OF H.R. 2709

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Iran Missile Proliferation Sanctions Act of 1997 is intended to close loopholes in our counterproliferation laws in order to address a matter of critical concern to our national security, the risk that Iran may soon obtain from firms in Russia and elsewhere the capability of producing its own medium and long-range ballistic missiles.

This legislation enjoys extremely strong support on both sides of the aisle. At last count, over 263 Members had asked to be listed as cosponsors, including both the Speaker, Mr. GINGRICH, and the Democratic leader, Mr. GEPHARDT. A companion measure in the Senate has 84 cosponsors, led by the Senate majority leader, Mr. LOTT, and by Mr. LIEBERMAN of Connecticut.

The urgency for this legislation is apparent from press reports. For more than a year, our Government has been in constant dialog with the Russian leadership regarding Russian assistance to the Iranian ballistic missile program. The meetings have been going on, more talks are scheduled, more summits are held, yet the Iranian military continues to make rapid progress in developing long-range missiles with critically needed assistance from Russian firms. Unless something happens soon, according to press reports, Iran is likely to achieve the ability to produce its own ballistic missiles within less than 1 year.

It is now time for the Congress to say that enough is enough. We need to back up our rhetoric on nonproliferation with meaningful action. With this legislation, we will be giving Russian firms compelling reasons not to trade with Iran. The sanctions which this legislation threatens to impose will force those firms to choose between their short-term profits from dealing with Iran and potentially far more lucrative long-term economic relations with our own Nation.

To make certain that the President takes a careful look at this legislation, the amendment before us also adds to our Iranian sanctions measure the text of Senate 610, the Chemical Weapons Convention Implementation Act of 1997, which passed the Senate unanimously earlier this year. Unlike the Chemical Weapons Convention itself, which was controversial in the Senate, the implementing legislation is strongly supported all across the political spectrum, from the administration to Senators such as JOHN KYL and JESSE HELMS who have led the fight against the Chemical Weapons Convention.

Mr. Speaker, in the 1980's the world stood by as Saddam Hussein built up the Iraqi arsenal of weapons of mass destruction. This bill will help make certain that Iran does not follow the example of its neighbors in Iraq and become the next threat to international stability. Accordingly, I urge my colleagues to join in support of this measure.

Mr. Speaker, the Iran Missile Proliferation Sanctions Act of 1997 is intended to close loopholes in our counter-proliferation laws in order to address a matter of critical concern to our national security—the risk that Iran may soon obtain from firms in Russia and elsewhere the capability to produce its own medium and long-range ballistic missiles.

This legislation enjoys extremely strong support on both sides of the aisle. At last count, 263 Members had asked to be listed as cosponsors, including both the Speaker, Mr. GINGRICH, and the Democratic Leader, Mr. GEPHARDT. A companion measure in the Senate currently has 84 cosponsors, led by the Senate Majority Leader, Mr. LOTT, and by Mr. LIEBERMAN of Connecticut.

Once implemented, this bill will help to stop the scourge of missile proliferation that directly threatens our troops and our allies throughout Europe and Asia. It will help the Administration in its efforts to stop Russian institutes and research facilities from assisting Iran's medium

and long range missile program, and will defuse the growing Iranian missile threat in the Persian Gulf and the Middle East.

The urgency for this legislation is apparent from recent press accounts regarding the status of Iran's ballistic missile program. For more than a year, our government has been in a constant dialog with the Russian leadership on the issue of Russian assistance to the Iranian ballistic missile program.

On April 14 of this year in a letter to Senator MCCONNELL, the President assured the Congress that the Administration will "continue to engage the Russians at the highest levels on this sensitive subject to prevent any transfer or cooperation inconsistent with Russian government policy and contrary to its assurances to us."

However, several months—and many meetings—later, on September 11, State Department Spokesman Jim Foley noted that "We're very concerned by reports indicating that Russian entitles may have provided * * * missile assistance to Iran. * * * While we appreciate * * * assurances [from the Russian government], we remain disturbed by the discrepancy between these assurances and reports of Russian firms cooperating with Iran."

The meetings go on, more talks are scheduled, more summits are held, yet the Iranian military continues to make rapid progress in developing long range missiles with critically-needed assistance from Russian firms. Unless something happens soon, according to press reports, Iran is likely to achieve the ability to produce its own ballistic missiles within less than a year.

It is now time for the Congress to say that enough is enough. We need to back up our rhetoric on nonproliferation with meaningful action. With the adoption of this bill, we will close the loopholes in our existing sanction laws, and help the Administration convince the Russian government to act decisively to crack down on their cash-strapped institutes and firms.

Equally important, with this legislation we will give those Russian institutes and firms compelling reasons not to trade with Iran. The sanctions this legislation threatens to impose will force those firms to choose between short-term profits from dealing with Iran and potentially far more lucrative long-term economic relations with our own Nation. Under this legislation, firms that sell missile technology to Iran will be denied all arms export licenses, all dual use export licenses, and all U.S. foreign assistance for at least two years.

Now it is well-known that the Administration does not support this legislation. As is almost always the case, they would rather deal with proliferation to Iran through quiet diplomacy rather than through meaningful sanctions legislation.

To make certain that the President takes a careful look at this legislation, the amendment before us adds to our Iranian sanctions measure the text of S. 610, the "Chemical Weapons Convention Implementation Act of 1997", which passed the Senate unanimously earlier this year. Unlike the Chemical Weapons Convention itself, which was very controversial in the Senate, the implementing legislation is strongly supported all across the political spectrum, from the Administration to Senators such as JON KYL and JESSE HELMS, who led the fight against the Chemical Weapons Convention.

There is one technical point with regard to the text of S. 610—now title II of H.R. 2709—that Chairman HYDE of our Judiciary Committee has asked me to make.

Section 603 of S. 610—which appears as section 273 of H.R. 2709—replaces the exceptions to the automatic stay in paragraphs (4) and (5) of 11 U.S.C. 362(b) with both a broader exemption for governmental units and explicit language embracing organizations exercising authority under the Chemical Weapons Convention. Although Members of this body were not involved in crafting this provision, we view it as important for the legislative history to emphasize that the new paragraph (4) relates only to enforcement of police and regulatory power—a term which cannot appropriately be given an expansive construction for purposes of interpreting the new Bankruptcy Code language. The automatic stay, for example, will continue to apply to the post-petition collection of pre-petition taxes because such collection efforts are not exercises of police and regulatory power within the meaning of new paragraph (4) of Bankruptcy Code section 362(b). The language of section 603 of S. 610—now section 273 of H.R. 2709—also explicitly excludes the enforcement of a money judgment—an exclusion designed to ensure that an exemption from the automatic stay cannot successfully be asserted for such an enforcement effort.

Because enactment of S. 610 is an Administration priority, and because it is something that we in the House will ultimately pass in any event, we have linked it to H.R. 2709 in hopes that the two measures can be enacted together.

Mr. Speaker, in the 1980s, the world stood by as Saddam Hussein built up his arsenal of weapons of mass destruction and the recent events in that country indicate that we have yet to identify and uncover a number of these weapons. We cannot afford to pay any less attention to Iran as it shows every indication that it is fully prepared to use its petrodollars to purchase weapons systems that will threaten its neighbors and endanger our forces throughout the Persian Gulf region.

Your support for this bill will help to ensure that Iran does not follow the example of its neighbor and become the next threat to international stability.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. ARMEY) for today after 5:00 p.m. on account of official business.

Mr. ROEMER (at the request of Mr. GEPHARDT) for today after 3:00 p.m. and the balance of the week on account of personal business.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 5:00 p.m. on account of personal business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1564. An act to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes; to the Committee on International Relations.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 103. Joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 2366. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

H.R. 1090. An act to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error.

H.J. Res. 91. Joint Resolution granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact.

H.J. Res. 92. Joint Resolution granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code.

H.R. 2813. An act to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict.

SINE DIE ADJOURNMENT

Mr. PEASE. Mr. Speaker, pursuant to Senate Concurrent Resolution 68, and as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with the provisions of Senate Concurrent Resolution 68, the Chair declares the 1st session of the 105th Congress adjourned sine die.

Thereupon (at 10 o'clock and 44 minutes p.m.), pursuant to House Concurrent Resolution 68, the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5913. A letter from the Assistant Secretary for Nuclear and Chemical and Biological Defense Programs, Department of Defense, transmitting the report on the Deep Digger program required by Senate Report 105–29; to the Committee on National Security.

5914. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report on the activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking and Financial Services.

5915. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Technical Amendment to Definition of Deposits in Banks or Trust Companies [No. 97–38] (RIN: 3069–AA63) received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5916. A letter from the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting Final Interpretations and Waivers——National Center or Centers for Research in Vocational Education, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

5917. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the notice of final interpretations and waivers—National Center or Centers for Research in Vocational Education, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5918. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the notice of final regulations— Standards for Conduct and Evaluation of Activites Carried out by the Office of Educational Research and Improvement: Designation of Exemplary and Promising Programs, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5919. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the notice of final eligibility and selection criteria—National Awards Program for Model Professional Development, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5920. A letter from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule— Prevailing Wage Policy for Nonagricultural Immigration Programs—received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5921. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting notification that no exceptions to the prohibition against favored treatment of a government securities broker or dealer were granted by the Secretary for the calendar year 1996, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Commerce.

5922. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL158a; FRL–5900–3] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5923. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Michigan [MI38–01–6734; FRL–5884–1] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5924. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation Request, Maintenance Plan and Mobile Emissions Budget for the Richmond Ozone Nonattainment Area [VA062–5030 and VA080–5030; FRL–5921–3] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5925. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Comprehensive Guideline for Procurement of Products Containing Recovered Materials [SWH-FRL–5909–6] (RIN: 2050–AE23) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5926. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 98–15), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5927. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Ambassador Frank Wisner's report on the question of Russian-Iranian missile cooperation; to the Committee on International Relations.

5928. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes," pursuant to Public Law 103—236, section 527(f); to the Committee on International Relations.

5929. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Federal Open Market Committee; Rules Regarding Availability of Information [Docket No. R–0983] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5930. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 1997, and the semiannual management report on the status of audit followup for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5931. A letter from the the Chief Administrative Officer, the U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 1997, through September 30, 1997 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 105—170); to the Committee on House Oversight and ordered to be printed.

5932. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report with respect to the "Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996," pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5933. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting the report on a hurricane and storm damage reduction project for the Lake Cataouatche area on the west bank of the Mississippi River in the vicinity of New Orleans, Louisiana, pursuant to Public Law 104—303, section 101(b)(11); (H. Doc. No. 105—171); to the Committee on Transportation and Infrastructure and ordered to be printed.

5934. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R3000 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–87–AD; Amdt. 39–10193; AD 97–23–05] (RIN: 2120–AA64) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5935. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R3000 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–87–AD; Amdt. 39–10193; AD 97–23–05] (RIN: 2120–AA64) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5936. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland DHC–6 Series Airplanes (Federal Aviation Administration) [Docket No. 91–CE–45–AD; Amdt. 39–10197; AD 97–23–09] (RIN: 2120–AA64) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5937. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Colored Federal Airway Amber 15 (A–15); AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–14] (RIN: 2120–AA66) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5938. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change Using Agency for Restricted Areas R–5107B and J, White Sands Missile Range, NM, and R–5111D, Elephant Butte, NM [Airspace Docket No. 97–ASW–15] (RIN: 2120–AA66) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5939. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Crescent City, Imperial County and Red Bluff, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–18] (RIN: 2120–AA66) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5940. A letter from the Chairman, National Transportation Safety Board, transmitting the 1995 annual report of the Board's activities, pursuant to 49 U.S.C. 1904; to the Committee on Transportation and Infrastructure.

5941. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule—Certain Payments Made Pursuant to a Securities Lending Transaction [Notice 97–66] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5942. A letter from the United States Trade Representative, transmitting a draft of proposed legislation to modify the marketing of certain silk products and containers; to the Committee on Ways and Means.

5943. A letter from the Secretary of Energy, transmitting notification that the Department of Energy requires an additional 45 days to transmit the Implementation Plan for addressing the issues described in the Defense Nuclear Facilities Safety Board's Recommendation 97–2 concerning criticality safety, pursuant to 42 U.S.C. 2286d(e); jointly to the Committees on National Security and Commerce.

5944. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; jointly to the Committees on Government Reform and Oversight and Ways and Means.

5945. A letter from the Deputy Administration, Health Care Financing Administration, transmitting the Administration's final rule—Medicare Program; Changes in Provider Agreement Regulations Related to Federal Employees Health Benefits [BPD–748–F] (RIN: 0938–AG03) received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS: Committee of Conference. Conference report on H.R. 2267. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–405). Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 330. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–406). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. BERMAN, and Mr. DAVIS of Virginia):

H.R. 3037. A bill to clarify that unmarried children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program; to the Committee on the Judiciary.

By Mr. BOYD:

H.R. 3038. A bill to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University; to the Committee on Resources.

By Mr. STUMP (for himself, Mr. EVANS, Mr. QUINN, and Mr. FILNER):

H.R. 3039. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to guarantee loans to provide multifamily transitional housing for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARTON of Texas (for himself, Mr. BRADY, and Mr. HALL of Texas):

H.R. 3040. A bill to monitor and analyze energy use, and conduct continuous commissioning in Federal buildings to optimize building energy system; to the Committee on Commerce.

By Mr. DIAZ-BALART:

H.R. 3041. A bill to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act; to the Committee on the Judiciary.

By Mr. KOLBE (for himself and Mr. PASTOR):

H.R. 3042. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey:

H.R. 3043. A bill to amend section 485(f)(1)(F) of the Higher Education Act of 1965 to provide for the disclosure of all criminal incidents that manifest evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, or disability; to the Committee on Education and the Workforce.

By Mr. MINGE:

H.R. 3044. A bill to amend the Internal Revenue Code of 1986 to provide that economic subsidies provided by a State or local government for a particular business to locate or remain within the government's jurisdiction shall be taxable to such business, and for other purposes; to the Committee on Ways and Means.

By Mr. KASICH (for himself, Mr. INGLIS of South Carolina, Mr. BOYD, Mr. GOSS, Mr. HOBSON, Mr. MILLER of Florida, Mr. HOEKSTRA, Mr. OBEY, and Mrs. THURMAN):

H.R. 3045. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOX of Pennsylvania (for himself, Mr. ABERCROMBIE, Mr. WELDON of Pennsylvania, Mr. RAMSTAD, Mr. SAXTON, Mr. GILMAN, Mr. KINGSTON, Mr. QUINN, Mr. SMITH of New Jersey, and Mr. BACHUS):

H.R. 3046. A bill to provide for financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty; to the Committee on the Judiciary.

By Mr. BONILLA:

H.R. 3047. A bill to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas, by 16 acres; to the Committee on Resources.

By Mr. BOUCHER (for himself and Mr. CAMPBELL):

H.R. 3048. A bill to update and preserve balance in the Copyright Act for the 21st Century; to advance educational opportunities through distance learning; to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mrs. MEEK of Florida, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. WATT of North Carolina, Mr. HASTINGS of Florida, Ms. BROWN of Florida, and Ms. WATERS):

H.R. 3049. A bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 3050. A bill to establish procedures and remedies for the prevention of fraudulent and deceptive practices in the solicitation of telephone service subscribers, and for other purposes; to the Committee on Commerce.

By Mr. CUMMINGS (for himself and Mr. WYNN):

H.R. 3051. A bill to designate the Department of Veterans Affairs Medical Center located at 10 North Greene Street in Baltimore, Maryland, as the "Parren J. Mitchell Veterans Medical Center"; to the Committee on Veterans' Affairs.

By Ms. ESHOO (for herself and Mr. PALLONE):

H.R. 3052. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods; to the Committee on Commerce.

By Mr. FATTAH (for himself, Mr. DAVIS of Illinois, Ms. JACKSON-LEE, Mr. THOMPSON, Mr. REYES, and Mr. BISHOP):

H.R. 3053. A bill to provide for the transition for new Members of the House of Representatives; to the Committee on House Oversight.

By Mr. GUTIERREZ (for himself, Mr. BECERRA, Mrs. MEEK of Florida, Mr. HINOJOSA, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. SANCHEZ, and Ms. WATERS):

H.R. 3054. A bill to adjust the immigration status of certain nationals of El Salvador, Guatemala, and Haiti, to amend the Immigration and Nationality Act to eliminate the special rule relating to termination of the period of continuous physical presence for cancellation of removal, and for other purposes; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 3055. A bill to deem the activities of the Miccosukee Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL (for himself, Mr. SMITH of Oregon, and Mr. YOUNG of Alaska):

H.R. 3056. A bill to provide for the preservation and sustainability of the family farm through the transfer of responsibility for operation and maintenance of the Flathead Indian Irrigation Project, Montana; to the Committee on Resources.

By Mr. HILL:

H.R. 3057. A bill to authorize an exchange of lands among the Secretary of Agriculture, Secretary of the Interior, and the Big Sky Lumber Company; to the Committee on Resources.

By Ms. JACKSON-LEE (for herself, Mr. PALLONE, Mrs. MEEK of Florida, Mrs. THURMAN, Ms. MCCARTHY of Missouri, Mr. CRAMER, Ms. FURSE, Mrs. MINK of Hawaii, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Ms. HOOLEY of Oregon, Mr. WYNN, Mr. KILDEE, Ms. ROS-LEHTINEN, Ms. VELÁZQUEZ, Mrs. CLAYTON, Mr. WEYGAND, Mr. HAMILTON, Mr. TIERNEY, Mr. ALLEN, Mr. DIAZ-BALART, Mr. RODRIGUEZ, Mr. REYES, Mr. HINOJOSA, Mr. LAMPSON, Mr. GEJDENSON, Mr. BROWN of California, Mrs. MORELLA, Mr. QUINN, Mr. CAMPBELL, Mr. BRADY, Ms. GRANGER, Mr. PASCRELL, Mr. MENENDEZ, Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Massachusetts, Mr. CLAY, Mr. POSHARD, Mr. COSTELLO, Mr. ORTIZ, and Mr. POMEROY):

H.R. 3058. A bill to require the Secretary of Education to conduct a study and submit a report to the Congress on methods for identifying and treating children with dyslexia in kindergarten through 3d grade; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. ROMERO-BARCELO, Mr. REYES, Mr. SANDLIN, Mr. LAMPSON, Mr. CUMMINGS, and Ms. KILPATRICK):

H.R. 3059. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty, to establish a commission to simplify the tax code, to require the Internal Revenue Service to use alternative dispute resolution, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts (for himself, Mr. BARRETT of Wisconsin, Mr. CLAY, Mr. EVANS, Mr. FILNER, Mr. GUTIERREZ, Mr. HINCHEY, Mr. OLVER, Mr. PALLONE, Mr. RUSH, Mr. SCHUMER, Mr. THOMPSON, Mr. TORRES, Mr. TOWNS, Ms. WATERS, and Mr. WATTS of Oklahoma):

H.R. 3060. A bill to amend the Consumer Credit Protection Act to protect consumers from inadequate disclosures and certain abusive practices in rent-to-own transactions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. KLINK (for himself and Mr. TRAFICANT):

H.R. 3061. A bill to prohibit the use of stale cohort default data in the termination of student assistance eligibility for institutions of higher education; to the Committee on Education and the Workforce.

By Mr. KLINK (for himself, Mr. MCHALE, Mr. ENGLISH of Pennsylvania, Mr. MASCARA, and Mr. DOYLE):

H.R. 3062. A bill to require the provision of information sufficient for homebuyers and homweowners to insure themselves against loss from subsidence resulting from underground coal or clay mines; to the Committee on Banking and Financial Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARGENT (for himself and Mr. KASICH):

H.R. 3063. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. LIPINSKI:

H.R. 3064. A bill to direct the Administrator of the Federal Aviation Administration to issue regulations to limit the number of pieces of carry-on baggage that a passenger may bring on an airplane to 1 piece of carry-on baggage per passenger; to the Committee on Transportation and Infrastructure.

By Ms. LOFGREN:

H.R. 3065. A bill to direct the Administrator of the Environmental Protection Agency to design and implement a performance-based measurement system to encourage the development of new environmental monitoring technologies; to the Committee on Science, and in addition to the Committees on Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:

H.R. 3066. A bill to amend the Truth in Lending Act to require 90 days notice before changing the annual percentage rate of interest applicable on any credit card account or before changing the index used to determine such rate, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. MALONEY of New York:

H.R. 3067. A bill to provide that Federal Reserve Banks be covered under the chapter 71 of title 5, United States Code, relating to labor-management relations; to the Committee on Government Reform and Oversight.

By Ms. MCKINNEY (for herself, Mr. CLYBURN, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON, and Mrs. CLAYTON):

H.R. 3068. A bill to provide that a State may use a proportional voting system for multiseat congressional districts; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 3069. A bill to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council; to the Committee on Resources.

By Mr. PALLONE (for himself, Mr. BROWN of Ohio, Mr. STUPAK, Ms. ESHOO, and Ms. DELAURO):

H.R. 3070. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Commerce.

By Mr. PALLONE (for himself, Ms. JACKSON-LEE, Ms. MILLENDER-MCDONALD, Ms. NORTON, and Mr. PASCRELL):

H.R. 3071. A bill to amend title 23, United States Code, to provide for the enactment of State laws prohibiting children under 13 years of age from riding in the front seats of motor vehicles; to the Committee on Transportation and Infrastructure.

By Ms. PELOSI (for herself, Mr. GEPHARDT, Mrs. MORELLA, Mr. CUMMINGS, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BONIOR, Ms. DELAURO, Mr. ENGEL, Ms. ESHOO, Mr. FARR of California, Mr. FAZIO of California, Mr. FILNER, Mr. FROST, Mr. GUTIERREZ, Mr. HINCHEY, Mr. LANTOS, Mr. MCDERMOTT, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. PAYNE, Ms. SANCHEZ, Mr. TOWNS, Ms. WATERS, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, and Ms. JACKSON-LEE):

H.R. 3072. A bill to amend title XIX of the Social Security Act and title XXVI of the Public Health Service Act with respect to treatments regarding infection with the virus commonly known as HIV; to the Committee on Commerce.

By Mr. RIGGS (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. FARR of California, Mr. FILNER, Ms. HARMAN, Ms. LOFGREN, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. HORN, Mr. LOBIONDO, Mr. MCDERMOTT, Mr. GILCHREST, Mr. KLUG, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. COX of California, Mr. HASTINGS of Washington, Mr. DEFAZIO, Mr. SHERMAN, Ms. WOOLSEY, Mr. CAMPBELL, Mr. BONO, and Mr. CONDIT):

H.R. 3073. A bill to prohibit certain oil and gas leasing activities on portions of the Outer Continental Shelf, consistent with the President's Outer Continental Shelf moratorium statement of June 26, 1990; to the Committee on Resources.

By Mr. RIGGS (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. FARR of California, Mr. FILNER, Ms. HARMAN, Ms. LOFGREN, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. HORN, Mr. LOBIONDO, Mr. MCDERMOTT, Mr. GILCHREST, Mr. KLUG, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. SHERMAN, Ms. WOOLSEY, Mr. CAMPBELL, Mr. BONO, and Mr. PALLONE):

H.R. 3074. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on certain portions of the Outer Continental Shelf; to the Committee on Resources.

By Mr. ROGAN:

H.R. 3075. A bill to amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed; to the Committee on the Judiciary.

By Mr. SANDLIN:

H.R. 3076. A bill to amend the Internal Revenue Code of 1986 to repeal estate, gift, and generation-skipping transfer taxes; to the Committee on Ways and Means.

By Mr. SANDLIN:

H.R. 3077. A bill to amend title II of the Social Security Act to eliminate the provision that reduces primary insurance amounts for individuals receiving pensions from noncovered employment; to the Committee on Ways and Means.

By Mr. SANFORD:

H.R. 3078. A bill to provide for an accurate disclosure on individual pay checks of payments made under the Federal Insurance Contributions Act; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 3079. A bill to amend the Internal Revenue Code of 1986 to remove the requirement of a mandatory beginning date for distributions from individual retirement accounts; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 3080. A bill to waive the determination of the President that Lebanon and Syria

are not major drug-transit or major illicit drug producing countries under the Foreign Assistance Act of 1961, and for other purposes; to the Committee on International Relations.

By Mr. SCHUMER (for himself, Mr. CONYERS, Mrs. MORELLA, Mr. MCCOLLUM, Mr. GEPHARDT, Mr. WAXMAN, Mr. CLEMENT, Mr. NADLER, Mr. HINCHEY, Mr. LEVIN, Mr. FORD, Mr. MEEHAN, Mr. DELLUMS, Mr. ENGEL, Mr. LEWIS of Georgia, Mr. LANTOS, Mr. OLVER, Mrs. LOWEY, Mr. ROMERO-BARCELO, Ms. CARSON, Mr. PALLONE, Mrs. KENNELLY of Connecticut, Mr. FILNER, Mr. REYES, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. OWENS, Mr. PAYNE, Mrs. MINK of Hawaii, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, and Mrs. MCCARTHY of New York):

H.R. 3081. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan (for himself, Mr. PORTER, Mr. CAMPBELL, Mr. KNOLLENBERG, Mr. HOUGHTON, and Mr. SANFORD):

H.R. 3082. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide prospectively for personalized retirement security through personal retirement savings accounts to allow for more control by individuals over their Social Security retirement income, and to provide other reforms relating to benefits under such title II; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 3083. A bill to suspend temporarily the duty on Grilamid TR90; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 3084. A bill to amend title 10, United States Code, to strengthen the limitations on participation of the Armed Forces in foreign airshows or trade exhibitions involving military equipment; to the Committee on National Security.

By Ms. WOOLSEY:

H.R. 3085. A bill to amend the Higher Education Act of 1965 to authorize a program to provide grants to postsecondary education institutions for the purpose of creating partnerships between post-secondary institutions and elementary or secondary schools to instruct prospective teachers and classroom teachers; to the Committee on Education and the Workforce.

By Ms. WOOLSEY (for herself, Mr. KILDEE, Mr. MILLER of California, Mr. MARTINEZ, Mr. PAYNE, Ms. SANCHEZ, and Mr. CLAY):

H.R. 3086. A bill to amend the Child Nutrition Act of 1966 to expand the School Breakfast Program in elementary schools, and to provide greater access to snacks in school-based childcare programs; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska:

H.R. 3087. A bill to require the Secretary of Agriculture to grant an easement to Chugach Alaska Corporation; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 3088. A bill to amend the Alaska Native Claims Settlement Act, regarding Huna Totem Corporation public interest land exchange, and for other purposes; to the Committee on Resources.

By Mr. LIVINGSTON:

H.J. Res. 106. A joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes; to the Committee on Appropriations.

By Mr. BLILEY:

H. Con. Res. 196. Concurrent resolution to correct the enrollment of the bill S. 830; considered under suspension of the rules and agreed to.

By Mr. SOLOMON (for himself, Mr. MCHALE, Mr. GINGRICH, Mr. ARMEY, Mr. BUNNING of Kentucky, Mr. BUYER, Mr. COX of California, Mr. DREIER, Mr. GILCHREST, Mr. HASTINGS of Washington, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mr. KINGSTON, Mr. LAHOOD, Mr. LIVINGSTON, Mr. METCALF, Mrs. MYRICK, Mr. PACKARD, Ms. ROS-LEHTINEN, Mr. SCARBOROUGH, Mr. STUMP, Mr. TAYLOR of North Carolina, and Mr. WELDON of Pennsylvania):

H. Con. Res. 197. Concurrent resolution calling for the resignation or removal from office of Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs; to the Committee on National Security.

By Mr. CASTLE:

H. Con. Res. 198. Concurrent resolution to correct a technical error in the enrollment of the bill S. 1026; to the Committee on House Oversight.

By Mr. BRADY (for himself and Mr. TRAFICANT):

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress with respect to United States assistance or support for the investigation on capital punishment in the United States by the United Nations Human Rights Commission; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY (for himself, Mr. BOYD, Mr. MANTON, Mr. FRANK of Massachusetts, Mr. GIBBONS, Mr. COOKSEY, Mr. GEKAS, Mr. JOHNSON of Wisconsin, Mr. ROMERO-BARCELO, Mr. CRAMER, Mr. REYES, Mr. VISCLOSKY, Ms. CARSON, Mr. KIND of Wisconsin, Mr. GORDON, Mr. BARRETT of Wisconsin, Mr. MCNULTY, Ms. SANCHEZ, Mr. BISHOP, Ms. KAPTUR, Mr. FRELINGHUYSEN, and Mr. BILIRAKIS):

H. Con. Res. 200. Concurrent resolution expressing the sense of the Congress that a series of postage stamps should be issued in recognition of the recipients of the Congressional Medal of Honor; to the Committee on Government Reform and Oversight.

By Mr. SHAW:

H. Res. 327. A resolution providing for the consideration of the bill H.R. 867 and the Senate amendment thereto; considered and agreed to.

By Mr. FAZIO of California:

H. Res. 328. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. LAZIO of New York:

H. Res. 329. A resolution providing for the concurrence by the House with an amendment to the Senate amendment to the House amendments to S. 562; considered under suspension of the rules and adopted.

By Mr. ARMEY:

H. Res. 331. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. BLAGOJEVICH (for himself and Mr. HAMILTON):

H. Res. 332. A resolution expressing concern for the plight of Assyrians in the Near East; to the Committee on International Relations.

By Mr. GEPHARDT (for himself, Mr. ENGEL, and Mr. PASCRELL):

H. Res. 333. A resolution expressing the sense of Congress that the United States should support Italy's inclusion as a permanent member of the United Nations Security Council if there is to be an expansion of this important international body; to the Committee on International Relations.

By Mr. SANDERS:

H. Res. 334. A resolution directing the Secretary of the Treasury to produce all factual information pertaining to the actions taken by the Secretary of the Treasury and the United States Executive Directors at the international financial institutions to comply with the requirements of 1621 of the International Financial Institutions Act, relating to encouragement of fair labor practices; to the Committee on Banking and Financial Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

231. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Joint Resolution No. 12 urging the passage of federal legislation which extends the boundaries of the Illinois and Michigan Canal National Heritage Corridor from Harlem Avenue to Lake Michigan; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. KENNEDY of Massachusetts.
H.R. 26: Mr. BRADY.
H.R. 45: Mr. HALL of Texas.
H.R. 51: Mr. JONES.
H.R. 59: Mr. CAMPBELL, Mr. STENHOLM, Mr. GOODE, Mr. DEAL of Georgia, Mr. BRYANT, and Mr. SMITH of Michigan.
H.R. 80: Mrs. TAUSCHER.
H.R. 135: Mr. ADAM SMITH of Washington.
H.R. 146: Mr. HALL of Texas.
H.R. 165: Mr. JONES.
H.R. 192: Mrs. TAUSCHER.
H.R. 251: Mr. GOODLING.
H.R. 371: Mr. WATTS of Oklahoma.
H.R. 372: Mr. GEJDENSON, Mr. THOMPSON, and Mr. PAYNE.
H.R. 414: Mrs. TAUSCHER.
H.R. 543: Mr. BISHOP.
H.R. 590: Mr. LUTHER.
H.R. 594: Mr. DEUTSCH and Mr. METCALF.
H.R. 612: Ms. SANCHEZ and Ms. DANNER.
H.R. 616: Mr. THOMPSON.
H.R. 617: Mr. CLEMENT.
H.R. 637: Mr. PAPPAS.
H.R. 705: Mr. GOODE.
H.R. 738: Mrs. LOWEY and Mr. ENGEL.
H.R. 746: Mr. LIPINSKI.
H.R. 758: Mr. SUNUNU.
H.R. 773: Mr. GUTIERREZ.
H.R. 815: Ms. MCCARTHY of Missouri.

H.R. 871: Mr. COYNE.
H.R. 900: Ms. STABENOW.
H.R. 902: Mr. WAMP, Mr. JENKINS, Mr. TIAHRT, and Mr. GEKAS.
H.R. 915: Mr. POSHARD.
H.R. 925: Ms. HOOLEY of Oregon and Mrs. TAUSCHER.
H.R. 983: Mr. ENGEL.
H.R. 991: Ms. HOOLEY of Oregon.
H.R. 1010: Mr. POMBO and Mr. CAMP.
H.R. 1036: Mr. WATTS of Oklahoma.
H.R. 1054: Ms. HARMAN and Mr. METCALF.
H.R. 1059: Mrs. KELLY.
H.R. 1060: Mr. CLYBURN.
H.R. 1061: Mr. WOLF.
H.R. 1062: Mr. KASICH and Mr. ARMEY.
H.R. 1063: Mr. DUNCAN and Mr. JOHNSON of Wisconsin.
H.R. 1104: Mr. MEEHAN.
H.R. 1114: Mr. POMEROY, Mr. PALLONE, Mr. MORAN of Kansas, and Mr. MICA.
H.R. 1126: Mr. GOSS, Mr. MCINTOSH, Ms. BROWN of Florida, Mr. GILMAN, and Mr. SPRATT.
H.R. 1132: Mr. MALONEY of Connecticut.
H.R. 1151: Mr. ORTIZ.
H.R. 1173: Mr. OWENS, Mr. HINOJOSA, Mrs. MINK of Hawaii, and Mr. WELDON of Pennsylvania.
H.R. 1232: Mr. MALONEY of Connecticut.
H.R. 1237: Mr. STOKES.
H.R. 1261: Mr. BARRETT of Nebraska and Mr. MORAN of Kansas.
H.R. 1280: Mr. QUINN.
H.R. 1283: Mr. FRELINGHUYSEN and Ms. HOOLEY of Oregon.
H.R. 1322: Mr. NEAL of Massachusetts and Mr. CALVERT.
H.R. 1334: Mr. LEWIS of Georgia, Mr. FORBES, Mr. ACKERMAN, Ms. WATERS, Mr. CONYERS, Mr. FRANK of Massachusetts, and Mr. CAMPBELL.
H.R. 1356: Mr. DUNCAN.
H.R. 1375: Mrs. MCCARTHY of New York.
H.R. 1378: Mr. ROGAN.
H.R. 1415: Mr. GUTIERREZ, Mr. TORRES, Mr. BORSKI, Mr. WELDON of Pennsylvania, Mr. TIAHRT, Mr. YATES, and Ms. LOFGREN.
H.R. 1425: Mr. ACKERMAN.
H.R. 1507: Mr. LAMPSON and Mr. PAYNE.
H.R. 1521: Ms. HARMAN.
H.R. 1524: Mr. ENGEL.
H.R. 1531: Mr. PALLONE.
H.R. 1555: Mr. GUTIERREZ.
H.R. 1560: Mr. PAPPAS and Ms. HOOLEY of Oregon.
H.R. 1573: Mrs. MORELLA, Ms. DELAURO, Mr. FOLEY, Ms. KILPATRICK, and Mrs. THURMAN.
H.R. 1608: Mr. SNYDER and Ms. HOOLEY of Oregon.
H.R. 1636: Mr. COSTELLO.
H.R. 1679: Mr. DELAHUNT.
H.R. 1689: Mr. BISHOP, Mr. VENTO, Mr. FRANKS of New Jersey, Ms. SLAUGHTER, and Mr. HERGER.
H.R. 1711: Mr. ORTIZ.
H.R. 1715: Mr. GOODLING.
H.R. 1736: Ms. SLAUGHTER and Mr. SHAYS.
H.R. 1742: Mr. BEREUTER.
H.R. 1749: Ms. KAPTUR.
H.R. 1761: Mr. MALONEY of Connecticut, Mr. BOYD, Mrs. MEEK of Florida, and Mr. MCINTYRE.
H.R. 1766: Mr. SMITH of New Jersey.
H.R. 1776: Mr. ENGEL.
H.R. 1786: Mr. FATTAH, Mr. CONYERS, Mr. COYNE, Mr. TALENT, Mr. BERMAN, Mr. RUSH, Ms. ESHOO, Mr. TORRES, Mrs. MORELLA, Mr. OWENS, Ms. BROWN of Florida, Ms. ROYBAL-ALLARD, Mr. WAXMAN, Ms. RIVERS, Ms. FURSE, and Mr. SANDERS.
H.R. 1788: Mr. ROTHMAN.
H.R. 1802: Mr. HASTINGS of Washington and Mr. HERGER.
H.R. 1807: Ms. FURSE, Ms. WOOLSEY, and Mr. DOYLE.
H.R. 1822: Mr. MARTINEZ.
H.R. 1864: Mrs. TAUSCHER.
H.R. 1870: Mr. POSHARD, Ms. SANCHEZ, and Ms. HOOLEY of Oregon.
H.R. 1872: Mr. CRAPO, Mr. MANTON, Mr. SHIMKUS, Mr. PICKERING, Mr. MCINTOSH, Mrs. THURMAN, Ms. DELAURO, Mr. MCDERMOTT, Mr. LATOURETTE, and Mr. FRELINGHUYSEN.
H.R. 1891: Mr. TANNER.
H.R. 1984: Mr. PEASE.
H.R. 1987: Mrs. KENNELLY of Connecticut and Mr. THOMPSON.
H.R. 2004: Mr. MCGOVERN and Mr. SPRATT.
H.R. 2009: Mr. LAMPSON, Mrs. MCCARTHY of New York, Mr. TORRES, and Mr. KENNEDY of Rhode Island.
H.R. 2019: Mr. TIAHRT.
H.R. 2034: Mr. WATKINS.
H.R. 2088: Ms. FURSE.
H.R. 2090: Mr. CAMPBELL.
H.R. 2094: Mr. SAXTON and Mr. GILCHREST.
H.R. 2130: Mr. NADLER, Mrs. TAUSCHER, and Mr. MORAN of Virginia.
H.R. 2182: Mr. PRICE of North Carolina.
H.R. 2183: Mr. BARRETT of Wisconsin and Mr. GILCHREST.
H.R. 2186: Mr. CRAPO.
H.R. 2191: Mr. BARCIA of Michigan and Mr. CALVERT.
H.R. 2202: Mr. ENSIGN and Mr. DAVIS of Virginia.
H.R. 2211: Mr. MARTINEZ and Mr. ENGEL.
H.R. 2224: Mr. ENGEL.
H.R. 2228: Ms. SANCHEZ.
H.R. 2231: Mr. MCCRERY and Mr. HOEKSTRA.
H.R. 2275: Mr. THOMPSON.
H.R. 2290: Mr. ANDREWS, Mr. FORD, and Ms. KILPATRICK.
H.R. 2313: Mr. SANFORD.
H.R. 2321: Mr. TALENT and Mr. BARR of Georgia.
H.R. 2327: Mr. LIVINGSTON, Mr. TURNER, and Mr. LATOURETTE.
H.R. 2351: Mrs. JOHNSON of Connecticut and Mr. ACKERMAN.
H.R. 2365: Mrs. LOWEY, Mr. SCHUMER, and Mr. SERRANO.
H.R. 2374: Mrs. MCCARTHY of New York.
H.R. 2377: Mr. CRAMER and Mr. KIND of Wisconsin.
H.R. 2396: Mr. PETRI and Ms. PELOSI.
H.R. 2397: Mr. STUPAK.
H.R. 2408: Mr. MCGOVERN and Mr. ENGEL.
H.R. 2431: Mr. POSHARD.
H.R. 2432: Mr. RAHALL.
H.R. 2438: Mr. ARMEY, Mr. SMITH of Oregon, Mr. DUNCAN, Mr. SHADEGG, and Mr. SENSENBRENNER.
H.R. 2450: Mr. LUTHER.
H.R. 2453: Mr. MORAN of Virginia.
H.R. 2454: Mr. MASCARA.
H.R. 2456: Mr. SANDLIN.
H.R. 2457: Mr. MASCARA.
H.R. 2459: Mr. SENSENBRENNER.
H.R. 2468: Mr. DEFAZIO, Mr. STOKES, Mr. HOLDEN, Mr. PAYNE, Mr. SANDERS, Mr. THOMPSON, and Mr. WYNN.
H.R. 2481: Mrs. CHENOWETH.
H.R. 2490: Mr. BARR of Georgia, Mr. CANNON, Mr. CHABOT, Mrs. EMERSON, Mr. GOODLING, and Mr. SCHIFF.
H.R. 2495: Ms. NORTON.
H.R. 2497: Mr. JONES, Mr. ENGLISH of Pennsylvania, Mr. COOK, Mr. REDMOND, Mr. ROEMER, and Mr. SMITH of Texas.
H.R.2499: Mr. BISHOP and Mr. CANNON.
H.R. 2500: Mr. PETERSON of Pennsylvania, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. TURNER, Mr. POMBO, Mr. PICKERING, Mr. WICKER, Mr. BILBRAY,
Mr. LATHAM, Mr. GALLEGLY, Mr. PEASE, Mr. LAMPSON, Mr. WYNN, Mr. SHAW, Mr. BLUMENAUER, Ms. DANNER, Mr. ENGLISH of Pennsylvania, Mr. MICA, Mr. HERGER, and Mr. WAMP.
H.R. 2503: Mr. DEUTSCH.
H.R. 2509: Mr. COYNE, Mr. TRAFICANT, and Mr. BISHOP.
H.R. 2517: Mr. GIBBONS, Mr. NORWOOD, Mr. FRANKS of New Jersey, Mr. DUNCAN, Mr. ENSIGN, Mr. GOODE, Mr. COBLE, Mr. REDMOND, Mrs. MYRICK, Mr. SCHUMER, Mr. BOB SCHAFFER, Mr. SCHIFF, and Mr. SHAYS.
H.R. 2519: Ms. MCCARTHY of Missouri.
H.R. 2525: Mr. OWENS, Ms. KILPATRICK, Mr. LEWIS of Georgia, and Ms. LOFGREN.
H.R. 2540: Mrs. MALONEY of New York.
H.R. 2545: Mr. GEJDENSON, Mrs. MEEK of Florida, Mr. STRICKLAND, Mr. HAYWORTH, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Mr. GUTIERREZ, Mr. TORRES, and Mr. BARTLETT of Maryland.
H.R. 2565: Mr. BLILEY.
H.R. 2566: Mr. ENGEL.
H.R. 2568: Mr. FOLEY.
H.R. 2590: Mr. ROTHMAN.
H.R. 2593: Mr. SANDLIN, Mr. DAVIS of Illinois, Mr. COBURN, Mr. SPENCE, Mr. WEYGAND, Mr. COOK, and Mr. CHABOT.
H.R. 2596: Mr. BEREUTER, Mr. LUTHER, Mr. BARCIA of Michigan, and Mr. THOMPSON.
H.R. 2609: Mr. TAUZIN, Mr. THOMPSON, and Mr. RIGGS.
H.R. 2611: Mr. SHAW, Mr. HALL of Texas, Mr. RADANOVICH, Mr. PORTER, and Mr. PAPPAS.
H.R. 2625: Mr. CALLAHAN, Mr. ROHRABACHER, and Mr. MICA.
H.R. 2627: Mr. PICKETT, Mr. INGLIS of South Carolina, Mr. BARTLETT of Maryland, Mr. METCALF, and Mrs. FOWLER.
H.R. 2635: Mr. COSTELLO.
H.R. 2649: Ms. SLAUGHTER and Mrs. ROUKEMA.
H.R. 2650: Mr. ACKERMAN, Mr. KLINK, and Mrs. ROUKEMA.
H.R. 2671: Mr. THOMPSON.
H.R. 2678: Mr. PORTER.
H.R. 2693: Mr. BISHOP, Mr. THOMPSON, and Mr. ENGEL.
H.R. 2695: Mr. LEWIS of Georgia, Ms. HOOLEY of Oregon, and Mr. MARTINEZ.
H.R. 2704: Mr. ACKERMAN and Mr. WAXMAN.
H.R. 2713: Mrs. MALONEY of New York.
H.R. 2723: Mr. NEY.
H.R. 2733: Mr. DEUTSCH and Mr. ACKERMAN.
H.R. 2734: Mr. CRAPO and Mr. CRANE.
H.R. 2750: Mr. GOODLING.
H.R. 2755: Ms. NORTON and Mr. THOMPSON.
H.R. 2757: Mr. KIND of Wisconsin, Mr. KENNEDY of Rhode Island, Mr. LAMPSON, and Mr. GUTIERREZ.
H.R. 2760: Mr. SMITH of Oregon and Mr. MARTINEZ.
H.R. 2761: Mr. WAXMAN.
H.R. 2774: Mr. ABERCROMBIE, Mr. BARRETT of Wisconsin, Mr. BOEHLERT, Mr. CLAY, Mr. CONYERS, Mr. ENGEL, Mr. LEWIS of Georgia, Mrs. MORELLA, Mr. RANGEL, and Mrs. ROUKEMA.
H.R. 2777: Mrs. LOWEY.
H.R. 2779: Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. THOMPSON, and Ms. WOOLSEY.
H.R. 2786: Mr. BOB SCHAFFER.
H.R. 2796: Mr. HOSTETTLER, Mr. CUNNINGHAM, Mr. TAYLOR of North Carolina, Ms. CHRISTIAN-GREEN, and Mr. STUPAK.
H.R. 2797: Mr. FROST.
H.R. 2807: Mr. GALLEGLY.
H.R. 2818: Mr. VENTO.
H.R. 2820: Mr. ACKERMAN, Mr. SCHUMER, Ms. FURSE, Mr. THOMPSON, Mr. GREEN, Ms. SLAUGHTER, Mr. FROST, Mr. WEXLER, and Mr. HOLDEN.

H.R. 2826: Mr. THOMPSON and Mr. FORD.
H.R. 2827: Mr. BOB SCHAFFER.
H.R. 2828: Ms. KILPATRICK and Ms. KAPTUR.
H.R. 2829: Mr. BARCIA of Michigan, Mr. BENTSEN, Mr. BLILEY, Mr. COBURN, Mr. CONYERS, Mr. DELAHUNT, Mr. DELLUMS, Mr. FRELINGHUYSEN, Mr. GOODE, Ms. GRANGER, Mr. HAYWORTH, Mr. HEFNER, Mr. HOBSON, Ms. HOOLEY of Oregon, Ms. KAPTUR, Mrs. KENNELLY of Connecticut, Mr. LEVIN, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. NADLER, Mr. OWENS, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. RAHALL, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SPRATT, Mr. WELDON of Pennsylvania, Mr. WISE, Mr. WYNN, Mr. KANJORSKI, and Mr. LEWIS of Georgia.
H.R. 2846: Mr. ISTOOK, Mr. ENSIGN, Mr. DICKEY, Mr. BACHUS, Mrs. CUBIN, Mr. HUTCHINSON, Mr. BOEHNER, Mr. CANADY of Florida, Mr. RIGGS, Mr. TALENT, Mr. HOEKSTRA, Mr. PETERSON of Pennsylvania, Mr. WELDON of Florida, Mr. MCINTOSH, and Mr. OWENS.
H.R. 2850: Mrs. THURMAN, Mr. SCHUMER, Mrs. MINK of Hawaii, Ms. FURSE, Mr. DEUTSCH, Ms. WOOLSEY, and Mrs. MALONEY of New York.
H.R. 2854: Mr. STARK, Mr. CLEMENT, Mr. MASCARA, and Mr. BOEHLERT.
H.R. 2864: Mr. PETERSON of Pennsylvania.
H.R. 2869: Mr. PETERSON of Pennsylvania.
H.R. 2870: Mr. HASTERT and Mrs. MALONEY of New York.
H.R. 2871: Mr. PETERSON of Pennsylvania.
H.R. 2873: Mr. PETERSON of Pennsylvania.
H.R. 2875: Mr. PETERSON of Pennsylvania.
H.R. 2877: Mr. PETERSON of Pennsylvania.
H.R. 2879: Mr. PETERSON of Pennsylvania.
H.R. 2881: Mr. PETERSON of Pennsylvania.
H.R. 2892: Mr. WALSH, Mr. BISHOP, Mr. SOUDER, and Mr. WOLF.
H.R. 2900: Ms. DEGETTE, Mr. ACKERMAN, and Ms. KILPATRICK.
H.R. 2905: Mr. FROST and Mr. PASCRELL.
H.R. 2912: Mr. TANNER, Mr. VISCLOSKY, and Mr. NEY.
H.R. 2921: Mr. BOEHNER, Mr. BOSWELL, Mr. DEFAZIO, Mr. PETRI, Mr. NUSSLE, Mr. BALLENGER, Mr. LATHAM, Mr. JONES, Mr. THORNBERRY, Ms. DANNER, Mr. CRAPO, Mr. LARGENT, Mr. CLYBURN, Mr. LATOURETTE, Mr. BEREUTER, and Mr. DICKEY.
H.R. 2922: Mrs. THURMAN, Mr. HUNTER, and Mr. LATOURETTE.
H.R. 2930: Mr. SPRATT, Mr. DAVIS of Illinois, Mr. EVERETT, Mr. KILDEE, Mr. TANNER, Mr. WATT of North Carolina, Mr. PRICE of North Carolina, Ms. VELÁZQUEZ, Mr. MICA, and Mrs. MEEK of Florida.
H.R. 2936: Mr. LAHOOD.
H.R. 2938: Mr. CANADY of Florida, Mr. WEXLER, and Mr. WELDON of Florida.
H.R. 2939: Mr. PEASE and Mr. CAMPBELL.
H.R. 2942: Mr. BACHUS, Mrs. EMERSON, Mr. LATOURETTE, and Mr. MORAN of Kansas.
H.R. 2943: Mr. CANADY of Florida.
H.R. 2953: Mr. THOMPSON.
H.R. 2955: Mr. LEVIN.
H.R. 2960: Mr. SANDLIN, Mr. HALL of Texas, and Mr. THOMPSON.
H.R. 2973: Mrs. THURMAN and Mr. STENHOLM.
H.R. 2985: Mr. SENSENBRENNER and Mrs. THURMAN.
H.R. 2990: Mrs. MINK of Hawaii, Ms. SLAUGHTER, Mr. BURR of North Carolina, Mrs. LOWEY, Mr. PRICE of North Carolina, Mr. PASTOR, Mr. CLAY, and Mr. ENGEL.
H.R. 2992: Mr. HAYWORTH.
H.R. 3000: Mr. LIVINGSTON, Ms. DANNER, Mr. MANZULLO, and Mr. TANNER.
H.R. 3005: Mr. FILNER, Mr. FROST, Mr. SHAYS, and Mr. THOMPSON.
H.R. 3010: Mr. PORTER.
H.R. 3026: Mr. LOBIONDO.
H.R. 3027: Mr. PALLONE, Mrs. LOWEY, Mr. STARK, Mr. ACKERMAN, Ms. PELOSI, Ms. DEGETTE, Mr. MILLER of California, Mr. MCGOVERN, Mr. MEEHAN, Mr. OLVER, Mr. SERRANO, Mr. STOKES, Ms. NORTON, Mr. RUSH, Mr. DELAHUNT, Mr. MATSUI, Mr. YATES, Ms. WATERS, Mr. WEYGAND, Mr. KENNEDY of Massachusetts, and Mrs. MALONEY of New York.
H.R. 3028: Mr. KENNEDY of Massachusetts and Mrs. MALONEY of New York.
H.J. Res. 66: Mr. TORRES.
H.J. Res. 71: Mr. NEAL of Massachusetts and Mr. CALVERT.
H.J. Res. 78: Mr. PETERSON of Minnesota.
H.J. Res. 89: Ms. HOOLEY of Oregon.
H.J. 100: Mr. OLVER.
H.J. Res. 102: Mr. WAXMAN and Mr. DEUTSCH.
H. Con. Res. 19: Mr. CALVERT and Mr. YATES.
H. Con. Res. 27: Ms. CARSON, Mr. HILLIARD, and Mr. LANTOS.
H. Con. Res. 65: Mr. WHITE.
H. Con. Res. 106: Ms. NORTON.
H. Con. Res. 135: Mr. ENGEL.
H. Con. Res. 148: Mr. CALVERT.
H. Con. Res. 150: Mr. HILL.
H. Con. Res. 152: Mr. POSHARD
H. Con. Res. 160: Mr. BLUMENAUER.
H. Con. Res. 174: Ms. SLAUGHTER
H. Con. Res. 176: Mr. PORTER.
H. Con. Res. 181: Mr. ROTHMAN, Mr. DEUTSCH, Ms. HOOLEY of Oregon, Mr. HINCHEY, Mr. SCHUMER, and Ms. SLAUGHTER.
H. Con. Res. 182: Ms. SLAUGHTER.
H. Con. Res. 185: Mr. LEWIS of Georgia, Mr. GILMAN, Mr. FRANK of Massachusetts, Mr. SERRANO, Ms. SLAUGHTER, Mr. KING of New York, Mr. MINGE, Mr. HINCHEY, Mrs. MORELLA, Mr. OBERSTAR, Mr. MCGOVERN, and Mr. TIERNEY.
H. Con. Res. 187: Ms. STABENOW, Ms. LOFGREN, Mrs. MINK of Hawaii, Ms. SLAUGHTER, and Mr. DELAY.
H. Con. Res. 188: Mr. LEVIN.
H. Res. 37: Mrs. THURMAN, Mr. EVERETT, Mr. CANNON, and Ms. KAPTUR.
H. Res. 45: Mr. MALONEY of Connecticut.
H. Res. 83: Mr. KENNEDY of Massachusetts.
H. Res. 144: Mr. POMEROY, Mr. PAPPAS, and Ms. HOOLEY of Oregon.
H. Res. 211: Mr. EWING, Mr. HILLEARY, and Mr. KLECZKA.
H. Res. 212: Mr. BURR of North Carolina, Mr. BAESLER, and Mr. GILCHREST.
H. Res. 224: Ms. STABENOW and Mr. STUPAK.
H. Res. 231: Mr. KENNEDY of Massachusetts.
H. Res. 246: Mr. DOYLE, Mr. TALENT, Mr. MARKEY, and Mr. LAZIO of New York.
H. Res. 251: Ms. NORTON, Mr. BONIOR, and Mrs. MALONEY of New York.
H. Res. 267: Mr. TAUZIN, Mr. KIM, Mr. LAZIO of New York, Mr. LAFALCE, Mr. BEREUTER, Mr. FOSSELLA, Mr. HOBSON, Mr. MCINNIS, Mr. HERGER, Mr. ISTOOK, Mr. ROHRABACHER, Mr. GINGRICH, Mr. LOBIONDO, and Mr. NEY.
H. Res. 279: Ms. DANNER, Mr. BARRETT of Wisconsin, Mr. DIAZ-BALART, Mr. FOLEY, and Mr. PASCRELL.
H. Res. 322: Mr. HAMILTON, Mr. FALEOMAVAEGA, Mr. MENENDEZ, Mr. FOLEY, and Mr. WAXMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2497: Mrs. JOHNSON of Connecticut.
H.R. 2697: Mr. DOGGETT.
H.R. 3000: Mr. RUSH.
H. Con. Res. 187: Mr. DOGGETT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

28. The SPEAKER presented a petition of the Essex County Board of Supervisors, Elizabethtown, New York, relative to Resolution No. 235 expressing strong opposition to Federal law requiring Canadian citizens to fill out visa forms before entering the United States; to the Committee on the Judiciary.

CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. ROGERS submitted the following conference report and statement on the bill (H.R. 2267) making appropriations for the Department of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–405)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2267) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $76,199,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $7,860,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1997: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $20,000,000 to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

In addition, for necessary expenses, as determined by the Attorney General, $32,700,000, to remain available until expended, to reimburse departments and agencies of the Federal Government for any costs incurred in connection with—

(1) counterterrorism technology research and development;

(2) providing training and related equipment for chemical, biological, nuclear, and cyber attack prevention and response capabilities to State and local law enforcement agencies; and

(3) providing bomb training and response capabilities to State and local law enforcement agencies.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $70,007,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $59,251,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,211,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: Provided, That up to one-tenth of one percent of the Department of Justice's allocation from the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other review of such grant programs, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,009,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $444,200,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $7,969,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $75,495,000: Provided, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $5,495,000: Provided further, That any fees received in excess of $70,000,000 in fiscal year 1998, shall remain available until expended, but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental and cooperative agreements, $972,460,000; of which not to exceed $2,500,000 shall be available until September 30, 1999, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $1,200,000 for the design, development, and implementation of an information systems strategy for D.C. Superior Court shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That not to exceed $2,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes, including bank robbery and carjacking, and drug trafficking: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,948 positions and 9,113 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d) and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $62,828,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $114,248,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $114,248,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the Fund estimated at $0: Provided further, That any such fees collected in excess of $114,248,000 in fiscal year 1998 shall remain available until expended but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,226,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $467,833,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and not to exceed $2,200,000 to support the Justice Prisoner and Alien Transportation System, shall remain available until expended: Provided, That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $25,553,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $405,262,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $75,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000 and, in addition, up to $2,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $4,381,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $294,967,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,094 passenger motor vehicles, of which 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,750,921,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 1999; of which not less than $221,050,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"), and the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"), $179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; $57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act; $4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; $9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and $5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $44,506,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $723,841,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 1999; and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $403,537,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $8,000,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,904, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility; $1,657,886,000 of which

not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 1998: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis: Provided further, That not to exceed 43 permanent positions and 43 full-time equivalent workyears and $4,167,000 shall be expended for the Office of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That beginning seven calendar days after the enactment of this Act and for each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used by the Immigration and Naturalization Service to accept, for the purpose of conducting criminal background checks on applications for any benefit under the Immigration and Nationality Act, any FD–258 fingerprint card which has been prepared by or received from any individual or entity other than an office of the Immigration and Naturalization Service with the following exceptions—(1) State and local law enforcement agencies and (2) United States consular offices at United States embassies and consulates abroad under the jurisdiction of the Department of State or United States military offices under the jurisdiction of the Department of Defense authorized to perform fingerprinting services to prepare FD–258 fingerprint cards for applicants residing abroad applying for immigration benefits: Provided further, That agencies may collect and retain a fee for fingerprinting services: Provided further, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears after July 1, 1998: Provided further, That notwithstanding any other provision of law, during fiscal year 1998, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or Department Leadership on any matter.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $608,206,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $75,959,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 834, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,821,642,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 for the activation of new facilities shall remain available until September 30, 1999: Provided further, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $26,135,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $255,133,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further, That, of the total amount appropriated, not to exceed $2,300,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,266,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, and sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, $173,600,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524); of which $25,000,000 is for the National Sexual Offender Registry: Provided, That, of funds appropriated under this heading, such funds are available as may be necessary to carry out the orderly termination of the Ounce of Prevention Council.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $509,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $46,500,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, including $2,097,000 which shall be available to the Executive Office of United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $2,382,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That $20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: Provided further, That for the purpose of eligibility for the Local Law Enforcement Block Grant Program in the State of Louisiana, parish sheriffs are to be considered the unit of local government under section 108 of H.R. 728; of which $45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $42,500,000 shall be available as authorized by section 1001 of title I of the 1968 Act, to carry out the provisions of subpart 1, part E of title I of the 1968 Act notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $720,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, of which $25,000,000 shall be available for the Cooperative Agreement Program, and of which $5,000,000 shall be reserved by the Attorney General for fiscal year 1998 under section 20109(a) of subtitle A of title II of the 1994 Act; of which $7,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $172,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $12,000,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence: Provided further, That, of these funds, $7,000,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women and $853,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court; of which $59,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $2,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $2,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $12,500,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $750,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $30,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,500,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which $250,000,000 shall be for Juvenile Accountability Incentive Block Grants pursuant to Title III of H.R. 3 as passed by the House of Representatives on May 8, 1997: Provided further, That notwithstanding the requirements of H.R. 3, a State, or unit of local government within such State, shall be eligible for a grant under this program if the Governor of the State certifies to the Attorney General, consistent with guidelines established by the Attorney General in consultation with Congress, that the State is actively considering, or will consider within one year from the date of such certification, legislation, policies, or practices which if enacted would qualify the State for a grant under section 1802 of H.R. 3: Provided further, That 3 percent shall be available to the Attorney General for research, evaluation, and demonstration consistent with this program and 2 percent shall be available to the Attorney General for training and technical assistance consistent with this program: Provided further, That not less than 45 percent of any grant provided to a State or unit of local government shall be spent for the purposes set forth in paragraphs (3) through (9), and not less than 35 percent shall be spent for the purposes set forth in paragraphs (1), (2) and (10) of section 1801(b) of H.R. 3, unless the State or unit of local government certifies to the Attorney General or the State, whichever is appropriate, that the interests of public safety and juvenile crime control would be better served by expending its grant for other purposes set forth under section 1801(b) of H.R. 3: Provided further, That the Federal share limitation in section 1805(e) of H.R. 3 shall be 50 percent in relation to the costs of constructing a permanent juvenile corrections facility: Provided further, That prior to receiving a grant under this program, a unit of local government must establish a coordinated enforcement plan for reducing juvenile crime, developed by a juvenile crime enforcement coalition, such coalition consisting of individuals representing the police, sheriff, prosecutor, State or local probation services, juvenile court, schools, business, and religious affiliated, fraternal, non-profit, or social service organizations involved in crime prevention: Provided further, That the conditions of sections 1802(a)(3) and 1802(b)(1)(C) of H.R. 3 regarding juvenile adjudication records require a State or unit of local government to make available to the Federal Bureau of Investigation records of delinquency adjudications which are treated in a manner equivalent to adult records: Provided further, That no State or unit of local government may receive a grant under this program unless such State or unit of local government has implemented, or will implement no later than January 1, 1999, a policy of controlled substance testing for appropriate categories of juveniles within the juvenile justice system and funds received under this program may be expended for such purpose: Provided further, That the minimum allocation for each State under section 1803(a)(1)(A) of H.R. 3 shall be 0.5 percent: Provided further, That the terms and conditions under this heading for juvenile accountability incentive block grants are effective for fiscal year 1998 only and upon the enactment of authorization legislation for juvenile accountability incentive block grants, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect: Provided further, That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $33,500,000, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts

for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That not to exceed 186 permanent positions and 186 full-time equivalent workyears and $20,553,000 shall be expended for program management and administration: Provided further, That of the unobligated balances available in this program, $103,000,000 shall be used for innovative community policing programs, of which $38,000,000 shall be used for a law enforcement technology program, $1,000,000 shall be used for police recruitment programs authorized under subtitle H of title III of the 1994 Act, $34,000,000 shall be used for policing initiatives to combat methamphetamine production and trafficking, $12,500,000 shall be used for the Community Policing to Combat Domestic Violence Program pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and $17,500,000 shall be used for other innovative community policing programs, such as programs to improve the safety of elementary and secondary school children, reduce crime on or near elementary and secondary school grounds, and enhanced policing initiatives in drug "hot spots".

In addition, for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $201,672,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which (1) notwithstanding any other provision of law, $5,922,000 shall be available for expenses authorized by part A of title II of the Act, $96,500,000 shall be available for expenses authorized by part B of title II of the Act, and $45,250,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than one year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by section 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $12,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs: Provided further, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

In addition, for grants, contracts, cooperative agreements, and other assistance, $5,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, $25,000,000 shall be available for grants of $360,000 to each state and $6,640,000 shall be available for discretionary grants to states, for programs and activities to enforce state laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $2,000,000 for the Federal Law Enforcement Education Assistance Program, as authorized by section 1212 of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132, 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly-advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking "1996" and inserting "1997 and thereafter".

SEC. 109. (a) Section 1402(d) of the Victims of Crime Act of 1984, (42 U.S.C. 10601(d)), is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2), by striking "the next" and inserting "The first".

(b) Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by section (a) shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof and may be used by the Director of the Office for Victims of Crime to improve services for the benefit of crime victims, including the processing and tracking of criminal monetary penalties and related litigation activities, in the federal criminal justice system.

SEC. 110. The Immigration and Nationality Act of 1952, as amended, is further amended—

(a) by striking entirely section 286(s);

(b) in section 286(r) by—

(1) adding ", and amount described in section 245(i)(3)(b)" after "recovered by the Department of Justice" in subsection (2);

(2) replacing "Immigration and Naturalization Service" with "Attorney General" in subsection (3); and

(3) striking subsection (4), and replacing it with, "The amounts required to be refunded from the Fund for fiscal year 1998 and thereafter shall be refunded in accordance with estimates made in the budget request of the President for those fiscal years. Any proposed changes in the amounts designated in such budget requests shall only be made after Congressional reprogramming notification in accordance with the reprogramming guidelines for the applicable fiscal year."; and

(c) in section 245(i)(3)(B), by replacing "Immigration Detention Account established under section 286(s)" with "Breached Bond/Detention Fund established under section 286(r)".

SEC. 111. (a) LIMITATION ON ELIGIBILITY UNDER SECTION 245(i).—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking "(i)(1)" through "The Attorney General" and inserting the following:

"(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States—

"(A) who—

"(i) entered the United States without inspection; or

"(ii) is within one of the classes enumerated in subsection (c) of this section; and

"(B) who is the beneficiary (including a spouse or child of the principal alien, if eligible to receive a visa under section 203(d)) of—

"(i) a petition for classification under section 204 that was filed with the Attorney General on or before January 14, 1998; or

"(ii) an application for a labor certification under section 212(a)(5)(A) that was filed pursuant to the regulations of the Secretary of Labor on or before such date;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General".

(b) REPEAL OF SUNSET FOR SECTION 245(i).—Section 506(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 103–317; 108 Stat. 1766) is amended to read as follows:

"(c) The amendment made by subsection (a) shall take effect on October 1, 1994, and shall cease to have effect on October 1, 1997. The amendment made by subsection (b) shall take effect on October 1, 1994.".

(c) INAPPLICABILITY OF CERTAIN PROVISIONS OF SECTION 245(c) FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)(2), by inserting "subject to subsection (k)," after "(2)"; and

(2) by adding at the end the following:

"(k) An alien who is eligible to receive an immigrant visa under paragraph (1), (2), or (3) of section 203(b) (or, in the case of an alien who is an immigrant described in section 101(a)(27)(C), under section 203(b)(4)) may adjust status pursuant to subsection (a) and notwithstanding subsection (c)(2), (c)(7), and (c)(8), if—

"(1) the alien, on the date of filing an application for adjustment of status, is present in the United States pursuant to a lawful admission;

"(2) the alien, subsequent to such lawful admission has not, for an aggregate period exceeding 180 days—

"(A) failed to maintain, continuously, a lawful status;

"(B) engaged in unauthorized employment; or

"(C) otherwise violated the terms and conditions of the alien's admission.".

SEC. 112. (a) SHORT TITLE.—This section may be cited as the "Philippine Army, Scouts, and Guerilla Veterans of World War II Naturalization Act of 1997".

(b) IN GENERAL.—Section 405 of the Immigration and Nationality Act of 1990 (8 U.S.C. 1440 note) is amended—

(1) by striking subparagraph (B) of subsection (a)(1) and inserting the following:

"(B) who—

"(i) is listed on the final roster prepared by the Recovered Personnel Division of the United States Army of those who served honorably in an active duty status within the Philippine Army during the World War II occupation and liberation of the Philippines,

"(ii) is listed on the final roster prepared by the Guerilla Affairs Division of the United States Army of those who received recognition as having served honorably in an active duty status within a recognized guerilla unit during the World War II occupation and liberation of the Philippines, or

"(iii) served honorably in an active duty status within the Philippine Scouts or within any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946:";

(2) by adding at the end of subsection (a) the following new paragraph:

"(3)(A) For purposes of the second sentence of section 329(a) and section 329(b)(3) of the Immigration and Nationality Act, the executive department under which a person served shall be—

"(i) in the case of an applicant claiming to have served in the Philippine Army, the United States Department of the Army;

"(ii) in the case of an applicant claiming to have served in a recognized guerilla unit, the United States Department of the Army; or

"(iii) in the case of an applicant claiming to have served in the Philippine Scouts or any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946, the United States executive department (or successor thereto) that exercised supervision over such component.

"(B) An executive department specified in subparagraph (A) may not make a determination under the second sentence of section 329(a) with respect to the service or separation from service of a person described in paragraph (1) except pursuant to a request from the Service."; and

(3) by adding at the end the following new subsection:

"(d) IMPLEMENTATION.—(1) Notwithstanding any other provision of law, for purposes of the naturalization of natives of the Philippines under this section—

"(A) the processing of applications for naturalization, filed in accordance with the provisions of this section, including necessary interviews, shall be conducted in the Philippines by employees of the Service designated pursuant to section 335(b) of the Immigration and Nationality Act; and

"(B) oaths of allegiance for applications for naturalization under this section shall be administered in the Philippines by employees of the Service designated pursuant to section 335(b) of that Act.

"(2) Notwithstanding paragraph (1), applications for naturalization, including necessary interviews, may continue to be processed, and oaths of allegiance may continue to be taken in the United States.".

(c) REPEAL.—Section 113 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1440 note), is repealed.

(d) EFFECTIVE DATE; TERMINATION DATE.—

(1) APPLICATION TO PENDING APPLICATIONS.—The amendments made by subsection (b) shall apply to applications filed before February 3, 1995.

(2) TERMINATION DATE.—The authority provided by the amendments made by subsection (b) shall expire February 3, 2001.

SEC. 113. Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

"(J) an immigrant who is present in the United States—

"(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;

"(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

"(iii) in whose case the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;

Except that—

"(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction; and

"(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or".

SEC. 114. Not to exceed $200,000 of funds appropriated under section 1304 of title 31, United States Code, shall be available for payment pursuant to the Hearing Officer's Report in United States Court of Federal Claims No. 93-645X (June 3, 1996) (see 35 Fed. Cl. 99 (March 7, 1996)).

SEC. 115. (a) STANDARDS FOR SEX OFFENDER REGISTRATION PROGRAMS.—

(1) IN GENERAL.—Section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "with a designated State law enforcement agency"; and

(ii) in subparagraph (B), by striking "with a designated State law enforcement agency";

(B) by striking paragraph (2) and inserting the following:

"(2) DETERMINATION OF SEXUALLY VIOLENT PREDATOR STATUS; WAIVER; ALTERNATIVE MEASURES.—

"(A) IN GENERAL.—A determination of whether a person is a sexually violent predator for purposes of this section shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies.

"(B) WAIVER.—The Attorney General may waive the requirements of subparagraph (A) if the Attorney General determines that the State has established alternative procedures or legal standards for designating a person as a sexually violent predator.

"(C) ALTERNATIVE MEASURES.—The Attorney General may also approve alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth in this section regarding sexually violent predators.";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "that consists of—" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:";

(ii) in subparagraph (B), by striking "that consists of" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by"; and

(D) by adding at the end the following:

"(F) The term 'employed, carries on a vocation' includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

"(G) The term 'student' means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.".

(2) REQUIREMENTS UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—Section 170101(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)) is amended—

(A) in paragraph (1)—

(i) by striking the paragraph designation and heading and inserting the following:

"(1) DUTIES OF RESPONSIBLE OFFICIALS.—";

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "or in the case of probation, the court" and inserting "the court, or another responsible officer or official";

(II) in clause (ii), by striking "give" and all that follows before the semicolon and inserting "report the change of address as provided by State law"; and

(III) in clause (iii), by striking "shall register" and all that follows before the semicolon and inserting "shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence, and inform the person that the person must also register in a State where the person is employed, carries on a vocation, or is a student"; and

(iii) in subparagraph (B), by striking "or the court" and inserting ", the court, or another responsible officer or official";

(B) by striking paragraph (2) and inserting the following:

"(2) TRANSFER OF INFORMATION TO STATE AND FBI; PARTICIPATION IN NATIONAL SEX OFFENDER REGISTRY.—

"(A) STATE REPORTING.—State procedures shall ensure that the registration information is promptly made available to a law enforcement agency having jurisdiction where the person expects to reside and entered into the appropriate State records or data system. State procedures shall also ensure that conviction data and fingerprints for persons required to register are promptly transmitted to the Federal Bureau of Investigation.

"(B) NATIONAL REPORTING.—A State shall participate in the national database established under section 170102(b) in accordance with guidelines issued by the Attorney General, including transmission of current address information and other information on registrants to the extent provided by the guidelines.";

(C) in paragraph (3)(A)—

(i) in the matter preceding clause (i), by striking "on each" and all that follows through "applies:" and inserting the following: "State procedures shall provide for verification of address at least annually."; and

(ii) by striking clauses (i) through (v);

(D) in paragraph (4), by striking "section reported" and all that follows before the period at the end and inserting the following: "section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is promptly made available to a law enforcement agency having jurisdiction where the person will reside and entered into the appropriate State records or data system";

(E) in paragraph (5), by striking "shall register" and all that follows before the period at the end and inserting "and who moves to another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided promptly to an agency responsible for registration in the new State, if that State requires registration"; and

(F) by adding at the end the following:

"(7) REGISTRATION OF OUT-OF-STATE OFFENDERS, FEDERAL OFFENDERS, PERSONS SENTENCED BY COURTS MARTIAL, AND OFFENDERS CROSSING STATE BORDERS.—As provided in guidelines issued by the Attorney General, each State shall include in its registration program residents who were convicted in another State and shall ensure that procedures are in place to accept registration information from—

"(A) residents who were convicted in another State, convicted of a Federal offense, or sentenced by a court martial; and

"(B) nonresident offenders who have crossed into another State in order to work or attend school.".

(3) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by redesignating subsections (c) through (f) as (d) through (g), respectively, and inserting after subsection (b) the following:

"(c) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Any person who is required under this section to register in the State in which such person resides shall also register in any State in which the person is employed, carries on a vocation, or is a student.".

(4) RELEASE OF INFORMATION.—Section 170101(e)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)), as redesignated by subsection (c) of this section, is amended by striking "The designated" and all that follows through "State agency" and inserting "The State or any agency authorized by the State".

(5) IMMUNITY FOR GOOD FAITH CONDUCT.—Section 170101(f) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(f)), as redesignated by subsection (c) of this section, is amended by striking ", and State officials" and inserting "and independent contractors acting at the direction of such agencies, and State officials".

(6) FBI REGISTRATION.—(A) Section 170102(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(2)) is amended by striking "and 'predatory'" and inserting the following: "'predatory', 'employed, or carries on a vocation', and 'student'".

(B) Section 170102(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(3)) is amended—

(i) in subparagraph (A), by inserting "in a range of offenses specified by State law which is comparable to or exceeds that" before "described";

(ii) by amending subparagraph (B) to read as follows:

"(B) participates in the national database established under subsection (b) of this section in conformity with guidelines issued by the Attorney General;"; and

(iii) by amending subparagraph (C) to read as follows:

"(C) provides for verification of address at least annually;".

(C) Section 170102(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(i)) in the matter preceding paragraph (1), is amended by inserting "or pursuant to section 170101(b)(7)" after "subsection (g)".

(7) PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996.—Section 10 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 is amended by inserting at the end the following:

"(d) EFFECTIVE DATE.—States shall be allowed the time specified in subsection (b) to establish minimally sufficient sexual offender registration programs for purposes of the amendments made by section 2. Subsections (c) and (k) of section 170102 of the Violent Crime Control and Law Enforcement Act of 1994, and any requirement to issue related regulations, shall take effect at the conclusion of the time provided under this subsection for the establishment of minimally sufficient sexual offender registration programs.".

(8) FEDERAL OFFENDERS AND MILITARY PERSONNEL.—(A) Section 4042 of title 18, United States Code, is amended—

(i) in subsection (a)(5), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(ii) in subsection (b), by striking paragraph (4);

(iii) by redesignating subsection (c) as subsection (d); and

(iv) by inserting after subsection (b) the following:

"(c) NOTICE OF SEX OFFENDER RELEASE.—(1) In the case of a person described in paragraph (4) who is released from prison or sentenced to probation, notice shall be provided to—

"(A) the chief law enforcement officer of the State and of the local jurisdiction in which the person will reside; and

"(B) a State or local agency responsible for the receipt or maintenance of sex offender registration information in the State or local jurisdiction in which the person will reside.

The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.

"(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall be subject to a registration requirement as a sex offender. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described in paragraph (4) during any period of probation, supervised release, or parole shall also be provided to the agencies and officers specified in paragraph (1) by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.

"(3) The Director of the Bureau of Prisons shall inform a person described in paragraph (4) who is released from prison that the person shall be subject to a registration requirement as a sex offender in any State in which the person resides, is employed, carries on a vocation, or is a student (as such terms are defined for purposes of section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994), and the same information shall be provided to a person described in paragraph (4) who is sentenced to probation by the probation officer responsible for supervision of the person or in a manner specified by the Director of the Administrative Office of the United States Courts.

"(4) A person is described in this paragraph if the person was convicted of any of the following offenses (including such an offense prosecuted pursuant to section 1152 or 1153):

"(A) An offense under section 1201 involving a minor victim.

"(B) An offense under chapter 109A.

"(C) An offense under chapter 110.

"(D) An offense under chapter 117.

"(E) Any other offense designated by the Attorney General as a sexual offense for purposes of this subsection.

"(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).".

(B)(i) Section 3563(a) of title 18, United States Code, is amended by striking the matter at the end of paragraph (7) beginning with "The results of a drug test" and all that follows through the end of such paragraph and inserting that matter at the end of section 3563.

(ii) The matter inserted by subparagraph (A) at the end of section 3563 is amended—

(I) by striking "The results of a drug test" and inserting the following:

"(e) RESULTS OF DRUG TESTING.—The results of a drug test"; and

(II) by striking "paragraph (4)" each place it appears and inserting "subsection (a)(5)".

(iii) Section 3563(a) of title 18, United States Code, is amended—

(I) so that paragraphs (6) and (7) appear in numerical order immediately after paragraph (5);

(II) by striking "and" at the end of paragraph (6);

(III) in paragraph (7), by striking "assessments." and inserting "assessments; and"; and

(IV) by inserting immediately after paragraph (7) (as moved by clause (i)) the following new paragraph:

"(8) for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".

"(iv) Section 3583(d) of title 18, United States Code, is amended by inserting after the second sentence the following: "The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".

(v) Section 4209(a) of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting after the first sentence the following: "In every case, the Commission shall impose as a condition of parole for a person described in section 4042(c)(4), that the parolee report the address where the parolee will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the parolee register in any State where the parolee resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".

(C)(i) The Secretary of Defense shall specify categories of conduct punishable under the Uniform Code of Military Justice which encompass a range of conduct comparable to that described in section 170101(a)(3)(A) and (B) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3)(A) and (B)), and such other conduct as the Secretary deems appropriate for inclusion for purposes of this subparagraph.

(ii) In relation to persons sentenced by a court martial for conduct in the categories specified under clause (i), the Secretary shall prescribe procedures and implement a system to—

(I) provide notice concerning the release from confinement or sentencing of such persons;

(II) inform such persons concerning registration obligations; and

(III) track and ensure compliance with registration requirements by such persons during any period of parole, probation, or other conditional release or supervision related to the offense.

(iii) The procedures and requirements established by the Secretary under this subparagraph shall, to the maximum extent practicable, be consistent with those specified for Federal offenders under the amendments made by subparagraphs (A) and (B).

(iv) If a person within the scope of this subparagraph is confined in a facility under the control of the Bureau of Prisons at the time of release, the Bureau of Prisons shall provide notice of release and inform the person concerning registration obligations under the procedures specified in section 4042(c) of title 18, United States Code.

(9) PROTECTED WITNESS REGISTRATION.—Section 3521(b)(1) of title 18, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (G);

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) protect the confidentiality of the identity and location of persons subject to registration requirements as convicted offenders under Federal or State law, including prescribing alternative procedures to those otherwise provided by Federal or State law for registration and tracking of such persons; and".

(b) SENSE OF CONGRESS AND REPORT RELATING TO STALKING LAWS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that each State should have in effect a law that makes it a crime to stalk any individual, especially children, without requiring that such individual be physically harmed or abducted before a stalker is restrained or punished.

(2) REPORT.—The Attorney General shall include in an annual report under section 40610 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14039) information concerning existing or proposed State laws and penalties for stalking crimes against children.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, except that—

(1) subparagraphs (A), (B), and (C) of subsection (a)(8) shall take effect 1 year after the date of the enactment of this Act; and

(2) States shall have 3 years from such date of enactment to implement amendments made by this Act which impose new requirements under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, and the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement these amendments.

SEC. 116. (a) IN GENERAL.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153; Public Law 102–395) is amended—

(1) by striking "300" and inserting "3,000"; and

(2) by striking "five years" and inserting "seven years".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall be deemed to have become effective on October 6, 1992.

SEC. 117. For fiscal year 1998, the Attorney General shall provide a magnetometer and not less than one qualified guard at each unsecured entrance to the real property (including offices, buildings, and related grounds and facilities) that is leased to the United States as a place of employment for Federal employees at 625 Silver, S.W., in Albuquerque, New Mexico for the duration of time that Department of Justice employees are occupants of this building, after which the General Services Administration shall provide the same level of security equipment and personnel at this location until the date on which the new Albuquerque federal building is occupied.

SEC. 118. Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:

"(B)(i) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

"(I) law enforcement purposes, as determined by the Attorney General; or

"(II) emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.

"(ii) The authority provided under this subparagraph shall terminate on December 31, 1999.".

SEC. 119. Section 1701(b)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended to read as follows—

"(A) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year.".

SEC. 120. Section 233(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1245) is amended by striking "1 year after the date of enactment of this Act" and inserting "October 1, 1999".

SEC. 121. (a) DEFINITIONS.—In this section—

(1) the terms "criminal offense against a victim who is a minor", "sexually violent offense", and "sexually violent predator" have the meanings given those terms in section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a));

(2) the term "DNA" means deoxyribonucleic acid; and

(3) the term "sex offender" means an individual who—

(A) has been convicted in Federal court of—

(i) a criminal offense against a victim who is a minor; or

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

(b) REPORT.—From amounts made available to the Department of Justice under this title, not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include a plan for the implementation of a requirement that, prior to the release (including probation, parole, or any other supervised release) of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor or a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database.

(c) PLAN REQUIREMENTS.—The plan submitted under subsection (b) shall include recommendations concerning—

(1) a system for—

(A) the collection of DNA samples from any sex offender;

(B) the analysis of the collected samples for DNA and other genetic typing analysis; and

(C) making the DNA and other genetic typing information available for law enforcement purposes only;

(2) guidelines for coordination with existing Federal and State DNA and genetic typing information databases and for Federal cooperation with State and local law in sharing this information;

(3) addressing constitutional, privacy, and related concerns in connection with the mandatory submission of DNA samples; and

(4) procedures and penalties for the prevention of improper disclosure or dissemination of DNA or other genetic typing information.

SEC. 122. (a) Notwithstanding any other provision of law relating to position classification or

employee pay or performance, during the 3-year period beginning on the date of enactment of this Act, the Director of the Federal Bureau of Investigation may, with the approval of the Attorney General, establish a personnel management system providing for the compensation and performance management of not more than 3,000 non-Special Agent employees to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Federal Bureau of Investigation.

(b) Except as otherwise provided by law, no employee compensated under any system established under this section may be paid at a rate in excess of the rate payable for a position at level III of the Executive Schedule.

(c) Total payments to employees under any system established under this section shall be subject to the limitation on payments to employees set forth in section 5307 of title 5, United States Code.

(d) Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on Appropriations and the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, an operating plan describing the Director's intended use of the authority under this section, and identifying any provisions of title 5, United States Code, being waived for purposes of any personnel management system to be established by the Director under this section.

(e) Any performance management system established under this section shall have not less than 2 levels of performance above a retention standard.

(f) Not later than March 31, 2000, the Director of the Federal Bureau of Investigation shall submit to Congress an evaluation of the performance management system established under this section, which shall include—

(1) a comparison of—

(A) the compensation, benefits, and performance management provisions governing personnel of similar employment classification series in other departments and agencies of the Federal Government; and

(B) the costs, consistent with standards prescribed in Office of Management and Budget Circular A–76, of contracting for any services provided through those departments and agencies; and

(2) if appropriate, a recommendation for legislation to extend the authority under this section.

(g) Notwithstanding any other provision of law, the Secretary of the Treasury shall have the same authority provided to the Office of Personnel Management under section 4703 of title 5, United States Code, to establish, in the discretion of the Secretary, demonstration projects for a period of 3 years, for not to exceed a combined total of 950 employees, to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, and the United States Secret Service.

(h) The authority under this section shall terminate 3 years after the date of enactment of this Act.

SEC. 123. (a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking "permits" and inserting "requires"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "no prisoner release order shall be entered unless" and inserting "no court shall enter a prisoner release order unless"; and

(ii) in subparagraph (F)—

(I) by inserting "including a legislator" after "local official"; and

(II) by striking "program" and inserting "prison";

(2) in subsection (b)(3), by striking "current or ongoing" and inserting "current and ongoing";

(3) in subsection (e)—

(A) in paragraph (1), by adding at the end the following: "Mandamus shall lie to remedy any failure to issue a prompt ruling on such a motion.";

(B) in paragraph (2), by striking "Any prospective relief subject to a pending motion shall be automatically stayed" and inserting "Any motion to modify or terminate prospective relief made under subsection (b) shall operate as a stay"; and

(C) by adding at the end the following:

"(3) POSTPONEMENT OF AUTOMATIC STAY.—The court may postpone the effective date of an automatic stay specified in subsection (e)(2)(A) for not more than 60 days for good cause. No postponement shall be permissible because of general congestion of the court's calendar.

"(4) ORDER BLOCKING THE AUTOMATIC STAY.—Any order staying, suspending, delaying, or barring the operation of the automatic stay described in paragraph (2) (other than an order to postpone the effective date of the automatic stay under paragraph (3)) shall be treated as an order refusing to dissolve or modify an injunction and shall be appealable pursuant to section 1292(a)(1) of title 28, United States Code, regardless of how the order is styled or whether the order is termed a preliminary or a final ruling.".

(b) EFFECTIVE DATE.—The amendments made by this Act shall take effect upon the date of the enactment of this Act and shall apply to pending cases.

SEC. 124. Section 524(c)(8)(B) of title 28, United States Code, is amended by deleting "1996, and 1997," and inserting "and 1996," in place thereof.

SEC. 125. Section 217(f) of the Immigration and Nationality Act (8 U.S.C. 1187(f)) is amended to read as follows:

"(f) DEFINITION OF PILOT PROGRAM PERIOD.—For purposes of this section, the term 'pilot program period' means the period beginning on October 1, 1988, and ending on April 30, 1998.".

SEC. 126. Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), is amended in subsection (g) by striking "December 31, 1997" and inserting "May 1, 1998".

This title may be cited as the "Department of Justice Appropriations Act, 1998".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $23,450,000, of which $2,500,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses: Provided further, That the total number of political appointees on board as of May 1, 1998, shall not exceed 25 positions.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $41,200,000 to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $283,066,000, to remain available until expended: Provided, That of the $287,866,000 provided for in direct obligations (of which $283,066,000 is appropriated from the General Fund, and $4,800,000 is derived from unobligated balances and deobligations from prior years), $58,986,000 shall be for Trade Development, $17,340,000 shall be for Market Access and Compliance, $28,770,000 shall be for the Import Administration, $171,070,000 shall be for the United States and Foreign Commercial Service, and $11,700,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $43,900,000 to remain available until expended, of which $1,900,000 shall be for inspections and

other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $340,000,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided further, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $21,028,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $25,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $47,499,000, to remain available until September 30, 1999.

ECONOMICS AND STATISTICS ADMINISTRATION

REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by sections 1, 2, and 4 of Public Law 91–412 (15 U.S.C. 1525–1527) and, notwithstanding section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912), charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $137,278,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to conduct the decennial census, $389,887,000, to remain available until expended: Provided, That of this amount, $4,000,000 shall be transferred to the Census Monitoring Board for necessary expenses as authorized by section 210 of this Act.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $165,926,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $16,550,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. §§ 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: Provided further, That, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Telecommunications Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $20,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $691,000,000, to remain available until expended: Provided, That of this amount, $664,000,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at $0: Provided further, That during fiscal year 1998, should the total amount of offsetting fee collections be less than $664,000,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: Provided further, That any fees received in excess of $664,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That the remaining $27,000,000 shall be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law and shall remain available until expended.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,500,000, of which not to exceed $1,600,000 shall remain available until September 30, 1999.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $276,852,000, to remain available until expended, of which not to exceed $3,800,000 shall be used to fund a cooperative agreement with Texas Tech University for wind research; and of which not to exceed $5,000,000 of the amount above $268,000,000 shall be used to fund a cooperative agreement with Montana State University for a research program on green buildings; and of which not to exceed $1,625,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $113,500,000, to remain available until expended, of which not to exceed $300,000 may be transferred to the "Working Capital Fund": Provided, That notwithstanding the time limitations imposed by 15 U.S.C. 278k(c) (1) and (5) on the duration of Federal financial assistance that may be awarded by the Secretary of Commerce to Regional

Centers for the transfer of Manufacturing Technology ("Centers"), such Federal financial assistance for a Center may continue beyond six years and may be renewed for additional periods, not to exceed one year, at a rate not to exceed one-third of the Center's total annual costs, subject before any such renewal to a positive evaluation of the Center and to a finding by the Secretary of Commerce that continuation of Federal funding to the Center is in the best interest of the Regional Centers for the transfer of Manufacturing Technology Program: Provided further, That the Center's most recent performance evaluation is positive, and the Center has submitted a reapplication which has successfully passed merit review.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $192,500,000, to remain available until expended, of which not to exceed $82,000,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $95,000,000, to remain available until expended: Provided, That of the amounts provided under this heading, $78,308,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 283 commissioned officers on the active list as of September 30, 1998; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,512,050,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such additional fees are received during fiscal year 1998, so as to result in a final General Fund appropriation estimated at not more than $1,509,050,000: Provided further, That any such additional fees received in excess of $3,000,000 in fiscal year 1998 shall not be available for obligation until October 1, 1998: Provided further, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $62,381,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: Provided further, That unexpended balances in the accounts "Construction" and "Fleet Modernization, Shipbuilding and Conversion" shall be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $491,609,000, to remain available until expended: Provided, That not to exceed $116,910,000 is available for the advanced weather interactive processing system, and may be available for obligation and expenditure only pursuant to a certification by the Secretary of Commerce that the total cost to complete the acquisition and deployment of the advanced weather interactive processing system and NOAA Port system, including program management, operations and maintenance costs through deployment will not exceed $188,700,000: Provided further, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account and the "Construction" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $7,800,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $338,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $27,490,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $20,140,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $20,500,000 are rescinded.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $3,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included

under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. (a) Congress finds that—

(1) it is the constitutional duty of the Congress to ensure that the decennial enumeration of the population is conducted in a manner consistent with the Constitution and laws of the United States;

(2) the sole constitutional purpose of the decennial enumeration of the population is the apportionment of Representatives in Congress among the several States;

(3) section 2 of the 14th article of amendment to the Constitution clearly states that Representatives are to be "apportioned among the several States according to their respective numbers, counting the whole number of persons in each State";

(4) article I, section 2, clause 3 of the Constitution clearly requires an "actual Enumeration" of the population, and section 195 of title 13, United States Code, clearly provides "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title.";

(5) the decennial enumeration of the population is one of the most critical constitutional functions our Federal Government performs;

(6) it is essential that the decennial enumeration of the population be as accurate as possible, consistent with the Constitution and laws of the United States;

(7) the use of statistical sampling or statistical adjustment in conjunction with an actual enumeration to carry out the census with respect to any segment of the population poses the risk of an inaccurate, invalid, and unconstitutional census;

(8) the decennial enumeration of the population is a complex and vast undertaking, and if such enumeration is conducted in a manner that does not comply with the requirements of the Constitution or laws of the United States, it would be impracticable for the States to obtain, and the courts of the United States to provide, meaningful relief after such enumeration has been conducted; and

(9) Congress is committed to providing the level of funding that is required to perform the entire range of constitutional census activities, with a particular emphasis on accurately enumerating all individuals who have historically been undercounted, and toward this end, Congress expects—

(A) aggressive and innovative promotion and outreach campaigns in hard-to-count communities;

(B) the hiring of enumerators from within those communities;

(C) continued cooperation with local government on address list development; and

(D) maximized census employment opportunities for individuals seeking to make the transition from welfare to work.

(b) Any person aggrieved by the use of any statistical method in violation of the Constitution or any provision of law (other than this Act), in connection with the 2000 or any later decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress, may in a civil action obtain declaratory, injunctive, and any other appropriate relief against the use of such method.

(c) For purposes of this section—

(1) the use of any statistical method as part of a dress rehearsal or other simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census; and

(2) the report ordered by title VIII of Public Law 105-18 and the Census 2000 Operational Plan shall be deemed to constitute final agency action regarding the use of statistical methods in the 2000 decennial census, thus making the question of their use in such census sufficiently concrete and final to now be reviewable in a judicial proceeding.

(d) For purposes of this section, an aggrieved person (described in subsection (b)) includes—

(1) any resident of a State whose congressional representation or district could be changed as a result of the use of a statistical method challenged in the civil action;

(2) any Representative or Senator in Congress; and

(3) either House of Congress.

(e)(1) Any action brought under this section shall be heard and determined by a district court of three judges in accordance with section 2284 of title 28, United States Code. The chief judge of the United States court of appeals for each circuit shall, to the extent practicable and consistent with the avoidance of unnecessary delay, consolidate, for all purposes, in one district court within that circuit, all actions pending in that circuit under this section. Any party to an action under this section shall be precluded from seeking any consolidation of that action other than is provided in this paragraph. In selecting the district court in which to consolidate such actions, the chief judge shall consider the convenience of the parties and witnesses and efficient conduct of such actions. Any final order or injunction of a United States district court that is issued pursuant to an action brought under this section shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under this section may be issued by a single Justice of the Supreme Court.

(2) It shall be the duty of a United States district court hearing an action brought under this section and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any such matter.

(f) Any agency or entity within the executive branch having authority with respect to the carrying out of a decennial census may in a civil action obtain a declaratory judgment respecting whether or not the use of a statistical method, in connection with such census, to determine the population for the purposes of the apportionment or redistricting of members in Congress is forbidden by the Constitution and laws of the United States.

(g) The Speaker of the House of Representatives or the Speaker's designee or designees may commence or join in a civil action, for and on behalf of the House of Representatives, under any applicable law, to prevent the use of any statistical method, in connection with the decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress. It shall be the duty of the Office of the General Counsel of the House of Representatives to represent the House in such civil action, according to the directions of the Speaker. The Office of the General Counsel of the House of Representatives may employ the services of outside counsel and other experts for this purpose.

(h) For purposes of this section and section 210—

(1) the term "statistical method" means an activity related to the design, planning, testing, or implementation of the use of representative sampling, or any other statistical procedure, including statistical adjustment, to add or subtract counts to or from the enumeration of the population as a result of statistical inference; and

(2) the term "census" or "decennial census" means a decennial enumeration of the population.

(i) Nothing in this Act shall be construed to authorize the use of any statistical method, in connection with a decennial census, for the apportionment or redistricting of members in Congress.

(j) Sufficient funds appropriated under this Act or under any other Act for purposes of the 2000 decennial census shall be used by the Bureau of the Census to plan, test, and become prepared to implement a 2000 decennial census, without using statistical methods, which shall result in the percentage of the total population actually enumerated being as close to 100 percent as possible. In both the 2000 decennial census, and any dress rehearsal or other simulation made in preparation for the 2000 decennial census, the number of persons enumerated without using statistical methods must be publicly available for all levels of census geography which are being released by the Bureau of the Census for (1) all data releases before January 1, 2001, (2) the data contained in the 2000 decennial census Public Law 94-171 data file released for use in redistricting, (3) the Summary Tabulation File One (STF-1) for the 2000 decennial census, and (4) the official populations of the States transmitted from the Secretary of Commerce through the President to the Clerk of the House used to reapportion the districts of the House among the States as a result of the 2000 decennial census. Simultaneously with any other release or reporting of any of the information described in the preceding sentence through other means, such information shall be made available to the public on the Internet. These files of the Bureau of the Census shall be available concurrently to the release of the original files to the same recipients, on identical media, and at a comparable price. They shall contain the number of persons enumerated without using statistical methods and any additions or subtractions thereto. These files shall be based on data gathered and generated by the Bureau of the Census in its official capacity.

(k) This section shall apply in fiscal year 1998 and succeeding fiscal years.

SEC. 210. (a) There shall be established a board to be known as the Census Monitoring

Board (hereinafter in this section referred to as the "Board").

(b) The function of the Board shall be to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census (including all dress rehearsals and other simulations of a census in preparation therefor).

(c)(1) The Board shall be composed of 8 members as follows:

(A) 2 individuals appointed by the majority leader of the Senate.

(B) 2 individuals appointed by the Speaker of the House of Representatives.

(C) 4 individuals appointed by the President, of whom—

(i) 1 shall be on the recommendation of the minority leader of the Senate; and

(ii) 1 shall be on the recommendation of the minority leader of the House of Representatives.

All members of the Board shall be appointed within 60 days after the date of enactment of this Act. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(2) Members shall not be entitled to any pay by reason of their service on the Board, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) The Board shall have—

(A) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(C).

(4) The Board shall meet at the call of either co-chairman.

(5) A quorum shall consist of 5 members of the Board.

(6) The Board may promulgate any regulations necessary to carry out its duties.

(d)(1) The Board shall have—

(A) an executive director who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) an executive director who shall be appointed jointly by the members under subsection (c)(1)(C),

each of whom shall be paid at a rate not to exceed level IV of the Executive Schedule.

(2) Subject to such rules as the Board may prescribe, each executive director—

(A) may appoint and fix the pay of such additional personnel as that executive director considers appropriate; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of pay payable for grade GS-15 of the General Schedule.

Such rules shall include provisions to ensure an equitable division or sharing of resources, as appropriate, between the respective staff of the Board.

(3) The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(4) The Administrator of the General Services Administration, in coordination with the Secretary of Commerce, shall locate suitable office space for the operation of the Board in the W. Edwards Deming Building in Suitland, Maryland. The facilities shall serve as the headquarters of the Board and shall include all necessary equipment and incidentals required for the proper functioning of the Board.

(e)(1) For the purpose of carrying out its duties, the Board may hold such hearings (at the call of either co-chairman) and undertake such other activities as the Board determines to be necessary to carry out its duties.

(2) The Board may authorize any member of the Board or of its staff to take any action which the Board is authorized to take by this subsection.

(3)(A) Each co-chairman of the Board and any members of the staff who may be designated by the Board under this paragraph shall be granted access to any data, files, information, or other matters maintained by the Bureau of the Census (or received by it in the course of conducting a decennial census of population) which they may request, subject to such regulations as the Board may prescribe in consultation with the Secretary of Commerce.

(B) The Board or the co-chairmen acting jointly may secure directly from any other Federal agency, including the White House, all information that the Board considers necessary to enable the Board to carry out its duties. Upon request of the Board or both co-chairmen, the head of that agency (or other person duly designated for purposes of this paragraph) shall furnish that information to the Board.

(4) The Board shall prescribe regulations under which any member of the Board or of its staff, and any person whose services are procured under subsection (d)(2)(B), who gains access to any information or other matter pursuant to this subsection shall, to the extent that any provisions of section 9 or 214 of title 13, United States Code, would apply with respect to such matter in the case of an employee of the Department of Commerce, be subject to such provisions.

(5) Upon the request of the Board, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Board to assist the Board in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(6) Upon the request of the Board, the head of a Federal agency shall provide such technical assistance to the Board as the Board determines to be necessary to carry out its duties.

(7) The Board may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(8) Upon request of the Board, the Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(9) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Board shall be deemed to be a committee of the Congress.

(f)(1) The Board shall transmit to the Congress—

(A) interim reports, with the first such report due by April 1, 1998;

(B) additional reports, the first of which shall be due by February 1, 1999, the second of which shall be due by April 1, 1999, and subsequent reports at least semiannually thereafter;

(C) a final report which shall be due by September 1, 2001; and

(D) any other reports which the Board considers appropriate.

The final report shall contain a detailed statement of the findings and conclusions of the Board with respect to the matters described in subsection (b).

(2) In addition to any matter otherwise required under this subsection, each such report shall address, with respect to the period covered by such report—

(A) the degree to which efforts of the Bureau of the Census to prepare to conduct the 2000 census—

(i) shall achieve maximum possible accuracy at every level of geography;

(ii) shall be taken by means of an enumeration process designed to count every individual possible; and

(iii) shall be free from political bias and arbitrary decisions; and

(B) efforts by the Bureau of the Census intended to contribute to enumeration improvement, specifically, in connection with—

(i) computer modernization and the appropriate use of automation;

(ii) address list development;

(iii) outreach and promotion efforts at all levels designed to maximize response rates, especially among groups that have historically been undercounted (including measures undertaken in conjunction with local government and community and other groups);

(iv) establishment and operation of field offices; and

(v) efforts relating to the recruitment, hiring, and training of enumerators.

(3) Any data or other information obtained by the Board under this section shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon request of the chairman or ranking minority member of such committee or subcommittee. No such committee or subcommittee, or member thereof, shall disclose any information obtained under this paragraph which is submitted to it on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest.

(4) The Board shall study and submit to Congress, as part of its first report under paragraph (1)(A), its findings and recommendations as to the feasibility and desirability of using postal personnel or private contractors to help carry out the decennial census.

(g) There is authorized to be appropriated $4,000,000 for each of fiscal years 1998 through 2001 to carry out this section.

(h) To the extent practicable, members of the Board shall work to promote the most accurate and complete census possible by using their positions to publicize the need for full and timely responses to census questionnaires.

(i)(1) No individual described in paragraph (2) shall be eligible—

(A) to be appointed or to continue serving as a member of the Board or as a member of the staff thereof; or

(B) to enter into any contract with the Board.

(2) This subsection applies with respect to any individual who is serving or who has ever served—

(A) as the Director of the Census; or

(B) with any committee or subcommittee of either House of Congress, having jurisdiction over any aspect of the decennial census, as—

(i) a Member of Congress; or

(ii) a congressional employee.

(j) The Board shall cease to exist on September 30, 2001.

(k) Section 9(a) of title 13, United States Code, is amended in the matter before paragraph (1) thereof by striking "of this title—" and inserting "of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998—".

SEC. 211. (a) Section 401 of title 22, United States Code, is amended—

(1) in subsection (a), by adding after the first sentence the following: "The Secretary of Commerce may seize and detain any commodity (other than arms or munitions of war) or technology which is intended to be or is being exported in violation of laws governing such exports and may seize and detain any vessel, vehicle, or aircraft containing the same or which

has been used or is being used in exporting or attempting to export such articles."; and

(2) in subsection (b), by adding the following after "and not inconsistent with the provisions hereof."—

"However, with respect to seizures and forfeitures of property under this section by the Secretary of Commerce, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary of Commerce or, upon the request of the Secretary of Commerce, by any other agency that has authority to manage and dispose of seized property."

(b) Section 524(c)(11)(B) of title 28, United States Code, is amended by adding at the end thereof "or pursuant to the authority of the Secretary of Commerce".

SEC. 212. Notwithstanding any other provision of law, the Economic Development Administration is directed to transfer funds obligated and awarded to the Butte-Silver Bow Consolidated Local Government as Project Number 05–01–02822 to the Butte Local Development Corporation Revolving Loan Fund to be administered by the Butte Local Development Corporation, such funds to remain available until expended. And, in accordance with section 1557 of title 31, United States Code, funds obligated and awarded in fiscal year 1994 under the heading "Economic Development Administration-Economic Development Assistance Programs" for Metropolitan Dade County, Florida, and subsequently transferred to Miami-Dade Community College for Project No. 04–49–04021 shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure without fiscal year limitation.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1998".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $29,245,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,400,000, of which $485,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $15,575,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,449,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,682,400,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; of which $900,000 shall be transferred to the Commission on Structural Alternatives for the Federal Courts of Appeals, to remain available until expended; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,450,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $40,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); $329,529,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $64,438,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $167,214,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $52,000,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,495,000; of which $1,800,000 shall remain available through September 30, 1999, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $25,000,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,800,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,240,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United

States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 304. Section 612 of title 28, United States Code, shall be amended by striking out subsection (l).

SEC. 305. (a) COMMISSION ON STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS.—

(1) ESTABLISHMENT AND FUNCTIONS OF COMMISSION.—

(A) ESTABLISHMENT.—There is established a Commission on Structural Alternatives for the Federal Courts of Appeals (hereinafter referred to as the "Commission").

(B) FUNCTIONS.—The functions of the Commission shall be to—

(i) study the present division of the United States into the several judicial circuits;

(ii) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(iii) report to the President and the Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 5 members who shall be appointed by the Chief Justice of the United States.

(B) APPOINTMENT.—The members of the Commission shall be appointed within 30 days after the date of enactment of this Act.

(C) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(D) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(E) QUORUM.—Three members of the Commission shall constitute a quorum, but two may conduct hearings.

(3) COMPENSATION.—

(A) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(B) PRIVATE MEMBERS.—Members of the Commission from private life shall receive $200 for each day (including travel time) during which the member is engaged in the actual performance of duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(4) PERSONNEL.—

(A) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the compensation of such additional personnel as the Executive Director determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this paragraph shall not exceed the annual maximum rate of basic pay for a position above GS–15 of the General Schedule under section 5108 of title 5, United States Code.

(C) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(D) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, to the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services to the Commission on a reimbursable basis.

(5) INFORMATION.—The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance the Commission determines necessary to carry out its functions under this section. Each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

(6) REPORT.—The Commission shall conduct the studies required in this section during the 10-month period beginning on the date on which a quorum of the Commission has been appointed. Not later than 2 months following the completion of such 10-month period, the Commission shall submit its report to the President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums, not to exceed $900,000, as may be necessary to carry out the purposes of this section. Such sums as are appropriated shall remain available until expended.

SEC. 306. Pursuant to section 140 of Public Law 97–92, justices and judges of the United States are authorized during fiscal year 1998, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $5,000,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in Title III of this Act.

SEC. 307. Section 44(c) of title 28, United States Code, is amended by adding at the end thereof the following sentence: "In each circuit (other than the Federal judicial circuit) there shall be at least one circuit judge in regular active service appointed from the residents of each state in that circuit.".

SEC. 308. Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

"(4) DISCLOSURE OF FEES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court's approval of the payment.

"(B) PRE-TRIAL OR TRIAL IN PROGRESS.—If a trial is in pre-trial status or still in progress and after considering the defendant's interests as set forth in subparagraph (D), the court shall—

"(i) redact any detailed information on the payment voucher provided by defense counsel to justify the expenses to the court; and

"(ii) make public only the amounts approved for payment to defense counsel by dividing those amounts into the following categories:

"(I) Arraignment and or plea.

"(II) Bail and detention hearings.

"(III) Motions.

"(IV) Hearings.

"(V) Interviews and conferences.

"(VI) Obtaining and reviewing records.

"(VII) Legal research and brief writing.

"(VIII) Travel time.

"(IX) Investigative work.

"(X) Experts.

"(XI) Trial and appeals.

"(XII) Other.

"(C) TRIAL COMPLETED.—

"(i) IN GENERAL.—If a request for payment is not submitted until after the completion of the trial and subject to consideration of the defendant's interests as set forth in subparagraph (D), the court shall make available to the public an unredacted copy of the expense voucher.

"(ii) PROTECTION OF THE RIGHTS OF THE DEFENDANT.—If the court determines that defendant's interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

"(D) CONSIDERATIONS.—The interests referred to in subparagraphs (B) and (C) are—

"(i) to protect any person's 5th amendment right against self-incrimination;

"(ii) to protect the defendant's 6th amendment rights to effective assistance of counsel;

"(iii) the defendant's attorney-client privilege;

"(iv) the work product privilege of the defendant's counsel;

"(v) the safety of any person; and

"(vi) any other interest that justice may require.

"(E) NOTICE.—The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial, the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is an appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant's interests set forth in subparagraph (D) will be compromised.

"(F) EFFECTIVE DATE.—The amendment made by paragraph (4) shall become effective 60 days after enactment of this Act, will apply only to cases filed on or after the effective date, and shall be in effect for no longer than twenty-four months after the effective date.".

This title may be cited as "The Judiciary Appropriations Act, 1998".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c), and 22 U.S.C. 2674; and for expenses of general administration; $1,705,600,000: Provided, That of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), fees may be collected during fiscal years 1998 and 1999 under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal years 1998 and 1999 as an offsetting collection to appropriations made under this heading to recover costs as set

forth under section 140(a)(2) of that Act and shall remain available until expended.

In addition to funds otherwise available, of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and $17,312,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717); in addition not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), as amended, and in addition, as authorized by section 5 of such Act $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: Provided, That any transfer pursuant to this sentence shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for counterterrorism requirements overseas, including security guards and equipment, $23,700,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,513,000.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $86,000,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,200,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $7,900,000, to remain available until September 30, 1999.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $404,000,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $5,500,000 to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $14,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $129,935,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $955,515,000, of which not to exceed $54,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of an Act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the United States assessed share of the United Nations regular budget to 20 percent and of peacekeeping operations to 25 percent; reimbursement for goods and services provided by the United States to the United Nations; certification that the United Nations and its specialized or affiliated agencies have not taken any action to infringe on the sovereignty of the United States; a ceiling on United States contributions to international organizations after fiscal year 1998 of $900,000,000; establishment of a merit-based personnel system at the United Nations that includes a code of conduct and a personnel evaluation system; United States membership on the Advisory Committee on Administrative and Budgetary Questions that oversees the United Nations budget; access to United Nations financial data by the General Accounting Office; and achievement of a negative growth budget and the establishment of independent inspectors general for affiliated organizations; and improved consultation procedures with the Congress: Provided further, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 and under such other requirements related to the Office of Internal Oversight Services of the United Nations as may be enacted into law for fiscal year 1998: Provided further, That certification under section 401(b) of Public Law 103–236 for fiscal year 1998 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six-month period elsewhere in the United Nations budget and cause the United Nations to exceed the expected reform budget for the biennium 1998–1999 of $2,533,000,000: Provided further, That not to exceed $12,000,000 shall be transferred from funds made available under this heading to the "International Conferences and Contingencies" account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, provided that such transferred funds are obligated or expended only for Commission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing internationally-based monitoring systems involved in cooperative data sharing agreements with the United States as of date of enactment of this Act, until the U.S. Senate ratifies the Comprehensive Nuclear Test Ban Treaty.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security $256,000,000, of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or

expenditure is expressly authorized by the enactment of an Act described in the first proviso under the heading "Contributions to International Organizations" in this title: Provided further, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $17,490,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,463,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,490,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,549,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $41,500,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the unexpended balances previously appropriated under this heading, $700,000 are rescinded.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act of 1948 (22 U.S.C. 1471), and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)); $427,097,000: Provided, That not to exceed $1,400,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085): Provided further, That not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other law, fees from educational advising and counseling, and exchange visitor program services: Provided further, That not to exceed $920,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $197,731,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): Provided, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other provision of law, fees from educational advising and counseling.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1998, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1998, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities, $364,415,000, of which $12,100,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $22,095,000, to remain available until expended.

RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C.

1471), $40,000,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $12,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $1,500,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

SEC. 404. (a)(1) For purposes of implementing the International Cooperative Administrative Support Services program in fiscal year 1998, the amounts referred to in paragraph (2) shall be transferred in accordance with the provisions of subsection (b).

(2) Paragraph (1) applies to amounts made available by title IV of this Act under the heading "ADMINISTRATION OF FOREIGN AFFAIRS" as follows:

(A) $108,932,000 of the amount made available under the paragraph "DIPLOMATIC AND CONSULAR PROGRAMS".

(B) $3,530,000 of the amount made available under the paragraph "SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS".

(b) Funds transferred pursuant to subsection (a) shall be transferred to the specified appropriation, allocated to the specified account or accounts in the specified amount, be merged with funds in such account or accounts that are available for administrative support expenses of overseas activities, and be available for the same purposes, and subject to the same terms and conditions, as the funds with which merged, as follows:

(1) Appropriations for the Legislative Branch—

(A) for the Library of Congress, for salaries and expenses, $500,000; and

(B) for the General Accounting Office, for salaries and expenses, $12,000.

(2) Appropriations for the Office of the United States Trade Representative, for salaries and expenses, $302,000.

(3) Appropriations for the Department of Commerce, for the International Trade Administration, for operations and administration, $7,055,000.

(4) Appropriations for the Department of Justice—

(A) for legal activities—

(i) for general legal activities, for salaries and expenses, $194,000; and

(ii) for the United States Marshals Service, for salaries and expenses, $2,000;

(B) for the Federal Bureau of Investigation, for salaries and expenses, $2,477,000;

(C) for the Drug Enforcement Administration, for salaries and expenses, $6,356,000; and

(D) for the Immigration and Naturalization Service, for salaries and expenses, $1,313,000.

(5) Appropriations for the United States Information Agency, for international information programs, $25,047,000.

(6) Appropriations for the Arms Control and Disarmament Agency, for arms control and disarmament activities, $1,247,000.

(7) Appropriations to the President—

(A) for the Foreign Military Financing Program, for administrative costs, $6,660,000;

(B) for the Economic Support Fund, $336,000;

(C) for the Agency for International Development—

(i) for operating expenses, $6,008,000;

(ii) for the Urban and Environmental Credit Program, $54,000;

(iii) for the Development Assistance Fund, $124,000;

(iv) for the Development Fund for Africa, $526,000;

(v) for assistance for the new independent states of the former Soviet Union, $818,000;

(vi) for assistance for Eastern Europe and the Baltic States, $283,000; and

(vii) for international disaster assistance, $306,000;

(D) for the Peace Corps, $3,672,000; and

(E) for the Department of State—

(i) for international narcotics control, $1,117,000; and,

(ii) for migration and refugee assistance, $394,000.

(8) Appropriations for the Department of Defense—

(A) for operation and maintenance—

(i) for operation and maintenance, Army, $4,394,000;

(ii) for operation and maintenance, Navy, $1,824,000;

(iii) for operation and maintenance, Air Force, $1,603,000; and

(iv) for operation and maintenance, Defense-Wide, $21,993,000; and

(B) for procurement, for other procurement, Air Force, $4,211,000.

(9) Appropriations for the American Battle Monuments Commission, for salaries and expenses, $210,000.

(10) Appropriations for the Department of Agriculture—

(A) for the Animal and Plant Health Inspection Service, for salaries and expenses, $932,000;

(B) for the Foreign Agricultural Service and General Sales Manager, $4,521,000; and

(C) for the Agricultural Research Service, $16,000.

(11) Appropriations for the Department of Treasury—

(A) for the United States Customs Service, for salaries and expenses, $2,002,000;

(B) for departmental offices, for salaries and expenses, $804,000;

(C) for the Internal Revenue Service, for tax law enforcement, $662,000;

(D) for the Bureau of Alcohol, Tobacco and Firearms, for salaries and expenses, $17,000;

(E) for the United States Secret Service, for salaries and expenses, $617,000; and

(F) for the Comptroller of the Currency, for assessment funds, $29,000.

(12) Appropriations for the Department of Transportation—

(A) for the Federal Aviation Administration, for operations, $1,594,000; and

(B) for the Coast Guard, for operating expenses, $65,000.

(13) Appropriations for the Department of Labor, for departmental management, for salaries and expenses, $58,000.

(14) Appropriations for the Department of Health and Human Services—

(A) for the National Institutes of Health, for the National Cancer Institute, $42,000;

(B) for the Office of the Secretary, for general departmental management, $71,000; and

(C) for the Centers for Disease Control and Prevention, for disease control, research, and training, $522,000.

(15) Appropriations for the Social Security Administration, for administrative expenses, $370,000.

(16) Appropriations for the Department of the Interior—

(A) for the United States Fish and Wildlife Service, for resource management, $12,000;

(B) for the United States Geological Survey, for surveys, investigations, and research, $80,000; and

(C) for the Bureau of Reclamation, for water and related resources, $101,000.

(17) Appropriations for the Department of Veterans Affairs, for departmental administration, for general operating expenses, $453,000.

(18) Appropriations for the National Aeronautics and Space Administration, for mission support, $183,000.

(19) Appropriations for the National Science Foundation, for research and related activities, $39,000.

(20) Appropriations for the Federal Emergency Management Agency, for salaries and expenses, $4,000.

(21) Appropriations for the Department of Energy—

(A) for departmental administration, $150,000; and

(B) for atomic energy defense activities, for other defense activities, $54,000.

(22) Appropriations for the Nuclear Regulatory Commission, for salaries and expenses, $26,000.

(c)(1) The amount in subsection (a)(2)(A) is reduced by $2,800,000.

(2) Each amount in subsection (b) is reduced on a pro rata basis in the same proportion as $2,800,000 bears to $112,462,000, rounded to the nearest thousand.

SEC. 405. (a) An employee who regularly commutes from his or her place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization adjustment equal to the

amount of comparability payments under section 5304 of title V, United States Code, that he or she would receive if assigned to an official duty station within the United States locality pay area closest to the employee's official duty station.

(b) For purposes of this section, the term "employee" shall mean a person who—

(1) is an "employee" as defined under section 2105 of title V, United States Code; and

(2) is employed by the United States Department of State, the United States Information Agency, the United States Agency for International Development, or the International Joint Commission, except that the term shall not include members of the Foreign Service as defined by section 103 of the Foreign Service Act of 1980 (P.L. 96–465), section 3903 of title 22 of the United States Code.

(c) An equalization adjustment payable under this section shall be considered basic pay for the same purposes as are comparability payments under section 5304 of title V, United States Code, and its implementing regulations.

(d) The agencies referenced in subsection (c)(2) are authorized to promulgate regulations to carry out the purposes of this section.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1998".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies, as authorized by the Merchant Marine Act, 1936, as amended, $51,030,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $35,500,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $67,600,000: Provided, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $32,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,725,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $250,000, as authorized by Public Law 99–83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,740,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $459,000 to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $27,500,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $242,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $186,514,000, of which not to exceed $300,000 shall remain available until September 30, 1999, for research and policy studies: Provided, That $162,523,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation estimated at $23,991,000: Provided further, That any offsetting collections received in excess of $162,523,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. App. 1111, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $14,000,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $88,500,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $18,500,000, to remain available until expended: Provided further, That any fees received in excess of $70,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Gambling Impact Study Commission, $1,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $283,000,000, of which $274,400,000 is for basic field programs and required independent audits;

$1,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $7,100,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) CONTINUATION OF COMPETITIVE SELECTION PROCESS.—None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104–134 (110 Stat. 1321–52 et seq.).

(b) INAPPLICABILITY OF CERTAIN PROCEDURES.—Sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 2996j) shall not apply to the provision, denial, suspension, or termination of any financial assistance using funds appropriated in this Act.

(c) ADDITIONAL PROCEDURES.—If, during any term of a grant or contract awarded to a recipient by the Legal Services Corporation under the competitive selection process referred to in subsection (a) and applicable Corporation regulations, the Corporation finds, after notice and opportunity for the recipient to be heard, that the recipient has failed to comply with any requirement of the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), this Act, or any other applicable law relating to funding for the Corporation, the Corporation may terminate the grant or contract and institute a new competitive selection process for the area served by the recipient, notwithstanding the terms of the recipient's grant or contract.

SEC. 502. (a) CONTINUATION OF REQUIREMENTS AND RESTRICTIONS.—None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of—

(1) sections 501, 502, 505, 506, and 507 of Public Law 104–134 (110 Stat. 1321–51 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all references in such sections to 1995 and 1996 shall be deemed to refer instead to 1997 and 1998, respectively; and

(2) section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except that—

(A) subsection (c) of such section 504 shall not apply;

(B) paragraph (3) of section 508(b) of Public Law 104–134 (110 Stat. 1321–58) shall apply with respect to the requirements of subsection (a)(13) of such section 504, except that all references in such section 508(b) to the date of enactment shall be deemed to refer to April 26, 1996; and

(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

(ii) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty.

(b) DEFINITIONS.—For purposes of subsection (a)(2)(C):

(1) The term "battered or subjected to extreme cruelty" has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1953).

(2) The term "related legal assistance" means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in such subsection.

SEC. 503. (a) CONTINUATION OF AUDIT REQUIREMENTS.—The requirements of section 509 of Public Law 104–134 (110 Stat. 1321–58 et seq.), other than subsection (l) of such section, shall apply during fiscal year 1998.

(b) REQUIREMENT OF ANNUAL AUDIT.—An annual audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act shall be conducted during fiscal year 1998 in accordance with the requirements referred to in subsection (a).

SEC. 504. (a) DEBARMENT.—The Legal Services Corporation may debar a recipient, on a showing of good cause, from receiving an additional award of financial assistance from the Corporation. Any such action to debar a recipient shall be instituted after the Corporation provides notice and an opportunity for a hearing to the recipient.

(b) REGULATIONS.—The Legal Services Corporation shall promulgate regulations to implement this section.

(c) GOOD CAUSE.—In this section, the term "good cause", used with respect to debarment, includes—

(1) prior termination of the financial assistance of the recipient, under part 1640 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling);

(2) prior termination in whole, under part 1606 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling), of the most recent financial assistance received by the recipient, prior to date of the debarment decision;

(3) substantial violation by the recipient of the statutory or regulatory restrictions that prohibit recipients from using financial assistance made available by the Legal Services Corporation or other financial assistance for purposes prohibited under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or for involvement in any activity prohibited by, or inconsistent with, section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), section 502(a)(2) of Public Law 104–208 (110 Stat. 3009–59 et seq.), or section 502(a)(2) of this Act;

(4) knowing entry by the recipient into a subgrant, subcontract, or other agreement with an entity that had been debarred by the Corporation; or

(5) the filing of a lawsuit by the recipient, on behalf of the recipient, as part of any program receiving any Federal funds, naming the Corporation, or any agency or employee of a Federal, State, or local government, as a defendant.

SEC. 505. (a) Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(b) Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in semiannual reports, the following information about each case filed by its attorneys in any court:

(1) The name and full address of each party to the legal action unless such information is protected by an order or rule of a court or by State or Federal law or revealing such information would put the client of the recipient of such Federal funds at risk of physical harm.

(2) The cause of action in the case.

(3) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(c) The case information disclosed in semi-annual reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.

SEC. 506. In establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,185,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $283,000,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance, (2) any travel and transportation to or from such meetings, and (3) any other related lodging or subsistance: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: Provided further, That not to exceed $249,523,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated from the General Fund for fiscal year 1998 under this heading shall be reduced as all such offsetting fees are deposited to this appropriation so as to result in a final total fiscal year 1998 appropriation from the General Fund estimated at not more than $33,477,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized

by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $254,200,000, of which: $3,000,000 shall be available for a grant to Lackawanna County, Pennsylvania for infrastructure development to assist in small business development; $3,000,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; $2,000,000 shall be for a grant to Western Carolina University to develop a facility to assist in small business and rural economic development; $1,500,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; $1,000,000 shall be for a grant for the Genesis Small Business Incubator Facility, Fayetteville, Arkansas; and $500,000 shall be available for a continuation grant to the Center for Entrepreneurial Opportunity in Greensburg, Pennsylvania, to provide for small business consulting and assistance: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $75,800,000 shall be available to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $10,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, $181,232,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 1999: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 1998, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended: Provided further, That during fiscal year 1998, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $23,200,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $150,000,000, including not to exceed $500,000 for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums shall be transferred to and merged with appropriations for the Office of Inspector General.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $3,500,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $6,850,000, to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for: (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days the following:

(A) Based upon all information available to the United States Government, the Government of the Socialist Republic of Vietnam is fully cooperating in good faith with the United States in the following:

(i) Resolving discrepancy cases, live sightings, and field activities.

(ii) Recovering and repatriating American remains.

(iii) Accelerating efforts to provide documents that will help lead to fullest possible accounting of prisoners of war and missing in action.

(iv) Providing further assistance in implementing trilateral investigations with Laos.

(B) The remains, artifacts, eyewitness accounts, archival material, and other evidence associated with prisoners of war and missing in action recovered from crash sites, military actions, and other locations in Southeast Asia are being thoroughly analyzed by the appropriate laboratories with the intent of providing surviving relatives with scientifically defensible, legal determinations of death or other accountability that are fully documented and available in unclassified and unredacted form to immediate family members.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102–567: Provided, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 616. (a) None of the funds made available in this Act may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length or of more than 750 gross registered tons, and that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower—

(1) as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); or

(2) that would allow such a vessel to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States (except territories), unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997 and such fishery endorsement was not surrendered at any time thereafter.

(b) Any fishing permit or authorization issued or renewed prior to the date of the enactment of this Act for a fishing vessel to which the prohibition in subsection (a)(1) applies that would allow such vessel to engage in fishing for Atlantic mackerel or herring (or both) during fiscal year 1998 shall be null and void, and none of the funds made available in this Act may be used to issue a fishing permit or authorization that would allow a vessel whose permit or authorization was made null and void pursuant to this subsection to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States.

SEC. 617. During fiscal year 1998 and in any fiscal year thereafter, the court, in any criminal case (other than a case in which the defendant is represented by assigned counsel paid for by the public) pending on or after the date of the enactment of this Act, may award to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation expenses, where the court finds that the position of the United States was vexatious, frivolous, or in bad faith, unless the court finds that special circumstances make such an award unjust. Such awards shall be granted pursuant to the procedures and limitations (but not the burden of proof) provided for an award under section 2412 of title 28, United States Code. To determine whether or not to award fees and costs under this section, the court, for good cause shown, may receive evidence ex parte and in camera (which shall include the submission of classified evidence or evidence that reveals or might reveal the identity of an informant or undercover agent or matters occurring before a grand jury) and evidence or testimony so received shall be kept under seal. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

SEC. 618. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 619. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

SEC. 620. The second proviso of the second paragraph under the heading "OFFICE OF THE CHIEF SIGNAL OFFICER." in the Act entitled "An Act Making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one", approved May 26, 1900 (31 Stat. 206; chapter 586; 47 U.S.C. 17), is repealed.

SEC. 621. (a) None of the funds appropriated or otherwise made available in this Act shall be used to issue visas to any person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former President Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(4) was a member of the Haitian High Command during the period 1991 through 1994, and has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in—

(A) the September 1991 coup against any person who was a duly elected government official of Haiti (or a member of the family of such official), or

(B) the murders of thousands of Haitians during the period 1991 through 1994; or

(5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts any such person, the Secretary shall notify the appropriate congressional committees in writing.

(c) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (a).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than 3 months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary of State shall submit a report under this subsection not later than 6 months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 622. Section 3006 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251, 269) is hereby repealed. This section shall be deemed a section of the Balanced Budget Act of 1997 for the purposes of section 10213 of that Act (111 Stat. 712), and shall be scored pursuant to paragraph (2) of such section.

SEC. 623. REPORT ON UNIVERSAL SERVICE UNDER THE TELECOMMUNICATIONS ACT OF 1996.—(a) The Federal Communications Commission shall undertake a review of the implementation by the Commission of the provisions of the Telecommunications Act of 1996 (Public Law 104–104) relating to universal service. Such review shall be completed and submitted to the Congress no later than April 10, 1998.

(b) The report required under subsection (a) shall provide a detailed description of the extent to which the Commission interpretations reviewed under paragraphs (1) through (5) are consistent with the plain language of the Communications Act of 1934 (47 U.S.C. 151 et seq.), as amended by the Telecommunications Act of 1996, and shall include a review of—

(1) the definitions of ''information service,'' ''local exchange carrier,'' ''telecommunications,'' ''telecommunications service,'' ''telecommunications carrier,'' and ''telephone exchange service'' that were added to section 3 of the Communications Act of 1934 (47 U.S.C. 153) by the Telecommunications Act of 1996 and the impact of the Commission's interpretation of those definitions on the current and future provision of universal service to consumers in all areas of the nation, including high cost and rural areas;

(2) the application of those definitions to mixed or hybrid services and the impact of such application on universal service definitions and support, and the consistency of the Commission's application of those definitions, including with respect to Internet access under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h));

(3) who is required to contribute to universal service under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)) and related existing federal universal service support mechanisms, and of any exemption of providers or exclusion of any service that includes telecommunications from such requirement or support mechanisms;

(4) who is eligible under sections 254(e), 254(h)(1), and 254(h)(2) of the Communications Act of 1934 (47 U.S.C. 254(e), 254(h)(1), and 254(h)(2)) to receive specific federal universal service support for the provision of universal service, and the consistency with which the Commission has interpreted each of those provisions of section 254; and

(5) the Commission's decisions regarding the percentage of universal service support provided by federal mechanisms and the revenue base from which such support is derived.

SEC. 624. Section 6(d)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(d)(1)) is amended by striking the word ''fourteen'' and inserting in lieu thereof ''eight''.

SEC. 625. (a) Section 814(g)(1) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 2291 note) is amended by striking ''$325,000'' and inserting ''$370,000''.

(b) Section 814(i) of such section is amended by striking ''September 30, 1997'' and inserting ''September 30, 1999''.

SEC. 626. (a) IN GENERAL.—Notwithstanding any provision of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Administrator of General Services shall convey, to any person that acquires an interest in the Naval Petroleum Reserve Numbered 1 (Elk Hills) under subtitle B of title XXXIV of the National Defense Authorization Act for Fiscal Year 1996 (110 Stat. 631), not to exceed 318 motor vehicles that are leased for use at that reserve on November 6, 1997.

(b) PROCEDURES AND REQUIREMENTS.—Any conveyance of motor vehicles under this section shall be made—

(1) after payment to the United States of consideration equal to the fair market value of the motor vehicles; and

(2) under procedures, terms, and conditions that shall be established by negotiation between the Administrator of General Services and the person to whom the motor vehicles are conveyed.

(c) TREATMENT OF PROCEEDS.—Amounts received by the United States as consideration for motor vehicles conveyed under this section shall be retained in the General Supply Fund and available in the same manner as are increments for estimated replacement cost of motor vehicles under section 211(d)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 491(d)(2)).

SEC. 627. Section 19(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(a)) is amended to read as follows:

''(a) Subject to section 18, there are authorized to be appropriated, for fiscal year 1998, and for each fiscal year thereafter, an amount equal to the amount of funds derived from the assessments authorized by section 18(a).''.

SEC. 628. Notwithstanding the failure of Clarence P. Stewart of Broadway, North Carolina, to file a timely appeal of his wrongful dismissal, during a reduction in force, from the Department of Agriculture as a State Executive Director for the former Agricultural Stabilization and Conservation Service of the Department, the Secretary of Agriculture shall cause Clarence P. Stewart to be afforded relief that is fully commensurate with the relief afforded the similarly-dismissed appellants in the case before the Merit Systems Protection Board styled Blalock v. Department of Agriculture, 28 M.S.P.R. 17 (1985).

SEC. 629. Funds made available under Public Law 103–112 for the purposes of section 2007 of the Social Security Act shall be considered ''qualified nonprivate funds'' for the purposes of section 103(13)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 662(13)(B)); provided such funds were invested on or before July 1, 1995 in a licensee that was licensed prior to July 1, 1990 under section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681).

SEC. 630. Section 332 of the Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, H.R. 2107 (105th Congress, 1st Session), is amended as follows—

(1) after ''October 1, 1997'' strike '', or'' and insert in lieu thereof ''; those national forests''; and

(2) after ''court-ordered to revise'' strike '','' and insert in lieu thereof ''; and the White Mountain National Forest''.

SEC. 631. Section 512(b) of Public Law 105–61 is amended by adding before the period: ''unless the President announced his intent to nominate the individual prior to November 30, 1997''.

SEC. 632. (a) IN GENERAL.—The Secretary of Energy shall—

(1) convey, without consideration, to the Incorporated County of Los Alamos, New Mexico (in this section referred to as the ''County''), or to the designee of the County, fee title to the parcels of land that are allocated for conveyance to the County in the agreement under subsection (e); and

(2) transfer to the Secretary of the Interior, in trust for the Pueblo of San Ildefonso (in this section referred to as the ''Pueblo''), administrative jurisdiction over the parcels that are allocated for transfer to the Secretary of the Interior in such agreement.

(b) PRELIMINARY IDENTIFICATION OF PARCELS OF LAND FOR CONVEYANCE OR TRANSFER.—(1) Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report identifying the parcels of land under the jurisdiction or administrative control of the Secretary at or in the vicinity of Los Alamos National Laboratory that are suitable for conveyance or transfer under this section.

(2) A parcel is suitable for conveyance or transfer for purposes of paragraph (1) if the parcel—

(A) is not required to meet the national security mission of the Department of Energy or will not be required for that purpose before the end of the 10-year period beginning on the date of enactment of this Act;

(B) is likely to be conveyable or transferable, as the case may be, under this section not later than the end of such period; and

(C) is suitable for use for a purpose specified in subsection (h).

(c) REVIEW OF TITLE.—(1) Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of a title search on each parcel of land identified as suitable for conveyance or transfer under subsection (b), including an analysis of any claims against or other impairments to the fee title to each such parcel.

(2) In the period beginning on the date of the completion of the title search with respect to a parcel under paragraph (1) and ending on the date of the submittal of the report under that paragraph, the Secretary shall take appropriate actions to resolve the claims against or other impairments, if any, to fee title that are identified with respect to the parcel in the title search.

(d) ENVIRONMENTAL RESTORATION.—(1) Not later than 21 months after the date of enactment of this Act, the Secretary shall—

(A) identify the environmental restoration or remediation, if any, that is required with respect to each parcel of land identified under subsection (b) to which the United States has fee title;

(B) carry out any review of the environmental impact of the conveyance or transfer of each such parcel that is required under the provisions

of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) submit to Congress a report setting forth the results of the activities under subparagraphs (A) and (B).

(2) If the Secretary determines under paragraph (1) that a parcel described in paragraph (1)(A) requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the parcel not later than 10 years after the date of enactment of this Act.

(e) AGREEMENT FOR ALLOCATION OF PARCELS.—As soon as practicable after completing the review of titles to parcels of land under subsection (c), but not later than 90 days after the submittal of the report under subsection (d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo the parcels identified for conveyance or transfer under subsection (b).

(f) PLAN FOR CONVEYANCE AND TRANSFER.—(1) Not later than 90 days after the date of the submittal to the Secretary of Energy of the agreement under subsection (e), the Secretary shall submit to the congressional defense committees a plan for conveying or transferring parcels of land under this section in accordance with the allocation specified in the agreement.

(2) The plan under paragraph (1) shall provide for the completion of the conveyance or transfer of parcels under this section not later than 9 months after the date of the submittal of the plan under that paragraph.

(g) CONVEYANCE OR TRANSFER.—(1) Subject to paragraphs (2) and (3), the Secretary shall convey or transfer parcels of land in accordance with the allocation specified in the agreement submitted to the Secretary under subsection (e).

(2) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with the requirement in subsection (f)(2) by reason of its requirement to meet the national security mission of the Department, the Secretary shall convey or transfer the parcel, as the case may be, when the parcel is no longer required for that purpose.

(3)(A) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with such requirement by reason of requirements for environmental restoration or remediation, the Secretary shall convey or transfer the parcel, as the case may be, upon the completion of the environmental restoration or remediation that is required with respect to the parcel.

(B) If the Secretary determines that environmental restoration or remediation cannot reasonably be expected to be completed with respect to a parcel by the end of the 10-year period beginning on the date of enactment of this Act, the Secretary shall not convey or transfer the parcel under this section.

(h) USE OF CONVEYED OR TRANSFERRED LAND.—The parcels of land conveyed or transferred under this section shall be used for historic, cultural, or environmental preservation purposes, economic diversification purposes, or community self-sufficiency purposes.

(i) TREATMENT OF CONVEYANCES AND TRANSFERS.—(1) The purpose of the conveyances and transfers under this section is to fulfill the obligations of the United States with respect to Los Alamos National Laboratory, New Mexico, under sections 91 and 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391, 2394).

(2) Upon the completion of the conveyance or transfer of the parcels of land available for conveyance or transfer under this section, the Secretary shall make no further payments with respect to Los Alamos National Laboratory under section 91 or section 94 of the Atomic Energy Community Act of 1955.

(j) REPEAL OF SUPERSEDED PROVISION.—In the event of the enactment of the National Defense Authorization Act for Fiscal Year 1998 by reason of the approval of the President of the conference report to accompany the bill (H.R.1119) of the 105th Congress, section 3165 of such Act is repealed.

SEC. 633. Effective only for losses beginning March 1, 1997 through the date of enactment of this Act, the Secretary of Agriculture may use up to $6,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters pursuant to a Presidential or Secretarial declaration requested subsequent to enactment of Public Law 105–18 and prior to December 1, 1997, in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): Provided, That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 634. During fiscal year 1998, from funds available to the Department of Defense, up to $800,000 is available to the Department of Defense to compensate persons who have suffered documented commercial loss of cranberry crops in 1997 in the Mashpee or Falmouth bogs, located on the Quashnet and Coonamessett Rivers, respectively, as a result of the presence of ethylene dibromide (EDB) in or on cranberries from either of the plumes of EDB-contaminated groundwater known as "FS–28" and "FS–1" adjacent to the Massachusetts Military Reservation, Cape Cod, Massachusetts.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading on September 30, 1997, $100,000,000 are rescinded.

TITLE VIII—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", for emergency expenses to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act for the Bristol Bay and Kuskokwim areas of Alaska, $7,000,000 to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that the Secretary of Commerce transmits a determination that there is a commercial fishery failure.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998".

And the Senate agree to the same.

HAROLD ROGERS,
JIM KOLBE,
RALPH REGULA,
MIKE FORBES,
TOM LATHAM,
BOB LIVINGSTON
ALAN B. MOLLOHAN,
DAVID E. SKAGGS
(except for sections 209, 210, 502, and 505),
JULIAN C. DIXON
Managers on the Part of the House.

JUDD GREGG,
TED STEVENS,
PETE DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
BEN NIGHTHORSE CAMPBELL,
THAD COCHRAN,
FRITZ HOLLINGS,
DANIEL INOUYE,
DALE BUMPERS,
FRANK LAUTENBERG,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report. The legislative intent in the House and Senate versions in H.R. 2267 is set forth in the accompanying House report (H. Rept. 105–207) and the accompanying Senate report (S. Rept. 105–48).

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $76,199,000 for General Administration, as proposed in the House bill, instead of $79,373,000 as proposed in the Senate bill. Funding is provided in accordance with the House and Senate reports with the following exceptions for program increases. The conference agreement assumes $3,600,000 for continued support for counterterrorism security initiatives provided in fiscal year 1997, $426,000 for additional staffing for the Office of Professional Responsibility, and $1,100,000 for adjustments to base. The conferees also support the transfer of $5,000,000 from the INS Examinations Fee account to the General Administration account for Justice Management Division oversight of the naturalization program, as provided in the House report. In addition, the conferees support recommendations in the House and Senate reports regarding development of a drug strategy, restructuring of the INS and review of capital case prosecutions.

The conference agreement also includes a provision as proposed in the House bill, that

prohibits the Offices of Legislative and Public Affairs from being supplemented by reimbursable and non-reimbursable details.

Format for Budget Submissions and Reprogrammings.—The Senate report included a number of concerns with the presentation of budget submissions and the number of reprogramming requests for the Department of Justice. The conferees agree that instead of adopting the recommendations in the Senate report for changes to these submissions, the Department of Justice should consult with the Committees on Appropriations of both the House and Senate on options to consolidate budget submissions for Department of Justice programs funded through various funding sources and to streamline its reprogramming submissions.

COUNTERTERRORISM FUND

The conference agreement includes $52,700,000 for the Counterterrorism Fund, instead of $20,000,000 as proposed in the House bill and $29,450,000 as proposed in the Senate bill. The conferees understand that in addition to amounts provided in this bill, unobligated balances of $28,169,000 remain available from previous appropriations for authorized purposes of this Fund.

Within the amounts provided in the conference agreement, $32,700,000 is included for a new Department of Justice counterterrorism initiative to address the increasing threat of domestic and international terrorism. The conferees remain committed to ensuring that law enforcement and the intelligence community have a comprehensive strategy to combat domestic and international terrorism, and that anti-terrorism, counterterrorism, and security efforts are aggressively pursued and given the highest priority.

Last year, Congress directed the Attorney General to consult with other key departments and agencies and to submit a comprehensive counterterrorism strategy. That strategy was provided to the Congress in May, 1997. During subsequent oversight hearings conducted by both the House and Senate Appropriations Committees, it became apparent that vulnerabilities to our national security still exist, especially with respect to the emerging threats from chemical and biological agents and cyber-attacks on computer systems within the United States. The conferees agree that additional emphasis is needed to coordinate efforts among the many participating departments and agencies that have personnel, resources, and expertise to contribute to this critical mission and to move efforts forward in a multilateral and institutionalized manner.

Counterterrorism Technology Research and Development.—Of the amount provided, $1,000,000 is included for the Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, and drawing upon expertise of academia, the private sector and State and local law enforcement, to develop a five-year inter-departmental counterterrorism and technology crime plan that is representative of all participating agencies that: (1) identifies critical technologies for targeted research and development efforts; (2) outlines strategies for preventing, deterring and reducing vulnerabilities to terrorism and improving law enforcement agency capabilities to respond to terrorist acts while ensuring interagency cooperation; (3) outlines strategies for integrating crisis and consequence management; (4) outlines strategies to protect our National Information Infrastructure and explore critical technologies through research and development; and (5) outlines strategies to improve State and local capabilities for responding to terrorist acts involving bombs, improvised explosive devices, chemical and biological agents and cyber-attacks. The conferees expect that this plan will serve as a baseline strategy for coordination of national policy and operational capabilities to combat terrorism and will be updated annually to institutionalize this effort. A prospectus shall be submitted in an expanded outline format with estimated time lines and major milestones for completion of the unified counterterrorism and technology crime plan, to the Committee on Appropriations of both the House and Senate no later than February 1, 1998. The final plan shall be submitted to appropriate congressional committees no later than December 31, 1998.

In addition, $10,500,000 is provided for the Attorney General to conduct a directed priority research and development program in engineering, communications, forensic sciences and tactical disciplines, and including an emphasis on fieldable technology development and deployment, through appropriate Federal agencies, universities, national laboratories and the private sector. Within these amounts, the Attorney General is to provide $2,000,000 for the Security Technology Program of the Southwest Surety Institute, administered by New Mexico State University, the New Mexico Institute of Mining and Technology, and Arizona State University, to conduct research and training on law enforcement and security technologies for the protection of persons, facilities, and information and for limiting the threat of terrorist activities. In addition, the conferees note the importance and usefulness of the development of explosives detection technology in assisting law enforcement personnel in the detection of explosive materials before a bombing incident. Within the amount provided, the conferees expect the Federal Bureau of Investigation to pursue research and development of explosives detection technology.

Improving State and Local Response Capabilities.—The conference agreement includes $21,200,000 to ensure that State and local agencies have basic equipment and training for responding to chemical or biological incidents and incidents involving improvised explosive devices. Within this amount, $16,000,000 is provided for acquisition of personnel protective gear, and detection, decontamination, and communications equipment for State and local agencies and for response training. The conferees direct the Attorney General to provide $2,000,000 to support operations of the State and local training center for First Responders at Fort McClellan, Alabama, $2,000,000 for the operations of a similar training center in conjunction with the Energetic Materials Research and Testing Center at the New Mexico Institute of Mining and Technology, and also urge the use of existing national assets including the National Emergency Response and Rescue Training Center at the Texas Engineering Extension Service and the Nevada Test Site, to serve as national training centers to prepare relevant Federal, State and local officials, including law enforcement, firefighters, emergency medical personnel, and other key agencies such as public works and emergency management agencies, to prepare for and respond to chemical, biological, or other terrorist acts.

Within the overall amount provided, $5,200,000 is included for bomb technician training at the Hazardous Devices School at Redstone Arsenal, Alabama to improve capabilities of State and local agencies to respond to incidents involving improvised explosive devices.

The conferees direct the Attorney General to develop a plan for directing and coordinating training and exercise activities and expect this plan to be prepared with consultation of other appropriate agencies to ensure the curriculum and training provided are consistent with overall national counterterrorism preparedness programs and goals.

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes $129,258,000 for Administrative Review and Appeals instead of $125,700,000 as proposed in the House bill and $79,258,000 as proposed in the Senate bill, of which $59,251,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF). Of the total amount provided, $1,557,000 is included for the Office of the Pardon Attorney and $127,701,000 is included for the Executive Office for Immigration Review (EOIR). Within amounts provided for EOIR, $6,480,000 is included to support 18 additional immigration judges for border control, removal of criminal and noncriminal aliens, and interior deterrence initiatives, $3,525,000 is for ten additional immigration judges to address additional caseload related to deportation provisions in the Anti-Terrorism and Effective Death Penalty Act of 1996, and $140,000 is for electronic freedom of information requirements and systems modernization.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $33,211,000 for the Office of Inspector General, as proposed in Senate bill, instead of $35,211,000 as proposed in the House bill. In addition, the conference agreement includes a provision, as proposed in the House bill, that allows the Attorney General to transfer up to one-tenth of one percent of grant funds provided under the Violent Crime Reduction Trust Fund (VCRTF) to the Office of the Inspector General for audit and review of these grant programs.

The conference agreement also assumes that in addition to amounts provided from direct appropriations, $3,695,000 will be provided to the Office of Inspector General from the INS Examinations Fee account for the investigation and review of the INS Citizenship U.S.A. program.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $5,009,000 for the U.S. Parole Commission, as proposed in the Senate bill, instead of $4,799,000 as proposed in the House bill. Funding is provided in accordance with the Senate report.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $452,169,000 for General Legal Activities, instead of $453,269,000 as proposed in the House bill and $445,147,000 as proposed in the Senate bill, of which $7,969,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate bills.

Funding is provided in accordance with the House and Senate reports with the following exceptions for program increases. The amount provided in the conference agreement provides pay and inflation increases for

all divisions and the following program increases: (1) $1,077,000 for the Criminal Division to support the Southwest Border initiative, Federal capital case prosecutions, international extradition and overseas positions in Brasilia; (2) $462,000 for Tax Division prosecutions; (3) $5,483,000 for the Civil Division's defense of claims under the Financial Institution Reform, Recovery and Enforcement Act. In addition, the conferees expect that within the amounts provided for the Criminal Division, $300,000 will be used to enhance support for the Office of Special Investigations activities involving Nazi war criminals and that the Criminal Division will work with its counterparts in the Department of State to increase the effectiveness of bi-lateral prisoner transfer treaties, as stated in the House report.

The conference agreement allows $17,525,000 to remain available until expended for office automation systems as proposed in the House bill instead of $24,555,000 as proposed in the Senate bill. In addition, the conferees direct the Attorney General to use $7,100,000 of surplus balances in the Assets Forfeiture Fund to support implementation of the Justice Consolidated Office Network.

The conference agreement does not include a provision, as proposed in the Senate bill, that would limit the level of staffing and resources for the Offices of Legislative and Public Affairs.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $4,028,000 for fiscal year 1998 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed in both the House and Senate bills.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides $93,495,000 for the Antitrust Division, instead of $94,542,000 as proposed in the House bill and $92,447,000 as proposed in the Senate bill. The conference agreement assumes that of the amount provided, $70,000,000 will be derived from fees collected in fiscal year 1998 and $18,000,000 will be derived from estimated unobligated fee collections available from 1997, resulting in a net direct appropriation of $5,495,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $1,035,288,000 for the U.S. Attorneys, instead of $1,035,828,000 as proposed in the House bill and $1,032,532,000 as proposed in the Senate bill, of which $62,828,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill instead of $46,128,000 as proposed in the Senate bill.

Funding is provided in accordance with the House and Senate reports with the following exceptions for program increases. The amount provided in the conference agreement provides the following program increases: (1) $3,897,000 for the U.S. Attorneys support of the Southwest Border initiative; (2) $9,786,000 for increased drug prosecutions, including additional funding to support U.S. Attorney-led drug task force projects and support for High Intensity Drug Trafficking Area task forces; (3) $2,000,000 to support the continuation and expansion of Violent Crime Task Forces in New Hampshire and South Carolina into demonstration projects focused on specific law enforcement problems such as the impact of spillover violence coming from high crime urban areas into much smaller neighboring jurisdictions or the identification, investigation, and prosecution of violent, repeat offenders operating either alone, as part of a gang, or as part of a drug enterprise; (4) $6,237,000 for activation of the National Advocacy Center; (5) $632,000 for child support enforcement; and (6) $7,785,000 for critical staffing needs for D.C. Superior Court, including $3,349,000 for support staff and $4,416,000 for attorney and support staff for increased prosecutions, unsolved homicides, gang prosecutions and Operation Ceasefire. In addition, the conference agreement provides reimbursable funding for the U.S. Attorneys of $853,000 from Violence Against Women Act grants for domestic violence prosecutions in the District of Columbia and $6,596,000 from the Office of Victims of Crime to support 93 additional staff assigned to U.S. Attorneys Offices for victims assistance. In addition, within the amounts provided, the conferees agree that an additional $100,000 should be used to support the U.S. Attorneys Office in Guam for use in the Commonwealth of the Northern Mariana Islands.

The conferees agree that additional resources are needed to address the high volume of cases in the District of Columbia and have provided 33 attorneys to support this caseload. The conferees are also aware that the U.S. Attorneys Office is proposing to restructure its entire D.C. Superior Court section under a community prosecution model based on a pilot project in the Fifth District. While it is understood that the Fifth District pilot project has shown evidence of some success, the conferees believe that before an entire restructuring is implemented, a full evaluation of this approach, including an analysis of cost effectiveness of this model, should be completed. The conferees understand that the National Institute of Justice is currently documenting strategies that have emerged in the Fifth District pilot project and possible ways to measure the success of this project and is expected to complete this work by May 1998. In addition, the conferees expect an evaluation of the Fifth District pilot project to include an analysis of the "papering" process, which identifies how many arrested suspects were not charged due to: (1) violation of suspects' Constitutional rights; (2) unwillingness of victims to cooperate with law enforcement; (3) recantation by, or challenge of the veracity of, witnesses or victims; (4) lack of probable cause for arrests; (5) subsequent determination that alleged crimes were perpetrated by others or did not occur; (6) lack of evidence; and (7) offenses falling under the jurisdiction of the Office of the Corporation Counsel. For the remaining cases where papering did not occur, the D.C. U.S. Attorneys Office shall identify the reasons it failed to file charges and outline any steps necessary to correct deficiencies in its handling of the papering process. The conferees also expect the U.S. Attorneys and other Department of Justice components to redirect base resources previously provided for financial institution fraud, in accordance with the notification provided to the Committees on August 1, 1997, to increase its prosecutive and investigative efforts for fraud, white collar crime and defensive civil litigation.

The conference agreement also includes the following provisions: (1) allows $1,200,000 to remain available until expended for development of an information systems strategy for D.C. Superior Court, as proposed in the House bill; (2) allows $2,500,000 to remain available until expended for the National Advocacy Center, as proposed in the Senate bill; (3) allows $2,000,000 for Violent Crime Task Forces to remain available until expended, similar to a proposal in the Senate bill; (4) allows $6,000,000 to remain available until expended for office moves, as proposed in the House bill; and (5) provides the total number of positions and full-time equivalent employment expected to be supported by the level of resources provided, as proposed in both the House and Senate bills.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides $114,248,000 in budget (obligation) authority for the U.S. Trustees, to be entirely funded from offsetting fee collections, instead of $107,950,000 as proposed in the House bill and $116,721,000 as proposed in the Senate bill. The amount provided in the conference agreement includes increases for the following activities: (1) $4,952,000 to address increases in bankruptcy filings; (2) $2,000,000 to expand the automated fee application review project; (3) $608,000 to improve security; (4) $200,000 for electronic interface development with private trustees; (5) $104,000 for improved criminal database access; and (6) $257,000 for electronic freedom of information requirements.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides $1,226,000 for the Foreign Claims Settlement Commission as proposed in both the House and Senate bills, and assumes funding is provided in accordance with the House and Senate reports.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes $493,386,000 for the U.S. Marshals Service instead of $488,497,000 as provided in the House bill and $497,339,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $25,553,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate bills.

The amount included in the conference agreement is provided in accordance with the House and Senate reports and includes program increases as follows: (1) $8,695,000 for staffing and equipment for new and expanded courthouses; (2) $658,000 for witness security; and (3) $5,145,000 for fugitive apprehensions. In addition, the conferees direct the Attorney General to provide a total of $2,134,000 from remaining 1997 balances in the Working Capital Fund and remaining surplus balances in the Assets Forfeiture Fund, for replacement of radios. The conferees also adopt the recommendations in the Senate report regarding funding for the Justice Prisoner and Alien Transportation System review and video conferencing.

The conference agreement does not include a provision, as proposed in the Senate bill, that limits the level of staffing and resources in the Offices of Legislative and Public Affairs.

The conferees are aware that the Department of Justice's asset forfeiture inventory which is managed by the U.S. Marshals Service, currently includes a forfeited DC-3 aircraft which the Department of State International Narcotics and Law Enforcement Affairs Section has requested be transferred for international counter-narcotic purposes. The conferees expect the Department of Justice to give this transfer request priority consideration and to notify the Committees on Appropriations of the House and Senate of its intentions before any further action is taken by the U.S. Marshals Service with regard to disposal of this aircraft.

The conferees are also concerned about the U.S. Marshals Service oversight of Court Security Officers in the Fourth Circuit. The

conferees direct the Department of Labor to make a complete review of wage determinations for Court Security Officers in the Fourth Circuit, giving specific consideration to comparable wages and benefits paid to Federal employees and Federal contract employees in the area. In addition, the conferees direct the U.S. Marshals Service, before the exercise of any options, to recompete the Court Security contract for the Fourth Circuit giving significant consideration to wages paid to employees and their potential impact on labor dissension.

FEDERAL PRISONER DETENTION

The conference agreement provides $405,262,000 for Federal Prisoner Detention, as proposed in both the House and Senate bills and assumes funding is provided in accordance with the House and Senate reports.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $75,000,000 for Fees and Expenses of Witnesses as proposed in both the House and Senate bills and assumes funding is provided in accordance with the House and Senate reports.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement provides $5,319,000 for the Community Relations Service, as proposed in both the House and Senate bills and in accordance with both the House and Senate reports. In addition, the conference agreement includes a provision, as proposed in the House bill, which allows the Attorney General to transfer up to $2,000,000 of funds available to the Department of Justice to this program. The conferees direct the Attorney General to report to the Committees on Appropriations of the House and Senate if this transfer authority is exercised.

ASSETS FORFEITURE FUND

The conference agreement provides $23,000,000 for the Assets Forfeiture Fund as proposed in both the House and Senate bills, and assumes funding is provided in accordance with both the House and Senate reports.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

The conference agreement includes $2,000,000 for administrative expenses in accordance with the Radiation Exposure Compensation Act, as proposed by both the House and Senate bills. The conference agreement does not include an advance appropriation of $2,000,000 for fiscal year 1999 for this account, as proposed in the House bill.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

The conference agreement includes $4,381,000 for fiscal year 1998 for payments to the Radiation Exposure Compensation Trust Fund, as proposed by both the House and Senate bills and assumes that funding is provided in accordance with the House and Senate reports. The conference agreement does not include an advance appropriation of $29,000,000 for fiscal year 1999 for this program, as proposed in the House bill.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes $294,967,000 for Interagency Crime and Drug Enforcement as proposed by both the House and Senate bills and assumes funding is provided in accordance with the House and Senate reports with the following exception. The conference agreement includes language which allows $50,000,000 of the funds to be available until expended as proposed in the House bill instead of allowing all funding to be available until expended as proposed in the Senate bill.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes $2,930,042,000 for the Federal Bureau of Investigation (FBI), instead of $2,886,065,000 as proposed in the House bill and $3,016,389,000 as proposed in the Senate bill, of which $179,121,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate bills. In addition, the conference agreement provides that not less than $221,050,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security, instead of $147,081,000 as proposed by the House and $257,601,000 as proposed by the Senate bill. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

Counterterrorism Initiative.—The conference agreement includes a significant increase for the FBI to enhance its counterterrorism readiness capabilities for responding to and managing incidents involving improvised explosive devices, chemical and biological agents, and cyber-attacks. The conference agreement does not include a classified annex for counterterrorism, as proposed in the Senate bill, and instead provides additional funding for counterterrorism activities under this account and the Counterterrorism Fund. The conference agreement provides a $143,451,000 increase for counterterrorism activities of the FBI including: (1) $77,586,000 to annualize 1,019 positions included in fiscal year 1997 and to provide 245 new positions (including 133 agents) for counterterrorism activities; (2) $11,845,000 and 56 positions (including 34 agents) to establish Computer Investigative and Infrastructure Threat Assessment (CITAC) Teams and for technical equipment and contractor support for the CITAC Center; (3) $900,000 for training and equipment for Computer Analysis Response Teams; (4) $3,500,000 to equip the Hostage Rescue Team and field office teams with equipment and training for responding to a crisis situation involving weapons of mass destruction; (5) $2,500,000 for operational expenses of the National Security Division's Weapons of Mass Destruction program; (6) $2,000,000 for safety equipment and training of Evidence Response Teams and to outfit the Hazardous Materials Response Unit with equipment, scientific instruments and related forensic materials; (7) $1,600,000 for bomb technician equipment in field offices; and (8) $43,520,000 to upgrade the capabilities of the FBI for timely deployment of personnel and equipment to terrorist and hostage incidents through replacement of aircraft. Within this funding, $10,000,000 is provided to replace an existing specialized surveillance aircraft used to support counterterrorism, national security, and criminal investigations, $23,200,000 is provided to replace outdated 1960's vintage helicopters used for tactical support, $5,000,000 is provided to improve aviation surveillance capabilities for the New York City field office, $2,000,000 is provided for necessary equipment and related items required for rapid deployment of the Hostage Rescue Team (HRT) and Special Weapons and Tactics (SWAT) personnel, $1,500,000 is provided for helicopter pilot training, $320,000 is provided for advance aircraft leasing, and $1,500,000 is provided for increasing costs associated with the availability of aircraft and training mission support provided by the Department of Defense.

In addition, the conferees agree that the FBI may, within available 1998 funding, implement the additional authorizations agreed to by the House and Senate Committees on Intelligence with respect to 1998 National Foreign Intelligence Program activities.

Child Sexual Exploitation on the Internet.—The conference agreement adopts the recommendation in the Senate report, to expand the FBI's efforts to combat child pornography and sexual exploitation on the Internet and via on-line service providers. The conference agreement includes $10,000,000 and 60 new positions (including 25 agents) in accordance with the Senate report for this initiative.

Southwest Border Initiative and Drug Investigations in Mexico.—The conference agreement provides $16,717,000 and 138 positions (including 70 agents) to support the Southwest Border initiative and $2,546,000 and 6 agents for FBI participation on DEA Task Forces in Mexico.

International Program.—The conference agreement provides $7,294,000 to expand FBI's Legal Attaché program. The conferees are aware of the FBI's selection process for locations to station its Legal Attachés abroad and that the FBI has recently initiated a planning process to address its international operations that will, among other things, assess the requirements for and the placement of all Legal Attaché offices. It is conceivable that some existing and proposed locations may be supplanted during the process by emerging locations with higher indicated priorities. The conferees commend the FBI for initiating this process and agree that prior to further expansion of international operations, the FBI should complete this comprehensive planning process which goes well beyond what it has previously attempted. This planning process should lead to a threat-based, outcome-oriented operations and activity plan that will allow the FBI to demonstrate it is allocating its personnel in a manner that optimizes both effectiveness and impact. The conferees direct that such a plan, in each instance: (a) identify specific criminal activity in the United States which has a visible nexus to the foreign country, (b) analyze the extent and significance or impact of this criminal activity in the United States, and (c) specify exactly how placing FBI personnel in the foreign country will have a significant impact on defeating or reducing the criminal activity. Thereafter, the plan should articulate and specify a decision making process that insures resources are committed to only the highest threat areas where there is a reasonable expectation of successful outcomes. Factors such as the status of relations with a particular nation must be considered. Finally, a regular procedure must be identified and implemented to measure the effectiveness and need for each office, with a view toward reallocating resources when warranted.

Within the amount provided the conferees have included $1,912,218 for the specific purpose of enhancing existing Legal Attaché Offices in the high international crime threat nexus countries of Mexico and Russia and $1,203,450 for establishing an FBI presence in Nigeria. The remaining $4,178,332 provided in the conference report shall be available for the opening of new offices or expansion of existing offices, subject to the reprogramming requirements in section 605 of this Act and only when the FBI has completed the following activities to determine the most effective use of these resources: (1) completion

of a planning process which addresses at a minimum the elements discussed above; (2) application of this process to a rigorous in-depth examination of the FBI's international operations including existing as well as anticipated Legal Attaché Offices and extraterritorial squad activities; and (3) development of a current, outcome-oriented operations and activity plan that identifies FBI overseas requirements based on demonstrated threat.

Organized Crime/La Cosa Nostra.—The conference agreement provides $5,000,000 and 47 positions (28 agents), as proposed in both the House and Senate bills, to enhance investigative resources addressing the La Cosa Nostra.

Infrastructure Requirements.—The conference agreement includes an increase of $21,394,000 for the following activities: (1) $8,000,000 to conduct security reinvestigations of FBI employees; (2) $2,000,000 to upgrade and strengthen the capabilities of the National Backstopping Centers; and (3) $11,394,000 for processing of Freedom of Information and Privacy Act (FOIA) requests. In addition, the conferees direct the Attorney General to provide from surplus balances in the Assets Forfeiture Fund, $9,059,000 for the FBI's acquisition of a FOIA document processing system and $6,000,000 to begin replacement of microwave radio communications equipment.

In addition to the items stated above, the conferees adopt the recommendations included in the House and Senate reports regarding IAFIS and NCIC 2000, hiring status reports, $2,000,000 for the Cargo Theft Task Force, consideration of the development of MDTV at the FBI fingerprint center, veterans investigations and training curricula of FBI and DEA at the training facility in Quantico, Virginia, and do not support consideration of the establishment of an additional training facility. The conferees are also aware that high-tech crime and the incidence of crime within the high-tech industry have become an increasing problem for United States technology companies and request that the FBI provide a report to the Committees on Appropriations of both the House and Senate by March 1, 1998, that outlines FBI's strategic plan to address this problem, including the current and projected number of staff and the geographic distribution of resources dedicated to this issue.

In addition to identical provisions that were included in both the House and Senate bills, the conference agreement includes the following provisions: (1) allows $98,400,000 to remain available until expended, as proposed in the House bill, of which the conferees expect that $84,400,000 will be used for expenses related to automation of fingerprint identification services; (2) allows up to $45,000 to be used for official reception and representation expenses as proposed in the House bill, instead of $60,000 as proposed in the Senate bill; and (3) prohibits funds from being used to provide for ballistics equipment to State and local entities that have received similar equipment from other Federal agencies, as proposed in the House bill. The conference agreement does not include a provision, included in the Senate bill, that would have limited the level of staffing and resources in the Offices of Legislative and Public Affairs.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

The conference agreement does not include additional funding for the Telecommunications Carrier Compliance Fund, for making payments to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services to implement technology changes under the Communications Assistance for Law Enforcement Act (CALEA), as proposed in the Senate bill. The House bill included $50,000,000 for this Fund for national security purposes. The conferees understand there is currently $101,000,000 available in the Fund which is sufficient to support reimbursement to the telecommunications industry during fiscal year 1998.

The conferees note with concern, the continued delays in implementation of the Communications Assistance for Law Enforcement Act (CALEA). CALEA was enacted over three years ago and there has been little, if any, progress in developing much needed upgrades for telecommunications systems to support law enforcement wiretapping requirements. Based on recent discussions between the Committees on Appropriations, the Department of Justice and representatives from the telecommunications industry, an agreement was reached in an attempt to move this process forward, which included a commitment by both the industry and law enforcement that by January 4, 1998, the Department of Justice will provide to the Committees on Appropriations: (1) cost estimates for the development and deployment of the solution; (2) a timeline for development and deployment of the solution; and (3) two signed cooperative agreements with appropriate telecommunications carriers and/or equipment manufacturers. The conferees agree that completion of these steps will indicate whether or not industry and law enforcement officials are committed to the implementation of CALEA and whether additional funding, within the amounts authorized for reimbursement to the telecommunications industry, will be provided in the future.

CONSTRUCTION

The conference agreement includes $44,506,000 in direct appropriations for construction for the Federal Bureau of Investigation (FBI), instead of $38,506,000 as proposed in the House bill and $59,006,000 as proposed in the Senate bill. Within the amount provided, the conference agreement assumes funding for completion of the FBI laboratory, $4,660,000 for renovation and realignment of the Los Angeles Field Office, $2,000,000 to lease a new aviation hangar facility, and $4,000,000 to address the backlog of repair and maintenance of FBI-owned facilities in accordance with the Senate report.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $1,127,378,000 for the salaries and expenses of the Drug Enforcement Administration (DEA), instead of $1,124,500,000 as proposed in the House bill and $1,080,382,000 as proposed in the Senate bill, of which $403,537,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $310,037,000 as proposed in the House bill and $441,117,000 as proposed in the Senate bill. In addition to amounts appropriated, the conference agreement assumes that $58,268,000 will be available from the Diversion Control Fund for diversion control activities and assumes funding is provided in accordance with the House and Senate reports. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

The conference agreement adopts the recommendation in the House report to significantly expand DEA's efforts to address drug trafficking throughout the Caribbean. The conference agreement includes $34,217,000 and 60 new agents in accordance with the House report for this initiative. In addition, the conference agreement includes the following program increases: (1) $29,741,000 to support counter-drug efforts along the Southwest border, in accordance with the House and Senate reports; (2) $11,046,000 and 54 agents targeted at methamphetamine production and trafficking, in accordance with the House report; (3) $10,000,000 and 120 positions for efforts to reduce heroin trafficking, in accordance with the Senate report; and (4) $39,534,000 to address crucial investigative and intelligence infrastructure requirements, including $19,425,000 for DEA's FIREBIRD data processing system and MERLIN intelligence system, $4,670,000 for ADP maintenance and equipment, $5,638,000 for 85 additional intelligence analysts, $1,000,000 for DEA support for new High Intensity Drug Trafficking Areas, $7,801,000 for relocation of agents, and $1,000,000 for aircraft replacement. In addition, the conference agreement does not include a provision, included in the Senate bill, that limits the level of staffing and resources in the Offices of Legislative and Public Affairs.

The conferees also adopt recommendations in the Senate report regarding the drug diversion control fee account and the DEA training facility in Quantico, Virginia. In addition, the conferees request that DEA provide to the Committees on Appropriations, any information that it has available regarding the impact in the Caribbean on increases in drug trafficking resulting from a recent decision of the World Trade Organization to discontinue the special relationship of Caribbean countries to the European Union.

CONSTRUCTION

The conference agreement includes $8,000,000 in direct appropriations for construction for the Drug Enforcement Administration (DEA), instead of $5,500,000 as proposed in the House bill and $10,500,000 as proposed in the Senate bill. Within the amount provided, the conference agreement assumes $5,500,000 will be used for reconstruction of five of DEA's regional laboratory facilities and $2,500,000 will be used to address the backlog of repair and maintenance of DEA-owned facilities, in accordance with the Senate report.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes $2,266,092,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), instead of $2,297,398,000 as proposed in the House bill and $2,150,097,000 as proposed in the Senate bill, of which $608,206,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $690,957,000 as proposed in the House bill and $719,898,000 as proposed in the Senate bill. In addition to amounts appropriated, the conference agreement assumes that $1,461,183,000 will be available from offsetting fee collections, instead of $1,215,191,000 as proposed by the House and $1,198,659,000 as proposed by the Senate bill. Thus, including resources provided under construction, the conference agreement provides a total operating level of $3,803,234,000 for INS, instead of $3,583,548,000 as proposed by the House, $3,422,315,000 as proposed by the Senate bill, and $3,652,175,000 as requested by the Administration. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

Border Control.—The conference agreement includes: (1) $125,322,000 for 1,000 new border patrol agents and 136 support personnel, instead of 500 new agents as requested by the Administration; (2) $42,500,000 for border patrol equipment and technology including forward-looking infrared scopes, airborne electro-optical surveillance systems, night vision scopes, radios, sensors, low light television systems, and of which $16,200,000 is provided for continued development and deployment of the ENFORCE and IDENT systems; and (3) $11,500,000 for land border automation systems. The conferees are aware that new border technologies exist which are alleged to be useful in improving the overall effectiveness of border control efforts and encourage the INS to examine the feasibility and cost effectiveness of using various types of aircraft, airborne surveillance platforms (both manned and unmanned), electro-optical and infrared sensor systems and geographic positioning and mobile command and control systems, for border patrol operations.

The conference agreement adopts recommendations included in the House and Senate reports for continued reports on Border Patrol hiring, training and enforcement strategy, and a pilot project for reimbursement for emergency ambulance services in Nogales, Arizona.

Interior Enforcement/Removal of Deportable Aliens.—The conference agreement includes the following increases to enhance INS' ability to deport illegal aliens: (1) $48,321,000 to provide 1,864 additional detention bedspaces at INS facilities in Buffalo, New York and Krome, Florida, a contract facility in San Diego, California and additional contracts with State and local agencies; (2) $12,073,000 to locate and remove deportable aliens; (3) $6,751,000 to expand the local jail program; and (4) $5,000,000 to expand the Law Enforcement Support Center (LESC). Because direct appropriations have been provided for the LESC, the conference agreement assumes that $3,800,000 of enforcement fines resources previously used to support the LESC will be used to support base border patrol technology requirements. However, within overall amounts available to INS, the conferees expect INS to expand LESC services to Utah.

The conference agreement also assumes that $104,471,000 of additional funding from the Breached Bond/Detention Account will support 1,136 additional detention bedspaces in fiscal year 1998, bringing the total funded level of detention bedspaces to 15,050, an increase of 3,000 detention beds over fiscal year 1997.

The conference agreement also adopts the recommendation in the House report regarding the need for a revised interior enforcement strategy which the INS is expected to submit to the Committees on Appropriations of both the House and Senate by April 1, 1998. In addition, the conferees agree with language included in the House and Senate reports regarding continued support for the local jail programs in Anaheim City and Ventura County, California, and the California Criminal Alien Identification and Intervention Program, escort of deported criminal aliens on commercial passenger aircraft, and implementation of a cross-deputization pilot project with a qualified State and local law enforcement agency. The conferees also expect INS to use funding provided for verification systems in accordance with the House report and also support the use of $3,948,000 of this funding to provide 69 positions for status verification.

In addition, the conferees agree to a modified plan, proposed by the State Department, for orphan adoptions in the Russian Far East. Consular officers in Vladivostok will forward approved immigrant visa applications to Moscow by courier for final processing. Final processing and return of immigrant visas to Vladivostok will occur within the 10-day waiting period after final adoption hearings. The conferees commend INS for its cooperation in developing this plan.

Deployment of Resources.—The conferees expect the INS to continue its consultation with the Committees on Appropriations of both the House and Senate before deployment of new border patrol agents and additional staffing included in this conference agreement.

Naturalization.—The conference agreement provides over $163,000,000 to address naturalization caseload and to improve the integrity of the naturalization process. Within the amounts provided from direct appropriations, the following increases are included: (1) $16,830,000 for purchase and installation of fingerprint scanners; and (2) $3,391,000 for revocation of citizenship for criminals improperly naturalized. The conferees agree with the recommendation in the House report that requires INS to report on a quarterly basis on the status of the revocation proceedings and any actions that follow for deportation.

In addition, the conference agreement includes two provisions to address the INS fingerprinting process for applicant benefits. A provision is included, as proposed in the House bill, which requires INS to wait for the FBI to complete both a name and fingerprint criminal history check before completing the adjudication of an application for citizenship. The conference agreement also includes language, similar to language included in both the House and Senate bills, that prohibits INS from accepting fingerprint cards for applicant benefits from any individual or entity other than a State and local law enforcement agency or the Departments of State and Defense which are authorized to perform fingerprinting services for applicants applying for immigration benefits who are residing abroad. The conferees understand that INS is fully prepared to accept this fingerprinting responsibility and has entered into a contract to provide personnel to conduct fingerprinting services at INS locations. It is further understood that the contractor performing these services for the INS will lease space, hire contract personnel, and operate the INS fingerprint facilities but that INS personnel will be stationed at all times at each such facility to ensure quality control and to supervise the operation of the facility. In addition, the contractor will file with INS on a monthly basis a certification that all its employees performing any services related to or connected in any way with the preparation of FD-258 fingerprint cards have undergone government background checks and received FBI approved training.

The conferees also expect that State and local law enforcement agencies will be registered with the INS prior to providing fingerprint services to benefit applicants. To be considered registered with the INS, a law enforcement agency must (1) notify the INS of its intention to take fingerprints and (2) provide INS with a list of all employees that the law enforcement agency will use to take fingerprints.

The conference agreement also provides language that allows INS, the Departments of State and Defense and State and local law enforcement agencies to collect and retain a fee for fingerprinting services. Any fee established for this service by a Federal agency shall be established by regulation in order to reimburse agencies for expenses in providing fingerprint services, including administrative and support costs, and the collection, safeguarding and accounting for such fees. An interim regulation may be employed in the early stages of the program, to implement all aspects of the program, including setting of a fingerprint fee, while the normal studies to justify a fee regulation are being conducted.

INS Organization and Management.—The conference agreement provides $3,086,000 for processing of Freedom of Information and Privacy Act (FOIA) requests in accordance with electronic FOIA requirements. In addition, the conferees adopt recommendations included in the House report with regard to review of recommendations of the Commission on Immigration Reform on restructuring, reorganizing and managing the immigration responsibilities of the INS. The conference agreement also includes a provision, as proposed in the House bill, which authorizes and directs the Attorney General to impose disciplinary actions, including termination of employment, under the same policies and procedures applicable to employees of the FBI, for any INS employee who violates Department policies and procedures relative to granting citizenship or who willfully deceives the Congress or Department Leadership on any matter. Also included is a provision, similar to provisions proposed in both the House and Senate bills, that reduces by 10 percent, the level of staffing for the Offices of Legislative and Public Affairs. The conferees do not intend for this staffing reduction to be applied to the staffing dedicated to casework or to the legislative branch office that directly serves Congress. The conference agreement also adopts a provision, similar to one proposed in the House bill, that limits to four positions the number of INS non-career positions, but allows until July 1, 1998 before this provision goes into effect.

OFFSETTING FEE COLLECTIONS

The conference agreement assumes that $1,461,183,000 will be available from offsetting fee collections for INS, instead of $1,215,191,000 as proposed by the House and $1,198,659,000 as proposed by the Senate bill, to support activities related to the legal admission of persons into the United States. These activities are supported entirely by fees paid by persons who are either traveling internationally or are applying for immigration benefits. The following increases are recommended:

Immigration Examinations Fees.—The conference agreement assumes $785,342,000 of spending from the Immigration Examinations Fee account, instead of $667,477,000 as proposed by the House bill and $646,916,000 as proposed by the Senate bill. The level provided in the conference agreement takes into consideration a reprogramming request submitted to the Committees on July 30, 1997 which included a request for $150,229,000 in additional spending from the Exams Fee account to address fingerprinting requirements and naturalization caseload.

The level of spending assumed in the conference agreement is based on estimated revenues in this account totaling $854,100,000 which includes carryover from fiscal year 1997, revenue projected for fiscal year 1998 and assumes the availability of fees from applications under section 245(i) of the Immigration and Nationality Act. The conference agreement does not include recommendations in both the House and Senate reports

that would have transferred base funding from various programs funded under the Salaries and Expenses account to the Immigration Examinations Fee account. However, in order to provide the needed resources to address naturalization workload and restore integrity to the citizenship process, the conferees direct INS to examine and reallocate at least five percent of its base requirements in this account. The conference level for this account assumes this base realignment. The following program increases are assumed in the conference agreement: (1) $5,273,000 for naturalization ceremonies; (2) $67,000,000 for fingerprinting requirements, including personnel, space, and supplies; (3) $38,287,000 to convert 400 temporary positions to term appointments to process naturalization and adjustment of status applications; (4) $11,096,000 to improve records infrastructure; (5) $10,913,000 for quality assurance staff to oversee processing of naturalization applications and to provide for continued audit of procedures; (6) $33,169,000 to provide for uniform paper processing through implementation of the DIRECT MAIL system; (7) $14,081,000 for overtime, district office and service center contract support, to address naturalization backlogs and processing times; (8) $4,800,000 to support records contracts in district offices; (9) $5,210,000 to modify the CLAIMS system to support naturalization case processing; (10) $1,250,000 to enhance INS's Central Index System; (11) $3,125,000 to purchase and install additional card production machines for the Border Crossing Card Replacement program, including one machine which is to be located in southeastern Kentucky; and (12) $1,900,000 for expansion of the Texas Service Center to accommodate the transfer of files and Direct Mail processing of naturalization applications.

In addition, the conferees are aware that local INS offices continue to have significant backlogs in the processing of applications for benefits despite significant increases in staffing. The conferees request that INS conduct an analysis of its current allocation of resources among district offices to determine whether it is using an appropriate staffing model to address its application workload requirements and provide a report of its findings to the Committees on Appropriations of both the House and Senate no later than March 1, 1998.

Inspections User Fees.—The conference agreement assumes $426,622,000 of spending from the Inspections User Fee account instead of $419,296,000 as proposed in the House bill and $398,896,000 as proposed in the Senate bill. The conference agreement does not assume transfers of base funding from various programs funded under the Salaries and Expenses account to the Inspections User Fee account, as proposed in the Senate bill. In addition, the conferees understand that $10,000,000 of base funding for detention is no longer required in this account due to reduced detention costs resulting from expedited exclusion authority and is therefore available for other initiatives in this account. The conference agreement assumes this realignment of resources and includes the following increases: (1) $10,395,000 for pay and inflation base adjustments; (2) $10,500,000 to support the 1998 costs of reprogramming actions in fiscal year 1997; (3) $17,699,000 and 277 positions to improve facilitation at air and sea ports of entry, including full-time manning by inspectors of the three in-transit lounges at Miami International Airport; (4) $1,715,000 to staff three new air ports of entry, in accordance with the House and Senate reports; (5) $12,930,000 to expand departure management automation initiatives, in accordance with the House report; (6) $2,100,000 for expansion of the INS passenger accelerated service system to 10 new ports of entry; (7) $2,600,000 for deployment of the ENFORCE and IDENT systems at air ports of entry; and (8) $1,324,000 for automation initiatives at ports of entry.

Land Border Inspection Fee Account.—The conference agreement includes $8,888,000 in spending from the Land Border Inspection Fund, as proposed in both the House and Senate bills, and assumes funding will support the following program increases: (1) $3,000,000 for a secure electronic network for travelers rapid inspection (SENTRI) dedicated commuter lanes, including equipment and facilities modifications in Laredo and Hidalgo, Texas and Nogales, Arizona; and (2) $700,000 for automated permit ports, including equipment and facilities modifications in Bridgewater and Limestone, Maine; Morses Line and Highgate Springs, Vermont; Mooers, New York, including an enrollment center; Sweetgrass, Montana; Nighthawk, Washington; and Skagway, Alaska.

Breached Bond/Detention Account.—The conference agreement includes $235,272,000 in spending from Breached Bond/Detention Fund, instead of $104,471,000 as proposed in the House bill and $138,900,000 as proposed in the Senate bill. The level of spending assumed in the conference agreement is based on estimated revenues in this account totaling $277,701,000, which includes carryover funds from fiscal year 1997, revenue projected for FY 1998 and assumes the availability of funds from penalty fees from applications under section 245(i) of the Immigration and Nationality Act. The conference agreement assumes $130,801,000 of expenses for alien detention costs provided under the salaries and expenses account will be supported by unobligated balances available in this account. Additional funding of $104,471,000 included in the conference agreement is available to support 1,136 additional detention bedspaces. The conferees also adopt the recommendation included in the Senate report with regard to collection of data and reporting on the 245(i) program.

CONSTRUCTION

The conference agreement includes $75,959,000 for construction for INS, instead of $70,959,000 as proposed in the House bill and $73,559,000 as proposed in the Senate bill. The conference agreement assumes funding is provided in accordance with both the House and Senate reports.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes $2,847,777,000 for the salaries and expenses of the Federal Prison System instead of $2,853,777,000 as proposed in the House bill and $2,939,035,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $26,135,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF), as proposed in the House bill, instead of $6,135,000 as proposed in the Senate bill. The conference agreement also assumes that in addition to amounts appropriated, $90,000,000 will be available from unobligated balances from the prior year, as proposed in the House bill.

Funding is provided in accordance with the House and Senate reports with the following exceptions related to program increases. The conference agreement includes: (1) $52,607,000 for adjustments to base and for activation of the following facilities: Beaumont, Texas minimum and high security facilities, Brooklyn, New York detention center, Forrest City, Arkansas low security facility, Yazoo City, Mississippi low security facility, Edgefield, South Carolina Federal Correctional Institution, Carswell, Texas low security facility, Morgantown, West Virginia expansion, Seattle, Washington detention facility, and Elkton, Ohio low and minimum security facilities; (2) $1,447,000 to expand BOP's intelligence gathering capabilities; and (3) $1,452,000 for requirements associated with the Electronic Freedom of Information Act.

BUILDINGS AND FACILITIES

The conference agreement includes $255,133,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners as proposed by the House, instead of $267,833,000 as proposed in the Senate bill. The conference agreement assumes funding is provided in accordance with the House report and expects that within the amount appropriated, an immediate advance reimbursement of not to exceed $2,300,000 shall be available for the renovation and construction of U.S. Marshals Service prisoner-holding facilities. In addition, the conferees urge the Bureau of Prisons to consider expansion in future budget requests of the existing Forrest City, Arkansas correctional complex and expect that no additional real estate will be acquired to support this expansion. The conferees further urge BOP to consider the expansion in future budget requests of other existing correctional complexes in the Mississippi Delta and the completion of a high security prison in the Northeast region.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of $3,266,000 for the Federal Prison Industries, instead of $3,490,000 as proposed in the House bill and $3,042,000 as proposed in the Senate bill, and assumes funding is provided in accordance with the House and Senate reports.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes $173,600,000 for Justice Assistance, instead of $162,500,000 as proposed in the House bill and $183,165,000 as proposed in the Senate bill. The conference agreement provides the following:

National Institute of Justice	$42,577,000
Defense/Law Enforcement Technology Transfer	(10,277,000)
Counterterrorism Technologies	12,000,000
National Sex Offender Registry	25,000,000
Grants to Firefighters and Emergency Service Personnel	5,000,000
State and Local Antiterrorism Training	2,000,000
Bureau of Justice Statistics	21,529,000
Missing Children	12,256,000
Regional Information Sharing System	20,000,000
National White Collar Crime Center	5,350,000
Management and Administration	27,888,000
Total	173,600,000

This statement of managers reflects the agreement of the conferees on how funds provided for all programs under the Office of

Justice Programs (OJP) in this conference report are to be spent.

National Institute of Justice (NIJ).—The conference agreement provides $42,577,000 for the National Institute of Justice, as proposed in the House bill, instead of $50,099,000 as proposed in the Senate bill. The amount provided includes an additional $4,400,000, as proposed by both the House and the Senate for arrestee drug abuse monitoring, as well as a transfer of $4,700,000 from the General Administration account for the Federal Drug Testing Program. Expansion funds for the Federal Drug Testing Program have not been provided, and OJP is expected to submit a report by June 1, 1998 which evaluates the current pilot drug testing program in terms of accomplishments and details plans for expansion of this program. In addition, $7,000,000 for NIJ research and evaluation on the causes and impact of domestic violence is provided under the Violence Against Women Act grants program. The conference agreement adopts the recommendation in the House and Senate reports that provides that within the overall amount provided to NIJ, the Office of Justice Programs is expected to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: $500,000 for a study of the health care status of prison inmates; $4,500,000 for Facial Recognition Technology; and technologies stated in the House report. In addition to the above amount, $20,000,000 will be provided to NIJ in fiscal year 1998 from the Local Law Enforcement Block Grant for assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement. Within the amount provided, the conferees expect NIJ to provide increased amounts for computerized identification systems and to continue support of collaborative projects to enhance law enforcement technology training.

In addition, in accordance with the House report for General Legal Activities, the conferees expect OJP to look into the feasibility of collecting information on the prevalence of outstanding and unresolved claims made against police departments by private citizens, as well as the process by which those claims are disposed.

Defense/Law Enforcement Technology Transfer.—Within the total amount provided to NIJ, the conference agreement includes $10,277,000 to assist NIJ in its efforts to adopt technologies for law enforcement purposes. Within this amount, $5,000,000 is provided for continuation of the law enforcement technology center network, $2,800,000 is provided to continue the technology commercialization initiative at the National Technology Transfer Center, and $1,048,000 is provided to continue the Arson and Explosion Research Program at the University of Central Florida. In addition, to ensure adequate oversight, $1,429,000 is included for management by NIJ personnel.

Counterterrorism Technologies.—The conference agreement provides $12,000,000 for counterterrorism technology programs authorized under sections 820 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, instead of $10,000,000 as proposed in the House bill and $14,000,000 as proposed in the Senate bill. Within the amount provided, OJP is expected to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding technologies recommended in the House report.

National Sex Offender Registry.—The conference agreement provides $25,000,000 for the National Sex Offender Registry, as proposed in both the House and Senate bills.

Grants to Firefighters and Emergency Service Personnel.—The conference agreement provides $5,000,000 for local firefighter and emergency service training grants as authorized under section 819 of the Antiterrorism and Effective Death Penalty Act of 1996 as proposed in both the House and Senate bills.

State and Local Antiterrorism Training.—The conference agreement provides $2,000,000 for State and local law enforcement training to address antiterrorism preparedness as proposed in the House bill, instead of $4,000,000 as proposed in the Senate bill and assumes funding in accordance with the House report.

Bureau of Justice Statistics.—The conference agreement provides $21,529,000 for the Bureau of Justice Statistics (BJS) for fiscal year 1998, as proposed in both the House and Senate bills.

Missing Children.—The conference agreement provides $12,256,000 for the Missing Children Program, instead of $8,656,000 as proposed in the House bill and $13,156,000 as proposed in the Senate bill. The conference agreement provides a significant increase for Federal, State, and local law enforcement agencies, and the National Center for Missing and Exploited Children, to address the increasing need to combat crimes against children, particularly kidnapping and sexual exploitation. The conference agreement consolidates funding under one account for Missing Children programs as proposed in the House bill, instead of under various accounts as proposed in the Senate bill. Within the amounts provided the conferees have included:

(1) $4,171,000 for the Missing Children program within the Office of Justice Programs, Justice Assistance, including $2,400,000 for State and local law enforcement to form specialized cyber units to investigate and prevent child sexual exploitation which are based on the protocols for conducting investigations involving the Internet and on-line service providers that have been established by the Department of Justice and the National Center for Missing and Exploited Children;

(2) $6,900,000 for the National Center for Missing and Exploited Children, of which $1,900,000 is provided for Internet investigations as proposed in the Senate report. The conferees expect the National Center for Missing and Exploited Children to continue to consult with participating law enforcement agencies to ensure the curriculum, training, and programs provided with this additional funding are consistent with the protocols for conducting investigations involving the Internet and on-line service providers that have been established by the Department of Justice; and

(3) $1,185,000 for the Jimmy Ryce Law Enforcement Training Center for training of State and local law enforcement officials investigating missing and exploited children cases.

Regional Information Sharing System (RISS).—The conference agreement includes $20,000,000 for the RISS program, instead of $14,500,000 as proposed in the House bill and $25,000,000 as proposed in the Senate bill. In addition, the conference agreement provides $5,000,000 under the COPs Technology Program for a one-time enhancement to the RISS program to upgrade its communications infrastructure. The increase provided will facilitate the rapid exchange of information pertaining to criminals and criminal activity. The conferees are concerned that there may be duplication among the many intelligence systems being utilized by Federal, State and local law enforcement agencies. Within this amount, $500,000 is provided for development of an inventory of Department of Justice funded automated law enforcement information systems, as proposed in the House report under General Administration. In accordance with the House report, the inventory should include the major 25 to 40 systems nationwide, should examine their interoperability and interconnectivity, and should result in a strategy that brings together these different systems to enable them to communicate effectively and efficiently, while guarding against duplication or overlap.

National White Collar Crime Center.—The conference agreement includes $5,350,000 for the National White Collar Crime Center as proposed in the House bill instead of $3,850,000 as provided in the Senate bill and assumes funding in accordance with the House report.

Management and Administration.—The conference agreement provides $27,888,000 for Management and Administration expenses of the Office of Justice Programs as proposed in the House bill, instead of $30,145,000 as proposed in the Senate bill. In addition, reimbursable funding from VCRTF programs and Community Oriented Policing Services and a transfer from the Juvenile Justice account, will be provided for the administration of grants under these activities. Total funding for the administration of grants assumed in the conference agreement is as follows:

	Amount	FTE
Direct Appropriation	$27,888,000	320
Transfer from Juvenile Justice programs	5,922,000	71
Reimbursement from VCRTF	39,448,000	346
Reimbursement from COPs	2,500,000	23
Total	75,758,000	760

Since 1995, funding for grant programs administered by the Office of Justice Programs will have grown by 213%, from $1.1 billion to over $3.4 billion. In order to ensure careful stewardship of these resources, and in accordance with the House report, the conferees expect the Assistant Attorney General for the Office of Justice Programs (OJP) to submit a report which outlines the steps OJP has taken and which recommends additional actions that will ensure coordination and reduce the possibility of duplication and overlap among the various OJP divisions.

Ounce of Prevention Council.—The conference agreement includes language for costs associated with the termination of the Ounce of Prevention Council, which the conferees understand will soon cease operation. The conferees expect OJP to assume responsibility for any remaining activities of this Council.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes $2,891,400,000 for State and Local Law Enforcement Assistance, instead of $2,975,150,000 as proposed in the House bill and $2,606,150,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $2,382,400,000 shall be derived from the Violent Crime Reduction Trust Fund (VCRTF), instead of $2,437,150,000 as proposed in the House bill and $2,154,650,000 as proposed in the Senate bill.

The conference agreement provides for the following programs from direct appropriations and the VCRTF:

Direct Appropriation:	
Byrne Discretionary Grants	$46,500,000
Byrne Formula Grants	462,500,000
Total Direct Appropriations	509,000,000
Violent Crime Reduction Trust Fund:	
Byrne Formula Grants	42,500,000
Local Law Enforcement Block Grant	523,000,000
Boys and Girls Clubs	(20,000,000)
Juvenile Accountability Incentive Block Grant	250,000,000
Drug Courts	30,000,000
Upgrade Criminal History Records (Brady Bill)	45,000,000
State Prison Grants	720,500,000
Cooperative Agreement Program	(25,000,000)
Indian Country	(5,000,000)
Alien Incarceration	(165,000,000)
State Criminal Alien Assistance Program	420,000,000
Violence Against Women Act Programs	270,750,000
Substance Abuse Treatment for State Prisoners	63,000,000
DNA Identification State Grants	12,500,000
Law Enforcement Family Support Programs	1,000,000
Senior Citizens Against Marketing Scams	2,500,000
Motor Vehicle Theft Prevention	750,000
Safe Return Program	900,000
Total, Violent Crime Reduction Trust Fund	2,382,400,000

Edward Byrne Grants to States.—The conference agreement provides $551,500,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which $46,500,000 is for discretionary grants and $505,000,000 is provided for formula grants under this program.

Byrne Discretionary Grants.—The conference agreement provides $46,500,000 for discretionary grants under Chapter A of the Edward Byrne Memorial State and Local Assistance Program, as proposed in the House bill, instead of $75,000,000 as proposed in the Senate bill. The recommendation assumes direct funding for the Weed and Seed program as proposed in the House bill, instead of continuing this program as an earmark from Byrne discretionary grants, as proposed in the Senate bill. Within the amount provided, the conferees expect the Bureau of Justice Assistance (BJA) to review the following proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions:

$4,000,000 for the National Crime Prevention Council;

$1,750,000 to continue and expand the Drug Abuse Resistance Education (DARE America) program. In accordance with both the House and Senate reports, the conferees expect OJP to work with DARE America officials to create new and more effective course criteria aimed at reducing the use of drugs by children;

$2,000,000 for continued funding for the Washington Metropolitan Area Drug Enforcement Task Force and for development of a regional gang tracking system;

$775,000 for Project Return and consideration of additional funds for evaluation of this correctional options program;

$1,000,000 for continued funding for the National Judicial College;

$1,000,000 to SEARCH Group, Inc. to continue and expand the National Technical Assistance Program, which provides support to State and local criminal justice agencies to improve their use of computers and information technology;

$2,800,000 for the National Motor Vehicle Title Information System, authorized by the Anti-Car Theft Improvement Act;

$500,000 for continuation of the Santee-Lynches Regional Council of Governments Local Law Enforcement Program;

$500,000 for the Alaska Native Justice Center;

$1,000,000 for the National Neighborhood Crime and Drug Abuse Prevention Program;

$2,000,000 to allow the Law Enforcement Coordinating Council for the 2002 Olympics to develop and support a public safety master plan for the games. The conferees direct the Office of Justice Programs to ensure that the Law Enforcement Coordinating Council consults with participating local, state, and federal law enforcement agencies to ensure the public safety master plan is coordinated among the many participating agencies that have personnel and resources to contribute to this plan;

$2,097,000 for the Executive Office of United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center; and

$5,000,000 for a demonstration and evaluation of the Expanded Community Supervision program which combines community-based intermediate sanctions with alcohol and other drug abuse treatment, as an alternative to the traditional incarceration of non-violent felons.

Within the available resources for Byrne discretionary grants, the conferees also urge BJA to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: demonstration and evaluation of the programs of Haymarket House; Chicago's Family Violence Intervention Program; the Female Violent Offender Program; the National Night Out Program; and the community security program of the Local Initiatives Support Corporation.

Byrne Formula Grants.—The conference agreement provides $505,000,000 for the Byrne Formula Grant program, as proposed in both the House and Senate bills, of which $42,500,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) instead of $13,500,000 as proposed in the House bill and $128,500,000 as proposed in the Senate bill. The conference agreement includes language, as proposed in the House bill, which makes drug testing programs an allowable use of grants provided to States under this program.

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

Local Law Enforcement Block Grant.—The conference agreement includes $523,000,000 for the Local Law Enforcement Block Grant program, as proposed in the House bill, instead of $503,000,000 as proposed in the Senate bill, in order to continue the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities with their own solutions. Within the amount provided, the conference agreement includes language providing $20,000,000 of these funds to the Boys and Girls Clubs of America. The conferees direct the Office of Justice Programs to work with the Boys and Girls Clubs of America and the Boys and Girls Clubs of Greater Washington to develop a proposal for establishment of a Flagship Boys and Girls Club to be located in Washington, DC and to submit a report to the Committees on Appropriations of the House and the Senate by April 1, 1998. In addition, the conference agreement includes language as proposed in the House bill that defines the Commonwealth of Puerto Rico as a unit of local government and includes language similar to that proposed in the Senate bill, which designates parish sheriffs as the recipient of block grant funds in Louisiana. The conferees are aware of the unique law enforcement system that exists in the State of Louisiana whereby the constitution of the State of Louisiana establishes independent and wholly autonomous parish sheriffs and names the sheriff as the chief law enforcement officer of the constitutionally established law enforcement districts. The conferees direct the Department of Justice to ensure that parish sheriffs establish an advisory board pursuant to section 103 of H.R. 728 and shall consider recommendations made by this board to be binding.

Juvenile Accountability Incentive Block Grant.—The conference agreement provides $250,000,000 for a Juvenile Accountability Incentive Block Grant program to address the growing problem of juvenile crime by encouraging accountability-based reforms at the State and local level, instead of $300,000,000 as proposed in the House bill and $145,000,000 as proposed in the Senate bill. Under this program, funds are to be made available to States, based on each State's comparative juvenile population, and units of local governments are to receive 75% of the amount provided to the States based on a combination of law enforcement expenditures and Uniform Crime Report part 1 violent crimes. To be eligible to receive funds under this program, States must have certified to the Attorney General that they are actively considering, or will consider within the next year, through laws, policies or programs, accountability-based reforms—including graduated sanctions, adult prosecution of violent juveniles, and juvenile record reforms—in accordance with H.R. 3. Funds are available for the following purposes:

(1) building, expanding or operating juvenile detention and corrections facilities;

(2) developing and administering accountability-based sanctions for juvenile offenders;

(3) hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;

(4) hiring additional prosecutors so that more cases involving violent juvenile offenders can be prosecuted and backlogs can be reduced;

(5) providing funding to enable prosecutors to address drug, gang, and youth violence more effectively;

(6) providing funding for technology, equipment and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

(7) providing funding to enable juvenile courts and probation offices to be more effective and efficient in holding juvenile offenders accountable;

(8) establishing court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

(9) establishing drug court programs for juvenile offenders;

(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to identify, control, supervise and treat serious juvenile offenders; and

(11) establishing and maintaining accountability-based programs that work with the juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence.

The conference agreement provides a presumption that not less than 45% of any grant provided to a state or unit of local government is available for the purposes set forth in paragraphs (3) through (9) above and not less than 35% is available for the purposes set forth in paragraphs (1), (2), and (10) above. The conference agreement includes language limiting the federal share of construction costs of permanent juvenile corrections facilities to no more than 50% of the total cost. The conferees are concerned that little data exists on the capacity of juvenile detention and corrections facilities to handle both existing and future needs and direct the Office of Justice Programs to conduct a national assessment of the supply of and demand for juvenile detention space, with particular emphasis on capacity requirements in New Hampshire, Mississippi, Alaska, Wisconsin, California, Montana, West Virginia, Kentucky, Louisiana, and South Carolina, and to provide a report to the Committees on Appropriations of the House and the Senate by July 15, 1998. The conference agreement provides that to receive funds under this block grant, States must have in place a coordinated plan for reducing juvenile crime, developed by a coalition of law enforcement and social service agencies involved in juvenile crime prevention, and have implemented, or will implement by January 1, 1999, a policy of testing appropriate categories of juveniles for use of controlled substances. The conferees agree that the coalitions should have broad discretion to utilize funds for a variety of purposes, consistent with items referenced above, targeted at reducing juvenile crime at the local level. The conference agreement also provides that States should consider making available to the FBI records of delinquency adjudication which are treated in a manner equivalent to adult records as part of their consideration of juvenile records reforms.

The conferees expect the Justice Department to establish guidelines in consultation with the Committees on Appropriations and the Judiciary of both the House and Senate that set forth the various circumstances by which States may qualify for funding under this program. Such guidelines should identify what generally constitutes active consideration of the reform requirements in H.R. 3 in order to direct State governors for purposes of the certification process described above. The guidelines should also include accommodations, which provide for a reduction in the local distribution requirement of section 1803 of H.R. 3, with respect to any State which bears the primary financial burden within the State for the administration of juvenile justice and which provide for local distribution consistent with H.R. 728 for the State of Louisiana. The conferees expect that the Justice Department, in developing the guidelines, will take into consideration the fact that many States are currently in the process of reforming their juvenile justice systems.

Drug Courts.—The conference agreement includes $30,000,000 for drug courts as proposed in the House bill instead of $40,000,000 as proposed in the Senate bill. The conferees note that localities may also obtain funding for drug courts under the Local Law Enforcement Block Grant and the Juvenile Accountability Incentive Block Grant.

Upgrade Criminal History Records (Brady Bill).—The conference agreement provides $45,000,000, as proposed in both the House and Senate bills, for States to upgrade criminal history records as required under the Brady Bill.

State Prison Grants.—The conference agreement provides $720,500,000 for State Prison Grants, instead of $722,500,000 as proposed in the House bill and $740,500,000 as proposed in the Senate bill. Of the amount provided, $525,500,000 is available to states to build and expand prisons, $165,000,000 is available to States for the incarceration of criminal aliens and $25,000,000 is for the Cooperative Agreement Program. The conference agreement also adopts language in the Senate bill which provides $5,000,000 for construction of jails on Indian reservations and directs the Office of Justice Programs, within the amount provided to examine a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions for funding to support the design phase of a tribal detention facility in Philadelphia, Mississippi. The conference agreement does not include language proposed in the House bill that allows California to use funds provided under the State Prison Grant program to support the cost of incarcerating criminal aliens. The conference agreement also does not include language proposed in the Senate bill to permit prison construction funds to be used to construct juvenile detention facilities, because construction of juvenile facilities is an allowable use of funds under the Juvenile Accountability Incentive Block Grant program.

The conferees continue to be concerned that there is no consistent annual reporting of the incidence and circumstances of deaths that occur at municipal or county jails, State or Federal prisons, or other similar facilities for the confinement of accused or convicted criminals. The conferees direct OJP to provide a report to the Committees on Appropriations of the House and the Senate by February 15, 1998 on the feasibility of creating a single source for annual statistics on in-custody deaths.

State Criminal Alien Assistance Program.—The conference agreement provides a total of $585,000,000 for the State Criminal Alien Assistance Program for reimbursement to States for the costs of incarceration of criminal aliens, instead of $600,000,000 as proposed in the House bill and $500,000,000 as proposed in the Senate bill. Of the total amount, the conference agreement includes $420,000,000 under this account for the State Criminal Alien Assistance Program as proposed in the House bill, and $165,000,000 for this purpose under the State Prison Grants program.

Violence Against Women Act Programs.—The conference agreement includes $270,750,000 for grants to support the Violence Against Women Act instead of $305,500,000 as proposed in the House bill and $263,750,000 as proposed in the Senate bill. Grants provided under this account are for the following programs:

General Grants	$172,000,000
Victims of Child Abuse Programs:	
Court-Appointed Special Advocates	7,000,000
Training for Judicial Personnel	2,000,000
Grants for Televised Testimony	1,000,000
Grants to Encourage Arrest Policies	59,000,000
Rural Domestic Violence	25,000,000
National Stalker and Domestic Violence	2,750,000
Training Programs	2,000,000
Total	270,750,000

Within the amount provided for General Grants, the conference agreement includes an additional $12,000,000 exclusively for the purpose of augmenting civil legal assistance programs to address domestic violence, $7,000,000 for research and evaluation of domestic violence programs, and $853,000 to support an enhanced domestic prosecution unit within the District of Columbia. Within the amounts provided, the Office of Justice Programs is expected to examine a proposal for operating expenses of a public-private partnership demonstration project in Las Vegas, Nevada, for a home for victims of domestic abuse, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate.

Substance Abuse Treatment for State Prisoners.—The conference agreement includes $63,000,000 for substance abuse treatment programs within State and local correctional facilities, as proposed in the House bill, instead of $61,200,000 as proposed in the Senate bill.

DNA Identification State Grants.—The conference agreement includes $12,500,000 for DNA Identification State Grants, instead of $10,000,000 as proposed by the House and $15,000,000 as proposed by the Senate. Within the amount made available under this program, the conferees expect the Office of Justice Programs and the FBI to review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding a $2,000,000 grant to the Marshall University Forensic Science Program.

Law Enforcement Family Support Programs.—The conference agreement includes $1,000,000 for law enforcement family support programs, as proposed by both the House and the Senate.

Senior Citizens Against Marketing Scams.—The conference agreement includes $2,500,000 for programs to assist law enforcement in preventing and stopping marketing scams against senior citizens, instead of $2,000,000 as proposed in both the House and Senate bills.

Motor Vehicle Theft Prevention.—The conference agreement includes $750,000 for grants to combat motor vehicle theft, as proposed in both the House and Senate bills.

Safe Return Program.—The conference agreement includes $900,000 for the Missing Alzheimer's Patient Program, as proposed in both the House and Senate bills.

WEED AND SEED PROGRAM FUND

The conference agreement includes a direct appropriation of $33,500,000 for the Weed and Seed program, instead of $40,000,000 as proposed in the House bill and $33,500,000 as proposed by the Senate bill as part of the discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. The conference agreement adopts the recommendation in the House and Senate bills that provides that within the overall amount provided to Weed and Seed, the Office of Justice Programs (OJP) is expected to review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of

the House and the Senate on its intentions regarding a grant of $190,000 to Gospel Rescue Ministries of Washington, D. C. to complete renovation of the former Fulton Hotel to a center for drug-addicted women. The conference agreement does not include the provision as proposed in the House bill directing OJP to obligate all funds for this program by July 1, 1998.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

The conference agreement includes $1,430,000,000 for the Community Oriented Policing Services (COPs) program, instead of $1,420,000,000 as proposed by the House and $1,440,000,000 as proposed by the Senate bill. This statement of managers reflects the agreement of the conferees on how funds provided for all programs under the Community Oriented Policing Services program in this conference report are to be spent.

Police Corps.—Within the total amount provided, the conference agreement provides $30,000,000 for the Police Corps program, instead of $20,000,000 as proposed by the House bill and $40,000,000 as proposed by the Senate bill. The conferees expect the COPs Office to examine a proposal, make a grant if warranted, and provide a report to the Committees on Appropriations of the House and the Senate regarding a $2,000,000 continuation grant for advanced police education training in the State of Mississippi.

Management and Administration.—The conference agreement also includes a provision that provides that not to exceed 186 positions, 186 workyears, and $20,553,000 shall be expended for management and administration of the COPs program, as proposed in the House bill, instead of 270 positions, 228 workyears, and $24,669,000, as proposed in the Senate bill. The conferees will entertain a request for reprogramming or transfer of funds, pursuant to section 605 of this Act, to increase this amount.

Police Hiring Initiatives.—The conferees have provided funding over the last four years to support grants for the hiring of 64,395 police officers. The conference agreement for fiscal year 1998 provides funding for an additional 17,000 officer grants, which will bring the total number of new police officer grants under this program to 81,395. The conferees expect that resources provided will be used for hiring grants under both the Universal Hiring Program and the COPs Making Officer Redeployment Effective (MORE) program in order to accomplish this goal. In addition, the conference agreement adopts the provision in the Senate bill allowing up to 20% of COPs funds to be used for the COPs MORE program.

Non-Hiring Initiatives.—The conferees are aware that the COPs program has carried forward $359,000,000 into fiscal year 1998 after completion of its hiring grant process for 1997. During the past two years, funding was restricted to hiring initiatives in order to progress toward the most important goal of the program, putting 100,000 cops on the street. With significant progress toward that goal, the conferees are concerned that communities, particularly communities with populations below 50,000 and with limited public safety resources, may need assistance to sustain progress in reducing crime and to translate the short-term Federal investment into a long-term local capacity to fight crime. The conferees also want to ensure that there is adequate infrastructure for the new police officers, similar to the focus that has been provided for Federal law enforcement over the past few years, so that police officers may work more efficiently, equipped with the tools and technology they need, and with the flexibility to design specific strategies to target specific crime problems, such as crime in and around schools, the emergence of methamphetamine in new areas, and the challenge of policing "hot spots" of drug market activity. The conferees believe that $103,000,000 of unused funds from fiscal year 1997 should be used to address these critical law enforcement requirements and direct the COPs program to establish the following non-hiring grant programs:

1. COPs Technology Program.—The conference agreement directs $38,000,000 of unobligated balances to be used for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime. In particular, the conferees recognize the importance of sharing of criminal information and intelligence between State and local law enforcement to address multi-jurisdictional crimes.

Within the amounts made available under this program, the conferees expect the COPs office to award grants for the following technology proposals:

$7,500,000 for the Southwest Border States Anti-Drug Information System, which will provide for the purchase and deployment of this technology network between all State and local law enforcement agencies in the four southwest border states—California, Arizona, New Mexico, and Texas—to provide information sharing of drug trafficking along the U.S.-Mexico border, by linking criminal and intelligence databases of these states, the El Paso Intelligence Center, and certain components of the Regional Information Sharing System;

$7,500,000 for the Law Enforcement On-Line system, to add 15,000 State and local users to a secure national interactive computer communications network currently being developed with the FBI;

$5,000,000 to expand the Regional Information Sharing System (RISS) by providing access to law enforcement member agencies to the RISS Secure Intranet to increase their ability to share and retrieve criminal intelligence information on a real-time basis;

$3,000,000 for the Jefferson Parish, Louisiana Sheriffs Department for software development and network capability to enhance radio communications and to develop a model for interconnectivity and interoperability;

$10,000,000 for the North Carolina Criminal Justice Information System, to meet North Carolina's public safety needs;

$800,000 for the South Dakota Division of Criminal Investigation for the procurement of equipment for law enforcement telecommunications, emergency communications and the state forensic laboratory;

$100,000 for establishment of a 911 emergency system in Roberts County, South Dakota;

$2,000,000 for the rural states management information system demonstration project in Alaska;

$1,000,000 for the development and deployment of a multi-agency, multi-jurisdictional communications system in the Northeast to support routine and emergency information sharing among local, state, and federal law enforcement agencies;

$500,000 for the Mt. Pleasant, South Carolina Police Department for computer enhancements and policing equipment upgrades; and

$500,000 for the Charleston, South Carolina Police Department for computer enhancements and policing equipment upgrades.

In addition, the conferees support the development of new technologies which enhance the ability of State and local law enforcement to respond to 911 calls. Recent developments with the use of the 311 non-emergency number has shown promising results and the conferees support the use of these funds for this purpose. In addition, the conferees are aware of the potential law enforcement communications and technology needs arising from the 2002 Winter Olympics and direct that within the overall amounts provided for the COPs program, the COPs office should examine a proposal for a grant to the appropriate unit or units of government in Utah for enhancements and upgrades of security and communications infrastructure.

2. Police Recruitment Program.—The conferees direct $1,000,000 of unobligated balances in the COPs program to be used for police recruitment programs authorized under subtitle H of Title III of the Violent Crime Control and Law Enforcement Act of 1994, as proposed by the House bill. Within the amount provided, the COPs Office is expected to review a proposal, provide a grant if warranted, and submit a report to the Committees on Appropriations of the House and the Senate regarding a $500,000 grant for the police recruitment program of St. Paul's Community Baptist Church in East New York, New York.

3. Community Policing to Combat Domestic Violence Program.—The conferees direct $12,500,000 of unobligated balances in the COPs program to be used for the Community Policing to Combat Domestic Violence Program established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Within the amount provided, the conferees expect the COPs office to review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate regarding a $2,500,000 continuation grant for the State of Washington Community Policing to Combat Domestic Violence program.

4. COPs Methamphetamine Program.—The conferees direct $34,000,000 of unobligated balances in the COPs program to be used for State and local law enforcement programs to combat methamphetamine production, distribution, and use, and to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The conferees are aware that the production, trafficking, and usage of methamphetamine, an extremely destructive and addictive synthetic drug, is a growing national problem, particularly in California, the Southwest, and the Midwest. Within the amount provided for this program, the conferees expect the COPs office to award grants for the following programs:

$18,200,000 to the California Bureau of Narcotics Enforcement's Methamphetamine Strategy to support additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs;

$1,200,000 for the Tri-State Methamphetamine Training program to train officers from rural areas on methamphetamine interdiction, covert operations, intelligence gathering, locating clandestine laboratories, case development, and prosecution;

$3,000,000 for Midwest and $1,500,000 for East Coast Methamphetamine Initiatives to provide training by Drug Enforcement Administration officials to State and local law enforcement on the proper collection, removal, and destruction of methamphetamine, precursor chemicals, laboratory

equipment, and related materials using certified hazardous waste management methods; and

$5,000,000 for support by the Drug Enforcement Administration to State and local law enforcement for the clean-up and disposal of clandestine methamphetamine laboratories.

5. COPs Innovative Policing Initiatives.—The conferees direct $17,500,000 of unobligated balances in the COPs program to be used to provide grants to police agencies and community-based entities to provide innovative solutions to local crime problems, such as programs to improve the safety of elementary and secondary school children, reduce crime on or near elementary and secondary schools, and enhance policing initiatives in "hot spots" of drug market activity.

COPs Small Community Grant Program.—The conferees have recently received a reprogramming request from the Department of Justice that proposes a number of changes in the COPs program which have long-term policy and cost implications. The House and Senate Committees on Appropriations have requested additional financial and program data to evaluate these proposals. However, in addition to the use of unobligated balances for innovative programs mentioned above, the conferees agree that at this time they are in support of an innovative program that addresses COPs retention issues in smaller communities with populations below 50,000. It is in these small communities, especially in rural areas, that the community policing program has had a strong positive impact. In some of these smaller communities, COPs grants may have only provided an increase of one or two new police officers, but this increase may have translated into a 25 to 50 percent increase in the overall police force. Many of these communities have a limited tax base and have expressed concern with their ability to retain officers in fiscal year 1998, thus putting in jeopardy not only the goal of achieving an additional 100,000 cops on the beat, but the overall public safety of these communities. Therefore, the conferees support the use of an additional $100,000,000 of unobligated balances for one-time grants targeted specifically for retention of police officers to support special public safety and crime prevention projects in jurisdictions serving populations below 50,000. Grantees must be in good standing and must demonstrate the ability to retain the officer after the grant expires. In awarding these grants, the COPs Office should take into consideration: (1) the specific public safety concern(s) that would be addressed by activities performed by the police officer(s); (2) the extent to which the community can demonstrate that a severe hardship to maintaining public safety would be created if the police officer(s) could not be retained; (3) a demonstration that financial hardship and/or a severe budget constraint that impacts the entire local budget, will result in the termination of employment for the police officer(s); (4) a commitment from the local community to support ongoing costs of the project at the end of the grant period; and (5) the extent to which the existing community policing grant has had a measurable impact on the community, either in terms of crime reduction or the development of new crime prevention programs or approaches.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $238,672,000, a 36 percent increase over the current fiscal year level, for Juvenile Justice programs, as proposed in the House bill, instead of $235,422,000 as proposed in the Senate bill. The conferees understand that changes to Juvenile Justice and Delinquency Prevention Programs are being considered in the reauthorization process of the Juvenile Justice and Delinquency Act of 1974. However, absent completion of this reauthorization process, the conferees provide funding consistent with the current Juvenile Justice and Delinquency Prevention Act. In addition, the conference agreement includes language that provides that funding for these programs shall be subject to the provisions of any subsequent authorization legislation that is enacted.

Juvenile Justice and Delinquency Prevention.—Of the total amount provided, $231,672,000 is for grants and administrative expenses for Juvenile Justice and Delinquency Prevention programs including:

1. $5,922,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. $96,500,000 for Formula Grants for assistance to State and local programs (Part B). A provision is included that makes $26,500,000 of the amount available for formula grants available to States that have adopted (or will have in effect not later than one year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent.

3. $45,250,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C). Within the amount provided for Part C discretionary grants, the conferees direct OJJDP to review the following proposals, provide a grant if warranted, and submit a report to the Committees on Appropriations of the House and the Senate on its intentions regarding:

$2,300,000 to continue and expand the National Council of Juvenile and Family Courts which provides continuing legal education in family and juvenile law;

$1,000,000 for the Teens, Crime and the Community program;

$2,000,000 for Parents Anonymous, which develops partnerships with local communities to build and support strong, safe families and to help break the cycle of abuse and delinquency;

$1,750,000 for the Juvenile Offender Transition Program, a public/private partnership to reduce the rate of recidivism among juvenile offenders by partnering certain offenders with a local college or university student in a mentoring-protege program;

$1,300,000 for the Suffolk University Center for Juvenile Justice, dedicated to representing children in criminal cases in juvenile court and children and parents in civil matters as well as gang related and abuse cases;

$1,350,000 for establishment of a center for crimes and violence against children based on the reality that children are disproportionate victims of crime and violence;

$300,000 for the Metro Denver Gang Coalition to allow service providers and community members to share information, support program efforts, and create positive changes in youth, families, and communities; and

$100,000 for the Crow Creek Alcohol and Drug Program.

In addition, the conferees direct OJJDP to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: continued support for the Hamilton Fish National Institute for School/Community Violence; a grant to the Low Country Children's Center; a grant to the Coalition for Juvenile Justice; a grant to Project O.A.S.I.S; a grant to Kids Peace National Center for Kids; continued support at current levels for law-related education; a grant to the Consortium on Children, Families, and Law; a grant to the Vermont Department of Social and Rehabilitative Services; a grant to the Grassroots Drug Prevention program; a grant to the Dona Ana Camp; a grant to the Center for Prevention of Juvenile Crime and Delinquency at Prairie View University; a grant to the New Mexico Prevention Project; a grant to the No Hope in Dope Program; a grant to study the link between child abuse and criminal behavior in Alaska; a grant to the Gainesville Juvenile Assessment Center; a grant to the Lincoln Council on Alcohol and Drugs; a grant to the Hill Renaissance Partnership; a grant to the National Training and Information Center; a grant to the Culinary Arts Training Program for at-risk youth; a grant to the Women of Vision program for youthful female offenders; continued funding for the Violence Institute of New Jersey; and a grant to the Delancy Street Foundation.

The conferees are also concerned about the availability to children of pornographic images via the Internet, and direct the OJJDP to confer with the National Academy of Sciences, and provide a grant if warranted, on the most effective techniques and technologies to block children from receiving these images.

4. $12,000,000 to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes.

5. $10,000,000 for Discretionary Grants for State Challenge Activities (Part E) to increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities designed to improve various aspects of a State's juvenile justice and delinquency prevention program.

6. $12,000,000 for the Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk youth through the use of mentors by bringing together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors. Within the amount provided the conferees expect the OJJDP to provide no less than $1,000,000 for Big Brothers Big Sisters programs. In addition, within the amount provided, the conferees expect OJJDP to review a proposal for $2,000,000 for technical assistance and training to JUMP grantees, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions.

7. $20,000,000 for Incentive Grants for Local Delinquency Prevention Programs (Title V), to units of general local government for delinquency prevention programs and other activities for at-risk youth.

Drug Prevention Program.—The conferees recognize that while crime is on the decline in certain parts of America, a dangerous precursor to crime, namely teenage drug use, is on the rise and may soon reach a 20-year high. The conference agreement includes $5,000,000, as proposed in the House bill, to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, and unattractive. The conferees expect OJJDP to submit a program plan for activities to be

funded under this initiative by February 1, 1998, including goals to measure program success and expect that this initiative will be consistent with existing research findings on effective prevention methods against teenage drug abuse.

Combatting Underage Drinking.—The conferees recognize that the purchase and consumption of alcoholic beverages by minors is a prevalent problem and that there is a causal relationship between underage drinking and both violent and non-violent crime. The conference agreement includes $25,000,000 for grants of $360,000 to each State, $5,000,000 for discretionary grants, and $1,640,000 for training and technical assistance to enforce State laws prohibiting the sale of alcoholic beverages to minors and to prevent the purchase or consumption of alcoholic beverages by minors. Projects funded may include: Statewide task forces of State and local law enforcement and prosecutorial agencies to target establishments suspected of a pattern of violations of State laws governing the sale and consumption of alcohol by minors; public advertising programs to educate establishments about statutory prohibitions and sanctions; and innovative programs to prevent and combat underage drinking.

Victims of Child Abuse Act.—The conference agreement includes $7,000,000 to improve investigations and prosecutions and for the various programs authorized under the Victims of Child Abuse Act (VOCA, Subtitle A), as proposed in the House bill. The following programs are included in the agreement:

$1,000,000 to establish Regional Children's Advocacy Centers, as authorized by section 213 of VOCA, including $300,000 for the Southern Regional Child Advocacy Center;

$4,000,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA;

$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

$500,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes the requested language for death benefits under the Public Safety Officers Benefits program for fiscal year 1998, which will fully fund anticipated payments.

In addition, the conference agreement includes $2,000,000 for the Federal Law Enforcement Assistance Program for fiscal year 1998, as proposed in both the House and Senate bills.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 101.—The conference agreement includes section 101 as proposed by both the House and Senate bills, which makes up to $45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Sec. 102.—The conference agreement includes section 102 as proposed by both the House and Senate bills, which continues certain authorities for the Justice Department in fiscal year 1998 that were contained in the Department of Justice Authorization Act, fiscal year 1980.

Sec. 103.—The conference agreement includes section 103 as proposed by both the House and Senate bills, which prohibits the use of funds to perform abortions in the Federal Prison System.

Sec. 104.—The conference agreement includes section 104 as proposed by both the House and Senate bills, which prohibits use of the funds to require any person to perform, or facilitate the performance of, an abortion.

Sec. 105.—The conference agreement includes section 105 as proposed by both the House and Senate bills, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Sec. 106.—The conference agreement includes section 106 as proposed by both the House and Senate bills, which allows the Department of Justice to spend up to $10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed $2,000,000 per reward.

Sec. 107.—The conference agreement includes section 107 as proposed by both the House and Senate bills, which allows the Department of Justice, subject to reprogramming procedures, to transfer up to 5 percent between any appropriation, but limits to 10 percent the amount that can be transferred into any one appropriation.

Sec. 108.—The conference agreement includes section 108 as proposed in the House bill and similar to language included in the Senate bill, that allows balances remaining in the Assets Forfeiture Fund after September 30, 1997 to be available to the Attorney General for any authorized purpose of the Department of Justice.

Sec. 109.—The conference agreement includes section 109, similar to language proposed in the House bill and language included in the Senate bill under section 114, which authorizes the use of unexpended Crime Victims Fund dollars previously available to the Administrative Office of the U.S. Courts for the National Fine Center, to be used to improve services for crime victims in the Federal criminal justice system.

The conferees understand that this provision will allow $21,000,000 in unexpended Crime Victims Fund monies to be available to the Director of the Office for Victims of Crime. The conferees direct this funding to be used for the following initiatives: (1) $12,000,000 to support 93 victim witness coordinators and advocates to be assigned to various U.S. Attorneys Offices, including victim support for D.C. Superior Court, for fiscal years 1998 and 1999; (2) $8,000,000 for the establishment of an automated victim information and notification system for Federal cases; and (3) $1,000,000 for restitution collection and enforcement and the processing and tracking of Federal criminal monetary penalties and related litigation activities.

Sec. 110.—The conference agreement includes section 110 as proposed in the Senate bill which merges the INS detention account and the INS Breached Bond/Detention Fund. The House bill did not contain a provision on this matter.

Sec. 111.—The conference agreement includes a new provision under section 111, not proposed in the House or Senate bills, that provides for continuation of Section 245(i) of the Immigration and Nationality Act (INA) for any alien (including the spouse or child of the principal alien) who has been approved for or has filed a petition for permanent immigration, or has filed for labor certification with the Department of Labor, as of January 14, 1998. In addition, the provision also includes an exception for persons obtaining an employment-based visa which allows the person to adjust to permanent resident status under section 245(a) of the INA if the person lapsed into illegal status for less than six months. The Senate bill included a permanent extension of section 245(i) of the INA. The House bill did not contain a provision on this matter.

Sec. 112.—The conference agreement includes section 112, similar to language included in the Senate bill, that extends the filing period for certain naturalization opportunities for Philippine army, scouts, and guerrilla veterans of World War II. The House bill did not contain a provision on this matter.

Sec. 113.—The conference agreement includes section 113, similar to language included in the Senate bill, that amends the Immigration and Nationality Act to address several problems encountered in the implementation of the special immigrant juvenile provision. The language has been modified in order to limit the beneficiaries of this provision to those juveniles for whom it was created, namely abandoned, neglected, or abused children, by requiring the Attorney General to determine that neither the dependency order nor the administrative or judicial determination of the alien's best interest was sought primarily for the purpose of obtaining the status of an alien lawfully admitted for permanent residence, rather than for the purpose of obtaining relief from abuse or neglect. The conferees intend that the involvement of the Attorney General is for the purposes of determining special immigrant juvenile status and not for making determinations of dependency status. In addition, in order to preclude State juvenile courts from issuing dependency orders for juveniles in actual or constructive custody of the INS, the modified provision removes jurisdiction from juvenile courts to consider the custody status or placement of such aliens unless the Attorney General specifically consents to such jurisdiction. The House bill did not contain a provision on this matter.

Sec. 114.—The conference agreement includes section 114, as proposed in the Senate bill under section 115, that implements a ruling of the U.S. Court of Federal Claims. The House bill did not include a provision on this matter.

Sec. 115.—The conference agreement includes a new provision, similar to language included in the Senate bill under section 116 and similar to H.R. 1683 as passed by the House of Representatives on September 23, 1997, that recommends amendments to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Improvement Act, to give States greater flexibility in creating and implementing individual sex offender registration programs. The House bill did not include a provision on this matter.

Sec. 116.—The conference agreement includes section 116, as proposed in the Senate bill under section 117, that extends and expands the entrepreneurial visa pilot program under the Immigration and Nationality Act. The House bill did not include a provision on this matter.

Sec. 117.—The conference agreement includes section 117, similar to language proposed in the Senate bill, that provides for enhanced security at a government-leased facility housing Federal employees in Albuquerque, New Mexico. The conferees expect the Attorney General, through contracts with the U.S. Attorneys and the U.S. Marshals, to provide for security upgrades for

the period of time that Department of Justice employees are occupants of this building. After that time, the General Services Administration is directed to provide this enhanced security for the remaining Federal tenants located in this building. The House bill did not include a provision on this matter.

Sec. 118.—The conference agreement includes section 118, as proposed in the Senate bill, that authorizes the transfer to State and local governments certain surplus property for use for law enforcement or fire and rescue purposes. The House bill did not include a provision on this matter.

Sec. 119.—The conference agreement includes section 119, as proposed in the Senate bill under section 126, that amends the current Community Oriented Policing Services (COPs) statute to allow up to 20 percent of funds provided in each fiscal year to be available for the COPs MORE program. The House bill did not include a provision on this matter.

Sec. 120.—The conference agreement includes section 120, as proposed in the Senate bill under section 128, that amends the Antiterrorism and Effective Death Penalty Act of 1996 to delay until October 1, 1999 the effective date of changes made by Section 233 of the Act dealing with the compensation of victims of terrorism. The House bill did not contain a provision on this matter.

Sec. 121.—The conference agreement includes section 121, as proposed in the Senate bill under section 129, that requires the Attorney General to submit a report within 180 days after the enactment of this Act, which includes a plan for the implementation of a requirement that prior to the release of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor, or for a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database. The House bill did not contain a provision on this matter.

Sec. 122.—The conference agreement includes section 122, that allows the Director of the FBI, with approval of the Attorney General, to design and implement over a three year period, a new system of pay, classification, and personnel management for up to 3,000 non-Special Agent scientific, technical, engineering, intelligence analyst, language translator and medical positions. This provision replaces language included in the Senate bill that would have exempted all non-Senior Executive Service FBI employees from the provisions of Title 5, United States Code. The House bill did not include a provision on this matter.

The conferees agree that the scope of this new provision is more limited and focused on selected categories of non-Special Agent positions that are considered by the conferees to be especially critical to the current and future success of the FBI's counterterrorism and technology crimes initiatives. During House and Senate Appropriations hearings on counterterrorism, the FBI expressed the difficulty it is experiencing in recruiting experienced professionals for certain highly-competitive specialty positions, a situation that, if not corrected, could negatively impact the Bureau's ability to investigate terrorists and organized criminal groups that often use technology to commit crimes or impede law enforcement efforts. In addition, the conferees note that the Department of Justice Inspector General identified serious weaknesses in the management and operations of the FBI laboratory and as a result of the findings in this report, the Director of the FBI concluded that Title 5, United States Code, impeded his ability to recruit and retain scientific and technical personnel to improve the laboratory's operations. This provision will enable the Director to address these concerns.

The conferees agree that positions encompassed by this authority, include professional positions currently classified in accordance with standards issued by the Office of Personnel Management under the GS-0132, 0334, 0391, 0401, 0801, 0808, 0810, 0830, 0850, 0854, 0855, 0856, 1040, 1301, 1320, 1321, 1520, and 1550 occupational groups. In addition, within 90 days of enactment, the Director must provide to the relevant Committees of Congress, an operating plan that identifies the provisions of Title 5 that impede effective human resources management in the Bureau and that describes the personnel system that will be established under this authority. The conferees further agree that any performance management system adopted by the Director shall include at least two levels of performance above a retention standard. This will ensure that no "pass/fail" system will impede the Bureau's ability to recognize outstanding performance by its employees. In addition, the provision requires the submission of an evaluation of the new personnel system established by March 31, 2000, including both a comparison with other laboratories operated by Federal agencies and a cost comparison with private sector laboratories which provide similar services on a commercial basis. This cost comparison is to be conducted consistent with standards articulated in Office of Management and Budget Circular A-76.

The conference agreement also includes establishment of a similar hiring demonstration project for up to 950 employees of the Department of the Treasury, under the existing procedures of Chapter 47, Title 5, United States Code.

Sec. 123.—The conference agreement includes section 123, that makes technical and limited changes to the Prison Litigation Reform Act of 1995, in order to clarify Congress' earlier stated intent of this legislation. The changes include replacing the word "permits" with "requires" to make clear that "state or local official" includes individual state legislators, or a unit of government with regard to who is entitled to intervene as a right, in a district or appellate court, to challenge prisoner release orders or seek their termination. It is intended that a court should implement the intervention provisions in a manner that gives them their full effect by ruling in a timely fashion on such motions and that delaying a ruling on the intervention prevention should not be used as justification for avoiding the automatic stay. The provision also includes a change in subsection (b)(3) that corrects the confusing use of the word "or" to describe the limited circumstances when a court may continue prospective relief in prison conditions litigation to make clear that a constitutional violation must be "current and ongoing". These dual requirements are necessary to ensure that court orders do not remain in place on the basis of a claim that a current condition that does not violate prisoners' Federal rights nevertheless requires a court decree to address it, because the condition is somehow traceable to a prior policy that did violate Federal rights, or that government officials are "poised" to resume a prior violation of federal rights. If an unlawful practice resumes or if a prisoner is in imminent danger of a constitutional violation, the prisoner has prompt and complete remedies through a new action filed in State or Federal court and preliminary injunctive relief. Changes are also included to make clear that mandamus relief is available to compel the court to issue a ruling on a pending motion and to provide the courts additional time (60 days) to rule on motions to terminate before the automatic stay takes effect.

Sec. 124.—The conference agreement includes section 124, that amends the requirements for transfer of surplus balances in the Department of Justice Assets Forfeiture Fund. The House and Senate bills did not include a provision on this matter.

Sec. 125.—The conference agreement includes a provision that extends the visa waiver pilot program until April 30, 1998.

Sec. 126.—The conference agreement includes a provision that extends through May 1, 1998 the Department of State Consolidated Immigrant Visa Processing Center on-line access to the Interstate Identification Index of the National Crime Information Center and the requirement that the Secretary of State submit certain fingerprints relating to applications for immigrant visas to the Federal Bureau of Investigation.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $23,450,000 for the salaries and expenses of the Office of the United States Trade Representative, instead of $22,700,000 as proposed in the House bill, and $22,092,000 as proposed in the Senate bill, an increase of $2,001,000 above the fiscal year 1997 level.

The conferees note that on September 16, 1997, a budget amendment was submitted requesting an additional $1,700,000 above the original request for the following: (1) increased enforcement activities; (2) increased negotiation activities related to Latin America, Asia, and the World Trade Organization; and (3) creation of a new office within the USTR. The conference agreement provides $1,358,000 of the amount requested in the budget amendment for the following activities: (1) increased personnel to vigorously defend and prosecute trade cases on behalf of the United States in dispute settlement proceedings in the World Trade Organization and other trade fora, as well as to increase the USTR's notifications to and consultations with the Congress and other interested parties regarding such proceedings and on on-going trade negotiations, including the possible effects of such proceedings and negotiations on Federal, State, and local laws; and (2) increased personnel for Latin American, Asian, and the World Trade Organization negotiations.

The conference agreement also includes bill language limiting the number of political appointees to not more than 25 positions by May 1, 1998. The Senate bill contained a similar provision providing a limitation of not more than 15% of the total number of full-time equivalent positions, while the House bill did not address this matter.

To assist the U.S. Trade Representative in litigation before international panels, the conferees urge the USTR to permit participation of non-governmental U.S. persons in the development of U.S. positions and in the preparation for consultations and dispute settlement proceedings, provided that such

persons are supportive of the United States Government's position in the proceedings and have a direct interest in the matter in dispute, and provided that the United States Government does not pay for any litigation expenses incurred by such persons. The conferees urge that such persons be permitted to participate in international consultations and dispute settlement proceedings where the USTR believes such participation would assist in the U.S. prosecution or defense in the proceedings.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $41,200,000 for the salaries and expenses of the International Trade Commission (ITC) for fiscal year 1998, instead of $41,400,000 as proposed in the House bill and $41,000,000 as proposed in the Senate bill.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $283,066,000 in new budgetary resources for the operations and administration of the International Trade Administration for fiscal year 1998, instead of $279,500,000 as proposed by the House bill, and $280,736,000 as recommended in the Senate bill. In addition to this amount, the conference agreement assumes $4,800,000 in unobligated prior year carryover, resulting in a total fiscal year 1998 availability of $287,866,000.

The following table reflects the distribution of funds by activity included in the conference agreement:

Trade Development	$58,986,000
Market Access and Compliance	17,340,000
(Trade Compliance Center)	(3,000,000)
Import Administration	28,770,000
U.S. & F.C.S.	171,070,000
Executive Direction and Administration	11,700,000
Carryover	(4,800,000)
Total, ITA	283,066,000

The conference agreement includes a new budget structure for the ITA, which delineates funding for policy and administrative overhead expenses into a new separate component within ITA. For years, the ITA has attempted to thwart congressional intent in the distribution of funds provided to each ITA component by using the practice of administrative and executive tithing against ITA program components in order to redistribute funding for ITA programs. Therefore, the conferees have adopted and expanded the approach taken in the House bill to address these problems by including bill language designating the amounts provided in fiscal year 1998, including carryover, for each component and activity in ITA, in addition to creating a new Executive Direction and Administration activity. The conferees expect the fiscal year 1999 budget submission to include a separate activity for Executive Direction and Administration. Further, the conferees direct that centralized services (i.e. rent and utilities payments, the Office of the General Counsel and Departmental administrative support services) be proportionately charged to each activity based on actual usage, and direct that the practice of redistributing resources through such administrative charges cease immediately upon enactment of this Act. The conferees direct that the ITA submit a report to the Committees on Appropriations no later than December 15, 1997 on the distribution of fiscal year 1998 centralized services charged against each ITA activity, as well as for the Trade Compliance Center.

Executive Direction and Administration.—The conference agreement includes $11,700,000 for this activity, a $220,000 increase over the amount expended for this activity in fiscal year 1997 through tithes against the other ITA components. The following offices and activities are included under this new line item: the Office of the Under Secretary, the Office of the Deputy Under Secretary, the Office of Public Affairs, the Office of Legislative and Intergovernmental Affairs, the Director of Administration, Office of Financial Management, Office of Organization and Management Support, Office of Human Resources Management, and the Office of Information Resources Management.

Previously, funding for these offices was derived through assessments levied against each of the ITA's four program activities. In the interest of budget clarity, the conference agreement has provided a separate amount for these policy and overhead functions, and has reduced the four ITA components by $11,700,000 as follows: (1) $3,080,000 from Trade Development; (2) $1,360,000 from Market Access and Compliance; (3) $2,130,000 from the Import Administration; and (4) $5,130,000 from the U.S. and Foreign Commercial Service. The conferees expect that all support for these offices and their functions included under the new Executive Direction and Administration activity will be fully supported through this discrete line item and expect that no direct or indirect assessments will be levied against the other components of ITA.

Trade Development (TD).—The conference agreement provides $58,986,000 for this activity. Of the amounts provided, $46,396,000 is provided for the base program, an increase of $1,776,000 above the amounts available to TD programs in fiscal year 1997 exclusive of assessments against TD to support Executive Direction and Administration functions. The conferees direct a $400,000 reduction in funding for the Advocacy Center and assume the Center will refocus its activities toward small and medium-sized businesses. In addition, within the amounts provided, $9,000,000 is for the National Textile Center consortium to continue funding for the current participants as well as to expand the program to include the Philadelphia College of Textiles, and $3,000,000 is provided for the Textile/Clothing Technology Corporation. Further, the conference agreement includes continued funding for the Access Mexico program at the level recommended in the Senate report, and provides $500,000 for continuation of the international global competitiveness initiative, and $2,500,000 for the Market Cooperator Development program.

Market Access and Compliance (MAC).—The conference agreement includes a total of $17,340,000, of which not less than $3,000,000 is for the Trade Compliance Center (TCC) and $14,340,000 is for the base MAC program. This amount provides an $875,000 increase for the base MAC program over the fiscal year 1997 level exclusive of assessments in MAC for Executive Direction and Administration functions. The conferees expect the full $3,000,000 to be made available to the TCC and do not expect such funds to be diverted to directly or indirectly support other MAC activities. The conferees warn the ITA that should such diversion occur, the conferees are prepared to separate out the TCC into a separate ITA appropriation in fiscal year 1999.

Import Administration.—The conference agreement provides $28,770,000 for the Import Administration, an increase of $1,242,000 over the fiscal year 1997 funding level exclusive of assessments for Executive Direction and Administration functions.

U.S. and Foreign Commercial Service (U.S. & FCS).—The conference agreement includes $171,070,000 for the programs of the U.S. & FCS, an increase of $7,821,000 over the fiscal year 1997 funding level exclusive of assessments for Executive Direction and Administration functions. Within these amounts, the conferees have included $1,000,000 to be used in accordance with the direction in the House report regarding the Rural Export Initiative and an initiative utilizing electronic commerce to assist small businesses increase export opportunities.

Unfair Trade Practices.—The conferees are concerned that relief provided against unfair trade practices is ineffective where foreign producers sell through related party importers in the United States and continue their unfair trade practices. Accordingly, the conferees expect the Import Administration to provide the House and Senate Appropriations Committees, within sixty days of enactment of this Act, a report identifying the statutory and administrative changes necessary to resolve this issue once an antidumping or countervailing duty order is established.

Trade Missions.—The conferees concur in the recommendations of the House report regarding the establishment and enforcement of a transparent trade mission policy, as well as the concerns over the fragmentation of trade policy and promotion activities. Therefore, the conferees expect the Department to follow the direction included in the House report regarding these matters.

Security Upgrades.—The conferees expect the ITA to comply with the direction included in the House report regarding the expenditure of funds provided in fiscal year 1997 for security upgrades at ITA facilities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $43,900,000 for the Bureau of Export Administration (BXA), instead of $41,000,000 as proposed in the House bill, and $43,126,000 as proposed in the Senate bill. The conference agreement provides increases over the fiscal year 1997 regular appropriation for the following activities: (1) $3,900,000 to continue the counterterrorism activities provided for through emergency appropriations in fiscal year 1997; (2) $926,000 for new export control responsibilities transferred from the Department of State in fiscal year 1997; and (3) $1,174,000 for BXA to begin activities related to its responsibilities under the Chemical Weapons Convention (CWC) Treaty. The conferees have not provided the full amount requested for the CWC Treaty due to the delays in the enactment of the necessary implementing legislation. Should additional resources be required, the Committees would be willing to entertain a reprogramming to meet the additional requirements.

In addition, the conference agreement provides $1,900,000 to reimburse the Department of Defense's On-Site Inspection Agency (OSIA) for inspection support to teams of international inspectors at commercial facilities for CWC Treaty implementation, instead of $3,500,000 requested in the budget amendment submitted August 12, 1997, due to reduced requirements as a result of the delay in enactment of implementing legislation.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $340,000,000 for the Economic Development

Administration grant programs as proposed in the House bill, instead of $250,000,000 as proposed in the Senate bill.

Of the amounts provided, $178,000,000 is for the Title I Public Works program, $29,900,000 is for Title IX Economic Adjustment Assistance, $89,000,000 is for Defense Conversion, $24,000,000 is for planning, $9,100,000 is for technical assistance, including university centers, $9,500,000 is for trade adjustment assistance, and $500,000 is for research. The conferees expect EDA to follow the direction in the House report regarding assistance to communities impacted by coal industry downswings and timber industry downturns.

SALARIES AND EXPENSES

The conference agreement includes $21,028,000 for salaries and expenses for the EDA, instead of $21,000,000 as proposed in the House bill, and $22,028,000 included in the Senate bill. The conference agreement assumes EDA will use either the Salaries and Expenses appropriation or the revolving fund (under 42 U.S.C. 3143) to pay the salaries and expenses related to protection of loan collateral and grant property.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $25,000,000 for the programs of the Minority Business Development Agency (MBDA), as proposed in the House bill, instead of $27,811,000 included in the Senate bill. The conferees direct that reductions from the current levels be allocated proportionately between program administration and program delivery (e.g. Business Development Centers).

The conference agreement assumes that MBDA will continue its support for the Entrepreneurial Technology Apprenticeship Program at the current level, as directed in the House report, and will follow the direction in the Senate report regarding Black Dollar Days.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conferees have provided $47,499,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account, instead of $46,000,000 as proposed in the House bill and $47,917,000 included in the Senate bill. The conference agreement adopts the directive included in the House report regarding the Integrated Environmental-Economic Accounting or "Green GDP" initiative.

ECONOMICS AND STATISTICS ADMINISTRATION

REVOLVING FUND

The conference agreement includes language allowing the dissemination of economic and statistical data products at full cost as proposed in both the House and Senate bills.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

The conference agreement includes $137,278,000 for the Bureau of the Census Salaries and Expenses account, instead of $136,499,000 as proposed in the House bill and $138,056,000 as proposed in the Senate bill.

The conferees expect the Bureau to be fully reimbursed for any survey requested by any other Federal agency or private organization. In addition, the conferees expect the Office of Management and Budget and the Bureau of the Census to take the necessary appropriate actions to resolve the concerns expressed in the Senate report regarding metropolitan statistical areas.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement provides $555,813,000 for the Census Bureau's Periodic Censuses and Programs account, instead of $550,126,000 as proposed in the House bill, $520,726,000 as recommended in the Senate bill, and $523,126,000 as requested in the budget.

Decennial Census.—The recommendation includes $389,887,000 as a separate appropriation under this account for fiscal year 1998 for decennial census programs, an increase of $8,087,000 above the House bill, and $35,087,000 above the Senate bill and the budget request. The increase above the request has been provided as follows: $27,000,000 for the Census Bureau to plan and develop a contingency plan in the event sampling is not used in the 2000 decennial census; $4,087,000 for modifications to the dress rehearsal; and $4,000,000 to be transferred to the Census Monitoring Board, authorized in section 210 of this Act.

Other Periodic Programs.—The conferees have included the following amounts for non-decennial census periodic programs:

Economic Censuses	$63,700,000
Census of governments	2,836,000
Intercensal Demographic estimates	5,200,000
Continuous measurement	16,600,000
Sample redesign	3,800,000
CASIC	6,000,000
Geographic support	43,000,000
Data processing systems	24,790,000
Total	165,926,000

Continuous Measurement.—The conferees share the concerns expressed in both the House and Senate reports about this program, and direct the Bureau to comply with the direction included in both reports regarding this program.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $16,550,000 for the National Telecommunications and Information Administration (NTIA) salaries and expenses, instead of $17,100,000 as proposed in the House bill, and $16,574,000 as proposed in the Senate bill. In addition, the conference agreement assumes that NTIA will receive an additional $7,500,000 through reimbursements from other agencies for the costs of providing spectrum management, analysis and research services to those agencies.

The conference agreement includes $1,750,000 for NTIA's portion of the second year costs associated with the International Telecommunications Union plenipotentiary conference, and $148,000 for the requested privacy initiative.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $21,000,000 for the Public Telecommunications Facilities, Planning and Construction (PTFP) program, instead of $16,750,000 as proposed in the House bill, and $25,000,000 as proposed in the Senate bill. The conferees intend for this funding to be used for the existing equipment and facilities replacement program. The conference agreement allows up to $1,500,000 of this amount to be used for program administration, as provided in both the House and Senate bills. The conference agreement also includes a new provision as proposed in the Senate bill, making the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) program eligible to compete for funding under this account.

In addition, the conference agreement renames the title of this account to the Public Telecommunications Facilities, Planning and Construction program, instead of the Public Broadcasting Facilities, Planning and Construction program.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes $20,000,000 for NTIA's Information Infrastructure Grant program, instead of $21,490,000 as recommended in the House and Senate bills.

The conferees note that the Senate bill increased funds for this account through an across-the-board reduction in other accounts in this title, reductions which are not adopted in the conference agreement. In addition, the conferees note that the recent actions by the Federal Communications Commission to implement the universal service fund requirements of the Telecommunications Act of 1996 should reduce the funding requirements under this account. Consequently, the conference agreement slightly reduces funding for this account.

As proposed in the House bill, within the amount provided, the conference agreement designates $3,000,000 for program administration and allows not to exceed five percent of the total amount provided to be used for certain telecommunications research activities. The Senate bill did not address these matters.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement provides a total funding level of $716,000,000 for the Patent and Trademark Office (PTO) in fiscal year 1998, instead of $704,000,000 as proposed in the House bill, $683,320,000 as recommended in the Senate bill, and $656,320,000 requested in the budget. The conference agreement assumes a total of $664,000,000 to be derived in offsetting fee collections, $27,000,000 in direct appropriations, and $25,000,000 in carryover of prior year funds. Under the conference agreement, total funds available to the PTO are increased by $59,680,000 over the budget request, $32,680,000 over the Senate bill, and $12,000,000 over the House bill.

The conference agreement eliminates the cap on fees available to the PTO contained in the Senate bill. Under the Senate bill, fees collected in excess of $629,320,000 would have returned to the Treasury rather than being retained by the PTO, resulting in a $34,680,000 loss to the PTO. Instead, the conference agreement includes new language allowing all fees collected by the PTO to remain with the PTO to support its activities, and making the full amount of fiscal year 1998 estimated fee collections available to the PTO in fiscal year 1998. Fees collected in excess of the PTO's current estimate of collections will remain with PTO and be available to the PTO on October 1, 1998. Such language is consistent with the language included in all other fee-funded agencies in this bill, and ensures that all fee revenues collected remain with the agency while ensuring appropriate oversight of PTO's budget to ensure that such funds are used by the PTO in a manner which best serves the needs of the user community.

The conferees are aware that the Office of the Inspector General has issued an audit report concluding that the PTO is not maintaining adequate controls over the quality of patent examinations. The OIG recommends restoring funds to the Office of Patent Quality Review, which has been severely weakened by budget decisions by the PTO, so that the Office can continue their independent assessments of patent quality as they have in

the past. Since public confidence in the quality of issued patents is essential to maintaining the integrity of the patent system, the conferees fully expect the PTO to comply with the OIG's recommendation and restore the Office to full strength, and to report back to the Committees on this matter not later than December 15, 1997.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement includes $8,500,000 for the Technology Administration (TA), as proposed in the House bill, instead of $8,800,000 as proposed in the Senate bill. Of this amount, $1,600,000 is for the Experimental Program to Stimulate Competitive Technology (EPSCoT), and bill language is included making these funds available for two years as recommended in the House bill. In addition, the conference agreement adopts the recommendations in both the House and Senate reports denying funds for any new foreign policy initiatives. However, the conference agreement assumes the TA will continue existing agreements at no more than the current level of support, but the conferees direct the Technology Administration not to enter into any new international technology agreements, expand any existing agreements, or extend any expiring agreements. The conferees would be willing to permit the TA to provide technical assistance to other agencies, more appropriately involved in foreign assistance programs, for such agreements, provided TA is fully reimbursed from funds from other Federal sources outside the Department of Commerce's budget.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $276,852,000 for the internal (core) research account of the National Institute of Standards and Technology as proposed in the Senate and House bills.

The conference agreement provides $268,052,000 for the core research programs within NIST, the same amount provided in fiscal year 1997, in accordance with the distribution in the fiscal year 1997 conference report. Such distribution should be used as a basis for reprogramming of funds for activities provided in this account. In addition, the conferees concur with the recommendation included in the Senate report regarding funding for the Malcolm Baldrige Award, and thus have provided no funds for expansion of this program to other areas in fiscal year 1998, as such expansion would result in reductions in core NIST activities.

Further, in light of recent wind related disasters in the southwest United States which have resulted in significant loss of life and property, the conference agreement includes $3,800,000 in the bill for research to be conducted at Texas Tech University on protective structures and other technologies which are designed to save lives threatened by tornadoes and severe wind storms. Texas Tech is uniquely positioned to conduct this research because of its nationally recognized interdisciplinary wind engineering program and its location in a region which has experienced repeated wind disasters. In addition, the conference agreement also includes $5,000,000 for a cooperative agreement with Montana State University for research on building products, processes and technologies which utilize underused natural resources and environmentally sound technologies. The conferees direct that funds provided for these two activities shall not be used for the design or construction of facilities.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $306,000,000 for the NIST external research account instead of $298,600,000 as proposed in the House bill and $311,040,000 as proposed in the Senate bill.

Manufacturing Extension Partnership Program.—The conference agreement includes $113,500,000 for the Manufacturing Extension Partnership Program (MEP) as proposed in the House bill, instead of $111,040,000 as proposed in the Senate bill. Of these amounts, $103,000,000 is for continued support for all existing Regional Centers, including the rollover costs of the remaining Centers originally funded under the Defense Department's Technology Reinvestment Program, as well as those Centers which have reached their statutory six-year time limit; $2,000,000 is for continuation of the existing SBDC-manufacturing field offices; and $8,500,000 is for management and administration. The conference agreement does not include any funds for special projects related to supply chain optimization, information technology, and technology infusion. While these projects are worthwhile, the conferees are concerned that these programs are not required to meet the same requirements as the Regional Centers program, including cost share requirements. Given that many of these projects are targeted to selected industry sectors and problems, the conferees expect that MEP Centers should be able to obtain the funds for these purposes from local, State, or private-sector sources.

The conference agreement also contains language, included in the Senate bill, that extends for one year NIST's support for the Regional Centers beyond the statutory six-year period, subject to certain conditions. The House bill contained no extension. The conferees note that this program, as well as other NIST programs, have remained unauthorized for a number of years. The House most recently passed NIST authorization legislation (H.R.1274) earlier this year which would waive the statutory sunset on manufacturing centers. The Senate has not passed a companion bill. The conferees had hoped that an authorization bill would be enacted prior to fiscal year 1998, obviating the need to address this issue in the appropriations bill. As stated in the fiscal year 1997 conference report, the conferees continue to believe this issue is best addressed through the authorization process. Therefore, while the conferees have included a one-year waiver of the sunset requirement to bridge the gap until a NIST authorization is enacted, the conferees fully expect enactment of appropriate authorization legislation prior to fiscal year 1999, and thus do not plan to continue waiving such sunset requirements through the appropriations process. In addition, the conferees direct the Secretary of Commerce to review this program and provide recommendations to the Committees for assisting the Regional Centers to become self-supporting after their sixth year of operation, and expect a report from the Secretary to be submitted with the fiscal year 1999 budget submission.

Advanced Technology Program.—The conference agreement includes $192,500,000 for the Advanced Technology Program (ATP), instead of $185,100,000 as proposed in the House bill and $200,000,000 as proposed in the Senate bill. The recommendation provides the following distribution for fiscal year 1998 funds: (1) $68,000,000 for continuation of prior year awards made using funds provided in fiscal years 1996 and 1997; (2) $82,000,000 for new awards in fiscal year 1998; and (3) $42,500,000 for administration, internal NIST lab support and Small Business Innovation Research requirements. In addition, language is included in the bill designating the amounts available for new ATP awards, similar to language included in the House bill.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides $95,000,000 for construction, renovation and maintenance of NIST facilities, instead of $111,092,000 as proposed in the House bill, and $16,000,000 included in the Senate bill.

The conferees concur in the direction included in the House report regarding the development of a long-term facilities plan for NIST which includes maintenance, rehabilitation and new construction requirements, and have included bill language making $78,308,000 of the funds provided in this account available upon submission of a spending plan which corresponds to NIST's long-term facilities plan.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement provides a total funding of $2,002,139,000 for all programs of the National Oceanic and Atmospheric Administration (NOAA), instead of $1,850,392,000 as proposed by the House, and $2,101,555,000 as proposed by the Senate. Of these amounts, the conferees have included $1,512,050,000 in the Operations, Research, and Facilities (ORF) account, $491,609,000 in the new Procurement, Acquisition and Construction (PAC) account, and $1,480,000 in other NOAA accounts.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes $1,512,050,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration instead of $1,391,400,000 as proposed by the House and $1,999,052,000 as proposed in the Senate bill. In addition, the conference agreement allows $3,000,000 in offsetting fees related to the aeronautical charting program to be collected to offset this amount, resulting in a final direct appropriation of $1,509,050,000 instead of $1,388,400,000 as proposed by the House and $1,996,052,000 as proposed in the Senate bill.

The conference agreement reflects significant changes in the account structure for NOAA, through the creation of a new separate account for procurement, acquisition, and construction activities. Activities, including systems acquisition and new construction, which previously had been funded within the NOAA Operations, Research, Facilities (ORF) account are now provided for in a new account under the heading "Procurement, Acquisition and Construction." In addition, non-capital acquisition activities previously provided for in the NOAA "Construction" and "Fleet Modernization, Shipbuilding, and Conversion" accounts have been provided for within the ORF account, as proposed. Language is included in the bill, as requested, to make the necessary technical changes to reflect the establishment of this new account. While the conferees have adopted this new budget structure, the conferees do not intend to impede the agency's ability to meet its operational and programmatic requirements through transfers

between the ORF and PAC accounts. The PAC account is intended to assist the agency and Congress in evaluating NOAA's long-term needs for systems and facilities acquisition in a timely and cost-effective manner.

In addition to the new budget authority provided, the conference agreement allows a transfer of $62,381,000 from balances in the account titled "Promote and Develop Fishery Products and Research Related to American Fisheries," as proposed in the Senate bill, instead of $63,881,000 as proposed by the House. This amount is equal to the budget request, and will support a $4,000,000 Saltonstall-Kennedy grant program, in addition to $2,000,000 in carryover available in the grant program from fiscal year 1997. The total amount provided also includes a transfer of $5,200,000 from the Damage Assessment Revolving Fund, as included in the budget request. In addition, the conference agreement assumes NOAA will use $1,700,000 from the Federal Ship Financing Fund to cover administrative expenses related to that account, and reflects prior year deobligations and carryover funding totaling $24,000,000.

The conference agreement does not include language proposed in the House bill designating the amounts provided under this account for the six NOAA line offices. The Senate bill contained no similar provision. The conference agreement adopts the direction included in the House report regarding the development of a revised budget structure for NOAA in consultation with the House and Senate Appropriations Committees, as well as the direction included in both the House and Senate reports concerning financial and budgetary management deficiencies at NOAA.

NOAA Commissioned Corps.—The conference agreement includes language setting the ceiling on the number of commissioned corps officers in fiscal year 1998 at not more than 283 by September 30, 1998, instead of a ceiling of 270 officers as included in the House bill, and 299 as included in the Senate bill.

Unless specifically stated otherwise in this Statement of the Committee of the Conference, directions included, and amounts expended, from the NOAA Operations, Research and Facilities account are to be allocated in accordance with the recommendations previously described in the Committee reports of the House and Senate.

The following table reflects the distribution of the funds provided in this conference agreement:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1998

[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
NATIONAL OCEAN SERVICE					
Navigation Services:					
Mapping and Charting	32,000	30,100	30,100	30,100	30,100
Address Survey Backlog	6,000	6,000	13,900	6,000	13,900
Subtotal	38,000	36,100	44,000	36,100	44,000
Geodesy	20,167	19,159	21,100	19,659	20,700
Tide and Current Data	12,500	11,000	11,350	11,300	11,350
Acquisition of Data	18,200	14,546	14,500	16,046	14,546
Total, Navigation Services	88,867	80,805	90,950	83,105	90,596
Ocean Resources Conservation Assessment:					
Esturaine and Coastal Assessment	2,674	2,674	2,674	2,674	2,674
Ocean Assessment Program	27,300	28,425	28,600	35,375	35,300
Damage Assessment	2,200	3,000	3,000	3,000	3,000
Transfer from Damage Assessment Fund	5,276	6,700	6,700	6,700	6,700
Oil Pollution Act of 1990	1,000	1,000	1,000	1,000	1,000
Ocean Services	2,500	2,800	2,500	2,800	2,500
Oceanic and Coastal Research	.....	.....	.....	7,910	7,910
Subtotal	40,950	44,599	44,474	59,459	59,084
Coastal Ocean Program	15,200	15,200	17,200	15,200	17,200
Total, ORCA	56,150	59,799	61,674	74,659	76,284
Ocean and Coastal Management:					
Coastal Management:					
CZM Grants	46,200	65,732	55,000	49,732	49,700
Estuarine Research Reserve System	1,300	4,300	1,000	12,900	5,650
Nonpoint Pollution Control	.....	1,000	1,000	.....	1,000
Program Administration	.....	.....	.....	.....	4,500
Subtotal	47,500	71,032	57,000	62,632	60,850
Marine Sanctuary Program	11,685	13,200	14,000	14,500	14,000
Total, Ocean & Coastal Management	59,185	84,232	71,000	77,132	74,850
Total, Nos	204,202	224,836	223,624	234,896	241,730
NATIONAL MARINE FISHERIES SERVICE					
Information Collection and Analysis:					
Resource Information	91,330	92,992	88,344	99,947	99,300
Antarctic Research	1,200	1,200	1,200	1,200	1,200
Chesapeake Bay Studies	1,890	1,500	1,890	1,890	1,890
Right Whale Research	250	200	250	1,000	400
MARFIN	3,000	3,000	3,000	5,000	3,500
SEAMAP	1,200	1,200	1,200	1,200	1,200
Alaskan Groundfish Surveys	661	661	661	961	950
Bering Sea Pollock Research	945	945	945	945	945
West Coast groundfish	780	780	780	780	780
New England Stock Depletion	1,000	1,000	1,000	1,000	1,000
Hawaii Stock Management Plan	500	.....	500	500	500
Yukon River Chinook Salmon	700	700	700	700	700
Atlantic Salmon Research	710	710	710	960	710
Gulf of Maine Groundfish Survey	567	567	565	567	567
Dolphin/Yellowfin Tuna Research	250	250	250	250	250
Habitat Research/Evaluation	450	450	450	450	450
Pacific Salmon Treaty Program	5,587	5,587	5,587	5,587	5,587
Fisheries Cooperative Institute	410	410	410	.....	.....
Hawaiian Monk Seals	500	500	500	500	550
Steller Sea Lion Recovery Plan	1,770	1,440	1,440	2,770	2,770
Hawaiian Sea Turtles	248	248	243	248	248
Bluefish/Striped Bass	785	.....	800	.....	800
Halibut/Sablefish	1,200	1,200	1,200	1,500	1,200
Gulf of Mexico Mariculture	300	.....	.....	.....	.....
Summer Flounder	.....	.....	.....	250	.....
Subtotal	116,233	115,540	112,625	128,255	125,497
Fishery Industry Information:					
Fish Statistics	13,000	13,400	13,000	13,400	13,000
Alaska Groundfish Monitoring	5,200	5,200	5,200	5,500	5,500
PACFIN/Catch Effort Data	3,000	3,000	4,700	4,700	4,700
Recreational Fishery Harvest Monitoring	3,400	3,100	3,900	5,000	3,900
Subtotal	24,600	24,700	26,800	28,600	27,100

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1998—Continued

[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
Information Analyses and Dissemination	20,900	21,200	20,900	21,200	20,900
Computer Hardware and Software	4,000	4,000	4,000	4,000	4,000
Subtotal	24,900	25,200	24,900	25,200	24,900
Acquisition of Data	26,840	25,098	26,800	25,098	25,098
Total, Information Collection and Analysis	192,573	190,538	191,125	207,153	202,595
Conservation and Management Operations:					
Fisheries Management Programs	22,000	29,300	24,500	30,000	27,250
Columbia River Hatcheries	10,955	10,300	10,300	10,955	12,055
Columbia River Endangered Species	288	288	288	288	288
Regional Councils	10,200	11,700	11,700	13,000	11,900
International Fisheries Commissions	950	400	400	400	400
Management of George's Bank	478	478	461	478	478
Beluga Whale Committee	200	200	200	200	200
Pacific Tuna Management	1,900	1,500	1,000	1,900	2,300
Chinook Salmon Management	.....	.....	.....	1,884	.....
Subtotal	46,971	54,166	48,849	59,105	54,871
Protected Species Management	5,700	6,750	5,700	7,950	6,200
Driftnet Act Implementation	3,278	3,278	3,278	3,278	3,278
Marine Mammal Protection Act	9,125	9,500	9,500	9,500	9,500
Endangered Species Act Recovery Plan	13,500	20,200	15,500	20,200	20,200
Fishery Observer Training	417	.....	417	417	417
East Coast Observers	350	350	350	350	350
Subtotal	32,370	40,078	34,745	41,695	39,945
Habitat Conservation	8,000	9,800	8,000	9,800	8,500
Enforcement & Surveillance	16,500	18,200	17,000	18,200	17,600
Total, Conservation, Management & Operations	103,841	122,244	108,594	128,800	120,916
State and Industry Assistance Programs:					
Interjurisdictional Fisheries Grants	2,600	2,600	2,600	3,500	2,600
Anadromous Grants	2,108	2,108	2,100	3,000	2,100
Anadromous Fishery Project	.....	250	.....	250	.....
Interstate Fish Commission	5,000	4,000	6,000	8,000	6,750
Subtotal	9,708	8,958	10,700	14,750	11,450
Fisheries Development Program:					
Product quality and safety/Seafood Inspect	14,624	14,624	14,624	12,674	10,524
Hawaiian Fisheries Development	750	.....	.....	750	750
Marine Biotechnology	1,900	1,900	1,900	.....	.....
Salmon license buy-back	.....	.....	.....	3,500	.....
Washington crab license buy-back	.....	.....	.....	8,500	.....
Subtotal	17,274	16,524	16,524	25,424	11,274
Total, State and Industry Programs	26,982	25,482	27,224	40,174	22,724
Total, NMFS	323,396	338,264	326,943	376,127	346,235
OCEANIC AND ATMOSPHERIC RESEARCH					
Climate and Air Quality Research:					
Interannual & Seasonal	8,000	12,900	12,900	12,900	12,900
Climate & Global Change Research	60,000	62,000	57,100	60,000	60,000
GLOBE	6,000	7,000	.....	.....	5,000
Subtotal	74,000	81,900	70,000	72,900	77,900
Long-term Climate & Air Quality Research	28,372	29,402	28,300	29,402	29,402
High Performance Computing	7,500	7,500	6,500	7,500	7,500
Subtotal	35,872	36,902	34,800	36,902	36,902
Total, Climate and Air Quality Research	109,872	118,802	104,800	109,802	114,802
Atmospheric Programs:					
Weather Research	33,613	33,613	33,613	37,413	37,413
Wind Profiler	4,350	4,350	4,350	4,350	4,350
Subtotal	37,963	37,963	37,963	41,763	41,763
Solar/Geomagnetic Research	5,493	5,493	5,700	5,493	5,700
Total, Atmospheric Programs	43,456	43,456	43,663	47,256	47,463
Ocean and Great Lakes Programs:					
Marine Research Prediction	15,651	12,126	14,000	14,126	22,976
GLERL	5,200	5,200	5,200	6,000	6,000
GLERL/zebra mussel	.....	.....	.....	2,000	.....
Lake Champlain study	.....	.....	.....	300	.....
Tsunami hazard mitigation	.....	.....	.....	2,300	.....
Subtotal	20,851	17,326	19,200	24,726	28,976
Sea Grant:					
Sea Grant college program	54,300	50,182	55,300	58,000	56,000
Oyster Disease	.....	.....	.....	1,480	.....
Subtotal	54,300	50,182	55,300	59,480	56,000
National Undersea Research Program	12,000	5,400	.....	15,000	15,500
Total, Ocean and Great Lakes Program	87,151	72,908	74,500	99,206	100,476
Acquisition of Data	12,690	12,884	14,500	15,384	15,000
Total, OAR	253,169	248,050	237,463	271,648	277,741

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1998—Continued

[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
NATIONAL WEATHER SERVICE					
Operations and Research:					
Local Warnings and Forecasts	298,538	308,000	313,800	329,820	324,000
MARDI	91,462	73,674	73,674	73,674	73,674
Radiosonde Replacement	1,500	910	.....	910	910
Susquehanna River Basin flood system	1,000	619	1,120	1,000	1,120
Aviation forecasts	35,596	35,596	35,596	35,596	35,596
Regional Climate Centers	2,000	.....	2,000	.....	.....
Subtotal	430,096	418,799	426,190	441,000	435,300
Central Forecast Guidance	28,700	29,543	29,543	29,543	29,543
Atmospheric and Hydrological Research	2,000	2,489	2,489	2,489	2,489
Total, Operations and Research	460,796	450,831	458,222	473,032	467,332
Systems Acquisition:					
Public Warnings and Forecast Systems:					
NEXRAD	53,145	39,591	39,591	39,591	39,591
ASOS	10,056	5,341	5,341	5,341	5,341
AWIPS/NOAA Port	100,000	.....	.....	.....	.....
Computer Facilities Upgrades	14,000	8,000	8,000	8,000	8,000
Total, Systems Acquisition	177,201	52,932	52,932	52,932	52,932
Total, NWS	637,997	503,763	511,154	525,964	520,264
NAT'L ENVIRO SAT DATA INFO SERVICE					
Satellite Observing Systems:					
Polar Spacecraft Launching	147,300	.....	.....	.....	.....
Polar Convergence/IPO	29,000	51,503	15,000	51,503	34,000
Geostationary Spacecraft and Launching	171,480	.....	.....	.....	.....
Ocean Remote Sensing	4,000	3,800	1,000	5,000	4,000
Environmental Observing Systems	51,000	50,347	50,000	50,347	50,347
Total, Satellite Observing Systems	402,780	105,650	66,000	106,850	88,347
Environmental Data Management Systems	30,002	27,500	27,500	27,500	27,500
Data and Information Services	14,800	16,335	16,335	16,335	16,335
Regional Climate Centers	.....	.....	.....	3,000	2,500
Total, EDMS	44,802	43,835	43,835	46,835	46,335
Total, NESDIS	447,582	149,485	109,835	153,685	134,682
PROGRAM SUPPORT					
Administration and Services:					
Executive Direction and Administration	19,000	19,911	14,200	19,986	19,200
Systems Acquisition Office	1,497	1,497	1,418	1,422	1,420
Subtotal	20,697	21,408	15,618	21,408	20,620
Central Administrative Support	33,000	31,850	31,850	31,850	31,850
Retired Pay Commissioned Officers	8,000	14,000	9,000	8,000	8,000
Total, Administration and Services	61,697	67,258	56,468	61,258	60,470
Aircraft Services	10,000	9,900	9,900	10,400	10,400
Rent Savings	.....	(4,656)	(4,656)	(4,656)	(4,656)
Total, Program Support	71,697	72,502	61,712	67,002	66,214
Fleet Planning and Maintenance	8,000	11,823	2,500	15,823	13,500
Facilities:					
NOAA Facilities Maintenance	2,000	4,488	2,000	1,800	1,800
Sandy Hook Lease	1,750	2,000	2,000	1,750	2,000
Environmental Compliance	2,000	3,700	2,000	2,000	2,000
WFO Maintenance	1,000	2,950	2,950	.....	1,000
Columbia River Facilities	4,700	4,465	3,000	4,465	4,465
Total, Facilities	11,450	17,603	11,950	10,015	11,265
Direct Obligations	1,957,493	1,566,326	1,485,181	1,655,160	1,611,631
Reimbursable Obligations	313,515	317,015	317,015	317,015	317,015
New Offsetting Collections (data sales)	1,200	2,400	2,400	2,400	2,400
Anticipated Offsetting Collections (aerocharts)	3,000	3,000	3,000	3,000	3,000
Subtotal, Reimbursables	317,715	322,415	322,415	322,415	322,415
Total Obligations	2,275,208	1,888,741	1,807,596	1,977,575	1,934,046
Financing:					
Deobligations	(14,000)	(24,000)	(24,000)	(24,000)	(24,000)
Unobligated Balance transferred, net	.....	(1,500)	(2,000)	(1,500)	(1,500)
Federal Ship Financing Fund	(1,700)	.....	(1,700)	.....	(1,700)
Coastal Zone Management Fund	.....	.....	.....	.....	(7,800)
New Offsetting Collections (data sales)	(1,200)	(2,400)	(2,400)	(2,400)	(2,400)
Anticipated Offsetting Collections (aerocharts)	(3,000)	(3,000)	(3,000)	(3,000)	(3,000)
Federal Funds	(282,500)	(172,000)	(172,000)	(172,000)	(172,000)
Non-federal Funds	(31,015)	(145,015)	(145,015)	(145,015)	(145,015)
Subtotal, Financing	(333,415)	(347,915)	(350,115)	(347,915)	(357,415)
Budget Authority	1,941,793	1,540,826	1,457,481	1,629,660	1,576,631
Financing from:					
Promote and Develop American Fisheries	(66,000)	(62,381)	(63,881)	(62,381)	(62,381)
Damage Assess. & Restor. Revolving Fund	(5,276)	(5,200)	(5,200)	(5,200)	(5,200)
Appropriation, ORF	1,870,517	1,473,245	1,388,400	1,562,079	1,509,050

The following narrative provides additional information related to certain items included in the preceding table.

NATIONAL OCEAN SERVICE

The conferees have provided a total of $241,730,000 under this account for the activities of the National Ocean Service, instead of $223,624,000 as recommended by the House, and $234,896,000 recommended by the Senate.

Mapping and Charting.—The conference agreement provides $44,000,000 for NOAA's mapping and charting programs, reflecting the conferee's continued commitment to the navigation safety programs of the NOS, and their concerns for the ability of the NOS to continue to meet its mission requirements over the long term. The conferees remain concerned that NOAA has not taken sufficient steps to plan for its long term mission requirements, given that overall fiscal constraints will likely preclude major investments to replace NOAA hydrographic vessels. It is clear that the future of NOAA's hydrographic program lies in increased outsourcing to meet its nautical charting needs. While the conferees understand the need for NOAA to ensure the quality, standards and specifications for nautical charts, the conferees are concerned that NOAA has not taken vigorous steps to make this transition to outsourcing as an alternative method of meeting its needs.

Therefore, the conference agreement includes $13,900,000 as provided in the House bill under the line item Address Survey Backlog/Contracts exclusively for contracting out with the private sector for data acquisition needs. Further, the conferees believe that the purchase of equipment for the NOAA vessel RAINER will enable NOAA to reduce the costs, including liability insurance costs, associated with contracting with private sector contractors using such equipment. Further, the conferees direct that NOAA provide a satisfactory long-term plan to the House and Senate Appropriations Committees and the House Resources and Senate Commerce, Science, and Transportation Committees, no later than February 1, 1998, to meet the Nation's nautical charting needs. Such plan shall include, at a minimum, the following: (1) NOAA's short and long-term plans for utilization of its existing hydrographic fleet, including the time line for decommissioning these vessels; (2) mechanisms and alternatives for NOAA to maintain a core set of capabilities for appropriate oversight, technical guidance, standards development and specifications for ensuring data quality; and (3) a plan to acquire not less than 50% of its hydrographic services through private contract or long-term leases by fiscal year 1999. The conferees expect NOAA to work with all interested parties in developing this plan.

Tide and Current Data.—The conference agreement includes $11,350,000 for this activity in accordance with the direction included in the House report. The conferees do not anticipate, and will not consider, future requests for any operational assistance for any PORTS systems. Further, the conferees expect NOAA to submit the necessary legislation to the Congress that would ensure non-Federal support for the operation and maintenance of such systems.

Ocean Assessment Program.—The conference agreement includes $35,300,000 for this activity. Within the amounts provided for ocean assessment, the conference agreement includes the following: $13,800,000 for NOAA's Coastal Services Center, of which $300,000 is available for a one-time grant for implementation of the Charleston Harbor project as detailed in the Senate report; $5,900,000 to continue the Cooperative Institute for Coastal and Estuarine Environmental Technology; $1,000,000 to support coral reef studies in the Pacific and Southeast as described in the Senate report; $1,000,000 to provide support for the Commission on Ocean Policy, a commission which will examine both Federal and non-Federal ocean and coastal activities, and report to the Congress and the President, and $1,000,000 for pfiesteria monitoring and assessment activities. In addition, the conference agreement also includes an additional $2,500,000 increase above the fiscal year 1997 level under Ocean and Coastal Research and the Coastal Ocean Program for research on pfiesteria and other harmful algal blooms.

Ocean and Coastal Research.—The conference agreement includes $7,910,000 for the National Ocean Service laboratory at Charleston, and has provided this funding under a new line item entitled "Ocean and Coastal Research". This funding includes $1,500,000 for pfiesteria and toxicology research, and fisheries forensics and law enforcement. The conferees agree to transfer management and operation of the Charleston laboratory from NMFS to the National Ocean Service as proposed by the Senate. The conferees understand that NOAA has proposed further realignments of research facilities from other parts of NOAA to the National Ocean Service as part of a reorganization to emphasize coastal and ocean programs. The conferees would be willing to consider such changes upon submission of a reprogramming, and remind NOAA that all reorganizations are subject to the requirements of section 605 of this Act. Further, the conferees direct that the study required by the House report concerning collaborative research between NOAA and the U.S. Geological Survey be submitted to the Committees by March 15, 1998.

Coastal Ocean Program.—The conference agreement provides $17,200,000 for the Coastal Ocean Program, of which $3,000,000 is for ECOHAB, particularly research related to pfiesteria. The conference agreement adopts the recommendation included in the House report regarding efforts to respond to the algae bloom in the Peconic, Moriches and adjacent Long Island waters as well as expanding the geographic scope of studies on the ecology and oceanography of harmful algal blooms. Further, the conferees recommend funding at the fiscal year 1997 level for restoration of the South Florida ecosystem.

Coastal Zone Management Program.—For the CZM State grants program, the conferees have provided $49,700,000, a $3,500,000 increase over the fiscal year 1997 level to enable the addition of two new States into the program in fiscal year 1998. The conference agreement provides $5,650,000 for the National Estuarine Research Reserve (NERRS) program. The conferees intend these funds be used to support the existing NERRS program, as assumed in the House bill. Of the amounts provided, $2,350,000 is provided from direct appropriations and $3,300,000 is derived from the Coastal Zone Management Fund (CZMF). In addition, $4,500,000 is provided for program administration to be derived from the CZMF. The conference agreement includes funds available from the CZMF in the table under Coastal Management to provide greater clarity regarding the resources provided for these programs.

The conferees encourage the coastal managers in the State of New Jersey to purchase and place oyster cultch in the Delaware Bay to maintain oyster production and to retain oyster reef habitat quality.

Marine Sanctuary Program.—The conference agreement includes $14,000,000 for the National Marine Sanctuary Program. The conferees understand that the NOAA and the National Research Council are currently developing a study on the role of marine sanctuaries in marine resource conservation, as well as the usefulness of marine reserves, including their impacts on water quality and the abundance of living marine resources; and therefore, the conferees expect that a portion of the increase for the Marine Sanctuary Program will be used for this study.

Other.—Within the amounts provided for geodesy, the conference agreement includes $500,000 for continuation of geodetic survey work as described in the Senate report, and $1,000,000 for the National Height Modernization Study as described in the House report with the results of this study to be provided to the Committees no later than June 1, 1998.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of $346,235,000 for the National Marine Fisheries Service, instead of $326,943,000 recommended by the House and $376,127,000 recommended by the Senate.

Resource Information.—The conference agreement provides $99,300,000 for fisheries resource information. Within the funds provided for resource information, the conference agreement adopts the recommendation included in the Senate report with respect to MARMAP. The conference agreement also includes $1,500,000 under this line item for the Gulf of Mexico Consortium included in the Senate report, while funding for the Hawaii stock enhancement project is provided for elsewhere in this account. In addition, $900,000 is for a one-time study of potential new fisheries in the Chuckchi Sea by the Bering Sea Fishermen's Association, $400,000 is for an assessment of Atlantic herring and mackerel, $5,000,000 is for continuation of the aquatic resources environmental initiative, and $250,000 is for a one-time study by the National Academy of Sciences of summer flounder. Also included is $3,800,000 for a study on the effect of intentional encirclement on dolphins and dolphin stocks in the eastern tropical Pacific Ocean purse seine fishery.

In addition, the conferees concur in the House and Senate direction regarding the accuracy and effectiveness of data collection efforts by NMFS. Within the total amount provided for Resource Information, the conferees have provided $1,250,000 only for the Gulf and South Atlantic Fisheries Development Foundation (Foundation) to develop and administer a comprehensive program for data collection and analyses on the shrimp fishing effort in the Gulf of Mexico and South Atlantic, and to convene a working group to establish parameters for the Gulf of Mexico and South Atlantic red snapper stock assessment, including an analysis and assessment of red snapper mortality and fisheries impact resulting from discards by commercial and recreational fishermen due to regulatory requirements. This working group shall include a representative from NMFS, the Gulf of Mexico Fisheries Management Council (Council), and the Gulf States Marine Fisheries Commission (Commission) and shall provide for fair representation of the commercial and recreational red snapper industry, academia, State agencies, and other affected fisheries. The Foundation shall report its findings and recommendations to the House and Senate Committees on Appropriations and to NMFS within 180 days of enactment of this Act.

In addition, within the amounts included for Resource Information, the conferees have provided $750,000 only for the Gulf States Marine Fisheries Commission to enhance the current recreational data collection program in the fisheries information network for the Gulf of Mexico. This funding is in addition to funding provided under the RECFIN program. The Commission, in consultation with

the States, the Council, NMFS, the Foundation, and affected interest groups shall develop and implement this data collection program and complete a transition that will commence a cooperative program with all the Gulf States. The Commission shall provide a report back to the Committees on Appropriations by April 1, 1998 on the roles of the respective partners in the cooperative system and the cost of transitioning to a new system of data collection, analysis and access. The conferees direct that these Foundation and Commission data collection and analyses efforts not be duplicated within NMFS or the Council.

The conference agreement also provides funds for right whale research, including gear modification research; MARFIN, including expansion of the program to the New England States; and Alaskan groundfish surveys, including calibration studies.

Steller Sea Lion Recovery Plans.—The conference agreement includes $2,770,000 for this activity, including $1,000,000 for a one-time support for the National Fish and Wildlife Foundation for research at the Alaska SeaLife Center, with the remaining funds to be allocated per the distribution in the Senate report for work by the State of Alaska and the North Pacific Universities Marine Mammal Consortium.

Fishery Industry Information.—Within the funds provided for Fishery Industry Information, the conference agreement provides $3,900,000 for recreational fishery harvest monitoring to be expended in accordance with the direction included in the Senate report. In addition, the conferees have provided funding under this activity for the Pacific Fisheries Information Network, a portion of which is for the Alaska Fisheries Information Network as recommended in the House and Senate reports.

Fisheries Management Programs.—The conference agreement includes $27,250,000 for this activity, including continued funding for the Alaska Harbor Seal Commission at the fiscal year 1997 level, and $350,000 to continue ongoing sea turtle recovery efforts at Rancho Nuevo and loggerhead nesting and research programs as described in the House report. In addition, within these amounts, $450,000 is for the Atlantic salmon recovery plan, $1,500,000 is for chinook salmon management, and $150,000 is for the State of Maine Atlantic salmon recovery plan.

Regional Councils.—The conference agreement includes $11,900,000 for this activity. The conferees direct NMFS and the Mid-Atlantic Fishery Management Council to provide the necessary resources to enable the State of North Carolina to become a full participant in the Council in accordance with section 107 of the Magnuson-Stevens Act.

Protected Species Management.—Within the funds provided for protected species management, $500,000 is for a study of the impacts of California sea lions and harbor seals on salmonids and the West Coast ecosystem.

Interstate Fish Commissions.—The conference agreement includes $6,750,000 for this activity, of which $750,000 is to be equally divided among the three commissions, and $6,000,000 is for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

Sea Turtle Protection.—The conferees concur in the House direction regarding sea turtle protection, recovery efforts and the prohibition on developing or implementing any new or revised biological opinions regarding shrimp fishing and turtle interaction until the Secretary of Commerce establishes a shrimp-turtle panel to develop such biological opinions. However, the conferees direct the Secretary to submit an implementation plan regarding the House direction on the shrimp-turtle panel and the establishment of a standardized statistical sea turtle stranding network no later than 30 days after enactment of this Act.

Bycatch Reduction.—The conferees also direct the Secretary of Commerce to comply with the direction provided in the House report regarding the implementation of an independent working group as recommended by industry to NMFS. The Secretary is directed to report back to the Committees on Appropriations, no later than December 1, 1997, as to the establishment of the independent working group. The conferees direct the Department of Commerce and NMFS not to implement or enforce any measure that would increase the minimum size for red snapper caught in the Gulf of Mexico to over 15 inches. The conferees are also concerned that the Gulf of Mexico Fishery Management Council's scientific and statistical committee lacks adequate representation of individuals with degrees in statistics and that the current demographic and industry representation on the reef fish and red snapper advisory panels is not balanced. The conferees expect NMFS to remedy this situation and report back to the Committees on Appropriations on their actions to correct this situation.

Other.—In addition, within the funds available for the Saltonstall-Kennedy grants program, the conferees direct that $150,000 be provided to the Alaska Fisheries Development Foundation to be used in accordance with the direction included in the Senate report, and funds be provided pursuant to the direction included in the House to support ongoing efforts related to Vibrio vulnificus.

Further, the conferees intend that funds for the Hawaii stock management plan and the Hawaii fisheries development project continue to be administered by the Oceanic Institute. In addition, the conference agreement transfers the following amounts from NMFS to NOS to reflect the transfer of management and operation of the Charleston laboratory: $4,100,000 from the Product Quality and Safety/Seafood Inspection line item; $410,000 from the Fisheries Cooperative Institute line item; and $1,900,000 from the Marine Biotechnology line item.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of $277,741,000 for Oceanic and Atmospheric Research activities, instead of $237,463,000 as recommended by the House and $271,648,000 as recommended by the Senate.

Interannual and Seasonal Climate Research.—The conferees have provided $12,900,000 for interannual and seasonal climate research under the structure proposed by the Senate, including $4,900,000 to operationalize the El Nino observing array (TOGA–TOW), as requested in the budget.

Climate and Global Change Research.—The conference agreement includes $60,000,000 for the Climate and Global Change research program, an increase of $4,900,000 above the amounts provided in fiscal year 1997. Within the overall amounts provided, the conferees have provided the full request of $7,250,000 for the International Research Institute and related regional application centers, a $2,000,000 increase over the fiscal year 1997 level. The conferees expect OAR to use the full $2,900,000 additional increase for activities directly related to El Nino, including additional support for the regional applications centers as well as to develop a national applications program to improve U.S. seasonal and interannual climate forecasts.

Long-term Climate and Air Quality Research.—The conferees have provided the full request of $29,402,000 for this activity, including requested increases for the Health of the Atmosphere program.

Atmospheric Programs.—The conference agreement provides $37,413,000 for this activity in accordance with the direction provided in the Senate report.

Marine Prediction Research.—The conference agreement includes $22,976,000 for marine prediction research. Within this amount, the Arctic Research Initiative is to be funded as directed in the House report, and the Open Ocean Aquaculture Initiative is to be funded in accordance with the Senate report. In addition, $2,300,000 is provided for tsunami mitigation; $150,000 is for the Lake Champlain study; $2,200,000 is for the VENTS program; $4,000,000 to continue an initiative for the aquatic ecosystems, water quality, atmospheric research, and facilities construction at the Canaan Valley Institute; and $1,500,000 is for implementation of the National Invasive Species Act, of which $500,000 is for the Chesapeake Bay Ballast Demonstration as directed in the Senate report.

GLERL.—Within the $6,000,000 provided for the Great Lakes Environmental Research Laboratory, the conferees expect NOAA to continue its support for the Great Lakes nearshore research and GLERL zebra mussel research programs.

Sea Grant.—The conferees have included $56,000,000 for the National Sea Grant program, and expect NOAA to continue to fund the existing oyster disease research and zebra mussel research programs within these amounts. Of the amounts provided, $1,000,000 is for the Gulf of Mexico Oyster Disease Initiative.

National Undersea Research Program (NURP).—The conference agreement provides $15,500,000 for the NURP, of which $1,500,000 is for the JASON Foundation for Education to develop and implement a program, in collaboration with NOAA, that will translate data from several independently supported oceanographic and underwater research sites in the United States to students and teachers throughout the nation and abroad as part of the 1998 International Year of the Ocean. Further, as part of the 1998 International Year of the Ocean, the conferees have also provided $500,000 to help finalize work on the Odyssey Maritime Center which will provide educational and research activities related to the oceans. Of the remaining $13,500,000, the conferees expect the funds to be distributed to the existing nationwide undersea research centers. The conferees direct that not less than $5,000,000 of these funds should be made available to West Coast NURP centers, including the Hawaii and Pacific Center and the West Coast and Polar Regions Center, and not more than $1,000,000 shall be used for NOAA administrative costs and the intramural research.

NATIONAL WEATHER SERVICE

The conference agreement includes a total of $520,264,000 for the National Weather Service (NWS), instead of $511,154,000 as proposed by the House, $525,964,000 as proposed by the Senate, and $503,763,000 requested in the budget. Further, an additional $132,781,000 is provided within the new NOAA Procurement, Acquisition and Construction account for NWS systems acquisition and related activities which were previously funded under this heading in this account. The conference agreement also provides $14,823,000 elsewhere in this account.

Local Warnings and Forecasts/Base Operations.—The amount provided includes

$324,000,000 for the base operations of the National Weather Service, an increase of $10,200,000 above the amount provided in the House bill, and $16,000,000 above the request. Within these amounts, the conferees direct the NWS to provide funding as directed in the House and Senate reports to provide transmitters to address the concerns regarding gaps in coverage provided by NOAA Weather Radio in certain areas. In addition, within these amounts, the conferees direct the NWS to continue operating and maintaining all data buoys and coastal marine automated network stations funded and supported by the NWS in fiscal year 1997. The conferees are aware of the review conducted by the Department recommending management and budget reforms at the NWS. Due to the delay in completion of this review, which was not provided to the Committees until October 23, 1997 the conferees have not had sufficient opportunity to analyze the results and recommendations. However, the conferees look forward to working with NOAA and the Department to address these issues and would be willing to entertain a reprogramming of funds should additional resources be required to implement these reforms in fiscal year 1998. In addition, the conferees expect no action to be taken to reorganize the NWS, including the regional structure, without prior consultation with the Committees on Appropriations.

In addition, while the NWS no longer provides specialized agriculture forecasts, the conferees expect the NWS to cooperate with and provide its existing basic data and information to the agricultural community, which includes farmers, their trade associations, State agencies, educational institutions and the U.S. Department of Agriculture.

Within the amounts available to the National Weather Service, the conferees direct that not less than $3,300,000 be provided to the Tropical Prediction Center (National Hurricane Center), and not less than $3,000,000 be provided to the Storm Prediction Center in fiscal year 1998.

In addition, the conferees are concerned about the radar obstruction detected at the NEXRAD facility located at the Jackson, Mississippi airport. The NWS is expected to receive a report in November 1997 regarding actions needed to correct this obstruction. Upon receipt of this report, the conferees expect the NWS to take immediate action to mitigate the NEXRAD blockage.

Modernization and Associated Restructuring Demonstration Program (MARDI).—The conference agreement includes $73,674,000 for MARDI, as provided in the House and Senate bills, and the full amount requested. Reductions from the fiscal year 1997 level reflect the non-recurrence of one-time contract costs associated with the NOAA Weather Radio Console Replacement system, as well as consolidation of field offices in accordance with modernization plans. Within the amounts for MARDI, full funding has been provided for the operational costs associated with mitigation activities recommended in the Secretary's report to the Congress on areas of concern under the NWS modernization program.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes $134,682,000 for NOAA's satellite and data management programs. In addition, the conference agreement includes $298,905,000 under the new NOAA Procurement, Acquisition and Construction (PAC) account for satellite systems acquisition and related activities previously provided for under this heading within the ORF account.

Environmental Data Management.—The conferees have included $46,335,000 for EDMS activities. Under EDMS, the conference agreement includes $2,500,000 for the Regional Climate Centers, and adopts the Senate recommendation to transfer this program from the National Weather Service to NESDIS.

Polar Convergence.—The conference agreement includes $34,000,000 for the interagency program office to converge the NOAA and Department of Defense (DOD) polar satellite convergence programs. The conferees believe the recommendation provides the necessary funding to ensure the timely progression of the Polar convergence program. Within the amounts provided for Polar convergence, the conferees have included $3,000,000 to determine the feasibility of collecting global wind weather data from the private sector. The data should be of an accuracy and coverage that will improve weather forecasts substantially, and should be acquired by a technique that can be expanded to provide for other data products of interest to NOAA. The conferees expect NOAA to use the fiscal year 1998 funds as follows: at least $2,000,000 to test the collection of wind data through ground-based instrumentation similar to that used by satellite systems; and to develop a proposal for the use of such data provided by the private sector into NOAA services and products; and to issue a request for proposals (RFP) to provide the agency with wind data. The conferees anticipate receiving NOAA's proposal for the use of this data not later than April 30, 1998, and that the RFP will be issued by the agency no later than May 15, 1998. No contract may be awarded in fiscal year 1998 as a result of the request for proposals.

The conferees share the concerns expressed in the House report regarding the achievement of cost savings from Polar convergence. The conferees direct NOAA to follow the direction in the House report regarding this matter.

PROGRAM SUPPORT

The conference agreement provides $66,214,000 for NOAA program support, instead of $61,712,000 as recommended by the House and $67,002,000 recommended by the Senate.

FLEET PLANNING AND MAINTENANCE

The conference agreement includes an appropriation of $13,500,000 for this activity in the Operations, Research, and Facilities (ORF) account, instead of $2,500,000 as included in the House bill within ORF, and $15,823,000 included in the Senate bill under a separate Fleet Modernization, Shipbuilding, and Conversion account. The conference agreement includes $4,000,000 for modernization of the RELENTLESS as proposed in the Senate bill. The conference agreement does not provide $1,500,000 requested in the budget for additional equipment to modernize hydrographic vessels. This matter is discussed further elsewhere in this account. In addition, further guidance regarding this account is included under section 612 of this Act.

FACILITIES

The conference agreement includes $11,265,000 for facilities maintenance, lease costs, and environmental compliance, instead of $11,950,000 included in the House bill, and $10,015,000 included in the Senate bill under a separate Construction account. Of the amounts provided: $1,800,000 is for NOAA facilities maintenance, $2,000,000 is for the lease costs of the Sandy Hook facilities, $2,000,000 is for environmental compliance activities, $1,000,000 is for Weather Forecast Office maintenance, and $4,465,000 is for Columbia River facilities maintenance.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a total of $491,609,000 for a new Procurement, Acquisition and Construction account. This new account funds capital acquisition activities, including systems acquisition and new construction, previously funded within the NOAA Operations, Research, and Facilities account and the Construction account. Language is included in the bill to make the necessary technical changes to reflect the establishment of this account. While the conferees have adopted this new budget structure, the conferees have done so expecting NOAA, the Department of Commerce, and the Office of Management and Budget to continue to utilize funding available within all NOAA accounts, including capital investment items, for reprogrammings and transfers to deal with changing operational and programmatic requirements of NOAA. The following distribution reflects the fiscal year 1998 funding provided for activities within this account:

Systems Acquisition:	
AWIPS	$116,910,000
ASOS	4,494,000
NEXRAD	6,377,000
Computer Facilities Upgrades	5,000,000
Polar Spacecraft and Launching	82,905,000
Geostationary Spacecraft and Launching	216,000,000
Subtotal, Systems Acquisition	431,686,000
Construction:	
Boulder Lab Above Standard Costs	2,900,000
WFO Construction	13,823,000
Santa Cruz Fisheries Lab	15,200,000
NERRS Construction	8,000,000
Honolulu Fisheries Lab	2,000,000
Gulf Coast Lab	5,000,000
Alaska Facilities	8,000,000
Pribilof Island Cleanup	5,000,000
Subtotal, Construction	59,923,000

Systems Acquisition.—The conference agreement provides the full amount requested for AWIPS acquisition. Language is included, slightly modified from the House bill, designating the amounts available under this account for AWIPS, and making the availability of these funds contingent upon certification by the Secretary of Commerce that the overall program costs will not exceed $550,000,000. The conferees expect NOAA to follow the direction included in the House report regarding consultation with the Committees.

Of the amount provided under this account for NEXRAD, $4,377,000 is provided for continued acquisition activities associated with the three additional NEXRAD systems as described in the House report, and $2,000,000 is for planned product improvements. While the conferees appreciate the need to ensure upgrades and improvements in the modernized weather system, the first priority must be to provide the resources and attention necessary to first complete the original modernization as planned.

Construction.—The conference agreement includes $2,900,000 for above standard costs

for the Boulder Laboratory, an increase above the request to cover additional unanticipated costs associated with completion of this facility, including soil mitigation and access road improvements. The conference agreement also includes $15,200,000 for the Santa Cruz Laboratory, in accordance with the direction included in the House report regarding submission of a spending plan and overall costs for completion of this facility.

Of the amounts provided for National Estuarine Research Reserve construction, $2,000,000 is included for the ACE Basin Reserve as recommended in the Senate report.

The conference agreement includes $8,000,000 for Alaska facilities construction related to fisheries laboratory requirements, and includes bill language providing for the transfer of land related to construction of the Juneau laboratory.

COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of $7,800,000, as provided in both the House and Senate bills, from the Coastal Zone Management Fund. The conference agreement allocates these funds as follows: $4,500,000 for program administration and $3,300,000 for the National Estuarine Research Reserve Program. These amounts are reflected under the National Ocean Service within the Operations, Research, and Facilities account.

CONSTRUCTION

The conference agreement does not include funding under a separate Construction account, reflecting the adoption of a new NOAA account structure as recommended in the House bill. A total of $71,188,000 is provided within the NOAA ORF account and the new NOAA PAC account for activities previously funded in this account. The Senate bill included $88,000,000 under a separate Construction account.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

The conference agreement does not include funding under a separate Fleet Modernization, Shipbuilding and Conversion account, reflecting the adoption of a new NOAA account structure as recommended in the House bill, and instead includes $13,500,000 for this purpose within the NOAA ORF account. The Senate bill included $15,823,000 under a separate Fleet Modernization, Shipbuilding and Conversion account.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

The conference agreement does not include funding for this account, as recommended in the House bill and proposed in the budget. The Senate bill provided $200,000 for this account.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes $953,000 for the Fishermen's Contingency Fund, as provided in both the House and Senate bills.

FOREIGN FISHING OBSERVER FUND

The conference agreement includes $189,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in both the House and Senate bills.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement provides $338,000 in subsidy amounts for Fisheries Finance Program Account, the same total amount proposed in the Senate bill, instead of $250,000 recommended in the House bill. The conference agreement reflects changes made to this account in the Magnuson-Stevens Act which converted this account from a guaranteed loan program to a direct loan program, as proposed in the House bill. In addition, the conference agreement renames this account, previously referred to as the Fishing Vessel Obligations Guarantees account, to reflect such changes.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $27,490,000 for the general administration of the Commerce Department, instead of $28,490,000 as proposed in the Senate bill and $26,490,000 as proposed in the House bill, and a reduction of $2,595,000 from the request. The conference recommendation assumes savings as a result of personnel reductions in fiscal year 1997 and other administrative reforms. Should additional funds be required to avoid adverse personnel actions or to improve management and oversight functions at the Department, the conferees would be willing to consider a transfer in accordance with section 605 of this Act.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $20,140,000 for the Commerce Department Inspector General, as proposed in both the House and Senate bills.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

The conference agreement includes a rescission of $20,500,000 from prior year unobligated balances in NOAA satellite programs, due to lower than expected program needs in fiscal year 1997. The House bill rescinded $5,000,000 from these satellite procurement balances, while the Senate bill contained no rescission. This rescission reduces the amount of unobligated balances that would be transferred to the new "Procurement, Acquisition, and Construction" appropriations account.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $3,000,000 in unobligated balances from the U.S. Travel and Tourism Administration (USTTA). These funds are derived from excess funds provided for closeout costs for USTTA, which was eliminated in fiscal year 1996.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

Section 201.—The conference agreement includes section 201, included in both the House and Senate versions of the bill, regarding certifications of advanced payments.

Sec. 202.—The conference agreement includes section 202, identical in both the House and Senate versions of the bill, allowing funds to be used for hire of passenger motor vehicles.

Sec. 203.—The conference agreement includes section 203, identical in both the House and Senate versions of the bills, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

Sec. 204.—The conference agreement includes section 204, identical in both the House and Senate versions of the bill, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers.

Sec. 205.—The conference agreement includes section 205, identical in both the House and Senate versions of the bill, regarding transfer authority between Commerce Department appropriation accounts.

Sec. 206.—The conference agreement includes section 206, providing for the notification of the House and Senate Committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce, as proposed in the House and Senate bills, with a modification to include any reorganizations or changes affecting any portion of the Department.

Sec. 207.—The conference agreement includes section 207, similar to provisions included in the House and Senate bills, requiring that any costs related to personnel actions incurred by a Department or agency funded in title II of the accompanying Act, be absorbed within the total budgetary resources available to such Department or agency, with a modification to include the care of loan collateral and grants protection.

Sec. 208.—The conference agreement includes section 208, as proposed in the House and in the Senate bill as section 209, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.

Sec. 209.—The conference agreement includes new language, not included in either the House or Senate bills, regarding the conduct of the 2000 decennial census.

Sec. 210.—The conference agreement includes new language, not included in either the House or Senate bills, establishing the Census Monitoring Board.

Sec. 211.—The conference agreement includes section 211, as proposed in the Senate bill, amending 22 U.S.C. 401 and 28 U.S.C. 524 to provide the Secretary of Commerce assets seizure, forfeiture, and disposal authority. The House bill did not address this matter.

Sec. 212.—The conference agreement includes section 212, modified from the Senate bill, allowing for the transfer of funds previously awarded by the Economic Development Administration, and extending the availability of funds provided in certain instances to remain available until expended. The House bill contained no similar provision.

The conference agreement does not include a provision included in the Senate bill modifying the designation of a Metropolitan Statistical Area. In addition, the conference agreement does not include a provision included in the Senate bill making additional funds available for the NTIA Information Infrastructure Grants program by offsetting reductions in other accounts in title II. These matters are addressed elsewhere in title II. Further, the conference agreement does not include a "Sense of the Senate" provision regarding the fraudulent transfer of presubscribed telephone customers.

The conference agreement includes a technical citation for this title, as proposed in the Senate bill.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $29,245,000 for the salaries and expenses of the Supreme Court, instead of $29,278,000 as provided in the House bill and $28,903,000 as provided in the Senate bill. In addition, $33,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges.

Full funding is provided to improve police radio system area coverage. The Marshal's

Office shall deliver to the Appropriations Committees the assessment of needs for enhancing the system as soon as it is received from the radio contractor. Additionally, a report shall be provided not later than March 1, 1998 on the compatibility of the upgraded Supreme Court radio system with the radio systems of the District of Columbia police, fire, and emergency services, Capitol and other federal police, and state and local police.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes $3,400,000 for the Supreme Court Care of the Building and Grounds account, as provided in the House bill, instead of $6,170,000 as provided in the Senate bill. Within the amount provided, the conference agreement includes the requested amounts for elevator renovation and ADA requirements, $75,000 for miscellaneous improvements (including a study to replace/retrofit 13.2 kilovolt switchgear and cables), and $600,000 for capital improvements, including the requested amounts for the schematic design of building improvements and utility systems upgrade, the emergency electrical distribution system, and fire pump electric feeders upgrade, and $225,000 for the fire alarm systems upgrade.

The conference agreement allows $485,000 of this appropriation to remain available until expended, compared with $410,000 in the House bill and $3,620,000 in the Senate bill.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes $15,575,000 for the U.S. Court of Appeals for the Federal Circuit, instead of $15,507,000 as provided in the House bill and $15,796,000 as provided in the Senate bill. In addition, $42,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges. The total amount available of $15,617,000 is sufficient to fund current service requirements but does not include funding for the additional positions requested in the budget.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes $11,449,000 for the U.S. Court of International Trade, instead of $11,478,000 as provided in both the House and Senate bills. An additional $29,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The conference agreement provides $2,682,400,000 for the salaries and expenses of the federal judiciary, instead of $2,687,069,000 as provided in the House bill and $2,789,777,000 as provided in the Senate bill. An additional $4,896,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges.

Including amounts provided under the Violent Crime Reduction Trust Fund, addressed below, and section 306, the total amount available in this conference agreement for the salaries and expenses of the courts is $2,727,296,000, instead of $2,727,069,000 as provided in the House bill and $2,789,777,000 as provided in the Senate bill.

In addition to these appropriated resources, there is likely to be available at least $156,807,000 in fee carryover from prior years, $135,185,000 in current year fees, $11,727,000 and $51,046,000 in appropriations carryover.

Within the overall funding available for fiscal year 1998, the conferees expect the judiciary to fund its highest program priorities, including additional magistrate judges, bankruptcy clerks, and probation and pretrial services. The conferees are aware of the judiciary's proposal to increase funding for electronic courtroom technologies, and expect to be kept apprised of plans to carry this proposal out. The conferees agree that the language in the House report relating to optimal utilization of judicial resources is to be followed.

The conference agreement provides that within the total provided, $900,000 shall be transferred to the Commission on Structural Alternatives for the Federal Courts of Appeals, which is provided for under section 305. The conference agreement includes a change in the heading of this account to indicate that this account contains a transfer of funds. The House and Senate bills did not contain a provision on this matter.

The conference agreement permits $13,454,000 for space alteration projects to remain available until expended, as provided in the House bill, instead of $16,530,000 as provided in the Senate bill.

The conference agreement also appropriates $2,450,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986, as provided in both the House and Senate bills.

Violent crime reduction trust fund.—The conference agreement includes an appropriation of $40,000,000 from the Violent Crime Reduction Trust Fund, as provided in the House bill, instead of no funds as provided in the Senate bill. The conferees intend that these funds be used to offset workload requirements of the federal judiciary related to the Violent Crime Control and Law Enforcement Act of 1994 and the Anti-Terrorism and Effective Death Penalty Act of 1996.

DEFENDER SERVICES

The conferees have included $329,529,000 for the federal judiciary's Defender Services account, as provided in the House bill, instead of $308,000,000 as provided in the Senate bill. The conferees do not assume use of any prior year fee carryover in this account, as had been assumed in the Senate bill. If additional funds are required, funding provided for the Violent Crime Reduction Trust Fund and fee carryover under the Salaries and Expenses account is available by transfer.

The conference agreement does not include a provision that was included in the Senate bill to cap the annual incremental cost of each capital representation at $63,000 and to require that any costs in excess of that amount be paid equally out of funds appropriated or otherwise made available to the administrative units supporting the prosecutor and presiding judge. However, the conferees restate the concerns expressed in both the House and Senate reports concerning the rapidly rising costs in the program, including the average cost of capital representations. In response to these concerns, and at the request of the Committees, the Administrative Office of the Courts, has commenced a study to identify the reasons for the rapidly increasing costs within this account and to provide recommendations to control these costs. This should include recommendations with respect to best practices to help develop and disseminate guidelines focused on case cost containment. This report, to be developed and carried out in consultation with the General Accounting Office, is due to Congress by February 2, 1998.

Because the costs of the existing program have been rising so rapidly, and the possibility that funding requirements in fiscal year 1998 will exceed the budget request by a significant amount, the conferees have not provided for increases in the rate for panel attorneys or other program increases.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $64,438,000 for Fees of Jurors and Commissioners, instead of $66,196,000 as proposed in the House bill and $68,252,000 as proposed in the Senate bill. The amount provided reflects the latest estimate from the judiciary of the requirements for this account.

COURT SECURITY

The conference agreement includes $167,214,000 for the federal judiciary's Court Security account as proposed by the House instead of $167,883,000 as proposed by the Senate. In addition, the conference agreement permits up to $10,000,000 of the total to remain available until expended as proposed in the Senate bill, and no extended availability as proposed in the House bill. The funding provided in the conference agreement, which is a large increase over the amount provided in fiscal year 1997, is intended to fully fund the personnel and equipment necessary to bring court security up to applicable security standards, as requested, and should these funds not be sufficient, the judiciary and the Marshals Service will be expected to absorb any additional costs from within their budgets.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes $52,000,000 for the Administrative Office of the United States Courts, as proposed by the House, instead of $53,843,000 as proposed by the Senate. This level of funding will provide a portion of the additional staff requested in the budget. The conferees expect the additional staff to be used for strengthening the Administrative Office's capability to manage and oversee the Defender Services and Court Security budgets and for automation support staff, as provided in both the House and Senate reports. The conferees assume that nonappropriated funds of $37,169,000 will be available for the operations of the Administrative Office.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes $17,495,000 for the fiscal year 1998 salaries and expenses of the Federal Judicial Center, as proposed in both the House and Senate bills.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO THE JUDICIARY TRUST FUNDS

The conference agreement includes $34,200,000 for payment to the various Judicial retirement funds as provided in both the House and Senate bills.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The conferees have included $9,240,000 for the U.S. Sentencing Commission, instead of $9,000,000 as provided in the House bill, and $9,480,000 as provided in the Senate bill. No funding is provided for public service announcements, because of the availability of substantial funding for these announcements within the Office of National Drug Control Policy.

GENERAL PROVISIONS—THE JUDICIARY

Section 301.—The conference agreement includes section 301 as provided in both the

House and Senate bills allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Sec. 302.—The conference agreement includes section 302, included in both the House and Senate bills, providing the Judiciary with the authority to transfer funds between appropriations accounts.

Sec. 303.—The conference agreement includes section 303, identical in both the House and Senate-reported versions of the bill, allowing up to $10,000 of salaries and expenses funds provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States.

Sec. 304.—The conference agreement includes section 304, as proposed in the Senate bill, which provides a permanent extension of the authority for the Judiciary Automation Fund. The House bill did not include any provision on this matter.

Sec. 305.—The conference agreement includes section 305, creating the Commission on Structural Alternatives for the Federal Courts of Appeals. The functions of the Commission are to study the present division of the United States into the several judicial circuits; study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit, and to report to the President and the Congress its recommendations for changes in circuit boundaries or structures. The Commission is to be made up of 5 members, to be appointed by the Chief Justice of the Supreme Court. The Commission is to conduct studies during the 10-month period beginning on the date on which a quorum of the Commission is appointed, and within the following 2-month period, submit its report to the President and the Congress. Not to exceed $900,000 is authorized to be appropriated for the Commission, to remain available until expended. The House bill had no provision on this matter. The Senate bill contained a provision that realigned the current Ninth Circuit and established a new Twelfth Circuit.

Sec. 306.—The conference agreement includes section 306, as proposed in the Senate bill, authorizing federal judges to receive a salary adjustment, modified to include an additional provision appropriating $5,000,000 for the cost of the salary adjustment, to be transferred to and merged with appropriations in this title. The House bill did not contain a provision on this matter.

Sec. 307.—The conference agreement includes a provision included in the Senate bill amending section 44(c) of title 28 of the U.S. Code to require that in each circuit, other than the Federal Judicial Circuit, there shall be at least one circuit judge appointed from each State in that circuit. The House bill had no provision on this matter.

Sec. 308.—The conference agreement includes a provision requiring public disclosure of court appointed attorney's fees, unless the court finds that consideration of the defendant's interests requires otherwise, as included in the Senate bill as section 121, modified to make the provision effective 60 days after enactment, apply to new cases, and sunset in 2 years. The provision, as included in the Senate bill, would have been effective immediately, would have applied to all cases, and would have been permanent. The House bill included no similar provision.

The conference agreement includes a short title for Title III of this Act, as included in the Senate bill. The House bill did not include a short title.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of $1,730,000,000 for Diplomatic and Consular Programs. This amount includes: a direct appropriation of $1,705,600,000, instead of $1,706,577,000 as provided in the House bill and $1,727,868,000 as provided in the Senate bill, including $490,000 from the reserve fund for the International Center, as provided in both the House and the Senate bills; $700,000 to be derived from registration fees, as provided in both the House and the Senate bills; and $23,700,000, to remain available until expended, for increased security overseas, as provided in the House bill, to continue the antiterrorism initiatives included in the fiscal year 1997 appropriations Act.

The conference report specifies that in addition to funds otherwise available, $24,856,000 shall be available for operation of existing base services and $17,312,000, to remain available until expended, for enhancement of the Diplomatic Telecommunications Service. The House bill contained a provision specifying these amounts, but did not allow for other funds that might be available. The Senate bill did not contain a provision on this matter.

The conference report also includes a provision permitting the transfer of up to $4,000,000 to the Emergencies in the Diplomatic and Consular Service account for emergency evacuations and terrorism rewards, as provided in the Senate bill. The House did not have a provision on this matter.

The conference report also includes a provision to collect and deposit as an offsetting collection to this account Machine Readable Visa fees in fiscal years 1998 and 1999 to recover authorized costs. The Senate bill included a similar provision but would have made it permanent. The House bill included a provision allowing deposit of MRV fees as an offsetting collection to this account in fiscal year 1998.

The conference report does not include a provision making not to exceed $125,000 of the funds under this heading available for the Maui Pacific Center, as proposed in the Senate bill. The House bill did not contain a provision on this matter.

The conferees agree that the language in both the House and Senate reports under this heading is to be followed in expending fiscal year 1998 funds, with the following exceptions and additions.

The conferees endorse a modified plan for orphan adoptions in the Russian Far East proposed by the State Department in response to language in the Senate report. Consular officers in Vladivostok will forward approved immigrant visa applications to Moscow by courier for final processing. Final processing and return of immigrant visas to Vladivostok will occur within the 10-day waiting period after final adoption hearings. The State Department shall report back to the Appropriations Committees on the implementation of the proposed new adoption procedures not later than December 31, 1997.

The conferees understand that the State Department has been reimbursing some, but not all, U.S. Bering Straits commissioners. The conferees direct the State Department to compensate all U.S. members of the Bering Straits Commission for costs associated with official duties. The conferees direct the State Department to provide the Appropriations Committees with an estimate of commissioner compensation in fiscal year 1998 not later than December 31, 1997.

The conferees are concerned over the situation in the Republic of Albania, specifically, reports that the new Socialist government is engaging in politically motivated purges of civil servants and allegations of repression of certain members of the opposition. As such, the conferees direct the State Department to maintain vigorous scrutiny of the human rights performance of the new government, particularly with respect to treatment of opposition political parties, and the exercise of freedom of the media and freedom of Assembly. The conferees further direct the State Department to report back to the Congress on these issues within 180 days of enactment of the bill.

The State Department previously has been requested by the conferees to ensure that a senior officer of the U.S. & Foreign Commercial Service (US&FCS) was nominated to be an ambassador. The conferees continue to recognize the professionalism and foreign policy expertise of the US&FCS officer corps and believe that such an action is long overdue. Accordingly, the conferees expect the Department of State to select and nominate a US&FCS foreign service officer to be an ambassador by May 1, 1998.

SALARIES AND EXPENSES

The conference agreement includes a total of $363,513,000 for Salaries and Expenses, as proposed in both the House and Senate bills. The conference agreement does not include a provision, as proposed in the House bill, to withhold $7,270,260 from obligation until the Secretary designates foreign terrorist organizations as required by the Antiterrorism and Death Penalty Act of 1996. The conferees are aware that the Secretary has made such designation and submitted it to Congress. The Senate bill did not contain a provision on this matter.

The conferees adopt by reference the provisions of both the House and the Senate reports under this heading.

The Department of State, in consultation with the Bureau of Alcohol, Tobacco, and Firearms, and the Federal Bureau of Investigation, is directed to prepare a report on the implementation of 22 U.S.C. 2778(b)(1)(B) to the Appropriations Committees of both the House and the Senate, to include the following:

(1) the number of applications processed and approved in the last 5 years;

(2) the articles that were approved for importation as of the date of the report;

(3) the number of applications disapproved and the reasons for such disapprovals;

(4) an estimate of the number and the specific model of firearms, based upon current survey information from overseas missions, available for importation from non-proscribed countries; and

(5) a detailed explanation of the process by which an M–1 carbine can be converted into an illegal machine gun under the National Firearms Act or assault weapon, as defined in 18 U.S.C. 921(a)(30).

CAPITAL INVESTMENT FUND

The conference agreement includes $86,000,000 for the Capital Investment Fund, instead of $50,600,000 as proposed in the House bill, and $105,000,000 as proposed in the Senate bill. The conferees adopt by reference the provisions of both the House and the Senate reports under this heading.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $27,495,000 for the Office of Inspector General,

which has jurisdiction over the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, as proposed in the Senate bill, instead of $28,300,000 as proposed in the House bill.

REPRESENTATION ALLOWANCES

The conference agreement includes $4,200,000 for Representation Allowances, instead of $4,300,000 as proposed in the House bill and $4,100,000 as proposed in the Senate bill.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $7,900,000 for Protection of Foreign Missions and Officials, as provided in both the House and the Senate bills.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes $404,000,000 for this account, instead of $373,081,000 as proposed by the House, and $420,281,000 as proposed by the Senate.

The conference agreement includes $9,500,000 for architectural and engineering plans for an embassy in Jerusalem.

The conference agreement also provides an additional $19,600,000 for emergency rehabilitation and security projects worldwide, to address a portion of the large backlog in rehabilitation projects.

In addition, within the original budget request, the conferees are aware of some slippage in the rehabilitation projects that were submitted to Congress.

The conference report includes language to allow preservation, maintenance, repair, and planning for buildings that are owned or directly leased by the Department of State. The conference report includes sufficient funding to permit initiation of these activities. Up to this point, the Department has not had any funds for capital maintenance of a category of buildings, including its passport and regional operations centers. The conferees are also aware the Department is projecting a need for passport processing capacity greater than available from current facilities, including expansions already planned, and expect the Department to commence planning for a facility to meet such a need in a State previously designated for that purpose.

The conferees are in agreement with language in both the House and Senate reports emphasizing the importance of increased management and disposal of surplus properties to fund new construction and real property acquisitions that are not currently being directly funded under this account. The conferees believe that the Department's budget presentation should include a priority list of proposed uses of proceeds from surplus property sales in addition to the anticipated level of property disposal for the upcoming fiscal year, as well as an accounting for the sale and use of proceeds for the previous two years, in order to make information on the operation of this program more available, in addition to the quarterly reports the Department is currently providing.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $5,500,000 for Emergencies in the Diplomatic and Consular Service account, as provided in both the House and Senate bills.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of $1,200,000 for the Repatriation Loans Program account, as provided in both the House and Senate bills.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $14,000,000 for the Payment to the American Institute in Taiwan account, as proposed in the House bill, instead of $14,490,000 as proposed in the Senate bill.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $129,935,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House and Senate bills.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $955,515,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations, instead of $978,952,000 as proposed in the House bill, and $957,009,000 as proposed in the Senate bill. Within this amount, $54,000,000 is for payment of arrearages, as proposed in both the House and Senate bills, and not to exceed $12,000,000 is to be transferred to the International Conferences and Contingencies account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission for certain defined activities, instead of $4,000,000 for transfer to the ICC account for new or provisional international organizations, as proposed in the House bill, and $10,000,000 for transfer to the ICC account for new or provisional organizations and for travel expenses of official delegates to international conferences, as proposed in the Senate bill.

Within this amount, the conference agreement provides $54,000,000 for payment of arrearages, as proposed in both the House and Senate bill, contingent upon enactment of an authorization act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the U.S. assessed share of the United Nations regular budget to 20 percent and of peacekeeping operations to 25 percent; reimbursement for goods and services provided by the U.S. to the U.N. ; certification that the U.N. and affiliates have taken no action to infringe on U.S. sovereignty; a ceiling on U.S. contributions to international organizations in future years of $900,000,000; establishment of a merit-based personnel system at the U.N.; U.S. membership on the U.N. Budget Committee; GAO access to U.N. financial data; negative growth budgets and independent inspectors general for affiliated organizations; and improved consultation procedures with Congress, as proposed in the House bill. The Senate bill made payment of funds for this account, including payment of arrearages owed to the U.N., contingent upon enactment of the Foreign Affairs Reform and Restructuring Act of 1997.

The conference agreement includes conditions relating to payment of the current year assessment to the U.N., as proposed in the House bill, as follows: 1) $100,000,000 may be made available only on a semi-annual basis pursuant to a certification that the U.N. has taken no action to cause it to exceed the expected 1998-1999 budget of $2,533,000,000; 2) 20 percent of the assessed contribution to the U.N. may be made only after a certification has been provided with respect to the functions of the U.N.'s Inspector General—the Office of International Oversight Services; and 3) none of the funds can be used for the U.S. share of interest costs for loans incurred after October 1, 1984 through external borrowings. The Senate bill did not contain provisions on these matters.

Current year assessments.—The amount provided in the conference report is expected to be sufficient to fully fund the current year assessments for U.S. membership in international organizations. The latest estimate of the cost of assessments provided by the Department of State to the Committees indicates that the increased value of the dollar in relation to other major currencies has lowered the requirement for funding of this account by $53,368,000 below the original budget request. In addition, at the end of fiscal year 1997, $17,620,000 was transferred from the Contributions to International Peacekeeping account to this account to prepay a portion of the U.N. dues payable in fiscal year 1998, and additional prepayments were made from funds reserved for International Conferences and Contingencies that would otherwise have lapsed. Finally, approximately $4,600,000 of the amount requested for assessments is not required to be paid out, because U.S. membership in two new organizations has not been ratified, the U.S. has announced its withdrawal from a small organization paid for out of the Organization for Economic Cooperation and Development assessment, and the contribution to the Interparliamentary Union is to be limited to $5,000 because that organization has not resolved a disputed assessment increase. The conferees agree that no funding is to be provided to the five organizations for which funding was not provided in fiscal years 1996 and 1997. To the extent that foreign currency exchange rates change, the conferees expect that there are sufficient mechanisms in place or pending in authorization language to make up any difference or to assure that excess funding does not lapse.

Transfer to International Conferences and Contingencies.—Not to exceed $12,000,000 is to be transferred from the Contributions to International Organizations account to the International Conferences and Contingencies account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission. Transferred funds are to be obligated and expended only for Commission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing international monitoring systems involved in cooperative data sharing agreements with the United States as of the date of enactment of this Act, until the U.S. Senate ratifies the Comprehensive Nuclear Test Ban Treaty. If the Treaty is ratified, then the limitation on what these funds can be expended for would no longer be in effect.

The conferees adopt by reference the language in the House report concerning the Framework Convention on Climate Change.

The conferees agree that no funding is provided for world-wide conferences. The conferees understand that the United States could lose its vote in some international organizations due to arrears, such as the current situation with the INRO. The conferees are agreed that the Department of State should take action to maintain the U.S. Government's vote in these organizations and should expeditiously submit a reprogramming to pay off shortfalls, if necessary.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides $256,000,000 for Contributions for International Peacekeeping Activities, instead of $261,000,000, as proposed in the House bill, and $200,320,000 as proposed in the Senate bill.

The conference agreement includes $46,000,000 for payment of arrearages, as included in both bills, and makes payment of arrearages contingent upon enactment of an authorization subject to the same conditions applicable to payment of arrearages described under the previous account, Contributions to International Organizations, as proposed in the House bill. The Senate bill made payment of funds for this account, including payment of arrearages owed to the U.N., contingent upon enactment of the Foreign Affairs Reform and Restructuring Act of 1997.

The conference agreement includes a provision that prohibits obligation or expenditure of funds for new or expanded U.N. peacekeeping missions unless, at least 15 days prior to the Security Council vote, the appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and a reprogramming of funds is submitted setting forth the source of funds that will be used to pay for the cost of the new or expanded mission. The Senate bill did not contain a provision on this matter.

The conference agreement contains a provision requiring a certification that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for U.N. peacekeeping activities equal to those being given to foreign manufacturers and suppliers. The Senate bill did not contain a provision on this matter.

The conferees adopt by reference language in the House report requiring reprogramming requirements for certain missions that may continue, but for which information has either not been provided or is under consideration.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

The conference agreement does not include funding for International Conferences and Contingencies, as proposed in the Senate bill, instead of $1,500,000 as proposed in the House bill. The conference agreement includes the transfer of up to $12,000,000 to this account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, for specified activities.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

The conference agreement includes $17,490,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC), as proposed in the House bill, instead of $18,200,000 as proposed in the Senate bill.

The conference agreement provides that not to exceed $6,000 may be used by the Commission for representation expenses, as proposed in the House bill, instead of $10,000 as proposed in the Senate bill.

CONSTRUCTION

The conference agreement includes $6,463,000 for the Construction account of the IBWC, as proposed in both the House and Senate bills.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes $5,490,000 for the U.S. share of expenses of the International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission, as provided in the House bill, instead of $5,010,000 as provided in the Senate bill.

Within the total, $761,000 is provided for the International Boundary Commission, United States and Canada, as proposed in the House bill, instead of $785,000 as proposed in the Senate bill; $3,189,000 is provided for the International Joint Commission, instead of $3,128,000 as proposed in the House bill and $3,225,000 as proposed in the Senate bill; and $1,540,000 for the Border Environment Cooperation Commission, instead of $1,601,000 as proposed in the House bill, and $960,000 as proposed in the Senate bill. No funds are provided for the Bering Straits Commission, as proposed in the House bill, instead of $40,000 as proposed in the Senate bill. This issue is addressed in the Statement of Managers under the Diplomatic and Consular Programs heading.

The conference agreement provides $9,000 for representation expenses, as proposed in the House bill, instead of $9,900 as proposed in the Senate bill.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes $14,549,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities, as proposed in the Senate bill, instead of $14,490,000 as proposed in the House bill.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $8,000,000 for the Payment to the Asia Foundation account, the amount provided in the House bill, instead of $5,000,000, as provided in the Senate bill.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

The conference agreement includes $41,500,000 for the Arms Control and Disarmament Agency (ACDA), as proposed in the House bill, instead of $32,613,000 as proposed in the Senate bill. Funds are provided for operating expenses of ACDA, with the expectation that $1,000,000 will not be required for operations and will be available for the Comprehensive Test Ban Treaty Preparatory Commission. These funds are to be expended subject to the same conditions as the funds provided for this purpose under Contributions to International Organizations for transfer to International Conferences and Contingencies. The Agency is directed to provide a detailed financial plan to the Committees within 30 days of enactment of this Act, setting forth how these funds will be distributed to fund basic operating expenses and the Preparatory Commission. Funding for activities other than basic operating expenses and the aforementioned amount for CTBT that are identified in the financial plan will be subject to section 605 of this Act. Any variation from the plan that falls within the reprogramming criteria of section 605, including spending for activities that do not constitute operating expenses, shall be subject to reprogramming. If the Agency is contemplating changes to its financial plan, the Agency is expected to consult with the Committees to determine whether those changes fall within the reprogramming criteria prior to undertaking such changes.

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

The conference agreement includes a rescission of $700,000 of no-year funds available to ACDA that were not expended as of the end of fiscal year 1997. This rescission was not included in either the House or Senate bills.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

The conference agreement includes $427,097,000 for International Information Programs of the United States Information Agency (USIA) as proposed in the Senate bill, instead of $430,597,000, as proposed in the House bill. All other bill language, which is identical in the House and Senate bills, is included in the conference agreement, except for one modification to assure that fees from educational advising and counseling, and exchange visitor program services may be credited to this appropriation in the absence of an authorization. The conferees intend that the remaining program direction included in both the House and Senate reports be followed.

TECHNOLOGY FUND

The conference agreement includes $5,050,000 for the Technology Fund, as proposed in the House bill, instead of $10,000,000 as proposed in the Senate bill. The conferees intend that the program direction included in the House Report be followed.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $197,731,000 for Educational and Cultural Exchange Programs, instead of $193,731,000 as proposed in the House bill, and instead of $200,000,000 as proposed in the Senate bill. The conference agreement also provides that not to exceed $800,000 may be credited to this appropriation from fees and other payments. The conference agreement includes bill language which ensures that fees from educational advising and counseling may be credited to this appropriation in the absence of an authorization.

The conferees intend that within this amount, $94,236,000 shall be for Fulbright Academic Exchanges, and $103,495,000 shall be for other exchange programs and support. USIA shall provide funds for the Mansfield Fellowships, the Irish Management Center, and the U.S./Mexico Conflict Resolution Center at the levels provided in the Senate report.

The conferees expect that a proposal for the distribution of the available resources among exchange programs will be submitted through the normal reprogramming process prior to final decisions being made. This distribution should include funding, to the maximum extent possible, for all programs specifically mentioned in the House and Senate reports. In addition, the conferees encourage USIA to consider proposals to fund exchanges and exchange-related activities in support of the Women's World Cup and the Vietnam Challenge multi-sport event.

With respect to exchanges with the newly independent states of the former Soviet Union, the conferees expect that funding will be distributed equitably among high-school, college, graduate, and post-graduate programs.

The conferees understand that USIA plans to open up the administration of the Fulbright senior scholar program for competition in 1998. The conferees encourage USIA to conduct this and future competitions in

such a way as to take maximum advantage of the unique competitive strengths of eligible exchange organizations that have expertise and experience in specific regions of the world.

The conferees expect that USIA will ensure that Federal funding for exchange programs will be used to support the actual exchange of participants to the maximum extent possible by cost-sharing with other governments, by entering into partnerships with private organizations that make available non-governmental resources, and by eliminating funding of administrative costs that do not demonstrably enhance the number or duration of exchanges.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Trust Fund in fiscal year 1998 to be used for necessary expenses of the Eisenhower Exchange Fellowships.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 1998 to be used for necessary expenses of the Israeli Arab Scholarship Program.

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $364,415,000 for International Broadcasting Operations, instead of $391,550,000 as proposed in the House bill, and instead of $339,655,000 as proposed in the Senate bill. The conference agreement adopts the approach proposed in the Senate bill for broadcasting to Cuba. No funds for broadcasting to Cuba are included under this account, as proposed by the House, but rather, all funding for broadcasting to Cuba is included under a separate account, as proposed by the Senate, consistent with the fiscal year 1997 appropriations Act.

The conference agreement includes $24,960,000 for the expansion of broadcasting to China by Radio Free Asia and the Voice of America. The conference agreement includes bill language making $12,100,000 of this amount available until expended for one-time capital costs associated with this initiative. The conference agreement does not include the Senate report language earmarking $20,000,000 for Radio Free Asia. USIA and the Broadcasting Board of Governors shall provide the Committees with a detailed plan for expenditure of funds for the expansion of broadcasting to China for consideration under usual reprogramming procedures.

Within the total amount provided for international broadcasting operations, the conferees agree that $4,000,000 shall be for the development of a Farsi-language surrogate broadcasting service to Iran.

The conference agreement does not include language in the Senate bill making not to exceed $10,000,000 available only on a dollar-for-dollar basis when matched with the proceeds of sales of advertising air time. The conference agreement includes bill language providing not to exceed $2,000,000 from advertising receipts and revenue from business ventures; not to exceed $500,000 in receipts from cooperating international organizations; and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, as proposed in the House bill. The conference agreement includes a modification to the House bill language to ensure that receipts may be credited to this appropriation in the absence of an authorization.

The conferees expect that the Committees will be notified of the final distribution of funding among the activities under this account pursuant to the normal reprogramming procedures. To the extent that reductions are necessary, the conferees urge that priority be given to reductions to administrative costs and functions which do not have direct impacts on language service broadcast hours.

BROADCASTING TO CUBA

The conference agreement includes $22,095,000 for Broadcasting to Cuba under a separate account, as proposed in the Senate bill, instead of the same amount within the total for International Broadcasting Operations, as proposed in the House bill.

RADIO CONSTRUCTION

The conference agreement includes $40,000,000 for Radio Construction, as proposed in the House bill, instead of $32,710,000, as proposed in the Senate bill. This account provides funding for the following activities: maintenance, improvements, replacements and repairs; satellite and terrestrial program feeds; engineering support activities; and broadcast facility leases and land rentals.

The conference agreement includes $10,000,000 to support the expansion of broadcasting to China, and includes the guidance and reporting requirements contained in the House report.

EAST-WEST CENTER

The conference agreement includes $12,000,000 for operations of the East-West Center, instead of no funds, as proposed in the House bill, and $22,000,000, as proposed in the Senate bill. Within this amount, the conferees agree that $125,000 shall be for a grant to support efforts by the Maui Pacific Center to help Pacific nations maintain fish stocks.

NORTH/SOUTH CENTER

The conference agreement includes $1,500,000 for operations of the North/South Center, instead of no funds, as proposed in the House bill, and $3,000,000, as proposed in the Senate bill.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $30,000,000 for the National Endowment for Democracy, as proposed in both the House and Senate bills.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

Section 401.—The conference agreement includes section 401, as provided in the House bill, permitting use of funds for allowances, differentials, and transportation. The Senate bill contained a similar provision, with minor technical changes.

Sec. 402.—The conference agreement includes section 402, as provided in the House bill, dealing with transfer authority. The Senate bill contained a similar provision, with minor technical changes.

Sec. 403.—The conference agreement includes section 403, waiving provisions of existing legislation that require authorizations to be in place for the State Department, the United States Information Agency, including International Broadcasting Operations, and the Arms Control and Disarmament Agency prior to the expenditure of any appropriated funds. The Senate bill included a provision under section 403 stating that the U.S. Commissioner of the International Boundary Commission, U.S. and Canada, can be compensated only for actual hours worked. This provision is not included in the conference agreement, since the language included in the fiscal year 1997 appropriations Act on this matter was permanent in effect. The House bill contained no provision on either of these matters.

Sec. 404.—The conference agreement includes a provision similar to provisions included in the House bill as sections 403 and 404 and in the Senate bill as section 406, establishing procedures and amounts for implementation of the International Cooperative Administrative Support Services (ICASS) program. The conference agreement provision provides for a transfer of $2,800,000 less than was included in the House and Senate bills, and reduces the amounts transferred to other agencies by a like amount to take account of foreign exchange rate gains. The transfer of $109,662,000 to other appropriations in fiscal year 1998 provides the necessary additional resources for administrative expenses paid out of those accounts in order to permanently shift ongoing budgetary responsibility to them.

The Senate bill contained as section 404 a provision that required costs incurred from personnel reductions taken in response to funding reductions in this Title to be absorbed within the total resources available to the agencies under this Title, and, subject to reprogramming procedures, permitting funds to be transferred between accounts to cover such costs. The House bill did not contain a similar provision. The conference agreement includes a provision that provides these authorities for all agencies funded under this Act under Title VI.

Sec. 405.—The conference agreement includes a provision to allow payment of a border equalization adjustment to approximately 20 employees of the Department of State and other agencies who are not members of the Foreign Service, live in the United States, but commute to work in locations in Mexico and Canada. This section will equalize pay for these employees based on the locality pay rates paid for service performed in the United States within the locality pay areas closest to the employees' foreign duty station.

The Senate bill included a provision under section 405 relating to certification of activities relating to Vietnam's cooperation on issues relating to prisoners of war and missing in action. The conference agreement addresses this issue under Title VI.

The conference agreement includes a short title for Title IV of the bill, as included in the Senate bill. The House bill did not include a short title.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

The conference agreement includes $51,030,000 for payment of obligations incurred for the Maritime Administration (MARAD) operating differential subsidy program, as proposed in the House bill, instead of $135,000,000 as proposed in the Senate bill.

MARITIME SECURITY PROGRAM

The conference agreement includes $35,500,000 for the Maritime Security Program (MSP) as proposed in the House bill, instead of $35,000,000 as proposed in the Senate bill. This program, funded under the allocation for national security programs, provides payments to maintain and preserve a U.S.-flag merchant fleet for the national security needs of the United States.

OPERATIONS AND TRAINING

The conference agreement includes $67,600,000 for the Maritime Administration

Operations and Training account instead of $65,000,000 as proposed in the House bill instead of $69,000,000 as proposed in the Senate bill. Within this amount, the conferees intend that $31,500,000 shall be for the operation and maintenance of the U.S. Merchant Marine Academy, and that $7,100,000 shall be for State Maritime Academies. The conference agreement does not specifically allocate the balance of the funds in this account among operating programs, general administration and additional training. The conferees expect that MARAD will submit to the Committees on Appropriations a plan for the expenditure of resources under this account.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides $32,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program instead of $35,000,000 as proposed in the House bill, and $29,000,000 as proposed in the Senate bill. This amount will subsidize a program level of not more than $1,000,000,000 as proposed in both the House and Senate bills.

The conferees have also included $3,725,000 for administrative expenses associated with the Maritime Guaranteed Loan Program, instead of $3,450,000 as proposed in the House bill, and $4,000,000 as proposed in the Senate bill. These amounts may be transferred to and merged with amounts under the MARAD Operations and Training account.

ADMINISTRATIVE PROVISIONS-MARITIME ADMINISTRATION

The conference agreement includes provisions contained in both the House and Senate bills involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides $250,000 for the Commission for the Preservation of America's Heritage Abroad as proposed in the House bill, instead of $206,000 as proposed in the Senate bill.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes $8,740,000 for the salaries and expenses of the Commission on Civil Rights, as proposed in both the House and Senate bills.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

The conference agreement includes $459,000 for the Commission on Immigration Reform as proposed in the Senate bill, instead of $496,000 as proposed in the House bill.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes $1,090,000 for the Commission on Security and Cooperation in Europe, as proposed in both the House and Senate bills.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $242,000,000 for the salaries and expenses of the Equal Employment Opportunity Commission as proposed in the Senate bill, instead of $239,740,000 as proposed in the House bill.

Within the total amount, the conference agreement includes $27,500,000 for payments to State and local enforcement agencies for services to the Commission, as provided in both the House and Senate bills.

The conferees agree with concerns expressed in both the House and Senate reports about the large backlog of cases, and about the allocation of scarce resources to litigation by the Commission in discrimination cases where complainants are already adequately represented by counsel in other fora. The conferees expect that the Commission's first priority will be the processing of charges, and urge that the Commission target its manpower and financial resources toward the prosecution of cases in which the underlying facts are not the subject of independent litigation before the private bar. The conferees further expect the Commission to submit reports as indicated in the House report.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total of $186,514,000 for the salaries and expenses of the Federal Communications Commission (FCC) instead of $177,079,000 as proposed in the House bill, and $185,949,000 as proposed in the Senate bill. Of the amounts provided, $162,523,000 is to be derived from offsetting fee collections, as proposed in the Senate bill, instead of $152,523,000 recommended in the House bill, resulting in a net direct appropriation of $23,991,000, instead of $24,556,000 included in the House bill, and $23,426,000 included in the Senate bill.

The conference agreement includes language in both the House and Senate bills, and included in previous appropriations Acts, allowing fees in excess of the amounts specified to remain available for expenditure in future years. In addition, language is also included, as recommended in the House bill and included in previous appropriations Acts, allowing funds provided for research and policy studies to remain available for two years. The Senate bill made such funds available for one year.

The conferees are concerned about allegations which have been made regarding the proposed move of the FCC to the Portals building. Among the issues concerning the conferees are the recent actions by the FCC and the General Services Administration (GSA) to increase the size of the space to be occupied at the Portals above the congressionally-approved prospectus. This expansion has significantly increased the cost of the FCC's lease. The conferees are also concerned about the significant delays in the construction schedule. In the fiscal year 1997 budget submission, the FCC expected to be moved into the new Portals building in December 1997. The move is now slated to begin in March 1998. Therefore, the conferees request that the General Accounting Office (GAO) review these and other concerns about the Portals lease and the proposed FCC move and report back to the Congress no later than January 31, 1998.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $14,000,000 for the salaries and expenses of the Federal Maritime Commission, instead of $13,500,000 as proposed in the House bill and $14,300,000 as proposed in the Senate bill.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total operating level of $106,500,000 for the Federal Trade Commission, instead of $105,000,000 as proposed in the House bill and $108,000,000 as proposed in the Senate bill. The conference agreement assumes that of the amount provided, $70,000,000 will be derived from fees collected in fiscal year 1998 and $18,000,000 will be derived from estimated unobligated fee collections available from 1997. These actions result in a final appropriated level of $18,500,000, instead of $19,000,000 as proposed in the House bill and $28,000,000 as proposed in the Senate bill.

Use of any unobligated fee collections from 1997 above $18,000,000 are subject to the reprogramming requirements outlined in section 605 of this Act.

The conferees urge the Commission to retain the current standard for "Made in U.S.A." as stated in the House report.

The conferees are aware of concerns about the impact of alcohol advertising on underage drinking, and understand that the FTC is engaged in the ongoing monitoring of the advertising and marketing practices of manufacturers of beverage alcohol. The conferees expect the FTC to emphasize these activities, investigate when problematic practices are discovered, encourage the development of effective voluntary advertising codes, and report their findings back to the Committees on Appropriations.

GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $1,000,000 for the salaries and expenses of the Gambling Impact Study Commission as proposed in the Senate bill, instead of no funding, as proposed in the House bill.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $283,000,000 for payment to the Legal Services Corporation, instead of $250,000,000 as proposed in the House bill, and $300,000,000 as proposed in the Senate bill.

The conference agreement provides $274,400,000 for grants to basic field programs and independent audits, $7,100,000 for management and administration, and $1,500,000 for the Office of the Inspector General.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The conference agreement contains language, included in both the House and Senate bills, continuing all statutory requirements and restrictions included in the fiscal year 1997 appropriations Act.

In addition, the conference agreement includes new provisions in section 501, as contained in the House bill, providing additional authority to the Corporation to terminate a grant award and institute a new grant competition if the existing grantee has been found to be in violation of statutory and regulatory requirements and restrictions. The Senate bill contained similar provisions. In addition, provisions are included in section 504, as contained in the House bill, to allow the Corporation to debar grantees from the competitive bid process in certain circumstances. The Senate bill contained similar provisions.

The conference agreement includes a provision, section 505, proposed in the House bill but not addressed in the Senate bill, requiring certain public disclosure reporting requirements related to litigation initiated by grantees of the Legal Services Corporation.

The conference agreement also includes a provision, section 506, proposed in the Senate bill but not addressed in the House bill, to ensure that income eligibility determinations in cases of domestic violence are made

only on the basis of the assets and income of the individual. The conferees are aware that the current statute and regulations of the Legal Services Corporation already provide for such determinations to be made in all cases, including domestic violence. However, given concerns regarding access to the legal system for victims of domestic violence, the conferees have included this provision to provide greater clarity regarding this matter. However, the conferees do not intend to in any way preclude such eligibility determinations in other cases made in accordance with current regulations and statute.

The conference agreement makes several technical changes to correct statutory citations and other technical differences included in the House and Senate bills.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $1,185,000 for the salaries and expenses of the Marine Mammal Commission instead of $1,000,000 as proposed in the House bill, and $1,240,000 as proposed in the Senate bill.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total operating level of $315,000,000 for the Securities and Exchange Commission as proposed in the House bill, instead of $317,412,000, as proposed in the Senate bill. The conference agreement includes bill language providing offsetting fees in accord with levels authorized in the National Securities Markets Improvement Act of 1996. These offsetting fees are expected to provide $249,523,000 in fiscal year 1998. In addition, the conference agreement assumes the use of $32,000,000 in carryover funds from fiscal year 1997. These offsets result in a net direct appropriation of $33,477,000 as proposed in the House bill, instead of $35,889,000, as proposed in the Senate bill.

The conference agreement does not contain a provision in the House bill that fees collected in excess of $249,523,000 shall remain available until expended, but shall not be available for obligation until October 1, 1998. These fees will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides an appropriation of $254,200,000 for the Small Business Administration (SBA) Salaries and Expenses account, instead of $235,047,000 as proposed in the House bill, and $246,100,000 as proposed in the Senate bill.

In addition to amounts made available under this heading, the conference agreement includes $94,000,000 for administrative expenses under the Business Loans Program Account and $150,000,000 for administrative expenses under the Disaster Loans Program account. These amounts are transferred to and merged with amounts available under Salaries and Expenses, resulting in total funding of $498,200,000 for SBA operating programs, noncredit and other initiatives.

The conference agreement provides a total of $133,250,000 for SBA's regular operating expenses under this account, an increase of $13,049,000 above the fiscal year 1997 level. This increase is provided as follows: $2,000,000 is for necessary expenses to implement the HUBZone proposal; $3,049,000 is for adjustments to base, including the full amount requested for Low Documentation processing centers; and $8,000,000 is provided for initiatives to improve SBA's management and oversight of its loan portfolio. The increase for portfolio management and oversight is to be distributed as follows: (1) $1,750,000 for staff and training for the Office of the Chief Financial Officer; (2) $200,000 for SBA to contract with a private entity to provide technical and management support in developing and implementing a plan for modernization of SBA's information resource management systems; and (3) $6,050,000 for information resource management systems. The conferees direct the SBA to submit a spending plan in accordance with section 605 of this Act prior to the expenditure of funds provided for these initiatives. Further, the conferees direct the SBA, with the exception of the Disaster Loans program, to reduce its travel by 50 percent from the fiscal year 1997 level.

The conference agreement includes the following amounts for noncredit programs:

Small Business Development Centers	$75,800,000
SBDC Defense Transition	2,000,000
7(j) Technical Assistance	2,600,000
SCORE	3,500,000
Business Information Centers	500,000
Women's Demonstration	4,000,000
Women's Council	350,000
EZ/EC One Stop Capital Shops	3,100,000
Microloan Technical Assistance	14,500,000
US Export Assistance Centers	3,100,000
Regulatory Fairness Boards	500,000
Total	109,950,000

Small Business Development Centers (SBDC).—Of the amounts provided for SBDCs, the conferees have included $1,000,000 to be used for the Environmental Compliance Project as directed in the House report, and $35,000 for an Internet commerce study as directed in the Senate report. In addition, the conference agreement provides a $1,300,000 increase to be used to provide a minimum allocation of $500,000 for all States able to meet the appropriate matching requirements. The conferees do not intend for any State's allocation to be reduced from its fiscal year 1997 allocation under the current funding formula, and direct SBA to submit a reprogramming if additional funds are required to ensure that all eligible states receive the $500,000 minimum allocation without reducing other States' funding.

In addition, the conference agreement includes language, as proposed in the House bill, making funds for the SBDC program available for two years.

Women's Demonstration and Women's Council.—The conferees provide funding for the Women's Demonstration Business Centers program at the requested level of $4,000,000. The conferees intend that fourth year funding be provided for eligible existing sites subject to authorization, that new centers started in fiscal year 1997 will be funded at no less than their current level, and that three new sites will be added.

Of the amounts provided for the Women's Council, $100,000 is to be used for federal procurement research projects included in the Senate report. In addition, the conferees direct that no more than 10% of the total amount provided for Women's Council activities be used for SBA administrative expenses and overhead charges.

Microloan Technical Assistance.—The conference agreement provides a total availability of $16,500,000 for the Microloan Technical Assistance program in fiscal year 1998, the same level as recommended in both the House and Senate bills. Of these amounts, $14,500,000 is provided in direct appropriations and $2,000,000 is to be derived by transfer from the unobligated balances in the Microloan Direct loan program, as provided in the House bill and requested in the budget. The Senate bill provided $16,500,000 in direct appropriations and did not assume this transfer of funds.

The conference agreement provides no funds for Advocacy Research. However, the conferees would be willing to entertain a reprogramming subject to section 605 of this Act to maintain activities approved in fiscal year 1997. In addition, the conference agreement includes no funds for the Survey of Women Owned Businesses, but would be willing to entertain a reprogramming subject to section 605 of this Act for this activity.

The conference agreement adopts language included in the House report directing the SBA to continue activities assisting small businesses to adapt to a paperless procurement environment, as well as activities which assist small businesses in making the transition to meet both military and ISO 9000 quality systems requirements.

In addition, the conference agreement includes the following small business initiatives: $3,000,000 for infrastructure to develop a facility for small business development; $3,000,000 for continuation of an outreach program to assist small business development; $2,000,000 to develop a facility to increase small business opportunities and economic development; $1,500,000 to develop a facility and operate an institute for small business and workforce development; $1,000,000 for continuation of a small business incubator; and $500,000 for continuation of a program for small business consulting and technical assistance.

Further, the conferees expect that all procurement center representatives will report to the Area Directors of the Government Contracting Area Offices.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $10,000,000 for the SBA Office of Inspector General, instead of $9,490,000 as proposed in the House bill and $10,600,000 recommended in the Senate bill.

Further, as proposed in both the House and Senate bills, an additional $500,000 has been provided under the administrative expenses of the Disaster Loans Program to be made available to the Office of Inspector General for work associated with oversight of the disaster loans program.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes $181,232,000 in subsidy appropriations under the SBA Business Loans Program Account, the same amount recommended in the Senate bill, instead of $187,100,000 as proposed in the House bill, and $173,235,000 as requested in the budget. Of these amounts, $45,000,000 is to remain available for two years, as proposed in the House bill.

7(a) General Business Loans.—The conference agreement provides $161,000,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, as proposed in the Senate bill, instead of $167,000,000 as proposed in the House bill, and $153,003,000 requested in the budget. When combined with $35,700,000 in prior year unobligated balances and additional recoveries, this amount will subsidize a program level of $10,191,710,000 at the fiscal year 1997 subsidy

rate of 1.93%, instead of an $8,500,000,000 program level requested in the President's budget. In addition, the conference agreement includes a new provision, not included in either the House or Senate bills requiring the SBA to notify the Committees on Appropriations in accordance with section 605 of this Act prior to providing a total program level greater than $10,000,000,000.

Small Business Investment Companies (SBIC).—The conference agreement provides $20,232,000 for the SBIC debenture and participating securities programs, as proposed in the Senate bill, instead of $20,100,000 as proposed in the House bill. Of these amounts, for the participating securities program, $11,580,000 is provided in subsidy appropriations which, when combined with $5,800,000 in prior year carryover, will result in a total program level of $684,253,000 in fiscal year 1998. In addition, for the debentures program, $8,652,000 is provided which, when combined with $3,800,000 in prior year carryover, will result in a total program level of $541,391,000 in fiscal year 1998.

Microloan Direct and Guaranty Programs.—The conference agreement does not include new appropriations for the Microloan Direct Loan Program or the Microloan Guaranty Program, as none was requested. The conferees assume that $2,000,000 of the $6,000,000 in carryover in the Direct Loan Program will be transferred to the Salaries and Expenses Account for Microloan Technical Assistance Grants, with the remainder to be used for direct loans in fiscal year 1998. In addition, the conferees assume that the $3,800,000 in carryover in the Guaranty Program will be used for guaranteed loans in fiscal year 1998. The conferees expect the SBA to follow the reporting requirement included in the House report regarding this program.

In addition, the conference agreement includes $94,000,000 for administrative expenses to carry out the direct and guaranteed loan programs, as proposed in both the House and Senate bills, and makes such funds available to be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes a total of $173,200,000 for this account, of which $23,200,000 is for the subsidy costs for disaster loans, and $150,000,000 is for associated administrative expenses. The Senate bill provided $173,200,000 only for administrative expenses, as requested in the budget, while the House bill provided a total of $199,100,000 for both loan subsidy costs and associated administrative expenses.

For disaster loans, the conference agreement assumes that the $23,200,000 subsidy appropriation, when combined with $185,000,000 in carryover balances, will provide a total disaster loan program level of $887,468,000. The conferees note that the budget requested no funds for the disaster loan program, proposed to increase the interest rate charged to disaster loan victims, a proposal which has been rejected previously by the Congress, and requested a program level of only $785,000,000, a level well below the average need in previous fiscal years. The conferees believe the Administration should take actions to more realistically assess the level of need for the disaster loans program and budget accordingly. Therefore, to ensure sufficient funds are available for disaster victims, the conferees have included additional appropriations in fiscal year 1998 for disaster loans, while reducing the amounts available for administrative overhead.

The conference agreement includes $150,000,000 for administrative expenses for the disaster loans program, instead of $173,200,000 as requested in the budget. The conferees expect any shortfall in these funds to be made up through additional recoveries throughout the year. The conferees remind SBA that such recoveries are subject to the reprogramming procedures set forth in section 605 of this Act.

Of the amounts provided for administrative expenses, $500,000 is to be transferred to and merged with the Office of Inspector General account for oversight and audit activities related to the disaster loans program.

SURETY BOND GUARANTEES REVOLVING FUND

The conference agreement provides $3,500,000 for additional capital for the SBA Surety Bond Guarantees Revolving Fund as proposed in both the House and Senate bills.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes a provision providing SBA with the authority to transfer funds between appropriations accounts, as provided in both the House and Senate bills.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement provides $6,850,000 for the salaries and expenses of the State Justice Institute (SJI) instead of $3,000,000 as proposed by the House, and $13,550,000 as proposed by the Senate.

TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following general provisions:

Section 601.—The conference agreement includes section 601, identical in both the House and Senate versions of the bill, regarding the use of appropriations for publicity or propaganda purposes.

Section 602.—The conference agreement includes section 602, identical in both the House and Senate versions of the bill, regarding the availability of appropriations for obligation beyond the current fiscal year.

Section 603.—The conference agreement includes section 603, identical in both the House and Senate versions of the bill, regarding the use of funds for consulting services.

Section 604.—The conference agreement includes section 604, identical in both the House and Senate versions of the bill, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

Section 605.—The conference agreement includes section 605, as included in the House version of the bill and similar to the provision in the Senate version of the bill, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes.

Section 606.—The conference agreement includes section 606, identical in both the House and Senate versions of the bill, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Section 607.—The conference agreement includes section 607 regarding the purchase of American-made products, as provided in both the House and Senate bills.

Section 608.—The conference agreement includes section 608 which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October, 1993, as provided in both the House and Senate bills.

Section 609.—The conference agreement includes a provision, which modifies language proposed in the House bill as section 609 and in the Senate bill as section 405, that prohibits use of funds to expand U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues. The conference agreement applies this provision to this fiscal year and to funds provided in this Act, as proposed in the House bill, instead of permanent and to funds provided in this or any other Act, as proposed in the Senate bill.

It requires that the President make the certification within 60 days, as proposed in the House bill, instead of within 60 days of the beginning of each fiscal year, as proposed in the Senate bill.

It requires that the President certify that Vietnam is fully cooperating in good faith, instead of cooperating in full faith as proposed in the House bill, and fully cooperating as proposed in the Senate bill.

It requires that the certification be based on all information available to the United States Government as proposed in the House bill instead of based on a formal assessment of all information available to the United States Government as proposed in the Senate bill.

And it requires that an additional issue be included in the certification, namely, that relevant material associated with prisoners of war and missing in action recovered from Southeast Asia and available to the U.S. government is being thoroughly analyzed by the appropriate laboratories with the intent of providing surviving relatives with scientifically defensible, legal determinations of death or other accountability that are fully documented and available in unclassified and unredacted form to immediate family members, as proposed in the Senate bill, instead of no language on this issue, as proposed in the House bill. The conferees note that preparing material with the intent to provide does not mean actually providing such material, if doing so would violate existing laws or national security concerns. The conferees do not intend that actions taken with respect to the directives in the bill on the intent to provide unclassified and unredacted materials to family members violate either existing laws or national security policies. The purpose of this last certification criterion is to reinforce the valuable and important work that is being carried out by the individuals, task forces and laboratories under the most difficult of circumstances, and to ensure that they have sufficient resources to carry out their work. With sufficient resources, these laboratories can carry out their mission of analyzing evidence and providing information to surviving relatives, a mission they are currently carrying out with great professionalism and dedication.

Sec. 610.—The conference agreement includes section 610, which repeats language contained in the fiscal years 1996 and 1997 appropriations Acts, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

Sec. 611.—The conference agreement includes section 611 which prohibits the use of

funds to provide certain amenities for Federal prisoners as provided for in both the House and Senate bills.

Sec. 612.—The conference agreement includes a modified version of section 612 restricting the use of funds provided under the National Oceanic and Atmospheric Administration Fleet Modernization account proposed in the House bill. The Senate bill deleted this provision. The modification permits NOAA to develop long term plans to support its fisheries research requirements.

Sec. 613.—The conference agreement includes section 613, as proposed in the House bill, which requires agencies and Departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or Department. The Senate bill included this same provision as section 610.

Sec. 614.—The conference agreement includes section 614, which prohibits funds made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material to a prisoner when it is made known that such information or material is sexually explicit or features nudity. Both the House and the Senate bills included this section, but the Senate bill included this as section 611.

Sec. 615.—The conference agreement includes section 615, similar to language proposed by the House bill and proposed by the Senate bill under section 120, which limits funding under the Local Law Enforcement Block Grant to 90 percent, to an entity that does not provide public safety officers injured in the line of duty and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty. The language has been modified to clarify the expected level of health benefits intended by the provision.

Sec. 616.—The conference agreement includes section 616, which prohibits funds available in this Act from being used to issue or renew a fishing permit or authorization for any vessel more than 165 feet long or greater than 750 gross tons, and with more than 3,000 shaft horsepower to engage in fishing for Atlantic mackerel or herring. In addition, vessels above these thresholds are prohibited from engaging in the catching, taking, or harvesting of fish in any other fishery within the United States exclusive economic zone (EEZ) (except territories) unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997 and such endorsement is still valid. In addition, language is included to nullify any fishing permit or authorization issued prior to enactment of this Act for vessels prohibited under this section from engaging in the fishing of Atlantic mackerel or herring, and prohibiting funds from being expended to issue a new permit or authorization to allow such a vessel whose Atlantic mackerel or herring permit has been nullified under this section from engaging in the catching, taking, or harvesting of fish in any other fishery within the U.S. EEZ. The House bill contained a provision prohibiting vessels of such length from fishing in the Atlantic herring or mackerel fishery. The Senate bill contained no provision addressing these matters.

Sec. 617.—The conference agreement includes section 617, similar to language proposed in the House bill, that allows persons who prevail in a Federal criminal case to recover attorney's fees and other litigation costs if the court finds that the position of the United States was vexatious, frivolous or in bad faith. The conferees understand that a grand jury finding of probable cause to support an indictment does not preclude a judge from finding that the government's position was vexatious, frivolous or in bad faith. The provision provides that the procedures and limitations of the Equal Access to Justice Act apply, except with regard to burden of proof, and that certain evidence may be received ex parte and in camera and kept under seal for the court to make this determination. Fees and expenses awarded under this provision shall be paid by the agency over which the party prevails, from any funds made available by appropriation to the Department of Justice.

Sec. 618.—The conference agreement includes a provision, Section 618, as contained in the House bill, prohibiting funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type.

The conferees do not intend for this provision to prevent the United States Government from taking necessary actions in accordance with the requirements and remedies available under applicable U.S. trade laws and international trade agreements to ensure non-discriminatory treatment of U.S. products. Further, the conferees do not intend to prohibit the use of funds for routine international trade services available to all U.S. citizens such as the provision of publicly available information on foreign country conditions and policies, information or assistance that may help U.S. firms or individuals comply with foreign government laws or regulations, the processing of export trade certificate of review applications, and assistance in assuring fair treatment of U.S. companies by foreign governments in transactions such as customs clearance and intellectual property rights enforcement.

Sec. 619.—The conference agreement includes a provision prohibiting the use of funds to pay for the expenses of an election officer appointed by the court to oversee the election of any officer or trustee of the International Brotherhood of Teamsters, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

Sec. 620.—The conference agreement includes section 620, numbered as section 612 in the Senate bill, which repeals a portion of a 1900 appropriations Act which prohibited telegraph or cable lines owned by foreign citizens or foreign corporations or governments from being established or permitted to enter Alaska. The House bill contained no similar provision.

Sec. 621.—The conference agreement includes section 621, similar to section 613 of the Senate bill, which prohibits funds from being used to issue a visa to any alien involved in extrajudicial and political killings in Haiti. Specifically, the provision prohibits issuance of a visa to any person who (1) has been credibly alleged to have ordered, carried out, or assisted in extrajudicial and political killings of 16 named individuals; (2) was included in the list presented to former President Aristide by former National Security Advisor Anthony Lake; (3) was sought by the FBI in relation to political or extrajudicial killings; (4) was involved in the September 1991 coup or murders occurring between 1991 and 1994; or (5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH. The provision gives the Secretary of State authority to make exceptions on a case-by-case basis. The provision also includes several reporting requirements by the Secretary of State to the House International Relations and Appropriations Committees and the Senate Foreign Relations and Appropriations Committees. The House bill contained no similar provision.

The conference agreement does not include a provision included in the House bill as section 621, which would have prohibited the expenditure of funds to conduct research on the medicinal use or legalization of marijuana or any other schedule I drug. The conferees understand the Department of Justice has no intention of conducting any research of this nature and direct the Attorney General to notify the Committees on Appropriations of both the House and Senate under the reprogramming procedures set forth in section 605 of the Act, should any intention to study this matter arise.

Sec. 622.—The conference agreement includes a provision, section 622, not included in either the House or Senate bills, repealing section 3006 of P.L. 105-33 regarding the withholding of payments to the Universal Service Fund.

Sec. 623.—The conference agreement includes a provision, section 623, not included in either the House or Senate bills, requiring the Federal Communications Commission (FCC) to review and report to the Congress no later than April 10, 1998 regarding implementation of the universal service provisions of the Telecommunications Act of 1996.

Sec. 624.—The conference agreement includes a technical correction relating to the fiscal year 1998 Interior Appropriations bill changing the quorum requirement of the National Council of the Arts to 8.

Sec. 625.—The conference agreement includes a technical correction relating to the fiscal year 1998 Legislative Appropriations bill authorizing the appropriation for the Senate Drug Caucus.

Sec. 626.—The conference agreement includes a provision providing for the sale, at fair market value, of the existing fleet of leased vehicles at the Naval Petroleum Reserve Numbered 1 (Elk Hills) to the successful buyer of the Reserve, with the proceeds from such sales to be returned to the General Services Administration's "General Supply Fund."

Sec. 627.—The conference agreement includes a technical correction relating to the National Indian Gaming Commission in connection with the fiscal year 1998 Interior Appropriations bill.

Sec. 628.—The conference agreement includes a provision regarding relief for an individual who failed to file a timely appeal of dismissal with the Department of Agriculture.

Sec. 629.—The conference agreement includes a provision which permits previously appropriated funds to be used in conjunction with the Small Business Investment Act of 1958.

Sec. 630.—The conference agreement includes a provision to permit the White Mountain National Forest (WMNF) to proceed with developing its next Forest Plan. The conferees recognize that WMNF is a heavily visited National forest and its last Forest Plan was completed in 1986. The Forest Plan is due to be revised every ten to fifteen years and is essential to the welfare and health of the forest. The WMNF has a long and successful history of achieving a wide

consensus balancing wildlife habitat, wilderness protection, clean water and viable timber industry. The conferees allow the WMNF to proceed with revising its Forest Plan.

Sec. 631.—The conference agreement includes a provision to allow the nomination of a Federal Election Commissioner to move forward.

Sec. 632.—The conference agreement includes a provision relating to a land transfer by the Secretary of Energy to Los Alamos County, New Mexico and to the Secretary of Interior, in trust for the Pueblo of San Ildefonso.

Sec. 633.—The conference agreement includes a provision providing authority to the Secretary of Agriculture to use up to $6,000,000 from the sale of grain in the disaster reserve to implement a livestock indemnity program to pay for losses from natural disasters pursuant to a Presidential or Secretarial declaration.

Sec. 634.—The conference agreement includes a provision providing that up to $800,000 from funds available to the Department of Defense (DOD) in fiscal year 1998 may be used to compensate for commercial cranberry crop losses resulting from environmental contamination near the Massachusetts Military Reservation ("MMR"), in bogs fed by groundwater contaminated by athylene dibromide ("EDB") emanating from MMR. DOD may provide compensation if a claimant demonstrates a commercial loss in 1997 of cranberry crops in the Mashpee or Falmouth bogs, located on the Quashnet and Coonamessett rivers, respectively, if DOD determines that the loss results from the presence of EDB in or on cranberries in either of those bogs from the EDB-contaminated plumes of groundwater known as "FS 1" or "FS 28."

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(Rescission)

The conference agreement includes a rescission of $100,000,000 from unobligated balances under this heading, instead of $30,310,000 as proposed in the Senate bill. The House bill did not include a rescission from this account.

TITLE VIII—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $7,000,000 in emergency supplemental appropriations, not included in either the House or Senate bills, to provide emergency disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act for the Bristol Bay and Kuskokwim areas of Alaska.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follows:

New budget (obligational) authority, fiscal year 1997	$30,230,160,000
Budget estimates of new (obligational) authority, fiscal year 1998	35,657,937,000
House bill, fiscal year 1998	31,786,493,000
Senate bill, fiscal year 1998	31,653,555,000
Conference agreement, fiscal year 1998	31,816,907,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1997	+1,586,747,000
Budget estimates of new (obligational) authority, fiscal year 1998	−3,841,030,000
House bill, fiscal year 1998	+30,414,000
Senate bill, fiscal year 1998	+163,352,000

HAROLD ROGERS,
JIM KOLBE,
RALPH REGULA,
MIKE FORBES,
TOM LATHAM,
BOB LIVINGSTON,
ALAN B. MOLLOHAN,
DAVID E. SKAGGS
(except for sections 209, 210, 502, and 505),
JULIAN C. DIXON,
Managers on the Part of the House.

JUDD GREGG,
TED STEVENS,
PETE DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
BEN NIGHTHORSE CAMPBELL,
THAD COCHRAN,
FRITZ HOLLINGS,
DANIEL INOUYE,
DALE BUMPERS,
FRANK LAUTENBERG,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,
Managers on the Part of the Senate.

EXTENSIONS OF REMARKS

IN HONOR OF VETERANS DAY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today with my fellow Americans to demonstrate my pride in all the men and women who have served in our Armed Forces by observing Veterans Day. Officially designated in 1938 as "A National Day of Remembrance," commemorating the end of World War I, this special day is now deeply embedded in our Nation's tradition and culture. It is a day that generates a myriad of feelings and activities. Many of us will make a special effort to say "thank you" to our fathers and mothers, uncles and aunts, brothers and sisters, sons and daughters, friends and colleagues for their service in America's Armed Forces. Others of us will make a sacred pilgrimage to a national cemetery in order to give thanks for the lives of our beloved soldiers, sailors, airmen and Marines who have died in service to America.

These are appropriate and important ways to recognize Veterans Day—because all of these choices are available to us only because of the commitment and sacrifice of the millions of men and women who have, with great pride and honor, worn the uniform of the United States of America. They, more than any of us, know that they served so that the rest of us can fully enjoy the fruits of their sacrifice and endeavors—so that the rest of us can live and thrive in a country deeply and securely grounded in freedom and liberty.

Americans have traditionally remembered all the men and women who have served in our Armed Forces by building majestic and moving monuments in their honor. These impressive structures stand as strong symbols of our national appreciation for the courage and heroism of our Armed Forces. But these magnificent memorials and statues are not enough to fullfill our Nation's commitment to our veterans. In order to carry out our national responsibility, America has, since the earliest days of our republic, given life to the many impressive memorials by also providing programs and benefits designed to touch and enhance the lives of our veterans.

We remember and honor our veterans when we assist them in their readjustment to the civilian community by offering GI bill education benefits and job-search assistance; when we provide compensation payments to those with service connected disabilities and when we provide health care for sick and injured veterans through the VA medical care system.

These programs and benefits, which give life to our national commitment to veterans, must be maintained and perfected. They are tangible symbols of our respect for, and gratitude to, those who serve on our behalf in the armed services. Accordingly, we must ensure that veterans' programs and benefits continue to effectively fulfill their purposes—and to ensure that the funding necessary to accomplish this goal is provided.

Perhaps the best way to show our appreciation to our veterans, who have sustained and protected us during times of both war and peace, is by exercising our most precious freedoms—voting, worshipping, traveling where and when we want, and expressing our opinions freely. We owe all these freedoms to our veterans. I would like to take this opportunity to thank our veterans and encourage the rest of the nation to do the same.

TRIBUTE TO JOE CASTILLO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Joe Castillo of Fort Collins, CO, a Vietnam Veteran who undertook a meaningful journey from August 14 to November 11. He traveled on horseback from Fort Collins to the Vietnam Veterans Memorial in Washington, DC, in honor of his friends and comrades who lost their lives in Vietnam. He planned his trip for 2 years.

Joe was born on July 14, 1950 in Texas. He enlisted in the Armed Forces and went to Vietnam at the tender age of 18 along with several of his friends. He was the only one of his group to return home.

Mr. Speaker, on Saturday, November 8, Joe and his little troupe of horses and friends were stuck in the mountains of West Virginia in a cold downpour. They were running out of trail and the regular roads are too dangerous so they were worried they might not make it to Washington on time after all. Thanks to some members of the Veterans of Foreign Wars who are also horse people and who know how to navigate around that area, Joe and company were able to get out of the mountains and hook up with other VFW members in Cumberland, MD.

But Joe and his horse, Indio, were on time and were part of the official Vietnam Memorial ceremonies Tuesday. The Park Service agreed to allow Joe to ride Indio to the Wall and the Vietnam Memorial Foundation allowed Joe to present his flag at the official ceremonies and say a few words. How fitting it was, Mr. Speaker, that Joe Castillo, who has grown into such an outstanding citizen, spoke at this event.

We owe Joe Castillo our encouragement and praise for such a long journey to honor those who died for our country. He has shown greater character, integrity, and selflessness for embarking on this incredible pilgrimage to the Vietnam Wall. The total estimated mileage is 1,986 and 90 days of travel on horseback.

Mr. Speaker, I ask my colleagues to join me and the veterans community in praise of Joe Castillo for the shining example he sets for all Americans.

FAST TRACK—TOO EARLY FOR AN OBITUARY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PAUL. Mr. Speaker, is fast track dead? Hardly. This 25-year-old process is ingrained in the political process and will not soon disappear. The imperial presidency is alive and well as Congress continues the process of acceding power to the executive branch through such processes as the line item veto, administrative law, War Powers Act, Executive orders, and trade negotiations. The attempt at devolution, which is now ongoing, does little to attach the ever growing power of the Presidency. As Congress—and especially the House—reneges on its responsibility under the concept of separation of powers, the people suffer by loosing their most important conduit to the Federal Government.

Members opposed fast track for various reasons, some sensible, some less so. Serious proponents consistently stated their support came from their convictions regarding free trade. However, political deals, threats and pressure from financial supporters influenced less serious supporters. This process is nothing new, but in the recent efforts to pass fast track, record offers to persuade Members of Congress to change their vote were made on both sides of the debate. The President and the congressional leaders had a lot to offer and the unions and environmentalists were not bashful about their use of intimidation.

In spite of the blatant politics of it all, there were among us principled free traders, true believers in U.S. sovereignty, serious concerns for domestic labor, and environmental laws and dedicated populist protectionists.

And then there were the laissez-faire capitalists, individual liberty, U.S. sovereignty and low tariff proponents, positions held by a scant few. The supporters of fast track cavalierly dismissed all thoughtful opposition. The delivery of power to the Presidency argument was said to be bogus; the treaty versus agreement argument was argued to be nothing more than designed by those wanting to hide behind the Constitution and those concerned about NAFTA boards, world trade organizations, or the multilateral agreement on investments were all just conspiracy nuts the same group of individuals who are concerned about who is flying the unmarked black helicopters around the country. So much for serious debate.

A few points worth noting:

First, most members of the coalition, who pushed fast track, have in the past, promoted

war under the U.N. banner, bailouts by the IMF, foreign aid, corporate welfare, secret centralized banking, and World Bank loans? Is there any wonder that a populist backlash, from Nadar to Buchanan, blossomed and actually won this round?

Second, the chief corporate supporters of the fast track process who claimed to be defenders of freedom and free trade have essentially no record of ever promoting free market economics or any organization dedicated to capitalism and sound money. They are all experts in understanding the corporate welfare state and are promoters of the Export/Import Bank, Overseas Private Investment Corporation, foreign aid, the military industrial complex, fractional reserve banking, public housing, all types of government guaranteed loans and much more. So why this sudden loyalty to freedom of trade and low tariff taxes? This is a question worth pondering. Could it possibly be that fast track, NAFTA and the WTO have nothing to do with real free trade? Could it be that corporate America is ensconced in a modern-day corporatism that see fast track as a vehicle toward a managed trade system that serves the powerful at the expense of the weak? Certainly the ready willingness to grant exemptions to various industries and commodities during the negotiations suggests less than a principled effort to promote free and unhampered trade.

Third, this current debate has entirely ignored the nature of modern-day protectism. Already, in recent years, sanctions have been applied through international governmental bodies 61 times. These originate from complaints from industries that claim they are being subject to unfair competition from those who are selling their products at a lower price. Currently, there are still pending 27 proposals for more sanctions.

Fourth, since the breakdown of the Bretton Woods Agreement, trade has been manipulated by the various countries through competitive currency devaluations. This is ongoing and is currently driving the bailout in Southeast Asia, just as was done 2 years ago in Mexico. All this currency and IMF activity is to promote trade in one direction or another and to bail out the powerful special interests who invested in countries when the times were good but want help once the markets turned against them.

There is no reason why free trade agreements can't be drawn up much more simply and in a bilateral fashion with Congress fully participating. Low tariffs and free trade with any country can be accomplished with an agreement less than one page in length. This whole debate ignores the fact that countries that impose high tariffs on their people suffer much more so than the countries hoping to export products to them.

This whole debate on fast track was designed to obscure the definition and process of real freedom in trade. Fortunately further casual endorsement of this process, first started by Richard Nixon, was met with a setback, temporary as it may be, in the inexorable march toward the NWO and the one world government.

TRIBUTE TO REV. J.A. PANUSKA

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. McDADE. Mr. Speaker, I rise today to pay tribute to one of America's preeminent educators, Rev. J.A. Panuska, on the occasion of his retirement as president of the University of Scranton in Scranton, PA.

Father Panuska is an extraordinary man who is well respected in the local community, the academic community, and the spiritual community. He is known for his studies in cryobiology, as well as for his dedication to his true passion—his students. Father Panuska enjoys a hands-on approach in his duties at the university which carries over into his work with many local organizations. His insight has greatly enhanced the activities of these groups as they work toward improving the community.

Founded in 1888, the University of Scranton has been enriched by Father Panuska's leadership over the past 16 years. He guided the university through its largest expansion effort in history, and has brought the school into a period of constant academic recognition and praise. Under Father Panuska's guidance, the university has ranked consistently among the top comprehensive institutions in the Northeastern and Mid-Atlantic states. It has also become widely recognized for the remarkable record of its graduates receiving Fulbright scholarships.

Mr. Speaker, in 1998, Father Panuska will conclude his 16-year tenure as president of the University of Scranton, the same year he celebrates the 50th anniversary of his entrance into the Society of Jesus. I would like to thank him for his close friendship, which has been dear to me, congratulate him on a remarkable record of achievement and wish him the best in his future endeavors.

HONORING RECIPIENTS OF HISPANIC INDEPENDENCE AWARDS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the Hispanic Independence Awards Ceremony that will be held on Saturday, November 15, 1997, at Mott Community College in my hometown of Flint, MI.

September is National Hispanic Heritage Month and the Hispanic Independence Awards is a special event to celebrate Hispanic culture, ideas, and achievements in Genesee County. The Hispanic community will once again honor individuals who have unselfishly committed themselves to making Flint and Genesee County a better place for all people.

The Pedro Mata Leadership Award is given to a person who has provided leadership, encouragement, and influence in the Hispanic community. Mr. Chris Flores is this year's honoree. The Tano Resendez Community Service Award is being bestowed upon Mr. Pedro Suarez for his dedicated personal efforts to promote civic and cultural activities.

The Joe Benavidez Education Award will be presented to Ms. Marcie Forsleff for her support of educational issues relating to Hispanics of all ages. The Rafael Arceo, Sr. Labor Involvement Award will be given to Ms. Marcie Garcia for her efforts to increase community awareness, improve the quality of life, and open doors for Hispanics.

Ms. Sue Quintanilla will be honored with the Bruno Valdez Arts and Entertainment Award for promoting Hispanic culture through professional and personal activity. The Domingo Berlanga Veterans Award will be given to Mr. Refugio Rodriquez for his honorable service in the U.S. Armed Forces. The final award, the Pedro Mata, Jr. Scholarship Award will be given to a student that has a commitment to community service and a desire to continue their education.

Mr. Speaker, it is with great pride that I rise today and ask my colleagues in the House of Representatives to join me in recognizing the accomplishments of these individuals and the entire Hispanic community. I congratulate the honorees for their compassion and commitment to helping their fellow citizens.

OPPOSITION TO FAST-TRACK LEGISLATION IN CURRENT FORM

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. ROEMER. Mr. Speaker, in light of the recent decision to postpone consideration of the fast-track bill, I would like to make clear my position in opposition to this legislation in its current form. While I believe in the notion of free trade and voted for MFN for China and GATT, I also strongly believe in fair trade and our insistence on trade parity.

I would vote against this bill, but I want to make it clear that I will support free and fair trade in the future. I support expanding U.S. export opportunities and our position as the world's leader in trade. I have consistently supported, as I do now, efforts to expand fair and free trade. For example, I just recently voted for the United States-Caribbean Trade Partnership Act, also known as CBI.

I did not support NAFTA when it was considered by the House of Representatives in 1993, and I am proud of my vote. I believe that this fast-track bill, as written, will only aggravate NAFTA's failed legacy—larger trade deficits, expanding jobs losses, and rapidly declining standards of living. Bad trade deals like NAFTA have destroyed good jobs and go a long way to lure businesses to where it is cheaper to pay their employees and cheaper to meet safety requirements.

Bad trade deals include the 1995 automotive trade agreement with South Korea "Memorandum of Understanding to Increase Market Access for Passenger Vehicles in Korea." South Korea simply failed to abide by the agreement to open up its markets. Bad trade deals like NAFTA are running up our $114 billion trade deficit. This deficit exacerbates job losses. It is eroding our automotive industry and chipping away at the number of high-paying jobs, including many quality jobs

in Indiana's Third Congressional District. Our trade deficit with Mexico and Canada jumped from $11 billion to $39 billion after NAFTA passed. We should not agree to all trade deals. And most trade deals need constant vigilance. We must engage in trade but then follow through with verification, implementation, and enforcement.

Despite our healthy economy, there are still too many people in our country earning only $5 or $6 per hour, and often working a second job to raise their families. Families are working more hours at more jobs while just keeping pace or sometimes falling behind. Too many families have little or no time to spare for volunteer work or even time to raise their children. This causes social and developmental problems profoundly affecting our schools and communities. We must reach back and bring our working people along with us in a rapidly changing economy involved in global trade. This includes education and worker training programs rather than merely giving trade adjustment assistance that is more similar to temporary welfare.

Rather than expanding a bad trade policy like NAFTA, we should strengthen existing trade policies with tougher enforcement provisions like Super 301, which is used to force our trading partners to open their markets to American goods. So-called Super 301 gives the President authority to challenge foreign barriers to our exports, and helps us fight unjustifiable and unreasonable foreign trade practices. The Federal Maritime Commission recently invoked Super 301 to impose $100,000 entry fee sanctions on each ship entering a United State port from Japan, the second largest supplier of United States imports. These sanctions were promptly delivered in response to Japan's failure to address anticompetitive maritime practices. This needs to be used more often.

Section 301 has also helped stifle China's aggressive trade practices, particularly with respect to intellectual property piracy. We should also use Super 301 against Korea, which has violated the 1995 automotive trade pact by imposing more restrictive policies, including new taxes on imports and even the threat of conducting tax audits of anyone who buys or leases an imported automobile. We should require that more trade agreements are enforced under Super 301. It is a proven weapon in the U.S. trade arsenal to open markets in the most forceful manner provided by U.S. law.

Additionally, we should offset the side-effects of our trade deals with education and training for our workers. These trade deals need to provide more job retraining and community-preserving programs. For example, this fast-track bill should have included pilot projects establishing new education and employment programs for displaced workers and tax relief for displaced workers. We cannot be satisfied with training adjustment assistance programs which simply treat workers like temporary welfare recipients. We should also be more forceful in arguing that our trading partners provide assistance to development banks to pay for their own job training for women, anti-child labor programs and environmental cleanup.

Since NAFTA was enacted, we have entered into 200 new trade agreements without fast track. We must consider the merits of each new trade agreement and its impact on our workers, consumers, and taxpayers. Each trade deal should be considered with careful oversight to insist on fair trade but enhanced opportunity for free trade. And we should search out new markets to help American farmers, workers, and businesses to compete fairly in order to sell their products abroad. But we should not tie our hands to far-reaching trade agreements pushed by international interests. Rather, we should ensure that fair trade and sound agreements are at the heart of our trade policy. Our prosperity and our ability to benefit from trade agreements will depend not just on the quantity of that trade, but the quality and enforcement of the agreement.

I support free trade and I know that the United States needs to trade to be competitive in the global economy. More important, I want U.S. businesses to enjoy greater access to foreign markets. But free trade must be a two-way street. The trade agreements we enter into must ensure that foreign tariff barriers are removed in addition to opening our markets. Currently, our trade policy focuses too much on providing access to our markets. This is not reciprocal trade, as the name of this fast-track bill implies.

As some new Democrats profess, we need a new trade policy. Many on the Republican side are pure free traders. We must establish the rules of fair trade, and those must give priority to more vigorous enforcement of super 301 provisions and penalties against countries which practice unfair trade. Our trade deals must encourage, but not mandate, other countries to comply with child labor standards, minimum wage requirements, and anti-pollution laws as they compete with foreign producers who do not. U.S. trade policy must reflect compliance with standards we know to be reasonable and fair. This should probably be a goal, not something we dictate and demand from other countries before we even negotiate with them.

In conclusion, Mr. Speaker, fast-track does not go far enough to encourage fair trade, but it does open our markets. This bill does not help our workers get education and training for a new career. It is not new trade policy, and I would encourage my colleagues to vote against this authorization.

CLINTON'S CLIMATE COMPACT CRUSHES COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SCHAFFER of Colorado. Mr. Speaker, this December in Kyoto, Japan, the United Nations will consider adopting a treaty regarding greenhouse gases. The treaty seeks to commit the United States to binding international agreements that would severely limit greenhouse gas emissions. Remarkably, the treaty will most likely exempt 132 of 166 of the world's nations, leaving the developed and industrialized countries like the United States holding the bag.

If this plan goes through, residents of our State will feel the pinch in a big way. According to the Colorado Association of Commerce and Industry [CACI], natural gas prices would likely double, gasoline prices could increase $.50 a gallon, and household energy bills would see a jump of $900 to $1,100 annually. In addition, nearly 30,000 jobs could be lost, including about 7,000 in the manufacturing industries.

When fossil fuels, such as coal, natural gas, and petroleum are burned, they emit so-called greenhouse gases—carbon dioxide, methane, and nitrous oxide. Some scientists have theorized that emissions of these greenhouse gases trap heat in the atmosphere and cause the planet to warm, melting glaciers and potentially threatening health and life as we know it. There is, however, no current consensus among scientists that the Earth's temperature is actually on the rise. In fact, the Government's own satellites and balloons, measuring the entire Earth at all altitudes, reveal a slight cooling trend of about one-third of a degree per century.

Unfortunately for the American people, the Clinton administration has embraced the highly disputed theory of global warming without question. Consequently, President Clinton and Vice President GORE have recently unveiled their plan to limit greenhouse gas emissions to 1990 levels by 2008 to 2012.

The burden of all this seems to fall disproportionately on Coloradans. Each Colorado resident has the potential to lose more than $430 in personal income in the year 2010, if these emissions are scaled back to 1990 levels by then. Also, housing prices would be 8.3 percent higher, medical costs could rise by 13 percent, and food prices would go up 9.5 percent.

Recently, in an attempt to gain steam for the global warming movement, and to curry favor for an administration plan to cut greenhouse gas emissions, Vice President GORE visited Glacier National Park in Montana. He blamed the shrinking of the icefields there on an increase in global temperature. The fact is, those icefields have been rolling back since the end of the Little Ice Age in the 1850's, which itself coincided with a long period of low solar activity.

It should be kept in mind that global warming proponents are dealing in theory, not fact. Even if their theory is cogent, there is still no way to know for certain whether manmade conditions cause global temperatures to rise. Nor is there any way to know for certain the extent to which the consequences of a global temperature increase will be bad or good.

The American people clearly, cannot afford to remain silent while the Clinton administration risks the well-being of our citizens by proceeding at Kyoto, on what amounts to an uneducated guess.

TRIBUTE TO JUAN VENÉ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Mr. Juan Vené, one of the most

knowledgeable and experienced sports reporters and writers about baseball in the history of this sport.

Mr. Vené was honored for his achievements and dedication to writing about baseball by the organization Latino Sports. The banquet dinner in his honor was held at the Grand Hyatt, in New York City, on October 30.

Mr. José Rafaél Machado Yanes, better known by his pen name of Juan Vené, was born in Caracas, Venezuela, in 1929.

His career as a reporter started in 1947, and since then he has dedicated every single day of his life to his profession as a director, editor, investigative reporter, columnist, sports writer, radio and TV commentator. The Spanish newspaper El Diario/La Prensa in New York City has honored him for each of the past 11 years as the most distinguished reporter who writes about the Yankees and the Mets.

Mr. Vené holds the record as the only sports reporter in the United States and Latin America who has covered every World Series for the past 37 years.

He was born with the passion for writing and reporting about the sport of baseball. Mr. Vené went to Cuba in 1948 to study journalism at the School of Marques Sterling, University of Havana, because during those years Venezuela did not have an institution of higher education that taught this field. He graduated from the university in Cuba in 1952. His interest in learning more about journalism motivated him to attend specialized seminars in the field. He also obtained a designation as a historian of baseball and has taught 73 courses on this field.

Mr. Vené writes a daily syndicated column on baseball for numerous newspapers in the United States, Puerto Rico, the Dominican Republic, Mexico, and Venezuela. He was a sports commentator for the Voice of America. He is also credited with being the first to launch a Spanish-language radio network to provide detailed coverage of the history of baseball, the training of baseball players, and all the games of the major leagues. The program aired in 11 countries.

He has produced many TV shows on baseball including, "Play Ball", "El Mundo en su Marcha", "Los Cuadros del Pueblo", "La Historia del Beisbol", "Magazine", and "Juan Vené en Acción", He also belongs to the team of producers and writers of Major League Baseball Productions.

Mr. Vené is a member of the baseball Writer's Association of America and the Society for American Baseball Research. He is married and has four children and one grandchild.

At age 68, Mr. Vené talks about covering baseball with the same excitement and passion that he has demonstrated throughout his life. According to an interview conducted by Bob Shannon, which was published in News World in London, when he was asked what he would do next in his life, Mr. Vené responded that he will probably write an encyclopedia on the history of baseball in Latin America and Spain. When he was asked what sports he likes other than baseball, he responded: "As Babe Ruth once said, 'Is there any other sport?'".

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. José Rafaél Machado Yanes, writing as Juan Vené, for his great contributions to reporting and recording the history of our beloved national sport—baseball.

REMARKS ON THE FOREIGN OPERATIONS APPROPRIATIONS CONFERENCE REPORT REGARDING THE INTERNATIONAL MONETARY FUND [IMF]

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PAUL. Mr. Speaker, Congress wisely did not vote to appropriate $3.5 billion appropriation for the IMF which will be used to help finance the new arrangements to borrow [NAB]. These funds will not be used much differently than previous funds allocated to the IMF over the years under the GAB, or general arrangements to borrow. Regardless of what we are told and how this funding is described, these funds are used for more bailouts to countries in trouble and present a burden to the U.S. taxpayer.

The IMF has a poor track record of preventing financial crises. "All of the major currency and banking crises of the last five years have occurred under conditions of heightened surveillance by the IMF," according to Gregory Fossedal, a leading expert on the subject, reports William Simon, the former Secretary of the Treasury and the current president of the Olin Foundation, in a recent issue of the Wall Street Journal. This article clearly explains why the IMF "may actually promote crises, because governments often resist sound economic and financial policies . . . because they know that the IMF will be there to bail them out in the event of a crisis." We should add that the IMF will be bailing them out with U.S. taxpayers' money if we fail to follow the sound judgment of the House and reject any additional IMF funding.

Such moral hazard fears are widespread and well founded. "[With outside assistance], governments may be encouraged to delay necessary policy reforms and investors may be tempted to continue pouring money into recklessly run economies on the assumption that they will be bailed out if things go wrong," writes Robert Choate in the Financial Times. Under the IMF's standard limits on borrowing, countries are limited to 150 percent of their respective quota. Thailand will get $3.9 billion from the IMF or 505 percent of its quota, and Indonesia will get $10.1 billion or 490 percent of its quota. While these allotments are larger than the IMF's own rules would normally allow, Mexico was offered $17.8 billion or 688 percent of its quota in 1995. What was the lesson Thailand and Indonesia learned from the IMF's treatment of Mexico?

The generosity of several governments and international institutions towards Indonesia is likely to cause more problems than it resolves . . . Investors will be encouraged to take ever bigger risks in other emerging economies, confident that they too will be bailed out. This may already be happening: when word came on October 31st that an agreement had been reached with Indonesia, share prices rose in Brazil, another country where investors are worried about a currency collapse. If the IMF, and especially the Americans, stand ready to help the Indonesians, the markets seem to have concluded, they are certain to come to the aid of Brazil . . . The structure and size of the Indonesian loans package create worrying precedents," writes The Economist in the current issue.

Although it is assumed that only Third World nations are bailed out, the United States has been a recipient of such funds when the dollar was under attack in the late 1970's. For every benefit there is a cost. One of the costs to those who receive funds will be the acceptance of conditionalities placed on them by the IMF which will advocate certain policies for those countries receiving the money. Generally, this deals with directives on taxes, spending , and deficits. Although currently our dollar and economy seem strong, we are nevertheless setting the stage for the day when the U.S. dollar will once again need to be bailed out along IMF surveillance and conditionalities on how to manage our own economy.

HISTORY

The IMF was set up by the Bretton Woods Agreement in 1944 and came into operation shortly after World War II. The original intent of the IMF was to permit short-term loans to prop up those currencies whose issuing countries had negative balance of payments under the pseudo fixed-exchange rates of the Bretton Woods Agreement. However, this entire system collapsed in the early 1970's, and the IMF has since then had to create a new job for itself. It now supports the economies of weaker nations by making structural long-term loans and bails out currencies that have come under attack such as in Mexico, Russia, Thailand, and most recently Indonesia.

ECONOMICS OF THE IMF

This whole process is doomed to failure. Some knowledgeable economists, even in the 1940's, predicted that the concept of the IMF would not work and they were vindicated in 1971 when the fixed exchange rates established under Bretton Wood's system collapsed. Bretton Woods institutionalized the notion that the IMF could be made of the lender of last resort to all the countries of the world by bailing out the weaker currencies, just as the Federal Reserve portends to be the lender of last resort to our domestic banks. The problem is that this type of insurance encourages a recklessness monetary idea.

The floating rates, which have existed since the breakdown of Bretton Woods in 1971, have functioned only with the assistance of the free-market floating rate system. Nevertheless, fluctuating fiat currencies eventually lead to chaos as we currently see in the Asian markets. Worldwide currency and financial conditions today are exactly opposite of what a market determined single hard currency would produce. To the extent governments manipulate the value of their currencies at will, we can expect sharp and sudden adjustments in the economies of the world.

The IMF's policies resulted in international inflationism with the use of the special drawing rights [SDR's] and its guarantee that the weak currencies will bail out the even weaker currencies. It is through the IMF, along with the

World Bank, that international economic planning is pursued while enhancing the concept of international government. The IMF, through the manipulation and bailing out of certain currencies, serves as a welfare tool of transferring real wealth from the richer to the poorer countries. The mechanism of the IMF, over the years, has also served to bail out banks which overextended themselves investing, in poor nations, but do not want to be left holding the bag. Likewise, corporations which are encouraged to invest overseas through our inappropriate loan subsidies, such as the Overseas Private Investment Corporation and the Export-Import Bank, are also able to socialize the cost of risky ventures when these weaker economies predictably threaten a default.

The IMF comes to the rescue of the bankers and the corporations as well as the wealthy individuals of the particular countries being bailed out. For the most part the real cost falls on the United States' taxpayers because they pay a disproportionate share of the IMF funding. Thus, the American taxpayer suffers through a lower standard of living. If we were to put purple dye on the bills that we were sending to Indonesia today, the bankers and investors on Wall Street would be walking around with purple pockets tomorrow.

LEGISLATIVE SITUATION

The $3.5 billion new appropriation for the IMF was not brought to the House floor in the Conference Report of the Foreign Operations Appropriations bill. It was not funded in the House version of the foreign ops bill but did appear fully funded in the Senate version. The exact reason why it was not in the House version is not clear, but quite possibly it was to avoid open discussion about this new funding program that we are about to embark on at the U.S. taxpayer's expense. Because of this process, we have had no House debate on this issue, there has been no expression of any interest in the House and certainly only a minimum understanding regarding this new funding. There are many powerful special interests that influence complicated legislation like this and easily skirt the attention of most Members of Congress.

The most facetious argument made by the political supporters of this appropriation, as has been the case over the decades, is that there is no cost for it. Although it requires an appropriation, the claim is that this is merely a transfer of assets between the United States and the IMF. The argument goes that if we give the IMF $3.5 billion, it, in turn, will give us a financial instrument indicating that we are entitled to the $3.5 billion the IMF pays interest on the funds they hold. The fallacy, of course, is that this money is taken out of the economy, removed from available sources of credit and is no longer available to the American citizen. Just because the CBO calls this a transfer of assets and is not counted in the budget deficit does not make it harmless, to say the least. These funds are justified in the name of protecting the international monetary system which is nothing more than bailing out countries which have spent and inflated more than others and hope to receive their salvation at U.S. taxpayer expense.

No additional funding should be given to the IMF. The IMF is no longer fulfilling its original intent and is now actually involved in projects which were never authorized. Even Bill Simon and George Schultz, both former Secretaries of the Treasury, advocate abolishing the IMF. The development institution mission that the IMF now claims to have converted itself into merely duplicates the efforts of other institutions that have the authority and expertise to act as one. Groups as diverse as the liberatian Cato Institute and the Friends of the Earth, a worldwide network of environmental organizations, point out that the IMF is not a development organization and should get out of the development business.

The entire Mexico bailout a couple of years ago required more than $50 billion, mostly U.S. taxpayers' money, to temporarily stabilize Mexico's financial markets. However, this was primarily done to bail out the Government of Mexico, as well as bankers and investors on Wall Street. Since the IMF is incapable of preventing problems, in time the market will make it irrelevant. But in the meantime, the process will continue to cost the American taxpayers a lot of money regardless of whether or not it's accounted for in the deficit. The least that should be done is that if we feel compelled to pour more money into the IMF, we should demand the return of the U.S. gold that the IMF holds. According to the central bankers of the world, gold has been totally discredited, and the managers of fiat currencies claim to manage quite well without it. If this is the case, there is no sound reason for the IMF to hold gold and, thus, the gold should be restituted, or dispersed to the respective countries. The IMF has spent more than $170 billion since the 1960's, and since 1978 there has been no monetary role for gold according to central bankers.

The IMF is nothing more than an international engine for inflation fueled by the creation of credit. The IMF's special drawing rights is an international fiat currency that, through the dilution effect, the weak currencies bail out the even weaker ones. Even if there is only a minimal increase in taxation necessary to finance IMF appropriations, the resulting inflationary impact is something that cannot be avoided or ignored.

There is no economic nor political benefit to the United States to continue participating in the IMF. Financial conditions around the world are now as precarious as they have ever been and a financial bubble built on the inflationary nature of all fiat currencies, along with IMF monetary mischief, warrants immediate and serious discussion regarding the need for a sound currency based on real value.

All financial bubbles and all inflations require corrections by recessions or depressions. These unwise central bank policies always result in these conditions. Although it might be tempting to divert blame from the central bankers of the world, including our Federal Reserve and the IMF, the responsibility truly lies with the U.S. Congress which permits these policies to exist by abdicating responsibility over monetary policy and appropriates funds to the IMF every time it is asked.

In time, the dollar will surely be on the receiving end of negative market forces. The dollar as a reserve currency has enjoyed the benefit of foreign central banks willing to hold them while we merrily march on with our inflationary policy and deficit financing. However, no country can pursue a policy that perpetuates huge negative balance of payments and negative balances of trade for extended periods of time. Eventually those dollars must return to their origin and devalue its existing currency. If one is concerned about the seriousness of the recent crises in Mexico, Indonesia, Thailand and elsewhere in the Far East, one should be that much more concerned about what will happen when the target becomes the United States dollar. This will probably occur after there is a definite downturn in our economy with escalating deficits. The mirage of low deficits that some claim for the U.S. Federal budget will be replaced by the reality that we are spending our children's future by borrowing hundreds of billions of dollars each year from the various trust funds. Today, inflating the dollar to bail out a weaker currency may give the appearance of working, but once the tables are turned, dollar inflation, in order to bail out the dollar or the U.S. economy, will do exactly the opposite.

The time to correct this problem is now. The U.S. House should vote down funding $3.5 billion to perpetuate an international monetary system of finance which is doomed to fail, which is unfair, and which serves the powerful special interests at the expense of the American taxpayer—if it ever comes up for a vote. Unfortunately though, economic and financial chaos around the world will only serve as an excuse for the believers in strong international government to further intervene and pursue their goals. But what is needed is less government, less inflation and less international management of our currencies and our economy and more emphasis on a sound currency, free markets, and individual liberty.

TRIBUTE TO DEAN GORDON D. SCHABER

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to the late Dean Gordon D. Schaber of the University of the Pacific, McGeorge School of Law. Today, as Dean Schaber is remembered by his family and many friends at a memorial service in Sacramento, CA, I ask my colleagues to join me in saluting this extraordinary giant in the fields of law, politics, and community service.

Gordon Duane Schaber was born 70 years ago today in Ashley, ND. Dean Schaber overcame a childhood bout with polio to excel at his academic pursuits. In 1938, he moved to Sacramento where he graduated from McClatchy High School as class valedictorian in 1945. He went on to graduate second in his class at Sacramento State College in 1949.

Gordon Schaber found his calling in the legal profession early on. By 1952, he had graduated with honors from the University of California, Hastings College of the Law. In a remarkable 5 years, Gordon Schaber became dean of McGeorge School of Law in Sacramento, making him the youngest law school dean in the nation at the age of 29.

For the next 34 years, Dean Schaber served as the driving force behind McGeorge's

transformation from a small, unaccredited night school to an internationally recognized leader in the field of legal education. This evolution of McGeorge from an institution with a low academic profile to world prominence is owed to the tenacity and dynamism of Gordon Schaber.

While fulfilling his duties at McGeorge as an energetic administrator, teacher, and mentor to scores of law students, Dean Schaber also served as the presiding judge of the Sacramento Superior Court from 1965 to 1970, the youngest person to ever hold that post. During this same time, he guided McGeorge through its accreditation from the California Bar in 1964, and its historic merging with the University of the Pacific in 1966.

McGeorge's 9,000 alumni include 160 judges, many members of the California Legislature, district attorneys, city attorneys, and a member of this House. Dean Schaber's proteges represent the very best in the American legal community, including the Honorable Associate Justice of the United States Supreme Court, Anthony M. Kennedy.

Yet Dean Schaber's influence extended far beyond our nation's lawyers and legal scholars to include a bi-partisan collection of five governors of the State of California, as well as Presidents John F. Kennedy and Ronald Reagan. His intelligence, deft political abilities, and wit made him a friend and confidant to many of our nation's greatest leaders.

As a loving uncle and son, Gordon Schaber was always committed to nurturing the fabric of his own family. He had a very special relationship with his nephew, Randall Schaber, for whom he became a surrogate father after his own brother's untimely passing. Of course, Gordon Schaber treated his hundreds of friends as family members; his retirement and birthday celebration in 1992 drew over 800 people in a living tribute to the breadth of his influence and community involvement.

At that time, he was named "Man of the Year" by the Sacramento Metropolitan Chamber of Commerce, the same organization which had recognized him as "Young Man of the Year" some 30 years earlier. In 1991, Dean Schaber received the American Bar Association's highest honor for service in legal education, The Kutak Award.

Mr. Speaker, Gordon Schaber's intellect, generosity, and good will made him one of Sacramento's most respected and loved citizens. His selfless devotion to McGeorge School of Law, his family, and friends has set the standard for community service in our State and in our Nation. As Dean Schaber is remembered at today's memorial service, I ask each of my colleagues to join me in recognizing his exceptional life's work and tremendous spirit of purpose in the community he loved so well.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BLUMENAUER. Mr. Speaker, due to obligations in my district, I missed rollcall votes 614 through 621, which occurred on November 7, 1997. I wish to be recorded as follows:

Yes on rollcall 614
Yes on rollcall 615
Yes on rollcall 616
Yes on rollcall 617
Yes on rollcall 618
Yes on rollcall 619
Yes on rollcall 620
Yes on rollcall 621

HONORING THE MILLION WOMAN MARCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the women that participated in the Million Woman March held in Philadelphia on October 15, 1997. I am particularly proud to acknowledge those participants from my hometown of Flint, MI.

The first ever Million Woman March brought together women from all walks of life who, with a sense of duty and commitment, gathered on this day to address the issues and concerns that affect their homes, their families, and their communities.

From all walks of life they came. They arrived by plane or by train. Some drove their cars overnight, while others chartered buses to get them to their destination. Regardless of how they arrived, the women who attended the Million Woman March all came with similar goals: to interact with one another, to empower themselves and each other, to devise strategies to take back their neighborhoods, and to instill in our young people the power of collective efforts and positive attitudes.

Nearly 500 of the participants in the Million Woman March made the journey from Flint, MI. In my role as a Member of this body, I consider it my duty to work toward enhancing the quality and dignity of life for all my constituents. I am very fortunate to have these women as allies in this effort. I also would like to commend these women on the organization of the local Thousand Woman March in Flint, which allowed the women to share what they learned in Philadelphia with those who were unable to attend.

On November 15, an appreciation reception will be held for the participants of both the Million Woman March and the Thousand Woman March. It will serve as a time to reflect on their experience as an important part of history and to allow them to work toward their collective goals of equity, unity, and love.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in expressing my gratitude to the women who participated in the Million Woman March and the Thousand Woman March. I am proud to represent them in Congress for they are shining examples of what coalitions can accomplish.

IN SUPPORT OF CONTINUED CONSTRUCTIVE ENGAGEMENT WITH CHINA

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. ROEMER. Mr. Speaker, I rise to submit an insightful editorial article published in the November 4, 1997 edition of Indiana's LaPorte Herald-Argus newspaper. This article thoughtfully and accurately reflects many of my views in support of continued constructive engagement with China as a method of improving our critically important bilateral relationship and pursuing our foreign policy goals regarding human rights. While progress is at times too slow and painful, talks and diplomacy are key aspects of this bilateral relationship.

President Jiang Zemin's recent visit to the United States to participate in the United States-China Summit is the first step in achieving these goals through constructive engagement. While President Jiang conceded less than we hoped for with respect to ongoing human rights abuses, religious persecution, and exporting nuclear materials, it is still very important to recognize that we have now opened a new dialogue with the People's Republic of China. I am confident that this will result in more talks and serious negotiations and hopefully, more progress on these critically important issues.

I am encouraged that President Clinton admitted that China was on the wrong side of history regarding Tiananmen Square. Moreover, I am pleased that President Clinton told President Jiang that continuing reluctance to tolerate political dissent has prevented China from achieving economic and social progress at the same pace as the developing nations and the rest of the world. This kind of exchange and mutual recognition fosters constructive engagement.

Without question, the summit talks are more useful than continued diplomatic tensions and certainly more productive than no dialog at all. Case in point: The cold war began to thaw, among other reasons, when the United States and the Soviet Union began to open diplomatic channels. Our much improved relationship with Russia and the new republics clearly demonstrate that constructive engagement helps advance our foreign policy goals. This has helped end the war in Chechnya, dismantle weapons of mass destruction, and contributed to our sense of stability in the region. I am confident that this kind of success can be achieved with respect to our foreign policy toward China.

The United States-China Summit concluded with President Jiang's approval of the International Technology Agreement and the removal of numerous tariff barriers of United States exports to China. This is how the United States benefits from constructive engagement with China. I am pleased that Congress extended MFN status to China again this year, and I am hopeful that we can continue to improve our mutually beneficial trading relationship. This is critical to our business interests and future relations with the world's most populous nation. Trade is among the

most useful tools in constructive engagement with China, and fair trade should be implemented and enforced by the United States in every possible way.

Mr. Speaker, I am hopeful that constructive engagement with China will advance our interests and our foreign policy goals, and I encourage my colleagues to review the LaPorte Herald-Argus opinion which follows.

ON CHINA, WEAK ADMONITIONS ARE BETTER THAN NO TALKS AT ALL

Not much of substance emerged from last week's meetings between Chinese leader Jiang Zemin and President Clinton.

The only concrete news was that Boeing will sell $3 billion worth of airplanes to China and that other firms will be allowed to sell nuclear power technology to the nation, and that Jiang promised China will no longer sell nuclear materials and other weaponry to countries such as Iran.

The first bit of news angered those who feel Jiang's visit revolved more around big bucks and business than on how China treats its people. Indeed, guests at the state dinner for Jiang were mostly Fortune 500 leaders representing firms such as General Motors, IBM, AT&T and Eastman Kodak.

The second bit of news is tenuous at best. Jiang has promised before that China will not sell weapons to third-world nations and has not kept the promise.

U.S. business leaders are champing at the bit to capitalize on China's emerging role in the trade world. But protesters chastise the United States and Clinton for having anything to do with Jiang and his country given its human-rights stance or lack thereof, including continued persecution of Christians and dissidents.

During his eight-day visit, Jiang shrugged off such critics, even when they questioned him face-to-face. Responding to a question on the massacre of students at Tiananmen Square in 1989, the most Jiang could muster was that "naturally, we may have some shortcomings and even make some mistakes in our work." Quite a belittlement of a country's bloody attack on its own people.

To his credit, Clinton did sit down with Jiang to talk about the human-rights issue. He even stated publicly at a joint press conference with Jiang that China was "on the wrong side of history" regarding Tiananmen Square.

Critics thought, though, that Jiang—the first Chinese leader to visit the U.S. in 12 years—shouldn't have been allowed to set foot in this country, much less gain more business with the U.S.—until the persecution stops.

But Clinton's weak admonitions are better than opening no dialogue whatsoever with Jiang. There are two words that prove this: Cold War. Not until U.S. and Soviet Union leaders began talking did that war begin to thaw.

With that approach in mind, perhaps Clinton's hope is that as China becomes less isolated and more of a global participant, a Gorbachev-type leader will succeed Jiang, and China's appalling treatment of some of its citizens will improve.

A TRIBUTE TO FRANCIS E. DYER, SR.

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to Francis Dyer, a close friend and great man, who recently passed away.

A longtime resident of Pennsylvania and the Seventh Congressional District, I have known Francis Dyer for many years and am proud to claim him as a friend. He was a true American hero, a World War II veteran, and a prisoner of war. I will miss him very much and I share the grief felt by his entire family, especially his loving wife, Teresa, his friends and all the people of Upper Darby.

Francis E. Dyer, Sr. was born on September 29, 1922. The son of the late Francis W. and Frances P. McFate Dyer, Francis E. Dyer, Sr. graduated in 1940 from Darby High School and entered Temple University on a scholarship that same year. Two years later he enlisted in the Army and was stationed overseas in February 1944 with the 782d bomb squad, 465th bomb group of the 15th Air Force, based in Italy.

When flying a mission to Freidrichshafen, Germany on August 3, 1944, his plane was one of eight from the 465th group that was shot down and Francis Dyer was only 1 of 3 survivors of the 10-man crew on his aircraft. He was captured the next day while trying to get to Switzerland and became a German prisoner of war. On February 6, 1945, when the Russian Army was approaching Stalag Luft IV, where he was imprisoned, the camp was evacuated and the prisoners began a march that lasted 86 days. Francis Dyer was liberated by the British Army on May 2, 1945, 6 days before the war in Europe ended on May 8.

Upon his return to the United States, Francis was married and subsequently discharged from the Army in October 1945. He returned to Temple University and was graduated in 1948. He never forgot his past, however, and became a great fighting force in veteran affairs. He was a life member and past commander of a number of notable veterans groups such as the Tri-State Chapter of American Ex-Prisoners of War, the Prisoner of War Memorial Post 5999, Veterans of Foreign Wars, the Colonel A.J. Campbell Chapter 19, and the Disabled American Veterans. He also belonged to the Delaware County Veterans Council for 12 years and served a year as commander of that unit.

Several generations have benefited from his undeniable spirit and compassion. My heart goes out to his 7 children, 2 stepchildren, 19 grandchildren, and 2 stepgrandchildren. Mr. Speaker, I am proud to rise today to honor this great man. My district has lost a tremendous human being and a great contributor to veteran's affairs. His life was lived to its fullest and he will be remembered by all who were fortunate to have known him.

HONORING DR. DAVID KESSLER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mrs. LOWEY. Mr. Speaker, I rise today to recognize the extraordinary accomplishments of Dr. David Kessler.

Dr. Kessler is known to many of us through his service as Commissioner of the Food and Drug Administration. By almost every account, he transformed that once moribund agency into a dynamo of public health leadership and policy development. Quite simply, Dr. Kessler redefined the role of FDA Commissioner, setting a standard that his successors will surely admire and strive to attain.

Dr. Kessler's courageous efforts to identify the dangers of smoking and to encourage a broad public dialog on tobacco usage may prove to be his most lasting legacy. His authoritative presentation of medical fact and resolute defiance of those who would deny the grave effects of tobacco smoke made him a familiar figure to millions of Americans. And his efforts, in particular, to protect children from tobacco smoke, may potentially save thousands of lives. Smoking remains an urgent public health challenge, but Dr. Kessler's work undoubtedly established a strong foundation on which future efforts to curb smoking can be built.

Of course, Dr. Kessler's accomplishments do not end with tobacco. Under this leadership, the FDA streamlined the approval process for life-saving and life-improving drugs. He helped make possible a revolution in the treatment of HIV and other illnesses. And he boosted the morale and professionalism of an organization too long adrift.

Since leaving the FDA, Dr. Kessler has continued his distinguished career at Yale, where he serves as the dean of the school of medicine.

Mr. Speaker, on November 19, Dr. Kessler is to be honored by the League of Women Voters of New York State with the prestigious Carrier Chapman Catt Award. I am very pleased to join the league and so many other grateful citizens from my district and State in saluting Dr. Kessler and in recognizing his profound contribution to our Nation's health and future.

TRIBUTE TO HAROLD M. WILLIAMS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Harold M. Williams for his leadership and involvement not only in our community, but on a national and international level as well.

For months now, the citizens of Los Angeles have been anticipating the opening of the J. Paul Getty Center. As president and chief executive officer of the J. Paul Getty Trust, the wealthiest art institution in the world, Harold

has played a prominent role in bringing culture to our community. Since 1981, Harold has worked to ensure that the trust makes a significant contribution to awareness and longevity of the visual arts in the areas of conservation, scholarship and education. The work Harold has done for the arts has earned him praise at both a national and international level. He was appointed by President Clinton to serve as a member of the President's Committee on the Arts and Humanities and is recognized by the French Government as an "Officer dans L'Ordre des Arts et des Lettres."

Most recently, Harold has been working with President James Wolfensohn of the World Bank to develop a partnership which would conserve and promote the cultural heritage of developing countries. In Harold's own words, "Historically the World Bank and a lot of others have tended to think of sustainable development in social and economic terms, and this really amounts to a redefinition of what is sustainable development. You really cannot have sustainable development without recognizing the cultural heritage of a country."

President Kennedy once said that ". . . Art establishes the basic human truths which must serve as the touchstone of our judgment." Harold has worked for over a decade to ensure that no country's art history or cultural heritage will be lost to future generations. His awareness of the importance of a rich heritage has made him a champion of the arts in our community and around the world, and he has used his position as president of this trust to being these issues to the forefront of the international agenda.

As a leader in the educational, cultural and political arenas, Harold has worked to improve the standard of living for our community, our country and the world. Though he will be officially retiring in January, the work he has done will be appreciated by many future generations. Mr. Speaker, distinguished colleagues, please join me in honoring Harold Williams for his distinguished portfolio of accomplishments.

ASIAN PACIFIC AMERICAN MEMBERS ARE SEPARATE FROM OUTSIDE GROUP

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MATSUI. Mr. Speaker, I would like to draw the attention of my colleagues to an organization that calls itself the Congressional Asian Pacific American Caucus Institute [CAPACI].

It is my understanding that this group was formed in the Spring of 1995 to promote Asian-American involvement in politics, and members of the Asian Pacific American Caucus were put on the board of directors without their knowledge or permission. Realizing this, in March 1996, nearly every member of the Asian Pacific American Caucus signed a letter to Ms. Francy Lim Youngberg, executive director of the institute, removing our names as board members and clarifying that, while we may share the goals of the institute in promoting political involvement by Asian Pacific Americans, we are not affiliated with the organization, nor are we in any way responsible for their actions or statements.

I point this out to my colleagues because it is reasonable to assume that an organization that calls itself a congressional caucus institute would be associated with or answerable to the congressional caucus or its members. In fact, I have had many conversations both on and off Capitol Hill in which people refer to this group as your institute, meaning mine.

It is obvious to me that the most effective way for this group to avoid this kind of confusion in the future is to change its name, removing any stated affiliation to the Congress or the Congressional Asian Pacific American Caucus. Indeed, the caucus' chair, our colleague Representative PATSY MINK, has requested such a name change both verbally and in writing. Yet to this day the organization continues to use the misleading name creating more confusion.

Mr. Speaker, as I stated earlier, I wish to do no harm to any outside organization pursuing laudable goals such as those espoused by this particular group. However, in light of the fact that this group continues to represent itself in a misleading manner, I feel it necessary to state for the record that the Congressional Asian Pacific American Caucus Institute, despite what the name would indicate, is not affiliated with the Congressional Asian Pacific American Caucus or the Congress in any way.

INTRODUCTION OF THE DIGITAL ERA COPYRIGHT ENHANCEMENT ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BOUCHER. Mr. Speaker, I rise today with my distinguished colleague the gentleman from California, Mr. CAMPBELL, to introduce the Digital Era Copyright Enhancement Act. We believe this legislation best advances the interests of both creators and users of copyrighted works in the digital era by modernizing the Copyright Act in a way that will preserve the fundamental balance built into the act by our predecessors throughout the analog era.

We offer this measure as an appropriate starting point for congressional discussion of a range of copyright changes which the advent of digital technology will require in the belief that the legislation will serve as a solid foundation for the debate on these matters next year. We look forward to participating with the administration, other Members of Congress and interested external parties as next year's discussions commence.

At the request of the administration, legislation was introduced earlier this year to implement two treaties negotiated by more than 100 nations under the auspices of the World Intellectual Property Organization [WIPO]. The matters raised by introduction of the administration's WIPO implementing legislation certainly are important, but these issues should not be addressed in isolation.

I believe that we should address other compelling matters as part of a comprehensive measure revising the Copyright Act for the digital era. Moreover, I have serious concerns regarding the approach taken in the administration's legislation in addressing so-called circumvention devices.

As more fully explained in the section-by-section analysis that accompanies this statement, our comprehensive legislation addresses matters of concern not only to copyright proprietors, but also to consumers, educators, librarians, archivists, device manufacturers, and other groups concerned about maintaining a proper balance in the Copyright Act. For the benefit of my colleagues, I thought it would be helpful to describe the provisions of our legislation, focusing in particular on proposed section 1201.

Section 1201. Because I have serious reservations about the implications for digital technologies of the administration's device-oriented approach to section 1201, I have crafted an alternative that is more properly and closely tailored to our WIPO treaty obligations.

Last December, when the U.S. Government and the representatives of more than 100 other governments met in Geneva to negotiate the text of the two WIPO treaties, they initially considered a draft text prepared by the chairman of the drafting committee, Mr. Liedes of Finland. That provision would have essentially outlawed the manufacturing of any device the primary purpose or effect of which is to avoid any anticopying technology. Perhaps not surprisingly, opposition to this device-oriented approach was expressed by numerous countries based upon a concern that such a provision could sweep within its reach legitimate and useful technology and inhibit the willingness of manufacturers to bring new products to market. As a result of that strong opposition, the device oriented this approach was dropped. Instead, the delegates adopted an alternative formulation that closely followed language I had proposed to the administration prior to the diplomatic conference.

And yet, the device-oriented approach having been rejected by the delegates in Geneva, the administration nonetheless has proposed as the core of its legislation implementing the WIPO treaties a device-oriented provision.

During the hearings held this fall before the Judiciary Committee's Courts and Intellectual Property Subcommittee, the Commissioner of Patents and Trademarks confirmed what many private-sector witnesses argued in their testimony, namely that the adoption of legislation that essentially would punish the manufacturers of devices, such as general purpose computers and recorders, is not necessary for the implementation of the WIPO treaties. Commissioner Lehman correctly stated that the United States could take an entirely different and I think more positive approach by adopting legislation that does not punish the manufacturer of devices but instead punishes circumvention conduct tied to the act of infringement.

The subcommittee also heard compelling testimony that the approach of the administration's bill would stifle the introduction of new technology and would effectively overturn the long-settled law of the United States as announced by the Supreme Court in 1984 in its Betamax decision, Sony Corp. of America versus Universal City Studios, Inc. In that case, the Court held that a manufacturer could

not be held liable for contributory copyright infringement for manufacturing a device that had a substantial non-infringing use. Even though there may be infringing uses for the device, the presence of a single substantial non-infringing use renders the manufacturer unanswerable under the copyright law.

That case is the state of our law today with respect to devices which have both infringing and non-infringing uses. It is that settled law which the administration's proposed treaty implementing legislation would effectively overturn.

If that measure were to become law, equipment manufacturers would be liable when their devices have legitimate, non-infringing uses. The consequences, I fear, will be a reluctance to bring pioneering new technology to market or even to continue the manufacturing of existing technology that has potential infringing uses.

Mr. Speaker, what is needed is a more thoughtful approach, one clearly contemplated by the WIPO convention that rejected the device-oriented approach, one consistent with well-settled American law, and one that will not stifle the development of new technology. We have proposed that alternative.

Section 1201 of our legislation would create liability for a person who, for purposes of facilitating or engaging in an act of infringement, knowingly removes, deactivates, or otherwise circumvents the application or operation of an effective technological measure used by a copyright owner to preclude or limit reproduction of a work in a digital format. Our legislation appropriately puts the focus on conduct, not on devices.

Let me now briefly describe the other elements of our legislation.

Section 1202. We have taken as our starting point the administration's proposed section 1202, but have revised it in part to ensure protection of the privacy interests of users of new technology. Our legislation would create liability for a person who knowingly provides false copyright management information or removes or alters copyright management information without the authority of the copyright owner, and with the intent to mislead or induce or facilitate infringement. In order to assure privacy protection, the measure explicitly excludes from the definition of copyright management information any personally identifiable information relating to the user of a work.

Fair Use. The legislation makes clear that the Fair Use doctrine in the copyright law—which generally preserves the ability of users, including libraries, teachers and scholars, to make limited, noncommercial use of copyrighted works—continues to apply with full force in a digital networked environment.

First Sale. Given the historical importance to libraries, scholars, educators, and consumers of transferring to others lawfully acquired copies of works, the legislation offers assurances of the continued applicability in the digital environment of the First Sale doctrine.

Library Provisions. The legislation permits libraries to utilize digital technologies for preservation purposes and increases the number of copies of a work that may be made for archival purposes.

Distance Learning. The legislation fully authorizes educators to use data networks for distance learning in the same way they now use broadcast and closed-circuit television for that purpose.

Ephemeral Copying. The legislation amends the Copyright Act to make explicit that it is not an infringement for a person to make a digital copy of a work when such copying is made incidental to the operation of a computer in the course of the use of the work in a way that is otherwise lawful.

Preemption. Finally, the measure includes a measure to address the increasing practice by which copyright owners use non-negotiated terms in "shrink-wrap" or "click-on" licenses in ways that can abrogate or narrow federal rights consumers otherwise would enjoy under the federal Copyright Act.

With this bill, Mr. CAMPBELL and I have proposed the only comprehensive legislation offered in this body to date that addresses the fundamental issues raised by the transition from the analog era to the digital era. I look forward to working with the gentleman from California, the members of the Judiciary Committee, the administration, and external interested parties as we preserve the balance that will be necessary to advance the progress of science and useful arts in the 21st century.

DIGITAL ERA COPYRIGHT ENHANCEMENT ACT

SECTION-BY-SECTION ANALYSIS

Short title. The "Digital Era Copyright Enhancement Act."

Fair Use. Section 2 makes clear that the fair use doctrine continues to apply with full force in the digital networked environment. As initially proposed, the World Intellectual Property Organization (WIPO) Copyright Treaty would have expanded the rights of information owners while arguably narrowing the exceptions to those rights which have long been recognized as appropriate for limited copying by libraries and similar entities for public information purposes. At the instigation of the United States, the delegates adopted the following Agreed Statement to clarify the meaning of the treaty in this respect:

"It is understood that the provisions of Article 10 permit Contracting Parties to carry forward and appropriately extend into the digital environment limitations and exceptions in their national laws which have been considered acceptable under the Berne Convention. Similarly, these provisions should be understood to permit Contracting Parties to devise new exceptions and limitations that are appropriate in the digital network environment."

Consistent with this Agreed Statement, Section 2 of the proposed bill would amend section 107 of the Copyright Act to reaffirm that a finding of "fair use" may be made where appropriate, without regard to the technological means by which a work has been performed, displayed or distributed or whether an effective technological protection measure has been applied to it. This language would assure that the fair use doctrine would remain technology neutral, applying to all copyrighted works, regardless of the manner in which they are distributed or used.

Library/Archive Exemptions. In 1976, the Copyright Act was expressly amended to facilitate the preservation of decaying or otherwise unavailable copyrighted works by authorizing libraries and archives to make a "facsimile" of such works. (An analog facsimile was the best available technology at the time.) This clause has been read by some, however, to preclude the use of digital or other advanced technology for preservation purposes.

Like the Administration's original NII legislation introduced in the 104th Congress (H.R. 2441/S. 1284), Section 3 would amend section 108 of the Copyright Act to allow libraries and archives to use new forms of technology by deleting the phrase "in facsimile form". In addition, Section 3 would permit the making of three rather than just one copy of a work for archival purposes as allowed under current law, as well as in instances in which the existing format in which a work is stored has become obsolete. Such an approach was specifically endorsed by the Register of Copyrights in her testimony on the original NII legislation.

First Sale. Section 4 would amend section 109 of the Copyright Act to establish the digital equivalent of the "first sale" doctrine. Under current law, a person who has legally obtained a book or video cassette may physically transfer it to another person without permission of the copyright owner.

Given the historical importance to libraries, scholars, educators, and consumers of transferring to others lawfully acquired copies of works, Section 4 would permit electronic transmission of a lawfully acquired digital copy of a work as long as the person making the transfer eliminates (e.g., erases or destroys) that copy of the work from his or her system at substantially the same time as he or she makes the transfer. To avoid any risk that the mere act of making the transfer would be deemed an infringing act under existing section 116 of the Copyright Act, Section 4 of the proposed bill states that the "reproduction of the work, to the extent necessary for such performance, display, or distribution, is not an infringement."

Distance Learning. Since the advent of broadcasting, educators have striven to use the latest communications technologies to enhance educational opportunities. Through the Copyright Act, as amended in 1976, Congress has supported such "distance learning" by exempting qualifying television transmissions designed to be received in traditional class-room like settings. (At the time, broadcast and closed-circuit television was the "state of the art" distance learning technology.)

Section 5 of the proposed bill would amend sections 110(2) and 112(b) of the Copyright Act to ensure that educators can use personal computers and new technology in the same way they now use televisions to foster distance learning. Students today enjoy the benefits of distance education in large part because section 110(2) allows for the "performance or display" of certain works delivered by means of "transmission" (principally television) in non-profit educational settings. It is generally understood, however, that transmission of a work over a digital network may constitute a "distribution" as well as (or even instead of) a "performance" or "display." Section 5 of the proposed bill thus would specifically add "distribution" to the list of conditionally exempt educational uses.

In addition, Section 5 would broaden the range of works that may be performed, displayed, or distributed to include the various kinds of works that might be included in a multimedia lesson. It also would broaden the educational settings subject to the exemption to include the various no-classroom settings (including the home) in which pupils could receive distance learning lessons.

To guard against the potential for abuse, Section 5 stipulates that the performance,

display, or distribution of the work must occur as part of "the systematic instructional activities of a governmental body or nonprofit educational institution," must be "directly related and of material assistance to the teaching content of the transmission," and must be provided to "students officially enrolled in the course in connection with which [the work] is provided." Moreover, like existing section 110(2), the new provision would extend an exemption only to teachers and their institutions, and only for materials used to illustrate particular lessons. It would not extend to companies or individuals who prepare distance learning materials for use by educators; they would be required to obtain copyright licenses, as appropriate, for the incorporation of preexisting works in such materials.

Ephemeral Copying. Given the architecture of computers and data transmission networks, the simple act of viewing a downloaded image or sending an e-mail message creates an incidental or ephemeral reproduction (e.g., in RAM or cache memory). Although such "ephemeral copies" are not stored permanently, content owners last year sought to get the same rights to control ephemeral reproductions as they enjoy regarding analog "hard" copies (or digital ROM copies) today. In fact, as originally drafted, Article 7 of the WIPO Copyright Treaty expressly provided that temporary reproductions should be considered the equivalent of hard copies and thus subject to proprietors' control. In response to strong opposition from both developed and developing countries at the Diplomatic Conference in Geneva in December, Article 7 was dropped from the treaty in its entirety.

Section 6 of the proposed bill would amend section 117 of the Copyright Act to make explicit that it is not an infringement for a person to make a digital copy of a work when such copying is made incidental to the operation of a computer or other device in the course of the use of the work in a way that is otherwise lawful, as long as such copying does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author. Thus, for example, a person would not be subject to liability for viewing a copyrighted work on the World Wide Web simply because ephemeral copies of the work would have been made in the normal course of the operation of the Internet.

Preemption. Content owners are increasingly using "click on" and "shrink wrap" license terms to limit what a consumer can do with a lawfully acquired copy of a work, or the uses to which a consumer can put the work itself. They are engaged in an effort at the state level to achieve adoption of a change to the Uniform Commercial Code that would recognize the validity of such terms under state contract law. If successful in these efforts, content owners will be able to eliminate fair use and other privileges established under the federal Copyright Act by means of stipulated license terms to which a consumer must agree in order to gain access to a work.

Section 7 would effectively preclude copyright owners from using non-negotiable license terms to abrogate or narrow rights and use privileges that consumers otherwise would enjoy under the Copyright Act, such as their fair use privilege, by preempting state common and statutory law, such as the proposed changes to the Uniform Commercial Code. In recognition that businesses and institutions might be willing to forego these rights in return for other consideration in an arms-length negotiated contract setting, preemption only applies with respect to non-negotiable license terms.

WIPO Treaty Implementation. Section 8 would implement the anti-circumvention and copyright management information provisions of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

With respect to anti-circumvention, the WIPO treaties require only that contracting parties "provide adequate legal protection and effective legal remedies against circumvention of effective technological measures. . . ." Adopting a conduct-oriented approach fully compliant with this mandate, new section 1201 would create liability for a person who, for purposes of facilitating or engaging in an act of infringement, knowingly removes, deactivates, or otherwise circumvents the application or operation of an effective technological measure used by a copyright owner to preclude or limit reproduction of a work in a digital format. Conduct governed by a separate chapter (e.g., chapter 10—the Audio Home Recording Act of 1992) would not be governed by this new provision. The provision does not apply to technological protection measures applied to a work in an analog format.

New section 1202 would create liability for a person who knowingly provides false copyright management information or removes or alters copyright management information without the authority of the copyright owner, and with the intent to mislead or induce or facilitate infringement. In order to assure privacy protection, this provision explicitly excludes from the definition of copyright management information "any personally identifiable information relating to the user of a work, including but not limited to the name, account, address or other contact information of or pertaining to the user."

New section 1203 establishes civil penalties for violations of sections 1201 and 1202. Unlike the Administration's treaty implementation bill, no criminal penalties would be imposed for violations of either section 1201 or 1202.

Conforming Amendments. Section 9 merely makes conforming amendments to the table of sections for chapter 1 of title 17 and the table of chapters for title 17.

Effective Dates. Section 10 sets forth two separate effective dates. Those provisions unrelated to the WIPO treaties would be effective on the date of enactment. The WIPO implementation provisions would take effect when both treaties have entered into force with respect to the United States.

ASIAN FINANCIAL CRISIS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PAUL. Mr. Speaker, the Asian financial markets are unsteady, and for good reasons. Many have correctly anticipated the ongoing financial events as a natural consequence of a sustained worldwide credit expansion of unprecedented proportions. According to free market/sound money economics, all credit expansions set the stage for the correction. These corrections are undesired by the dreamers of perpetual prosperity generated by loose central bank monetary policy.

The source of the problem, the world financial markets currently face, is unwise monetary policy—plain and simple. Although the business cycle has been fully understood by the Austrian free market economists throughout most of this century, they have been ignored by our government-run universities, the major media, and the politicians. And since the now-collapsing financial bubble was the largest ever, due to an unprecedented globalization of credit expansion, the implications for the world economy should gain the attention of everyone concerned about public policy.

The world has been functioning with total fiat currencies for more than a quarter century—a first. Even with continuous adjustment in the international exchange markets, artificial relationships develop between currencies. These imbalances are subject to market forces, demanding new exchange rates, and as we are witnessing, they occur with shocks to the entire financial system. More huge IMF bailouts as are currently planned will not solve the problems.

The suspension of standard lending limits only sends the wrong signal of fiscal and monetary irresponsibility and sets the stage for a larger financial crisis. According to normal IMF lending standards, a country can only borrow up to 150 percent of its quota with the fund. However, the Mexican peso crisis created a new precedent and allowed a country to borrow more than the rules allowed. Thailand will get $3.9 billion from the IMF which is 505 percent of its quota while Indonesia will receive $10.1 billion amounting to 490 percent of its quota. Mexico was offered $17.8 billion, 688 percent of its quota, in 1995.

Governments can instill value in a paper currency only temporarily; but markets ultimately dictate real worth at great cost to the currency stability the money managers pretend to achieve. More bailouts at the expense of the American taxpayers are wrong.

Monetary inflation and credit expansion of paper currencies mislead all financial participants. Fictitious interest rates promote mal-investment, over capacity, excessive debt, false confidence and rampant speculation. The longer the misdirected economy functions, the more widespread the credit expansions and the bigger the bubble and unfortunately the more serious the correction. And this current expansion has been a big one.

The principal engine of this inflation has been the Federal Reserve, fueled by its misperception about the dollar's influence on worldwide credit expansion. Without the benefit of a commodity standard of money and with a fiat dollar being retained as the reserve currency of the world, our excesses have been paid for by foreigners willing to sell us goods for our paper, buy our treasury bills, hold them in reserve and use them to expand their own currencies and credit, thus feeding their own domestic booms.

Congress does have a role in and responsibility for all of this. Instead of conceding monetary policy to a highly secretive, unaudited, off-budget, without oversight, central bank, our responsibility, under the Constitution, is to guarantee a sound convertible currency. There is no authority whatsoever for reckless credit expansion to be used as a tool for managing the economy. This illegal power to do so has given us everything from the Great Depression

to the inflation of the 1970's and all the recessions in between. Inflationism has permitted excessive welfare spending and the accumulation of a $5.4 trillion national debt, by a central bank's ever-willingness to monetize the debt generated by the Congress.

As financial conditions continue to adjust, and probably worsen, we here in the Congress must give serious consideration to monetary policy, our constitutional responsibilities to maintain a sound economy and assume rigid oversight of the Federal Reserve. Placing blame elsewhere for the turmoil would be a rejection of our responsibilities.

If we fail to address this problem correctly, the dollar and the U.S. economy will one day come under siege similar to what is currently happening in Asia. We should work diligently to prevent that from happening.

TRIBUTE TO LUIS CARLOS MEYER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Luis Carlos Meyer for his contributions to this Nation and to Latin America as one of the most talented composers of folkloric Colombian music.

Mr. Meyer is one of the most famous exponents of "cumbia" of this century. He is credited with being one of the pioneers who introduced "cumbia", a dancing rhythm from the seashores of Colombia, in the United States, Canada, and Latin America.

Mr. Meyer, now 81, has been living in the Laconia Nursing Home, in the Bronx, for the past 5 years.

Reporter Javier Castaño recently wrote a series of articles on Mr. Meyer which were published in the Spanish newspaper El Diario/La Prensa, in New York, after a Puerto Rican nurse who tended Mr. Meyer informed him that the famous musician was living in the nursing home. Mr. Meyer has recovered his zest for life since friends and other members of the community started to visit him again and paid tribute to him after they learned of his whereabouts from the newspaper articles.

Mr. Meyer was born in 1916 in Barranquilla, Colombia. His talent for singing and playing the guitar was evident at a very young age. Already a renowned musician in his home town, he left for the capital city of Bogota, where his career continued to bloom.

In 1945, at the age of 29, Mr. Meyer decided to bring his music to other Latin American countries, the United States, and Canada. In Latin America, he enjoyed enormous success with his many compositions. "Micaela," "El Hijo de Mi Mujer," "Linda Jorachita," and "Trópico" were immediate successes in Mexico, Venezuela, and Panama. He also performed various roles on the large screen in Mexico.

According to some accounts, Mr. Meyer came to New York City in 1958. He sang with the Xavier Cugat Orchestra and performed on the stages of "El Chico," "Chateau Madrid," and "Fantasy" in New York City. His music was acclaimed by the audiences of the time and continues to be in demand in many communities in the United States. He has been living in New York City over the past 30 to 40 years.

Mr. Speaker, I ask my colleagues to join me in recognizing Luis Carlos Meyer for his life of artistic achievements and for sharing his music with the peoples of this Nation. His gift to our country and to our people has not gone unnoticed.

THE LAYMEN'S RETREAT LEAGUE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to recognize and congratulate the Laymen's Retreat League as they celebrate the 75th anniversary of the opening of their retreat center St. Joseph's-in the-Hills in Malvern, PA.

Located on 125 wooded acres in beautiful Malvern, PA, St. Joseph's-in-the-Hills is owned and operated by the Laymen's Retreat League and is the United States' oldest and largest lay-owned retreat center. Since its gates first opened 75 years ago, more than one million people—individuals of every race, creed, and walk of life—have visited St. Joseph's-in-the-Hills.

With its peaceful and serene woodland shrines, St. Joseph's-in-the-Hills, or Malvern as the retreat house is commonly called, provides a unique atmosphere for spiritual reflection. At a time when an increasing number of Americans are seeking moral guidance, St. Joseph's-in-the-Hills is providing and important service, helping people to renew and strengthen themselves spiritually. This year, more than twenty thousand people will visit Malvern and I know that in the future the Laymen's Retreat League will continue to expand its mission for the American people.

Mr. Speaker, I ask my colleagues to join me the congratulating the Laymen's Retreat League as they mark the 75th anniversary of St. Joseph's-in-the-Hills and in extending this fine organization our best wishes for another successful 75 years.

TRIBUTE TO MR. RAFER JOHNSON

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Rafer Johnson, who is being honored by the Namasté Interfaith Center.

The Namasté Award was created to honor those individuals who have contributed to improving the human condition and uplifting the human spirit. I cannot think of an individual more deserving of this recognition than Rafer Johnson.

Throughout his life, Rafer's motto has been "to be the best that you can be." In 1960, he won the gold medal in the decathlon at the Olympic games in Rome. Building on that success, he has served as the president of the board of directors of the California Special Olympics for almost 10 years and is currently the chairman of the board of governors. Rafer is also the national head coach for Special Olympics International, which is headquartered in Washington, DC. He works as sports announcer, actor, and commercial and public spokesperson, and serves on a variety of special boards and committees for community service organizations.

However, I think it is Rafer's compassion and dedication to aspiring young athletes that is his greatest contribution to our community. Senator Robert Kennedy once said, "Every time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope . . . and crossing each other from a million different centers of energy and daring those ripples build a current that can sweep down the mightiest walls of oppression." For three decades, Rafer has been working with mentally and physically handicapped children and adults. He helped to start the California Special Olympics and has played a vital role in ensuring its success. As a program which began with only a few participants competing in two sports, it has evolved to include thousands of competitors in 20 sports. This event has helped assuage the prejudice faced by disabled individuals throughout our community.

Rafer inspires in others the courage to pursue their dreams, and is a living example of how one individual can positively influence the lives of hundreds. Though a world renowned athlete and champion, Rafer Johnson has shown us that winning isn't everything; rather, the important thing is the way in which you choose to live your life and how you can positively impact the lives of others.

Mr. Speaker, distinguished colleagues, please join me in honoring Rafer Johnson. He is truly a role model for our community.

HONORING RABBI NORTON AND BAILA SHARGEL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mrs. LOWEY. Mr. Speaker, I rise today to pay tribute to my dear friends, Rabbi Norton and Baila Shargel, the spiritual leaders of the Jewish Community Center of Harrison, NY.

On December 7, the extended family of JCC of Harrison will host a gala brunch honoring Rabbi and Mrs. Shargel and benefiting the Jewish Theological Seminary of America. It is entirely fitting that the Shargels and the seminary be recognized together for their shared values and for their profound contribution to the Jewish community.

I have had the great pleasure of knowing Rabbi and Mrs. Shargel since moving to Westchester County and joining their congregation more than a decade ago. But their inspiring leadership predates our acquaintance. Indeed, for 25 years, the Shargels have enriched Harrison with their thoughtful philosophical insights and immense personal warmth.

Rabbi and Mrs. Shargel are pillars of the community. They are as giving of their time and effort to broad and numerous causes as they are quick with wise counsel for the members of their temple. Their activities evidence a deep commitment to humanitarian ideals and to the spirit of compassion and generosity at the very heart of Jewish teaching.

The Shargels' commitment to the Jewish Theological Seminary is every bit as powerful. Indeed, JCC of Harrison has spearheaded several events of great importance to the seminary, including the seminary's conferring of the Herbert Lehman Award, a special occasion for leaders of Judaism's conservative movement.

Personally, I have always valued the advance and spiritual guidance of the rabbi and his wife. I hope and believe that their example has made me a better public servant.

Rabbi and Mrs. Shargel honor us with their deeds and their work. I am delighted that JCC of Harrison has chosen to celebrate this wonderful couple and so pleased to record my admiration in this record of the Congress of the United States of America.

GRATITUDE TO PHIL SWAFFORD

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HILLEARY. Mr. Speaker, I rise today in U.S. House of Representatives in solemn gratitude for the life of may friend, Phil Swafford.

I have known Phil all of my life. To say that he will be missed by us all does not begin to adequately describe our feelings toward this man. Phil was everything a person is supposed to be. He was a loving and devoted son, husband, and father. He was a Christian gentleman who spread his sense of humor and good nature everywhere he went.

His pleasant personality was infectious, and he consequently had more people who considered him a friend that anyone I know. He was the type of person who, in my opinion, still makes our county the greatest in the world.

He was blessed by the Good Lord with two loving and intelligent parents, who, simply put, raised their boys right. Phil, in turn, as a grown man, gave generously to himself to his church, his family, and his community. Phil was a fun person to be around. All of us who knew him grieve at his death, but rejoice in his life.

Thank you, Phil, for being the type of person you were, and thank you Lord for letting Phillip Swafford's life on this Earth be a part of ours as well.

PROTECTING THE VIABILITY OF MONTANA'S FAMILY FARMERS

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HILL. Mr. Speaker, I rise today to introduce much-needed legislation which will help preserve over 2,000 family farms in the Mission, Jacko, and Carna Valleys in Montana and provide for better government accountability. It also does not interfere with existing water rights or native American sovereignty and continues longstanding initiatives to protect the environment.

The bill I introduce today accomplishes all of these important objectives by transferring the operation and maintenance of an irrigation project in Montana from the Federal Bureau of Indian Affairs to the local irrigators who have been the caring stewards of their lands and water for generations. This reflects prior public law commitments to local management of the Flathead Irrigation District. I am proud to have House Agriculture Committee Chairman BOB SMITH and House Resources Committee Chairman DON YOUNG as original cosponsors. Their longstanding experience on these issues undersources the need for this legislation.

This legislation aims to correct a serious problem that deserves a timely solution. For too long, the Bureau of Indian Affairs has poorly managed this project. Using current estimates, the project is in need of 15 to 20 million dollars' worth of repair and conditioning and those needs will continue to grow unless positive actions are taken. The consequences of mismanagement are not only undermining the project's viability, but are leading to unnecessarily high costs for all of its users. This is simply unacceptable.

Mr. Speaker, I will give you many vivid examples which illustrate why the current situation is not working. The Bureau of Indian Affairs pledged to local irrigators that it would set aside funding in 1994, 1995, and 1996 for repairs of a decaying siphon. This never happened. What was the result? The siphon failed at the end of 1996, halting water deliveries to 1,200 acres of cropland and causing damages in the tens of thousands of dollars in lost grain production. The siphon was then replaced with funds that were supposed to be spent on the Flathead River pumps, other project needs and emergency funds, creating an even greater economic problem. Mr. Speaker, here are other examples:

Examples of Bureau of Indian Affairs mismanagement at the Flathead Irrigation Project included:

First, the Flathead Irrigation Project has regularly overtopped a canal running through a Ronan farm, preventing several acres of potatoes from being harvested. This is a recurring problem that cost the farm $4,000 to $5,000 per year. In addition, the canal has washed out twice in the past 5 years, transporting water through the farm to other irrigators.

Second, the Flathead Irrigation Project has regularly flooded several acres of an alfalfa field in Ronan, leading to $3,000 to $4,000 of damage per year for the past several years. The landowner has repeatedly asked for corrective action, but to no avail.

Third, a farmer from St. Ignatius has been complaining about water overflows from project ditches for the past 4 years. Poor water management by the irrigation project causes has hayfield to be flooded, resulting in $2,000 to $3,000 of crop loss each year.

Fourth, another St. Ignatius farmer allows the irrigation project to exercise a right of way to access the headworks of a project canal. The irrigation project has failed to secure the gates through the right of way and the farmer has had trash dumped on his property.

Fifth, a rancher from Arlee pastures registered Charlois cattle throughout the Mission Valley. In the farmer's pasture near Pablo, a BIA irrigation project employee was observed driving out of a gate with six registered herd bulls in the pasture. The gate led to Highway 93, one of the most heavily traveled roads in the State of Montana. Quick action from a passer-by prevented a potential tragedy when the gate was secured by the passerby.

Sixth, a farmer-rancher from Hot Springs notified BIA of a ditch overtopping on his ranch. After being ignored by BIA, the farmer notified an irrigation district commissioner who attempted to intervene on the farmers behalf with BIA. The district commissioner call was also ignored until the ditch failed, damaging the farmer's crops and causing extensive damage to his land.

Seventh, Little Bitterroot Reservoir, May and June 1997. At the peak of the runoff, 4,000 acre-feet of water was dumped into an already flooded swollen river. The stored water was lost to irrigators. Downstream ranchers sustained loss of fields due to floods.

Eighth, a rancher from Ronan filed complaints in June, July, and September 1997 of having land flooded by BIA dumping water onto his land. To date BIA has not responded. The rancher has lost access to his corrals and has had pastures flooded.

Ninth, Pablo Feeder Canal, 1991. A washout of the Pablo Feeder Canal led to breach nearly 300 feet long, dumping 350 cubic feet per second of water, along with 18 inches of gravel and sand on 20 acres of prime to potato land. No settlement is planned by BIA. No ditch rider had been assigned to patrol this section ditch and surveillance was minimal, despite known geologic problems in the area. A farmer has lost the use of 20 acres of land at a value of $2 to $3 thousand per acre.

10. BIA's failure to control weeds on ditchbanks led to a local association of farmers and ranchers to approach BIA with a cooperative weed control pan, allowing individual farmer and ranchers to spray for weeds along the ditch banks of their own property. BIA initially pledged cooperation and then ignored the problem, which was first identified in 1994, for the next 3 years. This has led to an increase in weed infestations in the area and finally forced the local farmers and ranchers to simply address the problems of BIA's ditchbanks unilaterally.

Finally water shutoff. Despite being unable to provide any accounting of money, BIA unilaterally shutoff water deliveries to all non-tribal irrigators on the Flathead Irrigation Project in May 1997. Service was shut off over an alleged nonpayment of a BIA billing and was subsequently restored, with BIA admitting that it has not provide an accurate billing, or an accurate accounting of irrigator funds.

High cost due to mismanagement are also not fair, considering the serious economic pressures Montana's family farmers and ranchers now face. This legislation will help eliminate high and unfair costs that continue to compromise the financial stakes of hard-working farmers and ranchers.

Responsible local management of this irrigation project would provide for lower costs and

increased accountability of the money collected by and used in the operation of the Flathead Irrigation Project. At the current time the BIA is unable, or unwilling, to prove basic financial information to the local irrigation district. This despite the fact that the local farmers and ranchers pay 100 percent of the costs to operate and maintain the project. At the same, the current management cannot even deliver a year-end balance of funds pair by the local irrigation users.

Local management will also will generate savings over the current management. These savings could be used to restore the Flathead Irrigation Project to a fully functioning, efficiently operating unit. Without this legislation, residents face an uncertain future. This irrigation project is located in one of the most beautiful valleys in western Montana. Preservation of family farms and ranches in the Mission, Jocko, and Camas, valleys in Montana is dependent upon local management, which will provide an opportunity to control the costs associated with the operation of this vital water source.

This bill gives local citizens the opportunity to control their futures. It also keeps the commitments of the past by continuing to allow for the negotiation of water rights between the Federal Government, the State of Montana, and the affected tribes and does not infringe upon tribal sovereignty.

Mr. Speaker, I am proud to introduce this measure today with the support of my colleagues and locally elected officials, and I look forward to moving this bill forward on behalf of those communities which depend on the Flathead Irrigation Project for their way of living.

H.R. 2292, THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. ARCHER. Mr. Speaker, as the first session of the 105th Congress draws to a close, I rise to underscore my personal resolve and that of the Ways and Means Committee to complete work on needed reforms to the Internal Revenue Service when Congress reconvenes next year.

Mr. Speaker, I have long advocated fundamental tax reform. Our tax system must be more fair, more simple, and permit the working families of America to keep more of their hard-earned money. Yet the Internal Revenue Code is too complex, too unwieldy, and too great an impediment to savings and investment. In short, the Internal Revenue Code is too broken to be fixed. The current tax system must be torn up by its roots and replaced. I am fully committed to carrying forward the critical work of fundamental tax reform, and hope to continue work towards that goal in the second session of the 105th Congress.

In short, Mr. Speaker, America needs fundamental tax reform. However, I also wish to emphasize that there is much we can do more immediately to remedy some of the problems that now exist in our tax system. Towards that end, I am particularly proud of the work this House and the Ways and Means Committee have done on H.R. 2292, The Internal Revenue Service Restructuring and Reform Act.

Mr. Speaker, the purpose of H.R. 2292 is to implement the recommendations of IRS Restructuring Commission chaired by Representative PORTMAN and Senator KERREY and to make sure that the IRS applies the tax laws of our country in a fair, equitable, and consistent manner.

In fact, current law and sound tax policy require as much: For example, the IRS should not abuse its powers to seize property or its rule making authority; the IRS generally may not impose retroactive regulations; and the IRS should apply the tax laws in a consistent and reasonable manner, both among competitors and with respect to specific taxpayers from one year to the next. However, as was made clear in recent hearings by the House Ways and Means Committee and the Senate Finance Committee, the IRS often has failed to honor its duty to serve the taxpayer. H.R. 2292 builds on the procedural and administrative safeguards enacted as part of the taxpayers bill of rights I and the taxpayer bill of rights II to help ensure that the IRS faithfully carries out its duties to American taxpayers.

Mr. Speaker, the IRS should act in a fair, equitable, and consistent manner simply because its right. Yet doing so also serves to promote sound tax policy. For example, failure to apply the tax laws consistently, like retroactive changes in the tax laws, undermines public faith in the system. If the IRS applies the laws differently among competitors, or changes the way it applies the law to taxpayers from year to year, those actions violate the duty of consistency the IRS owes to taxpayers and erodes taxpayers' trust in the system. That loss of confidence, in turn, discourages taxpayer compliance and makes administration of the Tax Code more difficult.

The Internal Revenue Service Restricting and Reform Act of 1997 will help ensure that the IRS administers the tax laws as Congress intended. Enactment of the new safeguards included in H.R. 2292 will help the IRS will become the customer-friendly agency it was meant to be, and will help the IRS to apply the tax laws of our country in a just manner.

Mr. Speaker, I thank my colleagues for their exceptional work on H.R. 2292 and look forward to continuing to work with them to enact that legislation into law when Congress reconvenes.

HONORING ESSEX CATHOLIC HIGH SCHOOL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PAYNE. Mr. Speaker, I rise today to honor the 40th anniversary of Essex Catholic High School. In 1957 this school was founded by Archbishop Thomas A. Boland with an enrollment of 225 students and a faculty of 7. The school was the first regional high school in the Archdiocese of Newark and has served the young men of the Newark area since that time.

The ability of Essex Catholic to grow and change with the times is perhaps the most important aspect of this school. They moved from the original location at the former Mutual Benefit Life Building on Broadway in North Newark to a larger campus on Glenwood Avenue in East Orange in 1980. At this new facility, the school continues to meet the challenges of serving an area that is consistently changing and progressing. Their ability to meet these challenges stems from the strong moral and religious foundation the school is built upon. This foundation also consists of teaching students to set high standards and goals for themselves. The school continues to emphasize the spiritual and emotional growth of students that is needed to ensure a well rounded education.

The commitment of the Congregation of Christian Brothers and especially the commitment of the Most Reverend Theodore M. McCarrick to Essex Catholic and to our entire community is also to be commended. Their contributions to the school and our area are positive examples to the young men they teach and the community as a whole. This love and dedication to teaching and Essex Catholic is surely one of the school's most valued assets.

Mr. Speaker, without schools such as Essex Catholic many of our young men would not have important educational opportunities available to them. In this year of their 40th anniversary, I would like to congratulate and praise the long-term devotion the Christian Brothers, religious sisters, priests, lay teachers, students, alumni, and parents have for Essex Catholic and the education of our area's young men.

PROTECTING THE RATEPAYERS AND THE ENVIRONMENT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SHERMAN Mr. Speaker, I rise today in support of the recent efforts by the Congress to address an important matter of equity that will ensure that local communities throughout the nation will be able to protect the environment without jeopardizing limited, local government taxpayer dollars committed to water quality improvements. This year marks the 25th anniversary of the Clean Water Act. We can see the evidence of the Federal, State and local commitment to improving our Nation's lakes rivers and coastal waters. Public awareness of the importance and benefited of sound environmental stewardship exists today that clearly was not evident 20 years ago. Billions of dollars made available to communities under the Clean Water Act to build clean water facilities using the construction grants program has helped to make our waters healthier.

Over the years, local governments that have received these grants have undergone rigorous audits to ensure that the facilities were constructed as planned and designed, in an effort to ensure that taxpayers' dollars are used as intended. At the same time, we have

heard from local officials that these audits have often gone beyond the stated purpose of ensuring that grant funds have been used as intended. Instead, they the focussed on whether the funded project should have been constructed as approved by EPA. These reevaluations occur even though there is no evidence of fraud or abuse in the project's expenditures and after the project has received both Federal and State approvals to proceed to construction. In may congressional district, the Las Virgenes Municipal Water District has been seeking to resolve an adverse audit report dating back to 1977. Despite documentation demonstrating that the facility was planned, designed, and constructed in accordance with Federal and State approvals, EPA auditors have sought the return of $4 million by the local taxpayers.

Simply stated, after 20 years, the auditors now have decided that my constituent could have constructed the project in a better way. This second-guessing of previously approved, eligible project costs should not be permitted. It penalizes the local community for project approvals it did not make and, more importantly, it diverts resources away from water quality improvement projects that the community wants. Instead, the district's resources would have to be spent to contest audit findings that seek to disallow eligible project costs.

Congress attempted to correct this situation most recently in 1987 when it passed the Water Quality Act of 1987. Because the problem of second-guessing and reevaluation persists, the Committee on Appropriations included language in the Veterans, Housing and Independent Agencies Fiscal Year 1998 Appropriations Bill. It directs the EPA Administrator to uphold local government construction grants project eligibilities where the local government grantee has provided decision documents of the EPA, or the designated State agency, permitting use of the funds. I expect that with the clarification provided in this year's spending bill, EPA will adhere to Congress' directive and uphold eligible project costs such as those of my constituent, the Las Virgenes Municipal Water District.

THANKING ACTING VA SECRETARY HERSHEL GOBER

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HINOJOSA. Mr. Speaker, I rise today to say thank you to Acting VA Secretary Hershel Gober, who has worked closely with me these past 10 months to make the dream of easier access to health care for veterans in south Texas become a reality. When I took office back in January, one anxiety I heard voiced time and time again was that veterans in the south Texas/Rio Grande Valley area felt the services they received were less than adequate, and also the distances they had to travel to receive quality care were far too great. At that time I pledged to ensure that the level of care afforded veterans in our communities is second to none. To see what could be done I met with the Acting Secretary. He heard my concerns. He looked at our needs. He took action.

The result: In 1998 the veterans of the 15th District of Texas can expect to begin receiving significantly improved and expanded health care services. The counties of Bee (Beeville), Jim Wells (Alice), and Kleberg (Kingsville), have all been approved as future sites for primary care community-based outpatient clinics. Equally as important, a plan has also been developed, which will lead to expanded inpatient services. This pilot program will establish a process for the contracting of routine, nonurgent, nonspecialty inpatient care for stays for 3 days or less.

This is, indeed, a satisfying resolution. To say the least, I am elated.

It is because of the assistance and guidance of Secretary Gober that we will be able to implement innovative programs that provide much needed assistance to countless men and women who have protected our freedoms and who have made our Nation the great country it is. What the Secretary's efforts mean is that there will be real, effective changes for the veterans of south Texas. This is an example of what can be accomplished when everyone joins together and channels their energy toward a common goal.

Mr. Secretary, I could certainly never have done this alone. I want to sincerely thank you for sharing my vision.

RECOGNITION OF DR. CHARLES ROARK, NORTHEAST EL PASOAN OF THE YEAR FOR 1997

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. REYES. Mr. Speaker, I am pleased to recognize Dr. Charles Roark as the Northeast El Pasoan of the Year for 1997. In addition to his outstanding work for Hospice, he also serves as district 5 school board trustee. Dr. Roark attends home education activities and is actively interested in the accomplishments of homeschool students.

Dr. Roark is a past president of the Northeast Civitan Club and past district governor for the Great Southwest District of Civitan International. He is also a past president of the Northeast Civic Leaders Council. Dr. Roark continues with his active involvement in boys' baseball and other youth activities in Northeast El Paso. He received the highest certification that can be obtained in the health care administration as a Fellow American College of Health Executives. Dr. Roark is also active in his local church community.

Dr. Roark is a man of integrity, honesty, and dedication. His love of El Paso and his willingness to give himself should be a model for all El Pasoans to follow. I am proud to recognize Dr. Roark as the Northeast El Pasoan of the Year 1997. He shines as bright as the star on our mountain.

CONGRATULATIONS, REVEREND EDWARD ALLEN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me in honoring a man of remarkable dedication and commitment to the community he serves in my home city of Newark. Rev. Edward Allen, Sr., pastor of the Philemon Missionary Baptist Church.

On November 21, Reverend Allen will be honored by his many friends at a special event to celebrate 20 years in the ministry. It is fitting that we offer our congratulations and appreciation for his many contributions.

During the 10 years that I served as a councilman representing the South Ward in Newark, I often held town meetings to give local residents the opportunity to speak out about issues of concern. Because Reverend Allen always encouraged community involvement and participation, a town meeting that I hosted at his church was highly successful and well-attended. Philemon Missionary Baptist Church also hosted one of the most famous African-American women in modern history, the former Member of Congress and candidate for the President who was on the ballot in 12 primaries in 1972, the Honorable Shirley Chisholm.

Reverend Allen shared with Mrs. Chisholm a passion for justice and equality in our society. In fact, at a breakfast sponsored by a member of the Newark Municipal Council and candidate for the New Jersey General Assembly, the Honorable Donald Tucker on November 2 of this year, Reverend Allen spoke out with characteristic eloquence and inspiration about ensuring that residents of Newark share in the economic development efforts underway in our State, so that the urban center could become a catalyst for positive change.

Reverend Allen cares deeply about improving the quality of life in our community and ensuring that all people are treated with fairness and dignity.

Among his many accomplishments and contributions to the community are: founding board member, Rainbow/Push Coalition chapter, Operation Push; lecturer and teacher of urban education and equal education opportunity; active involvement in the Jersey City community; cochair of the Clergy for Jesse Jackson for President in 1984 and 1988; counselor to youth and families in distress.

A graduate of my Alma Mater, Seton Hall University, Reverend Allen also pursued studies at Jersey City State College, New York Theological Seminary, Union Professional School of Business, and Saint Peter's College.

His professional career includes service as the director of the office of affirmative action compliance at the Jersey City Board of Education; college administrator, assistant to the educational opportunity fund director, and adjunct professor of the Afro-American Studies Program at Saint Peter's College.

Mr. Speaker, Reverend Allen is a man who has truly made a difference in many lives in our community. Let us join in honoring him for

his two decades of dedicated service and in wishing him many more productive and successful years ahead.

DISTORTING SUBSIDIES LIMITATION ACT OF 1997

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MINGE. Mr. Speaker, I rise today to introduce the Distorting Subsidies Limitation Act of 1977 [DSLA]. The DSLA is a comprehensive legislative initiative which will attempt to curb the use of economic subsidies by state and local governments to lure or retain new or existing businesses. These governmental entities have engaged in the use of targeted subsidies which include grants, below market loans or rent, and tax deferrals, aimed at a particular private business entity in an attempt to entice a business to a particular municipality. State and local governments are being forced to compete against one another using scarce tax dollars that would otherwise be used for essential public goods and services such as schools, police and fire protection and road improvements. When this state and local competition takes the form of preferential treatment for a specific business, it interferes with interstate commerce, distorts the allocation of resources, and leaves states to provide too few public goods and services. This bill will encourage economic competition among states based on factors such as quality of services, reasonable and efficient regulatory policies and fair tax structures.

Specifically, the legislation will do the following:

TAXABILITY OF SUBSIDIES

The bill creates a federal excise tax on businesses benefitting from these special targeted economic subsidies. If a business accepts the economic subsidy offered by the state or local government, the subsidy will be subject to the excise tax which will be computed on the aggregate value of the subsidy for calendar year in which it was received. The rate of the tax will be the same that applies in determining the regular income tax of a corporation. The excise tax will not apply if the subsidy is part of the long-term taxing and spending policies of the governmental unit or if the subsidy is available to all business entities.

The economic subsidies which will be subject to the excise tax will include: any grants; any contribution of property or services; any right to use property or services; any loan made available to a business at rates below those commercially available to others; any tax deferrals or payment of any tax or fee; any guarantee of any payment of any loan or lease; or any reduction for fees or other charges for the use of governmental facilities such as roads, sewage treatment facilities and the like.

There will be no excise tax rendered on the value of an economic subsidy which is provided for employee training or other educational programs. The legislation shall apply to any economic subsidy provided to a business 30 days after the date that this bill is enacted.

TAX EXEMPT BOND FINANCING

The DSLA will also deny the exemption from tax for interest on bonds providing targeted state or local government development subsidies for a specific business entity. The legislation shall apply to bond obligations issued after the enactment of this bill.

FEDERAL FUNDING

The legislation will prohibit the use of federal funds by a state or local governmental unit for any targeted subsidies. The DSLA is not intended to deny the use of federal program dollars for economic development if the federal program dollars are available to all businesses or are used for an established federal economic development program such as an enterprise zone. If it is determined that federal funds have been used for targeted subsidies, the bill provides for recovery of those funds from the governmental unit or the business entity. The legislation shall apply to funds provided after the enactment of this bill.

CLOSING

The Distorting Subsidies Limitation Act of 1997, would reduce the ever-increasing financial burdens placed on the citizenry of various taxing jurisdictions who are exploited by the race for business development. When enacted, it will allow state and local officials, who face exploitation by companies' threats to relocate, the ability to negotiate with businesses on a level playing field. The ever-increasing practice of giving targeted subsidies to demanding businesses is having a very detrimental effect on both the employment stability and fiscal stability of cities and states. We cannot allow the this short-term, targeted favoritism for a particular business to continue to skew the long term economic health of our communities.

A TRIBUTE TO HENRY B. GONZALEZ, AN EXEMPLARY LEADER FOR ENSUING GENERATIONS

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BECERRA. Mr. Speaker, the Honorable HENRY B. GONZALEZ, Dean of the Texas Delegation and the Congressional Hispanic Caucus, will be honored by his community on November 23 at the Henry B. Gonzalez Archival Library Dinner in San Antonio, TX. Although I will not be able to join his family and friends at this gathering, I take this opportunity to pay high tribute to his 44 years of public service and thank him for blazing a path for subsequent generations of Americans, especially Hispanics, pursuing the nobleist ideals of public office.

The accomplishments of the Honorable HENRY B. GONZALEZ in public office, particularly in the last 36 years in Congress, are substantial. He shepherded 71 bills through enactment, ranging from abolishing the poll tax, which was still in effect in the early 1960's, to restoring the strength of our Nation's deposit insurance system. While he was chairman, the House Banking, Finance, and Urban Affairs Committee held more than 500 hearings on financial issues that affected consumers, small businesses, and banks. Through his investigative powers Chairman GONZALEZ wielded substantial influence in combating financial crimes. Chairman GONZALEZ championed legislation enabling small businessowners to secure credit essential to the prosperity of their enterprises. And let us not forget that Dean GONZALEZ was instrumental in reauthorizing Federal housing laws, providing shelter for thousands of families throughout the country.

Always doing what he believed to be right rather than what was popular, Dean GONZALEZ made superlative use of special orders in the House Chamber. He alerted all of us to the impending savings and loan crisis years before the industry collapsed; he educated the Nation about the culture and contributions of Mexican-Americans. In recent years, his most popular special orders were about history: his own, the history of San Antonio and Texas, and the history of the founding of our Federal Government.

The Honorable HENRY B. GONZALEZ' accomplishments are many and his legacy is an inspiration to us all, but especially our youth. As the chairman of the Congressional Hispanic Caucus, I thank Dean GONZALEZ, for blazing a path for ensuing generations of Hispanic leaders. His dedication to public service and the many contributions to his community, the State of Texas and our Nation were accomplished with tenacity, passion, and a tireless work ethic. Integrity was his hallmark. Our youth, who are certain to achieve great accomplishments of their own, will 1 day look upon the legacy of HENRY B. GONZALEZ for inspiration and pride.

Mr. Speaker, on this auspicious occasion I ask my colleagues to join me and the people of San Antonio in saluting a great friend and grand American: the Honorable HENRY B. GONZALEZ. He will always be an exemplary leader * * *. He will always be HENRY B.

WALTER GREFFE: SELFLESS CITIZEN

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today, I rise to pay tribute to my friend and constituent, Walter Greffe, who passed away this Veterans Day weekend at the age of 71. Walt Greffe was a special individual who will be greatly missed but fondly remembered.

After graduating from Morristown High School in 1944, Walt served our Nation as a sergeant in the Army Air Corps during World War II. However, has service did not end when the bombs stopped falling and the troops came home. I have the pleasure of being a member of the same VFW and American Legion posts to which Walt dedicated so much of his time. In particular, his service to the Veterans of Foreign Wars Watnong Post 3401 was extraordinary. Walt was twice the commander of the Watnong Post, one of New Jersey's largest VFW posts. Walt, along with his wife, Mae, continued to volunteer their time and talents for the hundreds of events at the Watnong Post, including many events for senior citizen groups and even some of my own Medicare town meetings.

In 1953, Walt moved to Morris Plains and immediately became an integral part of this close-knit community of 5,000 inhabitants, aptly called the community of caring. No one in Morris Plains epitomized this more than Walt Greffe. Upon his death, one Morris Plains resident remarked, "Walt was a kind and considerate man who was always willing to do everything for anybody." That is the Walt Greffe I knew as well.

Aside from his involvement with veterans organizations, Walt worked for United Parcel Service in Parsippany for 27 years, and was a graduate of the Stafford Hall of Business. He also dedicated untold hours to the Morris Plains Seniors Monday Group, the Rotary Club of Morris Plains, and the Presbyterian Church of Morris Plains. As you see, Walt touched every part of the community.

Mr. Speaker, I would ask all of may colleagues to join me as we remember Walt in our prayers; Mae, his wife of many years; his son, John; his daughter, Diane; and the many other close family and friends Walt leaves behind. Walt was truly a selfless citizen and an outstanding veteran.

OHIO STATE TREASURER J. KENNETH BLACKWELL ADDRESSES PROPOSED GLOBAL CLIMATE TREATY

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. CHABOT. Mr. Speaker, I want to insert in the RECORD today an insightful speech delivered at the recent Global Change Conference here in Washington by Ohio's State Treasurer J. Kenneth Blackwell.

As my colleagues know, despite considerable uncertainty about the significance of global warming, the Clinton administration is moving ahead with plans to reduce carbon emissions, or greenhouse gases in the United States to 1990 levels by the year 2010. The costs of achieving that goal, of course, will be absorbed by the American people in the form of higher energy costs and higher taxes.

Mr. Blackwell very eloquently addresses the global warming issue and the fundamental flaws in the Kyoto Climate Change Treaty. I commend his speech to my colleagues.

THE CLIMATE TREATY—THE RIGHT ANSWER TO THE WRONG QUESTION

As I began preparing for my part in today's discussion, I recalled a remark attributed to J. Pierpont Morgan. A woman is said to have approached him at a social gathering roughly 100 years ago and asked, "Mr. Morgan, what is the stock market going to do?"

Morgan hesitated a moment and then gave the woman the full benefit of his years of money-accumulating experience. "Madam," he said, "the stock market will fluctuate."

If J. Pierpont Morgan had been born 100 years later and specialized in climate instead of money, and if he were asked now what the climate is going to do, the same answer would be appropriate. "Madam, the climate will fluctuate."

I do not mean to suggest by this that we can ignore the possibility that this time Henny Penny may be right. The sky may be warming. The seas may rise. And it would be irresponsible to sit idly by doing nothing if there is a real chance that all the world's coastal cities will go under water in the next 50 or 100 years.

Neither, however, do I believe it responsible to rush to the binding international agreement the Administration is proposing to replace the voluntary approach we agreed to in Rio de Janeiro in 1992.

The administration's proposal is a fast answer to incompletely formulated questions based on inadequate data. Fast answers all too often are half-baked. In this case, the kindest thing we can say about the fast answer is that it is not fast at all. At best, it is half fast.

Just for starters, we do not know whether global warming is taking place now. It is true that surface temperature readings have gone up by about one degree Celsius over the past century. Some evidence suggests that over the past decade, however, modest global cooling may have occurred. At this point, we simply do not know. What we do know is that the Climate Treaty will not answer this question. Only time and serious scientific study will produce an answer.

If global warming is taking place, we do not know the extent to which greenhouse gases may be responsible. For years, climatologists believed that the sun's energy output was constant, but I have read recently that some now believe the solar constant may not be constant at all. Variations in solar activity may well account for the one degree rise in global temperature recorded over the past 100 years. This one degree change may be an entirely natural progression following the Little Ice Age which ended about the time Mr. Morgan was sharing his wisdom on the stock market, and it may well prove to be cyclical.

Even if in the face of all the scientific uncertainties, we could properly conclude that capping CO_2 emissions would remove the potential threat of global warming, there is little reason to believe that the Administration's proposal will accomplish that objective. Even its supporters concede that emissions from China and India alone are likely to overwhelm the proposed reductions by the U.S. and Western Europe.

Although the proposed Climate Treaty is *not* an answer to either the objective of understanding global warming or capping CO_2 emissions, we can be certain that it will accomplish several other objectives. I think it will be helpful to consider some of them.

First, if we want to hasten the day when the United Nations will be transformed from an association of sovereign states into a one-world governing body, the Climate Treaty will work! Some international entity will be necessary to enforce emission mandates. Many Americans bridled at the 55 mile per hour national speed limit. Imagine that fast answer expanded to cover all matters involving energy consumption, and imagine it administered out of Geneva instead of Washington, D.C. That's the path we are on if we accept binding international mandates.

Second, many people complain about the fact that combined federal, state and local taxes take more of an average household's income than food, clothing and shelter. The Climate Treaty will address that complaint in several ways.

Given the emission caps which would be required by the year 2010, and using mainstream economic assumptions, personal incomes will go down. In my home state of Ohio, real income per capita will drop almost 10 percent, so with no change in our income tax rates, taxpayers will pay less. This will squeeze the State, but we should be able to make up the roughly two percent shortfall in tax revenues.

The good news does not stop with the reduction in income, and therefore income taxes. Housing and food prices will go up about 10 percent, and the cost of clothing will go up along with all other manufactured goods. Some skeptics will argue that the increased cost of the necessities should be accounted for as taxes, but we will at least have the appearance of a change in the relationship of taxes versus basics.

Third, we should see some public health benefits from this proposal. Service jobs are usually less hazardous than manufacturing jobs, so those among the 34,000 Ohioans who lose their manufacturing jobs but exchange them for service jobs may thereby find work where they are less likely to suffer on-the-job injuries. This may not compute, because total employment is projected to fall by more than 58,000 jobs, but even so, workers are surely safer sitting at home than going into the perilous workplace.

And these fortunate Ohioans will be encouraged to improve their health in other ways. Many will almost certainly choose to exercise more, at least during the winter, because their household energy bills will be nine hundred to eleven hundred dollars higher, so they will have to keep moving to stay warm. With food costs up nearly ten percent, meat consumption should go down, still another benefit.

Fourth, increasing the cost of gasoline by fifty cents a gallon will surely reduce exposure to highway accidents. If people cannot afford to drive, they are less likely to be hurt as long as they do not walk on the road.

I would like to wrap up my remarks with a political comment. With the benefit of 20–20 hindsight, it is clear that President George Bush made at least two mistakes in his presidency, both having to do with the timing of major events. First, he should not have won the Gulf War so long before he had to run for re-election—the 1992 outcome would quite likely have been different if he had still had his post-war approval ratings in the 90's. Second, he should not have signed on to the Democratic Party's tax increase so close to the election. President Clinton certainly learned from that mistake!

But on the global warming subject, President Bush was right on the money in 1992 when he agreed to voluntary, not mandatory, CO_2 caps, and to continued scientific scrutiny of the warming phenomenon to see what future action would be indicated, what action would work, and what action would be worth what it cost.

JOPPA-MAGNOLIA VOLUNTEER FIRE CO., INC.

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. EHRLICH. Mr. Speaker, today, I rise to give due recognition to a venerable institution in my district which recently had occasion to celebrate its past and its future on the very same day.

On October 25, 1997, the Joppa-Magnolia Volunteer Fire Co. celebrated the opening of a new main fire station at its Joppa, MD, location. I was fortunate to attend the dedication

ceremony along with a number of community and civic leaders. I was especially impressed that the celebration occurred 43 years to the day the first fire station was formally unveiled.

The Joppa-Magnolia Volunteer Fire Co. was first organized in 1951. It answered its first call of record on January 11, 1953, and went on to respond to 32 fire and 32 ambulance calls that year. The company has undergone significant expansions over the years, but its essential mission—protecting the lives and property of the citizens of Harford County—has not changed.

Mr. Speaker, the Joppa-Magnolia Volunteer Fire Co. is a welcome, permanent institution in Harford County. The fanfare surrounding the most recent groundbreaking indicates that, while the fire company has a rich history of accomplishment, its greatest contributions are yet to come. These fine volunteer firefighters will continue to serve the citizens of Harford County, just as their predecessors have done for four decades. Mr. Speaker, we can all profit by their example. I offer the men and women of the Joppa-Magnolia Volunteer Fire Co. may very best wishes and congratulations upon reaching this happy milestone.

IN MEMORY OF THE IRISH FAMINE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to recall the millions of Irish men, women, and children lost to the tragic Irish famine of 1845–50. This was one of the darkest chapters in modern history, and one that changed the face of both the United Kingdom and the United States as a result.

The Irish famine took as many as 1 million lives from hunger and disease. It sparked a huge wave of immigration as another 2 million Irish fled, most of them to the United States.

Numbers such as these, however, are often difficult to comprehend. I find that some of the personal stories of the famine bring it closer to home. Consider these tragic deaths reported in the Cork Reporter of January 11, 1847: Catherine Sheehan, a 2-year-old girl who died the day after Christmas 1846 after eating nothing but seaweed that last several days of her life. John Driscoll, who fell dead of starvation walking home from his job at a public works project after 2 days of nothing but boiled wheat. Michael Linehan, who died on his way home from an adjoining town, where he had gone to purchase food for his fever-stricken mother and brother. Mr. Linehan had had only turnip peels to eat.

These are but a few of the stories of the famine. Many such stories will be recalled as the Bergen County Council of Irish Associations holds a ceremony in solemn remembrance of those who perished in the famine November 15 at the Bergen County Courthouse in Hackensack, NJ. Remarks will be offered by Bishop Charles J. McDonnell, Father Donald Sheehan, and Bergen County Executive William "Pat" Schuber, and others at the Great Hunger Monument located next to the courthouse. This ceremony will serve as a reminder that the disaster created by famines still haunts the world.

During the Irish famine, a blight turned Ireland's staple crop of potatoes to ruin. Over 1 million people died and millions others were forced to leave their homeland to escape starvation. In 1847—the year known to Irish around the world as "Black '47"—the famine took its worst toll. As thousands died that year, nearly 100,000 Irish immigrants left their homeland and arrived in the United States.

The failure of the British Government in London to provide immediate assistance has been acknowledged as one of the factors in the extent of the famine. Prime Minister Tony Blair this summer offered this apology:

> Those who governed in London at the time failed their people through standing by while a crop failure turned into a massive human tragedy. * * * That 1 million people should have died in what was then part of the richest and most powerful nation in the world is something that still causes pain as we reflect on it today.

As I have noted, millions of Irish came to the United States—seen as the land of plenty—to escape the famine. Those who came made up one of the greatest waves of immigration in our history and permanently enriched our society and culture. Their hard work, determination, and resilience helped fuel the tremendous growth of our country.

The Irish quickly adjusted to their new home and started to move up in society. From tough, long hours in labor intensive jobs, Irish-Americans entered professions such as education, politics, and government service by the turn of the century. They sent much of their hard-earned money home to help families or to pay for passage to America.

One area where Irish-Americans proved themselves quickly was in service to their new country. Many new Irish-Americans fought bravely during the Civil War. In fact, 263 Congressional Medals of Honor were awarded to Irish-born servicemen, by far the largest number of any ethnic group. Subsequent generations carried this tradition into the Nation's other wars.

The hard work, determination, patriotism, and valor of Irish-Americans has made a distinguished mark on American history. Their contribution to our Nation will never be forgotten. We only wish that it might have been better circumstances that brought them here.

TRIBUTE TO DOUG SCOTT

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. METCALF. Mr. Speaker, I join Senator MURRAY this evening in recognizing Doug Scott, a San Juan Island resident, who was recently presented the Sierra Club's highest tribute—John Muir Award.

Despite differing with him and the Sierra Club on a number of issues, I really appreciate his willingness to work with all interest groups and beliefs to solve environment problems.

His work with the Northwest Straits Advisory Commission, which Senator MURRAY and I formed, has been invaluable. The commission was formed and public dialog broke down concerning the marine sanctuary process, and Doug helped facilitate a dialog in order to resolve important differences and issues by consensus. His ability to work with individuals with differing perspectives in a cooperative and resourceful manner is a true asset to the commission.

Doug has a notable background and experience when it comes to the environment. He joined the Sierra Club in 1967, and served as their Northwest field representative from 1973 to 1977. In 1980 they named him national conservation director of the Sierra Club, and in 1988 he became the organization's associate executive director. In 1990, he left the Sierra Club to direct the San Juan Community Theater in Friday Harbor, WA. Currently, Doug is the executive director of Friends of the San Juans.

Doug is in good company in receiving this award. Previous recipients include such distinguished persons as Jacques Cousteau and Wallace Stegner.

Mr. Speaker, it is a privilege to recognize Doug Scott, a Washington State resident, before the U.S. House of Representatives, and to congratulate him on receiving the John Muir Award.

CONGRATULATIONS, MAYOR CARDELL COOPER AND THE WORKERS OF EAST ORANGE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PAYNE. Mr. Speaker, on Sunday, November 16, the Civic Service Committee of Christ Church will honor the workers of East Orange, NJ, in my congressional district and will also bid a fond farewell to the former major of East Orange, Cardell Cooper, and his family.

It is indeed fitting that we offer our appreciation to the hardworking men and women who serve the city of East Orange. These unsung heroes are a dedicated group of professionals who strive each and every day to deliver outstanding service to the residents of the city they serve. Positive changes are occurring in East Orange because of their efforts.

I am pleased to have the opportunity to honor the workers of East Orange as well as my good friend Cardell Cooper, whom I have long admired and respected. His life has been an inspiring success story of one who rose from humble beginnings, as one of 13 brothers, to move ahead with steadfast determination to reach for the stars.

His many accomplishments include holding positions as business administrator of Irvington; freeholder of Essex County, one of the most populous counties in the State of New Jersey; Essex County Administrator and major of East Orange. His crowning achievement is that he has now been nominated by President Clinton to serve in one of the highest ranking positions at the Department of Environmental Protection.

As the representative of the 10th Congressional District, I have had the pleasure of

working with Cardell Cooper on many issues and have found him to be a dedicated public service with tremendous energy and commitment.

Among his peers throughout the Nation, Cardell Cooper has gained a reputation as an outstanding public official. He is widely respected by members of the National Association of Counties, the National League of Cities, the Conference of Mayors and other national civic and professional organizations to which he belongs.

I know that my colleagues here in the House of Representatives join me in wishing the very best to Cardell Cooper, his devoted wife Sandy, and their children as they move on to exciting new challenges. Let us also say a special thank you to the workers of the city of East Orange for a job well done.

RECOGNITION OF STAN AND JETTA ROBERTS AS NORTHEAST EL PASO FAMILY OF THE YEAR FOR 1997

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. REYES. Mr. Speaker, I am pleased to recognize Stan and Jetta Roberts as the Northeast El Paso Family of the Year for 1997. Since first arriving in El Paso more than 42 years ago, Stan and Jetta have contributed to the development of the El Paso community in every imaginable way. The Roberts are members of the 7th Ward of the Church of Jesus Christ of Latter Day Saints where they have worshiped and prayed with their four children Mike, Jetta Lynn, Beverly, and Stan and their seven grandchildren.

After 28 years in the Army, Stan decided to serve his county and his community in another way—he and his father organized, with others, the Northeast El Paso Civic Association to work toward the improvement of the Northeast area and the city of El Paso.

In addition to being a life member of the Veterans of Foreign Wars Local 8919, Stan is a member of the Cooties a life member of the Disabled American Veterans Chapter 187, American Legion, Association of the United States Army, NAUS, Moose Lodge No. 554, American Association of Retired Persons, and the Northeast El Paso Civic Association. Stan was recently re-elected to his fourth term on the El Paso City Council, and has been the alternate mayor protemp for the past 2 years.

Throughout their lives, Jetta has always been supportive of Stan's endeavors throughout his Army career and civilian life. Jetta has been Stan's campaign manager for the last three elections. Jetta is a life member of the Veterans of Foreign Wars Woman's Auxiliary, life member of the Disabled American Veterans Women's Auxiliary, and is currently serving her second term as El Paso representative on the Texas Silver-Haired Legislature in Austin, TX and is an alternate on the National Silver-Haired Legislature in Washington, DC. Jetta was the Relief Society president for 5 years and was also an employment specialist for 2 years helping people on welfare find jobs.

The outstanding accomplishments of both Stan and Jetta Roberts have been many and they are both committed to helping and serving their community whenever they can. I've had the opportunity to work with both Stan and Jetta while trying to improve our communities. We can all learn from the sacrifices they have made to benefit others and both shine as bright as our star on the mountain.

MOVING FORWARD FOR MONTANANS

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HILL. Mr. Speaker, today I join with my Montana colleague, U.S. Senator CONRAD BURNS, in introducing much needed legislation which will help complete the Gallatin Land Consolidation Act. As Congress completes its business in the last hours of this session, it is important to let Montanans know that its congressional delegation is committed to resolving this situation.

The proposed land exchange agreement between Big Sky Lumber and the U.S. Forest Service is a well-intentioned proposal that I support. However, like all general agreements, there are always specific concerns to address. As these issues remain pending, this legislation will show that Congress is committed to completing the exchange and eliminating the uncertainties that Big Sky Lumber, other businesses, and many landowners may have.

For example, the protection of the Taylors Fork is extremely important since it provides a critical migration corridor for wildlife. Many of the area's landowners face uncertain futures and deserve to know that the Montana delegation will act on their behalf to complete the exchange. Our legislation moves forward on meeting landowner's goals and protecting the environment. Other issues that need resolution, such as access concerns in the Bridger-Bangtail area and small business timber set asides, will also be advanced by this legislation.

Mr. Speaker, one major difference in my legislation is a provision guaranteeing that any land which will be exchanged to the Federal Government must continue to maintain and maximize historical recreational access and use. This is a very important item that I will continue to champion for Montanans as this process moves forward.

This bill provides the initial legislative phase for eventual completion of the Gallatin Land Consolidation Act. There are many details that need to be included, but this legislation will hopefully satisfy the December 31 deadline under the current option. Moreover, this bill will present a forum for Montanans to begin to comment on the details of the package.

Mr. Speaker, this is important to my home State of Montana. I look forward to moving ahead with the rest of the Montana delegation in completing the exchange in the next session of Congress.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. RILEY. Mr. Speaker, for medical reasons, I was absent during the following rollcall votes. Had I been present, I would have been recorded in the following manner.

On rollcall No. 622, on a motion to table a measure, I would have voted "aye."

On rollcall No. 623, a bill to provide for increased international broadcasting activities to China, I would have voted "aye."

On rollcall No. 624, a bill to establish a program to provide assistance for programs of credit and other assistance for microenterprises in developing countries, and for other purposes, I would have voted "aye."

On rollcall No. 625, expressing the sense of Congress with respect to the discrimination by the German Government against members of minority religious groups, I would have voted "nay."

On rollcall No. 626, expressing the sense of Congress that the Government should fully participate in EXPO 2000 in the year 2000, I would have voted "aye."

On rollcall No. 627, a bill to amend the Illegal Reform and Immigrant Responsibility Act, I would have voted "aye."

On rollcall No. 628, a bill providing for consideration of certain resolutions in preparation for the adjournment of the first session, I would have voted "aye."

On rollcall No. 629, a bill concerning the statutes of Amtrak, I would have voted "aye."

On rollcall No. 630, on agreeing to the rule, I would have voted "aye."

On rollcall No. 631, on agreeing to the conference report for Foreign Operations, I would have voted "nay."

On rollcall No. 632, on agreeing to the resolution House Resolution 301, I would have voted "aye."

On rollcall No. 633, on ordering the previous question, I would have voted "aye."

On rollcall No. 634, on agreeing to the resolution House Resolution 326, I would have voted "aye."

On rollcall No. 635, a bill providing for the consideration of the bill H.R. 867, and the Senate amendment thereto, I would have voted "aye."

On rollcall No. 636, a rule to consider the Commerce, State, Justice Appropriations Act, H.R. 2267, I would have voted "aye."

On rollcall No. 637, passage of House Concurrent Resolution 137, I would have voted "aye."

On rollcall No. 638, an adjournment resolution, Senate Concurrent Resolution 68, I would have voted "aye."

On rollcall No. 639, a motion of recommit H.R. 2267, I would have voted "nay."

On rollcall No. 640, passage of H.R. 2267, I would have voted "aye."

TRIBUTE TO FORMER NEW HAVEN MAYOR BIAGIO DI LIETO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. DELAURO. Mr. Speaker, tonight, in New Haven, CT, Biagio DiLieto will join with close friends and family to celebrate his 75th birthday. I have respected and admired Ben DiLieto for years, and am grateful for the opportunity to recognize a man who has dedicated his life to the city of New Haven.

Ben DiLieto began his public career in 1952. Serving as a police officer and later as police chief, Ben quickly learned how to effectively address the needs of the city's residents. He interacted with the community and embraced its diversity. Ben was determined to make local government work for average citizens by addressing their needs on a personal level. Residents of New Haven came to know Ben DiLieto as a person who cared and would eagerly roll up his sleeves when hard work needed to be done. Ben earned the trust of New Haven's citizens and they elected him mayor in 1979.

Mayor DiLieto served for five consecutive terms. During those years, he was dedicated to understanding and meeting the needs of his constituents, particularly those in the greatest need. Mayor DiLieto worked diligently to ensure funding for social service programs that benefited children, elderly, and the disabled. He fought to obtain funding for emergency services and education. He championed the interests of people with real needs and sought real solutions. Indeed, it is difficult to measure the magnitude of Ben DiLieto's contributions to the city of New Haven, for he has played such a large role in our community. Ben DiLieto truly changed the face of our city.

On a personal note, Ben has always been a friend who is reliable and supportive, genuine and sincere. His commitment and diligence are the cornerstone of strong and effective local government, and his belief in public service has inspired me time and time again.

It is with great pleasure that I commend Ben DiLieto for a lifetime of achievement and service. I join his wife Rose, his family, and his many friends in wishing Ben a very happy 75th birthday. Ben truly embodies the best New Haven politics has to offer, and it is my deepest hope that we will have the benefit of his wisdom and kindness for many years to come.

THE SLAMMING PREVENTION AND CONSUMER PROTECTION ACT OF 1997

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. DINGELL. Mr. Speaker, I rise today to introduce H.R. 3050, the Slamming Prevention and Consumer Protection Act of 1997 to protect the American public from an unfair, unscrupulous and anticonsumer practice known as slamming. The perpetrators of this type of rascality switch a consumer's choice of long distance or local telephone service providers to their own service without the consumer's knowledge or consent. With this legislation, consumers finally will be able to fight back against slammers.

The measure will allow consumers to receive a full refund for any charges or shield them from liabilities incurred as a result of slamming. Consumers will be able to recover up to three times their actual damages for intentional violations, in addition to the monetary penalties this bill imposes upon any person or telephone carrier and their agents who slam. Additionally, the legislation sets a deadline for the Federal Communications Commission [FCC] and the Federal Trade Commission [FTC] to set rules that will protect consumers from slamming. The FCC rules will ensure that any consumer switch of carrier is verified, while the FTC rules will prohibit unfair and deceptive acts and practices used in connection with switching a consumer's choice of service.

Slamming is a spreading epidemic. It is the single largest source of consumer complaints at the FCC. In 1995 alone, slamming represented more than a third of the complaints consumers registered at the FCC's Common Carrier Bureau. The number of slamming complaints processed by the FCC has nearly doubled from 1995 to 1997. Moreover, the number of slamming complaints processed by the FCC to date in this calendar year, 16,440, represent nearly half of all the complaints, 34,557, that have been processed by the agency this year.

The telephone industry estimates that approximately 2 million slamming incidents occur each year in the United States, with the bulk of these slams undetected or unreported by consumers. And there is no doubt these numbers will continue to grow unless adequate protections are put in place.

The current regulations against slamming are simply inadequate. There is little incentive for consumers to bring a lawsuit or file a complaint with the FCC. The higher phone bills borne by slammed consumers often pales in comparison to the cost of suing for recovery. This bill will correct that anomaly.

Moreover, under the current rules, if a consumer files a complaint with the FCC, he or she is only entitled to receive the difference between what was paid to the slammer and what would have been paid to the authorized carrier. In other words, lengthy involvement in an administrative proceeding yields too little, too late.

The FCC has been ineffective in protecting consumers from slammers. It has been nearly 2 years since the passage of the Telecommunications Act of 1996, and the agency still has not promulgated effective rules to protect consumers.

Despite the growing problem, the FCC has settled disputes with only a handful of slammers resulting in injunctions and fines. While these fines were paid into the U.S. Treasury, the consumer who was defrauded never received a dime.

The people in my home State of Michigan are particularly hard hit by slammers. Michigan ranks eighth overall in the number of State and Federal slamming complaints. But slamming respects no State lines.

Slammers prey upon victims of all kinds, although minorities and non-English speaking consumers are frequent targets. These slammers act in nefarious ways: sign here and you will be eligible for valuable and exciting prizes. The only thing valuable and exciting accrues to the slammer. The consumer unwittingly authorizes a change in their telephone carrier while under the impression that he or she has simply entered a contest. Or, the consumer receives a welcome package or other promotional mailing at home that says if you do not sign here or return the enclosed card, your service will be switched. Or telemarketing firms, driven by commissions, forge consumer authorizations or develop even wilder schemes to skim cash from the American public.

Mr. Speaker, we need tougher laws against slamming. The American public should have the tools to fight back against these bad actors. The Slamming Prevention and Consumer Protection Act of 1997 will provide those tools.

HONORING JOSEPHINE MARTIER FOR 50 YEARS OF VOTING

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. KLINK. Mr. Speaker, I rise today to honor an outstanding citizen and good friend, Ms. Josephine Martier from Vandergrift, PA. "Aunt Jo" as she is affectionately called, has fulfilled a rare and honorable pledge to her country. She has participated in each primary and general election for the past 50 years.

I would like to recognize Ms. Martier for her contribution to our country and to the American democratic system of government. Without individuals such as Ms. Martier, our democracy would not be what it is today. Her conviction is to be commended and unlike so many, Aunt Jo has never taken for granted her right to actively participate and voice the values which she believes in.

In 1996, less than half of the eligible voters in the United States participated in the Presidential election. In light of this statistic, it is even more amazing to consider what Aunt Jo has achieved. Her invincible sense of civic duty is exemplary. Her efforts serve as a model for every resident of the Fourth Congressional District, the Commonwealth of Pennsylvania and every American eligible to vote.

And so my fellow colleagues, it is with great pleasure that I rise and applaud Aunt Jo Martier and her amazing voting record. I hope that she will be able to participate in our democracy for years to come.

HONORARY KENNETH E. BEHRING AND FAMILY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mrs. TAUSCHER. Mr. Speaker, I rise today to draw attention to an inspiring act of citizenship by my constituents, Kenneth E. Behring

and his family. A week ago, Mr. Behring traveled to Washington to give a gift to the Smithsonian Institution; at a time when we have grown accustomed to people coming to Washington to ask for favors. Mr. Behring and his family have donated $20 million to the Smithsonian's National Museum of Natural History to enable it to update its rotunda and its mammal hall to 21st century standards. The Behring gift also will enable the Smithsonian to set up traveling exhibitions in schools and other public places so that Americans who cannot visit Washington can experience a little bit of the Smithsonian in their hometown.

As a young man in Wisconsin, Mr. Behring opened a modest used car business in what turned out to be the first step in achieving the American dream. Through hard work and creativity, first in the automobile business and later as a real estate developed, he achieved great wealth. Now, in his own words, he believed it is time to give back.

Mr. Behring delights in telling of his experiences as a world traveler. He speaks eloquently of the natural beauty he has witnessed in the animal world, and of his desire to help the Smithsonian enable others—especially young people—to get at least a small sense of what he has seen.

I believe his generous gift is a noble example that should serve as a model for all Americans with the means to do good. I am humbled by this generosity and hope that the rest of the House and the American people will take note of Mr. Behring's great deed.

TRIBUTE TO JOSEPH S. STOLARZ

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Joseph S. Stolarz of Passaic, NJ. In the week following Veterans Day, it seems appropriate that we would honor a man who has distinguished himself while serving his country in the armed services.

Joseph was born in a small mining community in Pennsylvania, moving shortly thereafter to a farm in Poland, his family's native country. Returning to America in 1938, he settled in Passaic with his two sisters. Heeding the call to duty, Joe enlisted in the U.S. Army on December 12, 1940. He was stationed at Fort Dix when he received word of Japan's attack on Pearl Harbor.

Joseph's division was quickly broken up and used to defend the beaches of New York and New Jersey from any German assault. He was finally sent abroad in May 1944, landing in Liverpool. Joe's division, the 30th participated in the D-Day landings in France. After securing the beaches of Normandy, the 30th division participated in the allied drive across France, Belgium, and Germany.

Joe didn't escape the battlefields of Europe unscratched. In January 1945, he was hit twice within 2 days, ultimately spending months in a VA hospital recuperating. Despite his injuries, Joe served our country with valor. In all, he received a defense medal, two Purple Hearts, a Bronze Star, a World War Two Victory Medal, a European Medal, an Expert Infantry Badge, and a medal from the French city of St. Lo. He was honorably discharged from military service on November 12, 1945.

Upon his return to New Jersey, Joe became a civilian success. He completed his education, graduating from Passaic High School and ultimately attending Fairleigh Dickinson University. While visiting Poland in 1956, he met his wife and the future mother of his five children, Anna Brusik. In 1962, Joe fulfilled a lifelong dream when he purchased the Crystal Ballroom, where he continues to operate his tavern business with the aid of his wife and son, Joe Jr.

Joe has also been active in his community and is involved in a number of political and cultural associations including the American Legion, the Tavern Owner's Association, the Central of Polish Organizations, the Holy Rosary Young Men's Club, and the Veterans' Alliance. Joe is also a regular on the parade circuit, marching in the annual Passaic Memorial Day event, as well as the Pulaski Day Parade.

Mr. Speaker, I ask that you join me, our colleagues, and Joseph's family and friends in celebrating the life of Joseph Stolarz, a patriot, entrepreneur, and family man.

FAST TRACK FELL VICTIM TO POLITICAL DEMAGOGUERY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. CRANE. Mr. Speaker, I was deeply disappointed in the fact that this body was unable to consider and pass the fast-track trade legislation authored by Chairman BILL ARCHER and myself.

In particular, I was disappointed in the petty politics engaged in by fast-track opponents. I fear that, thanks to the campaign waged by big labor and their politician lackeys, the United States will lose its leadership position in world markets. Until now, trade agreements have been negotiated on our terms. My greatest fear is that the defeat of fast track in this session of the 105th Congress will effectively prohibit the consideration of this trade authority until the next millennium. I want to make the point to my colleagues that this will result in future trade agreements being negotiated on the terms of our trading partners. Given the increasingly global nature of markets, this Congress has put U.S. businesses and jobs at a significant economic disadvantage in the world economy.

To further illustrate the political demagoguery on this issue, I commend to the attention of my colleagues an article in today's Washington Times by Donald Lambro entitled "Low Bridge for the Fast Track Flap." I will not add to Mr. Lambro's observations, instead I simply say—Amen.

[From the Washington Times, Nov. 13, 1997]

LOW BRIDGE FOR THE FAST TRACK FLAP

(By Donald Lambro)

If we learned anything from the fast-track trade fight, it is that demagoguery is alive and well in Washington, economic ignorance runs deeper than ever in Congress and the news media, and the business community still doesn't know how to sell the benefits of the global economy.

Even by past legislative battle standards, this one reached a new low in fear-mongering and deceit. The tools of big labor, Democratic Leader Dick Gephardt and Reps. David Bonior and Bernie Sanders, a socialist, came up with every hyperbolic attack line they could muster. Mr. Gephardt even blamed increased drug trafficking in the United States on the North American Free Trade Agreement—not on its true cause, President Clinton's abandonment of the war on drugs.

In the final weeks of debate, the AFL–CIO's paid congressional army of trade protectionists waged one of the most dishonest lobbying campaigns that this reporter has seen in 30 years of covering Washington. In one of the battle's most skillful bits of anti-trade demagoguery, aired on the CBS Evening News, Bonior and Sanders went down to Juarez, Mexico, with a CBS film crew in tow. Visiting one of its worst slums, which predates NAFTA, Mr. Bonior pointed to the shacks and said, "This is the global economy." It was a totally one-sided editorial against trade by two veterans, big government leftists that could have been produced at the AFL–CIO, and probably was.

Similarly one-sided stories filled the news programs of the past several weeks, bashing NAFTA and repeating big labor's protectionist line. Nowhere was it reported that U.S. exports to NAFTA partners Mexico and Canada had reached nearly $200 billion last year—an all-time record; that both have become America's biggest export markets, with Mexico's market bigger than Japan's; that the North American economy is forecast to grow by 3.5 percent this year, higher than the other industrialized countries of the world; or that all those predictions of a "giant sucking sound" of jobs leaving the United States have not come true.

Despite all the doom and gloom fears that trade expansion will destroy jobs, the obvious fact is that trade has helped to create millions of new, higher-paying jobs, driving the U.S. unemployment rate to the lowest level in nearly a quarter of a century.

Last week's Labor Department unemployment report showed the jobless rate falling to 4.7 percent, flattened by the creation of an astonishing 284,000 jobs in October alone. Since 1993 the U.S. economy has created more than 13.5 million new jobs. "Clearly, NAFTA has not hurt the U.S. economy," trade analyst Rebecca Reynolds Bannister writes in a study for the Progressive Policy Institute.

And contrary to the Gephardt-Bonior-Sanders disinformation campaign that the United States is losing higher-paying manufacturing jobs, the most robust job gains last month were in manufacturing. Half the 54,000 jobs in this sector alone were in machinery, transportation and construction. Big U.S. companies like Boeing have hired 32,000 workers in the last 18 months and will add another 11,000 jobs to its factory lines. Other companies like Caterpillar were expanding their payrolls to keep up with mounting exports to Latin America.

Rather than worry about losing jobs, the biggest complaint among U.S. business leaders in the country today is the lack of labor, qualified or otherwise.

But too little or none of this is getting reported to the American people. One reason is an abysmal level of ignorance in much of the news media and in Congress about trade and the global economy. An otherwise intelligent editor of a major newspaper recently told me

that "America doesn't make much of anything anymore."

This common perception, wholly untrue, reflects what many Americans think of the U.S. economy. Combined with the belief that imports destroy jobs and a misunderstanding about the global economy's benefits, this is what is now driving so much of the public mistrust about NAFTA and other trade deals.

The truth is we will begin losing jobs if we don't negotiate lower trade barriers abroad because U.S. companies will move plants to these countries to avoid paying import tariffs.

But the myth of U.S. deindustrialization goes on despite all the evidence against it. Our gross domestic product, the measure of all the goods and services we produce, stands at nearly $8 trillion, bigger than any nation on Earth. If you want to see what America makes, look at the New York Stock Exchange listings or the NASDAQ in your local newspaper. Millions of privately owned businesses add to the nation's growth rate, which was expanding at a 3.5 percent annualized rate in the third quarter—faster than any other industrialized nation.

We are the biggest producer of food on the planet. We are the biggest producer of farm and industrial machinery, of airplanes, of computers and of software. At our present rate of growth, it is quite possible that our GDP will reach $10 trillion by the beginning of the next decade.

Americans have produced this level of GDP. But because we produce more products and services than we can possibly buy ourselves, we sell the rest in global markets. And those sales have been a major factor in our robust job-creation rate that is higher than any industrialized nation on Earth.

Mr. Clinton complained this week that "this is no-brainer." Trade has not destroyed jobs, it has created them. U.S. leadership in the global economy is one of the great success stories of the 20th century. Sadly, the U.S. business community had done a very poor job of promoting this story to its workers, to Congress and to the media.

Mr. Clinton deserves a lot of the blame for not beginning early enough to get the votes needed to pass fast-track. But I think American business is also much to blame for this week's setback. Until corporate America gets into the trenches and begins doing a better job of combating the demagogues and educating the country about the benefits of global trade, we're going to have even more trouble getting trade bills through Congress in the future.

HONORING MERIDIAN TOWNSHIP'S VIRGINIA WHITE FOR 25 YEARS OF PUBLIC SERVICE

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. STABENOW. Mr. Speaker, I rise today to pay tribute to a woman who exemplifies public service in every sense of the word—Virginia White.

After serving for 25 years as clerk of Meridian Township, Virginia has decided to step down from office, leaving a legacy of trust, responsibility, and dedication.

As clerk, her responsibilities for Meridian Township included director of elections, keeper of records, and voting member on the township's policy board. But Virginia was much more. Virginia gained admiration by always doing what was best for her community—she was, and will always be, an outstanding public servant.

During her 25 years in office, it wasn't just what Virginia did, but how she did it. Each responsibility she held was completed with conviction, pride, and the deepest sense of integrity.

One of her largest contributions has been her work in bringing more people into the political process. As president of the Michigan Association of Clerks, Virginia worked hard to modernize elections for the public and wrote a book on how to improve voting in the State of Michigan. In November 1995, Virginia was appointed to the Secretary of State's Election Advisory Committee, where she made a series of recommendations to curb duplicate voting and make voting rules more clear for voters.

I have enjoyed working with Virginia on many occasions during the past 20 years. I particularly appreciated our joint efforts to organize a celebration for the Meridian Township Sesquicentennial.

Virginia will always be a leader, not only in Meridian Township, but throughout Michigan. I thank her for her service and I wish her the very best in the future.

THE THOMAS M. FOGLIETTA SUPPORT SITE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. TRAFICANT. Mr. Speaker, on November 8, 1997, I introduced H.R. 2931, legislation to redesignate the naval facility located in Gricignano d'Aversa, Italy, currently known as the Naples Support Site as the "Thomas M. Foglietta Support Site." I respectfully urge my colleagues to support this bill, which will pay tribute to a fine Member, who was recently sworn in as Ambassador to Italy.

Born and raised in Philadelphia, PA, Ambassador FOGLIETTA has a long history of service to his hometown, his State, and his country. He practiced law for 27 years. First elected to the Philadelphia City Council in 1955, he was the youngest council member of a major U.S. city. He held this position until 1975. From 1976 to 1977 Ambassador FOGLIETTA was the representative of the U.S. Secretary of Labor in Pennsylvania under President Gerald Ford. In 1980 he was first elected to represent Pennsylvania's First Congressional District and has since won the overwhelming loyalty of his constituents.

As a Member of Congress, Ambassador FOGLIETTA sought to protect the industrial base of his constituents. He fought tenaciously to keep open the Philadelphia Naval Shipyard, a facility that once formed the backbone of industry in the area. Unfortunately, as the facility was deemed to have become obsolete, an independent commission set up by Congress recommended that the base be closed. However, Ambassador FOGLIETTA would not let the matter rest. In an effort to make the best of the situation, TOM fought to secure Federal funding for defense conversion. He wanted to ensure that his hometown would be able to shift its industrial base, and to preserve its economic vitality.

Now, our friend and colleague is taking his career in another direction. Last month, he was confirmed by the Senate as the next United States Ambassador to Italy. However, foreign affairs is not a new interest for Ambassador FOGLIETTA. During the 1980's Ambassador FOGLIETTA was one of the leading advocates of democratic reforms in South Korea. He has also participated in efforts to restore the democratically elected regime of Haiti. In Congress his committee assignments involved work related to international relations and national security. He was appointed to the Appropriations Committee in 1993 and has served on its Subcommittee on Foreign Operations. As a member of this subcommittee he has served as a leading advocate for U.S. assistance to promote free markets and democratic reforms in the newly independent states of the former Soviet Union.

More than 10 years ago Ambassador FOGLIETTA visited the Navy's facilities around Naples and was disturbed by the conditions he saw there. Following this visit he worked with the Navy and Congress to build new facilities for U.S. forces. H.R. 2931 is a fitting tribute to our former colleague, in light of his efforts on behalf of our troops and his new position as U.S. Ambassador to Italy.

I would like to wish the best as he assumes his new responsibilities. I hope my colleagues will join me in honoring the work that he has done for the city of Philadelphia, here in Congress and the work that he will continue to do on behalf of our country as Ambassador to Italy. I urge all of my colleagues to support H.R. 2931, to redesignated the naval facility located in Gricignano d'Aversa, Italy, currently known as the Naples Support Site, as the "Thomas M. Foglietta Support Site."

TRIBUTE TO THE PEREZ COUNCIL #262, KNIGHTS OF COLUMBUS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to Perez Council #262 of the Knights of Columbus as they celebrate their 100th year of promoting the ideals of Columbianism in Passaic, NJ. The entire community has benefitted from the principles of this order, namely charity, unity, fraternity, and patriotism.

On September 7, 1897, a small group of Catholic laymen met with the Reverend John A. Shepherd to form what would eventually become the Perez Council #262, Knights of Columbus, Passaic, NJ. The founders quickly became pillars of the religious and civic community. The names Ryan, Bowes, Driscoll, Gallagher, Galvin, Whelan, Cogan, and Burgoyne still elicit fond memories from the older gentlemen of the Passaic members of the Knights of Columbus.

Through good times and bad, the Council has provided the moral leadership for the surrounding community. During the Depression

era, the Passaic Knights of Columbus lost their home on Hoover Avenue and Washington Place. Yet, their spirit was kept alive by a number of dedicated members, who continued to meet regularly in the building they once called their own. Happily, in March 1947, with the help of His Excellency The Most Reverend Thomas H. McLaughlin, and our Chaplain, the Right Reverend Monsignor William V. Dunn, the Passaic Knights once again found themselves on firm financial footing, with a home of their own.

The Perez Council has much to celebrate, including a long and distinguished record of leadership in the field of religious activity. In 1912, the Council leapt into the fledgling field of the Retreat Movement, sponsoring trips to areas in New York and New Jersey for meditation. They have played a pioneering role in attempting to bridge the gap between the Roman Catholic and Eastern Orthodox Churches. In 1956, the Council held its Annual Communion Breakfast in the Parish Hall of the St. Nicholas Ukrainian Church of the Eastern Rite.

The members of the Council have also distinguished themselves in service to our country. During the First World War, sixty-eight brothers were in the Armed Forces. Twenty-eight answered the call during the Second World War. Others served during the Korean War and the conflict in Vietnam. Many brothers continue to serve, giving up their time to assist injured Catholic veterans and help these veterans attend mass in the East Orange Veteran's Hospital.

Mr. Speaker, I ask that you join me, our colleagues, and the entire Passaic area in congratulating Perez Council #262 of the Knights of Columbus on one hundred years of serving the spiritual needs of the community.

RECOGNITION OF THE JAMES L. GAMBLE FAMILY AS NORTHEAST EL PASO FAMILY OF THE YEAR FOR 1996

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. REYES. Mr. Speaker, I am pleased to recognize the James L. Gamble family as the Northeast El Paso Family of the Year for 1996. Jim and Flo Gamble moved to El Paso in 1967 and have served the El Paso community with unmatched dedication ever since. Although Jim Gamble, Sr., passed away last year, the family has not relented in their pursuit of improving El Paso and the lives of all El Pasoans.

The Gambles have been members of Highland Presbyterian Church for more than 20 years. Jim Gamble, Sr., was a ruling Elder of the Session and chairman of the Worship Committee, which oversees worship services, communion, and supervises the positions of organist and music director. Flo Gamble is employed as secretary of Highland Presbyterian Church and teaches Sunday School to Junior High Youth.

Jim Gamble, Sr., served his country in the U.S. Army for 20 years. After his retirement from the Army, he worked for 14 years for the Federal Bureau of Prisons as physician's assistant at La Tuna Federal Correctional Facility until he retired again to turn his attention to community and civic pursuits with a goal of helping children and young people. He joined the Northgate Optimist Club and served as president, vice president, member of the board of directors, and secretary-treasurer. He was also active in the probe by Providence Memorial Hospital to bring medical facilities to Northeast El Paso. Jim was an ex-president of the Northeast Democratic Party and helped to raise funds for the Reach for a Star Program.

Jim Gamble, Jr., is the current president of the Northgate Optimist Club and has been nominated by his club for Lt. Governor of his district. He works in every area of the club functions, especially with the Reach for a Star Program and the Thanksgiving Dinner for young military men who are away from their families during the holidays. Jim Gamble, Jr., is also a member of the Highland Presbyterian Church and is currently serving as an Elder and works with the Fellowship Committee.

I am proud to recognize the entire Gamble family as the Northeast El Paso Family of the Year for 1996. On behalf of all El Pasoans, I would like to commend the Gambles for providing leadership and dedication in our community. They are shining beacons of hospitality and vitality, shining as bright as our star on the mountain.

CONTRAST BETWEEN TWO LEADERS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. KING. Mr. Speaker, last month the ruler of Communist China, Jiang Zemin, was welcomed to Washington by President Clinton. During his visit to the United States, Jiang was defiant in his defense of Communist China's appalling record on human rights and its violations of non-proliferation agreements.

In the aftermath of Jiang's visit, I was interested to read the article that appeared on the front page of The Washington Post on November 8, 1997 relating to the democratically elected government of the Republic of China on Taiwan. Having met President Lee Teng-hui, I know of his deep commitment to democratic values and respect for human rights. The contrast between these two leaders could not be greater and I commend this informative article to the attention of my colleagues.

LEADER ASSERTS TAIWAN IS "INDEPENDENT, SOVEREIGN"

(By Keith B. Richburg)

TAIPEI, TAIWAN, NOV. 7.—Facing pressure to renew high-level talks with China, President Lee Teng-hui of Taiwan has taken a defiant stand, ruling out concessions to Beijing and stating bluntly that Taiwan "is an independent and sovereign country."

In an interview at the presidential palace Thursday, Lee made it clear he is in no hurry to see Taiwan reunify with China—not until China "becomes free, democratic and has social justice." He said most Taiwanese prefer the status quo and do not consider Taiwan to be a province of China, as Beijing contends.

Lee repeated an offer made in his inaugural address last year to travel to China for a meeting with Chinese President Jiang Zemin. But he seemed to add a condition: He would go, he said, only if he were allowed to speak freely to average Chinese about Taiwan's experience with democracy.

"I'd like to talk to the people. I'd like to make a speech," he said. "I'd like to speak to young university students."

The hour-long interview provided Lee's first detailed comments to an American newspaper since Jiang and President Clinton met last week in Washington. Lee said he is not worried that the new "strategic partnership" between Washington and Beijing will jeopardize Taiwan's interests or change the island-state's security relationship with the United States.

"Taiwan is a symbol of American idealism," Lee said. "Freedom, democracy and human rights—Taiwan is a symbol."

In the interview and 11 pages of answers to written questions, Lee touched on a variety of topics, from concerns over Taiwanese business growing too dependent on investments in China to confidence that Taiwan will weather the turmoil afflicting East Asian economies. He said it is premature for Taiwan to lift its ban on direct shipping and air links with china. And he said his ruling Nationalist Party "never offered funds, nor has it ever participated in fund-raising activities" to help American political parties in recent elections.

Lee also weighed in on the debate over whether "Asian values" or Western-style liberal democracy is more suited to Asian countries developing their political systems. Lee said the talk of Asian having different values from Westerners is "nonsense."

"Human beings are human beings," he declared.

But it was his comments about Taiwan as an "independent" entity that seemed likely to draw the wrath of Chinese leaders. Lee, speaking in heavily accented English, several times referred to Taiwan as "independent." When asked if he really intended to use a word Beijing considers provocative, he defended his characterization and repeated it.

While this has been Taiwan's position, Lee had kept a relatively low profile since his election in March 1996. Lee said he has been preoccupied with domestic concerns, but he showed no hesitation in speaking in clear, even blunt, tones.

"Taiwan is Taiwan," he said. "We are an independent, sovereign country." At another point, he said, "Taiwan is already independent. There is no need to say so. . . . Maybe they want us to say the ROC [Republic of China government] is a province of China. Twenty-one million people don't agree that Taiwan is a province of China."

China repeatedly has threatened to use force against Taiwan if its leaders formally declare independence. Beijing twice in the last two years has staged missile tests and military exercises in the narrow Taiwan Strait that separates the island and China.

Since becoming the first native Taiwanese president in 1988, and winning the country's first democratic election last year, Lee constantly has played to the island's separatist sentiment. He has sought to raise Taiwan's profile and break its diplomatic isolation, while being careful not to cross the delicate verbal line that would mark a formal declaration of independence.

Against that background, some analysts here were divided over whether Lee's repeated use of the word "independent"

marked a shift in his rhetoric or whether he was rephrasing a familiar position that the Taiwan government is a sovereign entity representing all China. But most agreed that his statements showed a significant hardening of his position, demonstrating that for the moment he has no interest in restarting talks with China.

"If he says we are an independent sovereign state, that makes it clear we are independent and not a part of China," said Andrew Yang, secretary general of the Chinese Council of Advanced Policy Studies, a think tank.

"It changes a lot. People were really expecting a breakthrough in cross-strait relations.

"He is conveying a very important message to the United States and to the world—that Taiwan is not going to negotiate with China on Beijing's terms; Taiwan has its own agenda; and unless China accepts Taiwan's agenda, there won't be any talks," Yang said. "He has sent a message to Beijing that he must be treated as the leader of a sovereign state."

He added, "It is very clear it seems to me, that there's no room to reopen the talks."

Another academic who follows cross-strait issues, David Auw of the Institute of International Relations, predicted reaction from Beijing may be muted since the Chinese leaders have grown accustomed to Lee's rhetorical flirtations with secessionism and may have determined that they cannot deal with him.

"I think the mainland leadership no longer takes President Lee seriously," Auw said. "It's not the first time he has made confusing remarks. They are starting to question the ability of Lee to have a coherent mainland policy. The majority of scholars and officials on the mainland I talk to say they are willing to wait for the post-Lee era."

Auw and others said Lee may have been reacting to new pressures on Taiwan to restart high-level talks, which were suspended after Lee's highly publicized 1995 visit to the United States to attend his college reunion. With Hong Kong's so-far successful reversion to Chinese rule under an autonomy formula, and with Jiang's successful visit to Washington, the spotlight has shifted to Taiwan as the largest of the many unresolved trouble spots between the United States and China.

But Lee denied feeling particular pressure to restart talks with China. He made it clear he intends to continue his diplomatic outreach, traveling abroad and pushing to gain membership for Taiwan in such international bodies as the World Trade Organization.

"No, I don't feel anything," a smiling Lee said, when asked if he felt under pressure. He said he sees no parallel between Hong Kong's handover to China and Taiwan's case, since Hong Kong was a British colony and had no say in its own destiny.

"Taiwan in Taiwan," he said. "They use this to pressure [us]. But I don't feel anything. We are an independent sovereign country."

On July 1, in the first hours after Hong Kong reverted to Chinese rule, Chinese Premier Li Peng said Taiwan should consider rejoining China under the same formula, known as "one country, two systems."

But Lee, in the interview, was dismissive. "They say, 'one country, two systems,' I say your system is a Communist system. Taiwan is a free and democratic society. You say Taiwan is a provincial government. I don't think so," Lee said.

Asked if Taiwan is prepared to make any gesture to restart the stalled dialogue with China, Lee replied. "We are waiting for them. We won't give anything to them."

He said the two sides have technical issues to resolve, including smuggling and illegal immigration, which could be addressed with low-level exchanges. But as for broader political dialogue at a higher level, Lee replied. "I don't see any political issues now."

Lee also said he does not feel bound by the timetable of Beijing's leaders, particularly Jiang, who would like to see the "Taiwan problem" resolved within the next decade. "We don't care about this timetable," Lee said. "That's his timetable. Here, it's a democratic society. What do the people think about this problem? We have our own reunification timeable. When China becomes free, democratic and has social justice—in that case, we will have unification."

For all his defiance, though Lee did express concern over a problem that could end up forcing Taiwan's integration with China faster than political leaders on either side of the strait can control: the rush by Taiwan businessmen to invest in the world's fastest-growing economy, and its largest market.

Even as Taiwan drifts further from China culturally, socially and politically economic relations are seeing an unmistakable convergence, similar to the kind of convergence that linked Hong Kong to southern China long before the actual transfer of sovereignty this year. And in Taiwan's case, the economic integration is even more dramatic, considering that Taiwan only lifted its travel ban on citizens going to China in 1987, and the two sides are still technically in a state of hostilities.

According to government figures 16.5 percent of Taiwan's exports go to China, making China the second-largest export market for Taiwanese goods and its largest foreign investment market. Between 1991 and 1996, the sum of Taiwanese investment in China rose to $14.9 billion about what the United States and Japan invest there.

But much of the Taiwanese investment in China goes through Hong Kong and Macau and is unaccounted for, leading some academics to estimate its true size as closer to $30 billion.

Lee, in a written answer to a question on the investment problem, said "excessive investment by Taiwan-based businesses there [in China] may increase the political and economic risks for Taiwan as a whole."

He said China pursues a long-standing "economic united front tactic," meaning Beijing is trying to "gradually increase Taiwan's economic independence on the mainland, and to undermine Taiwan's political bargaining position." Lee said China has "stepped up its economic united front tactics" since its missile tests and military exercises failed to intimidate Taiwan last year.

Lee became most animated near the end of the interview, when dealing with the question of "Asian values" as espoused by some regional leaders, including Malaysian Prime Minister Mahathir Mohamad, Hong Kong Chief Executive Tung Cheehwa and Singapore's founder and elder statesman, Lee Kuan Yew.

Those leaders, and other proponents of the "Asian values" theory, have suggested that Western-style democratic systems, with their emphasis on individual liberties, are unsuited for Asian countries that value consensus, community and solving problems without confrontation. Critics have said the "Asian values" proponents merely are offering excuses for authoritarian government.

Lee, who oversaw Taiwan's "quiet revolution" from authoritarianism to free-wheeling democracy, dismissed the idea that democracy is unsuited to Asia. "Asian people are people, are human beings," he said. "They have their culture and heritage and tradition—that's different. But you can't say human nature is different."

DISAPPROVING CANCELLATIONS TRANSMITTED BY PRESIDENT OCTOBER 6, 1997

SPEECH OF

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. THUNE. Mr. Speaker, I rise today in strong support of H.R. 2631. This bill is vital in correcting mistakes that were made in the President's line-item veto of the Military Construction Appropriations Act. I would also like to thank Mr. SKEEN for the introduction of this important resolution and Chairman PACKARD and Chairman HEFLEY for their hard work in bringing H.R. 2631 to the floor. Both the National Security and Appropriations Committees worked diligently to provide for the proper defense of our Nation with increasingly limited resources. In doing so, the House has made great strides in areas of quality of life, readiness, and military construction to support our Nation's military in spite of the current administration's national security policy.

The line-item veto power that the 104th Congress passed and the President signed is an important tool that, when used correctly, could serve to reduce our Nation's budget deficit. However, when that power is used carelessly, it not only devalues this budget tool, but as the use in the military construction bill and the defense appropriations bill demonstrates, it threatens to undermine important national security objectives.

On October 6, 1997, the President struck 38 projects from the Military Construction Appropriations Act for fiscal year 1998. This occasion marked the third time the President exercised the authority granted in the Line-Item Veto Act and the single largest use of that power to date. Of all 72 line-item veto transmissions, it is these 38 items which have caused the largest cry of concern from Congress. Failure to override these vetoes could erode the readiness or quality of life of our military personnel.

The concern that has come from Congress does not deal with the concept of the line-item veto. The concern instead stems from the seemingly haphazard manner in which it was applied to this bill. The President identified three new criteria establishing the worthiness of military construction projects that had never been used in the appropriations process.

The first criterion the President established was that the project must be in the President's budget. Over 85 percent of the canceled projects are actually in the administration's defense plan and each project was carefully screened by the authorizing committee. This criterion also attempts to invalidate Congress' role in the defense of our Nation. Each year

Congress must address shortfalls in the President's budget for areas such as military housing and National Guard construction. Failure to correct these annual shortfalls could damage the capability of our military forces.

The President's second criterion was more of a moving target. The second requirement initially was that the program must have completed all design specifications. Congress has historically used a 35 percent design completion criterion for inclusion in the appropriations process. This historical precedent was ignored by the President without consultation with or notification of Congress. When the administration realized appropriations typically include the funding for design completion, the criterion was changed to require that the ability to begin work on the project happen in the same fiscal year as appropriated. Again, the administration erred in judgment. In testimony before the House National Security Committee, Chairman HEFLEY indicated that each of the 38 canceled items could begin work in fiscal year 1998. This further highlights the folly of any of the 38 line-item vetoes.

The final criterion, that the project must impact quality of life, is not only the most ambiguous, but also the most widely ignored. There were few, if any, projects that did not in some way impact the quality of life for our service personnel. Some of the projects were required for training and readiness, others for the operation and maintenance of military equipment, others yet for mitigating dangerous working conditions that existed at military facilities around the Nation.

The President vetoed construction modifications to a dining hall in Montana where the current facility fails State health inspections. A facility at White Sands Missile Range in New Mexico was slated to have renovations completed with funds from the bill. This facility suffers documented safety hazards and is infested with rats. Despite these conditions, the President deleted the renovations from the bill. In my own State of South Dakota, the President's pen struck a hanger facility for an air ambulance squadron of the National Guard. The administration's actions would leave these helicopters and Guardsmen exposed to the same harsh weather that prompted three successive disaster declarations in the past year. Each of these projects are examples of mistakes caused by the President's new criteria.

These criteria were not only confusing to the authorizing and appropriating committees, but also to the administration and Pentagon officials that advised the President. This became evident when stories appeared in the press—and were later confirmed by the administration—that several projects had been vetoed by mistake. Originally it was believed only a few projects were cut by mistake, but that number quickly rose to 11. Then it escalated to 18. And now the Senate has indicated up to 28 projects were errantly vetoed. This problem is compounded by the Office of Management and Budget's inability to provide Congress with an exact accounting of errors that were made.

Should the President choose to reprogram funds this year to cover the mistakes, Government spending would not be reduced. The dollars Congress appropriated to the 38 vetoed items would go toward deficit reduction. At the same time, the President would fund those items with dollars taken from other worthy projects. Should the President instead decide to make these items a part of the fiscal year 1999 budget, the funds Congress appropriated for these items in fiscal year 1998 would still be spent on deficit reduction. The, next year, we would have to pay for them again. If we wait for the President to take action, the taxpayers would not save a dime. In fact, we run the risk of either taking funds from other valuable national security projects or having to pay for these 38 projects twice.

Congress has a tool to correct these mistakes. That tool is H.R. 2631. This disapproval resolution is not a referendum on the line-item veto. Instead, we are using the process the line-item veto law provides. If the legislative branch does not agree with the rationale for a veto, it is the body's obligation to let that be known. The disapproval resolution ensures that Congress maintains an active voice in the appropriations process.

This is a bill that is important for our military forces. Our service men and women support our Nation every day, putting their lives on the line in the defense of our Nation. They do not deserve to work in crampted facilities or to repair aircraft in subzero wind chills. Without this bill, that is what will happen. We need to support our military personnel.

It is important to reiterate that this is not a referendum on the line-item veto law. It is not a referendum on the administration. A vote in favor of H.R. 2631 is however a vote for fiscal common sense and for correcting admitted mistakes. I urge my colleagues to support this resolution and support our Nation's military personnel.

SUPPORTING THE CORPORATION FOR PUBLIC BROADCASTING

SPEECH OF

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. BECERRA. Mr. Speaker, I rise today to add my voice to the already loud chorus of Members supporting the $300 million funding level included in this year's Labor, Health and Human Services and Education appropriation bill for the Corporation for Public Broadcasting [CPB] for fiscal year 2000. This sum represents a $50 million increase over last year, but unfortunately an amount that only partially offsets the consecutive 3-year reduction in recent years.

However, while I am elated that the Congress has once again come to recognize the important role public broadcasting plays in our American life, we have neglected to properly and adequately fund programming dedicated to celebrating our multicultural country. In 1994, CPB committed to creating a formal partnership between the National Minority Public Broadcasting Consortia, television stations and other public broadcasting organizations to achieve this end, included in this effort is CPB's initiative Diversity 2000. Unfortunately, our goal has not yet been realized.

My sincerest hope is that this year's additional funding will enable CPB to endeavor toward creating the type of multicultural partnerships envisioned in the 1994 agreement. As our Nation changes, grows, and develops, public broadcasters, above all others, have a responsibility to mirror back to us our progress, our achievements, and our shortcomings. This effort can only be successful if broadcasters allow us to view the full panorama of our Nation and its cultures.

IRAN MISSILE PROLIFERATION SANCTIONS ACT OF 1997

SPEECH OF

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. HARMAN. Mr. Speaker, I am pleased that last evening H.R. 2709, the Iran Missile Proliferation Sanctions Act of 1997 introduced by my colleagues Mr. GILMAN and Mr. BERMAN, passed on the consent calendar. This legislation addresses a severely destabilizing development in the Middle East region: the acquisition by Iran of long-range missile capabilities—capabilities that threaten U.S. forces in the region, Israel, our NATO ally Turkey, and territory as distant as Central Europe.

H.R. 2709 takes a step beyond the concurrent resolution which passed last week in both bodies. That resolution urged the Administration to impose sanctions on Russian entities proliferating to Iran. As its author in this body, I believe that measure sent an immediate signal that continued cooperation between Russian entities and Iran in ballistic missile technology would not be tolerated.

This legislation does more. It adds a requirement that the President submit periodic reports to Congress identifying the entities providing Iran with missile technology. In so doing, the bill establishes a incontrovertible basis for imposing sanctions.

H.R. 2709 also allows the President to waive sanctions if there is subsequent evidence that an identified case of trade with Iran did not assist Iran's missile program. And, the legislation grants the President authority to waive sanctions if he determines that doing so is essential to U.S. national security.

Thus, this legislation is the logical next step to the resolution adopted by both houses of Congress last week. Where the first measure urged the Administration to consider sanctions, this bill specifies parameters for doing so.

Mr. Speaker, credible estimates indicate that Iran may be only one year away from fielding a missile of 800 mile range, the so-called Shahab-3, and less than three years away from a missile of 1,240 miles range, the Shahab-4. Even more troubling, these missiles could be armed with chemical, biological, or nuclear weapons—capable of wreaking mass destruction on wide areas.

If we thought Iraqi SCUD missiles posed a danger during the Persian Gulf war of 1991, we must show even greater concern regarding this new threat from Iran. We must use all the tools at our disposal to prevent it—and sanctions are one such tool. I commend my colleagues for authoring this legislation.

HUMAN RIGHTS ISSUES IN NORTHERN IRELAND

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SMITH of New Jersey. Mr. Speaker, as everyone is aware, the British and Irish Governments face an unprecedented opportunity to achieve real peace in Northern Ireland. For the first time since the partition of Ireland in 1922, all parties are participating in peace talks while a cease-fire is in effect.

The Subcommittee on International Operations and Human Rights, which I chair, has held two hearings on human rights abuses in Northern Ireland and on the prospects for improved human rights conditions as part of the current peace talks. At our hearings, international and American human rights experts, as well as victims and relatives of victims, provided compelling and eye-opening testimony about human rights abuses, the disregard for the rule of law, and the personal tragedies people in Northern Ireland have endured. All of our witnesses welcomed the interest and support of the U.S. Government and affirmed that American standards and ideals are critical to the success of the process.

After the first hearing, I led a human rights, peace mission to the north of Ireland. I met with leaders from political parties on all sides of the conflict and with key officials in the Government, including Secretary of State Mo Mowlam. I was pleased by Secretary Mowlam's intimate understanding of the human rights concerns and remain hopeful that human rights protections will be afforded to members of all communities in Northern Ireland.

While optimistic, I remain cautiously optimistic.

Unfortunately, not even the best of intentions guarantee that the final agreement will genuinely protect human rights. In peace processes around the world, most recently in Bosnia, and Guatemala, we have seen that the atmosphere at these negotiations, the pressure to get an agreement, and the reluctance to reopen old wounds can have the unfortunate side effect of making human rights an afterthought rather than a central element to the agreement.

I submit for the RECORD today, Mr. Speaker, my bill as amended, House Concurrent Resolution 152 which condemns violence and urges the participants of the multiparty talks in Northern Ireland to fully integrate internationally recognized human rights standards as part of the peace process. This resolution, which has broad bipartisan support and has been approved by the full International Relations Committee, puts Congress on record supporting human rights reforms in Northern Ireland. The text of the resolution is a culmination of information gathered on the trip and at the hearings. It identifies abuses and pronounces concrete recommendations for advancing human rights and building a lasting peace in Northern Ireland.

In addition to condemning the violent crimes of paramilitary groups on both sides of the conflict, House Concurrent Resolution 152 addresses the failures of the British Government. Notwithstanding the abuses perpetrated by partisan paramilitary forces, or by the police for that matter, we must remember that the central responsibility for protecting rights and maintaining the rule of law belongs to the Government—which in this case, at this particular time, is the British Government. When governments resort to methods that are illegal, unjust, or inhumane, even when these methods are seemingly directed against the guilty or the dangerous, the effect is not to preserve law and order but to undermine it.

It is particularly saddening that the British Government, America's trusted ally, is the object of serious and credible charges of disrespect for the rule of law in the north of Ireland. All of the major human rights organizations, Amnesty International, Lawyers Committee for Human Rights, Human Rights Watch have been particularly critical of pervasive restrictions on the due process of law in Northern Ireland and they have testified that law enforcement officials of the United Kingdom, members of the Royal Ulster Constabulary, tolerate, and even perpetrate some of the gross abuses that have taken place in the north of Ireland.

Under emergency legislation applicable only to Northern Ireland, police have expansive powers to arrest and detain suspects and to search premises without a warrant. In addition, the Government can suspend the right to trial by jury—the much maligned Diplock Courts System—and the universally recognized right to be preserved from self-incrimination has been abridged.

It seems to me that the power to arbitrarily arrest, detain, intimidate; the power to deny timely and appropriate legal counsel; and the power to compel self-incrimination is an abuse of power normally associated with our adversaries, Mr. Speaker, not our allies.

Thus the resolution is a wake up call to our friends. Friends don't let friends abuse human rights.

Witness after witness at our hearings expressed a fear that as political issues are addressed, universal human rights such as the right to silence, the right to jury trial, the right to attorneys, and the right to work free of discrimination, just to name a few, will be neglected.

My resolution, which has broad bipartisan support, notifies negotiators in Belfast that the U.S. Congress believes that there must be reform on human rights issues if genuine peace is to be achieved. The resolution condemns political violence and recommends:

The establishment of a bill of rights for all citizens of the North;

A "Truth Commission", with international input, to investigate outstanding human rights abuses;

The repeal of the so-called "emergency legislation" which has limited human rights in Northern Ireland for over 25 years;

The establishment of a truly independent complaints mechanism for citizen inquiries regarding the Royal Ulster Constabulary (RUC) and other security forces; and

A ban on plastic bullets.

Mr. Speaker, House Concurrent Resolution 152 has been reviewed and endorsed by the major human rights groups, such as Amnesty International, Human Rights Watch, British Irish Rights Watch, the Committee on the Administration of Justice, and the Lawyers Committee for Human Rights. In addition, the Irish National Caucus, the Ancient Order of Hibernians, and the Hibernian Civil Rights Coalition have all urged swift passage of this Northern Ireland Human Rights Resolution.

We have an obligation to do all that we can to ensure that this historic opportunity for the promotion and establishment of human rights for everyone in Northern Ireland is not squandered. I have been advised by leadership staff that when Congress reconvenes in January, we will look to move House Concurrent Resolution 152. In the meantime, it is my sincerest hope that negotiators at the current talks will heed our call for addressing outstanding human rights violations and fully integrating human rights standards as part of the peace process. Without a strong human rights foundation, it is unlikely that any proposed peace settlement will be just or lasting.

I ask that House Concurrent Resolution 152, as amended, a list of current cosponsors, and a fact sheet of comments made by human rights groups about the resolution be made part of the RECORD.

HUMAN RIGHTS GROUPS ENDORSE H. CON. RES. 152

Amnesty International, Human Rights Watch, British Irish Rights Watch, Committee on the Administration of Justice, Lawyers Committee for Human Rights and others urge passage of Northern Ireland Human Rights Resolution.

"Human Rights Watch fully supports the resolution now being considered for passage by the Congress regarding human rights in the Northern Ireland peace process. The resolution rightly recognizes the gravity of past violations and the role that such abuses have played in perpetuating the conflict . . . the resolution is a signal that Congress is eager to prevent the same lack of attention to human rights issues which has doomed other peace processes and may threaten the success of the Northern Ireland peace process if action is not taken now . . . We heartily endorse the resolution."—Human Rights Watch

"Amnesty International welcomes the resolution proposed by the Congress which situates the centrality of human rights within the peace process and raises a number of key concerns which are in line with many of our own concerns. The recommendations [in the resolution], if acted upon, would make a significant contribution to developing a lasting peace in Northern Ireland."—Amnesty International

"We very much welcome this resolution. It's the first document of its kind that we have seen that does acknowledge the role that human rights must play in the Northern Ireland peace process. The individual issues that it raises are all matters of burning concern to the people of Northern Ireland."—British Irish Rights Watch

"Any effort by Congress to raise these [human rights] issues is particularly welcome and deserves widespread support. In that regard, the initiative taken by Chairman Smith and supported by other members in relation to the resolution on these issues and others is particularly welcome . . . it would be helpful if the concerns of Congress on these and other human rights could be raised with the British and Irish governments, Senator Mitchell, and with the U.S. administration . . . We look to the resolution

receiving widespread support and are grateful for the efforts of Congress and hope they will continue."—Committee on the Administration of Justice

"We join in your call expressed in the concurrent resolution for repeal of emergency laws and the establishment of a mechanism for independent investigations of threats and intimidation of solicitors. We urge Congress to . . . continue to press its concerns about human rights in Northern Ireland . . . "—Lawyers Committee for Human Rights

H. CON. RES. 152

Expressing the sense of the Congress that all parties to the multi-party peace talks regarding Northern Ireland should condemn violence, adequately address outstanding human rights violations and fully integrate internationally recognized human rights standards as part of the peace process.

Whereas approximately 3,000 people have died and thousands more have been injured as a result of the political violence in Northern Ireland since 1969;

Whereas the denial of human rights has been at the heart of the violence and the conflict in Northern Ireland;

Whereas the Department of State's Country Reports on Human Rights Practices for 1996 states that both Republican and Loyalist paramilitary groups have engaged in vigilante punishment attacks and the exile of informers "by force";

Whereas the Department of State's Country Reports on Human Rights Practices for 1996 also states that members of the Royal Ulster Constabulary (RUC), Northern Ireland's police force, have committed human rights abuses;

Whereas emergency legislation, namely the Northern Ireland Emergency Provisions Act and the Prevention of Terrorism Act, have provided the RUC with sweeping powers to arrest and detain suspects without being charged, deny them access to counsel for extended periods of time, and search their premises without a warrant;

Whereas an unnecessary reliance on emergency powers and the absence of jury trials in Diplock courts has created significant problems in the judiciary in Northern Ireland, including a dependency on confessions obtained through abusive police tactics and the acceptance of uncorroborated police statements;

Whereas these Diplock courts have, among other abuses, violated the right to remain silent and have inconsistently applied the controversial doctrine of common purpose, convicting people such as Sean Kelly and Michael Timmons on the premise that they should have anticipated the actions of others around them;

Whereas the United Nations Committee Against Torture, the United Nations Human Rights Committee, the European Court of Human Rights and the United States Department of State's Country Reports on Human Rights have raised serious concerns about mistreatment of detainees in Northern Ireland in prisons and in special holding centers where confessions have been forced from people such as William Bell under duress;

Whereas the emergency laws have also led to life threatening intimidation of defense attorneys and interference in the attorney-client relationship;

Whereas the government authorities have failed to provide an effective means of independently investigating threats against solicitors and complaints of police harassment and abuse raised by citizens and solicitors;

Whereas the murder of Patrick Finucane, a leading defense and civil rights solicitor, is just one case in which the government has refused to release the findings of its inquiries and has ignored the call for independent public inquiry for the purposes of identifying responsible parties;

Whereas in contravention of internationally recognized standards and despite criticism by the United Nations Committee Against Torture and the European Parliament, the British Government uses plastic bullets only in Northern Ireland and in a way that appears sectarian;

Whereas Catholic males are more than twice as likely as Protestant males to be unemployed, and a series of important proposals concerning employment equality await serious attention by the government;

Whereas the 1985 Anglo-Irish Agreement, the 1993 Joint Declaration, and the 1995 Framework Document were signed by the British and Irish Governments and have led to the multi-party talks aimed at facilitating justice, peace, stability, and an end to violence in Northern Ireland;

Whereas the multi-party talks, attended by the representatives of the British and Irish Governments and representatives elected from the political parties and chaired by former United States Senator George Mitchell, resumed on September 15, 1997;

Whereas for the first time since the partition of Ireland in 1922 both sides of the conflict are attending multi-party peace talks creating a momentous opportunity for progress on human rights concerns; and

Whereas the objectives of the United States, which has contributed to the International Fund for Ireland, has always been to help facilitate a just and lasting peace based on a guarantee of human rights and fair employment opportunities for members on all sides of the conflict: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress condemns the violence committed by paramilitary groups on both sides of the conflict in Norther Ireland and, at times, by agents of the British Government, as illegal, unjust, and inhumane;

(2) the Congress commends and supports the new leadership in both the British and Irish governments for fostering a new environment in which human rights may be addressed and an agreement may be reached expiditiously through inclusive talks;

(3) the Congress commends the work of former United States Senator George Mitchell, who as the Independent Chairman of the talks has authored the "Mitchell Principles", signed by all participants, rejecting violence and emphasizing democratic, peaceful means for resolving the outstanding political issues; and

(4) it is the sense of the Congress that—

(A) human rights abuses have been at the heart of the conflict in Northern Ireland and respect for human rights must now be at the heart of the peace process;

(B) human rights should be protected for all citizens in a society and any peace agreement in Northern Ireland must recognize the state's obligation to protect human rights in all circumstances;

(C) the establishment of a bill of rights for the people of Northern Ireland may advance and strengthen the peace process;

(D) the multiparty negotiations should consider the feasibility of establishing an independent "Truth Commission", with international input, to look into outstanding cases of human rights abuses committed by all sides of the conflict, giving special consideration to those who have been unable to obtain full disclosure about how their loved ones met their deaths;

(E) during this unprecedented period of peace and all party talks, emergency legislation that limits human rights should be repealed;

(F) a truly indpendent compliants mechanism for the review of citizen inquiries regarding alleged abuses of the Royal Ulster Constabulary (RUC) and other security forces should be established;

(G) there should be a mechanism by which all defense solicitors have a vigorous independent investigation of threats they receive and are accorded effective protection; and

(H) plastic bullets hould be withdrawn from use in accordance with the recommendations of the European Parliament and many other international and local bodies.

H.R. 1280: SUNSHINE IN THE COURTROOM ACT

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. CHABOT. Mr. Speaker, I would first like to thank all of my colleagues for their continued support of the effort to bring sunshine into our courts. Because of this dedicated bipartisan effort to bring cameras into our Nation's Federal courtrooms, this issue has become very familiar to legislators, attorneys, the media and the public. Again, I thank my colleagues for their efforts.

I would like to emphasize to the American people and to members of Congress the importance of passing H.R. 1280, the Sunshine in the Courtroom Act. This Act, which Congressman SCHUMER and I introduced in April, allows for the photographing, electronic recording, broadcasting, and televising of Federal court proceedings at the discretion of the presiding judge. Its passage in the next session of this Congress would protect the right of every U.S. citizen to see their judicial system at work and ensure the accountability of our Federal judges.

Proceedings on the floor of the House of Representatives, as well as the Senate, are open to all citizens through C-Span, and the local and national television news, allowing the American people to stay appraised of the actions of the legislative branch of the Government. Why then, should the judicial branch be any different? Members of the Congress are elected every 2 to 6 years, Federal judges are appointed for life. Lifetime tenure for unelected officials confers a tremendous amount of power. The American people deserve to see for themselves what is happening in Federal courtrooms. I don't think anyone should be denied that right.

One of the many clear benefits that cameras will bring to our Federal courts is a more open system, which will generate more faith in our judicial system. Chief Justice Berger once wrote, "People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing." In many ways, the Federal courts were intended to be, and are, the most majestic and deliberative institutions

of our Government. Why should our constituents not be allowed access to those institutions?

Look across the street any day that the Supreme Court is in session. Hundreds, sometimes thousands, of Americans amass hoping to be lucky enough to gain admittance to an argument before our Nation's highest court. Some are tourists, visiting the Nation's capital. Some are students on a school trip. All will see the impressive building that houses the Court, but most will not see the actual proceedings that occur inside.

Why should the American people be kept in the dark? Why should they be forced to rely on the news media to interpret and filter the proceedings when, if cameras were allowed, they could watch it for themselves? As Judge Robert Bork has written, "There is often great value in the public seeing the reality of the legal system or of a particular case rather than being left with unchallenged myth and media distortions. The courts are a public institution * * *". The public needs to know that our judicial system is strong, stable and trustworthy.

Another benefit of cameras is the effect that they will have on curbing judicial activism. Federal judges are appointed to interpret the laws set forth by the Constitution of the United States. Unfortunately, there seems to be a disturbing trend in the judicial system. Some judges have reached far beyond their Constitutional authority in recent years and begun to make their own laws. They seem to thrive on twisting the laws passed by Congress, and the Constitution, ignoring its plain meaning and in some cases extrapolating new doctrines. We need to hold judges accountable for their actions and decisions in our courtrooms. One of the best ways to do this is to keep the judicial system under the scrutiny of the public eye. We, all of us, as citizens and particularly as lawmakers have the absolute responsibility to ensure that the balance of powers is being respected by the third branch just as they scrutinize Congress and the executive branch.

From civil rights to religious rights to property rights, to domestic tranquillity, the decisions of our Federal courts impact our constituents, shaping their lives and their liberties. Out constituents are able to watch C–SPAN to observe how these laws are formulated; they should be able to see how they are interpreted, as well.

I would also like to address a concern of open courtroom opponents by entering into the RECORD an excerpt of a letter I recently received from Fred Goldman, father of murder victim Ron Goldman. "The courts belong to the people and the public must have the right to see the process for themselves. Sometimes the system works and sometimes it does not. In either case, the public should have the ability to see for itself. Camera opponents love to argue that the camera's presence in the criminal trial of Ron's killer was somehow to blame for his acquittal. I know this is a popular argument, so I want to state clearly and for the record that I think this is wrong. We sat in the courtroom throughout the trial and we know the camera was not to blame."

Fred Goldman has endorsed the Sunshine in the Courtroom Act and I want to thank him for his support.

It also is important to remember that H.R. 1280 does not force Federal judges to admit cameras in every Federal court case regardless of circumstance. Instead, this legislation grants the presiding judge the power to decide in each specific case whether he or she will allow cameras in the courtroom. This allows judges to protect those who need the privacy of a closed courtroom, such as children, victims of sexual assault, and other sensitive cases in which the identity of those involved in the trial need to remain confidential or where there is reasonable concern or disruption.

Finally, Mr. Speaker, 48 States have found that cameras work in their courtrooms. In my own State of Ohio, for example, Chief Justice Moyer has been at the forefront of pushing for camera access. In his words, "* * * our opportunities to educate the public about the nature of our work are greatly enhanced by television. Given the technological advances of video equipment and satellite communications, we now have the emergence of Court TV * * * we long ago established the principle of open courtrooms with trials in full public view. Cameras are simply the logical progression of the tradition. If we are truly sincere about our efforts and desire to make the public more aware about the work and role of our courts, cameras must be a part of the process."

Mr. Speaker, this Congress must commit itself to passing H.R. 1280 into law next session. Parts of this important legislation have already moved through subcommittee, and I will be working hard to ensure that the bill continues to move forward, either as part of other legislation or as a stand alone bill. I continue to believe, along with many of my distinguished colleagues from both sides of the aisle, that cameras in Federal courts is key to the judicial branch being accountable and accessible to the American public.

The Sunshine in the Courtroom Act works to keep the American people informed about their Government, a government supported with their tax dollars. It is time to bring sunshine into our Federal courts. We have waited long enough.

THE SOCIAL SECURITY BENEFIT RESTORATION ACT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation addressing a serious issue for retired teachers and government employees across America. These public servants, after a lifetime of educating our youth and working for the taxpayers of America, find that their reward is a significant reduction in their Social Security benefits. It is time to end this penalty and give these retirees the benefits they are due.

Retirees drawing a benefit from a private pension fund do not have their Social Security benefits reduced. Why should we do this to civil servants? We should be encouraging able and intelligent people to teach our children and work for the government, not discouraging them by slashing their retirement benefits. We must bring equity to the Social Security benefits of private sector and public sector retirees.

This legislation, the Social Security Benefit Restoration Act, will bring this equity to retirement benefits. This bill will simply eliminate the public sector benefit penalty enacted in 1983 and allow all civil servants to draw full Social Security benefits.

I urge my colleagues to join me in cosponsoring this legislation. For every retired government employee and retired teacher in your district experiencing reduced Social Security benefits, I urge your support for this bill.

20TH ANNIVERSARY OF LATINO YOUTH DEVELOPMENT, INC.

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. DeLAURO. Mr. Speaker, it is my great pleasure to recognize the 20th anniversary of Latino Youth Development [LYD], Inc., on Friday, November 21, 1997. That evening, LYD is celebrating this milestone with a special dinner in New Haven, CN.

LYD began in 1977 as a small youth program called Puerto Rican Youth Services. Now, 20 years later, LYD is widely considered the premier organization serving Latino youth in the city of New Haven.

Latino Youth Development, Inc. plays a unique role in the New Haven community by reaching out to and serving as a support system for Latino youth and their families. LYD provides educational, social, cultural, and recreational programs to the Latino community in New Haven.

I come from a family of immigrants. I am a first generation Italian on my father's side and a second generation Italian on my mother's side. So, I have some personal experience with the challenges immigrants face in this country. The barriers of language and the prejudices of some members of the community can be discouraging to someone just trying to find a way to raise a family and make ends meet. I wholeheartedly support efforts to assist and support working families, and I find the efforts of LYD to provide educational and employment opportunities to the Latino community particularly commendable.

I would also like to personally commend the four individuals being honored at the LYD dinner: Andrea Jackson-Brooks, a longtime member and personal friend; Dennis Hart, director of the organization for 7 years; Judith Baldwin, who has been instrumental in assisting the agency in adult programming; and Alderman Jorge Perez, who represents the Hill area of New Haven where LYD is located.

I share LYD's goal of seeing Latino members of our community prosper and become productive citizens of our community, able to assist others in positive development. I congratulate LYD on its 20th anniversary and I wish its members the best of luck in all their future endeavors.

ON LIFTING THE ENCRYPTION EXPORT BAN

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. ADAM SMITH of Washington. Mr. Speaker, I rise today to speak about an issue that is very important to me—lifting unfair export controls on encryption technology.

Mr. Speaker, protecting our National Security interests is among my highest priorities. If I thought controlling encryption exports worked toward this end, I would be its strongest proponent. Unfortunately, export controls on encryption software simply disadvantage the United States software industry.

Under current law the United States allows only 40 bit encryption codes to be exported, although software companies sell encryption codes of up to 128 bits everywhere in the United States. Forty bit encryption technology is so elementary, it took a graduate student a mere 3½ hours to break a code last January. Fifty-six bit encryption is 65,000 times more difficult to decode than 10 bit encryption and it only took students three months to break the encryption code. One hundred twenty eight bit encryption has not been broken yet.

Naturally, foreign companies do not want to buy 40 bit encryption software, because it is so vulnerable and insecure. The possibilities for "computer hackers" to break into the system and wreak havoc are enormous and dangerous. Therefore, foreign companies are purchasing high-level encryption from foreign software providers instead of American ones.

The international demand for encryption software is growing exponentially because of the tremendous rise in electronic commerce. For instance, German Economics Minister, Guenter Rexrodt, said, "Users can only protect themselves against having data manipulated, destroyed, or spied on by strong encryption procedures * * *. That is why we have to use all of our powers to promote such procedures instead of blocking them."

Our export restraint has not kept the technology from proliferating. It has merely allowed foreign producers of strong encryption technology to fill the vacuum. In fact, American companies are partnering with foreign firms to distribute their software—taking jobs and revenue with them.

American-owned Sun Computers has recently joined with a Russian software company to avoid the U.S. export ban and sell to foreign markets. Foreign companies can also purchase American-produced 40 bit encryption technology and upgrade it in their own countries to 128 bit encryption technology. This "add-on" industry is among the fastest growing software industries in Europe today. Clearly, if someone wants high-level encryption technology, he or she can easily obtain it.

The ability to obtain both powerful and affordable encryption will now become easier with recent developments in Canada. The Canadian Government includes encryption software in decontrolling mass market software under the Generic Software Note. This means any software sold over-the-counter, by mail or on the phone may be exported without limits. Entrust, a Canadian software company, is freely marketing and selling internationally a 128 bit encryption program right now. It sells for less than $50, and Entrust provides a version of the encryption technology free on the Internet. Even our most steadfast ally sees that export controls can no longer help stem the overwhelming demand and spread of unbreakable encryption.

Mr. Speaker, if the United States continues to impose these restrictive export bans on its own companies, "foreign competition could emerge at a level significant enough to damage the present U.S. world leadership" in the software industry, according to the National Research Council's blue-ribbon panel on encryption policy. If our export ban continues, the United States will not be the worldwide leader on encryption technology for long, and that would be a true risk to our national security.

I strongly oppose any unilateral sanctions or regulations that put the United States at an unnecessary disadvantage. Our current export ban on encryption software is a perfect example, and I intend to continue the fight to change our policy and allow the United States to compete in the global software market.

HUNTER SCOTT VINDICATES CAPTAIN McVAY

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SCARBOROUGH. Mr. Speaker, I want to call the attention of my colleagues to the work of 12-year-old Hunter Scott, from my hometown of Pensacola, FL. Hunter was recently featured on the NBC Nightly News "American Spirit" segment for his work in vindicating Captain McVay, skipper of the U.S.S. *Indianapolis.*

Captain McVay was commander of the World War II heavy cruiser, the U.S.S. *Indianapolis.* On July 30, 1945, after delivering the atom bomb to the *Enola Gay* on the Pacific Island of Tinian, the U.S.S. *Indianapolis* was torpedoed by the Japanese sub I–58, and sank in 12 minutes. The first torpedo knocked out all power, the SOS was ignored. Since arrivals of combat ships were not then reported, no one knew the ship was sunk. Of the 1,196 men aboard, 300 went down with the ship. After 4½ days without food or water, they were discovered by chance. Only 316 survived the shark attacks in the Philippine Sea.

McVay was court-martialed and convicted on a micro-technicality, making him the only skipper in history court-martialed for losing his ship in combat. Survivors felt their captain was a scapegoat and, with the McVay family, have tried unsuccessfully to vindicate him for years. Captain McVay committed suicide in 1968, and the guilty verdict still stands.

One year ago, Hunter saw the movie "Jaws," and was so taken by Captain Quint's soliloquy on his hatred of sharks due to being a shark bitten *Indy* survivor, he decided to find out more. He placed an ad in a military based newspaper at Pensacola Naval Air Station, searching for survivors. He discovered 80 survivors, and became aware of five books and documentaries highlighting Captain McVay. Hunter took the extraordinary step of interviewing survivors, examining documentary evidence and beginning his personal mission to search out the truth.

Hunter Scott, who now aspires to be a Navy Blue Angel, explains that the action taken against Captain McVay was misguided. He has focused a tremendous amount of effort and energy on clearing the good captain's name.

Hunter has requested Congress' support his efforts to expunge the court-martial from Captain McVay's record. I hope my colleagues will join me in supporting the efforts of this tremendous young man.

An even greater wish of mine is that Hunter Scott's example of courage and diligence in seeking the truth will be followed not only by his peers but also by adults inside Congress and across America.

REMEMBERING THAT FREEDOM COMES AT A PRICE

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MORAN of Kansas. Mr. Speaker, last Tuesday, Veterans Day, millions of Americans were afforded the opportunity to remember and express our sincere gratitude to those who have served in defense of our Nation.

It was a day to honor great sacrifices, celebrate heroic victories, and to renew their commitments to our Nation's Veterans.

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and lasting peace, among ourselves, and with all nations."

These words are taken from President Abraham Lincoln's second inaugural address and sadly read again just two months later over its author's grave. The excerpt "to care for him who shall have borne the battle, and for his widow, and his orphan," now lays etched in stone on the plaque of the Veterans Administration building in Washington reminding us of the debt we owe to those who have defended our land in times of both war and peace.

On Veterans Day we honor those individuals who set their own aspirations aside to serve their country in defense of freedom and liberty. Our duty is not only to ensure that wreaths are placed on the graves of those who paid the ultimate sacrifice, nor is it only to fly our nation's flag in honor and support of current service members; it is our duty to care for the soldier and his dependents who continue to bear the effects of battle.

In our history, more than one million American men and women have died in defense of our nation. If these now-silent patriot's have taught us anything, it is that because of the men and women who were willing to sacrifice their last blood and breath, the United States

remains a symbol of freedom and a country whose ideas are still worth defending.

Veterans Day is a day of national respect. We should not forget those who have allowed us to enjoy that which we have today. More than ever, we must rededicate ourselves to honor the lives and memory of those who served, fought, and often died.

How might we best recognized these American heroes? We should pause to give them thanks for safeguarding our liberties. We should pledge to carry out the civic responsibilities of citizens living in a free country. And we should exercise those loyalties by demonstrating our respect for both our living Veterans and those in their final resting places. It is so little to ask of us when they have given so much.

Veterans are the unsung heroes who define our American heritage, ordinary citizens who did their duty. And to those who have fallen, let us remember that freedom is never free and that we can never adequately express our thanks to those who could not return to us.

THE RETIREMENT OF DEAN SMITH

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PRICE of North Carolina. Mr. Speaker, in March I stood before the House to honor Dean Smith for winning more games than any other coach in the history of college basketball. I stand again today to honor him in his retirement.

In his 36 years of coaching at the University of North Carolina, he has stressed academics and winning the right way. He has demanded that the game be played well. He is a teacher. And he has always given back to our community. I first knew him in my student days in the 1960's as an active churchman and champion of racial justice. Throughout his career, he has remained humble in the face of overwhelming achievement—always sharing the credit with others and vigorously staying clear of the spotlight. It is with great pride that I rise today to shine that spotlight on the accomplishments of a remarkable man.

Dean Smith is a monument to coaching excellence: 879 victories, 2 national championships, 11 trips to the Final Four, 27 straight 20-victory seasons. At North Carolina, he has coached 30 All-Americans. However, his excellence goes beyond this impressive record. He enjoys the loyalty of fans and the devotion of his players. Michael Jordan thinks of his former coach as "a second father." Indeed, Smith is the patriarch of an extended basketball family. In the weeks since his retirement, members of that family—the former players Smith touched and the fans to whom Smith brought so much joy—have been struck by mixed emotions.

We support his decision and wish him happiness in his retirement. Yet part of us wants him to stay forever. Hand-made signs hang in the storefronts and dorms of Chapel Hill begging Smith not to go. He is a legend that has brought pride and distinction to the University of North Carolina.

His presence in college basketball is best described by a comment made by Coach Jim Valvano moments after his North Carolina State Wolfpack won the national championship in 1983. Valvano remarked: "This'll be really big news back home. Unless Dean Smith retires tomorrow. * * *"

Mr. Speaker, I come from a state where college basketball loyalties assume fanatical proportions. But competing allegiances aside, we can all recognize Dean Smith's unparalleled success on the court, his devotion to his players, and his fundamental decency as a human being. We wish him well.

SPECIAL RECOGNITION TO DR. LAWRENCE H. EINHORN, INDIANA UNIVERSITY SCHOOL OF MEDICINE

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. CARSON. Mr. Speaker, Dr. Lawrence H. Einhorn of the Indiana University School of Medicine at Indianapolis was recently awarded the 1997 International Citizen of the Year Award by the International Center. Dr. Einhorn, a highly distinguished professor of medicine has demonstrated unparalled expertise in cancer education, research and treatment. The award distinguished Dr. Einhorn for his contribution in the world in concert with medicine, government, sports, community service, research, culture, education and business.

His renowned success was made in the creation of chemotherapy treatment to cure disseminated testis cancer in 1974. This method led to a remarkable reduction in what had been a devastating disease. In partnership with Dr. John P. Donahue at the School of Medicine, 95 percent of those afflicted with testis cancer that are treated at a major medical clinic survive.

Dr. Einhorn's dedication to medicine can also be seen in his previous achievements. Besides being chairman of numerous cancer study groups, clinical associations and serving as associate editor for several medical journals, he has received awards and shared his knowledge throughout America and the world. Not only has he accepted the highest honors from the American Association for Cancer Research and the American Society of Clinical Oncology, he also won the French Jacquillat Award.

We have all benefitted from Dr. Einhorn's research, commitment and accomplishments in the fight against cancer. I am pleased to congratulate him on his most recent honor, as it adds to the host of other awards he has won. I am confident that this recognition will serve as one of many along his career.

We are most proud of Dr. Einhorn and his successful endeavors in behalf of patients now and in the future.

FAST-TRACK TRADE AUTHORITY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. COSTELLO. Mr. Speaker, I am pleased that President Clinton and Speaker GINGRICH have decided not to ask for a vote on fast track trade authority in 1997. I strongly opposed fast track authority. Fast track paves the way for trade agreements which would continue a disturbing trend in America: we used to make products in this country and export these superior goods abroad; but now, American companies use foreign labor in foreign countries to make the products they sell here. This legislation fails to address human rights, food safety, environmental regulations, or protect American workers. This, Mr. Speaker, is the worst kind of public policy.

Presumably, one of the main reasons for fast track authority is to expand the North American Free Trade Agreement [NAFTA]. After 3 years, NAFTA has cost hundreds of thousands of American jobs and failed to improve environmental conditions along the Mexican border. I did not support NAFTA then, and I will not support expanding it now.

In light of recent cases of contaminated strawberries, raspberries, and beef, consumers are growing more concerned with the safety of the food we eat. Food-borne illness is on the rise around the world in part because of the "globalization" of the food supply. Imported food is over three times more likely to be contaminated with illegal pesticide residues than food grown in the United States. Stronger proconsumer language in any fast track legislation would correct this oversight, however, the provisions of the proposed fast track authority would have greatly restricted the United States' ability to protect the public from unsafe food.

I believe that trade agreements should be subject to moral and ethical standards. There are 1.3 billion people around the world living on less than $1 a day. The proposed fast track legislation did not include provisions to reduce child labor or decrease poverty and inequity throughout the developing world. U.S. trade policies and negotiations should seek to change this reality.

This proposal also failed to address necessary environmental standards. Since the passage of NAFTA, the degradation of the environment along our border with Mexico has escalated. By not requiring other nations to increase their environmental standards, we are putting American products, which are subject to stronger environmental rules, at a disadvantage in the competitive marketplace.

Labor rights have been a primary U.S. trade negotiating objectives since the 1988 Omnibus Trade Act. Unfortunately, this proposal provided absolutely no protection for American workers. NAFTA resulted in a loss of almost 17,000 jobs in Illinois and 420,000 jobs nationwide. Workers have reduced bargaining power under this agreement as employers use threats of moving jobs to lower wage-paying

nations in order to lower worker contract demands. Unlike fast track authority that has existed in the past, this fast track proposal actually limited the labor provisions a trade agreement can address. There is no doubt about it: this proposal would have hurt American workers.

CITY OF HOPE NATIONAL MEDICAL CENTER

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PACKARD. Mr. Speaker, I rise today in support of an important initiative being developed by City of Hope National Medical Center in Duarte, CA. A nationally recognized leader in the research and treatment of cancer, City of Hope proposes to implement a demonstration of a combined Bone Marrow Transplantation/Radioimmunotherapy [BMT/RI] research and treatment program, dedicated to maximizing the effectiveness of BMT/RI therapy in curing cancer.

Today, one of the most effective treatments in the fight against cancer is Bone Marrow Transplantation. In the United States today, approximately 25,000 patients receive bone marrow transplants as curative treatment for diseases such as lymphoma, leukemia, breast cancer and ovarian cancer. That figure is expected to increase by 30 percent annually, as physicians and researchers learn more about how these debilitating and fatal diseases can be cured with aggressive transplant therapy. In addition, BMT therapy is also being actively explored as a means of conferring resistance to fatal viral infections, including HIV and also for the amelioration of chronic disorders of the immune system such as multiple sclerosis.

The City of Hope National Medical Center and Beckman Research Institute is one of the advanced BMT and stem cell treatment and research centers in the world. Presently, City of Hope is the largest provider of BMT services in California, as well as the largest provider of BMT services to Hispanic Americans in the United States. Innovative research and development at City of Hope led to recent improvements in BMT technology which have resulted in a dramatic shift of therapy from the inpatient to the outpatient setting. This shift has produced significant savings in the cost of health care services and has increased patient access to this lifesaving technology. Complementing its BMT program, City of Hope has the premier Radio-immunotherapy program in the nation. The design, synthesis and production of reagent grade radio labelled smaller antibodies used in initial clinical trials have successfully demonstrated improved efficacy in targeting tumor cells. These synthetic molecules are now ready to be used to selectively deliver deadly radioactivity to cancer cells throughout the body with low toxicity as part of curative bone marrow transplantation.

The development of curative BMT/RI therapy is expected to lead to clear increases in cancer survivability rates and is expected to greatly reduce the pain experienced by cancer patients while tempering the often severe side effects of current therapy. Because the majority of BMT/RI therapy will be rendered in an outpatient setting, its development is consistent with the goal of achieving meaningful medical breakthroughs without a concomitant exorbitant cost.

Mr. Speaker, I commend the efforts of City of Hope National Medical Center to develop this cutting edge treatment for cancer patients and pledge to support their efforts to win Federal funding for this critical demonstration when Congress returns in January. It is my firm belief that such an investment would demonstrate critical support by the Federal Government for a much needed and valuable research and treatment program that could have a curative effect on many forms of cancer which affect American lives daily.

HONORING RUTH CALVERT FITZGERALD

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor Ruth Calvert Fitzgerald, the president and CEO of the Will County Chamber of Commerce in Joliet, Illinois as she resigns from her position of twelve years. Ruth is relocating to California with her husband, Joe, in pursuit of her passion to design jewelry.

Ruth made a decision in 1985 to leave her position in Spartanburg, South Carolina to take on the task of rebuilding a badly damaged local economy in Will County, Illinois. Ruth has an uncanny ability to forge relationships with people, setting the foundation on which to build the alliance and networks necessary for progress. Solidifying a ring of support from local government officials, community leaders, and private citizens, Ruth engineered an economic recovery program which serves as a model for any community working to rebuild. Ruth has steered the Joliet and Will County communities away from impending economic destruction to become what is now the fastest growing county in Illinois.

With Ruth at the helm, Will County has seen 1,000 new businesses locate in Will County. In addition, 300 existing companies have expanded their operations, creating a net increase of 45,000 new jobs. Under Ruth's leadership, the Will County Center for Economic Development has positioned itself as a major force both locally and nationally. Overseeing the largest privately funded economic development program ever attempted in Illinois, Ruth has amassed quite a list of highlights for the Will County CED. While being named one of our nations top ten economic development groups by the Industrial Development Research Council, the Will County CED engineered efforts to pass local school referendums, launched a global marketing campaign, created Will County's first comprehensive shelter for the homeless, and created the Will County Chamber of Commerce as a vehicle to impact public policy.

Our community is dearly indebted to Ruth and will benefit from her hard work and successes for many generations. Mr. Speaker, today I honor Ruth for her vision to believe in our community when many turned their backs, her ability to take an idea from conception to completion and most certainly for the honorable way in which she has conducted herself. I wish Ruth and her family all the best life can provide as she begins another chapter in her success story. Laguna Niguel, California is gaining a tremendous servant.

THE DEATH TAX RELIEF ACT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation that will improve the prospects of every family owned and operated farm, ranch, and business in America. These small family farms and businesses are the backbone of the Texas economy, and the estate tax, often called the death tax, threatens their continued existence. It is time to end this tax—and my bill does just that.

The U.S. Department of Agriculture estimates that farmers' and ranchers' estates are six times more likely to face estate taxes than others estates. In my travels around the 19 counties of the First Congressional District, evidence of the accuracy of this estimation pours forth. At nearly every stop I make, I hear horror stories from family members who were forced to sell all or part of the family farm just to pay estate taxes.

The death tax represents 1 percent of the Federal tax revenues. However, the impact to the taxpayers is far from insignificant. Not only does this punitive tax cause financial problems for families who are forced to sell property that has been in the family for generations or businesses built over a lifetime, but also local economies feel the impact as jobs disappear and businesses close. Clearly, the social and economic costs of the estate tax far outweigh the revenue it provides for the Federal Government.

The time has come to end this ill-conceived tax. The tax that was originally intended to break up huge family estates now inhibits the passage of 70 percent of family businesses from one generation to the next. We took meaningful steps to reduce the burden of death taxes on family farms and small businesses this year in the Taxpayer Relief Act. The next step is to completely eliminate it and free families from this burden forever.

IN HONOR OF ERNIE ANDERSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the legacy of Ernie Anderson, a beloved television personality in the city of Cleveland.

During the 1960's, Ghoulardi, a character created by Anderson, hosted Friday night horror movies on Cleveland's Channel 8. The Friday night movie immediately succeeded and

regularly drew a larger audience than Johnny Carson and Steve Allen combined. Ghoulardi also became a cult figure in Cleveland by entertaining thousands of people every week. Through mocking grade-Z horror movies and injecting himself onto the screen to shout at characters and join in the action, Ernie Anderson created a legacy of quality entertainment and humor that television personalities still strive to uphold today.

Ernie Anderson eventually moved to California, where he gained national recognition as the man with the golden throat. After acting and performing a comedy routine with Tim Conway, Ernie became ABC's network announcer. During his time with ABC, Ernie's credits ranged from "The Love Boat" to "Roots" and "The Winds of War."

Throughout the years, Ernie Anderson's distinctive and trailblazing style of entertainment brought joy and happiness to millions of individuals across the country. My fellow colleagues, please join me in remembering Ernie Anderson.

RECOGNITION OF JIMMY K. MELVER AS NORTHEAST EL PASOAN OF THE YEAR FOR 1996

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. REYES. Mr. Speaker, I am pleased to recognize Jimmy K. Melver as the Northeast El Pasoan of the Year for 1996. Jimmy has served El Paso with unmatched dedication and desire while asking for nothing in return.

Jimmy is the current Chairman of the Board of the American Heart Association and was the past Development Chairman and Outstanding Regional Volunteer of the Year for West Texas. He has served the Boy Scouts of America for more than 28 years and is the current Chairman of the Troop Committee of Troop 222.

Jimmy has been a member of the Highland Presbyterian Church for more than 35 years. He currently serves the church in his capacity as co-music leader for Sunday School and Chairman of the 40th Anniversary celebration. He currently sits on the Board of Directors of the Northgate Optimist Club. His involvement in the community includes service to Andress High School as the past President of the Band Booster Club. He is also a Life Member of the Texas Parent Teacher Association.

I would like to thank Jimmy Melver for his years of dedication and service to El Paso. We can all learn a great deal from Jimmy and the sacrifices he has made to improve his community. He is typical of what El Paso has become known for in the Southwest, individuals that work long, hard, and unselfish hours on behalf of this community for no other reason than to create a community where everyone can feel welcome. He shines as bright as the star on our mountain.

TRIBUTE TO JUDGE IRVIN B. BOOKER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PAYNE. Mr. Speaker, I rise to pay tribute to an outstanding member of the Newark community on the occasion of his retirement after a long and distinguished judicial career, the Honorable Irvin B. Booker.

Judge Booker has contributed over two decades of service to our community. Appointed to the Newark Court in 1970, he served as presiding judge of the Newark Municipal Court from 1974 through 1980. He was then elevated by the Governor of the New Jersey to the position of Judge of the Essex County Juvenile and Domestic Relations Court. Most recently, he sat on the Superior Court of New Jersey, assigned to the Family Court part of Essex County.

Not only has Judge Booker gained great respect for his professional accomplishments, he has also won the admiration and gratitude of the community for his tireless volunteer work. Judge Booker, affectionately known as "Buddy" by his close friends, is noted for his vision and creative ideas to benefit the community. Always thinking of ways to improve the community or to stimulate citizens' awareness, he has been considered a fair, thoughtful and even-mannered judge. Judge Booker has increased the awareness of the judiciary by hosting an annual Black History Month program at the County Courts Building, which has continued to grow in size and stature.

He has been an active participant in the Celebrity Read Program for Newark Elementary School Students; an active supporter of Senior Citizens events for the James C. White Senior Citizen Complex; an organizer of Education Encouragement Day for the city of Newark; an advisor and Pro Bono Incorporating Attorney for New Community Corporation, which meets numerous needs in our community; an organizing member of the First Crispus Attucks Day Parade; a Founder and Coordinator of the Life Experience and Achievement Program; and a supporter of the Weequahic High School and Chancellor Annex Father's Club. He was also a founding member of the Barristers of New Jersey, the Concerned Legal Associates, and the Garden State Bar. Other professional affiliations include membership in: the American Bar Association, the New Jersey State Bar Association, the National Bar Association, the Essex County Bar Association, the Essex County Municipal Court Judges Association, the Criminal Justice Coordinating Counsel, the Seton Hall Moot Court-Visiting Instructor, the Legal Advisory Committee of Montclair State College, the New Jersey Supreme Court Committee on Municipal Courts, the Advisory Board of the New Jersey Center for Law and Related Education, and the National Council for Judicial Planning.

Mr. Speaker, I know my colleagues join me in offering congratulations and best wishes for the future to Judge Booker.

TRIBUTE TO LAWRENCE PERNICK

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. LEVIN. Mr. Speaker, as we on the Federal legislative level finish our work on the floor for this year, I want to pay tribute to Lawrence Pernick, an outstanding legislator on the local level for 27 years.

Until his untimely and sudden death on November 6, Larry Pernick embodied the best in public service. While the Oakland County Board was supposed to be an avocation, Larry Pernick viewed his service as a county commissioner to be a vital part of his role in life.

It was manifested in his hard work, his sense of camaraderie beyond party lines, and his sense of human about his work.

There was little publicity about his valuable public efforts, but that never bothered Larry Pernick. He valued the respect of his colleagues and the integrity of his labors more than the beam of publicity. Good work was its own reward, not the limelight.

So he will be sorely missed, by colleagues, also by his long-time friends, and most of all by his loved and loving family, his wife of 48 years, Anne, his children, and his grandchildren.

THE 61ST ANNIVERSARY OF MORNING STAR MISSIONARY BAPTIST CHURCH

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SCHUMER. Mr. Speaker, I'd like to offer my heartfelt congratulations to the congregation of the Morning Star Missionary Baptist Church and its pastor, the Reverend Dr. Charles E. Betts, Sr., for celebrating the 61st anniversary of the church.

Morning Star has provided spiritual guidance to thousands and has made a tremendous contribution to the community. I have been fortunate enough to visit Morning Star and to meet with Reverend Betts on many occasions, and I can attest to his dedication to children and to the community he serves. In a neighborhood which desperately needs people who care and who want honesty, fairness, and justice for those who live there, it is a true testament to Reverend Betts and to Morning Star Missionary Baptist Church that they have become the shining star of their community. Congratulations.

STUPAK & BERGMAN PC

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. STUPAK. Mr. Speaker, I would like to call attention to a business development in Escanaba, a shore community in the 1st Congressional District of Michigan. In that city on

December 13, my brother Frank Stupak and his long-time law partner, John Bergman, will dedicate their new business location, a new building on the waterfront in downtown Escanaba, next to the historic House of Ludington.

In December Frank will also mark his 25th year as an attorney, a quarter century of service to northern Michigan.

Frank began his legal career after graduating from the University of Toledo law school in 1972. He began with the firm of Hansley, Neiman, Peterson and Beauchamp PC, and later went into partnership with John Bergman.

Frank's first year of practice, which included prosecuting cases for the city of Escanaba, coincided with my first year as a law enforcement officer in Escanaba. I would arrest people and Frank would prosecute them. We were an unbeatable team.

Before I was elected to the Michigan House of Representatives in 1988, I was a partner with Frank and John and worked out of their offices in Escanaba and nearby Menominee. Frank had been the oldest brother in our large family, and we always looked up to him. Now, as a law partner I got to see first-hand his professional commitment.

I've watched my brother consistently handle some of the most important cases in northern Michigan. To those who ask how he has managed to land such good legal work, his standard answer is, "because I've worked hard on every case for 25 years."

Mr. Speaker, today I wish the best for Frank; his wife Penny; his daughter Stefanie, a family services counselor and youth activities coordinator; and his son Trent, a student in pre-law at Michigan State University. I know that Frank hopes one day his son will follow him in service to northern Michigan. I also offer my congratulations to John, his wife Mary and his son John, a high school student. Good luck, too, to Martin Fittanti, a junior associate at the firm of Stupak & Bergman PC.

I'm proud to have been part of their firm, and I continue to feel pride when I hear the respect with which people regard the quality of service the firm provides. In fact, the quality of the representation of that firm has only been a benefit to my political aspiration.

Now the partnership will carry on this tradition of service in a new downtown building, reflecting the partners' long-term commitment to the city's historic commercial district.

A SALUTE TO MICHAEL K. SIMPSON PRESIDENT OF UTICA COLLEGE

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BOEHLERT. Mr. Speaker, I rise to extend my congratulations to my great friend, Michael K. Simpson, who will be retiring as the president of Utica College of Syracuse University this January to become the president of the American University in Paris.

Dr. Simpson has had a most distinguished career as both an academic and community leader. His contributions to Utica College and the surrounding community are countless. Throughout his very rich and rewarding life, President Simpson has never hesitated to share his time and abilities with the people of the Mohawk Valley. His contributions to the United Way of Greater Utica, the Oneida County School-Business Alliance, the Health and Hospital Council of the Mohawk Valley, and the Boy Scouts of America, among many others, exemplify a commitment to our community second to none.

But it is Utica College, my alma mater, that has benefited most notably from Mike's creativity, leadership and intellectual firepower. Mike's academic credentials are of the highest order. He holds degrees in international relations, business, law and diplomacy and has his doctorate in international politics from the Fletcher School at Tufts University. He has imparted his knowledge and love of international politics, diplomacy and economics for the past 21 years at Utica College and through the many study abroad programs that he has directed. He has been an inspiration to several generations of students.

As president, Mike has been able to expand programs and increase the college's presence in our community while returning the institution to a sound financial footing. Under Mike's tutelage, the physical therapy program received accreditation and a pathbreaking graduate program in economic crime investigation is being developed. The Young Scholars Program, which teams Utica College students with inner city youth, has received national acclaim. And the campus's capital campaign is not only meeting its ambitious targets, but is moving forward ahead of schedule.

All this makes it clear why I am so proud to call Mike Simpson my friend. It also shows why I was upset, but not surprised to learn that Mike has been offered his new prestigious post in Paris. Mike indeed has all the requisite traits to be a leader of international standing. Our community was blessed to have him among us for so long.

As Mike departs this January, his contributions will be missed, but never forgotten. I wish Mike the best in his new adventures and endeavors. His travels may take him to the far corners of the Earth, but Utica, the Mohawk Valley and I will always hold Mike Simpson in our minds—and hearts—as a great educator, a valued citizen, and a true friend.

TRIBUTE TO TYREE COLEMAN, FROM INDIANAPOLIS, IN

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. CARSON. Mr. Speaker, I am proud to announce that Mr. Tyree Coleman, from Indianapolis, IN, has been honored with the Ameritech Award for Excellence in Crime Prevention. The National Crime Prevention Council and Ameritech selected Mr. Coleman from over 140 nominations. Mr. Coleman has proven that he is wise beyond his years through his leadership, insight, empathy for others, and pioneering efforts.

Mr. Coleman was only 6 years old when he recognized the lack of constructive programs that were available at the Clearstream Gardens Public Housing Community in Indianapolis. Instead of participating in delinquent activities, Mr. Coleman and his peers walked through the community with poster board signs advocating for positive activity. This demonstration caught the attention of staff, community leaders, and the media. This attention resulted in the implementation of new activities and regular meetings involving youth.

At the young age of 9, Mr. Coleman witnessed his 17-year-old brother getting shot. Fortunately, unlike so many of his friends, Mr. Coleman's brother survived the incident, but Mr. Coleman was motivated to continue developing alternatives to violent crime. He participated in the community's first Youth as Resources Project. Youth as Resources is a community-based program that allows young people to display their resourcefulness through youth led, youth implemented community service projects.

At 12, while living at a homeless shelter, Mr. Coleman began a tutoring program with books donated from teachers and funds provided by a small Youth as Resources grant. He instituted an accountability system at the shelter that tracked students' attendance, behavior, and completion of homework. He also recognized his peers' commendable efforts with awards. After leaving the shelter he was active in the Near Eastside Community Organization Crime-Watch program. There, Mr. Coleman started a library in his neighborhood where he collected 7,000 books.

Now, 18, Mr. Coleman is a senior at Northwest High School and the Chair of the Youth as Resources Marion County Action Board. His dedication to fighting crime has never diminished.

I thank the National Crime Prevention Council and Ameritech for selecting Mr. Coleman. I applaud NCPC for its dedication to providing individuals with the tools to fight crime and build community, and Ameritech for its commitment to supporting crime prevention initiatives.

I am pleased to have this opportunity to present hard working individuals like Mr. Coleman who have dedicated their lives to crime prevention.

TRIBUTE TO JOSEPH KOZO

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BONIOR. Mr. Speaker, today I rise to pay tribute to Mr. Joseph F. Kozo who has faithfully served the Boys and Girls Clubs of Southeastern Michigan for over 55 years. His friends and colleagues will recognize his achievements at the In Celebration Dinner on November 19, 1997, at the Ritz Carlton Hotel in Dearborn, MI.

When Joe Kozo was 7 years old, he became a member of the Boys Club in Bethlehem, PA. His membership gave him the opportunity to enjoy activities such as arts, crafts, games, sports, group clubs, and service groups. His leadership in the organization began when he was chosen to become a monitor by the club director.

After serving in the World War II, Mr. Kozo enrolled at Wayne State University. During his college years, he became the Boys Club of Detroit's first intern. After earning his degree in education, Mr. Kozo was selected to be the full-time physical education director of the Boys Club's Howard B. Bloomer Building in Detroit.

Mr. Kozo served in a variety of capacities before becoming executive director of the Boys and Girls Club of Southeastern Michigan. He has helped to develop new activities, secure funding, grants and scholarships while guiding volunteers and children through the many programs that the organization has to offer.

The Boys and Girls Clubs of America is a diverse organization that provides a safe outlet for children to participate in educational, physical and service activities. As a result of these programs, children learn decisionmaking and leadership skills. But most importantly, they learn to value themselves and each other. Mr. Kozo's vision and contributions have touched the lives of thousands of young boys and girls. I would like to thank Mr. Kozo for all he has done for the children involved in the Boys and Girls Clubs of Southeastern Michigan.

BOB WORTHINGTON: WORLD-RENOWNED FIRE PROTECTION EXPERT

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BARCIA. Mr. Speaker, the greatest fear many people have is to find their homes and their loved ones attacked by a raging fire. Nothing can provide greater peace of mind for this concern than an effective, professionally installed fire suppression system. Robert Worthington, Sr., makes it his job to provide this security. For his efforts, Bob is the 1997 recipient of the Golden Sprinkler Award from the National Fire Sprinkler Association Awards Committee—the industry's highest honor. The Golden Sprinkler Award was established in 1986 to honor an individual's lifetime contributions to the fire sprinkler industry.

Bob has dedicated his life to fire prevention and public safety. He is currently President and CEO of Globe Fire Sprinkler Corp., located in Standish, MI, which provides valuable jobs to more than one hundred dedicated professionals. He has been essential in building three major sprinkler manufacturing companies: Star Sprinkler Corp., the Central Sprinkler Co., and the Globe Fire Sprinkler Corp. Bob is recognized throughout the world as a fire protection expert and has been a featured speaker on life safety in several countries. Additionally, Bob has represented his company and the fire sprinkler industry on numerous technical advisory committees, and has provided training in the use of the first mini computers for pipeline hydraulics and grid systems.

Bob's professional memberships are numerous, and include the National Society of Professional Engineers, the Pennsylvania Society of Professional Engineers, and the National Fire Sprinkler Association Board of Directors and Manufacturer's Council. Additionally, he is a registered fire protection engineer in California.

Bob is most certainly a talented and capable leader in his field, evidenced by the acclaim he's received from his peers with the Golden Sprinkler Award. Only a select few in his profession have received this award before him. Bob has been an inspiration to us all and especially to his two children who have both decided to follow their father's life work in the fire sprinkler industry.

Mr. Speaker, I urge you and all of our colleagues to join me in commending Bob Worthington for his career choice, which blends technical expertise and the desire to ensure the personal safety of others, and in congratulating him for this most deserved award.

A TRIBUTE TO MARJORIE A. NUDING

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to a dear friend, Mrs. Marjorie A. Nuding of Decatur, IL who recently passed away. Marjorie was born in Decatur and remained forever dedicated to that city, Macon County, and the State of Illinois by providing nearly six decades of public service. As our citizens grow impatient with the excesses of our campaign finance system, and as this body continues to debate the need and merits of various campaign finance reform proposals, Marjorie represented a simpler, more straightforward approach to politics. As a lifelong Democrat and a precinct committeewoman, she got voters involved the old fashioned way–engaging them one-on-one. The Macon County Democrats will certainly miss her presence, but will have her memory as a guide for the future.

Marjorie was an honorable citizen and enthusiastic local government official. She was a faithful Democrat who helped her party in numerous ways, from serving as local precinct committeewoman to county board district chairwoman. In all of these roles, Marjorie was a model for all Democrats to follow. She wanted to help her party as much as possible, and was active in recruiting her fellow citizens to become involved in politics. She eagerly participated in the registration and elective process for her local Democrats and was extremely loyal to her party.

Moreover, Marjorie was also very active in local tax issues. She wanted to make sure that taxes were being assessed fairly in her county. As former supervisor of assessments, she was working for the current supervisor before her death. In addition, Marjorie was field assessor for Long Creek Township and Macon County, former field agent for Illinois Property Tax Division, a member of both Riverside Baptist Church and Decatur Moose Lodge Auxiliary, and was an active participant in the Decatur bowling leagues.

Her loss is ours, fellow Democrats, and Illinois will miss her greatly. I will miss her dedication and her love of this great party.

Mr. Speaker, as you can see, Marjorie dedicated her life to the community, and her party. Now it is our turn to thank Marjorie for all of the energy and love she expended for so many years to make Decatur a better place. It has been an honor to represent Marjorie in the U.S. Congress.

MASON HIGH SCHOOL SOCCER TEAM—DIVISION II MICHIGAN STATE CHAMPIONS

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. STABENOW. Mr. Speaker, I rise today to pay tribute to the Mason Bulldogs High School Soccer Team. Last weekend, the Bulldogs beat Petoskey High School, 2 to 1 in overtime, to capture the Division II State title.

From the first touch of the ball to Cory Gilbert's overtime goal, the Bulldogs never gave up. They played with pride, they played for the tradition of their soccer program, but most of all, they played for the community of Mason.

This overtime victory is a symbol, of the determination, teamwork, and resilience, the Bulldogs have shown all season. When critics said they were too young to compete throughout the State, the team simply stuck together, never gave up, and did their best.

I am so proud of the effort of these young men. But beyond the trophy, the Bulldogs have shown great character and sportsmanship throughout the year and these are the true qualifications of a champion.

The Mason community is very proud of their team and the example they have set for the future.

In addition, what cannot go unnoticed is the example the whole community has shown the State of Michigan. Whether it be the attendance at the home games or the car-pools to the away games, the Mason community has shown great spirit and support. My congratulations go to the team, Mason High School, and the many fans, young and old.

INTRODUCTION OF THE SMOKE-FREE AND HEALTHY CHILDREN ACT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. DELAURO. Mr. Speaker, for years, the tobacco industry has blatantly targeted children in their ads. Cartoon characters and glamorous models have made cigarettes appear to be the key to popularity and happiness.

Of course, these ads didn't tell kids the truth, which is that cigarettes kill more Americans than AIDS, alcohol, car accidents, murders, suicides, illegal drugs, and fires combined. But these ads were effective and every day 3,000 kids under the age of 18 become regular smokers. One out of every three of these children will eventually die of a tobacco-related illness like cancer or heart disease.

Yet studies show that if you don't start smoking as a teenager, you probably never will—and you will lead a longer, healthier and more productive life. That's why we need to take action now to stop America's young people from smoking.

Yesterday, I was proud to stand with 19 of my colleagues to introduce a bill that will help accomplish that goal—the Smoke-Free and Healthy Children Act. Experts agree that the best way to reduce teen smoking is to raise the price of cigarettes. Teens with little pocket money. This bill will do so by raising the tobacco tax by $1.50 per pack over 3 years.

This tax will raise $20 billion per year for the Federal Government. But more importantly, it will direct approximately $10 billion to the National Institutes of Health—almost doubling the NIH budget and allowing researchers to expand studies into cancer and addiction prevention and treatment centers.

The bill will also direct approximately $10 billion per year to increase research and investment in early childhood development, including initiatives for children aged 0–3 and expanded Head Start and child care. We have learned so much recently about the importance of the first three years in a child's development; now more than ever we know that giving a child a good start in life can help ensure they grow up to be healthy and productive members of society.

We need to take action now to protect our children. We must work together to counteract the tremendous ad campaigns of the tobacco industry and teach our kids that smoking doesn't make you cool, and it won't make you happy. It will only make you sick.

I urge all of my colleagues to stand up for America's children and cosponsor the Smoke-Free and Healthy Children Act.

THE 35TH ANNIVERSARY OF THE UNITARIAN UNIVERSALIST FELLOWSHIP OF STONY BROOK, LONG ISLAND

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. FORBES. Mr. Speaker, it is with great pleasure that I rise today to pay tribute the Unitarian Universalist Fellowship at Stony Brook, Long Island on their 35th anniversary.

The name "Unitarian" was coined in the 16th century for Protestant dissenters who rejected the doctrine of the trinity. In practice, the term is used to identify those who believed in a loving god who would not condemn any of his creation, but rather would save all. The Unitarian Fellowship strives to create a compassionate community founded on trust, love, forgiveness and acceptance, where people of all backgrounds and persuasions can come together for worship.

Members of the Unitarian Universalist Fellowship of Stony Brook have a variety of religious experiences and each offers their own intellectual, theological and spiritual stimulation to the group. Though the members are diverse in their background and experiences, they are uniform in their dedication and loyalty to the Lord. They are committed to achieving a world community with peace, liberty, and justice for all, and they believe that by encouraging spiritual growth and maintaining respect for one another this can be achieved.

I believe that an organization that honors human dignity, nurtures individual potential, and works for social justice and the common good deserves recognition. That is why, Mr. Speaker, I rise today in this hallowed Chamber and ask my colleagues for joining me today in celebration of this special anniversary for the Unitarian Universalist Fellowship of Stony Brook.

SMALL BUSINESS LEADERS IN LA JOLLA, CA

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BILBRAY. Mr. Speaker, it is with great pride and admiration that I rise to commend a group of small business owners in the downtown Village of La Jolla who have contributed thousands of hours to improve the economic vitality of this area.

Starting with a small group of local business owners in 1987, this business association named their group "Promote La Jolla, Inc." The name identified their goal of developing, maintaining and promoting a healthy local business community. Capitalizing on the charming, picturesque nature of this 100-year-old seaside Village, they identified the visitor industry as a key element to long term economic strength and vitality. They worked with local tourism organization and developed special hosted day long events to this lively Village by the sea along with a promotional program to build positive awareness of La Jolla as a very desirable visitor destination.

Over this ten year period, this small group of business owners recognized that achieving economic vitality in a downtown area would require a much more complex strategic plan and a broader membership base. In 1992, this group of pioneering business owners joined with the City of San Diego to form the "La Jolla Business Improvement District."

Now, representing over 1,400 businesses covering a 30 block area, the La Jolla Business Improvement District is the largest in the State of California and one of the largest in the United States.

Combining the entrepreneurial energy of small business owners along with the leadership of this group of 15 dedicated Board members, the Promote La Jolla Business Improvement District has developed a comprehensive strategy of Promotions and Marketing, Beautification and Design, Economic Development and Restructuring.

This approach to improving economic vitality of the seaside Village of La Jolla has made Promote La Jolla Business Improvement District one of the leading business organizations in the City of San Diego.

The founding members of the board: Alexander Bende, Gerhard Klein, Robert Carlyle, David Brands and Friedhelm Worunann set the foundation for the latest group of board members who continue to donate hundreds of hours each year to improving the economic vitality of the historic 100-year-old downtown Village of La Jolla. This year, Mrs. Bende and Mrs. Klein celebrate ten years of dedicated service and executive director Christopher Stokes celebrates his fifth year.

I extend my best wishes to Bill Price, Alexander Bende, Candice Stephens, Joyce Snell, Jeff Stone, Gerhard Klein, Joost Bende, Gerhard Bendl, John Wolfe, Steve Riddle, Patti Keyes, Beth Dunn, Ron Searfoss, and Mike McGeath, the current Board of Directors who have shown the continued dedication to make the Village of La Jolla, the "Jewel of the California Coast" for now and many years to come.

A FAREWELL TO DR. DOWNING

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. LATOURETTE. Mr. Speaker, on a December morning in 1996, Lake County Coroner William C. Downing walked into my district office in Painesville, OH, with a photograph taken 44 years earlier in Okinawa, Japan. The photograph showed a young Dr. Downing being presented with a scroll of appreciation from the Governor of Okinawa.

About the time Dr. Downing stopped by my office, there had been a rash of bad publicity about U.S. servicemen in Okinawa following the rape of a 12-year-old girl. Dr. Downing, a former Army surgeon, was distressed by it all, and remembered how warmly he had been received by the Okinawan people nearly five decades earlier. He hoped that the story behind the aging photograph might make up for some of the negative images Okinawans had of Americans in uniform.

Doc, as he was known by everyone in Lake County, handed one of my caseworkers the photograph, taken January 9, 1952, and asked for our assistance in locating the folks in the picture. We realistically did not know if we would be successful, as the picture had been taken almost a half century earlier. But Dr. Downing was adamant about trying to find out what became of the people in the photograph, especially the 4-year-old girl who was held by her parents. After all, in 1952 he performed life-saving surgery on the child in the photograph, Sachiko Ikei.

Dr. Downing recalled how the little girl had swallowed a game piece about the size of a checker, and for more than a week it had been lodged in her throat. Her parents had taken her to every doctor on the island but no one could help her. Young Sachiko was unable to eat and could barely drink. "The doctors said to take her home and let her die," Doc recalled.

As a last resort, Sachiko's parents brought her to Ryukyus Army Hospital in Okinawa where Dr. Downing, then about 30 years old, was chief of general surgery. Dr. Downing, the handsome, young American surgeon, agreed to perform lifesaving surgery on the little girl, at no cost to her family or the Okinawan Government.

As Dr. Downing explained it to us, there was no hesitation in his decision to save the little girl's life. He had never forgotten the first autopsy he performed as a young physician in training. It was in 1946 in Cleveland, and a 5-year-old boy had died after choking on a bean from a toy beanbag. Dr. Downing recalled removing the swollen lima bean blocking the boy's larynx, and thought it so senseless that an innocent child had died from playing with a toy. Six years later, he had the chance to save a child in a similar predicament, and he did. He made an incision in the girl's neck, and then entered her esophagus to retrieve the game piece.

Over the years, Dr. Downing married, had a family, and worked for 30 years as a general surgeon before becoming the Lake County Coroner in 1985. Over the years he thought about the little Okinawan girl often, but never knew what became of her or her family. Shortly after leaving Okinawa, he had been transferred to Tokyo, where he served as chief of surgery in a M*A*S*H hospital for the tail end of the Korean war.

Although Dr. Downing had never forgotten Sachiko, it took the rape of a 12-year-old girl in Okinawa to prompt him to start his search for the child he had saved decades earlier. His wife, Jan, after much searching, found the photo in a box of old memorabilia.

Armed with nothing more than an aging photograph, our office set out to find the people in the picture. We contacted Army officials, the U.S. State Department, and the congressional affairs section of the Embassy of Japan. Dr. Downing believed if the people in the photograph were still alive, someone would be able to locate them. He never imagined it would happen so fast, however,

Within 2 weeks of receiving the photograph, our office was able to determine the whereabouts of all those in the photograph. Most of the folks in the photo had passed away, including Sachiko's father, who had died in 1970. Sachiko's mother, meanwhile, was alive and well and lived in Okinawa. The little girl in the kimono, then just 4 years old, was now a mother and grandmother. She lives in Opelica, AL, and works for the State of Alabama for the department of vocational rehabilitation. Her name is Sachiko I. Thompson.

The first time Dr. Downing called Sachiko she wept, as she had never had been able to thank the kind American doctor who had saved her life. As it turned out, Sachiko had moved to the United States in 1973 and had never returned home to Okinawa in all those years. She had met an American while working in a photography studio in Okinawa, and wound up marrying his brother.

Sachiko said she often wondered what happened to the American doctor, and remembers trying to learn more about him when she was about 13. All she had was a picture with what seemed like a hundred staff members from the Army hospital, plus the tall man in the white lab jacket.

Sachiko said she was so touched when she learned that Dr. Downing was looking for her after all these years. "I thought about it and wondered if he ever thought about me, but I never imagined this," she said.

Of course a few phone calls weren't enough for Dr. Downing, and he set out to complete the mission he'd begun when he walked into my office. Last year, at his own expense, Dr. Downing traveled to Okinawa to meet the little girl whose life he'd saved so many years before. It afforded both Sachiko and her mother, now 76 years old, with an opportunity to thank the man who'd changed their lives with his humanity and kindness.

Dr. Downing died today after a brief battle with cancer. I had the privilege of knowing him the last 18 of his 77 years, and considered him a dear, trusted friend and colleague. For many years we worked side by side, as our jobs often overlapped in the most unpleasant of circumstances—he was the county coroner, and I was the county prosector. I was always impressed by his professionalism and his uplifting spirit. He was a man of great, legendary humor and great integrity.

Dr. Downing spent many years of his life surrounded by death, but always reveled in the life around him. I have to believe it was his love of life and his love for our country that led him on his journey to Okinawa. It is fitting that in the final year of his life he was able to meet a woman whose life he had forever changed. The rest of us, meanwhile, will forever be changed and blessed for having known this wonderful, caring man.

TRIBUTE TO LEWIS AND JUDY EISENBERG

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PAPPAS. Mr. Speaker, one of the greatest qualities which has allowed our Nation to grow so strong over the years is that every day, all over our country thousands of people take time out of their schedules to help others. Today, I rise to pay tribute to two individuals in my district who time and time again have given of themselves for the betterment of others. For many years now, Lewis and Judy Eisenberg of Rumson, NJ, have generously given their time, talent, and knowledge to work with numerous charitable causes. Their work within these organizations have seen no boundaries. Whether it be educational, healthcare related, religious, or governmental in nature, they have always found the time to lend a hand.

This evening the Center for Holocaust Studies at Brookdale Community College will be hosting a testimonial dinner to honor Lewis and Judy Eisenberg for their tireless and longstanding community leadership. The effects of their involvement are far reaching, affecting the Jewish community, the residents of Monmouth County and of New Jersey, New York, and, indeed, of our entire Nation. I have heard about power neckties, power lunches, and even of power naps. Today I have a new one to add to the list: power couples.

Lew, who was elected as the chairman of the board of commissioners of the Port Authority of New York and New Jersey in 1995, has served as a trustee or board member to countless organizations and institutions. He has been a trustee of Monmouth Health Care Foundation, a trustee and chairman of the Children's Psychiatric Center Foundation, a member of the Advisory Council of the Samuel Johnson School of Graduate Management at Cornell University, on the board of trustees of Monmouth Medical Center, a member of the planning board of UJA/United Jewish Federation and the Jewish Advisory Committee. In 1989 Lew was recognized as the Man of the Year by the National Conference of Christians and Jews in New Jersey and awarded the Herbert Lehman Humanitarian Award by the American Jewish Committee.

Judy, the mother of three daughters, serves on several boards including Monmouth University, CPC Behavioral Healthcare Corp., Visiting Nurse Association of Central Jersey, New York Service for the Handicapped, Monmouth Medical Center Auxiliary, and the Kennedy Center's National Committee for the Performing Arts.

Each of us has some talent or knowledge that if shared, could enrich the lives of others. Recognizing those talents and putting them into action is what will continue to make our Nation great. Mr. Speaker, as you can see from the list of organizations that these two citizens have been involved with, they have reached into so many areas of society and have made the lives of so many people better and brighter.

And so, Mr. Speaker, today I join the Center for Holocaust Studies in recognizing the work of Lew and Judy Eisenberg. It is efforts of people in our community selflessly helping to solve the problems of our community and Nation that will guide America into the next century.

GADSDEN-ETOWAH PATRIOTS ASSOCIATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. ADERHOLT. Mr. Speaker, I rise today in support of Col. Andrew Chaffin, chairman of the Selection Committee of the Gadsden-Etowah Patriots Association, as well those who are members of this association, and those who participated in the induction ceremonies yesterday, November 12, 1997.

I salute the great American patriots, Lt. Gen. Clark Griffith, Peter Gregerson, Charles Nelson, John Udaka, and Hazel Brannon Smith who were inducted into the Patriots Hall of Honor. I add my voice to yours in gratitude to these people for their lives of service.

Last week we celebrated the contributions that veterans have made for our country. Veterans Day, with its related events, means many things. It is an opportunity to say thank you to those who are presently serving in our Armed Forces, and an opportunity to honor both the veterans who are with us and those who have passed away. Finally, it is an opportunity to celebrate our communities and this great Nation, a time to thank God for our past, our present, and to ask His guidance and blessing on our future.

Memorials are important. When times are good, it is easy for us to forget that our present peace comes at a price. If it were not

for the sacrifices made by veterans, we would not now be free. The same values and goals that were fought for in the past are still worth fighting for today.

In Washington, we have recently passed legislation that honors and protects veterans. The House of Representatives passed the Veterans' Cemetery Protection Act of 1997. It significantly increases penalties for persons convicted of vandalism at a veterans cemetery. This has been sent to the President's desk for his signature, and I urge him to sign this important legislation.

The House also passed a bill to create a constitutional amendment protecting the flag from physical desecration. We are now waiting for the Senate to take action. I feel very strongly about free speech, but protecting the flag does not harm free speech.

Again, I salute the Gadsden-Etowah Patriots Association, and the five American patriots who were honored at the Twenty-Second Annual Patriots Day celebration.

A HERO'S DEATH IN THE LINE OF DUTY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MCINNIS. Mr. Speaker, today I would like to take a moment to honor a man, a husband, a father, and a police officer. Officer Bruce Vanderjagt was not only a dedicated member of the Denver Police Department, but he was also a loving husband to Anna Marie and father to his 2 year-old daughter, Hayley. Unfortunately, Officer Vanderjagt can no longer be any of these things because he was fatally wounded in the line of duty yesterday, Wednesday, November 12, 1997.

Officer Vanderjagt, a man who served his country in Vietnam as a marine, faithfully answered someone's emergency call yesterday. On this wintery day, thieves were tearing through the property of another's home. When Officer Vanderjagt arrived at the scene, these callous thieves were escaping in their vehicle. Officer Vanderjagt, because of his oath as a police officer and his dedication to justice, pursued the criminals. The chase brought them into the city of Denver where the shrill sound of gun fire filled the air. This was not just one or two shots, but several. At least 30 shots were fired directly at Officer Vanderjagt and other fellow officers. Officer Vanderjagt was fatally injured. What a heavy price for society to pay. It was a burglary that brought Officer Vanderjagt to his tragic death this cold and snowy day. As a result Denver has not only lost an outstanding police officer, but also a faithful citizen, husband and father.

Many, but of course not all, of Officer Vanderjagt's accomplishments include: earning his PhD from the University of Denver at 47 years of age this year, winning Denver's Distinguished Service Cross twice for his courageous work in the line of duty and, as already mentioned, serving his country in Vietnam as a marine. Officer Vanderjagt had a great deal to offer his family and the community.

Our thoughts go out to his wife Anna Marie and daughter Hayley who are missing and grieving for a man they deeply loved. At only 2 years of age, Hayley is forced to grow up without her father all because some vicious criminals were afraid they would be held responsible for their crime. A close knit family has now been separated because these villains could not see behind the police uniform to a man who was loyal, honest and loving. I ask you to remember Officer Vanderjagt and all he did to serve his community and his family. This tragic loss is being felt all over the State of Colorado. His family needs our prayers and concern today as they grieve his loss.

The Congress of the United States expresses its sympathy for a brave officer who gave his life for the freedom of his fellow citizens.

WHY I INTRODUCED THE PAYCHECK PROTECTION ACT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, on the face of it, no one would argue against an individual's right to deny the use of his money to support a cause he opposed. The very idea of being coerced into doing so violates the basic tenets of a democratic society. But what if the consequences of protecting this right were to cost powerful labor unions a great measure of influence they wield in Washington?

Suddenly, as one might have guessed, the issue becomes muddied with flawed rhetoric and vitriol. Indeed, the principle of involuntary contributions is at the center of the debate over the Paycheck Protection Act currently being considered by Congress.

The act, which I authored and introduced along with 161 other cosponsors, would require explicit consent from American workers to allow use of their wages for political purposes. Though aimed at union abuses, the bill also applies to corporations.

Not surprisingly, union-friendly forces in Congress have variously referred to the act as a violation of unions' rights. Some say it's partisan retribution for the $400 million unions spent bashing Republicans in the 1996 elections.

Opponents also claim the act is redundant because of the Supreme Court's 1988 Beck decision ruling that forbids involuntary political union contributions. Each of these arguments is very weak and upon closer examination, simply falls apart.

Claims that the Paycheck Protection Act would limit unions' free speech ignore the fact that unions use other peoples' money—including that of conservative Republicans—to support liberal candidates. In fact, the act does not forbid the unions continuing this practice. It merely requires that union bosses and corporations first have written permission from the individual worker whose wages are withheld and spent on politics. Of course, union bosses retain the ability to make "soft money" contributions, but they do not have the right to unilaterally appropriate their members' salaries for the same purpose.

Union leaders and their supporters also argue that the Paycheck Protection Act is an attempt by Republicans to prevent a repeat of 1996 when union PAC's spent nearly $50 million on an issue advocacy campaign aimed at Republican candidates. The wise should not be persuaded by this argument. In the current climate of rabid partisanship, only political insiders narrowly view this debate in terms of what will be gained or lost by either party.

What is forgotten however, is that the battle is primarily waged on a human level. Indeed the main impetus for reform stems from a legitimate concern for individuals—not a political party, union, or corporate agenda.

Oklahoma's DON NICKLES, the act's lead sponsor in the Senate, became aware of the issue at one of his Tulsa town hall meetings. There, union workers, whether Democrat, Republican, or unaffiliated, simply objected to having portions of their salaries taken from them, regardless of how it's used. For these people—and for many Republicans in Congress—the issue begins and ends there.

In the 1988 Communication Workers versus Beck decision, the Supreme Court ruled that unions must return dues used for political purposes to those requesting repayment. Currently, these workers' only recourse is to apply for a rebate of the money that has already been donated. But most unions have created a rebate procedure that is deliberately arduous and not often attempted. According to accounts from union members who have sought a return of their money, this process can be a harrowing one.

There are widespread reports of harassment of workers who seek a rebate. One union member for example, was asked to give up his union membership before getting a refund. The National Right to Work Committee found that most unions provide a very small period of time during which members can apply for the refund.

Rebates are made even more difficult through the practice of publishing obscure notices in union newspapers informing workers of these limited time frames. The courts have failed to enforce the Beck decision and Congress is right, even obligated to make a stronger attempt at justice.

Unions were founded on the premise that workers need to collectivize to preserve their rights in the workplace. The UAW, the AFL–CIO and the Teamsters have grown very powerful because millions of Americans have put great faith in this notion.

How ironic it is that the union practice of using involuntarily-collected member dues to further their political agenda offends the very rights they claim to protect. The Paycheck Protection Act is a reasonable, sound, and timely response to this abuse.

TRIBUTE TO DR. JOHN DAVID ARNOLD AND PORTABLE PRACTICAL EDUCATIONAL PREPARATION, INC.

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to an organization, Portable Practical Educational Preparation, Inc., [PPEP] and its founder, Dr. John David Arnold, and to congratulate them for 30 years of outstanding contributions to the residents of rural Arizona.

On the 30th anniversary of PPEP, the Arizona community recognizes that Dr. John David Arnold is the driving spirit of PPEP. It is his vision and energy that transformed "La Tortuga", a large old bus converted into a mobile classroom, into a major force for "Improving the Quality of Rural Life" in Arizona and in the world. In these 30 years, Dr. Arnold has had the vision and dedication to guide and to expand PPEP from the La Tortuga bus to the information superhighway. Their address on the Internet is ppepruralinst.org.

The work began by Dr. Arnold so many years ago and carefully shepherded by him through the social, economic, and technological changes that these 30 years have brought to Arizona's rural residents, is remarkable proof of his ability and dedication to utilize diverse resources and to surround himself with an exceptionally wise, creative, and committed staff. Together, he and his staff have created opportunities for many who had been excluded from the American dream. Through opportunities for education, economic and business development, child and health care, housing, and job training, Dr. Arnold gave hope to the hopeless; for them, he made possible a rewarding future.

The emphasis on education and on self-help have enabled the PPEP program to be flexible and responsive to a wide range of needs in the rural communities. PPEP has been a pioneer in the charter school movement and has created 14 charter high schools that provide learning opportunities to rural, at-risk, and farm worker populations. PPEP has also been instrumental in promoting first-time home buyer programs, affordable housing programs, and transitional housing programs designed to meet the needs of welfare reform mothers.

I also comment the many community volunteers who have served on PPEP's board of directors and in its programs over these 30 years. They, too, have served a greater vision and have provided a collective consciousness for PPEP's continuing to be a relevant, positive force in rural lives.

I applaud PPEP for its contribution and efforts in the community over the past 30 years. PPEP's 30 years of history are about people and the resilience of the human spirit. May its future continue to be the same.

DISTRICT OF COLUMBIA CONTRACTING PRACTICES

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. DAVIS of Virginia. Mr. Speaker, the revitalization of our nation's capital will require the participation and commitment of both the public and private sectors. Public-private partnerships will be the anchor of any economic revitalization. This goal will be successful only if all participants are assured that this is a sincere effort, with a level playing field, and not simply an extension of the two decades of poor policy decisionmaking that helped spiral Washington, DC into its recent situation.

The Congress has no desire to run the daily affairs of the city. However, the Congress does have a unique constitutional responsibility to the District of Columbia. Without micro-managing the affairs of the city, the Congress does not need to ensure that as a matter of Federal policy, it will: support public-private efforts designed to assist in the Capital's revitalization; support creative, imaginative, and unique approaches; support the streamlining of the Federal and District review and regulatory processes, where appropriate, to encourage revitalization; and exercise appropriate oversight to ensure that the District honors all of its contractual and financial commitments.

It is well understood by the Congress that the District of Columbia continues to suffer from past financial problems. For example, D.C. has experienced issues with a number of its current vendors as a result of its prior reputation of poor payment performance. A recent newspaper article documented that one of the reasons for schools not having textbooks was ". . . twelve textbook companies refused to ship books because the District still owes for previous orders."

Prior negligence in these matters created a ripple effect that has a broad and negative reach. Vendors have been discouraged from responding to DC RFP's because of concerns over the selection process. Congress can assist in eliminating this perception without direct intervention. Congress can also assure all current and prospective private sector partners and their respective lenders that it will monitor and respond appropriately to any failing by the government of D.C. to meet acceptable government contracting practices.

VETERANS' BENEFITS ACT OF 1997

SPEECH OF

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of S. 714, the Veterans' Benefits Act of 1997. I very much appreciate the efforts of Chairman BOB STUMP and Senior Democrat LANE EVANS for their assistance in moving this bill forward this year. Subcommittee Chairman JACK QUINN and Senior Democrat BOB FILNER also deserve special recognition for their assistance and support. Senator DANIEL AKAKA of Hawaii and Congressman NEIL ABERCROMBIE of Hawaii also deserves special recognition for introducing this legislation and the companion bill in the House, H.R. 2317.

Even though we are continuing to reduce the size of our military forces, we have a sizable number of veterans who served this Nation both in times of war and peace. Many of these veterans now suffer from physical injuries or mental illness directly attributable to their military service. Today's legislation will provide further assistance to these individuals who sacrificed so that we may all enjoy our liberties.

Mr. Speaker, of particular importance to the veterans in my congressional district is section 201 of this legislation, which extends and improves the Native American Veteran Housing Loan Program.

It was only 5 years ago with the implementation of the Native American Veterans Housing Pilot Program that there has been a mechanism for the U.S. veterans residing in American Samoa to obtain home loans through the Department of Veterans Affairs. It took about 2 years for the Department and the American Samoa government to work out an agreement implementing the law.

To the credit of the Department of Veterans Affairs, 48 American Samoan veterans were able to obtain loans under the pilot program and they are now either living in those homes or the homes are under construction. The Department has not had to repossess any of these loans because of a lender default. The pilot program has been equally successful for native Hawaiians living on Hawaiian homelands.

Unfortunately, Mr. Speaker, the authorization for the pilot program expired on September 30, 1997, and since that time, veterans in Samoa are again left with no VA home loan program in operation. The prompt action by the Senate and today by the House will renew this necessary authorization for the VA to begin again making home loans in American Samoa.

While the bill has met with considerable success in Samoa, many of our American Indians living on reservations in the continental United States still are not eligible for loans under this program. I am pleased that we are able to achieve agreement on the outreach provisions, which should be of some assistance.

NATIONAL TESTING

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. GOODLING. Mr. Speaker, over the past few weeks there has been much debate in this body and across the country about whether we should have national testing of fourth and eighth graders as proposed by the Clinton administration.

Just a few days ago, the Congress said "no." The conference report on the Labor,

Health and Human Services and Education appropriations bill, H.R. 2264, prohibits any pilot testing, field testing, implementation, administration or dissemination of national tests in fiscal year 1998. And, I might also add, during the course of 1998, the National Academy of Sciences will be conducting three studies related to testing and reporting back to Congress.

Next year the Committee on Education and the Workforce, which I chair, will hold several hearings on the authorization of the National Assessment of Educational Progress and the National Assessment Governing Board. At that time, the issue of national testing will be back before the Congress.

In the regard, I wanted to bring to the attention of my colleagues a well-thought-out letter and op-ed article "The Tyranny of Testing", The New York Times, October 2, 1997, I recently received from Dr. Mark F. Bernstein, Superintendent of Schools in North Merrick, NY. In his letter and article, Dr. Bernstein points out how national tests could nationalize school curriculum. I commend his letter and article to my colleagues, both of which are attached to this statement.

ADMINISTRATIVE OFFICES,
NORTH MERRICK, NY,
October 9, 1997.

HON. WILLIAM GOODLING,
Chairman of the Committee on Education and Work Force,
U.S. House of Representatives, Washington, DC

DEAR CONGRESSMAN GOODLING: Enclosed is a copy, which you may have already seen, of my recent submission that appeared in The New York Times Op-Ed page (October 2, 1997) entitled "The Tyranny of Testing." I believe this topic to be extremely important to the future of public education. I'd like to share my thinking with you and ask for your advice.

The main premise of my piece is that national testing and national curriculum are one and the same. In spite of Secretary of Education Riley's assertion that one can differentiate between supporting national testing (which he does) and opposing national curriculum (which he also does), educators agree that "what is tested is what will be taught." Teachers and administrators spend incredible amounts of time pouring over test questions to analyze the content of each question so to assure that no curriculum gaps exist. And, when a significant number of students answer certain questions incorrectly, teachers rework the curriculum to guarantee that students will be taught that specific material so to answer these questions correctly the next time around. We call this process "item analysis." In addition to using tests for the purpose of differentiating among students through grades, tests are specifically developed to drive curriculum and textbook selection. If one accepts my premise that national testing is synonymous with the development of national curriculums, then one must decide if it is in the best interests of our children to have a uniform curriculum in the areas of reading and mathematics (and perhaps social studies, language arts and science). Though a good argument can be offered to support such a decision, the inherent risks far outweigh the potential benefits.

People who support a national testing program believe that too many students are failing and drastic steps must be taken to improve their education. And, they hold, the Federal government is the only one who can do it. Through a series of national tests which will point-out failing schools, the argument goes, learning will be improved as a result of increased public attention. They point to student populations in many of our large cities or rural areas where student results are absolutely dismal. (There are probably some suburban communities that have less than stellar results as well.) If only parents were aware of how poorly their children's schools were performing, increased competition and accountability would force schools to improve. How simplistic! Ignored is the research which strongly suggests that poor student performance is significantly correlated with low per-public expenditures, parents' own educational attainment levels, and family poverty. Though we all want higher educational standards and improved student achievement, national testing poses real dangers to public education, and to the role delineation between the Federal government and the states.

One has only to recall our recent experience with the process of developing history standards to shudder at the prospect of national tests. A panel of "recognized experts" was brought together after the panel membership was debated ad nauseam to insure a proper balance of ethnicity, gender, religion, geography, etc. These well-intentioned individuals then embarked on the never-ending task of determining what all American school children should learn about their country's history. Before they reached the American Revolution, their work was torn asunder. Advocates for American Indians, for African-Americans, as well as Italian-Americans, and a host of other cultural interests, not to mention religious groups, screamed that their constituents' contributions were under represented. Scholars were vociferous in asserting their disagreements regarding the proper priority given geography versus economics, environment versus nationalism; human rights versus urbanization, etc. The end-product was an incoherent set of history standards which continues to be attacked to this day and not utilized! Whether the new panel of experts is to be selected by the Secretary of Education or a nonpartisan board is inconsequential; more troubling is the process that would be followed to create a consensus, to reduce criticism, and to advance the political correctness of our time.

The ineffectiveness of such a panel of experts is far less dangerous as compared to the possibility that the panel members have a preconceived agenda motivated by strong desires to change American education and society. Is it inconceivable that a certain group of idealogues—be it political or religious—will achieve a dominant position on this panel? And, is it inconceivable that they would then use the position to pernicously advance their deeply-held beliefs? And, what better way to effectuate a change in America than through its children's education? Consider the formulation of history standards, once again. A national history curriculum offers innumerable and immeasurable opportunities to inject one's biases into material related to world religions and cultures, political and economic systems, human and societal rights, etc. The dangers of curriculum intrusion are real in that many Americans feel that our schools are devoid of values. What better way to integrate values than through a uniform national curriculum?

A third reason to reject national curriculum is to prevent the bipartisan panel of experts from imposing a specific educational strategy upon all American students. We have had several examples over the past years of education "fads," products of university think tanks that often did little real-life research to support their conclusions. The 1960s saw the "new math" assume prominence in elementary and secondary math classrooms. Set theory was in vogue and replaced more traditional math computation and word problems, practically ousting them from the curriculum. In the 1970s "creative writing" was the emphasis in elementary and junior high school classrooms. Teachers were told to ignore spelling errors or sentence structure mishaps for fear of limiting students' creative energies. The result was obvious—students could not spell, punctuate, or clearly express themselves as they reached high school. In the 1980s, the purist version of "whole language" replaced the teaching of phonics, suggesting that all students would benefit from a literature-based curriculum devoid of phonics. (Recently, the National Institute of Health reported that a sizable percentage of American children need a strong phonetic foundation because they have significant learning problems which require a sound phonetic foundation if these children are to even learn how to read.) Until national testing, exposure to the fads of a particular university or school of thought could have been confined to a singular state or region of the country.

Though I've used history at the prime example because of our actual experience, President Clinton has suggested national testing for reading and math. Are the risks as great in these subjects? Yes. Whether it be the reading tests' focus being upon vocabulary, spelling, punctuation, or comprehension, choices will have to be made by the panel. Will calculators be permitted and, if so, in which parts of the math test? Should open-ended word problems be emphasized, and what role will math computation play? And, why would we believe that a national testing program would stop at reading and math?

Developing a national curriculum is subject to the same pressures as affects other public policy decisions—pressure to create a consensus among well-intentioned scholars; pressure from unrelenting idealogues and lobby groups; or pressure to be part of a larger school of thought (or educational fad). These same pressures exist, but to a lesser extent, in each of our State's departments of education. New York State, for example, has finally replaced its 13 year old Global Studies curriculum with one entitled Global History. The former Global Studies course applied a regional approach to the study of history: through the study of distinct regions of the world, students would learn to make connections, or linkages, between different economic systems, or the influence of geography on civilization, etc. Students were confounded by the approach. New York will now return to a chronological approach studying the linkages of major historical themes over time. Local educators have been suggesting the chronological approach for years; yet it took 13 years for us to convince the New York State Department of Education. One can only imagine how long it would take to change a national curriculum and how many millions of students would have suffered in the meantime. States have served well as the laboratories of education, allowing different strategies and practices to be tried, modified, and then expanded or discarded.

Through this rather lengthy letter, I have attempted to describe my concerns regarding a national curriculum and its potential for harm. In addition, there is a strong argument to be made that the Federal government has no right, under the Constitution,

to impose a curriculum upon the States and their schools, but I leave that case to others better situated to respond to constitutional issues. Even though President Clinton's proposal is for "voluntary testing", most would agree that the monolithic educational textbook industry would not take very long to distribute to American schools the new curriculum needed to address these tests whether or not districts chose to utilize the test. And now I ask for your advice. Are the concerns expressed in this letter worthy of pursuit and, if so, in what way? Being a local superintendent of schools, I have had the opportunity to express my opinions and influence to some small degree educational policy matters in New York. But, clearly, the subject of national testing is quite different. I would appreciate any insights that you can provide me.

Sincerely,

MARC F. BERNSTEIN, ED.D.
Superintendent of Schools.

[From the New York Times, Oct. 2, 1997]

THE TYRANNY OF TESTS

(By Marc F. Bernstein)

North Merrick, N.Y.—The debate over President Clinton's proposal for voluntary national testing in reading and math has paid too little attention to whether a national curriculum benefits, American children.

I know that the President has not recommended a national curriculum, only national testing, but educators know all too well that "what is tested will be taught." Teachers and administrators will pore over sample test questions to determine what material must be taught so that students—and therefore teachers and schools—do well.

STANDARD EXAMS WILL NATIONALIZE SCHOOL CURRICULUM.

Without doubt, there are benefits to focusing the public's attention on academic results. It fosters healthy competition among schools and keeps them accountable for teaching children properly.

There is the risk, however, that even the best-intentioned test makers will create a misguided national standard, even though the Senate has stipulated that a bipartisan board independent of the Federal Department of Education be responsible for designing the tests. Who creates the test is less troubling than the process that we in the United States follow to create a consensus, to reduce criticism and to advance the political correctness of our time. One has only to remember the recent debate over history standards to shudder at the prospect of national tests. Plus, national tests would be the battle-ground for proponents of the latest educational trends.

Past movements, like "new math" (and perhaps the more recent "new-new math") or the purists' version of "whole language," were products of university think tanks that often did little real-life research to support their conclusions.

Until now, exposure to the fads of a particular university or school of thought could be confined to a state or to one region of the country. Imagine the risks of applying a little-tested theory to the design of a test given to all American students, a national examination that would in turn determine curriculums and standards.

States have served well as the laboratories of education, allowing different strategies and practices to be tried, modified and then expanded or discarded. Almost every state now has a statewide testing program that permits parents to evaluate their schools and to compare them with similar districts nearby.

A national report card, on the other hand, would be of little use. Is there any validity in having parents in New York compare the state's scores on an eighth-grade math test with those of a more homogeneous state like New Hampshire or Vermont? Most parents can already tell whether their children are getting a good education. Yes, we must continue to strive for higher standards for our children's education, but we can do it without national tests.

H.R. 2964, THE OLDER AND DISABLED AMERICANS PROTECTION ACT OF 1997

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. SANCHEZ. Mr. Speaker, I rise today to call attention to a bill I introduced to provide for the review of criminal records of individuals who wish to enter into shared housing arrangements with senior citizens and disabled persons. H.R. 2964, the Older and Disabled Americans Protection Act of 1997, will empower placement organizations with the authority to run FBI background checks on potential shared housing participants. Many seniors and disabled persons enter into shared housing programs which is a popular option for those who wish to remain at home, but need that little extra care and comfort to live on their own. Shared housing is a nonfee homefinder referral service that matches seniors and disabled persons with others who wish to share a house, apartment, or mobile home at affordable rates. There are more than 350 programs throughout the country. Usually, a participant lives in the home of a senior or disabled person and provides care in lieu of rent.

Abuse in shared housing arrangements is on the rise. Most Americans do not know that senior citizens and disabled persons are all too often being manipulated and abused within the privacy of their own homes. A recent article on August 31, 1997, from the Orange County Register noted that 4 to 10 percent of Orange County's 350,000 seniors are victims of some sort of abuse. During the past 6 months, Adult Protective Services in Orange County, CA received 300 calls about financial abuse, compared with 70 calls for a similar period a year ago. These numbers ring true throughout the county, where abuse reports have risen to 2,173 in 1995 from a low of 903 in 1987. Most of these acts of abuse are either physical or financial, and unfortunately, many more cases often go unreported due to shame and reluctance on the part of the victims to report problems.

I believe that solving this problem of abuse can be done through proactive prevention. Currently, there is no national or statewide standard operating procedure available to screen shared housing participants. Shared housing referral services and senior advocates have informed me of their desire to perform criminal background checks on those who wish to live with and care for the elderly and disabled persons. H.R. 2964 will give these agencies the means necessary to protect their clients from abuse. In addition, it would exempt services using background checks from any civil liability, so they can focus strictly on providing safe living arrangements for seniors. I believe this bill will help ensure that our Nation's seniors and disabled persons can lead secure, healthy, and dignified lives. I encourage my colleagues in Congress to join me in making sure that seniors and disabled persons do not become victims.

HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1997

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. CONYERS. Mr. Speaker, yesterday, the House passed the D.C. appropriations bill which included the Victims of Communism Relief Act, giving Nicaraguans, Cubans, and refugees immigration amnesty; and Salvadorans, Guatemalans, and certain Eastern European refugees the opportunity to apply for suspension of deportation under the standards set forth in the Immigration and Nationality Act prior to its amendment last Congress. Unfortunately, the bill did not include any relief for similarly situated Haitian refugees who fled persecution in their country and received protection in the United States. I am introducing the Haitian Refugee Immigration Fairness Act of 1997 to resolve this inequity.

After a September 1991 coup toppled the democratically elected government in Haiti, the number of persons fleeing Haiti by boat for the United States rose dramatically. During the Bush administration, over 40,000 Haitians were interviewed at Guantanamo Bay and approximately 10,000 Haitians met the "credible fear" asylum standard and were paroled into the United States by the Attorney General. Thus, these Haitians are in the United States legally, as parolees. The parolee status of Haitian refugees has been regularly extended but "parolee" is considered a temporary position in immigration law.

Specifically, the bill will adjust the immigration status of Guantanamo Bay Haitian parolees to legal permanent residents and permit Haitian asylees who are not otherwise covered by this act to seek equitable relief. In light of the amnesty the Nicaraguans and Cubans received, this legislation is the only solution to achieve equity and fairness for Haitian refugees.

The bill is a bipartisan and bicameral effort and is strongly supported by the administration. Senators GRAHAM, MACK, KENNEDY, ABRAHAM, MOSELEY-BRAUN, and MOYNIHAN have introduced companion legislation. Haitian refugees who are in this country legally deserve treatment equal to the Central Americans. This bill is the just and fair solution and I urge expeditious adoption of this measure next session.

MARIANO CONCEPCION CRUZ—OCTOBER 17, 1932–NOVEMBER 3, 1997

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. UNDERWOOD. Mr. Speaker, the island of Guam lost one of its most dedicated public servants last week on November 3. Mr. Mariano Concepcion Cruz, a former officer in the Guam Police Department was called to his eternal rest at the age of 65. He dedicated almost three decades to the people of Guam and the police department, enlisting as a patrolman in 1955 until his retirement in 1989.

Dedication and professionalism is prominently exemplified by the illustrious career of Officer Cruz. However, he is best remembered for his honesty and fairness. He viewed the law as all inclusive; applicable to everyone, from the lowest ranking citizen to the President of the United States. Officer Cruz never discriminated when it came to the law. There were several occasions when he issued traffic tickets to then-Governor Ricardo Bordallo and several of Guam's legislators. Even his own brother was issued a citation.

For his services and dedication, Officer Cruz was awarded several citations including the Commanding Officer's Citation in 1985 and the Commendation and Service Award from the Director of the Guam Police Department in 1986. The 13th Guam Legislature also passed a resolution commending him for "exemplifying the qualities that are to be encouraged in a police officer." His passing is a great loss and his presence will surely be missed.

The late Mariano Concepcion Cruz left a legacy of service and devotion to the island of Guam and its people. He is remembered by many as a mentor, and an adviser. On behalf of the people of Guam, I offer my condolences and join his widow, Rita Untalan Cruz, and their children, Priscilla and Alan in mourning the loss of a husband, a father, and fellow servant to the people of Guam.

THANKING RIDGEWOOD HIGH SCHOOL STUDENTS FOR ORGAN DONOR EFFORTS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate 10 Ridgewood High School students for their work to raise the awareness of the importance of organ donation in their community. These students, all sophomores, walked door to door this fall, asking residents to sign donor cards. At last count, the students distributed more than 24,000 pieces of literature and 10,000 Ridgewood residents had pledged their interest in learning more about organ donation and transplantation.

I wholeheartedly commend all of these students on this magnificent humanitarian effort. They have undertaken an effort that will save many lives. This project will undoubtedly bring new hope, better health and, indeed, life to many who otherwise would have had no hope.

This community project took place in conjunction with the New Jersey Organ and Tissue Sharing Network. I would like to thank each of these students—Alyson Cangemi, Kacey Burde, Jennifer Dlugasch, Meredith Grasso, Katie Henderson, Georgette Mitchel, Tara O'Neill, Krista Pouliot, Jessica Bheten, and Morgen Weiss—and the volunteer who coordinated their effort, Ridgewood resident Janet Cangemi.

The students' project came about as an entry in the New York Daily News "Make a Difference Day" contest, which challenges volunteers to make a difference in people's lives. There are approximately 1,100 New Jersey residents waiting for life-saving organs.

The New Jersey Organ and Tissue Sharing Network was formed in June 1987 when the State's three organ procurement organizations merged into one. And that year, the legislature passed legislation requiring New Jersey hospitals to ask families of deceased patients whether organs of the deceased may be donated. The Sharing Network operates an extensive outreach program to educate the public on the need for organs and the importance of donation. Since then, the Sharing Network has more than tripled the number of organs recovered in New Jersey for transplantation. An estimated 2,600 lives have been saved through transplants.

Major religions support organ donation. The Rabbinical Council of America has approved organ donation and Pope John Paul II referred to organ donations as an act of great love.

Organ and tissue donation saves lives. Thousands of people die each year for the lack of organs because not enough people choose to be organ donors. I wish to join these young people from my community in urging everyone to sign an organ donor card. These young people deserve the recognition and commendation of this Congress.

CHUGACH ALASKA CORPORATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation which will correct a longstanding injustice to the Chugach native people of my great State of Alaska. Twenty-six years ago, Congress passed the Alaska Native Claims Settlement Act [ANCSA] to settle the aboriginal land claims of Alaska natives. ANCSA, though not perfect, was a bold and innovative approach to settle the issue of native land claims. Its main purpose was to convey lands traditionally used by Alaska natives to a native regional or native village corporation for their use to secure long-term cultural and economic benefits for their shareholders.

In 1980, I worked with many of my colleagues in this body to pass the Alaska National Interest Lands Conservation Act [ANILCA] which, among other things, contained a provision which guaranteed access to Alaska Native corporations to their ANCSA lands. Without this access to their native lands selected under ANCSA, the act itself would become meaningless.

Twenty-six years after the passage of ANCSA, and 15 years since the U.S. Forest Service and the Chugach Alaska Corporation entered into the "1982 Settlement Agreement" to convey to Chugach Alaska Corporation their lands and guarantee them access to these lands, the U.S. Forest Service has yet to provide the easements needed for such access. This is unacceptable and will soon produce irreparable harm to Chugach Alaska Corporation.

My legislation will simply direct the U.S. Forest Service to fulfill their commitment to provide Chugach Alaska Corporation access to their ANCSA lands. The U.S. Forest Service is required to process the easement to accomplish access for Chugach Alaska Corporation. There has been considerable delay by the U.S. Forest Service to process this easement. Mr. Speaker, I plan to take this issue up when Congress is back for the 2d session of the 105th Congress and to pass this legislation. Both my colleagues in the Senate, Senator STEVENS and Senator MURKOWSKI support this endeavor and will work for passage.

RECOGNITION OF REV. BOB SWEET'S RETIREMENT FROM OLD BEDFORD VILLAGE AFTER 21 YEARS OF SERVICE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SHUSTER. Mr. Speaker, today I rise, Mr. Speaker, in honor of one of the outstanding people from my congressional district, Rev. Bob Sweet of Bedford, PA.

Bob Sweet served as the treasurer of Bedford County from 1963 to 1966. In 1967, he became Bedford County Commissioner, where he served the community dutifully for 8 years. It was in this capacity during the beginning of my congressional career that I became acquainted with him, and I have been fortunate enough to count him as one of my true great friends over the years. Bob has been a reliable friend and outstanding citizen of the community for more than three decades. He is a past chairman of the Bedford County Republican Committee and past president of the Bedford County Republican Club. He is an ordained minister of the United Church of Christ, and a member of countless civic and religious groups, which indicates his commitment to the less fortunate in our society. Reverend Sweet is a selfless man who always seems to put the welfare of others in front of his own, and has provided moral guidance and a sense of vision upon which the community has built itself a great place to live and work.

Today, I want to pay tribute to an outstanding man of vision and perseverance, and a valued friend. Not only did Bob envision what would become a memorial to the founding fathers of Bedford County and a successful tourist attraction, he dedicated his time and enthusiasm to making his dream a reality. Bob Sweet's tireless commitment to the community in which he lives is a testament to his love of Bedford County. He and his wife have two married daughters and 4 granddaughters, all

of whom serve their community with pride. I will close by thanking Bob Sweet for his endless energy and constant support, and wish him a long and healthy retirement.

FR. GEORGE G. PASSIAS HONORED FOR TWO DECADES OF SERVICE TO ST. NICHOLAS GREEK CHURCH

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. ACKERMAN. Mr. Speaker, I rise to join with my constituents and members of St. Nicholas Greek Orthodox Church as they gather to honor Fr. George G. Passias for two decades of service to our community.

Originally a native of Chicago, Fr. George received his early education in Morton Grove, IL. At the University of Illinois, he received his B.S. in structural science and mechanical engineering, and an M.S. in theoretical and applied mechanics. Against this background of intensive education, he married Mary Ellen Orlando and maintained an active participation in the parish of St. John the Baptist in Des Plaines where he served as a teacher in the church school, was the GOYA advisor, a parish council member and executive board member.

In 1976, answering to a higher calling, Fr. George left his doctoral studies and with his wife moved to Boston to enter the Holy Cross School of Theology to undertake a master of divinity degree. He graduated in 1979 and received the Massachusetts Bible Society Award. At this point in their lives and with two children, Fr. George moved his family to Bayside, NY, and became assistant pastor of St. Nicholas.

The next 20 years were not only years of dynamic growth for the parish, but also for Fr. George. He devoted his efforts to help in making St. Nicholas a parish known for caring, learning and serving people in fulfilling themselves. Under his efforts, the church's educational programs were expanded and the William Spyropoulos Greek American Day School was formed. In addition, he spearheaded the formation of the young adult league, adult Bible classes and retreats for members of all ages.

In 1982, he was appointed pastor of St. Nicholas and undertook a program that rapidly expanded the physical building of St. Nicholas, increased its membership and brought to the parish a most warm and compassionate sense of dedication and involvement. It is now the largest parish in the archdiocese.

After two decades of service, Fr. George has been appointed chancellor of the Greek Orthodox Church of America. In all his years as a priest, Fr. George has been endowed with a spiritual warmth that not only made him a builder of a church, but a builder who combines all the good and positive feelings in a person that leads to success and fulfillment. As he now assumes the chancellorship of the Greek Orthodox Church of America, it is with great pride that I ask my colleagues to join me in honoring this man who will now spread his warmth and compassion throughout our great country.

KATRINA

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HALL of Texas. Mr. Speaker, when I reviewed the remarks in the September 29, 1997, CONGRESSIONAL RECORD regarding a lady named "Katrina," I immediately felt that Congressman ABERCROMBIE had relied on an erroneous and misleading article published by the Reader's Digest some months ago. I have so advised him and he has certainly agreed to look at all the facts.

The Katrina described by a report from Robert B. Dunlap II, attorney general of the Commonwealth of the Northern Mariana Islands [CNMI], is one that I hope Congressman ABERCROMBIE will examine. I have high professional, political, and personal admiration for NEIL ABERCROMBIE—and I want him to have the full facts at his disposal.

The gentleman from Hawaii, Mr. ABERCROMBIE, described a situation which was reported in the Reader's Digest article this past summer. In the report by CNMI Attorney General Dunlap in response to the allegations asserted by that article, General Dunlap writes, "the article specifically stated that she was forced to dance in the nude. It is extremely important to note that the complainant had been dancing in the nude in a Manila nightclub for several years before she came to Saipan. Her entry to the Northern Marianas was a fraud as her passport and birth certificate were doctored."

The CNMI Attorney General further asserted: "The complainant filed a case with the CNMI Department of Labor. Since the CNMI does not have the authority or jurisdiction to prosecute violations of federal child labor laws, the CNMI Department of Labor addressed only her wage and hour complaints." Furthermore, the article alleges that she was forced to perform lewd sex acts with customers before a video camera. The attorney general's report further states "In fact, the said tape was produced during her interview for the position—it was learned that the said tape was produced in the Philippines when she was applying for the said job in Saipan. During the interview with Katrina it was in fact learned that she wanted to do nude dancing, and her mother encouraged her to do so to support her family."

The CNMI official report also stated: "The allegation that one of the club owners worked for the CNMI government is untrue. It should be noted that all the club employees and its owners are Philippine citizens. The Northern Marianas could have filed charges against the owner, as well as have both owners and complainant charged with immigration fraud. The CNMI DoL did not take further action after having been informed by U.S. Government officials that they themselves would prosecute the owners under further child labor law." I am told that the CNMI government will file charges after the Federal case is completed depending on its outcome.

I intend to seek further information on matters as reported by the Reader's Digest author—and I would hope that a fair minded person like Congressman ABERCROMBIE would accompany me early next year if, and when, we can both work a visit into our schedule—a visit that would not involve the expenditure of any American tax dollars. He has indicated that he will check his schedule and be open to full information.

I have high regard for the CNMI officials. Saipan, and the rest of the CNMI, are very important to the United States, and are very loyal to the United States and very strategic to the United States. We should support their entire leadership, and help them to address the problems set out in the Reader's Digest article. They are entitled to accurate and verified reporting—and a chance to correct any such tragedies as reflected by the "Katrina" story—true or untrue.

HONORING PASADENA-BAY AREA JUNIOR FORUM

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor the members of the Pasadena-Bay Area Junior Forum for the many contributions they have made to our community, especially to helping disabled people in East Harris County, TX. I am pleased to join the city of Pasadena as they pay tribute to the Forum on November 25, 1997, at an event appropriately themed "Goals Through Challenge."

The Pasadena-Bay Area Junior Forum was organized in 1961 to promote greater interest among women in civic, educational, and philanthropic fields. While forum members have provided volunteer work and financial support for many community activities, from schools to nursing homes, over the years they have come to focus on helping disabled people make the most of their lives. Forum members have devoted more than 33,000 hours to serving mentally and physically disabled individuals in our community.

In their very first year, forum members volunteered in special education classes for mentally retarded children. The next year, they helped to develop the opportunity center, which provided classes for mentally retarded children unable to attend public schools. In 1971, the forum purchased an acre of land with the dream of building an education center for the mentally retarded, and on August 21, 1979, the dream became a reality with the formal dedication of the Pasadena Junior Forum, Inc., Education Center. In 1980, a country store was established at the education center with a workshop to provide incentives for learning and development. In 1986, the Forum received a U.S. Department of Housing and Urban Development grant to build two residential facilities for mentally retarded adults, which were opened in 1988 under the name "Wichita Cottages, Inc." Through these various efforts, the forum is providing independent living training that gives individuals the tools they need to reach their full potential. Through their devoted service, the women of the Pasadena-

Bay Area Junior Forum have made a tremendous impact in the lives of disabled people throughout our community.

Today, the Pasadena-Bay Area Junior Forum continues to serve the community in a variety of ways. They have provided support for many community projects, including Texas Special Olympics, puppet presentations to educate children about disabilities, scholarships to San Jacinto College, and sponsoring and volunteering in programs at the city of Pasadena Multipurpose Recreation Center, where the November 25 tribute will be held.

Because of the creativity, caring, and hard work of its members, the Pasadena-Bay Area Junior Forum has grown in significance over the years. Each member of the PBAJF understands the importance of community, that it thrives on involvement and starves from apathy. They understand that it is our government, our schools, our churches, and our neighborhoods we make better when we take the time to get involved. They understand that, when we take an hour, a day, or a week to give back to our communities, the effects are felt for much longer.

I commend the good work of the Pasadena-Bay Area Junior Forum and their efforts to make a difference in the lives of disabled people and many others in our community. They are examples for all of us.

TRIBUTE TO AMERICAN AIRLINES

HON. SONNY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BONO. Mr. Speaker, I rise to recognize a great partnership that has lasted for 30 years. The partnership between America's premier desert resort community and one of America's premier transportation companies—American Airlines. As a longtime resident of Palm Springs, I was blessed with the opportunity to serve as mayor, and now am Palm Springs' Federal representative in Washington, DC. During my time in office, I have tried to help build the opportunities for people to advance themselves, build economic growth, and to develop our desert community. During this time, one of the most important partners in this effort was American Airlines, and thus I ask my colleagues to join me in saluting American.

For 30 years, American has proven itself as a valuable member of our community, good corporate citizen, and important economic partner. Its presence at Palm Springs has grown into a year-round service linking the desert communities with hundreds of cities throughout the U.S. and around the globe. Local tourism and business have benefited greatly. In turn, we have grown our own oasis out of a desert.

Palm Springs is fortunate and proud to have American Airlines air service, and we congratulate American for assisting Palm Springs and the desert community grow into the exciting destination it is for a healthy vacation and business environment. This milestone is important and I ask you not to celebrate it for merely the service that we have enjoyed but also for the limitless opportunities it promises for the future of our desert communities.

TRIBUTE TO ERA REAL ESTATE FOR EXCELLENCE IN COMMUNITY SERVICE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to pay tribute to the ERA Real Estate brokers, agents and staff members across the country who have dedicated their time and energy to the Muscular Dystrophy Association for twenty years.

With its headquarters in my home state of New Jersey, ERA Real Estate, and its parent company HFS Inc., has truly made a difference in the lives of Jerry's Kids. Since 1977, ERA has been the sole corporate sponsor of MDA from the real estate industry. According to MDA National Chairman Jerry Lewis: "ERA brokers and other caring individuals are the reason MDA is making rapid progress toward treatments and cures for 40 neuromuscular diseases. I'm proud to have ERA on our team."

ERA Real Estate founder and then President Jim Jackson chose MDA because of its commitment to the people it served. In 1978, ERA created its first national fundraising event, "MDA Day in May," and challenged all ERA offices to do something for MDA on the same day. This tradition continues and, each year, ERA offices gather to support MDA during May. To help people with neuromuscular diseases, ERA members have raised nearly $25 million to send hundreds of children and adults to MDA summer camps, provide leg braces and wheelchair assistance, and help fund the research that found the genes that cause the two most severe forms of childhood dystrophy.

Through its commitment to community, ERA and its brokers and agents, have demonstrated there is more to real estate than buying and selling homes. Building community is what ERA has been doing for 25 years, and by supporting MDA, ERA is using the strength of those communities to fight against neuromuscular disease. However, ERA's relationship with MDA goes beyond raising money to support the organization. It is about helping children and adults with neuromuscular diseases who need a little extra time, energy and support from others. Together, MDA and corporations like ERA help "Jerry's Kids" live longer, more productive lives.

In our fast-paced world, living up to commitments is not always easy, and few relationships between corporate entities and community service organizations stand the test of time. The changing priorities and bottom-line demands of business can be harmful to the best of intentions. That is what makes the ERA/MDA bond so special. ERA has set a standard in corporate community service and in doing so has set an admirable example for the children of our Nation. So, Mr. Speaker, I ask my colleagues to join me as I salute ERA Real Estate for their 20 years of hard work and commitment on behalf of individuals with muscular dystrophy.

H.R. 2203, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HASTERT. Mr. Speaker, I am pleased to join my colleagues in the House in supporting the fiscal year 1998 energy and water development appropriations conference agreement, and I applaud Chairman MCDADE and the ranking member of the subcommittee VIC FAZIO, for their work to finalize this appropriations bill.

This conference agreement provides funding for the Department of Energy [DOE], and I want to take this opportunity to highlight one important investment this bill makes at DOE. The Department of Energy supports scientists and experimental facilities at universities and national laboratories around the country that conduct basic research in important scientific disciplines—including materials and chemical sciences, biological, and environmental sciences, and high energy and nuclear physics. In my home State of Illinois, the Fermi National Accelerator Laboratory and Argonne National Laboratory are outstanding examples of the kind of facilities and scientists that are supported by this bill through the DOE.

It is important to underscore that for the chemical and physical sciences, the DOE is as important as the National Institutes of Health [NIH] and the National Science Foundation [NSF] are to other research disciplines. DOE has a long history of supporting important basic research, and I note with some interest that this conference agreement recognizes DOE's critical role in our national investment in fundamental research by giving a new collective name to these programs, called simply the science account. I urge my colleagues to support this science account because, like our investments in NSF and NIH, these are dollars that help build our future by supporting the people and facilities that conduct fundamental research.

The research portfolio supported through DOE's science account, including high energy physics, has been under significant budget pressure in recent years and funding had gradually eroded. Unlike NSF and NIH, the basic research programs at DOE have not seen even modest increases in recent years and are losing ground to inflation. While I support the funding levels provided in this conference agreement, I call on the administration to strengthen these programs as it works to put together its fiscal year 1999 budget. The administration must keep the science account strong, and I believe that the public and the Congress will support these programs at higher levels.

At Fermilab, scientists from around the country operate the world's highest-energy particle accelerator and only hadron collider. The experimental devices at Fermilab are operated as user facilities which allow researchers from all over the world to come to the lab

to conduct their research. For 30 years now, Fermilab has been the center of research and discovery in high energy physics, the place where the top quark, the smallest known element of matter, was first observed. The funding provided in this bill will continue to keep Fermilab and the United States at the cutting edge of high energy physics for the next decade.

This bill provides funding for a portion of the U.S. contribution to the Large Hadron Collider [LHC], a facility that is being planned for construction in Europe. This past year, the Congress worked with the administration to ensure that our contribution to this device is appropriate and fair, that American scientists have an appropriate role in the research agenda for the device, and that American taxpayers are protected. I am satisfied with the efforts to ensure that we have the strongest possible international agreement knowing that scientific discovery is a global enterprise.

The Department of Energy is a large agency with a complex set of missions. We are all stakeholders in the success of DOE in its critical missions, including science and technology, and I look forward to working on the myriad of issues facing DOE in the months ahead.

HELP END DISCRIMINATION AGAINST OUR VETERANS WITH DISABILITIES

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to bring to my colleagues attention an important piece of legislation that Congressman ROBERT L. EHRLICH, JR., of Maryland and I recently introduced to ensure that our veterans who are receiving disability benefits are not discriminated against when they apply for housing benefits.

Our bill, H.R. 2820, the Helping America's Veterans With Disabilities Act of 1997, is a very simple measure which would exempt veterans disability benefits from consideration when applying for the benefits provided by the Department of Housing and Urban Affairs [HUD]. Although disability benefits can never fully compensate those veterans who have sacrificed for our country, they are a small step toward repaying the debt we owe them. This is why Federal and State income taxes are not deducted from disability benefits. Likewise, we believe disability benefits should also not be taken into consideration when a veteran with a disability applies for section 8 or other housing benefits.

Across the political spectrum, there are many different opinions as to the proper role of Government. Regardless of your party affiliation, I hope that my colleagues will share our strong concurrence that veterans with disabilities deserve our help. As you know, veterans with disabilities face many challenges every day. For example, many veterans with disabilities must overcome employment discrimination and transportation obstacles, while trying to provide a decent standard of living for themselves and their families. Unfortunately, some veterans reside in public housing and have difficulty making ends meet. Many other veterans with disabilities are denied eligibility for housing assistance because of the disability benefits they receive.

As the International Union of Gospel Missions reported this week, one in three men at homeless shelters are veterans. With an estimated 250,000 homeless veterans in our country—one-third of the total—this legislation is the least we can do. I believe that H.R. 2820 is consistent with the philosophy of helping those who cannot always help themselves, especially when that person has sacrificed for this country.

So, Mr. Speaker, I would urge my colleagues to join us in showing their support for the many veterans who have sacrificed so much for our country's freedom of cosponsoring H.R. 2820.

GOLDEN LEGACY, BOUNDLESS FUTURE

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. CHAMBLISS. Mr. Speaker, the United States had just come out of two world wars and was on the brink of a new era. The future was boundless. The military had discovered the value of a new technology, a technology that demanded a new branch of our Armed Forces. Fifty years ago, on September 18, 1947, Stuart Symington took the oath of office as the first Secretary of the U.S. Air Force, thus the beginning of a golden legacy.

For the last 50 years, the men and women of the Air Force have carried on the dreams and vision of millions of aviators who have gone before them. It is for these aviators that I would like to take this opportunity to not only recognize this golden anniversary, but to thank those who have helped us come this far. It is hard to believe in today's skies where our planes fly over Bosnia, Iraq, Korea, and the world that the first aviation occurred 89 years ago.

The Air Force roots go deeper than the National Security Act of 1947. They extend all the way back to 1907. That year the Army Signal Corps formed an aeronautical division. In 1908 the first military aviation flight occurred at Fort Myer, VA, just miles from this very spot. The Wright Brothers delivered their first plane to the aeronautical division that next year. On July 18, 1914, Congress ordered the Army to establish an aviation section of the Signal Corps. A few weeks later, Europe erupted into World War I.

In response to criticism of the American aircraft effort, President Woodrow Wilson created the Army Air Service and placed it directly under the War Department on May 24, 1918. By the time of the armistice in November 1918, the Air Service had grown to more than 19,000 officers and 178,000 enlisted men. American industry had turned out 11,754 aircraft.

It took World War II to prove the importance of air power to the defense of our Nation. In 1920, the Army Reorganization Act made the Air Service a combatant arm of the Army. The Air Corps Act of 1926 adopted the name of the Army Air Corps. Two years after Hitler launched World War II by invading Poland, the War Department created the Army Air Forces as its aviation element. By the last year of the war, the quantity and quality of Army Air Forces aircraft and airman dominated the skies over both Germany and Japan, all but paralyzing their war economies.

Based on the Army Air Force's wartime achievements and future potential, the U.S. Air Force won its independence. The National Security Act of 1947 created the U.S. Air Force as a separate branch of the armed services. This secured the Air Force's full partnership with the Army, Navy, and the Marine Corps. The creation of the Air Force signaled America's commitment to the dominance of the skies. And I am proud to report that commitment is being honored today in skies all around the world.

From that first military flight in 1908, what has come from now a golden legacy is moving toward a boundless future. This future knows no limits, as it moves toward new horizons. As the 20th century has worn on, our military focus has increasingly shifted into a third dimension—the vertical. This is the realm of air and space forces. When we dominate the third dimension we control both the horizontal and vertical battlefield. In conflict, superiority is not enough: air and space dominance must be our objective. It is with these challenges in mind, that the Air Force commemorates its 50th anniversary looking firmly to the future while remembering the lessons and achievements of the past. In this spirit, we honor the sacrifices and contributions the brave men and women of the Air Force have made.

In commemoration of this anniversary, the Air Force has been busy indeed. The Air Force launched several events to celebrate its first 50 years on September 18, highlighted by the Air Forces Annual Convention in Washington. The U.S. Postal Service issued the first Air Force stamp. That same day, a wreath was placed at the Tomb of the Unknown Soldier at Arlington National Cemetery. And the Air Force proudly dedicated its site of the Air Force Memorial at Arlington while the President led a cake cutting ceremony at the Pentagon. In communities all over this great Nation, local Air Force associations sponsored road races, participated in school festivals, and other community activities. I am proud to say that I and many of my fellow members of the Congress participated in the many events to help celebrate this momentous anniversary. It is my honor to further recognize the U.S. Air Force, and on behalf of the Congressional Air Power Caucus and the U.S. Congress, I wish the Air Force God's speed as it presses on toward it boundless future.

CONGRATULATING LT. GEN. RICHARD G. GRAVES (RETIRED) ON HIS RETIREMENT FROM THE GENERAL DYNAMICS CORP.

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. EDWARDS. Mr. Speaker, I rise today to recognize the second retirement of Lt. Gen. Richard G. Graves, a distinguished soldier who as a businessman continued to promote the interests of the Army and of the United States.

Lt. Gen. Graves is departing from General Dynamics Corp. where he has served as vice president of the General Dynamics Land Systems Division, first in Saudi Arabia and recently in Washington, DC. He will now return to his adopted home, the State of Texas.

While in Saudi Arabia, he was responsible for the fielding of over 300 United States made M1A2 tanks to the Royal Saudi Land Forces. Complex and difficult in itself, this accomplishment has had two major benefits to the United States of America.

First, these tanks and their Saudi crews now are part of the foundation of military strength that allows the Government of Saudi Arabia to stand against the possibility of renewed aggression in the Middle East. Second, the efficient and positive way in which this critical task was done strengthened the relationship of trust and confidence the United States has with the Kingdom of Saudi Arabia.

Lt. Gen. Graves was born and raised in Indiana. Following graduation from West Point in 1958, he established a reputation as a highly proficient and able armor officer, culminating in command of the U.S. Army's Contingency Corps, III U.S. Corp. at Fort. Hood, TX, from 1988 to 1991.

During his military career, he sought out difficult assignments here and abroad and executed them in an outstanding manner. He was the commander of an Armored Calvary Squadron during the Vietnam war and earned the Silver Star and several other decorations for valor. During the latter days of the cold war, he served in armored units here and in Germany as a Brigade Commander, Corps Operations Officer, Division Chief of Staff, Corps Chief of Staff, Assistant Division Commander, and Division Commanding General. He also served on the Staffs of Forces Command and the Department of the Army. In these roles, he was one of the architects of the rebuilding of the American Army from the depths of the post-Vietnam weakness to the heights of the competence displayed in the Desert Storm victory.

Members, please join me in congratulating Lt. Gen. Richard G. Graves (retired). He has earned the praise and thanks of the American people for his many contributions as a soldier and patriot.

IN RECOGNITION OF NATIONAL BIBLE WEEK

HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. LARGENT. Mr. Speaker, the Laymen's National Bible Association has bestowed upon me the honor of congressional cochair for National Bible Week. It is, therefore, with respect and pleasure that I announce November 23–30 as National Bible Week. I encourage my colleagues in the House and the Senate, as well as the American people to observe National Bible Week through the study of God's word.

The Bible has been a source of moral guidance throughout world history, but America's reliance upon the Bible has been particularly profound. The American public and the U.S. Government have long used Biblical principles to shepherd progress. For that reason, National Bible Week has several goals. It is an opportunity for individuals to expand their knowledge of the Bible, reaffirm commitment to its principles, and introduce its values into the lives of others. I also encourage my colleagues in Congress to recognize and explore Scripture's treasures upon which our great Nation depends. I urge everyone to use National Bible Week to understand God's message in Psalm 119:105. It says, "Your word is a lamp to my feet and a light for my path." National Bible Week enables us the occasion to commit ourselves to Biblical guidance.

Americans have long had a commitment to the Bible. Indeed, the greatest success of many new world colonists was to break free of religious intolerance in England and create a community firmly established on an observance of Biblical principles. Perhaps no group better exemplified the Reformation in early America than the Puritans of the Massachusetts Bay Colony. Their hope of religious freedom led them to leave the hypocrisy of England in search of a closer connection to God's word. It was aboard the flagship *Arbella*, just before landing in Massachusetts Bay, that John Winthrop issued his sermon, "A Model of Chritian Charity." In his sermon he said, "We must consider that we shall be as a city upon a hill; the eyes of all people are upon us." His words explained the purpose of the Puritans, a people who would develop a close relationship with God's Word and lead by example.

Years later, the 13 colonies waged the Revolutionary War against the English to secure their religious freedoms. Their triumph was a cleansing of intolerance in the new frontier. After the war, revolutionary America set out to champion the values for which they fought into a national law. This challenge was met with the Constitution, a unique document heavily influenced by the laws of God in the Bible. James Madison spoke of the Bible's influence on the Constitution. He said, "the future and success of America is not in this Constitution, but in the laws of God upon which this Constitution is founded."

Psalm 119:2 says, "Blessed are they who keep to His statutes and seek Him with all their heart." This verse is especially relevant for today's national leaders. My colleagues and I need to seek personal guidance from the Bible. As Noah Webster said, "The Bible must be considered as the great source of all truth by which men are to be guided in government. * * *" My hope for National Bible Week is that it will serve notice to our U.S. Congress, that we may begin to reacquaint our actions, words, and politics with Biblical example to serve our citizens better.

All Americans should take notice that "All Scripture is God-breathed and is useful for teaching, rebuking, correcting and training in righteousness. (II Timothy 3:16)" Society puts many burdens on family values. National Bible Week is an opportunity for families to reaffirm their unity through study of the Bible, or to acquaint children to the Bible for the first time. Remember the example of John Quincy Adams who said, "So great is my veneration for the Bible, and so strong my belief, that when duly read and meditated on, it is of all good books in the world, that which contributes most to make men good, wise, and happy—that the earlier my children begin to read it, the more steadily they pursue the practice of reading it throughout their lives, the more lively and confident will be my hopes that they will prove useful citizens to their country, respectable members of society, and a real blessing to their parents." Utilize National Bible Week to introduce its stories and parables to your children so that they may later in life rely upon the Bible.

Finally, how appropriate that National Bible Week falls in the same week as Thanksgiving, a holiday that celebrates the Founders of our Nation, founding principles, and all of our blessings. On Thanksgiving we can all thank our Nation's Founders for remaining true to Biblical principles and incorporating them into law. More importantly, National Bible Week enables all Americans to enhance the celebrations of Thanksgiving through a renewed and heighted focus on the study and mediation of the Bible.

HONORING BAYTOWN'S PUBLIC SAFETY OFFICERS OF THE YEAR

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor Darrell Davis, Keith Dougherty, and Mike Jones of Baytown, TX, upon their selection as Baytown Fire Fighter, Police Officer, and Paramedic of the Year respectively. They will be the guests of honor at Baytown's fifth annual Public Safety Recognition Dinner on November 17, 1997, and they are each certainly deserving of this honor.

Darrell Davis, the 1997 Baytown Fire Fighter of the Year, has spent his career helping others. Lieutenant Davis received his basic fire fighter training at Texas A & M University, where he graduated at the top of his class. He joined the Baytown Fire Department in November 1974, and quickly rose through its ranks. He achieved the rank of lieutenant in 1981 and moved into the fire marshal's office the next year. Lieutenant Davis also served as chief of the Highlands Fire Department and

was instrumental in obtaining a $200,000 grant for the city to purchase new equipment. He was also one of the first two paramedics trained for duty in East Harris County.

Darrell Davis' priorities have included the acquisition of vital fire prevention equipment for the Baytown area and teaching children fire safety skills. He spearheaded the drive to establish the Baytown Life Safety Foundation, which he now chairs, and helped develop the fire safety house, a specially built house for children to teach them the proper techniques to survive a fire. He is also active in Cub Scouts, teaching kids, including his son Aaron, the do's and don'ts of fire safety. Lieutenant Davis is making Baytown a better and safer place for all its citizens.

Keith Dougherty, the Police Officer of the Year, also has a long history of serving the people of Baytown. Officer Dougherty came to Baytown in 1982 from St. Louis, MO, where he served as a police officer for one year following pursuit of his masters degree at Webster University. During his tenure in Baytown, he has served in many capacities within the police force, including the patrol division, the crime prevention unit, the training division, and, since January 1993, as a detective. Officer Dougherty currently serves as a police instructor, certified crime prevention specialist, SWAT team sniper, and DARE officer, and he is a criminal justice instructor at Lee College in Baytown. His outstanding efforts have won him three commendations for outstanding performance and the admiration of his peers and all of Baytown.

This year's Paramedic of the Year, Mike Jones, joined the Baytown Health Department's Emergency Medical Services team in 1996, and he has quickly earned the respect and praise of the entire community. Paramedic Jones has served as a paramedic for the past 8 years and is currently training future paramedics who will join him in providing a high level of emergency response and care to the people of Baytown. They could not be learning from a finer example. In addition to his expertise in patient care issues, Paramedic Jones has obtained his associate degree in emergency medical services and criminal justice from Lee College in Baytown. In a short period of time, Mike Jones has shown a tremendous commitment that is improving emergency response and saving lives in Baytown.

Public safety officers often put their own safety and even their own lives at risk for the sake of their fellow citizens. They serve us during some of the most difficult times of our lives, when we are facing the stress of crimes, fires, or medical emergencies. They are certainly deserving of our gratitude and honor. So I am honored to join in this tribute to Darrell Davis, Keith Dougherty, and Mike Jones and to all who serve our community alongside them. They are examples for all of us.

CALIFORNIA ADVISORY COUNCIL ON INDIAN POLICY EXTENSION ACT OF 1997

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MILLER of California. Mr. Speaker, I am pleased to introduce the California Advisory Council on Indian Policy Extension Act of 1997. This bill will extend by 2 years the life of the California Advisory Council on Indian Policy, which was created by legislation I sponsored in the 102d Congress.

The council was created to specifically provide Congress with a report setting forth recommendations for remedial measures to address the special problems facing California Indians and Indian tribes. The problems include the status of California's terminated and unrecognized tribes, economic self-sufficiency, and health and educational needs.

The council has fulfilled its task and provided Congress with a comprehensive report and set of recommendations. These recommendations focus on land consolidation, restoration of tribes, provision of health, educational, and social services, and responsibility to urban Indians.

Because the council has acquired considerable expertise on these and other issues during its 4-year existence, it seemed to me that their knowledge should not go to waste. My bill would extend the existence of the council for another 2 years so that the council will be able to guide Congress in the implementation of the report's recommendations.

My bill directs the council to consult and work with Congress, the Secretaries of the Interior and Health and Human Services, the California Indian tribes, and the State in expediting the implementation of the recommendations contained in the council's 1997 report. I want to be clear that the council is to consult with all of the Indian tribes in the State and my bill makes it clear that the council is to provide timely information to the tribes regarding their actions.

But I believe that the knowledge and wisdom that the council has gained from its 4-year existence is simply to valuable to cost aside. Thus, I am pleased to introduce this measure so that we can continue to benefit from their experience as we begin the process of reviewing and implementing the recommendations in their report.

TRIBUTE TO WHITKO ART STUDENTS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SOUDER. Mr. Speaker, a vital part of children's development is learning to distinguish themselves as individuals. Artistic expression gives children this opportunity. Regardless of the specific discipline, art offers a unique avenue for creativity.

Today, Mr. Speaker, it is my honor to recognize a group of students from my district who have excelled in the arts and earned international acclaim for their creativity. The Whitko High School Art Department recently competed in the 28th exhibition of World School Children's Art in the Republic of China. Whitko, of South Whitley, IN, was 1 of only 11 schools to represent the United States in the exhibition. Three of the Whitko students gained personal recognition for their achievements. Kathleen Dombek, Randy Kilbourne, and Jason Slone all received medals in a competition representing 51 nations around the world.

I am proud to represent a group of such fine students. They have set an example worthy of our praise. I urge my colleagues to recognize the commitment and hard work of these young people and to join me in congratulating them on their accomplishment.

GALA OPENING OF GINNIE'S HOUSE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mrs. ROUKEMA. Mr. Speaker, we often hear that every dark cloud has a silver lining. In many instances, one can find that very difficult to believe. Such is the case with one of the darkest of clouds that casts an ugly shadow over our society—child abuse.

I want to call the attention of my colleagues to one such silver lining—Ginnie Littell and her child advocacy center located in Newton, Sussex County, NJ. Tomorrow afternoon marks the official opening of the Nation's newest child advocacy center—Ginnie's House.

Child abuse is an ugly reality in America today. There are estimates that a child is physically, psychologically, emotionally, or sexually abused every 15 seconds. As much a we wish we could build a protective wall around our community's children, we cannot. The ugly shadow of child abuse touches every community, including Sussex County.

Realizing that, the community has responded. Ginnie's House, Sussex County's own child advocacy center, was created by the entire community—elected officials, community leaders, captains of business, and industry.

When our society must intervene in the life of a child due to child abuse, it must do so to protect the child from further harm, provide counseling for the child and the child's family, to protect other children from the same offender and to ensure that the offender is held accountable for his or her actions.

The sheer complexity of these tasks requires the attention of many different agencies and professionals—law enforcement, medical and mental health, legal services, and crisis intervention, to name just a few. Each of these agencies and advocates has different roles in the investigation and intervention process. The challenge is to coordinate and maximize the efforts and resources of the various community agencies and professionals. In this way, the child's trauma is minimized.

Through the vision of Ginnie Littell and the support of the Sussex County Board of

Freeholders and, indeed, the entire community, this coordination has a focal point.

Ginnie's House, located strategically at 1 High Street in Newton, will provide a sanctuary where the multidisciplinary investigation and intervention process that local officials have adopted can be conducted. In short, instead of the victims seeking out the agencies and the professionals, the agencies and the professionals come to the victims.

Ginnie's House is designed to create a sensitive environment for the victims of abuse and their families; to encourage their cooperation in the investigation and prosecution of cases and to provide continuing support through what could be an extended criminal justice process.

Many hands have built Ginnie's House. The board of freeholders dedicated an entire county-owned building along with significant exterior and interior renovations. The State of New Jersey has provided seed money to purchase furnishings, materials, and supplies. Private citizens have provided pro bono legal, architectural, landscaping, and other services. This encouraging public-private partnership will continue in the future with fundraising efforts designed to make Ginnie's House self-sustaining.

Ginnie Littell and the citizens of Sussex County can teach the rest of America an important lesson: child abuse is real. If we ignore it, the children will only continue to suffer. If we turn our backs, our community will only suffer. If we walk away, our society will only suffer.

The citizens of Sussex County, NJ, are not walking away. In fact, they are giving the youngest victims of abuse in our society a safe place to walk—a sanctuary where they be protected, consoled and healed.

Let me close with a few words about the namesake of Ginnie's House. Virginia Newman Littell is one of our community's most dynamic leaders. She's a woman of action who is constantly striving to serve her community in new and more constructive and humane ways.

I recall the words of the author Robert Fulgham. In his best-selling work Everything I Needed To Know I learned in Kindergarten, he wrote, "Peace is not something you wish for, it's something you do; something you are and something you give away."

To me, Mr. Fulgham had Ginnie Littell in mind. Among myriad other tasks, she has dedicated the last few years to brining a measure of that peace to northwest New Jersey's most vulnerable.

For the children, Sussex County, NJ, will be an even more peaceful place beginning tomorrow afternoon. Mr. Speaker, we welcome the silver lining called Ginnie's House.

FOUNDATION FOR DEMOCRACY IN AFRICA HOSTS A FEBRUARY 1998 MIAMI CONFERENCE ON AFRICA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, on February 25 through March 1, 1998, the Institute for Democracy in Africa at St. Thomas University will be hosting a very timely conference whose theme will be Africa: the next frontier.

Africa faces challenges today and the Foundation for Democracy in Africa [FDA], a nonprofit group based in Miami, FL and Washington, DC—is determined to educate the next generation on Africa and the tenets of democracy and free market economics.

The founders of the FDA believe that, finally free from the hindrances of being used as a cold war battleground, Africa is at a watershed period as it prepares to tackle the tasks of economic and democratic infrastructure development. The FDA also states that Africa faces the challenges of building peace and economic prosperity so that democracy can flourish. The new generation of Africans stand as a beacon of hope for Africa's future prosperity. They must be encouraged and embrace tribal values as tenets for national unity and be steeped in democratic governance and western economic systems.

The Institute for Democracy in Africa provides education, training, and research opportunities for African students. The FDA will bring students from Africa for instruction in democratic governance and entrepreneurship. The institute's grounding in Western economic and democratic systems and its adaption to African challenges will serve well the future leaders of Africa.

The FDA conference will bring together leaders of business, government, and nongovernmental organizations from the United States and Africa to discuss the challenges in developing the necessary infrastructure. Since 1989, Africa has witnessed remarkable improvement in the area of economic development, sustainable growth, and good governance.

Africa is striving to further integrate herself into the global economy and provide a bright future for its people. The rising generation of Africans can lead this African renaissance.

CONFERENCE REPORT ON S. 830, FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

SPEECH OF

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. LAZIO of New York. Mr. Speaker, I am proud to be part of this effort to reform the Food and Drug Administration and to reauthorize the Prescription Drug User Fee Act [PDUFA]. The legislation we consider today is good for seniors, good for children, good for the critically ill, and good for America. This bill will save American lives. I would like to highlight one of the many examples of the need for reform, as well as one particular section of this legislation.

In the beginning of the year the FDA claimed that it was approving drugs faster than ever. The FDA's claims, however, are contradicted by the harsh reality that many drugs not available to Americans today have been available in Europe and abroad for years.

For example, the drug Ancrod prevents and treats blood clots and is used to treat strokes. Ancrod has been the subject of extensive testing in the United States since the late 1980's, even though it has been broadly available to the public in the United Kingdom for the last 23 years.

The General Accounting Office testified in 1979 that Ancrod should be made available to the public as soon as possible. Eighteen years later, Ancrod is still not available to the American public. Nearly 500,000 Americans suffer strokes each year, but are denied the benefits of Ancrod by the FDA. I know first hand of the devastation that strokes can cause. My father had two strokes, one in 1978 and another in 1985.

Separately, this legislation includes a provision which will make important health information widely available to the American public.

This provision, based on a bill I introduced, will provide a one-stop information service for individuals with serious or life-threatening diseases. The program will create one data bank of research information by integrating and coordinating existing data banks across America.

The data bank will include a registry of clinical trials, both federally and privately funded, of experimental treatments for serious or life-threatening diseases and conditions. The registry will contain a description of the purpose of each experimental drug protocol. All this information will be available by calling a 1–800 number, and through other means such as the Internet.

This bill is an important piece of legislation for the American people. I urge my colleagues to support its passage.

TRIBUTE TO LIONELL "WOODY" WOODS OF DALLAS, TX

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to a constituent who has been a fixture in the South Dallas community. As owner of the Shell Service station on Martin Luther King, Jr. Boulevard and South Central Expressway, Mr. Woods and his service station have strengthened the surrounding businesses and benefited residents in the South Dallas area. After 25 years in business and helping his community through many charitable and entrepreneurial activities, he is now retiring with acclaim as one of South Dallas' most successful businessmen, a man who gave advice and opportunities to his customers.

Many customers can attest to the fact that for Mr. Woods, people matter as much, or more, than profits. For Mr. Woods, acts of kindness and graciousness were just as important as sales and service.

When a community resident wanted to start a small yard-maintenance business employing neighborhood youths, she came to Mr. Woods for assistance. He supported her endeavors by providing her with gasoline for her lawnmowers and gave her leeway to repay him only when her business was established.

He has also offered customers sage advice on areas of finance. He gave one customer counsel about the merits of paying cash for a used car in order to avoid debt. These are a few examples of Mr. Wood's selfless commitment to his community.

Mr. Speaker, even in the face of adversity, Mr. Woods stayed in his community offering his services, contributions, and advice. After a young man put a gun to his head in a robbery attempt, which due to Mr. Woods' bravery was unsuccessful, Mr. Woods was not frightened and driven out of his community. Mr. Speaker, he was committed to remaining there and, after that 1981 armed robbery attempt, maintained his business in South Dallas through the 1980's and until this year.

He has helped elderly neighbors cash checks and pledged part of his gasoline sales to Bishop College in a drive to keep it open in the early 1980's.

Mr. Speaker, not only will Mr. Woods be remembered as a shrewd and successful businessman, he will be remembered first as a compassionate and caring servant to his community who repeatedly gave back and invested in its people.

Therefore, Mr. Speaker, as Mr. Woods begins to enjoy his well-earned retirement, I would like to thank him on behalf of his community for his 25 years of service and contributions. It is my hope that he enjoy his retirement as much as we have enjoyed his concern and service to us.

IN HONOR OF THE RETIREMENT OF NEW JERSEY STATE SENATOR JOHN EWING

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. FRANKS of New Jersey. Mr. Speaker, it is rare that I come to the floor to speak about a particular individual. But New Jersey State Senator John Ewing of Bernardsville is indeed worthy of special recognition.

Jack Ewing has been an institution in the New Jersey Legislature—a tireless crusader for all the people of our State. For three decades he has waged a long, at times, lonely battle to improve the quality of public education and to make New Jersey's colleges nationally acclaimed institutions of excellence.

But just as important, Jack will be remembered for his extraordinary commitment to help people in need. Jack Ewing is the kind of man who, after a long day and night session at the state house, would stop to change a tire for a motorist in need. The next day, he would be up early, back in his office calling everyone he knew to help find a job for a father of young children who was down on his luck.

Next month, Drew University in Madison, NJ will establish the John E. Ewing Center for Public Service and Public Affairs. It is a fitting tribute to a man who represents the finest in public service and the best of New Jersey.

On behalf of all the people of New Jersey, I want to extend a heartfelt thanks to Jack Ewing for his exceptional leadership, dedication, and service. We extend our sincere best wishes for a long, healthy and fulfilling retirement.

RESTRICTIONS ON FOREIGN AIR SHOWS ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. STARK. Mr. Speaker, today, I am introducing legislation to stop the use of taxpayer funds from subsidizing the U.S. defense industry at international air and trade shows.

Prior to 1991, the Federal Government avoided direct military involvement in air shows and arms bazaars. Aircraft were leased to U.S. companies by the Department of Defense [DOD]. The leasing fee covered the cost of insurance, ramp fees, transportation to and from the show, and payment for Government personnel needed to watch the aircraft. In June 1991, the Secretaries of Defense and Commerce changed the Pentagon practice of leasing U.S. aircraft to industry at air shows. The new practice allows for the loan of DOD aircraft to industry free of charge. This results in the U.S. taxpayer paying for the cost of industry participation at air shows and arms bazaars.

In 1992, taxpayers were forced to absorb the cost of a Marine aircraft that crashed on its way back from an airshow in Singapore. This crash came with the price tax of $18.9 million to American taxpayers.

In response to the Singapore incident, Congressman HOWARD BERMAN sponsored an amendment to the fiscal year 1993 DOD authorization bill which limits the Government's ability to engage in future air shows. It requires the President to notify Congress 45 days in advance of any proposed participation in airshows. It also requires the President to certify that participation is in the interest of our national security and to submit a cost estimate.

In order to circumvent the intent of the Berman amendment, DOD adopted a new standard of sending aircraft carriers to the sites of airshows on so called training missions. This practice allows the aircraft on display to do overflights of the airshow off the deck of the carrier under the guise of a defense authorized training mission. It also puts the U.S. military crew in close proximity to fraternize with prospective buyers. The Clinton administration has been drastically underreporting the involvement and cost of the United States in these airshows by excluding transportation costs. The Pentagon is able to classify shows as training missions in order to avoid reporting the real costs incurred. As a result, the costs reported by the Pentagon to Congress are 15 to 20 times less than the actual costs, and the American taxpayer pays the bill.

One of the many examples of this practice is the transfer of a B–2 bomber to France to do a demonstration flight at the Paris Air Show in 1995. This flight involved at least a 24-hour round trip at $14,166 per hour to operate the plane, for a total cost of more than $330,000—all at the taxpayer's expense. However, the cost report for the entire airshow submitted to Congress by the Pentagon was only $342,916.

The bill I am introducing today, the Restrictions on Foreign Air Shows Act bans direct participation of the defense personnel and equipment at airshows. It prohibits planes, equipment, weapons, or any related materials from being sent to exhibits on training missions unless the contractor has paid for the expenses incurred by DOD. The legislation prohibits training missions from involvement or contact with concurrent airshows. It requires contractors to lease the equipment covering insurance costs, transportation costs, ramp fees, salaries of Government personnel needed to watch the aircraft, and all other costs associated with these events. If contractors are making a profit by showing U.S. aircraft, then they should be required to pay for the advertisement of the aircraft. Additionally, the bill bans the availability of military personnel—either on site at the airshows or at nearby training missions—to assist the contractors in their sales unless the contractor pays for their services.

This bill does not outlaw the use of U.S. equipment in foreign airshows or trade exhibitions. It merely takes the financial burden off of the American taxpayer and puts it where it belongs—on the contractor. I urge my colleagues to support this bill.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. KIND. Mr. Speaker, one more day and no campaign finance reform. At a press conference today, the members of the Republican leadership said that they will take up campaign finance reform early next year. The leadership also said that they will consider several small bills, rather than a comprehensive piece of legislation. Mr. Speaker that approach is inadequate.

As I have explained before, next year is going to be too late to consider campaign finance reform in time for the 1998 election. In addition, allowing a variety of small incremental bills will only result in more confusion and more loopholes for special interests to buy our elections. It is obvious that the leadership has no desire to see real campaign finance reform pass this year.

What we need is comprehensive campaign finance reform. We need reform that takes the big money out of campaigns. We don't need incremental bills that only add confusion to an already confusing system. The House of Representatives has to act soon.

Mr. Speaker, it appears that we have failed the people of this Nation by not passing a campaign reform vote this year, lets not let them down again next year.

TRIBUTE TO ALMA ANNA WELK

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. STUPAK. Mr. Speaker, I would like to recognize a very special individual who is residing in my congressional district in Michigan. Her name is Alma Anna Welk and next month she will be celebrating her 100th birthday.

I'd like to bring you back in history 100 years to the time of the Klondike gold rush, Joseph Stalin's birth, and the closing of the British Victorian period. It was during this era that Alma was born in Alpena, MI, on December 11, 1897.

Born to Millie and Charles Bromund, Anna was the second of six children. Not long after Anna's birth, the Bromund family made their way to Marinette, WI, where Anna attended Peshtigo Point School. In 1910, at the age of 13, she began working for families around the area. She left her jobs and her community when she was 17 to return with her family to Alpena. It was here, in 1917, during the Lenten season, that Anna met her true love, William Welk. They were introduced to one another by a mutual friend, Beulah Schultz. Beulah had put together a perfect match. Anna and William were married on November 23 of that same year.

On March 9, 1919, they had their first child—Laurine. During the next 15 years and all through the Great Depression, the couple bore five more children, three girls and two boys: Ethel, Margaret, Ruth Jane, William, and Richard. They were just getting over the effects of the Depression when the family was struck by tragedy with the death of their youngest child, Richard, at the age of three.

Years went by and Alma and William's children grew up and, one by one, they all married. The family expanded with the addition of 10 grandchildren and 12 great-grandchildren. In 1967, the passing of William—loving husband, father, grandfather, and great-grandfather—was a tremendous loss to the entire family.

Mr. Speaker, next month we will be commemorating these 100 years of Alma Anna Welk's life. My congratulations go out to Alma on this very special occasion. It is an event that has found her continuing to be a vigorous and active member of the Alpena community. It is always a pleasure for me to deliver a tribute of this kind to my constituents who are living legends of the Michigan area. Alma is an enduring witness of American history from the William McKinley administration to the William Clinton administration. As she celebrates this milestone with family and friends, I offer my best wishes for many more joyous years to come. In my personal life with family members and my professional life as a Member of Congress, I have found that age does indeed equate with knowledge, wisdom, and a profound respect for the value of tradition.

THE WELL CHILD OUTREACH PROGRAM OF ST. MARY'S COUNTY, MD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to one of the first health outreach programs in the State of Maryland to deal with immunizing children. The Well Child Outreach Program in St. Mary's County is a partnership between private practitioners and the St. Mary's County Health Department that was created to reduce the fragmented care of children in southern Maryland. In addition to providing medical care to uninsured and underinsured children, the program coordinates with the Department of Social Services, St. Mary's County public schools, WIC and Head Start in order to immunize as many children as possible throughout the county.

In its 9 years in existence, child immunization rates have improved, 98 percent of children entering county schools have complied with the entry physicals and 90 percent of the clients have kept their appointments. The State of Maryland supports State and local health departments throughout the State that follow the well child outreach model. I applaud the St. Mary's County Health Department and the physicians who began the Well Child Outreach Program.

IN OPPOSITION TO THE DISPARATE TREATMENT OF HAITIANS

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. KILPATRICK. Mr. Speaker, I rise today in opposition to the language in the conference report accompanying H.R. 2607, the District of Columbia Appropriations Act, that allows for the different and disparate treatment of Haitians. Last year, the Immigration Reform Act would retroactively allow for the wrongful deportation of hundreds of Central Americans—Nicaraguans, Guatemalans, and Salvadorans—and Haitians. Mr. Speaker, guess who, in the final analysis, was left out of the legislation? Haitians. That's right, Haitians. This is patently unfair, and although I am not a member of the House International Relations Committee, I will do all that I can to ensure that this situation is rectified when Congress reconvenes for the second session of the 105th Congress.

Like many of my colleagues, I listened with rapt attention during the debate late last night on the District of Columbia conference report. the citizens of the District of Columbia—hard-working, taxpaying citizens—have a hard-working, but non-voting representative in the House of Representatives. Because of this fact, the District of Columbia appropriations bill is historically laden with riders that are totally unrelated to anything regarding how the District of Columbia should spend its annual Federal appropriation. One of these riders in the conference report would prevent the wrongful deportation of Central Americans but not for Haitians. While yesterday's CONGRESSIONAL RECORD delineated the agreement, that the U.S. Attorney General will temporarily suspend the deportation of Haitians while Congress deliberates legislation to provide similar relief to Haitians, this is not part of the current law. And all of us know the weight and importance of the law in the U.S. house of Representatives.

It disturbs me greatly that this great Nation, under God, indivisible, is incapable of treating all persons fairly. More than 18,000 Haitians were admitted to the United States after being processed in Guantanamo Bay in 1991. Many of these persons fled a violent military dictatorship, led by General Cedras and Michel Francois. These persons were determined to have credible, bona fide claims for political asylum, and were permitted to enter our sacred shores. Now, we find out that the law has unfairly excluded these persons.

I will do all I can to bring justice to the Haitian people and to the citizens of America. I demand hearings on this legislation, and the expeditious consideration and adoption of this bill when Congress reconvenes.

ON THE DEATH OF JOHN N. STURDIVANT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. NORTON. Mr. Speaker, it was my privilege to speak at the funeral for John Sturdivant on November 4, 1997. I knew John as a friend and as the leader of one of America's great trade unions. His death from leukemia impoverished all of us who knew him and the countless number of Americans who benefited from his work. The foundation he laid was so strong it is bound to be lasting. Many Members of Congress knew and respected John Sturdivant. I know they will join me in paying tribute to his work and his lasting legacy.

Mr. Speaker, I am submitting these comments that I made at the funeral.

Working people have lost a champion before the fight is over. It was not a fair fight. John never lost those.

There was a reason that John was such a winner. Look at what John had to fight with—just about everything, beginning with that disarming, broad grin. He had it all—the talent, the sophistication, the charisma, the energy, the ability to think outside the box, and the unfailing dedication to workers.

John Sturdivant represented the same people I represent: federal and D.C. government employees. John's work often wasn't much different from mine. If so, I knew I'd hear from him.

When I first met John, however, we were not on the same side—at least not structurally. I was cast as the manager of a troubled agency, John as the local union president. President Carter had named me to chair the Equal Employment Opportunity Commission when the Commission had gone

though perhaps the most troubled period—a huge backlog, firings by the President at the top of the agency, the whole ball of wax. Though entirely a management problem, it could not be fixed without top to bottom change and a wholesale make over. As a civil rights lawyer and a veteran of the movement. I did not look forward to tension with the employees, and there inevitably was some. The union never missed a beat, but John had a lot to do with the mixture of wit and determination that made it all work. In the end, the agency got rid of most of its backlog, not by fighting the union, but by empowering the workers with new, upgraded duties.

John Sturdivant rose through the ranks of his own union the way unions insist that employees should move up in the workplaces that unions represent. But, John rose the way that yeast makes bread rise—because, by conviction and ability, he could not be contained. John Sturdivant was made for the modern era of American unionism. He knew how to do it by fighting, he knew how to do it by negotiating, and he knew how to do it in ways nobody had thought of. He was a strategic thinker who knew how to pick his fights while keeping the others alive to be fought another day. Without that kind of smarts, he would never have achieved the landmark changes the occurred when I chaired the old Subcommittee and that John wore on his sleeves like stripes; the political empowerment of government workers through Hatch Act reform, locality pay, and the first government-wide buyouts.

In the end, John Sturdivant, who was a leader in reinventing modern unionism, was not about to let government reinvent itself without the union as a partner. And the man who had risen to leadership with the rise of public sector unionism was not about to preside over its decline. John Sturdivant had a quality union leaders seek in these tough times for workers and that public officials with a movement background like mine most admire. John knew how to work the inside with the vision of an outsider. Now if the rest of us could only learn to beguile our opponents with a broad, disarming grin.

TRIBUTE TO JOHN STURDIVANT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. CLAY. Mr. Speaker, our Nation has lost an outstanding labor leader. The late John Sturdivant was a loyal public servant who faithfully served our Nation's public servants. As president of the American Federation of Government Employees, John Sturdivant deeply believed in the importance of Government service and deeply valued our system of Government.

From 1991 through 1994, as the chairman of the House Post Office and Civil Service Committee, I was privileged to work with John Sturdivant on a variety of issues. I respected John as an aggressive advocate of the rights of Federal workers. He was very actively involved in the successful effort to enact the landmark Family and Medical Leave Act. And, John fought tirelessly to protect the salaries and benefits of his members as those on the other side sought to balance the Federal budget on the backs of Government workers. He worked closely with the members of the Post Office and Civil Service Committee staff and took a strong personal interest in all legislation affecting the retirement and health benefits of Federal workers. He and his fellow union members worked closely with the Post Office and Civil Service Committees to develop legislation to mitigate the effect of defense downsizing and base closings on Federal workers. John Sturdivant also helped to establish a Federal employee buyout program that became the model for civilian government agencies experiencing downsizing.

John Sturdivant was at the forefront of the effort to ensure that Government, itself, lives up to the promise of equal opportunity for its own workforce. No one worked harder to bring about reform of the Hatch Act. Until it was amended, the Hatch Act precluded Federal employees from engaging in any effort to campaign in a partisan election campaign. John Sturdivant clearly understood the dangers of Hatch Act restrictions on Federal workers and was outraged that anyone should be required to sacrifice this most vital right of free speech in order to work for the Federal Government.

When John Sturdivant became president of the American Federation of Government Employees, he worked diligently and successfully to lobby the Congress to amend the antiquated Hatch Act. Then he encouraged his members to exercise their new rights and take an active interest in the politics of this Nation and the affairs of Government. John Sturdivant helped bring out the voice of Government workers. He understood that in a democracy, the ballot was the ultimate power and that the surest means of self-protection for AFGE members was active, informed political participation. John Sturdivant made certain that those he represented understood their rights and responsibilities. That by itself is a significant legacy.

I will miss John Sturdivant as I cherish his memory.

TRIBUTE TO JOHN STURDIVANT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. GEPHARDT. Mr. Speaker, I rise to pay tribute to the late, great American labor leader, John N. Sturdivant. John passed away on October 28 after a long and courageous battle with cancer. He will be forever remembered and missed, especially by those of us who worked alongside him on issues of critical importance to America's working men and women.

John was the National President of the American Federation of Government Employees [AFGE] since 1988. An AFGE activist for more than 30 years, he worked his way up the ranks, serving as president of Local 1754 in Winchester, VA, from 1968 until 1976, when he joined the union's national office. Upon his election as national President in 1988, he had the proud distinction of being the first African-American to hold that office and to serve as president of a major AFL–CIO union.

John was born in Philadelphia on June 30, 1938 and raised in Bridgeport, CT. In 1956 he enlisted in the Air Force, where he served our country until 1960. In 1961 he went to work as an electronics technician with the Army Interagency Communications Agency in Winchester, VA, where he became active in AFGE.

When he was elected National President of AFGE, John inherited an AFGE that was in dire financial straits. Although the union was near bankruptcy, John was determined to save it and continue its long history of service to Federal employees. He made the difficult financial decisions needed to stabilize the union, and succeeded in saving the organization from disarray. Today, AFGE has about 178,000 active members in 1,100 locals and represents over 700,000 workers in 68 Federal agencies, more than one third of the Federal workforce. Under John's leadership AFGE became a watchdog against inefficiency in government and a champion of workers' and human rights both at home and abroad.

John was well known and highly respected on Capitol Hill, where he worked tirelessly on behalf of better pay, improved working conditions, and higher quality health and retirement benefits for federal employees. He helped win the locality pay system that will bring Federal salaries in line with those in the private sector. And he led a long battle for the Health Act Reforms that now permit Federal employees to participate in our democratic process.

In the aftermath of the Oklahoma City bombing, John worked closely with President Clinton and Federal, State and local officials to provide aid and comfort to survivors and to the families of those who died. Once the grieving had subsided, he was instrumental in bringing increased security measures at Federal installations so this tragedy would never be repeated.

As a member of the President's National Partnership Council, he was a full partner in the effort to create better employee-management relationships and to reinvent the Federal Government. He understood that the best way to improve service to the public is by giving those who do the work a voice in how the work is done.

During the partial shutdowns of the Government in 1995 and 1996, John's voice was a powerful one in support of reopening the government and providing workers with back pay when they returned.

John, who lived in Vienna, VA, had been an at-large member of the Democratic National Committee. He was a vice president of the AFL–CIO and a trustee of the George Meany Center for Labor Studies. He received a Bachelor of Arts degree in Labor Studies from Antioch University in 1980 and later studied law at George Washington University.

John Sturdivant devoted his life to championing the causes of working people in America. His courage, honesty, dedication and vision made him the model of a great union leader. I was proud to know and work with him. All of his many friends and colleagues join me in remembering his passing, and praising his many contributions to improving our Government and Nation.

CONFERENCE REPORT ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Ms. WATERS. Mr. Speaker, I am pleased to support the fiscal year 2000 $300 million dollar funding level for the Corporation for Public Broadcasting contained in this bill. That is a $50 million dollar increase over last year, an amount which only partially offsets the three consecutive years of recision of public broadcasting funds. The American public has sent a clear message to Congress that it supports a public broadcasting system.

The House Appropriations report concerning CPB funding specifically supports the commitment made by CPB in 1994 to formalize partnerships among the organizations of the National Minority Public Broadcasting Consortia, television stations and other public broadcasting organizations to maximize resources to increase the amount of multicultural programming on public television. That 1994 agreement was over a year in the making, but unfortunately, it has never received any funding.

I trust that $50 million dollar increase will make it possible to fund the Principles of Partnership Initiative, and would encourage CPB to see if they can find fiscal year 1998 and fiscal year 1999 funds to get this Initiative of collaboration under way.

The Minority Consortia organizations—Pacific Islanders in Communications, National Black Programming Consortium, National Latino Communications Center, National Asian American Telecommunications Association, Native American Public Telecommunications—have provided Public Broadcasting's program schedule hundreds of hours of programming addressing the cultural, social, and economic issues of the country's racial and ethnic communities. Additionally, each consortium has been engaged in cultivating ongoing relationships with the independent minority producer community by providing program funding, programming support, and distribution assistance. They also provide numerous hours of programming to individual public television and radio stations.

I would like to point out that the newest Consortia member, Pacific Islanders in Communications, is headquartered in Hawaii and has already had major responsibility for several award winning public broadcast productions, notably "Storytellers of the Pacific" which was co-produced with Native American Public Telecommunications, and "And Then There Were None."

I look forward to an increasingly productive partnership between public broadcasting and the National Minority Public Broadcasting organizations and the communities they represent.

IN HONOR OF SUSAN STRONG

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MATSUI. Mr. Speaker, I am honored to rise today in tribute to Ms. Susan Strong, former executive director of the Center for AIDS Research, Education and Services [CARES].

Located in Sacramento, CA, CARES provides a unique mix of out-patient, state-of-the-art medical care, mental health counseling, health education and case management services, and psychiatric services to persons living with HIV and AIDS.

In 1988, it took a tremendous collaborative effort among northern California's major public and private health care entities to establish the Center for AIDS Research, Education and Services as a community-based clinic.

Under the leadership of Susan Strong, CARES grew to become a major regional HIV/AIDS non-profit clinic in northern and central California. Its growth is a testament to the professional abilities of its former executive director.

The dream of establishing a centralized location in the downtown Sacramento area to provide quality health service while coordinating with other AIDS service providers was fully realized under the stewardship of Susan Strong.

Since the founding of CARES, the epidemic of HIV and AIDS has changed dramatically, impacting more women of color, a community whose special needs are varied and great. Under the guidance of Susan Strong, CARES established a Women's Clinic to meet these special concerns.

As executive director, Ms. Strong steered CARES to ensure that the depth and breadth of its services continually expanded and strengthened while serving an ever-increasing and demanding client case load.

It is through Susan Strong's inspiration, dedication, and hard work at CARES that the Sacramento area and the entire northern California region has benefited in the successful operation of these programs to care for those suffering from HIV and AIDS.

Although Ms. Strong departed from her position as CARES executive director last month, the foundation of compassionate care which she laid so well will carry-on for years to come.

Since its founding, CARES has served approximately 3,000 infected people and maintains an active caseload of approximately 1,200 clients at this time.

These patients rely upon the extraordinary specialized medical expertise which CARES provides. Without the steady guidance of Susan Strong, CARES would not be the great success story that it is today.

Mr. Speaker, today I ask my colleagues to join with me in saluting the remarkable work of Susan Strong, a great leader in the area of coummunity-based HIV and AIDS health care in Sacramento. I am confident that her selfless endeavors at CARES will endure well into Sacramento's future.

CONFERENCE REPORT ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of the Conference Report on H.R. 2264, the Labor Health and Human Services, and Education Appropriations Bill for Fiscal Year 1998, and want to take this time to specifically express my support for the funding for the Corporation for Public Broadcasting.

The conference report includes $300 million in advance funding for fiscal year 2000 for the Corporation, which is a $50 million increase over the fiscal year 1999 level. I hope that these additional funds will make it possible to fund the Principles of Partnership Initiative, a $5 million effort set forth by the Corporation in 1994 to increase the amount of multicultural programming on public television. This initiative is to be accomplished through the establishment of formal partnerships among the organizations of the National Minority Public Broadcasting Consortia, television stations, and other public broadcasting organizations.

The House Committee Report specifically supported this initiative and called upon the Corporation to maximize resources for this initiative.

The National Minority Public Broadcasting Consortia organizations include Pacific Islanders in Communications, National Black Programming Consortium, National Latino Communications Center, National Asian American Telecommunications Association, and Native American Public Telecommunications. They have contributed hundreds of hours of programming addressing the cultural, social and economic issues of our country's racial and ethnic communities. These important programs help us explore who we are and learn more about the rich diversity of cultures and experiences that define our country.

I am proud to note that the newest member of the Consortium is Pacific Islanders in Communications which is headquartered in Hawaii. This group has already promoted several award winning public broadcast productions including "Storytellers of the Pacific" which was co-produced with Native American Public Telecommunications.

Mr. Speaker, I sincerely hope this increase in funding will allow the Corporation to fully implement the goals of the Principles of Partnership Initiative in Fiscal Year 2000 and that the Corporation will work dedicate resources now to begin this unique partnership project to recognize and highlight the contributions of our diverse ethnic populations.

RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE, 105TH CONGRESS

HON. WILLIAM F. GOODLING
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. GOODLING. Mr. Speaker, pursuant to clause 2(a) of Rule XI of the Rules of the House of Representatives, I hereby submit for publication in the CONGRESSIONAL RECORD the rules of the Committee on Education and the Workforce for the 105th Congress, as revised by the Committee in open session on November 6, 1997.

RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE, 105TH CONGRESS

(Adopted January 21, 1997, revised November 6, 1997)

RULE 1. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS: VICE CHAIRMAN

(a) Regular meetings of the committee shall be held on the second Wednesday of each month at 9:30 a.m., while the House is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect; and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff director of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open to the public including radio, television, and still photography coverage. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the vice chairman, or the Chairman's designee.

(e)(1) The Chairman of the committee and of each of the subcommittees shall designate a vice chairman of the committee or subcommittee, as the case may be.

(2) The Chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings, or, in the absence of the chairman, the vice chairman, or the Chairman's designee shall preside.

RULE 2. QUESTIONING OF WITNESSES

Committee members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party in order of the member's appearance at the hearing. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position.

RULE 3. RECORDS AND ROLLCALLS

(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule XXXVI of the Rules of the House of Representatives, any official permanent record of the committee (including any record of a legislative, oversight, or other activity of the committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House, any record of the committee for which a time, schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accordance with the order of the committee.

(c) The official permanent records of the committee include noncurrent records of the committee (including subcommittee) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of committee Rule 18(d) have been met, a quorum consisting of a majority of the members of the committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the committee which—

(A) provides for the nonavailability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule XXXVI of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b)(3) of this Rule.

RULE 4. STANDING SUBCOMMITTEES AND JURISDICTION

(a) There shall be five standing subcommittees with the following jurisdictions:

Subcommittee on Early Childhood, Youth, and Families.—Education from preschool through the high school level including, but not limited to, elementary and secondary education generally, school lunch and child nutrition, vocational education and overseas dependent schools; all matters dealing with programs and services for the care and treatment of children, including the Head Start Act, the Juvenile Justice and Delinquency Prevention Act, and the Runaway Youth Act; all matters dealing with programs and services for the elderly, including nutrition programs and the Older Americans Act; special education programs including, but not limited to, alcohol and drug abuse, education of the disabled, environmental education, Office of Educational Research and Improvement, migrant and agricultural labor education, daycare, child adoption, child abuse and domestic violence; poverty programs, including the Community Services Block Grant Act and the Low Income Home Energy Assistance Program (LIHEAP); and programs related to the arts and humanities, museum services, and arts and artifacts indemnity.

Subcommittee on Postsecondary Education, Training, and Life-Long Learning.—Education beyond the high school level including, but not limited to, higher education generally, training and apprenticeship (including the Job Training Partnership Act, the Full Employment and Balanced Growth Act, displaced homemakers, Work Incentive Program, welfare work requirements), adult

basic education (family literacy), rehabilitation, professional development, and postsecondary student assistance; all domestic volunteer programs, library services and construction, the Robert A. Taft Institute, and the Institute for Peace.

Subcommittee on Workforce Protections.—Wages and hours of labor including, but not limited to, Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, Migrant and Seasonal Agricultural Worker Protection Act, Service Contract Act, workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety and the U.S. Employment Service.

Subcommittee on Employer-Employee Relations.—All matters dealing with relationships between employers and employees generally including, but not limited to, the National Labor Relations Act, Bureau of Labor Statistics, pension, health, and other employee benefits, including the Employee Retirement Income Security Act (ERISA); and all matters related to equal employment opportunity and civil rights in employment.

Subcommittee on Oversight and Investigations.—All matters related to oversight and investigations of activities of all Federal departments and agencies dealing with issues of education, human resources or workplace policy. This subcommittee will not have legislative jurisdiction and no bills or resolutions will be referred to it.

(b) The majority party members of the committee may provide for such temporary, ad hoc subcommittees as determined to be appropriate.

RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the committee and the ranking minority party member shall be *ex officio* members, but not voting members, of each subcommittee to which such Chairman or ranking minority party member has not been assigned.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of constituting a quorum and of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, DC. Any member of the committee may attend public hearings of any subcommittee and shall be afforded an opportunity by the subcommittee chairman to question witnesses.

RULE 7. SUBCOMMITTEE CHAIRMANSHIPS

The method for selection of chairmen of the subcommittees shall be at the discretion of the full committee Chairman, unless a majority of the majority party members of the full committee disapprove of the action of the Chairman.

RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As far as practicable, the Chairman of the committee shall seek to assure that subcommittees are not scheduled to meet for markup or approval of any measure or matter when the committee is meeting to consider any measure or matter for markup or approval. No markups shall be scheduled simultaneously by the subcommittees.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFF

(a) The employees of the committee shall be appointed by the Chairman in consultation with subcommittee chairmen and other majority party members of the committee within the budget approved for such purposes by the committee.

(b) The staff appointed by the minority shall have their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION AND DUTIES OF COMMITTEE STAFF

The staff of the committee shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. The staff appointed by the minority shall be under the general supervision and direction of the minority party members of the committee, who may delegate such authority as they determine appropriate. All committee staff shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. To the extent practicable, the Chairman or the subcommittee chairman shall make public announcement of the final list of witnesses scheduled to testify at least 48 hours before the commencement of the hearing. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) All hearings conducted by the committee or any subcommittee shall begin at 9:30 a.m. on the scheduled date and shall end at 12:15 p.m., unless there is good cause to schedule a hearing at a different time or to extend the length of the hearing. All opening statements at hearings conducted by the committee or any subcommittee will be made part of the permanent written record. Opening statements by members may not be presented orally, unless the Chairman of the committee or any subcommittee determines that one statement from the Chairman or a designee will be presented, in which case the ranking minority party member or a designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee or any subcommittee is a constituent of a member of the committee or subcommittee, such member shall be entitled to introduce such witness at the hearing.

(c) To the extent practicable, witnesses who are to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 48 hours in advance of their appearance, a written statement of their proposed testimony, together with a brief summary thereof, and shall limit their oral presentation to a summary thereof. The staff director of the committee shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(d) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may waive this right by calling at least one witness during a committee hearing or subcommittee hearing.

RULE 13. MEETINGS—HEARINGS—QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, DC, or during a recess or adjournment of the House without the prior authorization of the committee Chairman. Where feasible and practicable, 14 days' notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee or a subcommittee authorizing a subpoena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) When a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

(d) In the conduct of hearings of subcommittees sitting jointly, the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings for purposes of such shared consideration.

(e) No person other than a Member of Congress or Congressional staff may walk in, stand in, or be seated at the rostrum area during a meeting or hearing of the Committee or Subcommittee unless authorized by the Chairman.

RULE 14. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) all committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on Education and the Workforce (or · pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members." The minority party members of the committee or subcommittee shall have three calendar days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill or resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been in the hands of all members at least 48 hours prior to such considerations. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking minority member of the committee or for other reasons), a comparison showing proposed changes in existing law.

(e) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the committee or subcommittee, as the case may be.

RULE 15. VOTES

(a) No vote by any member of the committee or any subcommittee with respect to any measure or matter may be cast by proxy.

(b) With respect to each rollcall vote on a motion to report any bill, resolution or matter of a public character, and on any amendment offered thereto, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

RULE 16. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. The Chairman shall review travel requests to assure the validity to committee business. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Oversight pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Oversight with respect to domestic and foreign expense allowances.

(d) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

RULE 17. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS

(a) The Chairman shall consult with subcommittee chairmen regarding referral, to the appropriate subcommittees, of such bills, resolutions, and other matters which have been referred to the committee. Once printed copies of a bill, resolution, or other matter are available to the Committee, the Chairman shall, within three weeks of such availability, provide notice of referral, if any, to the appropriate subcommittee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the Chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 18. COMMITTEE REPORTS

(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 3 and 7(a) of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in the report distributed to members unless agreed to by majority vote; but any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier than the end of the period provided under clause 2, paragraph (l)(5) of Rule XI of the Rules of the House of Representatives after the committee approves a measure or

matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(d) The report on activities of the committee required under clause 1 of Rule XI of the Rules of the House of Representatives, shall include the following disclaimer in the document transmitting the report to the Clerk of the House: "This report has not been officially adopted by the Committee on Education and the Workforce or any subcommittee thereof and therefore may not necessarily reflect the views of its members." Such disclaimer need not be included if the report was circulated to all members of the committee at least 10 days prior to its submission to the House and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

RULE 19. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 20. BUDGET AND EXPENSES

The Chairman in consultation with the majority party members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority party members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 16 within the limits of their portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Oversight and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearing in Washington, DC:

(1) Out of funds budgeted and set aside for each subcommittee, not to exceed $4,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) out of funds budgeted for the full committee majority, not to exceed $4,000 for expenses of witnesses attending full committee hearings; and

(3) out of funds set aside to the minority party members,

(A) not to exceed, for each of the subcommittees, $4,000 for expenses of witnesses attending subcommittee hearings, and

(B) not to exceed $4,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of committee funds shall be maintained in the Committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 21. APPOINTMENT OF CONFEREES AND NOTICE OF CONFERENCE MEETINGS

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

(b) After the appointment of conferees pursuant to clause 6(f) of Rule X of the Rules of the House of Representatives for matters within the jurisdiction of the committee, the Chairman shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

RULE 22. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

(a) The general conduct of each hearing or meeting covered under authority of this clause and the personal behavior of committee members, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.

(b) Persons undertaking to cover committee hearings or meetings under authority of this rule shall be governed by the following limitations:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witnesses served with a subpoena by the committee shall be required against their will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This paragraph is supplemental to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) The number of television and still cameras permitted in a hearing or meeting room shall be determined in the discretion of the Chairman of the committee or subcommittee holding such hearing or meeting subject to clause 3(e) of Rule XI of the Rules of the House of Representatives.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flash photography shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by the committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 23. CHANGES IN COMMITTEE RULES

A proposed change in these rules shall not be considered by the committee unless the text of such change has been in the hands of all members at least 48 hours prior to the meeting in which the matter is considered.

RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS, 105TH CONGRESS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. GILMAN. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD the Rules of the Committee on International Relations for the 105th Congress.

RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS, 105TH CONGRESS

[Adopted February 5, 1997]

RULE 1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular, the committee rules enumerated in Clause 2 of Rule XI, are the rules of the Committee on International Relations (hereafter referred as the "Committee"), to the extent applicable. A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, is a non-debatable motion of high privilege in Committee.

The Chairman of the Committee on International Relations (hereinafter referred to as the "Chairman") shall consult the Ranking Minority Member to the extent possible with respect to the business of the Committee. Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee, and to its rules to the extent applicable.

RULE 2. DATE OF MEETING

The regular meeting date of the Committee shall be the first Tuesday of every month when the House of Representatives is in session pursuant to Clause 2(b) of Rule XI of the House of Representatives. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Members of the Committee in accordance with Clause 2(c) of Rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to Clause 2(c) of Rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if, in the judgment of the Chairman, there is no business to be considered.

RULE 3. QUORUM

For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

One-third of the Members of the Committee shall constitute a quorum for taking any action, except: (1) Reporting a measure or recommendation, (2) closing Committee meetings and hearings to the public, (3) authorizing the issuance of subpoenas, and (4) any other action for which an actual majority quorum is required by any rule of the House of Representatives or by law.

No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

A rollcall vote may be demanded by one-fifth of the Members present or, in the apparent absence of a quorum, by any one Member.

RULE 4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) MEETINGS

Each meeting for the transaction of business, including the markup of legislation, of the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public, because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise violate any law or rule of the House of Representatives. No person other than Members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This subsection does not apply to open Committee hearings which are provided for by subsection (b) of this rule.

(B) HEARINGS

(1) Each hearing conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day should be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or otherwise would violate any law or rule of the House of Representatives. Notwithstanding the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony—

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate paragraph (2) of this subsection; or

(B) may vote to close the hearing, as provided in paragraph (2) of this subsection.

(2) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person.

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (1) of this subsection, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee unless the House of Representatives has by majority vote authorized the Committee or subcommittee, for purposes of a particular series of hearings, on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public.

(4) The Committee or a subcommittee may by the procedure designated in this subsection vote to close 1 subsequent day of hearings.

(5) No congressional staff shall be present at any meeting or hearing of the Committee or a subcommittee that has been closed to the public, and at which classified information will be involved, unless such person is authorized access to such classified information in accordance with Rule 20.

RULE 5. ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement shall be made of the date, place, and subject matter of any hearing or markup to be conducted by the Committee or a subcommittee at the earliest possible date, and in any event at least 1 week before the commencement of that hearing or markup unless the Committee or subcommittee determines that there is good cause to begin that meeting at an earlier date. Such determination may be made with respect to any markup by the Chairman or subcommittee chairman, as appropriate. Such determination may be made with respect to any hearing of the Committee or subcommittee by its Chairman, with the concurrence of its Ranking Minority Member, or the Committee or subcommittee by majority vote, a quorum being present for the transaction of business.

Public announcement of all hearings and markups shall be published in the Daily Digest portion of the Congressional Record, and promptly entered into the committee scheduling service of House Information Resources. Members shall be notified by the Chief of Staff of all meetings (including markups and hearings) and briefings of subcommittees and of the full Committee.

The agenda for each Committee and subcommittee meeting, setting out all items of business to be considered, including a copy of any bill or other document scheduled for markup, shall be furnished to each Committee or subcommittee Member by delivery to the Member's office at least 2 full calendar days (excluding Saturdays, Sundays, and legal holidays) before the meeting, whenever possible.

RULE 6. WITNESSES

(A) INTERROGATION OF WITNESSES

(1) Insofar as practicable, witnesses shall be permitted to present their oral statements without interruption subject to reasonable time constraints imposed by the Chairman, with questioning by the Committee Members taking place afterward. Members should refrain from questions until such statements are completed.

(2) In recognizing Members, the Chairman shall, to the extent practicable, give preference to the Members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the Members actually present. A Member desiring to speak or ask a question shall address the Chairman and not the witness.

(3) Subject to paragraph (4), each Member may interrogate the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all Members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

(4) Notwithstanding paragraph (3), the Chairman, with the concurrence of the Ranking Minority Member, may permit one or more majority members of the Committee designated by the Chairman to question a witness for a specified period of not longer than 30 minutes. On such occasions, an equal number of minority Members of the Committee designated by the Ranking Minority member shall be permitted to question the same witness for the same period of time. A motion permitting Committee staff to question a witness for equal specified periods may be entertained only with the concurrence of the Chairman and Ranking Minority member. However, even with the concurrence of the Chairman and the Ranking Minority Member. However, even with the concurrence of the Chairman and the Ranking Minority Member to such a motion, in no case may questioning by committee staff proceed before each Member of the Committee who wishes to speak under the 5-minute rule has had one opportunity to do so.

(B) STATEMENTS OF WITNESSES

To the extent practicable, each witness shall file with the Committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a brief summary of his or her views. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall, to the extent practicable, include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness, to the extent that such information is relevant to the subject matter of, and the witness' representational capacity at, the hearing.

To the extent practicable, each witness should provide the text of his or her proposed testimony in machine-readable form.

(C) OATHS

The Chairman, or any Member of the Committee designated by the Chairman, may administer oaths to witnesses before the Committee.

7. PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be made of all hearings and markup sessions. Members of the Committee and any witness may examine the transcript of his or her own remarks and may make any grammatical or technical changes that do not substantively alter the record. Any such Member or witness shall return the transcript to the Committee offices within 5 calendar days (not including Saturdays, Sundays, and legal holidays) after receipt of the transcript, or as soon thereafter as is practicable.

Any information supplied for the record at the request of a Member of the Committee shall be provided to the Member when received by the Committee.

Transcripts of hearings and markup sessions (except for the record of a meeting or hearing which is closed to the public) shall be printed as soon as is practicable after receipt of the corrected versions, except that the Chairman may order the transcript of a hearing to be printed without the corrections of a Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

RULE 8. EXTRANEOUS MATERIAL IN COMMITTEE HEARINGS

No extraneous material shall be printed in either the body or appendixes of any Committee or subcommittee hearing, except matter which has been accepted for inclusion in the record during the hearing. Copies of bills and other legislation under consideration and responses to written questions submitted by Members shall not be considered extraneous material.

Extraneous material in either the body or appendixes of any hearing to be printed which would be in excess of eight printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate in writing from the Public Printer of the probable cost of publishing such material.

RULE 9. PUBLIC AVAILABILITY OF COMMITTEE VOTES

The result of each rollcall vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices. Such result shall include a description of the amendment, motion, order, or other proposition, the name of each Member voting for and against, and the Members present but not voting.

RULE 10. PROXIES

Proxy voting is not permitted in the Committee or in subcommittees.

RULE 11. REPORTS

(A) REPORTS ON BILLS AND RESOLUTIONS

To the extent practicable, not later than 24 hours before a report is to be filed with the Clerk of the House on a measure that has been ordered reported by the Committee, the Chairman shall make available for inspection by all Members of the Committee a copy of the draft committee report in order to afford Members adequate information and the opportunity to draft and file any supplemental, minority or additional views which they may deem appropriate.

With respect to each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in any Committee report on the measure or matter.

(B) PRIOR APPROVAL OF CERTAIN REPORTS

No Committee, subcommittee, or staff report, study, or other document which purports to express publicly the views, findings, conclusions, or recommendations of the Committee or the subcommittee may be released to the public or filed with the Clerk of the House unless approved by a majority of the Members of the Committee or subcommittee, as appropriate. A proposed investigative or oversight report shall be considered as read if it has been available to members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day). In any case in which Clause 2(l)(5) of Rule XI of the House of Representatives does not apply, each Member of the Committee or subcommittee shall be given an opportunity to have views or a disclaimer included as part of the material filed or released, as the case may be.

(C) FOREIGN TRAVEL REPORTS

At the same time that the report required by clause 2(n)1)(B) of Rule XI of the House of Representatives, regarding foreign travel reports, is submitted to the Chairman, Members and employees of the committee shall provide a report to the Chairman listing all official meetings, interviews, inspection tours and other official functions in which the individual participated, by country and date. Under extraordinary circumstances, the Chairman may waive the listing in such report of an official meeting, interview, inspection tour, or other official function. The report shall be maintained in the full committee offices and shall be available for public inspection during normal business hours.

RULE 12. REPORTING BILLS AND RESOLUTIONS

Except in unusual circumstances, bills and resolutions will not be considered by the Committee unless and until the appropriate subcommittee has recommended the bill or resolution for Committee action, and will not be taken to the House of Representatives for action unless and until the Committee has ordered reported such bill or resolution, a quorum being present. Unusual circumstances will be determined by the Chairman, after consultation with the Ranking Minority Member and such other Members of the Committee as the Chairman deems appropriate.

RULE 13. STAFF SERVICES

(a) The Committee staff shall be selected and organized so that it can provide a comprehensive range of professional services in the field of foreign affairs to the Committee, the subcommittees, and all its Members. The staff shall include persons with training and experience in international relations, making available to the Committee individuals with knowledge of major countries, areas, and U.S. overseas programs and operations.

(b) Subject to clause 6 of Rule XI of the House of Representatives, the staff of the Committee, except as provided in paragraph (c), shall be appointed, and may be removed, by the Chairman with the approval of the majority of the majority Members of the Committee. Their remuneration shall be fixed by the Chairman and they shall work under the general supervision and direction of the Chairman. Staff assignments are to be authorized by the Chairman or by the Chief of Staff under the direction of the Chairman.

(c) Subject to clause 6 of Rule XI of the House of Representatives, the staff of the Committee assigned to the minority shall be appointed, their remuneration determined, and may be removed, by the Ranking Minority Member with the approval of the majority of the minority party Members of the Committee. No minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall work under the general supervision and direction of the Ranking Minority Member with the approval or consultation of the minority Members of the committee.

(d) The Chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee. The Chairman shall ensure that the minority party is fairly treated in the appointment of such staff.

RULE 14. NUMBER AND JURISDICTION OF SUBCOMMITTEES

(A) FULL COMMITTEE

The full Committee will be responsible for oversight and legislation relating to foreign assistance (including development assistance, security assistance, and Public Law 480 programs abroad) or relating to the Peace Corps; national security developments affecting foreign policy; strategic planning and agreements; war powers, executive agreements, and the deployment and use of United States Armed Forces; peacekeeping, peace enforcement, and enforcement of United Nations or other international sanctions; arms control, disarmament and other proliferation issues; the Agency for International Development; oversight of State and Defense Department activities involving arms transfers and sales, and arms export licenses; international law; promotion of democracy; international law enforcement issues, including

terrorism and narcotics control programs and activities; and all other matters not specifically assigned to a subcommittee. The full Committee may conduct oversight with respect to any matter within the jurisdiction of the Committee as defined in the Rules of the House of Representatives.

(B) SUBCOMMITTEES

There shall be five standing subcommittees. The names and jurisdiction of those subcommittees shall be as follows:

1. Functional Subcommittees

There shall be two subcommittees with functional jurisdiction:

Subcommittee on International Economic Policy and Trade.—To deal with measures relating to international economic and trade policy; measures to foster commercial intercourse with foreign countries; export administration; international investment policy; trade and economic aspects of nuclear Technology and materials, of nonproliferation policy, and of international communication and information policy; licenses and licensing policy for the export of dual use equipment and technology; legislation pertaining to and oversight of the Overseas Private Investment Corporation and the Trade and Development Agency; scientific developments affecting foreign policy; commodity agreements; international environmental policy and oversight of international fishing agreements; and special oversight of international financial and monetary institutions, the Export-Import Bank, and customs.

Subcommittee on International Operations and Human Rights.—To deal with Department of State, United States Information Agency, and related agency operations and legislation; the diplomatic service; international education and cultural affairs; foreign buildings; programs, activities and the operating budget of the Arms Control and Disarmament Agency; oversight of, and legislation pertaining to, the United Nations, its affiliated agencies, and other international organizations, including assessed and voluntary contributions to such agencies and organizations; parliamentary conferences and exchanges; protection of American citizens abroad; international broadcasting; international communication and information policy; the American Red Cross; implementation of the Universal Declaration of Human Rights and other matters relating to internationally recognized human rights; and oversight of international population planning and child survival activities.

2. Regional Subcommittees

There shall be three subcommittees with regional jurisdiction: the Subcommittee on the Western Hemisphere; the Subcommittee on Africa; and the Subcommittee on Asia and the Pacific; with responsibility for Europe and the Middle East reserved to the full Committee.

The regional subcommittees shall have jurisdiction over the following within their respective regions:

(1) Matters affecting the political relations between the United States and other countries and regions, including resolutions or other legislative measures directed to such relations.

(2) Legislation with respect to disaster assistance outside the Foreign Assistance Act, boundary issues, and international claims.

(3) Legislation with respect to region- or country-specific loans or other financial relations outside the Foreign Assistance Act.

(4) Resolutions of disapproval under section 36(b) of the Arms Export Control Act, with respect to foreign military sales.

(5) Legislation and oversight regarding human rights practices in particular countries.

(6) Oversight of regional lending institutions.

(7) Oversight of matters related to the regional activities of the United Nations, of its affiliated agencies, and of other multilateral institutions.

(8) Identification and development of options for meeting future problems and issues relating to U.S. interests in the region.

(9) Base rights and other facilities access agreements and regional security pacts.

(10) Oversight of matters relating to parliamentary conferences and exchanges involving the region.

(11) Concurrent oversight jurisdiction with respect to matters assigned to the functional subcommittees insofar as they may affect the region.

(12) Oversight of all foreign assistance activities affecting the region.

(13) Such other matters as the Chairman of the full Committee may determine.

15. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the Chairman, other subcommittee chairmen, and other appropriate Members, with a view towards minimizing the practice of the Committee that meet be scheduled to occur simultaneously with meetings of the full Committee.

In order to ensure orderly administration and fair assignment of hearing and meeting rooms, the subject, time, and location of hearings and meetings shall be arranged in advance with the Chairman through the Chief of Staff of the Committee.

The Chairman of the full Committee shall designate a Member of the majority party on each subcommittee as its vice chairman.

The Chairman and the Ranking Minority Member may attend the meetings and participate in the activities of all subcommittees of which they are not members, except that they may not vote or be counted for a quorum in such subcommittees.

16. REFERRAL OF BILLS BY CHAIRMAN

In accordance with Rule 14 of the Committee and to the extent practicable, all legislation and other matters referred to the Committee shall be referred by the Chairman to a subcommittee of primary jurisdiction within 12 weeks. In accordance with Rule 14 of the Committee, legislation may also be concurrently referred to additional subcommittees for consideration in sequence. Unless otherwise directed by the Chairman, such subcommittees shall act on or be discharged from consideration of legislation that has been approved by the subcommittee of primary jurisdiction within 2 weeks of such action. In referring any legislation to a subcommittee, the Chairman may specify a date by which the subcommittee shall report thereon to the full Committee.

Subcommittees with regional jurisdiction shall have primary jurisdiction over legislation regarding human rights practices in particular countries. The Subcommittee on International Operations and Human Rights shall have sequential jurisdiction over such legislation.

The Chairman may designate a subcommittee chairman or other Member to take responsibility as manager of a bill or resolution during its consideration in the House of Representatives.

17. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall determine an appropriate ratio of majority to minority party Members for each subcommittee. Party representation on each subcommittee or conference committee shall be no less favorable to the majority party than the ratio for the full Committee. The Chairman and the Ranking Minority Member are authorized to negotiate matters affecting such ratios including the size of subcommittees and conference committees.

18. SUBCOMMITTEE FUNDING AND RECORDS

(a) Each subcommittee shall have adequate funds to discharge its responsibility for legislation and oversight.

(b) In order to facilitate Committee compliance with Clause 2(e)(1) of Rule XI of the House of Representatives, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be promptly made available to the full Committee for inspection by the public in accordance with Rule 9 of the Committee.

(c) All subcommittee hearings, records, data, charts, and files shall be kept distinct from the congressional office records of the Member serving as chairman of the subcommittee. Subcommittee records shall be coordinated with records of the full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

19. MEETINGS OF SUBCOMMITTEE CHAIRMEN

The Chairman shall call a meeting of the subcommittee chairmen on a regular basis not less frequently than once a month. Such a meeting need not be held if there is no business to conduct. It shall be the practice at such meetings to review the current agenda and activities of each of the subcommittees.

20. ACCESS TO CLASSIFIED INFORMATION

Authorized persons.—In accordance with the stipulations of the Rules of the House of Representatives, all Members of the House who have executed the oath required by Clause 13 of Rule XLIII of the House of Representatives shall be authorized to have access to classified information within the possession of the Committee.

Members of the Committee staff shall be considered authorized to have access to classified information within the possession of the committee when they have the proper security clearances, when they have executed the oath required by Clause 13 of Rule XLIII of the House of Representatives, and when they have a demonstrable need to know. The decision on whether a given staff member has a need to know will be made on the following basis:

(a) In the case of the full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(b) In the case of the full Committee minority staff, by the Ranking Minority Member of the committee, acting through the Minority Chief of Staff;

(c) In the case of subcommittee majority staff, by the Chairman of the subcommittee;

(d) In the case of the subcommittee minority staff, by the Ranking Minority Member of the subcommittee.

No other individuals shall be considered authorized persons, unless so designated by the Chairman.

Designated persons.—Each Committee Member is permitted to designate one member of his or her staff as having the right of

access to information classified confidential. Such designated persons must have the proper security clearance, have executed the oath required by Clause 13 of Rule XLIII of the House of Representatives, and have a need to know as determined by his or her principal. Upon request of a Committee Member in specific instances, a designated person also shall be permitted access to information classified secret which has been furnished to the Committee pursuant to section 36 of the Arms Export Control Act, as amended. Designation of a staff person shall be by letter from the Committee Member to the Chairman.

Location.—Classified information will be stored in secure safes in the Committee rooms. All materials classified top secret must be stored in a Secure Compartmentalized Information Facility (SCIF).

Handling.—Materials classified confidential or secret may be taken from Committee offices and hearing rooms by Members of the Committee and authorized Committee staff in connection with hearings and briefings of the Committee or its Subcommittees for which such information is deemed to be essential. Removal of such information from the Committee offices shall be only with the permission of the Chairman under procedures designed to ensure the safe handling and storage of such information at all times. Except as provided in this paragraph, top secret materials may not be taken from the SCIF for any purpose, except that such materials may be taken to hearings and other meetings that are being conducted at the top secret level when necessary. Top secret materials may otherwise be used under conditions approved by the Chairman.

Notice.—Appropriate notice of the receipt of classified documents received by the Committee from the executive branch will be sent promptly to Committee Members through the Survey of Activities or by other means.

Access.—Except as provided for above, access to materials classified top secret or otherwise restricted held by the Committee will be in the SCIF. The following procedures will be observed:

(a) Authorized or designated persons will be admitted to the SCIF after inquiring of the Chief of Staff or an assigned staff member. The SCIF will be open during regular Committee hours.

(b) Authorized or designated persons will be required to identify themselves, to identify the documents or information the wish to view, and to sign the Classified Materials Log, which is kept with the classified information.

(c) The assigned staff member will be responsible for maintaining a log which identifies (1) authorized and designated persons seeking access, (2) the classified information requested, and (3) the time of arrival and departure of such persons. The assigned staff member will also assure that the classified materials are returned to the proper location.

(d) The Classified Materials log will contain a statement acknowledged by the signature of the authorized or designated person that he or she has read the Committee rules and will abide by them.

Divulgence.—Classified information provided to the Committee by the executive branch shall be handled in accordance with the procedures that apply within the executive branch for the protection of such information. Any classified information to which access has been gained through the Committee may not be divulged to any unauthorized person. Classified material shall not be photocopied or otherwise reproduced without the authorization of the Chief of Staff. In no event shall classified information be discussed over a non-secure telephone. Apparent violations of this rule should be reported as promptly as possible to the Chairman for appropriate action.

Other regulations.—The Chairman may establish such additional regulations and procedures as in his judgment may be necessary to safeguard classified information under the control of the Committee. Members of the Committee will be given notice of any such regulations and procedures promptly. They may be modified or waived in any or all particulars by a majority vote of the full Committee.

21. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

All Committee and subcommittee meetings or hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage in accordance with the provisions of clause 3 of House rule XI.

The Chairman or subcommittee chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room, but shall not limit the number of television or still cameras to fewer than two representatives from each medium.

Such coverage shall be in accordance with the following requirements contained in Section 116(b) of the Legislative Reorganization Act of 1970, and Clause 3(f) of Rule XI of the Rules of the House of Representatives:

(a) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(b) No witness served with a subpoena by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) The allocation among cameras permitted by the Chairman or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and Member of the Committee or its subcommittees or the visibility of that witness and that member to each other.

(e) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee or subcommittee is in session.

(g) Floodlights, spotlights, strobe lights, and flashgun shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the current state of the art of television coverage.

(h) In the allocation of the number of still photographers permitted by the Chairman or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos, United Press International News pictures, and Reuters. If requests are made by more of the media than will be permitted by the Chairman or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

22. SUBPOENA POWERS

A subpoena may be authorized and issued by the Chairman, in accordance with Clause 2(m) of Rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee, following consultation with the Ranking Minority Member.

In addition, a subpoena may be authorized and issued by the Committee or its subcommittees in accordance with Clause 2(m) of Rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the Members voting, a majority of the committee or subcommittee being present.

Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

23. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever the Speaker is to appoint a conference committee, the Chairman shall recommend to the Speaker as conferees those Members of the Committee who are primarily responsible for the legislation (including to the full extent practicable the principal proponents of the major provisions of the bill as it passed the House), who have actively participated in the Committee or subcommittee consideration of the legislation, and who agree to attend the meetings of the conference. With regard to the appointment of minority Members, the Chairman shall consult with the Ranking Minority Member.

24. GENERAL OVERSIGHT

Not later than February 15 of the first session of a Congress, the Committee shall meet

in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

25. OTHER PROCEDURES AND REGULATIONS

The Chairman may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Any additional procedures or regulations may be modified or rescinded in any or all particulars by a majority vote of the full Committee.

HONORING THE U.S.S. "GEORGE WASHINGTON" AND THE U.S.S. "MARYLAND"

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HOYER. Mr. Speaker, during the August recess, I had the good fortune to spend some time with members of our naval forces, specifically the officers and crews of the aircraft carrier, U.S.S. "George Washington" and the ballistic missile submarine, U.S.S. "Maryland". I was joined on the "George Washington" visit by Congressman GIL GUTKNECHT. Congressman BEN CARDIN and I were together on the "Maryland" visit.

We were able to stay for an overnight on each vessel and observe the ship's personnel, as they went about their normal duties.

Mr. Speaker, it was a distinct pleasure and source of pride watching our Navy in action. You would truly be amazed at the amount of coordination and communication that is required to safely and effectively utilize all of their ship's warfighting capabilities. Yet, these crews carried out their duties with great skill, making it all look easy.

In the case of the U.S.S. "George Washington", the advertisements are correct and possibly even understated. At almost 1,100 feet long, 257 feet wide, 244 feet high, and capable of housing and feeding over 5,000 sailors and marines, she really is 4½ acres of sovereign territory.

A cornerstone of our national defense strategy, "George" can transport over 70 combat aircraft almost anywhere in the world.

Such an important capability becomes even more invaluable as budgets and politics dictate that we vacate our forward bases. It is easy to see why our Nation's aircraft carriers have played a major role in almost every world crisis. Their forward presence is invaluable to our national defense.

Much less apparent—by design, I might add—but certainly no less important in its role, is the U.S.S. "Maryland", a strategic ballistic missile submarine. The "Maryland" is over 560 feet long with a hull diameter of 42 feet. She carries a complement of approximately 157 officers and enlisted personnel. For armament, she has 24 missile tubes carrying the Trident II D–5 missile and 4 torpedo tubes capable of firing the Mark 48 antisubmarine torpedo.

As an undersea launching platform, the *Maryland* is virtually undetectable. Her state-of-the-art mobility, speed, and quietness makes her one of our most survivable and cost-effective strategic systems.

As you know, the Navy is a very important part of my southern Maryland constituency. The Fifth Congressional District is home to the Naval Air Systems Command at Patuxent River Naval Air Station and St. Inigoes. We also have the Indian Head Division of the Naval Surface Warfare Center.

Pax River personnel are trained to develop and test a host of systems designed to enhance the safety and reliability of all naval aircraft. In addition, St. Inigoes develops communications and radar systems designed to provide the fleet with state-of-the-art eyes and ears.

Similarly, Indian Head is a leading developer of insensitive missile and gun propellants for the fleet. As a result of their efforts, sailors can literally sleep on their munitions without concern.

The research and development conducted at Pax River, St. Inigoes, and Indian Head is absolutely critical to our national defense. It is their creativity and support that contributes to the excellence of our Navy.

When you combine their know how with the quality of our sailors, you have an unbeatable combination.

As good as our hardware is, it still requires human intervention. I was extraordinarily impressed by the professionalism and the dedication of the naval personnel assigned to the *George Washington* and the *Maryland*. Their days are long and the work is demanding. In addition, they endure long absences from their families.

I witnessed two separate crews with vastly different assignments, but with the common goal of being the best in the world.

Mr. Speaker, I was pleased to have the opportunity to talk to the members of the crew. They are young, insightful, professional, and most of all, enthusiastic about their jobs and the Navy.

Their training is first rate and constantly updated. It gives them a confidence that is unmistakable and it shows in the way that they carry themselves. I would like to take this opportunity to thank the officers and crews of the *George Washington* and the *Maryland* and their families that provide so much inspiration and support. You are the best.

I would like to acknowledge the following naval personnel whose participation in my visits made them so memorable:

U.S.S. *George Washington* visit: RADM Tim Ziemer, Commander, Naval Base, Norfolk; RADM Mike Mullen, Commander, *George Washington* Battle Group; Capt. Lindell "Yank" Rutherford, Commanding Officer, U.S.S. *George Washington*; Capt. John "Boomer" Stuffelbeem, Commander, Carrier Air Wing One; Command Master Chief Kevin Lavin; and Lt. Steve West, House Navy Liaison Office.

U.S.S. *Maryland* visit: RADM Chuck Beers, Commander, Submarine Group Ten; Capt. Randy Zeller, Commanding Officer, Trident Refit Facility; Comdr. Scott Gray, Commanding Officer, U.S.S. *Maryland*; Lt. Comdr. Tim Luffy, Executive Officer, U.S.S. *Maryland*; Lt. Comdr. Travis Hayes, House Navy Liaison Office; and Sonar Technician Senior Chief Tom Tribble, Chief of the Boat, U.S.S. *Maryland*.

Mr. Speaker, we owe the men and women of our Navy the best of everything—the best training, the best equipment, and the best support. I can assure you that they will use it wisely.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. KASICH. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1998 and for the 5-year period fiscal year 1998 through fiscal year 2002.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of November 4, 1997.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by House Concurrent Resolution 84, the concurrent resolution on the budget for fiscal year 1998 as adjusted pursuant to sec. 314 of the Congressional Budget Act. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1998 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the "section 302(a)" allocations for discretionary action made under House Concurrent Resolution 84 for fiscal year 1998 and for fiscal years 1998 through 2002. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1998 with the revised "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 302(b) suballocation. The revised section 302(b) suballocations

were filed by the Appropriations Committee on October 6, 1997.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1998 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 84

[Reflecting action completed as of November 7, 1997.—On-budget amounts, in millions of dollars]

	Fiscal years—	
	1998	1998–2002
Appropriate Level (as amended by P.L. 105–116):		
Budget Authority	1,387,183	7,385,828
Outlays	1,372,461	7,282,291
Revenues	1,199,000	6,477,552
Current Level:		
Budget Authority	1,356,373	(1)
Outlays	1,374,711	(1)
Revenues	1,197,376	6,460,149

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1998 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 84—Continued

[Reflecting action completed as of November 7, 1997.—On-budget amounts, in millions of dollars]

	Fiscal years—	
	1998	1998–2002
Current Level over(+)/under(−) Appropriate Level:		
Budget Authority	−30,810	(1)
Outlays	2,250	(1)
Revenues	−1,624	−17,403

[1] Not applicable because annual appropriations Acts for Fiscal Year 1998 through 2002 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing more than—$30,810,000,000 in new budget authority for FY 1998 (if not already included in the current level estimate) would cause FY 1998 budget authority to exceed the appropriate level set by H. Con. Res. 84.

OUTLAYS

Enactment of any measure providing new outlays for FY 1998 (if not already included in the current level estimate) would cause FY 1998 outlays to exceed the appropriate level set by H. Con. Res. 84.

REVENUES

Enactment of any measure that would result in any revenue loss for FY 1998 (if not already included in the current level estimate) or for FY 1998 through 2002 (if not already included in the current level) would cause revenues to fall further below the appropriate level set by H. Con. Res. 84.

COMPARISON OF CURRENT LEVEL WITH COMMITTEE—ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a), REFLECTING ACTION COMPLETED AS OF NOVEMBER 4, 1997

[Fiscal years, in millions of dollars]

	1998			1998–2002		
	BA	Outlays	NEA	BA	Outlays	NEA
House Committee:						
Agriculture:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
National Security:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Banking, Finance and Urban Affairs:						
Allocation	−136	−136	0	−666	−1,590	0
Current Level	−136	−136	0	−846	−1,770	0
Difference	0	0	0	−180	−180	0
Education & the Workforce:						
Allocation	−248	−242	1,726	−1,798	−1,792	12,867
Current Level	−463	−240	−456	−1,836	−1,793	−1,801
Difference	−215	2	−2,182	−38	−1	−14,668
Commerce:						
Allocation	0	0	2,463	−26,313	−26,313	2,375
Current Level	4,275	4,275	4,405	−1,163	−1,163	9,827
Difference	4,275	4,275	1,942	25,150	25,150	7,452
International Relations:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Government Reform & Oversight:						
Allocation	−632	−632	0	−3,096	−3,096	0
Current Level	−639	−639	0	−3,034	−3,034	0
Difference	−7	−7	0	62	62	0
House Oversight:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	146	177	0	908	1,063	0
Current Level	0	0	0	0	0	5
Difference	−146	−177	0	−908	−1,063	5
Resources::						
Allocation	0	0	0	0	0	0
Current Level	14	3	0	19	19	0
Difference	0	0	0	0	0	0
Transportation & Infrastructure:						
Allocation	29,695	65	0	156,356	1,209	0
Current Level	0	5	0	−736	−736	0
Difference	−29,695	−60	0	−157,092	−1,945	0
Science:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−224	−224	327	−1,665	−1,665	5,773
Current Level	−224	−224	−25	−1,665	−1,665	−1,116
Difference	0	0	−352	0	0	−6,889
Ways and Means:						
Allocation	−5,918	−5,918	400	−113,146	−113,149	1,603
Current Level	−4,586	−5,714	−1,934	−121,317	−121,663	−96,386
Difference	1,332	204	−2,334	−8,171	−8,514	−97,989
Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Total Authorized:						
Allocation	22,683	−6,910	4,916	10,580	−145,333	22,618
Current Level	−1,759	−2,670	1,990	−130,578	−131,805	−89,471
Difference	−24,456	4,237	−2,926	−141,177	13,509	−112,089

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1998—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b)

[In millions of dollars]

	Revised 302(b) suballocations (October 6, 1997)				Current level reflecting action completed as of Nov. 4, 1997				Difference			
	General purpose		Violent crime [1]		General purpose		Violent crime [1]		General purpose		Violent crime [1]	
	BA	Outlays	BA	Outlays	BA	Outlays	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture, Rural Development	13,751	13,997	0	0	13,751	13,997	0	0	0	0	0	0
Commerce, Justice, State	26,026	25,627	5,225	3,401	31	6,163	0	2,006	−25,995	−19,464	−5,225	−1,395
District of Columbia	835	537	0	0	0	0	0	0	−835	−537	0	0
Energy & Water Development	20,793	20,893	0	0	20,732	20,880	0	0	−61	−13	0	0
Foreign Operations	12,800	13,060	0	0	0	8,041	0	0	−12,800	−5,019	0	0
Interior	13,100	13,472	0	0	13,799	13,707	0	0	699	235	0	0
Labor, HHS and Education	80,045	76,036	144	65	3,485	45,456	0	33	−76,560	−30,580	−144	−32
Legislative Branch	2,251	2,251	0	0	2,251	2,251	0	0	0	0	0	0
Military Construction	9,183	9,920	0	0	9,183	9,862	0	0	0	−58	0	0
National Defense	247,516	244,263	0	0	247,512	244,198	0	0	−4	−65	0	0
Transportation	12,411	37,204	0	0	12,411	37,204	0	0	0	0	0	0
Treasury-Postal Service	12,606	12,380	131	126	12,604	12,377	131	118	−2	−3	0	−8
VA–HUD-Independent Agencies	68,596	80,001	0	0	68,575	79,961	0	0	−21	−40	0	0
Reserve/Offsets	207	196	0	0	0	0	0	0	−207	−196	0	0
Grand total	520,120	549,837	5,500	3,592	404,334	494,097	131	2,157	−115,786	−55,740	−5,369	−1,435

[1] For display purposes only.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 6, 1997.

Hon. JOHN KASICH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1998. These estimates are compared to the appropriate levels for those items contained in the 1998 Concurrent Resolution on the Budget (H. Con. Res. 84) and are current through November 4, 1997. A summary of this tabulation, my first for fiscal year 1998, follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 84)	Current level +/− resolution
Budget Authority	1,356,373	1,387,183	−30,810
Outlays	1,374,711	1,372,461	+2,250
Revenues:			
1998	1,197,376	1,199,000	−1,624
1998–2002	6,460,149	6,477,552	−17,403

Sincerely,

JUNE E. O'NEILL, *Director.*

PARLIAMENTARIAN STATUS REPORT—105TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1998, AS OF CLOSE OF BUSINESS NOVEMBER 4, 1997

[In millions of dollars]

	Budget authority	Outlays	Revenues
PREVIOUSLY ENACTED			
Revenues			1,206,379
Permanents and other spending legislation	880,313	866,860	
Appropriation legislation		241,036	
Offsetting receipts	−211,291	−211,291	
Total previously enacted	669,022	896,605	1,206,379
ENACTED THIS SESSION			
Authorization Bills:			
Balanced Budget Act of 1997 (P.L. 105–33)	−1,632	−2,622	267
Taxpayer Relief Act of 1997 (P.L. 105–34)			−9,281
Stamp Out Breast Cancer Act (P.L. 105–41) [1]			
Oklahoma City National Memorial Act of 1997 (P.L. 105–58)	14	3	14
Appropriation Bills:			
1997 Emergency Supplemental Appropriations Act (P.L. 105–18)	−350	−280	
Defense Appropriations Act (P.L. 105–56) [2]	247,709	164,702	
Energy and Water Appropriations Act (P.L. 105–62) [3]	20,732	13,533	
Legislative Branch Appropriations Act (P.L. 105–55)	2,251	2,023	
Military Construction Appropriations Act (P.L. 105–45) [4]	9,183	3,024	
Transportation Appropriations Act (P.L. 105–66) [5]	13,064	13,485	
Treasury and General Government Appropriations Act (P.L. 105–61) [6]	17,106	14,168	−4
Veterans, HUD Appropriations Act (P.L. 105–65) [7]	90,689	52,864	
Total enacted this session	398,766	260,900	−9,004
PASSED PENDING SIGNATURE			
Agriculture, Rural Development Appropriations Act (H.R. 2160)	13,841	9,091	
Interior and Related Agencies Appropriations Act (H.R. 2170)	49,047	41,511	
Technical Amendments to Title 17, United States Code (H.R. 672)	1	1	1
Total passed pending signature	62,889	50,603	1
CONTINUING RESOLUTION AUTHORITY			
Further Continuing Appropriations (P.L. 105–64) [8]	118,756	57,850	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	106,940	108,753	
Total Current Level	1,356,373	1,374,711	1,197,376
Total Budget Resolution	1,387,183	1,372,461	1,199,000
Amount Remaining:			
Under Budget Resolution	30,810		1,624
Over Budget Resolution		2,250	
ADDENDUM			
Emergencies	271	2,286	
Total Current Level Including Emergencies	1,356,644	1,376,997	

[1] The revenue effect of this act begins in fiscal year 1999.
[2] Estimates include $144 million in budget authority and $73 million in outlays for items that were vetoed by the President on October 14, 1997.
[3] Estimates include $19 million in budget authority and $12 million in outlays for items that were vetoed by the President on October 17, 1997.
[4] Estimates include $287 million in budget authority and $28 million in outlays for items that were vetoed by the President on October 6, 1997.
[5] Estimates include $6 million in budget authority and $2 million in outlays for items that were vetoed by the President on November 1, 1997.
[6] Estimates include a savings of $2 million in budget authority and outlays and a revenue loss of $4 million for section 642, which was vetoed by the President on October 17, 1997.

[7] Estimates include $14 million in budget authority and $7 million in outlays for items that were vetoed by the President on November 1, 1997.
[8] These figures are annualized estimates of discretionary spending provided in P.L. 105–64, which expires November 7, 1997, for programs funded in the following appropriation bills: Commerce-Justice-State, District of Columbia, Foreign Operations, and Labor-HHS-Education. The first continuing resolution (P.L. 105–46) expired October 23, 1997.

Note.—Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress.

Source: Congressional Budget Office.

SENATE—*Monday, December 15, 1997*

REPORT OF THE CANCELLATION OF DISCRETIONARY BUDGET AUTHORITY (97–75)—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 82

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on November 20, 1997, received a message from the President of the United States, together with an accompanying report; referred jointly, pursuant to section 1022 of the Congressional Budget and Impoundment Control Act of 1974, to the Committee on Appropriations, and to the Committee on the Budget.

THE WHITE HOUSE,
Washington, DC, November 20, 1997.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: In accordance with the Line Item Veto Act, I hereby cancel the dollar amounts of discretionary budget authority, as specified in the attached reports, contained in the "Department of the Interior and Related Agencies Appropriations Act, 1998" (H.R. 2107). I have determined that the cancellation of these amounts will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachments, constitutes a special message under section 1022 of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Sincerely,

WILLIAM J. CLINTON.

REPORT OF THE CANCELLATION OF DISCRETIONARY BUDGET AUTHORITY (97–78)—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 83

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on November 20, 1997, received a message from the President of the United States, together with an accompanying report; referred jointly, pursuant to section 1022 of the Congressional Budget and Impoundment Control Act of 1974, to the Committee on Appropriations, and to the Committee on the Budget.

THE WHITE HOUSE,
Washington, DC, November 20, 1997.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: In accordance with the Line Item Veto Act, I hereby cancel the dollar amounts of discretionary budget authority, as specified in the attached reports, contained in the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1998" (H.R. 2160). I have determined that the cancellation of these amounts will reduce the Federal Budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachments, constitutes a special message under section 1022 of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Sincerely,

WILLIAM J. CLINTON.

REPORT OF THE CANCELLATION OF DISCRETIONARY BUDGET AUTHORITY (97–82)—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 81

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on December 2, 1997, received a message from the President of the United States, together with an accompanying report; referred jointly, pursuant to section 1025 of the Congressional Budget and Impoundment Control Act of 1974, to the Committee on Appropriations, and to the Committee on the Budget.

THE WHITE HOUSE,
Washington, DC, November 20, 1997.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: In accordance with the Line Item Veto Act, I hereby cancel the dollar amounts of discretionary budget authority, as specified in the attached report, contained in the "Department of Commerce, Justice, and State, and Related Agencies Appropriations Act, 1998" (H.R. 2267). I have determined that the cancellation of these amounts will reduce the Federal Budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachment, constitutes a special message under section 1022 of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Sincerely,

WILLIAM J. CLINTON.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 14, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bills and joint resolution, each without amendment:

S. 156. An act to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes.

S. 819. An act to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the "Martin V.B. Bostetter, Jr. United States Courthouse."

S. 833. An act to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the "Howard M. Metzenbaum United States Courthouse."

S. 1161. An act to amend the Immigration and Nationality Act to authorize appropriations for refugees and entrant assistance for fiscal years 1998 and 1999.

S. 1193. An act to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes.

S. 1559. An act to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University.

S. 1565. An act to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act.

S.J. Res. 39. Joint resolution to provide for the convening of the Second Session of the One Hundred Fifth Congress.

The message also announced that the House has agreed to the following concurrent resolutions, each without amendment:

S. Con. Res. 68. Concurrent resolution to adjourn sine die the First Session of the One Hundred Fifth Congress.

S. Con. Res. 70. Concurrent resolution to correct a technical error in the enrollment of the bill S. 1026.

The message further announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 106. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2267) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The message further announced that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 103. Joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress.

H.J. Res. 106. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled joint resolutions were signed on November 14, during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 18,

1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore [Mrs. MORELLA] has signed the following enrolled bills and joint resolution:

S. 156. An act to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes.

S. 476. An act to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

S. 738. An act to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

S. 819. An act to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the Martin V.B. Bostetter, Jr. United States Courthouse.

S. 833. An act to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the Howard M. Metzenbaum United States Courthouse.

S. 1161. An act to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999.

S. 1193. An act to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes.

S. 1559. An act to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University.

S. 1565. An act to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act.

S.J. Res. 39. Joint resolution to provide for the convening of the second session of the One Hundred Fifth Congress.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills and joint resolutions were signed on November 18, during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 18, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore [Mrs. MORELLA] has signed the following enrolled bills:

S. 1026. An act to reauthorize the Export-Import Bank of the United States.

S. 1139. An act to reauthorize the programs of the Small Business Administration, and for other purposes.

S. 1228. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1354. An act to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

S. 1378. An act to extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes.

S. 1417. An act to provide for the design, construction, furnishing and equipping of a Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.

S. 1505. An act to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

S. 1507. An act to amend the National Defense Authorization Act for Fiscal Year 1998 to make certain technical corrections.

S. 1519. An act to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on November 18, during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 14, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore [Mrs. MORELLA] has signed the following enrolled bills:

S. 830. An act to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulations of food, drugs, devices, and biological products, and for other purposes.

H.R. 2159. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on November 19, 1997 during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on November 24, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2267. An act making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bill was signed on November 24, 1997 during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on November 25, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 1254. An act to designate the United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, as the "John N. Griesemer Post Office Building."

H.R. 1493. An act to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and for other purposes.

H.R. 2626. An act to make clarifications to the Pilot Records Improvement Act of 1996, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on November 25, 1997 during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States, the following enrolled bills and joint resolution:

On November 17, 1997:

S. 156. An act to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes.

S. 476. An act to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

S. 738. An act to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

S. 819. An act to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the Martin V.B. Bosteller, Jr. United States Courthouse.

S. 833. An act to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the Howard M. Metzenbaum United States Courthouse.

S. 1161. An act to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999.

S. 1193. An act to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes.

S. 1559. An act to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University.

S. 1565. an act to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act.

S.J. Res. 39. Joint resolution to provide for the convening of the second session of the One Hundred Fifth Congress.

On November 19, 1997:

S. 830. An act to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

S. 1026. An act to reauthorize the Export-Import Bank of the United States.

S. 1228. An act to provide for the 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1354. An act to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

S. 1378. An act to extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes.

S. 1417. An act to provide for the design, construction, furnishing, and equipping of a Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.

S. 1505. An act to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

S. S. 1507. An act to amend the National Defense Authorization Act for Fiscal Year 1998 to make certain technical corrections.

S. 1519. An act to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Internodal Surface Transportation Efficiency Act of 1991.

On November 21, 1997:

S. 1139. An act to reauthorize the programs of the Small Business Administration, and for other purposes.

ADDITIONAL STATEMENTS

ASIAN ELEPHANT CONSERVATION ACT OF 1997

• Mr. CHAFEE. Mr. President, on November 7, 1997, the Committee on Environment and Public Works filed a report (S. Rept. 105–142) to accompany S. 1287, a bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants. The bill is known as the Asian Elephant Conservation Act of 1997. The bill was placed on the Senate Calendar.

An identical companion bill, H.R. 1787, subsequently was passed by the Senate on November 8, 1997.

Under the Senate rules, a cost estimate prepared by the Congressional Budget Office must be submitted with the filed report. Because the cost estimate was not available when the report was filed I ask that the letter from the Director of the Congressional Budget Office, received on November 21, 1997, be printed in the RECORD.

The letter follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 21, 1997.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1287, the Asian Elephant Conservation Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1287.—Asian Elephant Conservation Act of 1997

Summary: S. 1287 would establish a new fund to support the conservation of Asian elephants. The bill would direct the Secretary of the Interior to use amounts in the new fund to finance eligible conservation efforts, which may include specific projects such as research and education as well as ongoing activities such as law enforcement. For this purpose, S. 1287 would authorize appropriations to the fund of $5 million for each of fiscal years 1998 through 2002. Also, the Secretary would be authorized to accept and use donated funds without further appropriation.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 1287 would result in additional discretionary spending of about $10 million over the 1998-2002 period (with the remainder of the authorized $25 million estimated to be spent after 2002). The legislation would affect direct spending and receipts by allowing the Secretary to accept and spend donations; therefore, pay-as-you-go procedures would apply. Any such transactions, however, would involve minor, offsetting amounts. S. 1287 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would have no impact on the budgets of state, local, or tribal governments.

Estimated Cost to the Federal Government: For purposes of this estimate, CBO assumes that the entire amounts authorized by S. 1287 will be appropriated for each of fiscal years 1998 through 2002. Outlay estimates are based on obligation patterns for similar programs, which indicate that the rate of spending over the first few years of the new program would be slow. The estimated budgetary impact of S. 1287 is shown in the following table.

SPENDING SUBJECT TO APPROPRIATION

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002
Authorization level	5	5	5	5	5
Estimated outlays	(1)	1	2	3	4

[1] Less than $500,000.

The costs of this legislation fall within budget function 300 (natural resources and environment). Spending for the conservation of Asian elephants would constitute a new program in the federal budget; that is, there is no spending for this activity under current law.

Enacting S. 1287 also would affect both receipts and direct spending by authorizing the Secretary of the Interior to accept and use donations. CBO estimates that this provision would increase federal receipts by less than $500,000 annually once the conservation program has been established. Because these receipts would be offset by additional direct spending, the net impact of this provision on the federal budget would be negligible in each year.

Pay-as-You-Go Considerations: The Balanced Budget and Emergency Deficit Control Act of 1985 specifies pay-as-you-go procedures for legislation affecting direct spending or receipts. Although enacting S. 1287 would affect both receipts and direct spending, CBO estimates that the amounts involved would be less than $500,000 annually.

Intergovernmental and Private-Sector Impact: S. 1287 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no impact on the budgets of state, local, or tribal governments.

Previous CBO Estimate: On September 17, 1997, CBO prepared an estimate for H.R. 1787, a similar bill ordered reported by the House Committee on Resources on September 10, 1997. The two estimates are identical.

Estimate Prepared by: Deborah Reis.

Estimate Approved by: James R. Horney for Paul N. Van de Water, Assistant Director for Budget Analysis.•

INAUGURAL ADDRESS OF PRESIDENT MARY MCALEESE OF IRELAND

• Mr. KENNEDY. Mr. President, on November 11, Mary McAleese was inaugurated as President of Ireland.

President McAleese was elected by the largest majority ever in an Irish Presidential election, and she is also the first President of Ireland who is from Northern Ireland.

Having suffered personally from the troubles in Northern Ireland, President McAleese said in her inaugural address that the theme of her Presidency would be building bridges—between nationalists and unionists in Northern Ireland, and between the North and the South of Ireland.

President McAleese will find many friends in the United States who share her vision of cooperation. We look forward to working with her in the years to come. I believe that all Members of the Congress concerned about these issues will be interested in reading her eloquent inaugural address, and I ask that it be printed in the RECORD.

The address follows:

INAUGURATION SPEECH BY PRESIDENT MARY MCALEESE DUBLIN CASTLE, NOVEMBER 11TH, 1997, DUBLIN, IRELAND

This is a historic day in my life, in the life of my family and in the life of the country. It is a wonderful privilege for me to be chosen as Uachtarán na hÉireann, to be a voice for Ireland at home and abroad.

I am honoured and humbled to be successor to seven exemplary Presidents. Their differing religious, political, geographical and social origins speak loudly of a Presidency which has always been wide open and all embracing. Among them were Presidents from Connaught, Leinster and Munster to say nothing of America and London. It is my special privilege and delight to be the first President from Ulster.

The span of almost sixty years since the first Presidential inauguration has seen a nation transformed. This Ireland which stands so confidently on the brink of the 21st century and the third millennium is one our forbears dreamed of and yeamed for, a prospering Ireland, accomplished, educated, dynamic, innovative, compassionate, proud of its people, its language, and of its vast heritage; an Ireland, at the heart of the European Union, respected by nations and cultures across the world.

The scale of what we have already accomplished in such a short time allows us to embrace the future with well-based confidence and hope.

It is the people of Ireland who, in a million big and small ways, in quiet acts of hard work, heroism and generosity have built up the fabric of home, community and country on which the remarkable success story of today's Ireland is built.

Over many generations there have been very special sources of inspiration who have nurtured our talent and instilled determination into this country. Mnay outstanding politicians, public servants, voluntary workers, clergy of all denominations and religious, teachers and particularly parents have through hard and difficult times worked and sacrificed so that our children could blossom to their fullest potential.

They are entitled to look with satisfaction at what they have achieved. May we never

become so cynical that we forget to be grateful. I certainly owe them a deep personal debt and as President I hope to find many opportunities both to repay that debt and to assist in the great work of encouraging our children to believe in themselves and in their country.

Among those who are also owed an enormous debt of thanks are the countless emigrants whose letters home with dollars and pound notes, earned in grinding loneliness thousands of miles from home, bridged the gap between the Ireland they left and the Ireland which greets them today when they return as tourists or return to stay. They are a crucial part of our global Irish family. In every continent they have put their ingenuity and hard work at the service of new homelands. They have kept their love of Ireland, its traditions and its culture deep in their hearts so that wherever we travel in the world there is always a part of Ireland of which we can be proud and which in turn takes pride in us. I hope over the next seven years there will be many opportunities for me to celebrate with them.

At our core we are a sharing people. Selfishness has never been our creed. Commitment to the welfare of each other has fired generations of voluntary organisations and a network of everyday neighbourliness which weaves together the caring fabric of our country. It has sent our missionaries, development workers and peacekeepers to the aid of distressed peoples in other parts of the world. It has made us a country of refuge for the hurt and dispossessed of other troubled places. It is the fuel which drives us to tackle the many social problems we face, problems which cynicism and self doubt can never redress but painstaking commitment can. We know our duty is to spread the benefits of our prosperity to those whose lives are still mired in poverty, unemployment, worry and despair. There can be no rest until the harsh gap between the comfortable and the struggling has been bridged.

The late Cearbhall O Dalaigh, Ireland's fifth president and, dare I say it, one of three lawyers to grace the office, said at his inauguration in 1974:

"Presidents, under the Irish Constitution don't have policies. But * * * a President can have a theme."

The theme of my Presidency, the Eighth Presidency, is Building Bridges. These bridges require no engineering skills but they will demand patience, imagination and courage for Ireland's pace of change is now bewilderingly fast. We grow more complex by the day. Our dancers, singers, writers, poets, musicians, sportsmen and women, indeed our last President herself, are giants on the world stage. Our technologically skilled young people are in demand everywhere. There is an invigorating sense of purpose about us.

There are those who absorb the rush of newness with delight. There are those who are more cautious, even fearful. Such tensions are part of our creative genius, they form the energy which gives us our unique identity, our particularity.

I want to point the way to a reconciliation of these many tensions and to see Ireland grow ever more comfortable and at ease with the flowering diversity that is now all around us. To quote a Belfast poet Louis MacNeice "a single purpose can be founded on a jumble of opposites."

Yet I know to speak of reconciliation is to raise a nervous query in the hearts of some North of the border, in the place of my birth. There is no more appropriate place to address that query than here in Dublin Castle, a place where the complex history of these two neighbouring and now very neighbourly islands has seen many chapters written. It is fortuitous too that the timing of today's Inauguration coincides with the commemoration of those who died so tragically and heroically in two world wars. I think of nationalist and unionist, who fought and died together in those wars, the differences which separated them at home, fading into insignificance as the bond of their common humanity forged friendships as intense as love can make them.

In Ireland, we know only too well the cruelty and capriciousness of violent conflict. Our own history has been hard on lives young and old. Too hard. Hard on those who died and those left behind with only shattered dreams and poignant memories. We hope and pray, indeed we insist, that we have seen the last of violence. We demand the right to solve our problems by dialogue and the noble pursuit of consensus. We hope to see that consensus pursued without the language of hatred and contempt and we wish all those engaged in that endeavour, well.

That it can be done—we know. We need look no further than our own European continent where once bitter enemies now work conscientiously with each other and for each other as friends and partners. The greatest salute to the memory of all our dead and the living whom they loved, would be the achievement of agreement and peace.

I think of the late Gordon Wilson who faced his unbearable sorrow ten years ago at the horror that was Enniskillen. His words of love and forgiveness shocked us as if we were hearing them for the very first time, as if they had not been uttered first two thousand years ago. His work, and the work of so many peacemakers who have risen above the awesome pain of loss to find a bridge to the other side, is work I want to help in every way I can. No side has a monopoly on pain. Each has suffered intensely.

I know the distrusts go deep and the challenge is awesome. Across this island, North, South, East and West, there are people of such greatness of heart that I know with their help it can be done. I invite them, to work in partnership with me to dedicate ourselves to the task of creating a wonderful millennium gift to the Child of Bethlehem whose 2000th birthday we will soon celebrate—the gift of an island where difference is celebrated with joyful curiosity and generous respect and where in the words of John Hewitt "each may grasp his neighbor's hand as friend."

There will be those who are wary of such invitations, afraid that they are being invited to the edge of a precipice. To them I have dedicated a poem, written by the English poet, Christopher Logue, himself a veteran of the Second World War.

"Come to the edge.
We might fall.
Come to the edge.
It's too high!
Come to the edge
And they came,
and he pushed
and they flew."

No one will be pushing, just gently inviting, but I hope that if ever and whenever you decide to walk over that edge, there will be no need to fly, you will find there a firm and steady bridge across which we will walk together both ways.

Ireland sits tantalizingly ready to embrace a golden age of affluence, self-assurance tolerance and peace. It will be my most profound privilege to be President of this beautiful, intriguing country.

May I ask those of faith, whatever that faith may be, to pray for me and for our country that we will use these seven years well, to create a future where in the words of William Butler Yeats.

"Everything we look upon is blest"•

RECOGNITION OF WILFRED WOODS

• Mr. GORTON. I would like to call attention to Wilfred Woods, who has recently announced he will step down as the publisher of the Wenatchee World newspaper after 47 years. Wilfred is the son of Rufus Woods, who purchased the Wenatchee Daily World in 1907, and was one of the earliest promoters of the Grand Coulee Dam project. Beginning in 1918, Rufus used the pages of the newspaper to promote the concept of using the Columbia River for hydroelectric power as well as for irrigation of the fertile but arid Columbia Basin. Half a million acres are irrigated by the Columbia Basin project. This valuable irrigation project allowed the central Washington desert to bloom and is responsible for producing the valley known as the Apple Capital of the World.

Wilfred Woods and his late father, Rufus, have played significant roles in the development of central Washington during their 90 years of service. Wilfred succeeded his father as editor and publisher in 1950 and has been an active advocate for resource and economic development in central Washington. He served as a State parks commissioner, a trustee for Central Washington University, and in various capacities in countless civic organizations.

Wilfred's son, Rufus, will now become the editor and publisher of the Wenatchee World and carry on the great traditions of his father and grandfather.

Wilfred has been a great personal friend of mine for more than 30 years, dating back to the time I first ran for Washington State attorney general. I have always valued his wisdom, foresight, and the manner in which he and his father guided the Wenatchee World to become one of the State's finest daily newspapers. Wilfred and his father were truly part of a legendary experience that has forever changed the political and economic landscape of north-central Washington. While the Woods family will be remembered most for their influence over the management of the Columbia River system, I will remember Wilfred as a true friend. During my years of touring Washington State for various political engagements and meetings, I always looked forward to my stop in Wilfred's newsroom and valued our countless conversations, whether we were in agreement or not. I will miss our exchange of ideas and his insights into the central Washington community. I wish him continued success in future endeavors.•

NEW MEXICO HISPANIC CULTURAL CENTER PERFORMING ARTS FACILITY

• Mr. CHAFEE. Mr. President, S. 1417, a bill to authorize the Secretary of the Interior to provide for the design, construction, furnishing, and equipping of a center for performing arts within the complex known as the New Mexico Hispanic Cultural Center, was introduced and passed the Senate on November 7, 1997.

Because the measure was considered and passed on the same day as its introduction, the Committee on Environment and Public Works was not referred S. 1417, and a report was not filed. Subsequent to the passage of the legislation, however, the Congressional Budget Office issued a cost estimate, as required under the Senate rules. Therefore, I ask that the letter from the Director of the Congressional Budget Office, dated November 17, 1997, be printed in the RECORD.

The letter follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 17, 1997.

Hon. FRANKLIN D. RAINES,
Director, Office of Management and Budget, Washington, DC.

DEAR MR. RAINES: The Congressional Budget Office has prepared the enclosed cost estimate for the pay-as-you-go effects of S. 1417, the Hispanic Cultural Center Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Sadoti.

Sincerely,

JUNE E. O'NEILL, *Director.*

CONGRESSIONAL BUDGET OFFICE
PAY-AS-YOU-GO ESTIMATE

S. 1417.—Hispanic Cultural Center Act of 1997

S. 1417, the Hispanic Cultural Center Act of 1997, would require the Secretary of the Interior to make a grant to the state of New Mexico to pay for one-half of the costs of the design, construction, furnishing and equipping of a Center for Performing Arts within the New Mexico Hispanic Cultural Center. Based on the amounts S. 1417 would count toward the state share, the federal share of these costs is estimated at about $18 million. However some funds have been appropriated for this purpose for the 1998 fiscal year: $2.5 million in the VA, HUD and Independent Agencies Appropriations Act and $3 million in the Interior Appropriations Act. Because S. 1417 would not restrict this grant to the availability of appropriations, New Mexico would be entitled to receive the remaining costs even if no additional appropriations are made. Enactment of S. 1417 would therefore increase pay-as-you-go spending by about $13 million between fiscal years 1999–2001, as shown in the following table.

SUMMARY OF PAY-AS-YOU-GO EFFECTS
[In millions of dollars]

	By fiscal year									
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Change in outlays	0	6	6	1	0	0	0	0	0	0
Change in receipts	Not Applicable									

The CBO staff contact for this estimate is Christina Hawley Sadoti. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.•

RADIO STATION MERGERS

• Mr. MCCAIN. Mr. President, during the course of the last several months, the number of broadcast radio station transactions has increased due to the liberalized station ownership provisions contained in the Telecommunications Act of 1996. However, with this increase in transactions has come an increased concern that, in authorizing these assignments, the FCC may try to impose terms and conditions on the assignors or assignees neither contained in, nor intended by, the 1996 act.

Radio mergers must be permitted to go forward when they satisfy the requirements under the plain meaning of the statute. While the Senate is in adjournment, I expect the FCC to follow the law, not rewrite it, when they review radio station mergers.

Given the number of broadcast media outlets available today, traditional concerns about how mergers affect viewpoint diversity are greatly mitigated. This is especially true because, in addition to traditional broadcast media outlets, various multichannel video programming services and online services over the Internet, as well as nonbroadcast media outlets like magazines and newspapers, are available in today's market.

In light of these facts, Mr. President, the FCC should not block sensible radio mergers or approve them only with additional, unwarranted terms and conditions attached.•

JUDICIAL CONFIRMATIONS IN THE 105TH CONGRESS

• Mr. SARBANES. Mr. President, now that we have concluded the 1st session of the 105th Congress, I want to again focus the attention of the Senate and the American people on the glacial pace of Federal judicial confirmations during this session.

Mr. President, the reluctance of the Senate to confirm the President's nominees to the Federal bench is a carryover from the 2d session of the 104th Congress, during which the Republican-controlled Senate, in an unprecedented display of election-year inaction, confirmed only 17 district court nominees and no circuit court nominees.

This pattern of inaction has continued into the 105th Congress, during which the Senate has confirmed only 36 of the President's judicial nominees—7 circuit judges and 29 district court judges. Admittedly, there was some effort made in the waning days of the session to confirm judges, but the overall numbers remain highly disturbing and worthy of attention.

In the last 2 years, the Senate has confirmed 53 judicial nominees, while a total of 81 seats on the bench continue to lie vacant, and 41 nominees await committee or floor consideration.

In other words, there are still more nominees pending in the Senate than were confirmed this year, and more than twice the number of nominees confirmed last year.

Compare the number of nominees confirmed thus far this year and in the 104th Congress to the number confirmed in the last two Democratically controlled Congresses, one of which featured a Republican President. In the 102d Congress, the Senate confirmed 124 Federal judges, while in the 103d Congress it confirmed 129 Federal judges. In the 104th Congress, the Republicans confirmed but 75 judges, while this year it confirmed 36. In other words, in the last 3 years, the Republican majority in the Senate has confirmed fewer Federal judges than the Democratically controlled Senate did in either the 102d or the 103d Congress.

I ask my colleagues to further compare the figures of the last 2 years with the number of judicial nominees confirmed by Democratically controlled Senates during years when a Republican White House faced a Democratic challenge—when, as in 1996, the party in control of the Senate had an incentive to delay confirmations, in the hopes that the Presidential election would effect a transfer of the White House to its party.

In 1992, when President Bush stood for reelection and the Democrats controlled the Senate, the Senate confirmed 11 circuit court judges and 55 district court judges. In other words, the Democratically controlled Senate in 1992 confirmed almost four times the number of Republican nominees confirmed by the Republican controlled Senate in 1996, and almost 25 percent more judges than the Republican Senate has confirmed in the last 2 years combined.

Similarly, in 1988, when Vice President Bush stood for election, the Democratically controlled Senate confirmed 7 circuit court judges and 33 district court judges—over twice the number of judges confirmed last year, and

more judges than were confirmed in this past nonelection year.

Clearly, in the last couple of years, the politicization of the confirmation process has increased. Today, the Republican majority in the Senate is effectively bottling up nominees in committee and on the floor, in stark contrast to the behavior of Democratically controlled Senates over the last decade.

This politicization, Mr. President, has been extended to include the practice of denying nominees an up or down vote on the Senate floor, or even in the Judiciary Committee. If the majority of the Senate opposes a judicial nominee enough to derail a nomination by an up or down vote, then at least the process has been served. Instead, however, the President's nominees are not even receiving that courtesy from this Senate: Some of the individuals whose nominations are pending before the Judiciary Committee or the full Senate have not been allowed a vote on the floor, much less in committee, for close to 2 years. It is especially troubling that of the 14 nominees who have been held up the longest by the Republican majority in the Senate, 12 are women or minorities.

Let me give one example of this phenomenon—that of James Beaty, the President's nominee to the Fourth Circuit Court of Appeals, which includes my State of Maryland.

Judge Beaty, currently a district court judge in North Carolina, was nominated by the President to the court of appeals in the 104th Congress, during which he did not even receive a vote in committee. He was renominated on January 7 of this year, and has yet to receive even a hearing in the committee, much less an up-or-down vote there, or on the floor.

Some have argued against Judge Beaty's nomination that, in their view, the fourth circuit does not need an additional judge, and that failure to confirm him would amount to a conservation of taxpayer resources. Assuming for the sake of argument that that is the case—and I would disagree that it is the case—Congress should act affirmatively to eliminate the vacant seat on that court before a nominee comes before it, not stall an individual's nomination into oblivion with arguments created after the fact. When you have a nominee sent to the Senate and then claims are made that the seat is unnecessary, it is simply impossible to divorce the claim that the seat is unnecessary from an ad hominem attack on the candidate himself.

Judge Beaty, if confirmed to the fourth circuit, would be the first African-American to sit on that court. Prior to becoming a district court judge, Judge Beaty maintained a general civil and criminal litigation practice in Winston-Salem, NC, and then served as a State court judge for 13 years. These accomplishments entitle him, at the very least, to an up-or-down vote on the floor of the U.S. Senate. Instead, he has not even received a committee hearing—much less a committee vote, at the hands of the majority.

By any measure, Mr. President, the Congress has become increasingly politicized in the last few years. I submit to my colleagues, however, that if there is one subject that should remain immune from political games and pressure it is our Federal judicial system, which is the envy of the world for its independence and integrity, and which is absolutely fundamental to our system of government.

It is essential for the maintenance of public confidence in this system that the confirmation process be as far removed from politics as possible. Yet we seem to be moving in the exact opposite direction, as we hear Members of the other party calling for impeachment of judges on the basis of decisions with which the Members disagree, and for defeat of judicial nominees deemed to possess liberal or activist tendencies.

This behavior—while perhaps politically advantageous in the short run—betrays a basic and dangerous misunderstanding of the role of the courts in our system of government.

Moreover, on a purely practical level, the Senate's failure to confirm the 42 nominees before it adjourns hamstrings the courts' ability to deal with its ever-increasing caseload—an increase that, I might add, Mr. President, is in large part due to the majority's proclivity for federalizing areas of law that have been historically left to the States.

So we have district judges throughout the country putting aside all civil cases in order to deal with their criminal dockets, because their courts have been left shorthanded by the Senate's inaction. We have courts of appeals canceling oral arguments because of shortages on their courts. We have Chief Justice Rehnquist—hardly the kind of liberal judicial activist that so concerns the majority—calling the problem of judicial vacancies the most pressing problem facing the Federal courts today. And yet we see little in the way of movement by the Senate to alleviate these burdens.

Mr. President, I hope my colleagues—especially my Republican colleagues—will give serious attention to the problems, both practical and philosophical, that will result if the Senate does not revisit its approach to the judicial confirmation process, and that in this area, the second session of the 105th Congress will proceed in a markedly different manner than the last 2 years.

In closing, I would like to commend the efforts of my colleague from Vermont, Senator LEAHY, the ranking member of the Judiciary Committee, in this area. He has tried to jog the Senate into acting to resolve this problem: I regret that his calls for action have not been heeded thus far, though I hold out hope that common sense and respect for our constitutional system will prevail in the long run.•

TRIBUTE TO DAVID EDELSTEIN AND THE JEWISH COMMUNITY COUNCIL OF PELHAM PARKWAY

• Mr. MOYNIHAN. Mr. President, the members of the Jewish Community Council of Pelham Parkway in the Bronx recently celebrated the 20th anniversary of David Edelstein's tenure as their executive director.

Twenty years ago the Bronx was a virtual, albeit not entirely appropriate, synonym for urban decay and middle-class flight. The Jewish Community Council of Pelham Parkway is one of the dynamic grassroots neighborhood groups that have helped bring about a dramatic change in this proud borough.

Much of the credit for the council's success belongs to its indefatigable executive director. David Edelstein came to the Jewish Community Council of Pelham Parkway on September 7, 1977. He helped establish the council's programs of social service, community development, Jewish cultural enrichment, and civic improvement. He pioneered the creation of programs that led to the reinvestment of over $17 million in the neighborhood's multifamily housing stock and played a key role in the creation of programs that helped settle over 3,000 Soviet Jewish immigrants in the Pelham Parkway neighborhood. David's leadership has enabled the council to sponsor programs that assure the availability of Jewish education for all neighborhood youngsters.

David established relationships with New York City's major Jewish organizations, helping to assure that needy families in Pelham Parkway could be helped with the resources available from those agencies. The council distributes over $25,000 in emergency and/or supplemental food to over 500 needy families every year. Hundreds of people have been helped with emergency home care, transportation for the homebound, eviction prevention, and other forms of emergency assistance.

David has helped the Jewish Community Council become the unified voice of the Jewish community in the Pelham Parkway neighborhood. Working with the council's active board of directors and maintaining relationships with the police, medical centers, elected officials, and others whose decisions impact on the community's quality of life, David has worked to assure cooperation and consensus on issues of community concern.

My childhood friend, the late distinguished New York State Senator Joseph Galiber worked closely with David

Edelstein and was fond of noting the Jewish Community Council's many strengths and successes. I know I speak for all of my colleagues in the Senate when I congratulate David Edelstein and the Jewish Community Council of Pelham Parkway on two decades of inspired leadership.●

STATEMENT ON CURRENT STATUS OF FISCAL YEAR 1998 APPROPRIATIONS BILLS

● Mr. DOMENICI. With the completion of congressional action on the 13 annual fiscal year 1998 appropriations bills, I submit a table to the Senate showing the current status of the bills compared to the most recently filed Section 302(b) allocations by the Senate Appropriations Committee on November 13, 1997.

I note that the Interior and related agencies Appropriations bill under the current 302(b) allocation is over the subcommittee's allocation for both budget authority and outlays. A provision in the final Interior appropriations bill amends the budget resolution to trigger the allocation of an additional $700 million in budget authority and $257 million in outlays to the Appropriations Committee for land acquisition. I have filed that allocation today.

Once the Senate Appropriations Committee revises its 302(b) allocations to reflect the land acquisition funding, the Interior and related agencies appropriations bill will be within the subcommittee's funding allocation.

I ask to have printed in the RECORD the pertinent tables.

The material follows:

STATUS OF APPROPRIATION BILLS IN THE SENATE

[Fiscal year 1998, in millions of dollars]

Subcommittee	Current status		302(b) allocation as of Nov. 13, 1997		Difference	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture, Rural Development, and Related Agencies:						
Non-Defense	13,751	13,997	13,751	13,997		
Mandatory	35,048	35,205	35,048	35,205		
Bill total	48,799	49,202				
Commerce, Justice, State, and the Judiciary:						
Defense	298	340	298	342		−2
Non-Defense	25,750	25,211	25,757	25,285	−7	−74
Crime	5,225	3,400	5,225	3,401		−1
Total discretionary	31,273	28,951	31,280	29,028	−7	−77
Mandatory	522	532	522	532		
Bill total	31,795	29,483				
Defense:						
Defense	247,485	244,167	247,485	244,232		−65
Non-Defense	27	31	27	31		
Total discretionary	247,512	244,198	247,512	244,263		−65
Mandatory	197	197	197	197		
Bill total	247,709	244,395				
District of Columbia: Non-Defense	855	554	862	561	−7	−7
Energy and Water Development:						
Defense	11,540	11,897	11,600	11,897	−60	
Non-Defense	9,192	8,983	9,193	8,996	−1	−13
Bill total	20,732	20,880	20,793	20,893	−61	−13
Foreign Operations:						
Non-Defense	13,147	13,079	13,147	13,083		−4
Mandatory	44	44	44	44		
Bill total	13,191	13,123				
Interior:[1]						
Non-Defense	13,799	13,707	13,100	13,472	699	235
Mandatory	55	50	55	50		
Bill total	13,854	13,757				
Labor—HHS—Education:						
Non-Defense	80,259	76,072	80,259	76,072		
Crime	144	65	144	65		
Total discretionary	80,403	76,137	80,403	76,137		
Mandatory	206,611	209,167	206,611	209,167		
Bill total	287,014	285,304				
Legislative Branch:						
Non-Defense	2,251	2,251	2,251	2,251		
Mandatory	92	92	92	92		
Bill total	2,343	2,343				
Military Construction: Defense	9,183	9,862	9,183	9,920		−58
Transportation:						
Defense	300	299	300	299		
Non-Defense	12,111	36,905	12,111	36,905		
Total discretionary	12,411	37,204	12,411	37,204		
Mandatory	698	665	698	665		
Bill total	13,109	37,869				
Treasury, Postal Service, and General Government:						
Non-Defense	12,604	12,377	12,604	12,377		
Crime	131	118	131	126		−8
Total discretionary	12,735	12,495	12,735	12,503		−8
Mandatory	12,713	12,712	12,713	12,712		
Bill total	25,448	25,207				

STATUS OF APPROPRIATION BILLS IN THE SENATE—Continued

[Fiscal year 1998, in millions of dollars]

Subcommittee	Current status		302(b) allocation as of Nov. 13, 1997		Difference	
	BA	Outlays	BA	Outlays	BA	Outlays
VA, HUD, and Independent Agencies:						
Defense	128	128	130	129	−2	−1
Non-Defense	68,447	79,833	68,447	79,833		
Total discretionary	68,575	79,961	68,577	79,962	−2	−1
Mandatory	21,332	20,061	21,332	20,061		
Bill total	89,907	100,022				
Reserve—Defense			4	4	−4	−4
Reserve—Non-Defense			5	173	−5	−173
Total Appropriations:						
Defense	268,934	266,693	269,000	266,823	−66	−130
Non-Defense	252,193	283,000	251,514	283,036	679	−36
Crime	5,500	3,583	5,500	3,592		−9
Mandatory	277,312	278,725	277,312	278,725		

[1] Reflects 302(b) allocation prior to enactment of Interior appropriations bill, which amended budget resolution to increase 302(a) allocation by $700 million in BA and $257 million in outlays for land acquisition.

Note: CBO/SBC scoring. Details may not add to totals due to rounding.•

SUBMITTING CHANGES TO THE BUDGET RESOLUTION AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

• Mr. DOMENICI. Mr. President, section 314(b)(3)(B) of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount of budget authority provided that is the dollar equivalent of the special drawing rights with respect to any increase in the maximum amount available to the Secretary of the Treasury pursuant to section 17 of the Bretton Woods Agreements Act, as amended from time to time (new arrangements to borrow).

Section 500 of Public Law 105–83, an act making appropriations for the Department of the Interior and related agencies, requires the chairman of the Senate Budget Committee to adjust the allocation for the Appropriations Committee for Federal land acquisitions and to finalize priority land exchanges.

I hereby submit revisions to the budget authority, outlays, and deficit aggregates for fiscal year 1998 contained in sec. 101 of House Concurrent Resolution 84 in the following amounts:

	Deficit	Budget authority	Outlays
Current aggregates	173,512,000,000	1,391,098,000,000	1,372,512,000,000
Adjustments		−3,521,000,000	
Revised aggregates	173,512,000,000	1,387,577,000,000	1,372,512,000,000

I hereby submit revisions to the 1998 Senate Appropriations Committee budget authority and outlay allocations, pursuant to sec. 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
Current allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	255,035,000,000	283,036,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	806,847,000,000	832,036,000,000
Adjustments:		
Defense discretionary		
Nondefense discretionary	−2,821,000,000	257,000,000
Violent crime reduction fund		
Mandatory		
Total allocation	−2,821,000,000	257,000,000
Revised allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	252,214,000,000	283,293,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	804,026,000,000	832,433,000,000

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STATEMENT ON H.R. 2267, THE COMMERCE, JUSTICE, STATE, AND THE JUDICIARY APPROPRIATIONS BILL, 1998

• Mr. DOMENICI. Mr. President, the final appropriations measure that the Congress passed before adjournment was H.R. 2267, the Commerce, Justice, State, and the Judiciary appropriations bill for fiscal year 1998. I today submit a table displaying the Budget Committee scoring of the final bill.

The conference agreement accompanying the bill provides $31.7 billion in budget authority and $21.2 billion in new outlays to operate the programs of the Department of Commerce, the Department of Justice, the Department of State, the Judiciary, and related Federal agencies for fiscal year 1998.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $31.8 billion in budget authority and $29.5 billion in outlays for fiscal year 1998.

The final bill is within the revised Senate subcommittee's section 302(b) allocation for both budget authority and outlays.

The bill is $7 million in budget authority and $77 million in outlays below the Senate subcommittee's 302(b) allocation.

Mr. President, it was my pleasure to serve on the Appropriations Subcommittee with the distinguished Senator from New Hampshire. I commend Chairman GREGG, for completing the fiscal year 1998 bill. It is not easy to balance the competing program requirements that are funded in this bill.

I thank the chairman for the consideration he gave to issues I brought before the subcommittee, and for his extra effort to address the items in the bipartisan balanced budget agreement.

I ask to have printed in the RECORD a pertinent table.

The material follows:

H.R. 2267, COMMERCE-JUSTICE APPROPRIATIONS, 1998

[Spending comparisons—Conference Report, fiscal year 1998, in millions of dollars]

	Defense	Non-defense	Crime	Mandatory	Total
Conference report:					
Budget authority	298	25,750	5,225	522	31,795
Outlays	340	25,211	3,400	532	29,483
Senate 302(b) allocation:					
Budget authority	298	25,757	5,225	522	31,802
Outlays	342	25,285	3,401	532	29,560
President's request:					
Budget authority	257	26,114	5,238	522	32,131
Outlays	286	25,907	3,423	532	30,148
House-passed bill:					
Budget authority	273	25,687	5,259	522	31,741
Outlays	296	25,249	3,434	532	29,511
Senate-passed bill:					
Budget authority	275	25,581	5,225	522	31,603
Outlays	322	25,156	3,381	532	29,391
Conference Report Compared to:					
Senate 302(b) allocation:					
Budget authority		−7			−7
Outlays	−2	−74	−1		−77
President's request:					
Budget authority	41	−364	−13		−336
Outlays	54	−696	−23		−665
House-passed bill:					
Budget authority	25	63	−34		54
Outlays	44	−38	−34		−28
Senate-passed bill:					
Budget authority	23	169			192
Outlays	18	55	19		92

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

STATEMENT ON H.R. 2607, THE DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 1998

• Mr. DOMENICI. Mr. President, I submit the Budget Committee scoring of H.R. 2607, the fiscal year 1998 District of Columbia appropriations bill.

The final bill totals $855 million, including $835 million for Federal payments to the District of Columbia.

The bill provides $190 million for the Federal contribution to the District of Columbia, $169 million to operate the District's correctional facilities for felons, $302 million to build new correctional facilities to replace the Lorton facility, $151 million to operate the district court System, $12 million to the National Park Service to support U.S. Park Police operations in the District, $8 million to implement management reform initiatives, and $3 million for a Medicare coordinated-care demonstration project.

The appropriation is in addition to the resources allocated to the District by the Balanced Budget Act and the Taxpayer Relief Act of 1997. Combined, the two laws provide tax breaks and mandatory spending worth $4.5 billion over 10 years. Because the cost of taking over the District's $5.8 billion pension liability is largely delayed until after this period, the total bailout is worth substantially more to the District.

The final bill is below the subcommittee's revised 302(b) allocation by $7 million in both budget authority and outlays.

I ask to have printed in the RECORD a pertinent table.

The material follows:

H.R. 2607, DISTRICT OF COLUMBIA APPROPRIATIONS, 1998

[Spending comparisons—Conference Report, fiscal year 1998, in millions of dollars]

	Defense	Non-defense	Crime	Mandatory	Total
Conference Report:					
Budget authority		855			855
Outlays		554			554
Senate 302(b) allocation:					
Budget authority		862			862
Outlays		561			561
President's request:					
Budget authority		777			777
Outlays		479			479
House-passed bill:					
Budget authority		828			828
Outlays		527			527
Senate-passed bill:					
Budget authority		855			855
Outlays		555			555
Conference Report compared to:					
Senate 302(b) allocation:					
Budget authority		−7			−7
Outlays		−7			−7
President's request:					
Budget authority		78			78
Outlays		75			75
House-passed bill:					
Budget authority		27			27
Outlays		27			27
Senate-passed bill:					
Budget authority					
Outlays		−1			−1

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.•

STATEMENT ON H.R. 2159, THE FOREIGN OPERATIONS AND EXPORT FINANCING APPROPRIATIONS BILL, 1998

• Mr. DOMENICI. Mr. President, I submit the following table displaying the Budget Committee scoring of the conference report accompanying the foreign operations and export financing appropriations bill for fiscal year 1998.

The conference report provides $13.1 billion in budget authority and $5 billion in new outlays to operate the programs of the Department of State, export and military assistance, bilateral and multilateral economic assistance, and related agencies for fiscal year 1998.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $13.1 billion in budget authority and $13.1 billion in outlays for fiscal year 1998.

The final bill is at the subcommittee's revised section 302(b) allocation for budget authority, and it is $4 million below the revised allocation in outlays.

Mr. President, I note that the final bill is significantly below the Senate-passed version of the bill due to the deletion of $3.5 billion for the New Arrangements to Borrow for the International Monetary Fund. These funds were requested by the President in his fiscal year 1998 budget.

I ask to have printed in the RECORD a pertinent table.

The material follows:

H.R. 2159, FOREIGN OPERATIONS APPROPRIATIONS, 1998

[Spending comparisons—Conference report, fiscal year 1998, in millions of dollars]

	Defense	Non-defense	Crime	Mandatory	Total
Conference Report:					
Budget authority		13,147		44	13,191
Outlays		13,079		44	13,123
Senate 302(b) allocation:					
Budget authority		13,147		44	13,191
Outlays		13,083		44	13,127
President's request:					
Budget authority		16,844		44	16,888
Outlays		13,171		44	13,215
House-passed bill:					
Budget authority		12,267		44	12,311
Outlays		13,013		44	13,057
Senate-passed bill:					
Budget authority		16,816		44	16,860
Outlays		13,091		44	13,135
Conference Report compared to:					
Senate 302(b) allocation:					
Budget authority					
Outlays		−4			−4
President's request:					
Budget authority		−3,697			−3,697
Outlays		−92			−92
House-passed bill:					
Budget authority		880			880
Outlays		66			66
Senate-passed bill:					
Budget authority		−3,669			−3,669
Outlays		−12			−12

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.•

STATEMENT ON H.R. 2264, THE LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS BILL, FISCAL YEAR 1998

• Mr. DOMENICI. Mr. President, I submit the Budget Committee scoring of the conference report to accompany, H.R. 2264, the Labor, Health and Human Services, Education and related agencies appropriations bill for fiscal year 1998.

The conference report provides $234.5 billion in new budget authority and $191.1 billion in new outlays for programs of the Departments of Labor, Health and Human Services, and Education and related agencies.

When adjustments are made for prior-year outlays and other completed actions, the bill totals $287.0 billion in budget authority and $285.3 billion in outlays for fiscal year 1998.

The conference report is exactly at the Senate Subcommittee's revised 302(b) allocation for both budget authority and outlays.

I ask to have printed in the RECORD a pertinent table.

The material follows:

H.R. 2264, LABOR-HHS APPROPRIATIONS, 1998

[Spending comparisons—Conference Report, fiscal year 1998, in millions of dollars]

	Defense	Non-defense	Crime	Mandatory	Total
Conference Report:					
Budget authority		80,259	144	206,611	287,014
Outlays		76,072	65	209,167	285,304
Senate 302(b) allocation:					
Budget authority		80,259	144	206,611	287,014
Outlays		76,072	65	209,167	285,304
President's request:					
Budget authority		80,035	60	206,611	286,706
Outlays		76,183	48	209,167	285,398
House-passed bill:					
Budget authority		79,998	144	206,611	286,753
Outlays		76,043	64	209,167	285,274
Senate-passed bill:					
Budget authority		79,603	144	206,611	286,358
Outlays		75,978	65	209,167	285,210
Conference Report compared to:					
Senate 302(b) allocation:					
Budget authority					
Outlays					
President's request:					
Budget authority		224	84		308
Outlays		−111	17		−94
House-passed bill:					
Budget authority		261			261
Outlays		29	1		30
Senate-passed bill:					
Budget authority		656			656
Outlays		94			94

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.•

STATEMENT ON THE BALANCED BUDGET AGREEMENT

• Mr. DOMENICI. Mr. President, with the completion of the 13 annual fiscal year 1998 appropriations bills by the Congress, I believe we can say that Congress lived up to its end of the Balanced Budget Agreement.

The Balanced Budget Agreement had two major assumptions for the appropriated programs. The first was the protection of 13 priority domestic discretionary programs that were assumed to be funded at the level of the

President's request. For these programs, Congress was on, or close to, the President's requested funding level with few departures.

The second assumption was the protection of funding for five specific budget functions—International Affairs, Natural Resources, Transportation, Education, and the Administration of Justice. Congress came within $0.3 billion of the overall total of $126.5 billion for these five budget functions, a shortfall of only 0.2 percent.

The funding departures for the 13 priority domestic discretionary programs were largely for items that Congress had not specifically agreed to—Pell grants—for a new program that was advance appropriated and made subject to authorization—Opportunities for Out of School Youth—and where anticipated reform was not enacted—Superfund.

Adjusting for these three items, Congress exceeded by $54 million, the overall $34 billion assumed in the budget agreement for these 13 protected programs. I will submit a table displaying congressional action on these programs at the end of my statement.

Mr. President, the Congress matched the BBA assumptions for bilingual and immigrant education, for BIA tribal priority allocations, and for the Job Corps.

The Congress exceeded the BBA assumptions for the technology literacy challenge fund, for Head Start, for National Park System operations and land acquisition, and for the violent crime reduction trust fund.

I ask to have printed in the RECORD the pertinent tables.

The material follows:

Partially offsetting these increases, Congress provided slightly less than the BBA assumed for the National Institute of Standards and Technology and the Community Development Institutions Fund.

For Pell grants, the commitment made in the BBA was more complicated than simply a funding level. The BBA assumed the President's funding request for Pell grants, which was more than needed to fund the only policy change promised in the BBA—a $300 increase in the maximum Pell grant award. The BBA was silent on other policy changes, such as independent students, that were contemplated in the President's request.

While Congress provided $290 million less than assumed in the BBA for Pell grants, as part of the overall funding increase, the appropriations committees provided an additional $286 million above the base program level, which can be used to increase the income protection allowance [IPA] for independent and dependent students in the needs analysis formula applied in all need-based financial assistance programs. The final conference report makes clear, however, that the maximum Pell grant of $3,000 is to be funded first, before IPA's can be increased.

For the protected training and employment services programs at the Department of Labor, the final appropriations bill fell $307 million short of the BBA. The difference results mainly from Congress delaying $250 million from 1998 to advance 1999 funding for a new program called opportunities for out of school youth, provided that such program is authorized as part of job training consolidation legislation enacted by July 1, 1998. The appropriations bill provides $25 million for pilots and demonstrations for this activity in 1998. The President sought all funds for 1998.

For Superfund, while enacted funding may not be at the President's requested level, Congress abided by the BBA. The BBA incorporated the President's request "if policies can be worked out" to reform the program. The President requested $2.094 billion in discretionary budget authority for Superfund, and proposed $200 million in new direct spending, for a total of $2.294 billion in 1998.

The Congress provided $2.15 billion for Superfund in the VA–HUD appropriations bill—$56 million more than the President requested in discretionary funding. Congress approved $1.5 billion in regular program funds, delays the obligation of $100 million of this budget authority until October 1, 1998, and provides that $650 million of the overall appropriation will only be made available if legislation reauthorizing Superfund is enacted by May 15, 1998.

Section 204 of the budget resolution includes a $200 million allowance for direct spending for the Superfund Program, which will be allocated once reform legislation is reported.

Finally, while Congress reduced EPA operating programs by $0.1 billion relative to the BBA, Congress also restored funding reductions proposed by the President to the State and tribal assistance grants—which was not a protected program—providing $3.2 billion compared to the requested $2.8 billion.

For all the suspense at the end of the session, funding levels for these 13 programs were not the issue. The administration and the Congress came to mutual agreement on these funding levels, and other legislative matters held up the completion of the fiscal year 1998 appropriations bills.

Mr. President, I will also submit at the end of my statement a table displaying final action on funding for the five priority budget functions. It is somewhat remarkable that final appropriations action for these functions fell only $0.3 billion short of the $126.5 billion assumed in the BBA, considering that the responsibility for living up to the agreement was dispersed over 11 of the 13 appropriations subcommittees, which do not appropriate funds by function. Again, the President and the Congress came to agreement to depart somewhat from the request on funding for these functions, but the BBA was largely implemented as envisioned.

I ask to have printed in the RECORD the pertinent tables.

The material follows:

BBA: PROTECTED DOMESTIC DISCRETIONARY PROGRAMS

[In billions of dollars]

Protected item	BBA	Final action	Final +/− BBA
Dept of Commerce:			
Nat Inst of Standards & Tech	0.693	0.678	−0.015
Dept of Education:			
Technology Literacy Fund	0.510	0.541	0.031
Pell Grants	7.635	7.345	−0.290
Bilingual & Immigrant Ed	0.354	0.354	0
Child Literacy Initiatives	0.260	0.210	−0.05
Dept of HHS:			
Head Start	4.305	4.355	0.05
Dept of Interior:			
National Park System	1.220	1.234	0.014
Land Acquisition	0.867	0.969	0.102
Everglades Restoration	0.140	0.135	−0.005
Tribal Priority Allocations	0.757	0.757	0
Dept of Labor:			
Training & Employment Service	4.049	3.742	−0.307
Job Corps	1.246	1.246	0
Dept of the Treasury:			
Community Development	0.125	0.080	−0.045
EPA:			
EPA Operating Program	2.739	2.632	−0.107
Superfund	2.042	1.453	−0.589
Violent Crime:			
VCRTF	5.416	5.500	0.084
COPS	1.405	1.400	0.005
Total	33.763	32.631	−1.122

COMPARISON OF NON-DEFENSE DISCRETIONARY LEVELS IN BALANCED BUDGET AGREEMENT TO ENACTED APPROPRIATIONS

[In billions of dollars]

	BBA	Enacted	Difference
International Affairs:			
Budget authority	19.038	19.021	−0.017
Outlays	19.179	18.954	−0.225
Natural Resources:			
Budget authority	22.807	23.409	0.602
Outlays	21.393	21.691	0.298
Transportation:			
Budget authority	13.556	13.520	−0.036
Outlays	38.267	38.453	0.186
Education:			
Budget authority	46.721	45.978	−0.743
Outlays	43.185	42.899	−0.286
Justice:			
Budget authority	24.405	24.290	−0.115
Outlays	22.170	21.711	−0.459
TOTAL:			
Budget authority	126.527	126.218	−0.309
Outlays	144.194	143.708	−0.486

HOUSE OF REPRESENTATIVES—*Monday, December 15, 1997*

APPOINTMENT BY THE SPEAKER AFTER SINE DIE ADJOURNMENT

Pursuant to the provisions of section 4021(c) of Public Law 105–33 and section 3 of House Resolution 311, 105th Congress, the Speaker on Monday, December 1, 1997, did appoint the following Members on the part of the House to the National Bipartisan Commission on the Future of Medicare:

Mr. THOMAS of California.
Mr. GANSKE of Iowa.
Mr. BILIRAKIS of Florida.
Mr. Samuel H. Howard of Nashville, TN.

On Friday, December 5, 1997, the Speaker did also appoint the following members on the part of the House:

Mr. DINGELL of Michigan.
Mr. MCDERMOTT of Washington.

APPOINTMENT BY THE SPEAKER AFTER SINE DIE ADJOURNMENT

Pursuant to the provisions of section 8131(a)(2) of Public Law 105–56 and section 3 of House Resolution 311, 105th Congress, the Speaker on Friday, November 21, 1997, did appoint the following members on the part of the House to the Panel To Review Long-Range Air Power:

Mr. Donald B. Rice of California.
Mr. John S. Foster, Jr., of California.

COMMUNICATION FROM THE MINORITY LEADER OF THE HOUSE AFTER SINE DIE ADJOURNMENT

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, December 1, 1997.

Hon. NEWT GINGRICH,
Speaker of the House,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 955(b)(1)(B), Public Law 105–83, I hereby appoint the following Member to the National Council on the Arts: Mrs. Lowey, NY.

Yours very truly,
RICHARD A. GEPHARDT.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT

Mr. FLAKE submitted the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 7, 1997.

Hon. ALEXANDER TREADWELL,
Secretary of State,
Albany, NY.

DEAR SECRETARY TREADWELL: Pursuant to section 31 of the Public Officers law, I hereby inform you that I am resigning from the United States House of Representatives. My resignation will become effective at midnight on November 16, 1997.

As you and the citizens of New York are well aware, I am returning to my pastorate at the Allen A.M.E. church in Jamaica, Queens. Although I have been called back to Allen to devote my energy and full-time attention to its congregation, I am proud of my service in Congress. It has been my distinct privilege to represent the people of the 6th Congressional District of New York, and an honor to serve the people of the United States of America.

With warmest regards, I am
Sincerely,

FLOYD H. FLAKE,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 14, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, November 14, 1997 at 1:30 p.m.: that the Senate PASSED without amendment H.J. Res. 106.

With warm regards,
ROBIN H. CARLE, *Clerk,*
U.S. House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 14, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, November 14, 1997 at 2:15 p.m.:

S. 476—Agreed to House amendment.
S. 738—Agreed to House amendment.
H.R. 1254—PASSED without amendment.
H.R. 1493—PASSED without amendment.
H.R. 1604—Receded from amendment 61.
H.R. 2159—Agreed to Conference Report.
H.R. 2265—PASSED without amendment.
H.R. 2267—Agreed to Conference Report.
H.R. 2476—PASSED without amendment.
H.R. 2607—Agreed to House amendments.
H.R. 2626—PASSED without amendment.
H.R. 2796—PASSED without amendment.
H.R. 2979—PASSED without amendment.
H.R. 3025—PASSED without amendment.
H.R. 3034—PASSED without amendment.
H.J. Res. 95—PASSED without amendment.
H.J. Res. 96—PASSED without amendment.

ROBIN H. CARLE, *Clerk,*
U.S. House of Representatives.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Oversight subsequent to the sine die adjournment of the 1st session, 105th Congress did on the following dates report that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

On November 13, 1997:

H.J. Res. 106. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

On November 17, 1997:

H.R. 2607. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 867. An act to promote the adoption of children in foster care.

On November 19, 1997:

H.R. 2159. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes.

On November 24, 1997:

H.R. 2267. An act making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

On November 25, 1997:

H.R. 1254. An act to designate the United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, as the "John N. Griesemer Post Office Building."

H.R. 1493. An act to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and for other purposes.

H.R. 2626. An act to make clarifications to the Pilot Records Improvement Act of 1996, and for other purposes.

On December 4, 1997:

H.R. 1604. An act to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission.

H.R. 1658. An act to reauthorize and amend the Atlantic Stiped Bass Conservation Act and related laws.

H.R. 2265. An act to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending the criminal copyright infringement provisions, and for other purposes.

H.R. 2476. An act to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers.

H.R. 2796. An act to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning on October 1, 1996, and ending on May 31, 1997.

H.R. 2977. An act to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

H.R. 2979. An act to authorize acquisition of certain real property for the Library of Congress, and for other purposes.

H.R. 3025. An act to amend the Federal charter for Group Hospitalization and Medical Services, Inc., and for other purposes.

H.R. 3034. An act to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspectional personnel in connection with the arrival of passengers in Florida, and for other purposes.

H.J. Res. 95. Joint resolution granting the consent of Congress to the Chickasaw Trail Economic Development Compact.

H.J. Res. 96. Joint resolution granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact.

SENATE ENROLLED BILLS SIGNED AFTER SINE DIE ADJOURNMENT

The Speaker pro tempore, subsequent to the sine die adjournment of the 1st session, 105th Congress, announced her signature to enrolled bills and a joint resolution of the Senate of the following titles:

On November 17, 1997:

S. 1026. An act to reauthorize the Export-Import Bank of the United States.

S. 1139. An act to reauthorize the programs of the Small Business Administration, and for other purposes.

S. 1228. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1354. An act to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

S. 1378. An act to extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes.

S. 1417. An act to provide for the design, construction, furnishing and equipping of a Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.

S. 1505. An act to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

S. 1507. An act to amend the National Defense Authorization Act for Fiscal Year 1998 to make certain technical corrections.

S. 1519. An act to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

On November 19, 1997:

S. 156. An act to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes.

S. 476. An act to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

S. 738. An act to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

S. 819. An act to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the Martin V.B. Bostetter, Jr. United States Courthouse.

S. 830. An act to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

S. 833. An act to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the Howard M. Metzenbaum United States Courthouse.

S. 1161. An act to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999.

S. 1193. An act to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes.

S. 1559. An act to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University.

S. 1565. An act to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act.

S.J. Res 39. A joint resolution to provide for the convening of the second session of the One Hundred Fifth Congress.

BILLS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Oversight, subsequent to the sine die adjournment of the 1st session, 105th Congress, did on the following date present to the President for his approval bills and joint resolutions of the House of the following titles:

On November 14, 1997:

H.J. Res. 103. Joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress.

H.J. Res. 106. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

On November 17, 1997:

H.R. 867. An act to promote the adoption of children in foster care.

H.R. 2607. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

On November 19, 1997:

H.R. 2159. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes.

On November 24, 1997:

H.R. 2267. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

On November 25, 1997:

H.R. 1254. An act to designate United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, as the "John N. Griesemer Post Office Building."

H.R. 2626. An act to make clarifications to the Pilot Records Improvement Act of 1996, and for other purposes.

H.R. 1493. An act to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and for other purposes.

On December 4, 1997:

H.R. 2476. An act to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address therneeds of families of passengers involved in aircraft accidents involving foreign air carriers.

H.R. 2265. An act to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, and for other purposes.

H.R. 1604. An act to provide for the division, use, and distribution of judgments funds of the Ottawa and Chippawa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission.

H.R. 3034. An act to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspectional personnel in connection with the arrival of passengers in Florida, and for other purposes.

H.R. 2796. An act to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning on October 1, 1996, and ending on May 31, 1997.

H.R. 1658. An act to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws.

H.R. 2977. An act to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

H.R. 2979. An act to authorize acquisition of certain real property for the Library of Congress, and for other purposes.

H.R. 3025. An act to amend the Federal charter for Group Hospitalization and Medical Services, Inc., and for other purposes.

H.J. Res. 95. Joint resolution grating the consent of Congress to the Chickawan Trail Economic Development Compact.

H.J. Res. 96. Joint resolution granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On November 7, 1997:

H.J. Res. 101. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

On November 9, 1997:

H.J. Res. 104. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

On November 10, 1997:

H.J. Res. 105. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

H.R. 2013. An act to designate the facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, Rhode Island, as the "David B. Champagne Post Office Building."

On November 12, 1997:

H.R. 2464. An act to amend the Immigration and Nationality Act to exempt internationally adopted children 10 years of age or younger from the immunization requirement in section 212(a)(1)(A)(ii) of such Act.

On November 13, 1997:

H.R. 79. An act to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe.

H.R. 672. An act to make technical amendments to certain provisions of title 17, United States Code.

H.R. 708. An act to require the Secretary of the Interior to conduct a study concerning grazing use and open space within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges.

H.R. 2264. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

On November 10, 1997:

S. 1227. An act to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.

On November 12, 1997:

S. 587. An act to require the Secretary of the Interior to exchange certain lands located in Hinsdale County, Colorado.

S. 588. An act to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest, Colorado, to include land known as the Slate Creek Addition.

S. 589. An act to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys.

S. 591. An act to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado.

On November 13, 1997:

S. 931. An act to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, subsequent to the sine die adjournment of the 1st session, 105th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On November 14, 1997:

H.J. Res. 106. Joint resolution making further appropriations for the fiscal year 1998, and for other purposes.

H.R. 2107. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

On November 18, 1997:

H.R. 1119. An act to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 2160. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes.

On November 19, 1997:

H.R. 282. An act to designate the United States Post Office building located at 153 East 110th Street, New York, New York, as the "Oscar Garcia Rivera Post Office Building."

H.R. 681. An act to designate the United States Post Office building located at 313 East Broadway in Glendale, California, as the "Carlos J. Moorhead Post Office Building."

H.R. 867. An act to promote the adoption of children in foster care.

H.R. 1057. An act to designate the building in Indianapolis, Indiana, which houses the operations of the Indianapolis Main Post Office as the "Andrew Jacobs, Jr. Post Office Building."

H.R. 1058. An act to designate the facility of the United States Postal Service under construction at 150 West Margaret Drive in Terre Haute, Indiana, as the "John T. Myers Post Office Building."

H.R. 1377. An act to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

H.R. 1479. An act to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Building and United States Courthouse."

H.R. 1484. An act to redesignate the United States courthouse located at 100 Franklin Street in Dublin, Georgia, as the "J. Roy Rowland United States Court."

H.R. 1747. An act to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.

H.R. 1787. An act to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

H.R. 2129. An act to designate the United States Post Office located at 150 North 3rd Street in Steubenville, Ohio, as the "Douglas Applegate Post Office."

H.R. 2367. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

H.R. 2564. An act to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McCloskey Postal Facility."

H.R. 2607. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

On November 20, 1997:

H.J. Res. 91. Joint resolution granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact.

H.J. Res. 92. Joint resolution granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code.

H.R. 2813. An act to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict.

On November 21, 1997:

H.R. 1090. An act to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakeable error.

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

H.R. 2366. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

H.R. 2731. An act for the relief of Roy Desmond Moser.

H.R. 2732. An act for the relief of John Andre Chalot.

On November 26, 1997:

H.J. Res. 103. Joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress.

H.R. 2159. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2267. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

On December 2, 1997:

H.R. 1254. An act to designate the United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, as the "John N. Griesemer Post Office Building."

On December 5, 1997:

H.R. 1493. An act to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and for other purposes.

H.R. 2626. An act to make clarifications to the Pilot Records Improvement Act of 1996, and for other purposes.

SENATE BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, subsequent to the sine die adjournment of the 1st session, 105th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the Senate of the following titles:

On November 19, 1997:

S. 813. An act to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

On November 20, 1997:

S. 669. An act to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

S. 858. An act to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 1231. An act to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

S. 1347. An act to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city.

S. 1377. An act to amend the Act incorporating the American Legion to make a technical correction.

On November 21, 1997:

S. 714. An act to amend title 38, United States Code, to revise, extend, and improve programs for veterans.

S. 830. An act to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

S. 923. An act to amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes.

S. 1258. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

On November 26, 1997:

S. 1026. An act to reauthorize the Export-Import Bank of the United States.

On December 1, 1997:

S. 819. An act to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the "Martin V.B. Bostetter, Jr. United States Courthouse."

S. 833. An act to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the "Howard M. Metzenbaum United States Courthouse."

S. 1228. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1354. An act to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

S. 1378. An act to extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes.

S. 1417. An act to provide for the design, construction, furnishing and equipping of a Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.

S. 1505. An act to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

S. 1507. An act to amend the National Defense Authorization Act for Fiscal Year 1998 to make certain technical corrections.

S. 1519. An act to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

On December 2, 1997:

S. 156. An act to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes.

S. 476. An act to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

S. 738. An act to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

S. 1139. An act to reauthorize the programs of the Small Business Administration, and for other purposes.

S. 1161. An act to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999.

S. 1193. An act to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes.

S. 1559. An act to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University.

S. 1565. An act to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act.

S.J. Res. 39. Joint resolution to provide for the convening of the Second Session of the One Hundred Fifth Congress.

OMISSION FROM THE CONGRESSIONAL RECORD OF NOVEMBER 13, 1997

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1371. An act to establish felony violations for the failure to pay legal child support obligations, and for other purposes; to the Committee on the Judiciary.

OMISSION FROM THE CONGRESSIONAL RECORD OF NOVEMBER 13, 1997, PAGES 10899 AND 10900

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at long last we have an Amtrak reform bill here on the floor which has strong bipartisan support. It is a bill which has the reforms in it which are so necessary. It is a bill which provides for the board, which is the creation of a new board which is constitutional and which has the degree of independence necessary to make the tough decisions. It provides for the management to be able to make decisions with regard to the route configuration. Indeed, it gives Amtrak a fighting chance to succeed and survive.

Mr. Speaker, I urge all of our colleagues to support this measure.

Mr. Speaker, I rise in support of S. 738, the Amtrak Reform and Accountability Act of 1997.

Mr. Speaker, I am very pleased that we have been able to reach a bipartisan agreement on an amendment to S. 738. Over the past 24 hours, we have been able to reach consensus with our colleagues on the other side of the aisle on the issue of the Amtrak board of directors. This amendment will provide Amtrak with the reforms it so badly needs, as well as release of the $2.3 billion in capital funds that were provided in the Taxpayer Relief Act.

The amendment adopts the basic principles and reforms of S. 738, the bill passed by the Senate last Friday by unanimous consent, and makes limited but important changes that will ensure successful implementation of long overdue Amtrak reforms.

This amendment contains the labor, liability, and contracting-out provisions that were included in the Senate bill with no changes.

I am pleased that the reforms in this amendment will allow Amtrak, for the first time in its 26-year history, to operate more like a business and cut costs.

On the issue of labor protection, the Senate bill contains a provision that is almost identical to reforms that were included in the House bill, H.R. 2247. The provision will repeal the statutory guarantee that Amtrak provide up to 6 years of labor protection to any employee who is laid off due to a route elimination or frequency reduction to below three times per week. This issue would be sent to collective bargaining, under a 180-day accelerated bargaining process.

The current ban on contracting out any work other than food and beverage service if it would result in the layoff of a single employee would also be repealed in the Senate bill. This issue would be sent to collective bargaining, but would not be negotiable until the next round of contract negotiations, unless the parties mutually agreed to take it up before then.

The Senate bill also provides for a global cap of $200 million on tort liability for death or injury to a passenger, or damage to property of a passenger. It also includes a requirement that Amtrak maintain insurance of at least $200 million.

Further, the Senate bill would clarify that a provider of rail passenger transportation may enter into contracts that allocate financial responsibility for claims. This provision is not to be construed to impair or call into question the enforceability of existing contracts between Amtrak and other rail carriers that allocate financial responsibility for claims. It also should not be construed to affect pending cases. In

addition, it should not be construed to eliminate existing State limits on liability for commuter operators.

Again, on these important issues . . . labor protection, liability and contracting out . . . we are accepting the Senate compromise and making no change to it.

The one significant departure from the Senate bill in this amendment relates to the board of directors. The House amendment would replace the existing board with a new, 7-member reform board to be appointed by the President in consultation with House and Senate majority and minority leadership. New members would be required to have expertise in transportation or corporate or financial management.

The purpose of this provision is to provide a fresh start for Amtrak, and to ensure that only qualified professionals are permitted to serve on the board of directors. The amendment also allows the President to select the Secretary of Transportation as a board member. It also designates the president of Amtrak as an ex-officio, non-voting member of the board.

Mr. Speaker, these changes to Amtrak's board bill are necessary to allow the Senate-passed reforms to work.

Mr. Speaker, I believe that the Senate bill as modified by this amendment provides meaningful reform of Amtrak that will go a long way toward restoring financial viability and improving rail passenger service. It will also release the $2.3 billion that was provided in the Taxpayer Relief Act, allowing Amtrak to make much-needed capital investments.

I urge a "yes" vote on S. 738, as amended.

Mr. Speaker, I reserve the balance of my time.

EXTENSIONS OF REMARKS

JAPAN'S ROLE IN INTERNATIONAL FINANCE

HON. HOWARD L. BERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BERMAN. Mr. Speaker, earlier this month two of our colleagues, Mr. MATSUI and Mr. KOLBE, attended an interesting seminar on United States-Japan trade issues. I was unable to attend but received a copy of the remarks presented by Norifussa Kagami, executive director of the Export-Import Bank of Japan.

The seminar, I understand, brought together a range of viewpoints on the bilateral trading relationship between the United States and Japan—a topic of increasing concern to the Congress as we consider the impact of financial problems in Asia, including in Japan, on American markets and economic stability. Both the United States and Japan have an intense interest in resolving the region's economic difficulties. As Mr. Kagami mentions, Japan has already played a very constructive role in assisting Thailand. I imagine that they will be called upon to do much more in the coming months.

As ranking member of the Asia and Pacific Subcommittee of the House International Relations Committee, I welcome efforts at constructive cooperation between Japan and the United States in international financial markets and, of course, efforts taken by Japan to expand American exports to Japan in order to resolve our outstanding trade issues.

I think my colleagues will find Mr. Kagami's remarks of interest and following is an abridged text of his address:

SPEECH BY NORIFUSA KAGAMI, SENIOR EXECUTIVE DIRECTOR, THE EXPORT-IMPORT BANK OF JAPAN

1. OPENING

My name is Norihusa Kagami and I am from the Export-Import Bank of Japan. It is my great honor to be here. I would like to express my appreciation to Congressman Mel Levine for taking the chairmanship and acting as the moderator today. I am honored to have the presence of Congressmen James Kolbe and Robert Matsui today. They are both playing a leading role in discussion of U.S. trade issues with other countries.

What I would like to do in this presentation is to talk about the role played by JEXIM in U.S.-Japan trade relations. I would also like to touch on our Bank's financial operations in the Americas. But first, I will give you a brief overview of what JEXIM is.

2. AN OVERVIEW OF JEXIM

Our Bank was founded in 1950 with a mandate to provide support to Japan's external economic policy from the financial side. Since then, as a governmental financial institution, with government-owned capital stock of 985.5 billion yen or roughly 8.2 billion US dollars today, JEXIM has responded to Japan's changing political agenda over the years in the ways it has provided loans, guarantees and equity investment.

Our financial resources are obtained mainly through borrowings from the Trust Fund of the Ministry of Finance and bonds issued in the international capital markets. The Trust Fund Bureau manages funds deposited in savings accounts at Japanese post offices and state-sponsored basic pension funds.

Our operational aim is to supplement and encourage the activities of private financial institutions. As an independent bank, our policy is to ensure repayment and cover operational expenses through our income.

JEXIM is authorized to extend the following four main financing instruments. First, "export credit" encourages exports of ships and plants. Second, "import credit" encourages imports of energy resources and large-scale finished products such as aircraft. Third, our Bank finances Japanese direct investment abroad to help Japanese firms expand their operations overseas. Fourth is untied loans, which are loans that do not require purchase of goods and services from Japan and are provided primarily to the developing countries.

Let me say that, in our total operations, the share of export credit has been on a steady decline. In Japan, export transactions for which our Bank provides some financing accounts for a little less than 1 percent of total exports today.

Now let me take up untied loans. These loans are usually cofinanced with the World Bank, IMF or other multilateral financial institutions and are intended to improve economic infrastructure in developing nations or to strengthen international financial order. Later I will refer to this loan modality when we discuss the financial support JEXIM provided to a new debt strategy for Latin American countries under the Brady Plan.

Very recently, JEXIM has also provided an untied loan in the yen equivalent of 4 billion dollars to Thailand so that it can effectively cope with its currency crisis. This was made amid concerns that the crisis was spilling over to other Asian countries. This loan was extended to support the economic readjustment program drawn up by the Thai government in consultation with the IMF. Its objective was to uphold a stable international financial order.

This untied loan forms part of the international financial package put together by the IMF and participated in by other multilateral institutions as well as Asian countries. JEXIM's contribution was the largest, comparable with the amount committed by the IMF.

3. U.S.-JAPAN TRADE ISSUES—JEXIM'S ROLE IN TRADE FRICTION PROBLEMS

Next, I would like to take this opportunity to address the role played by JEXIM in Japan's trade issues, especially our bilateral trade frictions.

Since late 1960's when the textile trade first posed a problem between the U.S. and Japan, we have had lingering problems with automobiles since 1979 and other issues. In fact, they are still ongoing issues between our two countries. In this context, our Bank takes credit for our contribution toward easing trade friction. We have made available various financing modalities. Among them are facilities for imports of manufactured goods and direct investment abroad. Let me now describe them in detail.

A. Credit Facility for the Import of Manufactured Goods

JEXIM has a credit facility specifically for the import of manufactured goods that helps directly reduce trade and current account surpluses. This facility was set up on November 1, 1983 to foster the imports of manufactured goods to Japan. It was instituted as a result of the Japanese government's comprehensive package of economic measures in October, 1983 and in the context of a more general objective of broadening our economic interactions with other countries and promoting better external relations.

In addition, after our government decided on the emergency economic package on September 16, 1993, this facility was expanded to further increase imports. I am happy to report to you that these efforts, made by JEXIM as well as by the Japanese government, are being reflected in a rising trend of the ratio of manufactured goods to total Japanese imports. It climbed from 28.2 percent in 1983 to 58.9 percent in 1996.

JEXIM has provided financing to Japanese importers of American products to fund a variety of imports, including aircraft and communications satellites, from Boeing, AT&T, Motorola and U.S. companies. In fact, during the period from 1983, the year these loans were first made available, to 1996, imports from the United States accounted for 91 percent of the total cumulative loan commitments from this facility; undoubtedly an overwhelming portion. Further, after the revision of the Export-Import Bank Law in May, 1984 in which this facility was expanded to cover financing to exporters, JEXIM has extended direct loans to foreign exporters. Of eight such commitments, five were given to American corporations to date. One recent example was credit provided to GM and Ford for their capital investments in order to produce right-hand drive automobiles to be exported to Japan.

B. Financing Direct Investment in the United States

JEXIM has contributed to a decrease in the trade surplus not only with import credit but also with financing equity investment. It bolsters overseas operations of Japanese corporations and also induces economic and industrial collaboration in host countries, thereby promoting the international horizontal division of labor. As to investments in the United States, our Bank has helped increase U.S. employment as well as alleviating trade frictions through financial support to direct investments of our domestic automakers and semiconductor and other electronic manufacturers. One recent project involves a 300-million dollar direct loan to a joint semiconductor production venture by American and Japanese firms in Manassas, Virginia.

Currently, JEXIM is reviewing financial support to Amtrak for the Northeast corridor high-speed train project whose aim is

to improve the rail linkage between Washington, D.C., New York and Boston. We are now working toward the final signing of the loan agreement.

C. Equity Participation

Another function JEXIM performs is equity participation. The first project of this kind was an investment in the United States. In 1993 our Bank made equity investment totaling 1.5 billion yen or 12 million dollars together with the port authority of Los Angels and set up a firm that manages a construction project for a coal loading terminal in Los Angels port. The terminal will be used to export coal to East Asian countries including Japan. For our economy, it will facilitate imports of coal, while it will help boost the American coal industry.

As I have described so far, JEXIM has been making numerous cooperative efforts to date to promote projects in the United States to the extent that they are relevant to Japan. We intend to make further efforts in this area.

4. JAPAN-U.S. COOPERATION IN THIRD COUNTRY ECONOMIES

Now I would like to describe our role in third country economies from the perspective of U.S. Japan cooperation.

A. Formulating Projects for Private Infrastructure Development

Globalization is a common trend seen in business activities today, and the same trend has been noticeable in our Bank's trade financing.

The trend has been conspicuous especially in private infrastructure projects. These projects employ project financing, a financing modality where lenders take as security for their loans earning flows to be generated from the completed project and does not require sovereign guarantee of the host country. They have been carried out by international consortia of corporations, banks and consultants. This phenomenon can be accounted for by several underlying factors: a need to share the various risks inherent to such large-scale projects in developing countries that do not have sovereign guarantee; and a need to generate large profits by carrying out the project at low cost, through an optimum combination of the enterprises with their particular comparative advantages in order to emerge as a winner in global competition.

B. Paiton Coal-Fired Thermal Power Project

Japan and the United States have formed a strong cooperative relationship in carrying out private infrastructure development projects in developing countries or more generally projects in third countries. I note that the export-import banks of both countries have played an important role in this process. JEXIM and US Xim Bank entered into a Cooperation Agreement in 1991 and have since taken part in many projects together, mainly in East Asia. The project to build a coal-fired thermal power station by P.T. Paiton Energy Company in Indonesia, for which loan commitments were made in 1995, may be cited as a representative example of joint projects pursued by the two institutions. This was a large-scale project worth 9 hundred million dollars. It attracted world attention. And those who participated in this financing were not only US Xim Bank but also OPIC (the Overseas Private Investment Corporation) and the leading banks of the United States and Japan. I may add that among the American participants in this project are Mission Energy Company as the project sponsor and General Electric as equipment supplier.

C. Sakhalin II Project

The Sakhalin II Project may be cited as another example of US-Japan joint finance projects. This is an ongoing project, now at the final stage toward the signing of the loan agreement in December. In this deal, JEXIM, EBRD (European Bank for Reconstruction and Development), and OPIC are collaborating to move forward in Russia a joint oil development project among the United States, Europe, and Japan. We believe it is a significant international cooperative project. Let me mention that Marathon Oil Company is participating in this project as the largest sponsor.

D. 30 Percent Content Rule for Export Credit

Projects undertaken by international consortiums bring out the best of what JEXIM does. While official export credit ordinarily requires a fairly high ratio of home goods content in the export contract JEXIM takes a more flexible position, requiring only about 30 percent Japanese goods content. In other words, the remaining 70 percent that we finance is open to goods and services from other countries.

As I mentioned before, project financing is usually structured by an international consortium. And it is a fact that on numerous occasions, Japanese and American firms form such consortia. That means American participants can obtain financing from our Bank on the same terms and conditions as their Japanese counterparts, provided that the 30 percent content rule is fulfilled. A point I would like to make is that JEXIM is contributing to the expansion of U.S. exports even if it is not apparent on the surface.

5. CONCLUSION

If we want to shape a sustainable good economic relationship between the United States and Japan, collaboration in third country economies is a factor of great significance. In this context, JEXIM recognizes the growing importance of its collaboration with U.S. official financial institutions.

I would like to say now that this is a good occasion for me to hear American perspectives. I will be grateful if you share your thoughts with me on the points I have made. Thank you.

TRIBUTE TO GABRIEL A. EREM ON THE 25TH ANNIVERSARY OF HIS ESTABLISHMENT OF LIFESTYLES MAGAZINE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in congratulating Gabriel Erem, the publisher of Lifestyles magazine, upon the 25th anniversary of the establishment of his prestigious publication. On its 25th anniversary, Lifestyles features an outstanding governing committee: They are: Mr. Erem, national director of the Anti-Defamation League, Abraham H. Foxman, philanthropist and humanitarian, Mrs. Ludwig Jesselson, philanthropist and community leader, Ambassador Ronald S. Lauder, international business leader, Professor Peter Littman, futurist and best-selling author, Faith Popcorn, international marketing guru and recipient of the French Legion of Honor, Michel Roux, community and business leader, Howard Rubenstein, founder of the Appeal of Conscience Foundation, Rabbi Arthur Schneier, violin virtuoso and chairman of Carnegie Hall, Isaac Stern, community leader and philanthropist, Andrew Tisch, international Jewish leader, Peggy Tischman, and Nobel Laureate, Elie Wiesel.

In order to understand why Lifestyles magazine was created, one must first learn about the personal history of its publisher, Gabriel Erem. Mr. Erem was born in Hungary right after the Second World War. During that war, 186 members of his family perished in the gas chambers of Auschwitz. Twenty-five years ago, when Mr. Erem started Lifestyles magazine, his goal was to show Jewish contributions to the world. Currently, Mr. Erem serves in a volunteer capacity on the committees of many worthy charities and organizations. One of them is the prestigious Weitzmann Institute of Science in Israel. Mr. Erem related to me that during a recent dinner for the institute in which Lifestyles magazine participated, there were 44 individuals honored for their contributions to medical research. All of these 44 individuals were recipients of the Nobel Prize in their respective fields.

Mr. Erem recently told me of a private talk he had with the late Prime Minister of Israel, Golda Meir, following the Yom Kippur war. Mrs. Meir said to him that "the world does not understand what it means to lose 6 million human beings to a systematic massacre." The Prime Minister then continued, "The real tragedy is that the world does not seem to understand that it is not only those 6 million human beings that we are missing, but that it is the generations that will never happen after them." Steven Spielberg's film "Schindler's List" made a similar point when, at the conclusion of the movie, the following words appeared on the screen: "From the 1,100 human beings Oskar Schindler saved, today there are more than 6,000 descendants alive."

Remembering what Golda Meir said and using the equation at the end of Schindler's List, Gabriel Erem pointed out to me that during the Holocaust we lost a potential of over 36 million human beings who could have been members of our society. Just ask yourselves a question: How many Einsteins? How many Nobel Laureates? How many great philosophers, doctors, scientists, * * *? We will never know. It is not only a Jewish loss—it is the world's loss as well.

Lifestyles magazine was established to salute Jewish contributions in all arenas of life. Jewish-Americans of all backgrounds, professional and philanthropic interests consider it an honor and a privilege to be included in this most prestigious publication. Over the past 25 years, one could read on its pages exciting, intimate profiles of extraordinary human beings ranging from Nobel Laureate Elie Wiesel to the musical giant Isaac Stern and thousands of individuals who excelled in their various fields, making this world a better place. Lifestyles magazine has also treated its subjects with the utmost seriousness, and it has established itself as a respected voice of integrity. Each issue is dedicated to helping humanitarian causes of all kinds. Working hand in glove with virtually hundreds of humanitarian causes, its publication not only serves as a mirror of North American Jewish

society for the past quarter century, but also as a beacon of charitable giving. Lifestyles magazine's commitment to advancing the Nation's democratic principles is also underscored by its constant activities in the fields of culture, business and the sciences.

Gabriel Erem, a child of Holocaust survivors, is being saluted for his passionate commitment to teaching Jewish history and culture and preserving the Jewish legacy to the world. Recently, Gabriel Erem made a sizable contribution to Holocaust education in our country by dedicating an entire issue of Lifestyles magazine to describing the goals of Steven Spielberg's Shoah Foundation, an organization committed to teaching future generations about the lessons of the Holocaust.

Mr. Speaker, Gabriel Erem is a man of outstanding commitment and accomplishment in the noblest of pursuits. His contribution to culture, education, ethnic understanding, and the spreading of democratic and free market principles is truly awe inspiring. Through his vast commitment to preserving and nurturing Jewish communal life, both in the United States and Canada, Gabriel Erem has made a tremendous and enduring gift to the education of future generations about Jewish history and culture.

I commend Gabriel Erem and Lifestyles magazine for their unnumerable contributions to our society and I invite my colleagues to join me in applauding Gabriel Erem and Lifestyles magazine on their continuing mission.

THANK YOU, HELEN LEMANSKI

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BARCIA. Mr. Speaker, it is the people who work in local government who make things happen. They deal with the needs of our constituents on a face-to-face basis, each and every day. They are required to deal with difficult problems at work, and because they are so accessible around the community, they often deal with them at times when they are away from the office. Huron County is about to lose a most capable official when Helen Lemanski, the county clerk, retires from her post as county clerk on December 20.

Helen has worked for Huron County for 44 years, having been county clerk for the past 17 years. In fact, Helen's attention to detail and performance have been so daunting that she has been unopposed in her campaign for county clerk in four out of five of her elections.

Helen Lemanski was responsible for computerization of the country's records. The official records of births, deaths, voter registration, the circuit court, and all other public records important to the community were maintained by her, and greatly facilitated by her computerization efforts. If any resident of the county needs official information, they can easily get it because of her.

And, of course, it is also easier to get information because of the type of person that Helen Lemanski has been. No one ever goes without assistance. She always works to be sure that a resident gets the help they need. She assists local township clerks in performing their responsibilities to be sure that there is effective cooperation between township and county offices. The people of Huron County have been fortunate to have had the assistance of Helen and the fine support staff she has trained and nurtured.

Her work for the county has been exemplary, particularly in her record of attendance. Very rarely does Helen ever miss a day of work. And when she does, it is either because she is unquestionably ill, or because she is spending time with her daughter Bobbi, who has returned home for a visit. This woman is truly a model for both a good official, and a good mother.

Mr. Speaker, this institutional memory will surely be missed in the halls of Huron County government. I urge you and all of our colleagues to join me in wishing Helen, and her husband Bob, the very best in her retirement, and good fortune in all that life still holds for her.

FAST TRACK

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BOYD. Mr. Speaker, today's vote is about the direction we want our economy to take, and there are three crucial issues which must be addressed if future trade agreements are going to be good for America. One, we must ensure our sovereignty is protected. Two, there must be a level playing field for American workers, and three, the promises made to garner support for trade agreements must be kept.

As we enter the global market place, it is important that Congress ensures our sovereignty is protected. Since the World Trade Organization was created, over 20 U.S. laws have been challenged or are currently being challenged. Congress has already changed one law to avoid facing the massive tariffs the WTO can implement when they ruled a U.S. law was actually a barrier to trade. In my home State of Florida, we require foreign agricultural producers to ship crops into our State to pay for inspections when their produce enters our ports. These inspections protect locally grown crops from exposure to foreign-based infestations which could devastate a multibillion dollar agriculture industry. While this State law does not violate any Federal statute, it is being challenged in the WTO.

In addition, this bill does not address the issue of the emerging global labor market. As we move toward the global economy, where our workers will compete with workers from every country in the world, it is important that we address this crucial issue. Given a level playing field, American workers are the most productive in the world and they can compete with any other country's work force. However, the fast track bill we are being asked to vote on today would force Americans to compete against people earning less than a dollar an hour and work 12 hour days. In many cases, our workers are being asked to compete with child and forced labor earning slave wages.

It is important for Americans that trade agreements ensure a level playing field is cultivated by bringing foreign wages and worker safety provisions up to ours, not by allowing our standards to fall to theirs. The fast track bill we are voting on jeopardizes American wage and safety standards.

Finally, I have serious reservations about the promises being made to try and force this agreement through Congress. While I was not in Congress when NAFTA was debated and voted on, I am well aware of the host of promises made to Florida agriculture growers to enlist their support. In reviewing those promises, I am sorry to say that vast majority of them were not kept.

In 1993, the administration made specific promises to assist agriculture producers in my State. Today, we have half as many tomato growers as there were in 1992 and the industry has lost $500 million because Mexican tomatoes were dumped in the United States. Our citrus growers have not fared any better. They have not exported one orange to Mexico since NAFTA became law.

In the last few days, the promises have started to flow again and I have some advice for my colleagues. Listen to the people of Florida who have paid the price for believing the promises in the past. Today, every major agricultural group in Florida opposes this agreement. In short, fool me once, shame on you. Fool me twice, shame on me.

In all three cases, this fast track bill fails hardworking American families. I am a supporter of free trade, but not at the price of American jobs. I urge my colleagues to vote no on fast track and let's get a trade bill which respects American sovereignty, farmers, and workers.

FAST TRACK

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PORTMAN. Mr. Speaker, it is unclear whether the House will vote on H.R. 2621, the Reciprocal Trade Agreement Act, this session. I want to reiterate my strong support for the passage of this legislation to permit the negotiation of trade agreements that would then be brought back to the Congress for approval or disapproval.

Some of my colleagues have said that granting this negotiating authority to the U.S. Trade Representative will inevitably lead to a loss of American jobs. This argument is not supported by the facts. In fact, trade agreements to open foreign markets will lead to more and better jobs and help sustain a strong economy.

Obviously, the degree to which any bilateral or multilateral trade agreement affects American jobs will depend on the type of agreement reached and on many external economic factors, such as productivity. But to assert that trade agreements that might be negotiated under this authority will lead to fewer American jobs just doesn't hold up. Since 1993, more than a third of our economic growth has directly come from exports, and the number of

export-related jobs has increased by 1.7 million. We have to remember that last year the United States created more new jobs than the other major industrial countries combined. And, jobs related to international trade on average pay 15 percent more than non-trade-related jobs.

My own State, Ohio, is the eighth largest exporter in the country with exports totaling $25 billion in 1996. The products exported from our State, including industrial machinery, cars, electronic equipment, plastic, and agricultural equipment, support many of our high-skilled, high-paying jobs at home. Ohio is the 12th largest agriculture exporting State, shipping $1.6 billion in agricultural exports in 1996. In the Cincinnati region alone, we exported $4.8 billion of merchandise over the last year. By adopting fast track, we will be able to sustain growth by further leveling the playing field and opening new markets to American products.

Mr. Speaker, opening foreign markets through bilateral or multilateral agreements is vital to maintaining a strong economy. Europe, China, Japan, and others are forging preferential commercial alliances with emerging markets, which puts American exports at a disadvantage. These trade alliances also play a vital role in defining strategic relationships between countries and regions. The alternative is to paralyze the ability of the United States to negotiate such agreements and jeopardize our leadership role in the world. I support H.R. 2621 because I am deeply concerned about the long-term damage this would cause to our economy and to jobs in my district and around this country. Passage of this important legislation would help us ensure we remain leaders in the global economy.

ADDRESS OF LT. GEN. ROGER G. THOMPSON, JR.

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MOAKLEY. Mr. Speaker, as the sponsor of House Concurrent Resolution 65, I rise today to bring to my colleagues attention the U.S. military's belief in a strong domestic maritime industry, as well affirmed in a speech last month before the national convention of the Propeller Club by Lt. Gen. Roger Thompson, the deputy commander in chief of the U.S. Transportation Command.

In his remarks, General Thompson reaffirmed support for the Jones Act as a "proven performer that supported both our nation's military security and its economic soundness," further commenting that the cabotage law "provides its root structure for our strategic transoceanic sealift capabilities." In recognizing the valuable insurance the Jones Act fleet presents to the Defense Department, General Thompson noted that 75 percent of ocean going Jones Act vessels of over 1,000 gross tons are militarily useful and some 89,000 domestic mariners are qualified to crew the Government's Ready Reserve Force.

With your approval, Mr. Speaker, I wish to place the full text of his address into the CONGRESSIONAL RECORD.

REMARKS BY LT. GEN. ROGER G. THOMPSON, JR.

It's a pleasure to be here today . . . Admiral Siler, Mr. Joseph, Mr. Myrick, Mr. Bazemore, ladies and gentlemen—no . . . let me make that "our friends in the Propeller Club of the United States . . . because today we are indeed, all among friends.

It's a wonderful opportunity to be here today with all of you—here in the magnificent city of Savannah. Certainly it's a fitting place for this conclave. It is at the same time rooted deeply in the rich history of our South Atlantic coast and its equally rich maritime traditions; currently of course, a thriving port both for commercial and military activity; and a strategic shipping and logistics location poised to continue its critical economic and military importance unhesitatingly into the 21st century.

I have a particular relationship with Savannah, because in the mid 80s I was stationed in Charleston, SC, in the Military Traffic Management Command, and I was the port commander and our responsibilities were for the entire Southeast coast, so all Department of Defense Cargo that moved through the Southeastern ports was my responsibility. And I spent a lot of hours down on the waterfront at both ocean terminals and of course, the city, where we loaded day and night some ships that were deploying around the world our combat ships for various missions, mostly, I thank goodness, for exercises as opposed to major crises. So I have a lot of days and nights in the Savannah waterfront area.

So it is a pleasure for me to be here today to represent the United States Transportation Command.

A brief word about the Transportation Command . . . it is a joint command, that is part of the Department of Defense. And as a joint command it has three components.

There is the Military Traffic Management Command that is primarily in charge of surface transportation and intermodal transportation . . . and there is Air Mobility Command, which is of course just what the name implies. It provides our airlift, and makes arrangements not only with organic airlift, but also with commercial aircraft . . . and finally there is the Military Sealift Command, with which I'm sure you are very familiar, which is responsible for our over ocean transportation. So that is a quick snap shot of the United States Transportation Command's organization. In total numbers, with active military, civilian and reserve, we have about 163,000 folks who are responsible for orchestrating the Defense Transportation System.

I need to tell you, that since my arrival some six weeks ago at USTRANSCOM, my primarily Army background—although it has included extensive port operations and other involvement with maritime operations—has broadened tremendously. Of course, much of what we do in the military is underpinned by slanguage and jargon—and among other skills, I've been learning additional seagoing terminology! So this story kind of tells how I am learning, and you can be the judge of whether I am learning well, or not.

I was told in my first days at TRANSCOM about a wizened World War II merchant skipper. He was renowned not just for open ocean navigation acumen but especially for his restricted harbor situation maneuvering skills. In fact, he seldom used tugs. But every morning when he arrived on the bridge, he unlocked a drawer, peered into it quickly, concentrated, shut the drawer and then locked it.

As luck would have it, after navigating the worlds oceans for decades, dodging enemy subs and bombers, the aging mariner passed away quietly in his bunk. When the boatswain found him in the morning, although somewhat hesitant, he quickly grabbed the now deceased captain's keys and rushed to the bridge. Breathlessly opening the lock and peering into the drawer, he saw a yellowed, frazzled, neatly lettered: "Port is Left . . . Starboard is Right." So I just want you to know I'm learning.

So I know my left from right now, and I've also learned a little about where the word "posh" came from. When I was growing up I thought the word "posh" meant elegant. I thought I'd learned my lessons, but wrong . . . it's really a nautical term and derives the sea trade routes between Great Britain and its former Indian subcontinent colonies. In the days before air conditioning, transiting the Mediterranean in the summer, and then the Indian Ocean near the equator, one wanted to be on the north, or left side of the ship, deriving such comfort from the shade as might be possible.

On the return voyage—of course—you wanted again to be on the north, or this time, the starboard side. Thus, using England as a point of reference, the best cabins were on the Port side Outbound, and to the Starboard side coming Home—Port Outbound . . . Starboard Home . . . P-O-S-H . . posh. So I'm learning all kinds of things in my new job.

But I'd like now to shift my course, and talk about the subject of this gathering in Savannah—America's Maritime Lifeline—The Jones Act.

The purpose that has been most commonly ascribed to the Jones Act is of course, the requirement that domestic waterborne commerce—shipping between two points in our nation—shall be conducted in U.S.-crewed and flagged vessels.

Frankly, if that's as far as it went, we at USTRANSCOM probably would not be terribly concerned with its future. We see little prospect of any need to transport our 3rd Armored Division from Beaumont to Boston. We sincerely hope that the unpleasantness some 130 years ago is indeed behind us forever.

And so if I may draw an analogy, if the Jones Act was a tree, the domestic maritime shipment issue would be a trunk—a main structure. But the roots that support that trunk also support another trunk—the strategic sealift that gives our nation much of its capability to project power overseas.

The Jones Act, conceived some 80 years ago as a measure to ensure our domestic maritime base, just as assuredly provides its root structure for our strategic transoceanic sealift capabilities. The Jones Act is truly a "win-win package" for our country.

Before I more closely examine the strategic sealift ramifications of the Jones Act, I might note that this is not an exclusive piece of protectionist legislation to favor our nation, nor is it unlike laws that support other forms of commercial road, rail and air transportation in the United States. On the contrary, cabotage laws—derived from the French word, Caboter—which means to sail along the coast or "by the capes"—are in various forms, the laws of some 56 nations around the world.

Now I'd like to state for the record, that the domestic maritime industry is not some small potatoes special interest group.

Our domestic maritime industry employs some 124,000 taxpayers, either serving in the vessels or in shipbuilding, repair and of

course many other related fields, with which you all are very familiar.

The private investment in U.S.-flag domestic shipping investment exceeds $26 billion for some 44,000 vessels and barges.

Domestic shipping moves 30% of United States' cargo at a cost of less than 2% of our nation's total freight bill.

Having clearly defined left from right, port from starboard—just what do our nation's military, strategic sealift interests derive from this piece of domestic legislation? The question is—ladies and gentleman—Where's the "beef" for USTRANSCOM?

Surely it has not in recent history been the actual military employment of vessels. During Operations desert Shield and Desert Storm, only 2 of 22 militarily useful dry cargo vessels and 6 of 99 Jones Act Tankers were employed. Although I might add, these 6 tankers delivered more than 20% of U.S. tanker petroleum products deliveries in the course of 40 voyages. But we should never forget the tremendous potential here. We should remember that 75% of ocean going Jones Act vessels of over 1,000 gross tons are militarily useful, as defined by Department of Defense. They in themselves are valuable insurance.

But these vessels don't have to sail to foreign ports to serve our nation, and you know that. Great Lakes ships and inland river barges are vital conduits that move cargoes from the interior of our nation to coastal ports for shipment overseas. And throughout, they contribute to and support our great nation's economy.

Perhaps the most critical contribution of the Jones Act to Desert Shield-Desert Storm activity was the crewmembers—the American merchant mariners—who sailed our Ready Reserve Force of Vessels in harm's way, delivering the tracked and wheeled vehicles, the sustaining supplies, that enabled the United States and its coalition partners to pulverize Iraq in a 30-day war and then roll over it in a 100 hour ground war.

The Iraqis threatened to mine the seas. The U.S. merchant mariners sailed into the theater at best speed.

The Iraqis threatened to use chemical weapons. What did the U.S. mariners do? They ignored the threats and delivered their cargoes anyhow.

And when the war was concluded victoriously—and we had lots and lots of stuff left over there—and by the way, lots of it was ammunition—U.S. merchant mariners brought the equipment and supplies home.

Of the citizen mariners who crew Jones Act Vessels, some 8,000 are qualified to crew the government's fleet of Ready Reserve Force—or RRF—vessels in time of national need. These 90-plus RRF vessels—designed or modified to carry the outsized and heavy equipment and cargoes that characterize our military force—are core elements of our nation's strategic sealift capabilities.

More recently mariners who work domestic vessels—and in the case of our mission in Haiti, the vessels themselves—have played significant roles. When we activated Ready Reserve Force ships to support Operation JOINT ENDEAVOR in Bosnia, fully 70% of the crews that answered the call had been employed in our domestic fleet—Jones Act vessels—during the five years between the Gulf conflict and operations in Bosnia.

Next, the Jones Act is important to the United States military because it supports a U.S. shipbuilding capability that has turned a corner in recent years, with tonnage under construction increasing to the level that elevates this country from 22nd in the world to 8th.

And the act supports a maritime repair and maintenance capability that might be critical if we were to find ourselves in a protracted conflict and be obliged—as we have been in the past—to repair damaged or worn sealift assets.

Some folks have called the Jones Act a legislative life-support system for an aging, dying creature. I would like to note that over the past three decades:

America's domestic fleet—vessels exceeding 1,000 tons gross weight tonnage—doubled in numbers from 1965 to 95

. . . it tripled productivity during that same period, and

. . . reached the one billion ton cargo threshold for the first time in 1995.

Now I guess I've got to ask you—and myself at the same time—do we hear any death rattles in those statistics. I certainly don't hear any.

And Jones Act vessels are part of our newest initiative—VISA—the Voluntary Intermodal Sealift Agreement, implemented only this year following its development with MARAD.

Many of you here are members of organizations which are participating in the groundbreaking initiative . . . and we want to thank you for your support.

VISA is very similar to the highly successful Civil Reserve Air Fleet—or CRAF—that has served our nation's military airlift needs so well.

VISA—like the Jones Act—is another win-win construct, DOD gains capacity—access actually to capacity—intermodal capacity—vice specific hulls. Contracts are being prenegotiated: we will know what we will have to pay; carriers will know what they will get.

And this is a very important point, we are planning jointly with our industry partners. And I might add on the side, that this planning has received national recognition and the people that have been part of this planning group for the last two years, have been recent recipients of the hammer award. This joint planning means industry representatives—that have security clearances—sit with us as we develop war plans. Now that's unprecedented. And their inputs and suggestions are proving extraordinarily valuable to us. So we are very excited about that.

Industry is learning ahead of time what we will need, which in turn enables them to project accurately and protect their market share. We are not just getting access to specific ships, as I mentioned a minute ago, we are getting access to worldwide intermodal system capacity and expertise. And as you know, by watching what has been going on in the intermodal world, this has become much much more important than even in the past.

I know of few military people—and virtually none who have experienced it—who would seek the opportunity for military confrontation or combat. But as you know, the odds and history don't offer much hope that total peace will break out anytime soon or for long.

Air lift is swift—to be sure. It can move personnel and high priority cargo around the world in only hours. Along with long-range air strikes. It gives us awesome halting power to stop an aggressor's advance. But to mount and sustain a counter attack and drive to victory—as far as we can see into the future—still will require strategic sealift.

Sealift will move the bulk of the unit equipment—what are we talking about?—the tanks, artillery and trucks—that will ultimately uproot an aggressor and defeat him. And it will deliver the sustaining supplies to carry the day. Fully 90 to 95% of all war materials and supplies will be delivered by sealift.

So for the reasons cited—the Jones Act is an important element supporting that requirement. It provides a very important root system that sustains our sealift capability.

In conclusion, the Jones Act is a proven performer that supports both our nation's military security and its economic soundness.

I'd like to thank you for inviting me here today. And I certainly wish you all the best of success with this session that you are having here, but more importantly I wish you continued success in your fields so we can continue making our great nation even greater and even stronger.

FAST TRACK AUTHORITY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HALL of Ohio. Mr. Speaker, I rise in opposition to H.R. 2621, the Reciprocal Trade Agreement Authorities Act of 1997, which would provide fast-track authority to the President. While I believe free trade is important, I do not believe Congress should just turn over our constitutional authority on trade to the President whenever he asks. The current version of H.R. 2621 is more restrictive than the past legislation which enabled Presidents Reagan, Bush, and Clinton to negotiate GATT and NAFTA.

Congress must ensure that labor and environmental standards can be raised in the context of trade issues. With increased globalization, these issues are becoming interrelated. Unfortunately, there has been a trend within the executive branch of the United States to delink trade policy with other important foreign policy goals like promotion of fair labor standards, elimination of child labor, improvement in environmental conditions, and the promotion of human rights.

Trade policy has in some cases become the No. 1 priority, with other important issues being put on the back burner and receiving less attention. One such example was the United States willingness to impose trade sanctions against the Chinese for their violation of international standards on intellectual property rights. However, the administration was unwilling to impose sanctions because of restrictions on religious freedom in China which also violated international law. This is not consistent policy.

Mr. Speaker, I review trade agreements on a case by case basis and how they will affect jobs in my district. I supported the Uruguay round of the GATT because I thought it was a good deal for the United States. I opposed NAFTA because I did not think it was the best deal we could have gotten. I argued then that we needed to have high standards for NAFTA because it would be expanded to include Latin and South America. If we pass this version of fast track, the administration could easily expand some of the flawed provisions of NAFTA.

Finally, Mr. Speaker, I would vote for the President to have expedited trade negotiating

authority only if it includes authority to improve labor, environmental, and human rights standards. If fast track fails, the administration still has authority to negotiate trade agreements. The United States-Israel Free Trade Agreement was negotiated without fast track and the Uruguay round of the GATT proceeded for several years without fast track. The United States must take its time to negotiate good trade agreements which will benefit our businesses, our workers, and represent our values.

COMMENDING KEN ENNS OF ENNS PACKING

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to commend Ken Enns and his company, Enns Packing, who have made major contributions to the underprivileged people of California.

Ken has a strong history of support for California Emergency Foodlink which is a nonprofit organization that provides food to the hungry throughout California. In 1992, his company was a major donor to Foodlink's Donate-Don't Dump program. Donate-Don't Dump assists the U.S. Department of Agriculture's community program by providing private food donations. Enns Packing offered added support to this program in 1997 when it donated close to 3 million pounds of fresh fruit.

Ken and Enns Packing give fresh produce to help feed 1.5 million needy Californians each month during the summer. Ken has also been instrumental in encouraging companies similar to his to support Foodlink. His efforts resulted in Foodlink's distribution of over 32 million pounds of donated food in 1996.

Ken's philanthropy has contributed greatly to help feed the hungry people of California. I congratulate Ken and Enns Packing on their efforts, as they exemplify the impact the private sector can have on our communities.

Mr. Speaker, this Congress has begun the process of localizing, privatizing, and eliminating outmoded and counterproductive Federal programs. But that isn't enough. The American people—through their families, religious and civic organizations and through their workplace—must make a commitment to be personally responsible for solving the challenges that face us. Ken Enns and Enns Packing have done just that. Ken and Enns Packing serve as a model for each of us. I urge every American to study how Ken has contributed to his community. Most importantly, I urge every American to put into practice in their own lives the lesson that Ken can teach us.

ATTORNEY GENERAL AWARD TO STEPHANIE BOUCHER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. GILMAN. Mr. Speaker, I rise today to offer recognition to an individual who recently received an extraordinary honor for her contributions at the workplace. Stephanie Boucher, the wife of one of my legislative assistants, received an Appreciation Award from the Attorney General on September 26, 1997.

What is unusual about this event was the fact that Stephanie is not a Federal employee. She is a contract worker employed at the Executive Office for U.S. Attorneys [EOUSA] in the Department of Justice. I have been informed that it is highly unusual for contract employees to receive any type of official recognition from the Government for their work. Yet, over the past 15 months, Stephanie has shown that she is not the typical contract employee.

Stephanie received this award for "motivating and stimulating EOUSA's Freedom of Information Act/Privacy Act [FOIA] staff with her team spirit, productive work ethics, and willingness to go the extra mile to reach the Attorney General's goal of reducing the FOIA backlog." This backlog, which resulted from Congress' reform and expansion of the FOIA legislation, at one point reached nearly 1,000 requests pending. It was through the hard work, willingness to work extra hours, and dedication to detail shown by Stephanie and three other contract employees, under the direction of Acting Director Bonnie Gay, that the backlog was reduced to zero by the end of fiscal year 1997. I would further note that despite the extraordinary circumstances of receiving recognition for their accomplishments from the Attorney General, none of them received any acknowledgement or congratulations from the contract employer.

What sets Stephanie apart in my mind from her colleagues is the fact that she accomplished all this while attending law school full time in the evenings at the University of Baltimore. I know from personal experience how difficult and demanding law school is, and believe that this underscores this young woman's strong work ethic.

Finally, Mr. Speaker, I would note that the administration requested funding in the fiscal year 1998 budget for eight additional positions in the Executive Office for U.S. Attorneys to handle FOIA requests. Furthermore, it is my understanding that two of Stephanie's colleagues have been brought on full time with the Government since the issuance of this award. It is my opinion that Stephanie has already shown, through her past performance, that she would make a fine addition to the expanded EOUSA FOIA staff.

RECIPROCAL TRADE AGREEMENT AUTHORITIES ACT

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MANTON. Mr. Speaker, I rise in strong opposition to H.R. 2621, the Reciprocal Trade Agreement Authorities Act. The debate over fast track is not a debate over whether the United States should engage in world trade. Clearly, we should. This debate is about whether our Government will finally adopt trade rules that will put the interests of working families first instead of the rights of corporations to make huge profits at their expense.

Mr. Speaker, I believe that trade agreements must not be considered in isolation of the consequences which might befall workers and the environment. Unfortunately, the bill before us does not require that future trade agreements ensure progress toward ensuring workers' rights and enhancing environmental protections. Instead, the bill limits the labor and environmental issues which can be considered under fast track authority to those that are "directly related to trade and decrease market opportunities for U.S. exports or distort U.S. trade." This wording attempts to hide the continued disregard for American workers behind carefully constructed language that allows trade negotiators to pay lip-service to environmental, consumer, and labor issues without requiring them to do anything about them. Instead, labor and environmental issues will be ignored or relegated to NAFTA-like side agreements which have proven to be wholly inadequate and have made implementation of these provisions virtually unenforceable in the past.

In addition, this fast track legislation grants the President wider authority over trade than given to any previous administration since its inception. And, while lawmakers could vote either up or down on a specific proposal, they would be stripped of their powers to amend, revise, correct, or improve complex, and far-reaching trade agreements, effectively denying Congress its constitutional right to regulate foreign commerce.

Mr. Speaker, the administration has promised that if granted fast track authority, they will use it to expand NAFTA to Chile as the first step toward creation of a Free Trade Zone of the Americas. But, after 3 years of the NAFTA experience, the evidence shows that as both a trade agreement and a trade model, NAFTA has been a failure. We have seen a trade surplus with Mexico transformed into a $16 billion deficit, part of a total United States trade deficit with Canada and Mexico of $48.3 billion dollars. We have seen a net loss of U.S. jobs in all 50 States totaling more than 420,000, including 20,000 in my home State of New York alone.

And, recently Mr. Speaker, the negative effects of NAFTA have struck my own Seventh Congressional District of New York particularly hard. Swingline, a manufacturer of staples and staple products located in Long Island City, recently announced plans to close down their plant and move their operations to Mexico. The Swingline plant has operated in New York

for the last 75 years, including the last 40 in Long Island City. Swingline has long been a fixture in the Long Island City community, employing more than 400 workers, a majority of whom have only known that job their entire lives.

In addition, we have seen increased Mexican imports, coupled with restrictive inspection requirements and inadequate funding, combining to overwhelm border inspection systems. This has resulted in an increased volume of tainted foods coming into the United States, most recently demonstrated with the outbreak of 130 cases of Hepatitis-A in Michigan which were traced to strawberries illegally imported from Mexico. We have also seen an increase in unsafe Mexican carrier traffic traveling over United States highways, as NAFTA has provided for neither the financial support nor regulatory incentives to bring Mexican standards up to United States levels. And, Mr. Speaker, we have seen an increase in the flow of illegal drugs from Mexico as NAFTA's new flood of truckloads of imports has provided the means by which these illegal contraband may enter the United States undetected. Recent State Department estimates show that now 70 percent of cocaine, 80 percent of marijuana, and 30 percent of heroin enter the United States through Mexico, up significantly from pre-NAFTA levels.

Mr. Speaker, fast track supporters would have you believe that without this authority, the United States will be shut out from entering into lucrative trade deals in South America. But this is just not true. Indeed, in recent years trade between the United States and South America has moved from a deficit to a healthy surplus, even though we do not have any NAFTA-type free trade agreements with these countries. And, a lack of fast track authority has also not prevented the current administration from having negotiated more than 200 trade agreements with other countries since 1993.

Mr. Speaker, as I stated before, the debate before us is not whether America trades with the world, but what are the rules under which that trade takes place. Workers rights, environmental protections, and food safety must have a place on the negotiating agenda for any trade agreement. Unfortunately, this legislation before us does not adequately provide for their consideration. Therefore, I urge all of my colleagues to reject this fast track legislation and to give all future trade agreements and our overall trade policy the careful scrutiny they require and deserve.

RECIPROCAL TRADE AGREEMENT AUTHORITIES ACT

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. KIM. Mr. Speaker, I rise in support of H.R. 2621, the Reciprocal Trade Agreement Authorities Act, a bill to renew the President's authority to negotiate international trade agreements through an expedited procedure known as fast track.

Fast track is a tool with which the President can negotiate international trade agreements. It is not a tool for the President to circumvent Congress and implement agreements. Congress retains its constitutional authority to approve any trade agreement brought under fast track, and maintains its responsibility to write and approve legislation to implement that agreement. I want to stress this important point: Congress still must approve or disapprove any new trade agreement reached as a result of fast track negotiations.

Fast track is a tool that the President will use to negotiate trade agreements to open foreign markets for U.S. exports. Exports are a crucial sector of the U.S. economy, particularly in southern California. Last year alone, California exported $104 billion in goods. California exports support 1.5 million jobs, a number which is expected to grow at 100,000 per year. These are high-growth, well-paying jobs, with wages paying 13 to 16 percent more than nontrade related jobs. The President will use fast track to open up foreign markets for our exports, which will, in turn, create even more of these high-paying jobs. This is extremely important to the continued growth of the U.S. economy in general, and California's economy specifically.

The President will use this authority to open foreign markets for U.S. manufactured and agricultural products. These trade agreements will be designed to lower foreign tariff rates and barriers to entry in order to make our products more competitive in foreign marketplaces. If we are unable to negotiate these agreements, tariffs on our goods will remain high, and consumers in foreign markets will be unwilling to buy U.S. products that are made and grown in our districts.

I am extremely disappointed that labor and environmental organizations are erroneously characterizing fast track as a new trade agreement lacking sufficient labor and environmental protections. I cannot repeat enough times: fast track is simply a negotiating process under which the President negotiates trade agreements—with the constant advice and oversight of Congress—that Congress must approve in order to become law.

It is also important to recognize that fast track does not, I repeat does not, preclude the President from addressing environmental and labor concerns in any trade agreement, so long as those labor and environmental concerns are related to trade. The fact is, we encourage the President to address these issues, especially those which hurt the competitiveness of our exports abroad.

I also want to point out that this is not a partisan issue: every President in the last 20 years has had fast-track authority. Democrat-controlled Congresses have granted the authority to Republican Presidents and vice versa. Every president since Gerald Ford has had fast-track authority to negotiate trade agreements. Without this authority, no foreign countries will enter into trade negotiations with the United States.

Finally, I want to make clear that granting fast track does not give the President a blank check to expand NAFTA. Any new trade agreement—including NAFTA parity for countries in Central and South America—must still come before Congress for approval and implementation. If Congress feels that a trade deal is not in the United States' best interest, Congress will vote it down.

Mr. Speaker, I urge my colleagues to support this bill. If we do not grant our President fast-track negotiating authority, we will only serve to hurt ourselves. Export markets will dry up, and we will lose all those U.S. jobs associated with exports. Please vote for fair U.S. trade. Please vote for U.S. jobs. Please vote for fast track.

FORUM ON THE REAUTHORIZATION OF THE HIGHER EDUCATION ACT

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PRICE of North Carolina. Mr. Speaker, on September 22, I convened a forum on the reauthorization of the Higher Education Act. This legislation, which would renew authority for most Federal higher education programs, will be considered during the next session of the 105th Congress. I invited students, college presidents, financial aid administrators, and business leaders from the Research Triangle area of North Carolina to come together at the Museum of History in Raleigh to discuss the future of student and institutional aid, support services for disadvantaged students, international programs, university-based research, and training for the work force. The participants were divided into four panels: "The Higher Education Act: Student Perspectives," "Priorities for the Higher Education Act." "The Financial Aid Challenge," and "Higher Education, the Economy and the Global Marketplace." Together, they outlined a compelling agenda for education policy and demonstrated the contribution our State is prepared to make to this debate.

I was joined on the moderating panel by David Longanecker, Assistant Secretary for Post-Secondary Education at the U.S. Department of Education, Senator Howard Lee, chairman of both the authorizing and appropriating committees for higher education in the North Carolina Senate, and Senator Wib Gulley, a member of the Higher Education Committee in the North Carolina Senate. Today, I want to summarize who the participants were and what they had to say.

THE HIGHER EDUCATION ACT: STUDENT PERSPECTIVES

Five students from Triangle schools gave us the benefit of their perspectives on student aid. Mohan Nathan, student body president at the University of North Carolina at Chapel Hill, emphasized four significant areas of concern for students: First, the grant-loan imbalance; second, the importance of the State Student Incentive Grant Program in leveraging non-Federal funds; third, the rising cost of graduate school and subsequent student debt; and fourth, how loan indebtedness may affect the career choices students make. Linda Hawkins, a student at Meredith College, spoke to the special needs of nontraditional students and supported more evening and weekend programs that would allow flexibility in family and employment schedules. Kendrick Coble of Shaw University recounted the difficulty of piecing together a financial aid package and called for a modification in the methodology

used to determine financial aid eligibility so that those who are working to support themselves are not penalized. Heather Thompson, a student at Durham Technical Community College and single mother of two children, testified in very personal and moving terms to the importance of the Single Parent Program—a program offered at Durham Tech which pays for her children's day care—in attracting more single parents back to school. And Terry Steckowich, a transfer student at the University of North Carolina at Chapel Hill, discussed the difficulty in transferring credits from a quarter-based institution—in his case, Durham Technical Community College—to a semester based system.

PRIORITIES FOR THE HIGHER EDUCATION ACT

Leaders from five higher education institutions in the Triangle comprised the second panel. They offered their views on challenges at their institutions and how those challenges should frame the priorities in the renewal of the Higher Education Act. President Molly Broad of the University of North Carolina system called for modification of the College Work Study Program to cover travel and training expenses for students who are participating in cooperative education. She also described the need to develop telecommunications infrastructure and support through expanded partnerships among colleges, primary and secondary schools. President Broad also testified to the importance of policy initiatives that were included as a portion of the Taxpayer Relief Act. She specifically referenced the importance of two items that I and other Members have been working on for 10 years which were included in the education tax relief section of the bill—penalty-free withdrawals from individual retirement accounts and the deductibility of interest on student loans. President Bernard Franklin of St. Augustine's college emphasized the accessibility and cost of a college education, citing the grant-loan imbalance and advocating an increase in Pell Grant levels. Second, he called for greater support of the technological infrastructure for colleges serving a large number of minority students. Third, Dr. Franklin addressed the need for increased funding and flexibility so that money in the Institutional Aid portion of the bill can be used to build endowments at historically black institutions. Chancellor Julius Chambers of North Carolina Central University urged more funding to help develop graduate programs at historically black colleges and universities. He raised questions about the restrictive matching fund component of the law and stressed the difficulty graduate programs have in becoming eligible for Federal funds. He also discussed the need for better outreach to low-income families concerning the Federal funds available for education. Chancellor Chambers went on to argue that the present method for determining the amount of money married students and students with children may obtain for loans and other aid is not sufficient. He argued in favor of increased Federal student loan funding to help single parents cover the expenses necessary to obtain a degree. President Bruce Howell of Wake Technical Community College, with whom I worked a few years ago as we crafted the Advanced Technological Education Program at the National Science Foundation, testified to the value of the grants his and other community colleges across the country have received to upgrade curricula and teaching methods. He called for more resources, including computers, and increased access to the classroom for the economically disadvantaged, students with disabilities, single parent students, and full-time workers. Because 78 percent of students at Wake Tech work, Dr. Howell advocated the need for classes round the clock and on weekends. He also spoke on the necessity to reach out to workers and older people to make education accessible at all stages of life. The last panelist to present testimony was President Nan Keohane of Duke University. Dr. Keohane echoed the statement of Chancellor Chambers in addressing the lack of knowledge about the availability of student aid. She detailed a number of areas where changes to the Higher Education Act would "play what you might call a perfecting role." These refinements include a sharper focus on needy and moderate income students, strengthening campus-based programs that reduce borrowing, lowering the cost of borrowing to students, allowing institutions with low-loan default rates greater flexibility in the loan packages they may offer, and developing incentives for families to save for college. I believe this last point is particularly important and hope the reauthorization will adjust the formulas to ensure those that have saved are not penalized while ensuring that those with fewer resources are still eligible for aid. Finally, Dr. Keohane called for adequate support of the International Education and Foreign Language Programs and for rethinking of Federal student aid for participants in those programs.

THE FINANCIAL AID CHALLENGE

Financial aid administrators, in both State government and at Triangle educational institutions, discussed the current status of the Federal Financial Aid Program and the challenges they face in administering the program. Steven Brooks, executive director of the North Carolina State Education Assistance Authority, discussed the difficulty aid administrators have in fulfilling their role as student advocates. Mr. Brooks indicated that Federal regulations and decreased flexibility have made his role as an advocate more difficult. Like Drs. Chambers and Keohane, he argued that a better partnership among administrators at the Federal, State, and institutional level would help make financial aid information more available to students. He also addressed the grant-loan imbalance and, like other participants, called for an increase in Pell grant funding. Finally, Mr. Brooks asked that the Congress continue to find ways to support the savings efforts of middle-class families. "Those who can afford to save for higher education, must be encouraged to do so, and this encouragement must come without cost to those who cannot afford to save." Carolyn Braxton, financial aid director at Wake Technical Community College, discussed the need for options other than loans, so students do not have large debt loans upon graduation. She also expressed the need for more child care, especially for the nontraditional student. And like Mr. Brooks, Ms. Braxton would like more focus on low-income families, not just aid for the middle class. She concluded by questioning the role of financial aid administrators in relation to Federal requirements: "Financial aid professionals are required to be gatekeepers for Federal, State, and local dollars at our colleges, meet the needs of our students and meet regulatory requirements in administering these dollars. Requirements for verifying selective service registration and citizenship are not in sync with our mission to provide funding resources to enable all students to obtain a higher education." Julia Rice Mallette, financial aid director at North Carolina State University, brought several issues to the table. She underscored the need to understand the costs of college beyond tuition: books, room and board, food and transportation. She, too, expressed concern about the grant-loan imbalance and called for increased funding for the Pell Grant Program. At the same time, Ms. Mallette called for an increase in loan limits, especially for graduate and professional students, as well as a reduction of elimination of the loan originating fee and insurance premium paid up front. And, finally, Mr. Mallette reiterated the need to clarify and promote financial aid opportunities for students enrolled in distance education programs. Wanda White, financial aid director at St. Augustine's College, discussed the importace of programs such as the recently enacted Hope Scholarship, deductibility of student loan interest, and increases in the Pell Grant and the Work Study Program, since as many as 90 percent of students at historically black colleges and universities receive some sort of financial aid. She also advocated the increased funding to expand the use of technology at institutions that serve minorities and spoke for increased funding for the State Student Incentive Grant Program.

HIGHER EDUCATION, THE ECONOMY AND THE GLOBAL MARKETPLACE

Business and education leaders came together in our final panel to discuss the implications of higher education policy decisions for local and global economies. Chancellor Larry Montieith of North Carolina State University highlighted the growing partnership between industry and university research and stressed the importance of these partnerships for future industrial development. This is a subject he is well acquainted with because of his leadership in creating the new Centennial Campus at NCSU, a research and advanced technology community where university, industry, and government partners interact in multidisciplinary programs directed toward the solution of contemporary problems. It serves as a model for how productive partnerships between industry and universities should be formed for the 21st century. Chancellor Monteith expressed his concern that the Higher Education Act not forget research and research institutions: "If the infrastructure will not support leading-edge research, then we will not generate the technologies that are needed." President Phail Wynn of Durham Technical Community College testified that 80 percent of the goods produced in this country are actively competing with foreign-made goods, and he argued that "the real measure of success between these competing knowledge-intensive economies will be found in the quality of their human resources." Postsecondary schooling must address the needs of the

workplace, Dr. Wynn stated, especially in terms of being able to adapt quickly to changing circumstances. Steven Hitchner, director of ECPI Technical Institute, a proprietary school which focuses on teaching computer skills, made two important points. The first was the need for an increased numbers of technologically literate workers. He testified that "increasingly, employers are requiring specialized training and continuing education as system advances are made and new technology is introduced." The second was the necessity to give proprietary school students access to Federal student assistance programs. To ensure that schools such as ECPI are able to produce the skilled work force we need quickly, Mr. Hitchner believes proprietary schools must be included in the discussions about reforming the Higher Education Act. He also expressed his appreciation that the recently enacted Taxpayer Relief Act included proprietary schools in the HOPE Scholarship Program and in the Education Affordability Act provisions concerning deductible interest for student loans and penalty-free withdrawals from IRA's. Robert Ingram, President and CEO of Glaxo-Wellcome Incorp., testified from two perspectives: global employer and corporate citizen. As an employer, he stressed the need for "graduates to help us fulfill our mission of discovering, developing and delivering better medicines to meet the unmet answers in health." As a corporate citizen who believes in higher education, Mr. Ingram highlighted Glaxo's commitment to research universities and his company's emphasis on research partnerships. He testified that these partnerships, which are extensive at Triangle institutions, are essential to producing the most qualified and competitive students. He further discussed the need for advanced technical training for the work force to meet the evolving needs of an increasingly complex global business economy. Sandra Babb, advisor on work force preparedness to the Governor of North Carolina, argued persuasively for meeting the requirements of the digital information economy. Ms. Babb testified that educators and students must look to see where business is moving in terms of technology and creativity and must focus on the skills necessary to accomplish those goals. She emphasized that education is not static and that the Higher Education Act needs to realize this fundamental change in how we educate our citizens. She stated "learning is a lifelong challenge because in the new economy, you've got to reinvent your knowledge base throughout your life." The last witness was William Friday, president-emeritus of the University of North Carolina system. Mr. Friday also chaired the National Humanities Center Steering Committee on the Future of the Fulbright Educational Exchange Program. That committee recently produced an excellent report entitled "Fulbright at Fifty," which makes the case for the continuation and enhancement of the Fulbright scholars program. Mr. Friday testified "if we do not devise the means to utilize the strength of these higher education institutions in helping one culture to understand another, one culture to get along with another, one culture to be unafraid of another, then all that you've heard here will not avail." He also paraphrased Senator Fulbright when he said "knowledge will not produce peace unless there is understanding." And to reach that understanding, Mr. Friday passionately advocated the restoration of Fulbright funding to $125 million. Unfortunately, the recently enacted Commerce, Justice, State, and Judiciary Appropriations bill funded the Fulbright program at a much lower level, $94.236 million.

After this full day of presentations and responses to questions posed by Secretary Longanecker, Senators Lee and Gulley, and myself, I believe we all have a better understanding of the enormity of the challenge of reauthorizing the Higher Education Act and of the major issues that must be addressed. The hearing record will be made available to our colleagues on the Education and Workforce Committee, and I will be eager to work with them to ensure that these excellent ideas from the Research Triangle area of North Carolina are included in the Higher Education Act as reauthorization moves forward next session.

FAST TRACK AUTHORITY: A FRAUDULENT NAME AND GAME

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. LAFALCE. Mr. Speaker, the issue most are debating today is whether Congress should give the President fast-track authority to negotiate trade agreements with foreign governments. At least, that is how the issue is usually described and debated.

But there is a real problem in both the description and the debate. And the closer you look at it, the clearer it becomes that the description is misleading and the debate often fraudulent.

First, there is nothing inherently faster about trade agreements reached under this process. In fact, we often spend more time and energy discussing fast track than we do the actual trade agreements. Second, the President does not obtain some new authority from Congress to negotiate trade deals; he has plenary authority under the Constitution to negotiate any agreement he might want with other nations. Indeed, the only question extant is whether Congress will try to relinquish or forfeit its constitutional authority to propose amendments to any proposal that the President might reach with other nations. Hence, the issue is not whether Congress will give the President any authority; it is whether Congress will give up its own constitutional authority.

So what is fraudulent about this debate? First, so-called fast-track authority is constitutionally unenforceable. Congress cannot legislatively give up its constitutional power to make laws or its powers to determine how to go about making laws. Surely, Congress can pass a law purporting to bind itself and future Congresses on a future issue, as fast-track purports to do, but, it cannot be enforced. This Congress and future Congresses could always simply ignore such previous actions and offer amendments at any time to any bill.

Second, even assuming such a limiting law could be enforced, neither this nor any previous fast-track proposal would actually eliminate congressional amendments to proposed trade bills. For every fast-track bill ever considered or proposed contains a glaring exception in the fine print making it say, in essence, that there will be no amendments unless the House or Senate passes a rule permitting amendments. In other words, the fast-track bills basically say that Congress will not consider amendments to a bill unless Congress decides to consider amendments to such a bill. So who's kidding whom? The answer is that just about everyone is fooling everyone. Such a loophole renders the law virtually meaningless, except, of course, to the extent it deceives foreign negotiators and the U.S. Congress.

What is really happening here is a convergence of interests between the U.S. Presidents and foreign governments. Their understandable mutual desire is to minimize the role of that cumbersome, bothersome thing called Congress.

In effect, they would have us say that for purposes of trade our constitutional system of representation does not work, cannot work, and must be circumvented. Instead, they would have us adopt a parliamentary system for trade laws, making the President a de facto Prime Minister and making the de facto parliament's vote really a simple "yes" or "no" vote of confidence in the Prime Minister's leadership. This would not even be a vote on the merits of the trade deal, or even on support of a given President, but instead on support of the Office of the Presidency. That's not what the Constitution envisioned or envisions.

Lastly, every bill implementing trade agreements submitted under fast-track authority in the past has been put through a rigorous preliminary amendment process in the Senate Finance and House Ways and Means Committees. These sessions have resulted in huge numbers of amendments; then, after the committee members have offered their amendments and voted on them, the amended end product is submitted by the President to the entire Congress. That bill is then brought forward for the "yes" or "no" vote envisioned under fast track.

Thus, the debate on fast track has been riddled with fraud—fraud on foreign governments, on the Congress and on the body politic. I think we should deal with the issues openly and honestly. We can't give up our constitutional authority; we never have; and if we pass the President's fast-track proposal, we still wouldn't give up our authority. Having come to know this, I have chosen not to participate in the perpetuation of the fraud.

Some will say that a vote against fast track is a vote against global trade; that opposing fast track is putting America last, not first; that a vote against fast track is being protectionist. To those, I say, "nonsense." These ad hominem attacks and false dichotomies sully the debate and are not worthy of a response. One can oppose fast track and still strongly favor global trade. I do. One can object to fast track and also oppose protectionism, seeking to put America first. I do. And one can support constitutional processes and still support enactment of trade agreements, as I supported the Canadian-American Free-Trade Agreement, the continuance of MFN for China, various iterations of GATT, the WTO, and so

forth. I'd rather do that than support and perpetuate what is an essentially fraudulent process.

MEXICAN POLITICAL SYSTEM

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. KOLBE. Mr. Speaker, I would like to commend to my colleagues an article concerning the Mexican political system by Mr. C. Allen Ellis, the president of Ellis Interfin Services, Ltd.

MEXICO AT WATERSHED

On July 6 Mexico, with over 30 million of its 52 million registered voters participating, held congressional elections for all 500 members of its Chamber of Deputies, to replace one third of its Senate, and to elect a mayor of its vast capital city for the first time. The result was historic. Mexico's 65 year old one-party political system, led by a one term president having near absolute power, crumbled before an electorate slowly emerging from Mexico's worst political and economic crisis since its Revolution of 1910.

The immediate results have been the end of congressional dominance by the "Partido Revolucionario Institucional" (PRI), which now holds a minority of 239 seats in the 500 member lower chamber, and a former party opposition holding 261 seats, which has formed a working coalition at least for the present. The opposition majority is asserting itself in seeking basic prerogatives and is developing fundamental changes in congressional rules and procedures to limit the vast powers held by the president since 1928. In addition, a leftist opposition party, the PRD, has elected Cuauhtemoc Cárdenas, son of a populist former president, to govern as mayor of Mexico City's Federal District for a three year term along with a 40 member Council, of which 38 are members of his party and to which not a single P.I. candidate was elected.

President Ernesto Zedillo Ponce de León, midway through his single 6 year term of office, has emerged as a principal beneficiary of the elections whose fairness and extent of voter participation were unique in Mexico's electoral history. This success was the product of the newly independent Federal Electoral Institute, a vocal and critical press and media, the availability of public funding for all political parties, and, in general, President Zedillo's insistence on a fair and democratic election at the expense of his own presidential powers.

The emergence of a politically significant Congress has been accomplished without formal changes in the Constitution of 1917 or the laws of Mexico. Among the initial political changes that could prove to be more than transient are: limiting of our neighbor's "spoil system" whereby sitting presidents, their relatives and close political and private sector associates can amass great wealth, the greater sharing of presidential power with state and municipal governments many led by opposition parties (6 of Mexico's 31 states and hundreds of municipalities), and a stronger Supreme Court no longer serving only at presidential pleasure.

The new political system which is emerging is accompanying an economic recovery from the "Crisis" of 1995 and early 1996, led by the export sector principally benefiting approximately 200 major companies and their domestic and foreign suppliers, and, in stark contrast, a slow and painful recovery of its domestic economy. Mexico's two-way trade with its United States and Canada NAFTA partners has increased by 67% in three years from $91 billion to $152 billion in 1996, with Mexico this year expected to supplant Japan as the second most important trading partner of the United States after Canada. This year United States exports to Mexico are once again accelerating after their dramatic fall in 1995 (resulting from the "Crisis" and the December, 1994 devaluation of the peso), at $32.7 billion for the first six months running 23% ahead of the same period in 1996.

Thus Mexico's new political system is emerging in tandem with a strengthening economy, and in a North American regional economy where the United States continues its remarkable seven year record of non-inflationary growth with massive job creation, much of which is due to vastly accelerating exports of goods and services from the United States to developing nations led by Mexico.

One of the principal challenges facing Mexico, which President Zedillo emphasized in his comprehensive annual address to the Mexican people on September 1, is the development of a long-term economic strategy, based on a private sector-led market economy, and acceptable to a political consensus. This has become critical because in each of Mexico's last five presidential terms, beginning in 1970, a financial crisis has been precipitated by differing and often contradictory economic policies. This will be a particularly difficult challenge, as highlighted recently by the highly adversarial response by opposition members to the recent appearance before the Congress of several cabinet officers, urging continuation of President Zedillo's and Treasury Secretary's Guillermo Ortiz's economic recovery and growth program and its required budget.

Another principal issue confronting Mexico involves the escalating threat to the personal security of persons in Mexico, at all levels of society, from a growing crime wave overwhelming an ineffectual and often corrupt criminal justice system and federal, state, and local police forces increasingly led by Mexican Army officers. A leading force in criminal activity are the regional narcotics cartels, which with their vast financial resources are responsible for widespread corruption throughout the public and private sectors of Mexico, as well as in the Army which for years has led the national anti-narcotics campaign.

President Zedillo in his September 1 address emphasized to his country and its citizenry the threat represented by the prevailing climate of insecurity and from narcotics. Fundamental reform of the judicial and public security systems have been a particular priority of his administration, but he acknowledged these programs and policies had to be improved. He vowed to develop and fund additional public security measures and called on the Congress, state, and municipal governments to work closely with executive branch in this vital arena.

In Mexico's economy, the present state of the financial and commercial banking sector remains a principal obstacle to economic growth and development. The public finances of Mexico are strong, having recovered far earlier than expected from the "Crisis" thanks to a wise and timely financial assistance package led by the United States and the international financial agencies. Continuing consolidation, led by commercial banks in Spain and Canada, has been required among financial institutions which began to fall shortly after their poorly conceived and implemented privatization by the prior administration. Massive government assistance and debt assumption has been provided to the privatized financial sector, with accompanying widespread public criticism, to confront a bad debt overhang which now exceeds $50 billion and will require many years of continuing economic progress to surmount.

Mexicans traditionally have had a keen awareness and pride in their own extraordinary history. However, this admirable quality has limited development of modern democratic political institutions and the ability to develop the economic and social policies required by a young, ambitious and increasingly restive population.

The crossroads at which Mexico finds itself has been particularly well-stated in a recently published history of Mexico:

"The ordinary Mexican is no longer obsessed by the gravitational pull of the past. Intoxication with history is now more an issue for political and intellectual elites. In the midst of the Crisis, in a national mood of confusion and unease, today's Mexican is turning toward the future. And the man and woman in the street have begun to understand that, even if the lack of democracy is not Mexico's foremost problem, the country's other problems cannot be resolved without democracy. These are the issues of the past and the present and the future, including the ancient social and economic problems that Mexico has endured as "the land of inequality." Without a legitimate division of powers, the President, if he wishes, can reign as an absolute for six years. Without a solidly based and independent system of justice, the corrupted "Revolutionary Family" will continue exploiting "public posts as private property," sacking the country as it has from the days of Alemán to Salinas de Gortari. Without a truly efficient and honest civil service, neither a just system of taxation nor a way of delivering benefits directly to the poor are possible, as modes for reducing the enormous inequalities between great wealth and great poverty. Without a reliable and honest police system, the streets will be insecure and the financial influence of drug cartels will grow geometrically. Without true and effective federalism, the capital will continue to exercise a form of imperialism over the provinces and the cities. Without democracy—the ideal of Madero (and less completely of Juárez)—any economic reforms, even if they move in the right direction, will always be fragile and endangered."[1]

My own view of the road ahead for Mexico, at this watershed in its history, is that our neighbor has found in President Ernesto Zedillo a wise and dedicated leader whose policies, along with the present confluence of events, can produce a presidency sharing power with a representative Congress having real legislative, oversight and budgetary powers, and with an independent judiciary providing the rule of law and the fair administration of justice.

Whether Mexico is continuing on the course this paper has described will become more apparent in its crucial political year 2000 when presidential, state and municipal

[1] Mexico: biography of power: a history of modern Mexico. 1810–1996/ by Enrique Krauze

elections are scheduled. These will constitute a plebiscite on Mexico's emerging political system, on present economic and social policies, and on those to be followed in the next three years.

The course of present and future developments in Mexico will have profound implications for our own country and national interest. A growing and increasingly prosperous Mexico, with responsive and representative political institutions, will remove, or at least substantially reduce, many of the conflicts which have characterized our nation's historic relations with Mexico. This relationship is the most complex and wide-ranging we have with any nation, and in coming years will continue to be among our most important.

OPPOSITION TO H.R. 2621

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. THOMPSON. Mr. Speaker, I rise today in opposition to H.R. 2621, the Reciprocal Trade Agreement Authorities Act—the so-called fast track authority legislation.

The take it or leave it approach fast track authority brought to the NAFTA and GATT agreements a few years ago led to the acceptance of trade negotiations that have damaged my home State of Mississippi and this Nation's economy, labor force, and environment. This is not an issue of free trade; I support free trade as most Members of both sides of the aisle and the President do. My opposition to fast track authority and that of many of my colleagues is part of an effort to permit Congress to have real input into the negotiation of trade agreements and the ability to properly inform the public of their possible effects.

NAFTA and other trade agreements have severely hampered Mississippi and the Nation's opportunities for faster rates of economic development. Although United States exports have increased by 26 percent to Mexico and Canada since NAFTA's enactment in 1993, imports from those regions have increased by 47 percent according to Bureau of Labor Statistics and Census Bureau data. As a result, the Nation has lost a net total of 394,835 jobs since 1993. In Mississippi alone, major employers have moved across borders, forcing 6,671 people to face unemployment and difficult transitions to lower paying jobs. Moreover, as employers use the threat of moving their businesses overseas, employees are forced to take cuts in their paychecks and health benefits that have led to a 4-percent decline in nationwide median wages since 1993.

Fast track authority would be a blank check for extending NAFTA and other international trade agreements that tend to neglect the delicate economy of small States, like Mississippi, that heavily depend on low-wage labor and manufacturing. In addition, these agreements have encouraged other countries to develop unsafe products and to ignore environmental standards. It is no mystery why the National Consumers League as well as the Nation's premier environmental organizations—the Sierra Club, the Audubon Society, the National Wildlife Federation, the World Wildlife Fund, and others—oppose fast track authority.

Granting fast track authority will send the wrong message to other nations about child labor, the environment, safety standards, and the United States willingness to support its workers. Mr. Speaker, I object to providing new fast track authority on behalf of the 6,671 Mississippians who lost their jobs since fast track was used to pass NAFTA in 1993, and I object to it in the name of my State and this Nation's future.

SENSE OF HOUSE REGARDING IRAQ

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. LANTOS. Mr. Speaker, the House of Representatives late today approved House Resolution 322, which places this body on record in favor of using force against Iraq if that is necessary in order to compel Iraq to comply with U.N. Security Council resolutions which call for the elimination of Iraq's capability to produce nuclear, chemical, or biological weapons and missiles capable of delivering such weapons. While my resolution specifies that efforts should be made to resolve the problems peacefully through diplomatic means, it makes clear that if such efforts fail, the Congress supports the use of military force.

The bottom line, Mr. Speaker, is that we must be certain that we eliminate Saddam Hussein's ability to produce weapons of mass destruction and the missiles which deliver them. Our resolution makes that objective clear. If we can do that peacefully through active diplomacy, that clearly is the course we should take. If diplomacy fails, however, we should use force—through multilateral cooperation with our allies, if that can be done, but unilaterally if that is our only remaining option.

The purpose of this resolution is to make it completely clear and unequivocal to Saddam Hussein and his government that the Congress supports the use of military force if that is required. There must be no doubt about the importance of continuing inspections as called for under U.N. Security Council decisions, and there must be no doubt about the resolve of the U.S. Government and of the support of the American people to take military action if that should become necessary.

Mr. Speaker, I want to thank the Speaker, the majority leader, and the minority leader for their support and assistance in the adoption of this resolution. I also want to thank my friend and colleague from New York, the distinguished chairman of the International Relations Committee, Mr. GILMAN, for joining me as the principal cosponsor of this resolution and for his bringing this resolution before the International Relations Committee earlier this morning. I also want to thank my friend and colleague from Indiana, the distinguished ranking Democratic member of the International Relations Committee, Mr. HAMILTON, for his strong support of the resolution and for joining as a cosponsor.

Mr. Speaker, also joining as cosponsors of this resolution are a number of our colleagues: Mr. GOSS of Florida, the chairman of the Select Committee on Intelligence, Mr. YATES, Mr. HUNTER, Mr. SKELTON, Mr. SISISKY, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. SPRATT, Mr. HORN, Mr. KING of New York, Mr. WEXLER, Mr. ROTHMAN, Mr. SHERMAN, Mr. FALEOMAVAEGA, Mr. MENENDEZ, Mr. FOLEY, and Mr. WAXMAN.

The text of our resolution as it was adopted here in the House is as follows:

H. RES. 322

Expressing the sense of the House that the United States should act to resolve this crisis with Iraq in a manner that assures full Iraqi compliance with United Nations Security Council resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction, and that peaceful and diplomatic efforts should be pursued, but that is such efforts fail, multilateral military action or unilateral United States military action should be taken.

Whereas at the conclusion of the Gulf War the United States and the United Nations, acting through the Security Council, determined to find and destroy all of Iraq's capability to produce chemical, biological, and nuclear weapons and its ability to produce missiles capable of delivering such weapons of mass destruction;

Whereas in pursuit of this goal, the United Nations set up a special multinational commission of experts to oversee the completion of this task (the United Nations Special Commission—UNSCOM), and that task could and should have been accomplished within a matter of months if Iraq had cooperated with United Nations officials;

Whereas sanctions were imposed upon Iraq to insure its compliance with United Nations directives to eliminate its capability to produce weapons of mass destruction;

Whereas for 6½ years Iraq has pursued a policy of deception, lies, concealment, harassment, and intimidation in a deliberate effort to hamper the work of UNSCOM in eliminating Iraq's ability to produce and deliver weapons of mass destruction; and

Whereas recently the Government of Iraq has escalated its policy of noncompliance and continues to breach in a material way United Nations Security Council resolutions by refusing to permit United States citizens who are recognized specialists to participate as members of UNSCOM teams in carrying out in Iraq actions to implement Security Council resolutions: Now therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the current crisis regarding Iraq should be resolved peacefully through diplomatic means but in a manner which assures full Iraqi compliance with United Nations Security Council resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction;

(2) in the event that military means are necessary to compel Iraqi compliance with United Nations Security Council resolutions, such military action should be undertaken with the broadest feasible multinational support, preferably pursuant to a decision of the United Nations Security Council; and

(3) if it is necessary, however, the United States should take military action unilaterally to compel Iraqi compliance with United Nations Security Council resolutions.

THANK YOU FRED AND CINDY SALEM

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BARCIA. Mr. Speaker, Our Nation was built on the strength of people's generosity and support for each other. Each year in November we sit down for Thanksgiving dinner with our family and friends to reflect on life's blessings and share our appreciation for those who have given us much love, joy, and support throughout the year.

I would like to take this opportunity to recognize a couple, Fred and Cindy Salem, who, for the past 20 years, have provided much happiness, excitement and entertainment to both the children and adults of Mt. Morris. Although they modestly believe that they are not providing a great service, their kindness has made an enormous positive impact in their community.

For the past two decades, Fred, Cindy, and their daughter Katie have graciously welcomed thousands of people into their hearts and home inviting them to enjoy their 5 acres of land in which they build a spectacular playground. A day at the Salem's playground includes racing go-carts or driving golf carts. If you want to play 18 holes of miniature golf, it is available as well. A couple can ride to the top of a Ferris wheel and even the littlest children can enjoy themselves by taking a ride on a miniature train.

Throughout the year, they invite people to share in their magical playground where children laugh and play and adults remember the freedom and innocence of their childhood. In May and June, school children from the Mt. Morris School District go on field trips to the Salem Home. Between 40 to 80 children visit the Salems on each trip. In the summer they have a picnic and they start off the Christmas season hosting a warm and wonderful party.

At a time when there is turmoil in the world, it is nice to know that there are still people who care about the community and give unselfishly. Both adults and children have a place to get away, relax, play and have fun with their extended family. This gift to the community is priceless. Mr. Speaker, I ask today to pay tribute to a family that has given a unique, and needed gift to the town of Mt. Morris.

CONFERENCE REPORT ON H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

SPEECH OF

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. ENSIGN. Mr. Speaker, it is with a deep sense of regret that I am unable to vote for H.R. 2159, the 1998 Foreign Operations Appropriations Act. I strongly supported the House passed version that held spending levels to that of fiscal year 1997. The House of Representatives worked very hard to maintain a sense of fiscal responsibility with respect to foreign aid programs, which is why I was so disappointed when this legislation returned from conference with an $880 million increase in spending.

I have always been a critic of foreign aid excess, and I remain strong in my belief that we must find a way to make our international involvement more accountable to the American taxpayers and more responsive to American interests. However, I firmly believe that one of the wisest investments we can make is to the economic viability and national security of Israel. The American-Israel partnership is one that goes beyond the common political and strategic bonds. Both nations share a common set of values—values of freedom, individual responsibility, hope, and opportunity.

For many years, I have watched a determined people build a democracy under extremely difficult circumstances that more than tested their resolve. These past few years have been no exception, with the assassination of Israel's Prime Minister, Yitzhak Rabin, repeated terrorist attacks, and a very contentious election. Through it all, the people of Israel have stood strong and I commend them.

The people of the United States stand ready to help the people of Israel as they move down a road of peace, security and economic self-reliance. I strongly support aid to Israel, and was very pleased with the $3 billion appropriated for economic and military assistance to Israel. While I wholeheartedly support this funding for Israel, I cannot support the overall spending package. At a time when we are making difficult choices to balance the budget and ensure the solvency of our Medicare and Social Security programs, it is difficult to justify increasing foreign aid programs by $880 million.

The majority of the American people have rejected deficit spending, and told Congress to balance the budget and end the bureaucratic spending spree. My constituents in Nevada want dramatic cuts in foreign aid, and we have not done it.

SUPPORT OF NATO ENLARGEMENT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. COX of California. Mr. Speaker, I want to endorse this bipartisan letter in support of NATO enlargement, which was unveiled earlier this autumn by Ambassador Jeane Kirkpatrick, former Assistant Secretary of Defense Richard Perle, former National Security Adviser Anthony Lake, and Ambassador Richard Perle.

Attachment: Letter, with list of signatories.

NEW ATLANTIC INITIATIVE STATEMENT ON NATO ENLARGEMENT

(The New Atlantic Initiative, an international network dedicated to revitalizing and expanding Atlantic ties, released the following statement in support of NATO enlargement on September 9, 1997. The statement was released by Richard Holbrooke, Jeane Kirkpatrick, Anthony Lake, and Paul Wolfowitz at the Andrew Mellon Auditorium, where the original North Atlantic Treaty was signed in April 1949. For more information about the NAI call: (202) 862-5850)

NATO was the bulwark of America's successful Cold War strategy of containment. Largely due to NATO, Europe has enjoyed more than fifty years without war among its major powers, the longest such period in modern history.

NATO succeeded not only by providing a shield against aggression from without but also by helping to knit together a community of democracies in which old quarrels faded, the civic culture of democracy sank deep roots, and market economies prospered.

In part because of NATO's success, the Cold War has ended, and with it NATO's original mission. In larger purpose of ensuring peace and freedom in Europe and the Atlantic region endures. To continue to fulfill this purpose NATO is adapting to an undivided Europe. NATO is no longer an anti-Soviet alliance; nor should it engage in the self-fulfilling prophecy of pre-selecting new enemies. Rather it is defining itself in more positive terms: as an alliance aiming to promote peace and stability in the Atlantic region, devoted to the spread and consolidation of democratic ways in Europe, and capable of protecting Western interests against such future threats as may emerge. At bottom, NATO remains a mutual defense pact, and this solemn commitment gives all of its acts a weight and seriousness that distinguish it from other international organizations.

Crucial to this process of adaptation is NATO's willingness to admit new members able to meet meaningful criteria of democracy and military effort. Otherwise it will remain a relic of the Cold War of diminishing relevance to the contemporary world. Admission to NATO will consolidate democratic transitions, and the prospect of admission will spur reform and the resolution of disputes, as indeed has already happened. In addition, NATO has made clear its desire to develop cooperative security relations among all of the states of the Euro-Atlantic region including Russia. Czech President Vaclav Havel has put it: "NATO expansion should be perceived as a continuous process, in which the nations of Central and Eastern Europe mature toward the meaning, values and goals of the enlarged and revived alliance."

To those who say that the nations of central Europe face no threat today, we say that the most likely way to preserve this situation, which has been all too rare, is to extend NATO to that region. To those who say that the addition of these new members will somehow dilute NATO, we say that Poland, Hungary and the Czech Republic, where freedom is dearly cherished having been so recently won, will add strength to NATO. To those who say that expanding NATO will draw new lines in Europe, we say that it will erase old lines, relics of a bitter time, and that NATO's openness to additional accessions means that new lines are not in fact being drawn. To those who worry that Russia will feel threatened, we emphasize that NATO is a defensive alliance that threatens no one and extends a hand of cooperation to Russia.

The decision on NATO expansion is of historic importance. The stakes are high. The issue is clear. Admitting Poland, Hungary and the Czech Republic into NATO will strengthen the alliance, reinforce new democracies, renew the American commitment to Europe, and reaffirm American leadership. To turn back now would be a tragic mistake.

SIGNERS TO NEW ATLANTIC INITIATIVE NATO ENLARGEMENT STATEMENT

(Organizational affiliation given for identification purposes only. Views reflected in the statement are endorsed by the individual, not the institution)

Richard V. Allen, Former National Security Advisor; Morris B. Abram, Chairman, United Nations Watch, Former Permanent Representative of the U.S. to the United Nations office in Geneva; Elliott Abrams, President, Ethics & Public Policy Center, Former Assistant Secretary of State; David M. Abshire, Former U.S. Ambassador to NATO; Michael H. Armacost, President, The Brookings Institution, Former Undersecretary of State; Richard Armitage, President, Armitage Associates L.C., Former Assistant Secretary of Defense; Bernard Aronson, Chairman, Acon Investments, Former Assistant Secretary of State; Norman R. Augustine, Chairman, Lockheed Martin Corp., Former Undersecretary of the Army; James A. Baker, III, Former Secretary of State; Mira Baratta, Vice President for Programs, Freedom House; Dennis Bark, Senior Fellow, Hoover Institute; Michael D. Barnes, Partner, Hogan & Hartson, Former Member of Congress.

Douglas J. Bennet, President, Wesleyan University, Former Administrator, USAID; Lucy Wilson Benson, President, Benson Associates, Former Undersecretary of State; Jeffrey T. Bergner, President, Bergner, Bockorny, Clough & Brain; Coit D. Blacker, Senior Fellow, Institute for International Studies, Stanford University; J. Kenneth Blackwell, Treasurer, State of Ohio, Former U.S. Ambassador to the UNHRC; Joh Bolton, Senior Vice President, American Enterprise Institute, Former Assistant Secretary of State; David L. Boren, President, University of Oklahoma, Former U.S. Senator; Zbigniew Brzezinski, Former National Security Advisor; Richard Burt, Chairman, IEP Advisor, Inc., Former U.S. Ambassador to Germany; Frank C. Carlucci, III, Former Secretary of Defense; Ashton B. Carter, Ford Foundation Professor, JFK School of Government, Harvard University, Former Assistant Secretary of Defense; Hodding Carter, Knight Professor of Journalism, University of Maryland, Former Assistant Secretary of State.

Richard Cheney, Former Secretary of Defense; Warren Christopher, Former Secretary of State; Clark M. Clifford, Former Secretary of Defense; Chester A. Crocker, Research Professor for Diplomacy, School of Foreign Service, Georgetown University; Ivo H. Daalder, Associate Professor, School of Public Affairs, University of Maryland; Arnaud de Borchgrave, Senior Advisor, CSIS, Dennis De Concini, Former U.S. Senator; Midge Decter, Author; James Denton, Executive Director, Freedom House; I.M. Destler, Professor and Director, Center for International and Security Studies, University of Maryland; Paula J. Dobriansky, Vice President, Director of Washington Office, Council on Foreign Relations; Bob Dole, Former U.S. Senator; Pierre S. DuPont, Former Governor of Delaware; Lawrence Eagleburger, Former Secretary of State; J.J. Exon, Former U.S. Senator.

Dante B. Fascell, Partner, Holland & Knight, LLP, Former Member of Congress; Douglas J. Feith, Managing Attorney, Feith & Zell, P.C.; Sandra Feldman, President, American Federation of Teachers; Francis Fukuyama, Hirst Professor of Public Policy, George Mason University; Evan G. Galbraith, Chairman of the Board, LVMH Inc., Former U.S. Ambassador to France; Richard N. Gardner, OF Counsel, Morgan, Lewis & Bockius, Former U.S. Ambassador to Italy; Charles Gati, Senior Vice President, Interinvest; Jeffrey Gedmin, Executive Director, New Atlantic Initiative, Research Fellow, American Enterprise Institute; Gary L. Geipel, Senior Fellow, Hudson Institute; David C. Gompert, Professor, U.S. Naval Academy, Former Senior Director for European and Eurasian Affairs, National Security Council; Stephen J. Hadley, Shea & Gardner, Former Assistant Secretary of Defense; Alexander M. Haig, Jr., Former Secretary of State; Edward T. Hanley, General President, Hotel Employees and Restaurant Employees, International Union; Marshall Freeman Harris, Director of Publications and Public Outreach, Freedom House.

Carla A. Hills, Chairman and CEO, Hills & Company, Former U.S. Trade Representative; Richard Holbrooke, Vice Chairman, Credit Suisse First Boston, Former Assistant Secretary of State; Walter D. Huddleston, Former U.S. Senator; Samuel Huntington, Weatherhead University Professor, Harvard University; Kenneth Jensen, Executive Director, The American Committees on Foreign Relations; John T. Joyce, President, International Union of Bricklayers and Allied Craftworkers; Robert Kagan, Senior Associate, Carnegie Endowment for International Peace; Max M. Kampelman, Chairman, American Academy of Diplomacy, Former Counselor, U.S. Department of State; Adrian Karatnycky, President, Freedom House; P. X. Kelley, Gen. USMC (ret.), Former Commandant of the U.S. Marine Corps; Jack Kemp, Co-director, Empower America, Former Member of Congress; Zalmay M. Khalizhad, Director, Strategy and Doctrine Program, RAND Corporation; Lane Kirkland, President Emeritus, AFL–CIO; Jeane Kirkpatrick, Former U.S. Ambassador to the United Nations; Henry Kissinger, Former Secretary of State.

William Kristol, Editor, The Weekly Standard; Melvin Laird, Former Secretary of Defense; Anthony Lake, Professor, Georgetown University, Former National Security Advisor; F. Stephen Larabee, Senior Staff Member, RAND Corporation; Arnold G. Langbo, Chairman of the Board/CEO, Kellogg Company; Ronald S. Lauder, Chairman, Central European Media Enterprises Ltd.; Michael Ledeen, Resident Scholar, American Enterprise Institute; I. Lewis Libby, Partner, Dechert, Price & Rhoads, Former Principal Undersecretary of Defense; Robert J. Lieber, Professor of Government, Georgetown University; Seymour Martin Lipset, Hazel Professor of Public Policy, George Mason University; Bette Bao Lord, Chairwoman, Freedom House; Winston Lord, Former Assistant Secretary of State; Will Marshall, President, Progressive Policy Institute; Paul McCracken, Professor Emeritus, University of Michigan Business School, Former Chairman, Council of Economic Advisors.

Dave McCurdy, Chairman, McCurdy Group, Former Member of Congress; Robert C. McFarlane, Former National Security Advisor; John Melcher, Former U.S. Senator; Walter Mondale, Former Vice President of the United States; John E. Moon, Commander in Chief, Veterans of Foreign Wars of the United States; Joshua Muravchik, Convenor, New Atlantic Initiative Working Group on NATO Enlargement, Resident Scholar, American Enterprise Institute; Michael Nacht, Former Assistant Director, U.S. ACDA; Matthew Nimetz, Partner, Paul, Weiss, Rifkind, Wharton & Garrison, Former Undersecretary of State; James J. Norton, President, Graphic Communications International Union; Michael Novak, George Frederick Jewett Scholar in Religion, American Enterprise Institute, Former U.S. Ambassador to the UNHRC; William E. Odom, Ltg. USA (ret.); Director, National Security Studies, Hudson Institute, Former Director, National Security Agency; Daniel Oliver, Former Chairman, Federal Trade Commission; John O'Sullivan, Founder and Co-chairman, New Atlantic Initiative, Editor, National Review.

William A. Owens, President, COO, Vice Chairman of the Board, Science Applications International Corporation; Charles Percy, Chairman, Charles Percy & Associates, Former U.S. Senator; Richard Perle, Resident Fellow, American Enterprise Institute, Former Assistant Secretary of Defense; William Perry, Former Secretary of Defense; Daniel Pipes, Editor, Middle East Quarterly; Norman Podhoretz, Editor-at-large, Commentary Magazine, Senior Fellow, Hudson Institute; Colin Powell, Former Chairman of the Joint Chiefs of Staff; Former National Security Advisor; Dan Quayle, Former Vice President of the United States; David Rockefeller, Retired banker; Peter Rodman, Director of National Security Programs, Nixon Center for Peace and Freedom, Former Director, Policy Planning Staff, U.S. Department of State; William Rogers, Former Secretary of State; Henry S. Rowen, Senior Fellow, Hoover Institution, Former Assistant Secretary of Defense; Edward L. Rowny, Ltg. USA (ret.), Former Chief U.S. Negotiator to START talks; Donald Rumsfeld, Former Secretary of Defense.

Jeffrey D. Sachs, Director, Harvard Institute for International Development; Jeffrey T. Salmon; George Shultz, Former Secretary of State; Dmitri K. Simes, President, Nixon Center for Peace and Freedom; Paul Simon, Former U.S. Senator; Alan Simpson, Former U.S. Senator; Joseph J. Sisco, Former Undersecretary of State; Leon Sloss, President, Leon Sloss Associates; Stephen Solarz, President, Solarz

Associates, Former Member of Congress; Helmut Sonnenfeldt, Guest Scholar, The Brookings Institution, Former Counsellor, U.S. Department of State; Fritz Stern, University Professor Emeritus, Columbia University; Robert S. Strauss, Akin, Gump, Strauss, Hauer & Feld, Former U.S. Ambassador to Russia; William O. Studeman, Adm. USN (ret.), Former Deputy Director of Central Intelligence; Stephen Szabo, Academic Dean, Johns Hopkins SAIS; Gregory F. Treverton, Director, International Security and Defense Policy, RAND Corporation, Former Vice Chairman, National Intelligence Council.

Cyrus R. Vance, Former Secretary of State; Stephen W. Walker, Director, Balkan Institute; Ben J. Wattenberg, Senior Fellow, American Enterprise Institute; Vin Weber, Partner, Clark & Weinstock, Former Member of Congress; William H. Webster, Former Director of Central Intelligence; George Weigel, Senior Fellow, Ethics and Public Policy Center; W. Bruce Weinrod, Former Deputy Assistant Secretary of Defense; Ross Williams, President, Secretary/Treasurer, Oklahoma State AFL-CIO; Paul Wolfowitz, Dean, Johns Hopkins SAIS, Former Undersecretary of Defense; Ronald B. Woodard, President, Boeing Commercial Airplane Group; R. James Woolsey, Former Director of Central Intelligence; Dov S. Zakheim, CEO, SPC International Corporation; Robert B. Zoellick, Vice President, Fannie Mae, Former Undersecretary of State; E.R. Zumwalt, Jr., Adm. U.S.N. (Ret.), Former Chief of Naval Operations.

OPPOSITION TO H.R. 2621

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong opposition to H.R. 2621, the Reciprocal Trade Agreement Authorities Act.

Mr. Speaker, I am generally supportive of the concept of giving the Executive broad authority in negotiating treaties and other international agreements. Unfortunately, from my perspective, the granting of this authority by Congress to the Executive has not served the Nation well recently, and I am now reluctant to grant that same authority again.

Those who feel otherwise will say that Congress still retains its complete authority to approve trade agreements because Congress has the final say in passage. Unfortunately, this argument has not proved to be true in recent years.

The North American Free Trade Agreement, or NAFTA, is the prime example of this. I am absolutely certain that if Congress had the option to amend the NAFTA agreement when it was presented to it, the agreement would not have been adopted in its current form. Many of the proponents of the legislation we are considering today say that NAFTA has been an unqualified success. To them I say success is not determined by the profit margins of a few successful companies and an increase in the number of low-wage jobs in the United States. I suggest that our trade agreements should do more than line the pockets of the rich, for that does not serve our country well. If we are going to enter into new trade agreements, they should help our Nation as a whole—if not, it is not in our national interest to do so.

Conceptually, Mr. Speaker, I support free trade. No one argues economies are improved or consumers benefit from supporting less efficient producers of any given product. If all countries were equal, free trade would and should be the norm. But, unfortunately, not all nations have equal economies. In general, the more-developed counties are able to pay higher wages, provide more benefits to their workers, prohibit child labor, and place greater restraints on business activities which pollute the environment at a higher rate.

As a result of our economic development and the changes in business activity which we in the United States and the other developed countries value, in purely economic terms, the less-developed countries are able to produce many goods at a lower cost than we can produce them in the United States.

With NAFTA in place, businesses have taken advantage of the disparity between the United States and Mexico, and have moved their manufacturing operations from the United States to Mexico. To keep the costs down of products going to be sold in the United States, these businesses construct new plants along, but on the Mexican side of, our southern border. The net result of this has been the loss of good, well-paying jobs held by Americans.

In return, consumers in the United States can purchase products at a lower price. Economists say this is good: everyone in the United States, except those few who lost their jobs—and their families and the other businesses which supported the now-closed industry—are better off, they say. In a limited economic sense, those people who purchase that product at a lower cost are better off. Except, even those still employed are now paying higher taxes to cover the increased cost of unemployment insurance, food stamps, and other programs available to assist those in need.

In addition to those costs, we have increased pollution in our atmosphere, more chemicals dumped into our earth, and more people working in sub-standard conditions for below poverty-level wages. In the case of Mexico, we also have increased motor traffic from vehicles which do not meet our safety or air pollution standards, and more recently, an increased amount of illegal drugs entering our country with the increased commerce.

The end result of this shift in location is instead of obtaining a product made by someone in the United States making a fair wage and with reasonable medical benefits, that U.S. employee has lost his or her job and we are offered a product made by a foreigner who is paid a sub-standard wage and who is provided no medical benefits. As an extra benefit, we residents of earth are subjected to increased pollutants added to the planet.

Before NAFTA was adopted, we were told that a secondary benefit of the agreement would be an easing of the immigration problem along our southern border. Have you noticed how no one makes that argument anymore? That's because there has not been an easing of the immigration problem. The theory was that the people entering the United States through Mexico came to the United States solely to seek employment, and that if they could get that employment in Mexico, they would not need to cross our border. Well, what happened? The theory did not prove true. Why not? I submit that the unemployment problem in Mexico is of such a magnitude that the number of jobs added as a result of NAFTA didn't put a dent in the number of people who want to come to the United States. The result has been we lost all those jobs and we still have an immigration problem.

Mr. Speaker, I do not make these statements to be critical of Mexico. Over the decades, in many ways Mexico has been a better neighbor to the United States than the United States has been to Mexico. The root of our immigration problem stems from the different speeds at which our economies have developed. The time will come in the not to distant future, when the Mexican national economy will be as strong and vibrant as ours, and we will be in balance. At that point, free trade will be mutually beneficial for both nations, as it currently is for the United States and Canada.

Mr. Speaker, I also want to take a few moments to talk about my congressional district, American Samoa, and what is happening to us, and the other U.S. territories, in the name of free trade.

I represent the people of the U.S. Territory of American Samoa. We are removed from all major surface and air transportation routes and our annual per capita income is $3,000.

In American Samoa, the largest industry is the processing of canned tuna, most of which is sold in the United States. This has been a staple of the American Samoan economy for the past 30 years. In recent years, however, I have witnessed the repeal of the possessions tax credit—IRC Sec. 936—the implementation of NAFTA, the implementation of tariff reductions under GATT, and the weakening of the dolphin safe label. Each of these actions will make American Samoa less competitive than foreign nations, and there has been nothing on the other side of the ledger to assist American Samoa or the other U.S. territories.

Mr. Speaker, we talk about first- and second-class citizens residing in the 50 States. I am increasingly concerned that we will soon have third-class citizens residing in our territories. There are nearly 4 million of us, and it is past the time for this growing problem to be addressed. This is a major concern to me, and if the past is any indication of what we can expect from future trade agreements, H.R. 2621 will hurt, not help the United States as a whole, and American Samoa in particular.

Mr. Speaker, unlike you, I do not have the privilege of voting on this legislation, even though if it is enacted into law it will more than likely have a direct impact on my congressional district. I wish I had this privilege, for I would certainly vote no, and I urge my colleagues to do the same.

VETERANS' BENEFITS ACT OF 1997

SPEECH OF

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. POSHARD. Mr. Speaker, I would like to express my strong support for House passage of S. 714, as amended. This bill, much of which was approved by the House earlier in the session, contains several provisions of great importance to America's veterans. Foremost among these is a 4-year extension of the Native American Veteran Housing Loan Pilot Program, created in 1992, which authorizes the Veterans' Administration to make direct home loans to native American veterans living on Indian trust lands. This program eliminated many of the barriers so often encountered by native Americans seeking financing for homeownership, and a 4-year extension will allow the program's success to continue, to the benefit of increasing numbers of native American veterans.

As a veteran, I certainly recognize the indispensable contributions that America's veterans have made in selfless dedication to their country. The Native American Veteran Housing Loan Pilot Program is one significant way in which Congress can express its gratitude for the exceptional service demonstrated by native American veterans, and indeed by all of our Nation's military personnel. With the approach of Veterans' Day, when we remember the millions who have served this country as members of the Armed Forces, I urge my colleagues to vote in favor of this legislation, and I applaud the Veterans Affairs Committee for its recognition of the continuing importance of this program.

VISA WAIVER PILOT PROGRAM

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of the conference report on H.R. 2267, the Commerce-Justice-State appropriations bill.

One of the provisions included in the bill is a 6-month extension of the State Department's Visa Waiver Pilot Program [VWPP]. This is the mechanism by which our country allows visitors from approximately 26 nations to enter the United States without visas. Passports are sufficient for entry.

And this is a good program. Obtaining visas is a time-consuming endeavor, from applications, screening, approval, and to issuance. We do not need to require visas of every visitor from abroad, and the Visa Waiver Pilot Program has been a tremendous success for years in expediting foreign visitors, whether for employment, tourism, family, or business purposes.

I have been working closely with Congressmen BARNEY FRANK, JAY KIM, and others with the leadership of the Immigration and Claims Subcommittee, particularly Chairman LAMAR SMITH and ranking Democrat MEL WATT, to resolve a problem—specifically whether Portugal and the Republic of Korea should be included in the visa waiver program. They have exerted tremendous time and energy and effort to identify and resolve problems in the program and we are committed to working together in the months ahead to adjust the program so that citizens of these countries can travel to the United States with only a passport.

Mr. Speaker, during the hearings and committee consideration of the visa waiver program, concerns were raised by some Members and the State and Justice Departments. I do not believe those concerns are insurmountable, and we are working with those agencies to address security and other concerns. We all feel that the current waiver criteria should be reformed, and I will be working in the months ahead with my colleagues to craft a visa waiver system that expands visitor opportunities.

As you know, tourism is the dominant industry in Hawaii, and it is crucially important that we have a visa waiver system for tourists that allows a maximum number of visitors to enter the United States. Thousands of Hawaiian families and individuals are dependent on tourism and on the number of visitors using hotels, restaurants, transportation facilities, and retail businesses. A strong case has been made that citizens of Korea, one of our strongest allies in the world, should be given the waiver consideration that we have afforded 26 other nations.

The 6 months extension of the existing Visa Waiver Pilot Program is a prudent decision, and reflects a good-faith effort being made to address constructively the issues facing the future of the program. I look forward to working with Chairman SMITH, the members of the House Judiciary Committee, and those seeking an expansion of the program to develop an effective and workable program addressing all concerns.

EXPRESSING OPPOSITION TO THE REPUBLICAN FAST TRACK PROPOSAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. NORTON. Mr. Speaker, I have always been a protrade, proenvironment, and prolabor Democrat. I do not appreciate being placed in a position where I must oppose a free trade bill, in this case H.R. 2621, the Republican fast track trade proposal. I must oppose this particular proposal because it does not include the elementary steps that might have made it acceptable. We could achieve the very same results that H.R. 2621 seeks with a more balanced bill that does not sacrifice the interests of workers here and abroad and environmental quality as well.

I believe strongly in free trade. For those who do not, I would simply say that we have no choice today except to compete in world markets if we are to continue to create high-paying, private sector jobs and to sustain economic growth. However, there are good and ample precedents on how to move to broader, freer trade without leaving substantial numbers of our residents jobless and workers abroad without basic labor rights. Confronted with a similar situation, the European Economic Community, now the European Union [EU], adopted an aggressive, transitional economic program to bring developing countries, such as Portugal and Spain, to the point where these less developed countries would not be sacrificed for free trade. This transitional aid enabled them to be full partners not only to their benefit but to the greater benefit of free trade in the entire EU.

Supporters of fast track like to point out that since 1992, over 11 million new jobs have been created, that of these, 1.5 million have been high-wage, export-related jobs, and that much of this job growth can be attributed to passage of the North American Free Trade Agreement [NAFTA]. By the administration's assessment, NAFTA has created up to 160,000 new jobs. What supporters of fast track conveniently ignore is that, at the same time, we have lost jobs in other sectors of our economy. The Department of Labor has estimated that NAFTA has led directly to the loss of about 150,000 jobs and has found that two-thirds of Americans who lose their jobs because of foreign trade end up with work that pays less than they earned before. Clearly, this is not a case where a rising tide lifts all boats; while some are cruising along, others are sinking. Transitional assistance has mitigated this inevitable adverse effect in the EU. H.R. 2621 simply leaves the hapless victims to fend for themselves against economic forces they cannot possibly control on their own. Precedents such as the EU assistance, however, show that these forces can be controlled consistent with free trade. Where is the comparable assistance in H.R. 2621?

How wasteful and unnecessary to divide Americans further into economic winners and losers. That is exactly what the Republican fast track proposal will do. In order to ensure that free trade also results in fair trade, fast track must authorize the President to negotiate strong and enforceable labor and environmental standards within the main body of any future trade agreement. Otherwise, businesses have shown that they cannot resist the temptation to move their manufacturing facilities to take advantage of low wages and lax enforcement of environmental standards and labor rights in developing countries. This fast track bill is fundamentally flawed because it allows American manufacturers to exploit foreign workers, to the ultimate detriment of workers here at home. The failure of this fast track proposal to establish protection of worker rights as a central tenet of U.S. trade policy is one of the important reasons why I oppose H.R. 2621.

I am particularly alarmed at how the current fast track proposal would allow U.S. manufacturers to enter into a race to the bottom on the environment. This fast track bill fails to ensure that trading partners compete fairly by requiring all parties to vigorously enforce environmental laws. Indeed, I am puzzled at the administration's failure to insist that environmental issues be addressed squarely in international trade agreements—that position only sends a signal to the world that the United

States is not really serious about preserving the environment and will undermine our negotiating position at the upcoming Kyoto summit on global warming. We have fought too hard and come too far to see our fragile environmental progress unravel in trace agreements.

Until fast track explicitly addresses worker rights here and in the countries covered by trade agreements and equally so the substantial environmental issues that beg to be addressed, I cannot support it. I ask the administration and supporters here in Congress to go back to the drawing board. We can do much better.

COMMENDING RUDY GUNNERMAN OF RENO, NV

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. GIBBONS. Mr. Speaker, I rise today to commend Mr. Rudy Gunnerman for not only living the American dream and creating a future for himself and his family but also for working to create a better future for all Americans. Mr. Gunnerman's entrepreneurial spirit and ingenuity have resulted in a scientific discovery to fight air pollution. This invention will not only assist communities across our country meet clean air standards, but also help them do so in a cost competitive manner. I am proud that he has chosen Reno, my hometown, to be his home and the corporate base of operation for the refinement and potential production of his invention—A–55 Clean Fuels.

Rudy Gunnerman embodies the American dream. In 1949, he emigrated from Germany to the United States. Rudy was raised an orphan during World War II and arrived in America at the age of 21 with $20 and a single suitcase. His first months in America were spent painting houses. From this, he started a string of successful companies honing his entrepreneurial skills.

Rudy's inventive mind was always at work, looking for ways to better our quality of life through science. His initial patent was in heat barrier materials. Rudy utilized his experience in the manufacture of pool toys and began working with lightweight and inexpensive cement-like materials that under extreme conditions would reflect heat through oxidations. The Federal Government applied Rudy's technology for use in rocket engines liners and laser countermeasures. Rudy subsequently founded a company that began making fireproof doors out of the material.

Rudy's big break came in the 1970's while living in Oregon when he noticed how the wood smoke choked beautiful valleys during the winter. In 1976, Rudy opened a small research and development company in Eugene, OR, to produce pelletized industrial boiler fuel from wood paste. The pellets burned hotter and cleaner than raw wood waste, and proved to be economical as well. Ultimately, Rudy's company sold licenses to some of world's largest corporations to produce pellets in several countries. Schools, hospitals, factories, and homes across the Pacific Northwest also switched to pellets.

This was just the prelude. Rudy's most challenging and far-reaching invention brought him to Reno, NV. A–55 Clean Fuels is a water-based petroleum emulsion that 1 day may provide a cleaner, safer, and cheaper primary fuel with a full range of applications—from electricity production to mass transportation. The product is making a difference nationwide and internationally A–55 reduced harmful NO_x emissions from 50 to 80 percent.

For vehicle use, only a minor change in the injection system and an empty fuel tank would be necessary for conversion to A–55 use. A–55 achieves nearly the same miles per gallon with no loss of engine performance. A–55 is safer than conventional petroleum fuels. It will not ignite outside the combustion chamber, and in fact, will often put out an open flame. Many alternative fuels in the past have also been prohibitively expensive compared to traditional fuels.This is not the case for A–55, which is cost competitive with diesel.

With Clean Air Act standards imminent by 2004, A–55 could be the silver bullet to help communities cope with requirements and reduce air pollution without feared economic side effects. A–55 Clean Fuels looks like milk and could very well be the next natural for protecting our environment and promoting economic growth.

Rudy Gunnerman should be applauded for his inventions and the opportunities they may 1 day provide for all of us to assist in the cleanup of air pollution across the country. Rudy Gunnerman's life is a shining example of the opportunities that America can offer and the contributions that one can give back to society through those very opportunities. With all this in mind, Mr. Speaker, I again commend Reno's own Rudy Gunnerman—entrepreneur, inventor, American.

FAST TRACK

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to lend my voice to those in opposition to fast track trade authority for the President. This fast track legislation provides a procedure for approval or denial of trade treaties, without giving Congress an opportunity to amend the treaties.

I believe strongly in free and open trade, and I have voted for other free trade legislation in this Congress. Trade is often the engine that drives our economy, opening up new markets for our goods and services.

However, too often in our recent trade agreements, like NAFTA and GATT, we have opened the doors of trade for other countries to sell their goods in this country, but slammed shut those doors when our workers and farmers looked to export their products abroad. Currently, dairy farmers in northeast Wisconsin face excessive trade barriers—tariffs as high as 300 percent in some cases—when they trade with Canada. Yet, Canadian dairy products flow freely across the same border. How can Americans compete when the playing field is so tilted to our competitor?

Last month, the Dairy Trade Coalition—comprised largely of Midwestern milk producers—said that the U.S. dairy industry was a big loser under the GATT Uruguay trade talks, and informed U.S. Secretary of Agriculture Dan Glickman that they could not support the fast track legislation without better assurances for agriculture. These assurances have been made and our farmers across America continue to struggle.

Mr. Speaker, after much consideration and many discussions with farmers and workers in northeast Wisconsin, I have concluded that it makes no sense to continue opening trade pacts in this hemisphere when we have faulty trade agreements—like NAFTA and GATT—that are hurting our people back home. Before we set out on a fast track to the bargaining table to negotiate our next trade agreement, the President would do well to fix these recent agreements and level the playing field for the United States.

DISTRICT OF COLUMBIA CONTRACTING PRACTICES

SPEECH OF

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. DAVIS of Virginia. Mr. Speaker, the revitalization of our Nation's Capital will require the participation and commitment of both the public and private sectors. Public-private partnerships will be the anchor of any economic revitalization. This goal will be successful only if all participants are assured that this is a sincere effort, with a level playing field, and not simply an extension of the two decades of poor policy decisionmaking that helped spiral Washington, DC into its recent situation.

The Congress has no desire to run the daily affairs of the city. However, the Congress does have a unique constitutional responsibility to the District of Columbia. Without micromanaging the affairs of the city, the Congress does need to ensure that as a matter of Federal policy, it will support public-private efforts designed to assist in the Capital's revitalization; support creative, imaginative, and unique approaches; support the streamlining of the Federal and District of Columbia review and regulatory processes, where appropriate, to encourage revitalization; and exercise appropriate oversight to ensure that the District honors all of its contractual and financial commitments.

It is well understood by the Congress that the District of Columbia containues to suffer from past financial problems. For example, the District of Columbia has experienced issues with a number of its current vendors as a result of its prior reputation of poor payment performance. A recent newspaper article documented that one of the reasons for schools not having textbooks was "* * * twelve textbook companies refused to ship books because the District still owes for previous orders."

Prior negligence in these matters created a ripple effect that has a broad and negative reach. Vendors have been discouraged from

responding to District of Columbia RFP's because of concerns over the selection process. Congress can assist in eliminating this perception without direct intervention. Congress can also assure all current and prospective private sector partners and their respective lenders that it will monitor and respond appropriately to any failing by the government of the District of Columbia to meet acceptable Government contracting practices.

"DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT OF 1998"

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. OWENS. Mr. Speaker, I rise today in strong opposition to the census language in the Commerce, Justice, State appropriations bill H.R. 2267, because it would jeopardize a fair and accurate count of the U.S. population. In true Republican form, the majority has once again politicized an issue that is as straightforward as the science behind statistical sampling. In a self-serving and subtle racist effort to maintain control of Congress, some Republicans are hampering the Democratic effort to ensure that all Americans are counted in the Decennial Census.

H.R. 2267 would allow opponents of sampling to file lawsuits in Federal courts to block the use of sampling in the 2000 census. It also gives unprecedented power to the Speaker of the House to sue on behalf of the House to block sampling and to use resources of the House counsel or outside counsel to pursue such litigation. Finally, the bill is plagued with partisan language which states that statistical sampling "poses the risk of an inaccurate, invalid and unconstitutional census."

It is unfortunate and unconscionable that while we have the tools to obtain an accurate count in the 2000 census, some in Congress continue to object to the use of statistical sampling. We can use statistical sampling to transcend socioeconomic barriers that have historically restricted an accurate count. In the last census, almost four million Americans were not counted because of the antiquated counting method that was used. That means that 1.6 percent of our population was not counted. The current counting method relies on a door-to-door count of every person in the Nation. This method is neither the most efficient nor is it cost effective. The Census Bureau estimates that nearly five million Americans will not be counted in the 2000 census if the traditional methods are used.

Faced with past failures, it is only logical that we should use all of our existing resources to achieve a fair and accurate count. Scientists have concluded that it is close to impossible to physically count each and every person in the United States. Statistical sampling has been universally accepted by the scientific community as the best way to conduct the 2000 census. The Census Bureau would simply account for those residents it cannot count. Sampling is a scientific method endorsed by the American Statistical Society, the General Accounting Office, and the National Academy of Sciences.

In light of all of these facts, we must ask ourselves: Why does the Republican majority continue to oppose sampling? The answer lies in who the census undercounts when sampling is not employed. Studies have concluded that the undercount is not uniform across the population. Minorities, particularly in urban areas, are grossly undercounted by traditional methods. This leads me to conclude that race has become an underlying factor in the 2000 census debate and raises more questions about why statistical sampling has come under attack by Republicans. The results from the census determine how Federal funds are allocated to the localities as well as how congressional seats are distributed among States. For instance, census data determines how certain public works funds are distributed, the creation of Federal empowerment zones, the establishment of fair market rent values, and the need for equal employment opportunities programs. Only through sampling can we ensure that States receive their fair share of Federal funds and programs. Since minorities have historically supported the Democratic Party, I believe that Republicans are positioning themselves to maintain power by depriving minorities of scarce Federal funds and representation in the Congress.

It is immoral and undemocratic for anyone to support a proposal that would deny the Census Bureau the vehicle to count each and every American. In a major and unprecedented move to mend the sad state of race relations, President Clinton has created an "Initiative on Race." It is rather ironic that Republicans are trying to turn back the clock by refusing to have a census that counts not just their supporters but every American. While we all know that American history is rampant with instances of prejudice and racism, it is unfortunate that this Commerce, Justice, State appropriations bill will add another pathetic chapter to that piece of history we are trying so hard to heal.

PRISONER OF WAR/MISSING IN ACTION RECOGNITION DAY

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MOAKLEY. Mr. Speaker, I rise today to request unanimous consent to include the following proclamation in the CONGRESSIONAL RECORD.

I have always been a strong supporter of efforts to help our POW/MIA's and their families.

The following is the text of the Massachusetts' proclamation declaring September 19, 1997, as Prisoner of War/Missing in Action Day:

THE COMMONWEALTH OF MASSACHUSETTS—A PROCLAMATION

(By His Excellency Governor Argeo Paul Cellucci, 1997)

Whereas: In each of our country's wars, American prisoners of war have made tremendous sacrifices for our nation, enduring the burdens of loneliness, trauma, and hardship; and

Whereas: Prisoners of war have at times endured treatment at the hands of the enemy that is in violation of common human compassion, ethical standards, and international agreements; and

Whereas: In a time when we enjoy the blessings of peace, it is appropriate that all citizens of the Commonwealth of Massachusetts recognize the special debt owed to those Americans held as prisoners of war; and

Whereas: It is also appropriate that we remember the unresolved casualties of war and those soldiers for whom we have not yet accounted; and

Whereas: Since the pain and bitterness of war endures for the families, relatives, and friends of those whose fates are unknown, we must continue to seek a resolution in cases where questions remain;

NOW, THEREFORE, I, ARGEO PAUL CELLUCCI, Acting Governor of the Commonwealth of Massachusetts, in accordance with Chapter 99 of the Acts of 1986, do hereby proclaim September 19th, 1997, to be PRISONER OF WAR/MISSING IN ACTION RECOGNITION DAY and urge all the citizens of the Commonwealth to take cognizance of this event and participate fittingly in its observance.

IS CONGRESS FAILING OR IS IT JUST MISUNDERSTOOD

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PRICE of North Carolina. Mr. Speaker, on September 13, the Center for the Study of the Congress at Duke University held a roundtable discussion to analyze the low and often hostile opinions of the Congress held by the American people. I participated in the roundtable, which was entitled "Is Congress Failing, or Is It Just Misunderstood?" Reflected one of its major objectives—to distinguish between misconceptions people have about how Congress does and might function, on the one hand, and areas in which the institution is failing to satisfy reasonable expectations on the other.

Joining me in the roundtable discussion were U.S. Rep. DAVID DREIER, Elaine Povich of Newsday, Candy Crowley of CNN, survey research expert Peter Hart, and scholars of congressional studies, media and public affairs, Joseph Cappella, John Hibbing, Tom Mann, and David Rohde.

Two bedrock points brought the participants together. First, understanding and responding to Congress' low regard is important for the country. The United States, lacking the relatively homogeneous culture that serves to unite many counties, has grown together around its common Constitution and its political institutions and convictions. Before loss of confidence in our Government threatens our sense of shared identity, we ought to do what we can to restore that confidence. Public opinion polling shows that the public views the Congress as the most powerful of the three branches of Government, so that the general distrust of Government expressed in many surveys gets concentrated on that body.

Second, no one advocated anything beyond trying to restore a healthy skepticism toward the institution, the kind of vigilant attitude that has served the country well. Still, as Tom Mann has pointed out, today this skepticism frequently borders on corrosive cynicism, and sometimes slips over into it. This already-in-place conviction that whatever Congress is going to do will disadvantage ordinary citizens saps Congress' ability to take tough stands on hard issues. We understand that Presidents need the political capital to make the tough decision; the same holds for the Congress.

Continuing research on the public's attitude add considerable detail to the blunt image of angry voters that so dominated the 1994 elections. Recent surveys done by Peter Hart for the Council for Excellence in Government show that five of the top seven reasons for the low public confidence focus on our elected officials failing to assert leadership in addressing the public's concerns, and John Hibbing's studies of public attitudes toward the Congress confirm this. As Hibbing put it, the voice of the average American is getting drowned out of lobbyists trumpeting special interest and by the self interest of Members, whether this can be expressed through pay raises or through an obsession with re-election. Rounding out citizen impressions is the taint of hypocrisy: believing what they do about the real motives of Members, citizens react to Members' defense of their actions in public minded terms as hypocritical attempts to manipulate voters.

None of these characterizations fit the institution and its Members as well as Congress' worst critics assert. Close observers of the Congress continually testify to the dedication, hard work, and public spirit of Members and staff. Most Americans are not close observers, however, and, as Elaine Povich commented, one's sympathy for the institution varies inversely with proximity to the Capitol dome.

Sensibly sizing up Congress' strengths and weaknesses from afar runs into several sources of interference. First, many citizens harbor unrealistic expectations about how smoothly disputes can get resolved in a representative democracy, especially one designed to make blocking action much easier than taking action—OK, so there's some truth in the coffee-and-saucer story.

Second, media coverage of the Congress generates an image of the institution in which its warts, foibles, and inefficiencies loom larger than life and its laudable activity shrinks from view. Numerous analyses have documented the media's emphasis on conflict between Members, strategy over substance, and scandal at the cost of policy. Recent research has begun to link these types of coverage to citizen reactions to them, and the results are not auspicious for the institution. For example, Joseph Cappella's work at the Annenberg School finds a decided connection between stories written using a strategy framework and cynical reactions toward public officials involved. Candy Crowley noted that institutional changes such as more dependence on capsule TV reporting, the decrease in newspaper readership, the advent of tabloid TV journalism, the increase in TV magazine shows, and the explosion in talk radio and TV drive some of these media emphasis.

Third, Members aid and abet both the unrealistic expectations for institutional performance and the media's unhelpful tendencies. Members frequently lead the verbal assault on the institution for its inability to act, and all Members know that hot rhetoric that implicitly treats solutions to problems as obvious and simple is more likely to get coverage than modulated comments that credit the good faith of opponents and acknowledge the difficulties of the issues being debated. When Members refer to the institution as a cesspool, as in a remark recently made to DAVID DREIER by one of his colleagues, it becomes that much harder to criticize journalists for reporting on it that way.

Clear away these sources of interference, and you would still have an institution that needs to reform itself. No one at the Duke conference sought to absolve Congress itself from the obligation to do a better job at governance. I talked about the felt necessities of campaigning exert ever more pressure on governing, reducing Members' willingness to take positions that may be correct, but are difficult to explain. David Rohde pointed out that we need campaign finance reform, if Americans were ever going to feel that interest groups and money are not the real powers in the Congress. More than one person noted that the negative tenor of modern campaigning only exacerbates poor images of Congress.

The responsibility for Congress' low regard can be found in many places—the design of the institution and its process, the behavior of its Members, the operation of the media, the constant and rancorous campaigns, the influence of special interests, and the expectations and knowledge of the citizenry. What is more the way in which each of these contribute to cynicism and low regard seem to mutually reinforcing. For this reason, any attempts at reform must proceed on several fronts at once.

Finally, I and other participants at the conference agreed on one point. We all know most, if not all of Congress' failings. However, almost to a person believe that it is much better than perceived. I am proud of the work of the Center for the Study of Congress in attempting to separate the Congress' real problems from the perceived ones and come up with a course of action to deal with both institutions.

[From the Sunday News & Observer, Sept. 14, 1997]

PANEL WEIGHS IMAGE OF CONGRESS—CITIZENS' COMPLAINTS ABOUT CONGRESS ARE DISCUSSED BY 2 CONGRESSMEN, PROFESSORS, A POLLSTER, AND JOURNALISTS

(By Kyle Marshall)

DURHAM.—Those who think Congress feeds off conflict and controversy wouldn't get an argument from Rep. David Dreier, a California Republican.

But to describe today's Congress as a "cesspool," as one Democratic congressman put it to Dreier over lunch this week? That's going too far.

"I happen to love this institution," Dreier said of his place of employment. "And I take umbrage when I have many of my colleagues, who have chosen to be here and have stepped up wanting to be a part of it, maligning it."

Dreier, vice chairman of the Joint Committee on the Organization of Congress, has spent a lot of time thinking about the role Congress plays in governing—and what needs to change to make it work better. On Saturday, he joined North Carolina Rep. David Price, a Democrat from Chapel Hill, on a panel with academics, pollsters and journalists to hash out the many complaints about Congress from the citizenry.

The forum, at Duke University's Fuqua School of Business, was sponsored by the Center for the Study of Congress, a newly formed arm of the Duke University School of Law.

Polls consistently show a lack of trust in Congress. To many on the panel, that comes as no surprise, because it has always been that way.

Tom Mann of the Brookings Institution, a Washington think tank, noted that in the election of 1874, no fewer than 183 incumbents were thrown out of office in the wake of a bribery scandal. And Drier quoted the House speaker in 1925, Nicholas Longworth, who said being a member of Congress had always been an unpopular task and always would be.

What has changed in just the past few years, however, is the amount of outright venom spewed at Congress—much of it inspired by special-interest groups and talk radio, some panelists said.

Dreier added some members of the institution itself to the list of groups responsible for creating hostility toward Congress.

"Many of the problems that are out there, I think have been caused by members in Congress . . , who have made a career of attacking the United States Congress," he said.

CNN correspondent Candy Crowley said public apathy represents a more serious threat to the institution's ability to engage in discourse and pass laws.

"I don't think the anger is a problem," she said. "The idea that it's not relevant is a problem."

The speakers had little time to come up with specific solutions for what ails Congress or for how to restore the Public's confidence. That daunting task will be left to future forums, said Ted Kaufman, a Duke law professor and former Senate staffer who is the center's co-chairman.

Pollster Peter Hart actually had some good news for the two members of Congress taking part in the discussion. His latest poll showed a 48 percent approval rating for the job Congress is doing, one of the highest in recent memory. A booming economy and the lack of a national crisis are two of the big reasons.

However, as if to illustrate that opinion surveys can show just about anything, Hart said the public's confidence in Congress as an institution is still rock-bottom: Only 21 percent say they have a "great deal" of confidence.

"That's the difference between performance, which will fluctuate up and down, and the other element, which is, 'How do I feel about the institution as a whole?'" he said. "Only the national news media fall below the Congress in confidence."

HONORING HELEN WRIGHT OF ZANESVILLE, OH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues.

Helen Wright of Zanesville, OH will be retiring on December 19, after 10 years of employment from the Zanesville-Muskingum

County Port Authority. Ms. Wright served as the secretary of the Port Authority where she displayed much commitment and devotion to the region.

An achievement of this magnitude requires a great deal of hard work and dedication. Ms. Wright has diligently served mid-eastern Ohio for 10 years and deserves to be commended. It is precisely people like her that makes our community a better place to live and grow.

Mr. Speaker, I ask that my colleagues join me in congratulating Helen Wright for her service to the Zanesville-Muskingum Port Authority. I wish her continued health, success, and prosperity in her retirement. Congratulations Ms. Wright.

DISTRICT OF COLUMBIA CONTRACTING PRACTICES

SPEECH OF

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. DAVIS of Virginia. Mr. Speaker, the revitalization of our Nation's capital will require the participation and commitment of both the public and private sectors. Public-private partnerships will be the anchor of any economic revitalization. This goal will be successful only if all participants are assured that this is a sincere effort, with a level playing field, and not simply an extension of the two decades of poor policy decisionmaking that helped spiral Washington, DC, into its recent situation.

The Congress has no desire to run the daily affairs of the city. However, the Congress does have a unique constitutional responsibility to the District of Columbia. Without micro-managing the affairs of the city, the Congress does need to ensure that as a matter of Federal policy, it will: support public-private efforts designed to assist in the Capital's revitalization; support creative, imaginative, and unique approaches; support the streamlining of the Federal and District review and regulatory processes, where appropriate, to encourage revitalization; and exercise appropriate oversight to ensure that the District honors all of its contractual and financial commitments.

It is well understood by the Congress that the District of Columbia continues to suffer from past financial problems. For example, the District of Columbia has experienced issues with a number of its current vendors as a result of its prior reputation of poor payment performance. A recent newspaper article documented that one of the reasons for schools not having textbooks was "* * * twelve textbook companies refused to ship books because the District still owes for previous orders."

Prior negligence in these matters created a ripple effect that has a broad and negative reach. Vendors have been discouraged from responding to D.C. RFP's because of concerns over the selection process. Congress can assist in eliminating this perception without direct intervention. Congress can also assure all current and prospective private sector partners and their respective lenders that it will monitor and respond appropriately to any failing by the government of the District of Columbia to meet acceptable government contracting practices.

PRAIRIE ROSE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SNOWBARGER. Mr. Speaker, I would like to make a belated recognition of the efforts of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution in their continuing effort to remind all Americans of the importance of the U.S. Constitution. This year, in honor of Constitution Day, the DAR published a series of Constitution Sidelights, which I am honored to submit to the RECORD.

These sidelights demonstrate that the Founders were real human beings with individual idiosyncrasies. This forces us to remember that they rose above their individual quirks to develop a political system that led to the freest, most prosperous, and most tolerant society that the world has ever known.

The Constitution's balance of powers, rights, and responsibilities provide the groundwork for this society. But it is only when citizens know their freedoms, rights, and duties that the promise of our Constitution can be realized in our daily lives.

It is groups like the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution that have put in the time and energy to remind our citizens of this. They deserve all of our support and praise for the fine work they do.

NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION

CONSTITUTION SIDELIGHTS 1997–1988

1. Author-historian James McGregor Burns characterized the delegates to the Constitutional Convention as "the well bred, the well fed, the well read, and the well wed."

2. The final form of the Constitution was put to a vote on September 17, 1787. Thirty-nine of the delegates present voted in favor; three were opposed. Thirteen delegates were absent and of these, seven were believed to favor the Constitution.

3. As acknowledged leader in Pennsylvania and one of the world's most recognized savants, it was Benjamin Franklin's part to entertain the delegates. He wrote to his sister that his new dining room would seat twenty-four. He had a generous hand with the port.

4. During the entire summer of 1787 Washington was a guest in the home of Robert Morris. The Morris family had bought as their summer residence a large mansion on a wooded hill above the Schuykill river. They had an ice house, hot house, stable for twelve horses, and lived in splendid luxury.

5. A rule of secrecy existed during the Convention, for which there was some criticism. It seemed impossible to keep old Dr. Franklin quiet. It has been said that a discreet delegate would attend Franklin's convivial dinners, heading off the conversation when one of the Doctor's anecdotes threatened to reveal secrets of the Convention.

8. The Statehouse was comparatively cool when entering from the baking streets of an unusually hot summer. The east chamber was large, forty by forty with a twenty foot ceiling and no supporting pillars to break the floorspace. Tall, wide windows were on two sides, covered by slatted blinds to keep out the summer sun. Gravel had been strewn on the streets outside to deaden the sound of wheels and horses passing.

7. During an especially difficult week when agreement seemed impossible, Benjamin Franklin suggested that a chaplain be invited to open each morning meeting with prayer. North Carolina's Hugh Williamson bluntly replied that the Convention had no money to pay a chaplain. The state budgets in 1787 were exceedingly slim, and the finances of the delegates were constantly changing.

8. On Monday, May 28th, the last of the eight delegates from Pennsylvania arrived. Jared Ingersoll was to remain silent for the entire four months of the Convention. This was an extraordinary feat for the man often described as "the ablest jury lawyer in Philadelphia."

9. Washington was not a facile speaker. "He speaks with great diffidence," wrote a foreign observer, "and sometimes hesitates for a word....His language is manly and expressive." He was rarely seen to smile and his manners were uncommonly reserved. It was felt, however, that power would not turn his head, and he was never overbearing.

10. The fourth of Delaware's five delegates arrived on May 28th. Gunning Bedford, Jr., was tall, sociable, corpulent, and known as an impetuous speaker who did not hesitate to make trouble if trouble was in order. Bedford, attorney general of his state, came to Philadelphia as a champion of the small states.

11. Convention rules were simple and took into account courtesy as well as convenience. It was a age of formal manners. George Wythe of Virginia, chairman of the rules committee, had a keen eye, a deeply lined forehead, and at age 60 resembled a sinewy old eagle. "Every member," read Wythe, "rising to speak, shall address the President, and whilest he shall be speaking, none shall pass between them or hold discourse with another, or read a book, pamphlet or paper, printed or manuscript."

12. Seven states were to make a quorum, and all questions to be decided "by a greater number of these which shall be fully represented." There was an excellent rule providing for reconsideration of matters that had already been passed on by a majority. Young Richard Dobbs Spaight of North Carolina suggested it: "The House may not be precluded, by a vote upon any question, from revising the subject manner of it when they see cause."

DISTRICT OF COLUMBIA APPROPRIATIONS ACT—H.R. 2607

SPEECH OF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. OWENS. Mr. Speaker, once again the U.S. Congress has exhibited a double standard toward the people of Haiti. The District of Columbia appropriations conference report provides a badly needed resolution to the District's financial problems. This conference report also contains certain immigration policy

provisions that are intended to counteract a provision in the extreme, mean-spirited immigration reform legislation passed by the Republican-led 104th Congress. I commend the efforts made by House and Senate conferees to stop the potential deportation of hundreds of thousands of Central American and Eastern European immigrants; however, they specifically left thousands of Haitian immigrants out in the cold. This is tragically unfair and must not be overlooked. The only discernible difference between Haitians and these other refugees is that Haitians are black. I cannot believe that in 1997 the U.S. Congress has chosen to make critical policy decisions in this irrational manner.

The United States Government helped create conditions in Nicaragua, Guatemala, and El Salvador that resulted in great numbers of people from these countries fleeing their homelands and searching for relief on our shores. In spite of this, Republicans in Congress have attacked immigrants on all fronts, including those from these Central American nations. In addition to cutting back on the types of social services and benefits immigrants could apply for, the ill-conceived Illegal Immigration Reform and Immigrant Responsibility Act of 1996 created new rules for Central American refugees which would effectively disqualify the vast majority of these immigrants from attaining citizenship and set them up for deportation. Before the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 was passed, these immigrants were permitted to apply for suspension of deportation and then apply for permanent residence if they met several rigorous requirements. They had to follow a painstaking, labyrinthine process to become American citizens. American citizenship is so prized by our Central American neighbors that they were happy to play by these complicated rules. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 changed the rules for these immigrants midstream and would have forced many of them to return to their homelands even though many have established themselves as productive members of our society. The District of Columbia appropriations legislation treats all these groups with compassion.

The conference report even provides relief for refugees from certain Eastern bloc countries in which we did not become involved to create a refugee situation. Inexplicably, Haitians were not afforded the same treatment, even though their plight was just as terrible and their desire to become American citizens is just as great.

The United States must acknowledge that its support for previous Haitian regimes has forced thousands of Haitian refugees to seek relief here in America. Since the military coup in Haiti, the United States has allowed thousands of these refugees to apply for citizenship. Haitians are still endangering themselves, risking death in order to reach our shores. Clearly, the situation in Haiti is not that much better than it is in Central America and the former Eastern bloc countries. The Haitian Government continues to be in disarray. The country's infrastructure continues to decay at a rapid rate while more than $1 billion in foreign assistance remains unspent. More than half the population eligible for work is estimated to be jobless at the same time that the cost of living is rising at an alarming rate. The situation in Haiti clearly calls for more compassionate action by the United States. Unfortunately, a proposal by Congresswoman Carrie P. Meek and other members of the Congressional Black Caucus [CBC] to provide relief for Haitian immigrants was not included in the District of Columbia appropriations conference report. This CBC-backed proposal would simply grant Haitians the same treatment given to Nicaraguans under the District of Columbia appropriations conference report. Like Central Americans and Eastern Europeans, Haitian immigrants have a powerful desire to become American citizens. They have established families and provided American businesses with skilled, dedicated workers. In my district in particular, Haitians are a vital part of the local economy and culture. Why are they not afforded the same treatment by American policy makers? It is unthinkable that Haitians were treated differently solely because they are black; however, the circumstances leave me no choice but to conclude that this Congress considers the suffering of black people to be of less importance.

We have settled in this country refugees from many war-torn nations. The people of Haiti have suffered long enough from the excesses of their former despotic leaders and the shortsightedness of our foreign policy. I plan to dedicate the second session of the 105th Congress to working with my colleagues in the Congressional Black Caucus and other Members of Congress to ensure that equal treatment of Haitian immigrants is achieved. I challenge the House leadership and the administration to make justice for Haitians a priority in 1998. It is time that we settle this moral debt that we owe the people of Haiti.

EAST TIMOR—NEED FOR A POLITICAL SOLUTION

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HALL of Ohio. Mr. Speaker, in recent weeks, there have been disturbing developments in East Timor, which was invaded and illegally occupied by Indonesia in 1975 and is an area that has long been of concern to me and many of my colleagues. On November 14, the Roman Catholic Bishop, Carlos Ximenes Belo, stated that Indonesian security forces had acted with "incalculable brutality" against students at the University of East Timor. The security forces are said to have burst into the university, opening fire on a group of students and injuring about five seriously. Six others are still in custody as a result of this incident. Amnesty International has asked that those in custody have proper access to legitimate legal advice, and has also called for an investigation into this incident, involving the excessive use of force by Indonesian military and policy.

This is only the latest in a series of violent incidents since Bishop Belo returned last December from Oslo after receiving the Nobel Peace Prize. Only in the past 2 months, there have been brutal actions by security forces or those connected to them, near the towns of Viqueque and Ossu. Paul Moore, Jr., the retired Episcopal Bishop of New York, who recently visited East Timor for the second time since 1989, reports that one paramilitary group under Indonesian control throws rocks nearly every night at the home of Bishop Belo's mother and sister in the town of Baucau. I share Bishop Moore's view that such actions are intolerable. And if they can be directed at the family of someone as prominent as a Nobel Peace Laureate, how many can really be safe?

Bishop Moore attended some of the religious festivities that took place around East Timor's highest peak, Mount Ramelau, on October 6–7. As Bishop Moore puts it, "What I saw was an entirely peaceful gathering of tens of thousands of people motivated by their faith. But many in the clergy in East Timor affirm that provocateurs under the control of the Indonesian military have dedicated themselves to marring such events at every opportunity."

This is apparently what happened on Mount Ramelau on October 7, when the stabbing of a young man led to the cancellation of a long-awaited religious procession. As Bishop Moore stated, "This incident is seen by senior clergy, rightly or wrongly, as a deliberate attempt by those under the control of Indonesian authorities to thwart the aspirations of the East Timorese people—in this instance, ruining a day of piety and peace."

However, it is clear to Bishop Moore, and especially to Bishop Belo, that the problem in East Timor is not a religious problem but is political in nature, just as the recent incident at the University of East Timor was rooted in the heavy-handed, illegal Indonesian military occupation. The pattern is one of conscious use and creation of violent incidents, religious and otherwise, by security forces. If such incidents are created by the security forces, who in the end, are subject to official control, they can be stopped by government action. I wish to emphasize that this is not a matter of Moslem versus Christian but rather it is one of the aspiration of a people for self-determination.

All of this points to the need for a just political settlement to this long-festering problem. Bishop Moore calls for serious efforts by the United States to help solve the East Timor tragedy. The Indonesian Government is accepting billions of dollars from the United States to help support their economy. It is not too much for us to ask that there be a just and peaceful solution in East Timor without further delay. I am sure that many of my colleagues would heartily agree.

For the benefit of my colleagues, I have inserted in the RECORD a copy of Bishop Moore's account of his visit and a brief report by Mr. Arnold Kohen from the London-based Catholic weekly, The Tablet, which provides a moving description of what happened on Mount Ramelau on October 7.

REPORT OF BISHOP PAUL MOORE, JR., ON VISIT TO EAST TIMOR, OCTOBER 4–10, 1997

I returned to East Timor almost exactly eight years after my first visit there in 1989. In some fundamental respects there has been little change in the intervening period. The fullscale military occupation continues as before. The level of fear remains profound. What has become stronger, if anything, since

1989, is the desire of the people of East Timor to maintain their own identity and determine their own destiny. In light of everything that has happened since my first visit in 1989—the Santa Cruz massacre, the unrelenting repression and torture, the influx of migrants who take the best opportunities—the determination of the East Timorese people is remarkable.

I was privileged to visit East Timor with my friend, Anglican Archbishop Ian George of Adelaide, Australia, who is also a trained lawyer. We were struck by certain telling details. In meeting with a Catholic priest with whom I was acquainted, we were unable to talk at our hotel but had to go to a nearby beach because of our friend's fear of the authorities. This kind of anxiety was repeated time and again. If a visiting bishop and archbishop have such difficulties in meeting with people in sensitive positions, what does that say about the atmosphere in the territory?

By all accounts, widespread torture continues as I write, as do violent incidents fomented by paramilitary groups of East Timorese under Indonesian control. It is my clear understanding that one such group, known as the Gada Paksi, throw rocks nearly every night at the home of Bishop Belo's mother and sister in the town of Baucau. Such actions are intolerable. And if they can be directed at the family of someone as prominent as a Nobel Peace Laureate, how many can really be safe?

Just after we left, Bishop Belo reported that several homes in the southern town of Viqueque had been burned and several people had disappeared, all of this at the hands of Gada Paksi-type groups with the connivance of the Indonesian military. Incidents like this have continued and grown, especially since Bishop Belo returned from receiving the Nobel Peace Prize in Oslo last December. It is not accurate to say, as some in the Administration have done, that there are fewer incidents of violence in East Timor. While such incidents may be cyclical, senior church and other reliable sources, and not only Bishop Belo, made it clear to us that such incidents are most often provoked by people working closely with the Indonesian military, in an effort to justify the continuing occupation of East Timor. I do not mean to suggest that there is bad will on the part of American officials who seem to believe that violence is lessening. Rather, I believe that because of the language barrier, the narrow range of informants and the state of fear in the territory, the information our State Department receives from East Timor is less than adequate. Thus, I was pleased to learn that USAID will be providing support to the Diocesan Justice and Peace Commission and the Dili branch of the Jakarta-based Legal Aid Institute. One hopes this will lead to an improvement in the quality of information that our government receives from East Timor, at the same time that it gives the United States an added responsibility to protect these institutions from intimidation and harrassment.

I was fortunate to be able to attend some of the religious festivities that took place on Mount Ramelau on October 6–7. What I saw was an entirely peaceful gathering of tens of thousands of people motivated by their faith. But many in the clergy in East Timor affirm that provocateurs under the control of the Indonesian military have dedicated themselves to marring such events at almost every opportunity. The stabbing to death of a young man that took place at the summit of Mount Ramelau on October 7 led to the cancellation of the religious procession. This incident is seen by senior clergy, rightly or wrongly, as a deliberate attempt by those under the control of Indonesian authorities to thwart the aspirations of the East Timorese people—in this instance, ruining a day of piety and peace. The fact that this version of events is given widespread credence by responsible clerics and many others speaks volumes about the atmosphere in the territory.

Finally, let me emphasize the deep seriousness of the problem in East Timor. It cannot be solved without taking into account the domestic aspirations of the East Timorese people. The fact that Bishop Belo received the Nobel Peace Prize in 1996 gives the East Timor issue a worldwide currency that it previously lacked. This provides opportunities for people, governments and institutions of good will to help solve the problem over time. We would be seriously remiss and morally negligent if we were to allow such unique opportunities to go by, particularly in view of the initial support of the United States government for Indonesia's invasion and occupation of East Timor.

[From the Tablet, Oct. 25, 1997]

MURDER ON THE MOUNTAIN

(By Arnold Kohen)

It seemed too perfect, and for beleaguered East Timor it was. Between 20,000 and 30,000 people made the long trek to the top of Mount Ramelau, the territory's highest peak, an exquisitely beautiful site as well as a symbol of the struggle for East Timor's independence. People had travelled in the back of trucks, some for days, in a remarkable outpouring of faith and hope. Many had walked long distances.

This was a singular event in East Timor's history, a two-day gathering uniting the territory's traditional animist religions, which venerate sacred objects known as lulik, with the traditions of the Catholic faith. In the light of the huge number of conversions that have taken place since the Indonesian invasion of the territory—the proportion of Catholics has grown from less than 20 per cent of the population to more than 95 per cent in a little more than two decades—the event had special significance; many of those who have converted continue to worship their lulik and at the same time attend church services that have themselves become a quiet statement of nationalist feeling.

First there was a Mass attended by tens of thousands in the foothills of the mountain range late on the afternoon of 6 October. It was celebrated by Bishop Basilio de Nascimento, who recently joined Bishop Carlos Felipe Ximenes Belo of Dili when he was appointed to head East Timor's newly-created second diocese. Then for hours the two bishops led a procession in the dark up the long, steep pathways of Mount Ramelau. They were accompanied by a group of elders who had donned ancient symbols of Timorese religion. The culminating event was to be the placing of a statue of the Virgin Mary the next morning at the summit of the mountain, called Tata-Mai-Lau in the local Tetum language. Many thousands, mainly younger people, spent the night outdoors in piercing cold in a clearing dotted by black eucalyptus trees. The excitement was palpable.

The next morning Bishop Belo devoted his homily to themes of peace. The fact that so many people had gathered in a place so difficult to reach as Ramelau, bearing such good cheer and patience, had its own positive message. Spirits were high, as participants took refreshments before making the hour-long climb to the peak. Some had already gone to the top to watch the sun rise.

But only moments after Belo completed the Mass, the bad news arrived. A man, whom some church sources have linked to a military-inspired vigilante group called the Gada Paksi, tried to break through a cordon of Catholic boy scouts who were guarding the pathway to the top, where the statue was to be placed. (There were reports from the Indonesian military that the assailant was a member of the Fretilin independence movement, but no evidence has been produced to support this claim.) The intruder was told to go back, whereupon he stabbed one of the scouts to death; the assailant was in turn beaten to death by the crowd.

Senior clergy had little doubt about the source of the profanation of the event at Ramelau. Something similar had happened only hours after Bishop Belo returned from Oslo on Christmas Eve 1996 after receiving the Nobel Peace Prize. They attributed the incidents to crazed East Timorese, possible drug-addicts, in the pay of Indonesian military intelligence. And then there was the rock-throwing by provocateurs when Cardinal Roger Etchegaray visited East Timor in early 1996. Many people, clergy and laity alike, complain bitterly that whenever there is an event reflecting the people's aspirations, the Indonesian military set out to stifle it.

The way Bishop Belo handled the crisis on Ramelau provides graphic illustration of his cohesive role. Immediately he took to the microphone at the altar where he had just finished saying Mass to appeal for calm, and announced that the procession to the top had been cancelled. He had not slept all night, but he coolly led the crowd down steep inclines on a two-hour march that was shadowed by the possibility of further acts of violence. The pathway was rocky and at times perilous, the mood extremely tense (if an individual could come out of nowhere to commit a stabbing, what else might follow?) but Belo reacted with aplomb.

He was sad as well as furious over what he saw as a clear attempt to denigrate the Church, but he would not show it, as people looked to him for inspiration. His soft-spoken, indirect and sometimes enigmatic manner of discourse can baffle some of those who meet him expecting a more militant personage. In fact, Belo is perfectly capable of tough and blunt talk on human rights and the condition of his occupied nation, but sees it as his main role to prevent the kind of mayhem that could easily have ensured on Mount Ramelau on 7 October.